

**OSSIPEE PLANNING BOARD  
MEETING MINUTES  
October 17, 2017**

Minutes recorded by and transcribed by Laura Nash, Planning Board Secretary, amendments are noted by *bold/italic* type.

**Call to Order:** Chairman, Connie Billings called the meeting to order at 7:00 PM.

**Pledge of Allegiance:** was recited

**Attendance by Roll Call:** – Connie Billings-Chairman, Roy Barron-Vice Chair, Sandra “Sam” Martin - Selectmen’s Rep., Dennis Legendre, Tim Otterbach, and Steve McConarty (ZEO).

**Tardy:** Peter Zavas arrived at 7:03 pm.

**Absent:** Bob Gillette and Rick St. Jean (Alternate).

**Meeting Minutes:** the Meeting Minutes from 10/03/2017 were reviewed.

A **Motion** by Barron to approve the minutes of 10/03/2017 Planning Board meeting. Martin seconded. No further discussion. A unanimous vote in favor by show of hands.

Zavas arrived at 7:03 PM.

**Financial:**

- Budget Report – N/A

**Unsatisfied Conditions:** (continued from previous PB Mtgs):

- See separate attached sheet for details.

**Informal Discussion:**

- **Tony Ouellette – Ossipee Mountain Grille**, 1625 Route 16, wants to build a clam-shell type structure for Live Music.

Ouellette present his plot plan to build an 8 ft. X 8 ft., 3-sided, clam shell type structure to have live acoustic entertainment while people are dining. The structure will have no floor and will be within the fenced area behind the restaurant. Music would be on the weekends, acoustic guitar with one small amp only – no bands.

Discussion and concerns continued over whether this would be classified as an Outdoor Events, Music Entertainment near residential areas, and classification of a structure. Discussions from previous cases was brought up and Billings, Barron and Zavas agreed that each case is based on its own merits and will not have any reflection on this case. The Board recommended Mr. Ouellette could apply for a Site Plan Review Amendment if he wishes to procedure.

- **Bobby Deyab – Deyab Electrical** has purchased 75 Main St. and wishes to sell generators and his wife would like to sell her silk screen Art and T-shirts. They’re looking to reside the building and are looking forward to bringing business into the village district.

Discussion by the Board over barrier walls and ceiling, retail verses sales permittance in the village district and parking. The Board recommended Mr. Deyab could apply for a Site Plan Review if he wishes to procedure.

## New Business:

- **Case # 17 – 6 – SPR:** Kindness Animal Hospital, owner Dr. Lindsay Lord. 5 Water Village Road. Tax Map: 132 Lot: 041. Dr. Lindsay Lord presented her case for a Site Plan Review to add a 196 square foot (14 X 14 sq. ft.) addition to the hospital for another exam room.

**Board Discussion:** Billings brought attention to the applicant the need for a revised plot plan. The Board had no further discussion.

**Public Input:** Don Pusher, Huggins Hospital, questioned the relation between their property and the addition Dr. Lord is proposing. Dr. Lord illustrated to Mr. Pusher where the addition is to be located and he was satisfied with the plans. No further questions.

A **Motion** by Zavas to conditionally approve the application as complete pending revised plot plan. Martin seconded. No discussion. A unanimous vote was taken by show of hands.

A **Motion** by Billings to conditionally approve the Site Plan Review application, pending revised plot plan. Martin seconded. No discussion. A unanimous vote was taken by show of hands.

## Old Business:

- **Morse Pit discussion** – pending legal
- **Projects 2017:**

### Zoning Ordinance Revisions:

#### a. 4.9 – TRAVEL TRAILERS AND CAMPERS

Martin stated the Board of Selectmen had a discussion of possibly suggesting the Planning Board increase the days to either 90 or 180 days.

Board discussion ensued about raising it to 180 days because 90 days may fall short of hunting and fishing seasons. McConarty requested to table until next meeting after he speaks with the Board of Selectmen.

Discussion tabled until 11/07/2017 pending wording from McConarty

#### b. 24.1.1 – BUILDING AND ZONING PERMITS

McConarty suggested, “Any resident of Ossipee \$2,500.00 or less for material costs only do not need a building permit. All Contractors must apply for a building permit.”

Discussion tabled until 11/07/2017 pending specific wording from McConarty.

#### c. SPR Amendments – McConarty recommends setting a 400 square foot structure limit before a Site Plan Review – Amendment would be required on commercial property by the Planning Board.

Currently, there is no specific size limit but Martin asked if the regulations could be amended to have limits.

Billings is concerned, if there is a size limit before a SPR-Amendment is required from the Planning Board, the abutters will not be notified as they are now.

Board discussion of options from maintaining an informal discussion prior too, setting size limit to 200 or 250 square feet, abutters still required to be notified, etc...

Discussion is tabled until 11/07/2017 pending specific wording from McConarty.

- d. Accessory Building: New Tents Ordinance request by McConarty to “Allow tents for only 10 days by permit. Greater than 10 days a Special Exception shall be required by the Zoning Board of Adjustments.”

Board discussion concerning different scenarios, water and sewer facilities, enforceability, and individual property rights.

“Private tents sites are permitted for no more than 10 consecutive days on an individual lot as an accessory use to an existing dwelling unit in all zones.”

Discussion tabled until 11/07/2017 pending wording from Steve McConarty.

1. Revision to Site Plan Regulations: Suggested **add/change in BLUE** & **Remove/Strike in RED**.

**1.01** These Site Plan Review Regulations in no way relieve the developer, his/her agent or individual from compliance with the Ossipee Zoning Ordinance, Subdivision Regulations, or any other Ordinance **or any Federal and State statutes** which pertains to the proposed development.

**2.01** To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the municipality, having particular regard for the avoidance of congestion in the streets **(STRIKE) and highways**, and the pedestrian traffic movements appropriate to the various uses of land and buildings. To provide for the proper location and width of streets and building lines, and for their proper arrangement and coordination within a development or plan;

**3.01** It is the policy of the Planning Board **(per RSA 676:4 (d) (1))** to have all property owners within 200 feet of the boundaries of a proposed site development notified of any Public Hearing at the same time as the abutters.

**3.05 STRIKE - (Separate)** A checklists shall indicate the contents of a Completed Application for **major, minor and amended** projects for site plan review. A major project shall be defined as larger than 10,000 gross square feet of constructed space or a project that proposes to alter a significant land area or otherwise, in the opinion of the Board, requires a comprehensive review. A minor project is defined as 10,000 gross square feet of constructed space or less, and not involving other factors that, in the opinion of the Board, require a comprehensive review. **An amended application may be either a major or minor project but a previously approved Site Plan Review must already exist on the property.**

### **6.01.3. Approval of Final Site Plan Required Before Disturbing Environment**

To add “**logging operations are exempt.**”

### **6.03.4. Requirements for Preliminary Review (Design Review)**

**A.** A properly completed Application **and Checklist** forms for site review, noting the request for Preliminary Review, as provided by the Board, the Town office or obtained from the Town website.

### **6.04. Phase 3: Completed Application/Final Plan Submission**

#### **6.04.1 Procedure**

**A.** A Completed Application **and Checklist** containing all required materials shall be filed with the Secretary of the Planning Board at least twenty one (21) days prior to a scheduled Public Meeting of the Board, at which time the application is to be considered for acceptance by the Board.

**B.** When an application is to be submitted to the Board for acceptance as a completed application, Public Notice shall be posted **(10 days prior)** and published of such Public Meeting/**Hearing** as provided

for under Section 6.09. The notice to abutters may be sent at this time, provided that, in the event the application is accepted as complete, the Public Hearing on the application will commence at the same meeting.

C. The application shall be formally presented to the Board by the Applicant or Agent/Representative at such Public Meeting of the Board for which notice has been given. At the hearing, any abutters or persons with a direct interest in the proposed development may testify in person and/or in writing (per RSA 676:4 (e)). Other persons may testify subject to Board approval at the hearing. The Board shall give due consideration to such testimony.

#### **6.04.3. Requirements for Completed Application of an Amended/Final Plan Submission**

A. Properly completed Final Application and Checklist on the forms provided by the Board.

B. A list of names and addresses of the Applicant, agent and all abutters as indicated in the Town records (within a 200 foot radius), provided not more than five (5) days prior to the day of filing of the application.

D. Payment to cover all costs pertaining to a Site Plan Review Application Fee, Public Notice Fee and Current First Class Postage Rate plus \$1.00 for each Certified Mail Fee, Return Receipt Fee (for each abutter, owner, applicant, and agent).

#### **6.04.4. Content of Final Plan/Completed Application Filing**

B. **Certification:** The following statement shall be on the Final Plan: *“The Site Plan Review Regulations of the Town of Ossipee are a part of this plan, and approval of this plan is contingent upon completion of all Federal, State and Local Regulations/Requirements of said Site Plan Review Regulations, excepting only waivers or modifications made in writing by the Planning Board.”*

#### **6.05.3. Board Action on Completed Application**

##### **C. Compliance Hearing – ~~STRIKE PARAGRAPH~~**

Determination of compliance with all conditions, and the consequent granting of approval, shall require a public hearing as provided for in Section 6.08 and notice as provided for in Section 6.09. Whenever the Board conditionally approves a site plan, placing a condition or conditions precedent on approval, all such conditions shall be met within a period of time determined by the Board, at which time a noticed hearing shall be held, except as noted in Section 6.05.3 (B), to provide abutters an opportunity to review and comment on the full compliance with the specified conditions.

#### **6.07. Waivers (PULL FORM FOR REVIEW)**

6.14.1. **Fee for Preliminary Application:** All preliminary applications for site plan review shall be accompanied by review fee of one hundred (100) dollars. – ~~(STRIKE)~~

6.14.2. **Fee for Completed Application:** A Completed Application for final approval of a site plan shall be accompanied with an application fee per current fee schedule. ~~STRIKE~~ - (review fee of one hundred (100) dollars unless the Applicant has paid a review fee for Phase 2 Preliminary Review (Design Review), in which case no further review fee shall be required.)

Martin asked if McConarty was needed any further for tonight’s meeting, if not, could he be excused. Billings agreed.

8.02.4. **Outdoor Lighting** – Billings *stated this is a Board of Selectmen’s Ordinance and for that purpose should be striking.*

- (2) **Illumination of Signs.** New signs, or newly lit signs, may be illuminated only by continuous indirect white light. Signs with external lighting shall be illuminated from above, and with sources shielded so as to prevent glare to neighbors, pedestrians or drivers. **(STRIKE)**

8.03.2. **Flood Hazard Areas** – has been added per FEMA requirements.

**(STRIKE)-** The Applicant shall comply with the Ossipee Floodplain Development Ordinance and applicable State and Federal regulations.

FEMA Requirements: For subdivisions and site plans that involve land designated as “Special Flood Hazard Areas” (SFHA) by the National Flood Insurance Program (NFIP):

1. The Planning Board shall review the proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State Law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
2. The Planning Board shall require that all proposals for development greater than 50 lots or 5 acres, whichever is the lesser, include Base Flood Elevations (BFE) data within such proposals (i.e. floodplain boundary and the 100 – year elevation).
3. The Planning Board shall require the applicant to submit sufficient evidence (construction drawings, grading and land treatment plans so as to allow a determination that:
  - (i) All such proposals are consistent with the need to minimize flood damage;
  - (ii) All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage;
  - (iii) Adequate drainage is provided so as to reduce exposure to flood hazards.

**11.08. Period of Validity of Board Approval – TO BE REVIEWED**

Subsequent to Board, approval of a Final Plan, said plan shall be exempt from compliance with amendments to these Regulations. Board approval of a site plan shall be valid for **one two**-year from the date of approval. If a building permit has not been issued, or if a building permit has been issued but has not, in the opinion of the Board, been substantially acted upon with the **one two**-year period, the approval shall automatically become null and void.

**11.10. Review by Other Town Officials**

Before the approval of a final plan is given, the Planning Board may require the Applicant to obtain written statements that the proposed plan is satisfactory to Town Officials as follows:

- A.** The **(STRIKE)- Water and Sewer Commission Board of Selectmen**, as to the relationship of the proposed water and sewer facilities to water, sewer and drainage facilities in **the municipal or county systems** existing public ways.

- B. The Selectmen and (STRIKE)- the Road Agent Public Works Director, as to the design of the road/traffic system, location of easements and design of water drainage systems, including appurtenances.
- C. The Chief of the Precinct Fire Department, as to the location of fire ponds, rights-of-way and hydrants, where they are provided, and as to general provisions for fire safety in the proposed (STRIKE) -development site plan.

#### 11.12. Driveway Permits

All driveways in residential developments, from the effective date of these Regulations will be reviewed (STRIKE)- by the Road Agent and recommendation noted by the Public Works Director and permits issued by the Chairman of the Planning Board prior to final approval.

#### 11.13. Transfer of Ownership

Where the Applicant-owner of the parcel to be developed, transfers ownership of said parcel prior to the signing of an approved plan, the original Applicant-owner shall submit to the Board a written statement acknowledging the Planning Board's action which is signed by both the original Applicant-owner and the new owner. Such statement must commit the new owner to full compliance with any conditions imposed by the Planning Board. Failure to submit such statement shall result in suspension of further Board action and (STRIKE) - may shall result in termination of its consideration of the proposed plan.

- 2. Revision to Rules of Procedures: status quo.
- 3. Revision to Subdivision Regulations: status quo.

#### Notices and Publication:

- NBI – Land Use Law: Current Issues in Subdivision & Zoning seminar.

#### Any Other Business Which May Come Before This Meeting

Ash Fischbein had a couple of questions, as follows:

- 1. Asked the Board to consider Selectmen Morgan's suggestion of adding Public Input earlier in the meeting.
- 2. Questioned the status of the Master Plan. Billings replied the Master Plan is not on the agenda for this year because it's based on Zoning. The Board is reviewing and revising the Zoning Ordinances before tackling the task of the Master Plan. Fischbein asked if other Boards, Committees and departments have been asked to start writing their sections. Billings stated he has spoken with a few namely Economic Council – Josh Arnold, Conservation Committee, plus a couple others. Fischbein asked if the Police Department has been asked. Billings replied no, he felt it was a little premature.

Barron asked clarification on who is allowed to comment during a meeting or hearing, particularly if it's limited to just residents. After a brief discussion, Billings is going to review the regulations and bring his findings to the next meeting.

Billings brought forward suggested revisions to the Zoning Ordinance – Definitions, as follows:

**PG. 71: BUILDING:** Any permanent or temporary structure having a roof and intended for shelter, housing or enclosure of persons, animals or property.

**PG. 76: STRUCTURE:** Anything constructed or erected of **any material including plastic, wood, canvas and metal, etc...** with a fixed location on the ground or attached to something having a fixed location on the ground. Structures include, but are not limited to, buildings, walls, mobile homes, fences exceeding six (6) feet in height and bill boards. It shall not include minor installations such as mailbox, flagpole and fences or walls less than six (6) feet high. (Amended March 11, 1997)

Board discussion ensued and Barron was in opposition to this change.

**PG. 71: ACCESSORY BUILDING:** A subordinate building (**constructed of any material**) incidental to and on the same lot occupied by the **primary dwelling main building** or use.

Barron suggested a couple of Zoning Ordinances for revision: 1. Bed & Breakfasts in Rural district to make it permissible to be consistent with the other zoning districts and 2. Home Occupation being restricted to only the home owner living and working in the same dwelling. Billings disagreed any owner, family member, employee, etc... Can live in the home.

Billings suggested Barron write up the changes and the Board will review.

Martin inquired if Rick St. Jean had submitted his resignation from the LRPC. Billings replied no, he has not received it.

**Adjournment:**

**A Motion** by Barron to adjourn the meeting. Otterbach seconded. No further discussion. A unanimous vote was taken.

The meeting adjourned at 9:00 p.m.

Next Meeting: **November 7, 2017 @ 7:00 pm**

Minutes approved by majority vote of the Board on – \_\_\_\_\_  
Date

\_\_\_\_\_  
Condict (Connie) Billings,  
Planning Board Chairman

Or

\_\_\_\_\_  
Roy Barron,  
Planning Board Vice – Chairman  
*(In the absence of the Chairman)*

## Unsatisfied Conditions

Board	Date	Applicant	List of Conditions
PB	09/20/2016	WWSCR-Northgate Ossipee, LLC	SPR granted pending remaining conditions: #1: Water Supply Approval Letter received 09/11/2017 - Application submitted <b>pending</b> approval this month.
PB	09/20/2016	WWSCR-Northgate Ossipee, LLC	SPR granted pending remaining conditions: #2: Subdivision Approval Letter received 09/11/2017 - Application submitted <b>pending</b> approval of water supply this month.
PB	09/20/2016	WWSCR-Northgate Ossipee, LLC	SPR granted pending remaining conditions: #3: NHDES Septic Approval Letter received 09/11/2017 – Septic design to be submitted to Ossipee ZEO before the application is submitted to NHDES. <b>Pending</b>
PB	09/20/2016	WWSCR-Northgate Ossipee, LLC	SPR granted pending remaining conditions: #4: Reimbursement to Town of Ossipee for J&B - \$4,500.00 – <b>Paid okay to remove</b>
PB	06/06/2017	Valley Point, LLC	SPR granted pending remaining conditions: #1: Written proof of who is <b>responsible</b> for the clean-up of offsite drinking wells both private and public with proof on the means to do so <b>Pending</b>
PB	06/06/2017	Valley Point, LLC	SPR granted pending remaining conditions: #2: All excavation shall be under the supervision of NHDES with continued testing being done to prove that no new contamination is present. <b>Pending</b>
PB	06/06/2017	Valley Point, LLC	SPR granted pending remaining conditions: #3: All contaminated soils shall be removed from the site and safely disposed of per NHDES regulations. <b>Pending</b>
PB	06/06/2017	Valley Point, LLC	SPR granted pending remaining conditions: #4: No new construction of any buildings shall begin until the entire site is deemed safe and clean of all contamination. <b>Pending</b>
PB	06/06/2017	Valley Point, LLC	SPR granted pending remaining conditions: #5: Plans that show the prevention of further groundwater contamination. <b>Pending</b>
PB	06/06/2017	Valley Point, LLC	SPR granted pending remaining conditions: #6: Plans for groundwater contamination monitoring shall continue until NHDES reports the site is safe and all drinking wells are clean for a time line as set by NHDES per the Petroleum Fund Regulations or 5 (five) years <b>whichever</b> is greater. <b>Pending</b>
PB	06/06/2017	Valley Point, LLC	SPR granted pending remaining conditions: #7: Proof of State approval of the <b>water well</b> and septic system. <b>Pending</b>
PB	06/06/2017	Valley Point, LLC	SPR granted pending remaining conditions: #8: All permit/ <b>approvals</b> of Federal, State and Local shall be in place before any construction begins. <b>Pending</b>
PB	06/06/2017	Valley Point, LLC	SPR granted pending remaining conditions: #9: No salt to be used for snow and ice removal. <b>Pending</b>
PB	06/06/2017	Valley Point, LLC	SPR granted pending remaining conditions: #10: All construction shall be materially of the latest design. <b>Pending</b>
PB	06/06/2017	Valley Point, LLC	SPR granted pending remaining conditions: #11: All Federal, State and Local Regulations <b>shall be</b> followed. <b>Pending</b>
PB	06/06/2017	Valley Point, LLC	SPR granted pending remaining conditions: #12: Site shall be developed as per site plans approved by this Planning Board. <b>Pending</b>
PB	06/06/2017	Valley Point, LLC	SPR granted pending remaining conditions: #13: Any spills, <b>requiring notification of NHDES, per NHDES rules, shall result</b> in the evacuation of the Oil and Water Separator <b>system and shall be</b> cleaned semi-annually. <b>Pending</b>