

**OSSIPEE PLANNING BOARD
MEETING MINUTES
December 19, 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 7:04 PM.

Pledge of Allegiance: was recited

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

Meeting Minutes: the Meeting Minutes from 12/05/2017 were reviewed.

A **Motion** by Barron to approve the minutes of 12/05/2017 Planning Board meeting. Martin seconded. No discussion. A unanimous vote was taken in favor by show of hands

Financial:

- Budget Report – November 2017 was reviewed.
- Sager & Smith, PLLC – Planning Board v. Morse (gravel pit) - \$6,874.25 – November 2017 statement was acknowledged.
- Sager & Smith, PLLC – Planning Board for General Matters - \$682.50 statement.

A **Motion** by Billings to approve the invoice from Sager & Smith, PLLC in the amount of \$682.50. Barron seconded. No discussion. A unanimous vote was taken in favor by show of hands

Unsatisfied Conditions: (continued from previous PB Mtgs):

- **Case #16-3-SPR – Westward Shores Lakeside Camping Resort**, 110 Nichols Road, Tax Map and Lot: 29/1 – The Planning Board received a letter with the final plans and permits from SFC Engineering seeking Final Site Plan Review Approval. Billings read the letter to the Board.

A **Motion** by Billings to request Dan Flores of SFC Engineering to come before the Board at the next Planning Board meeting on January 2, 2018.

Some Board members questioned the reasoning for having SFC Engineering come before the Board. Billings believes the plans are not up to date and do not comply with Ossipee’s Zoning Ordinances. He noted there are many changes and the changes need to come before the Board.

Point of Order from Gillette noting there is an absent member and should Rick St. Jean be raised to voting status. Billing’s raised Rick St. Jean to voting status in place of Peter Zavvas.

The Board addressed several concerns as follows:

1. Shore Land Protection permit
2. Permanent foundations required for permanent trailer on the peninsula to meet FEMA requirements.
3. Pending electrical approval
4. Not meeting Federal, State and Local Regulations

A **Motion** by Billings to request Dan Flores of SFC Engineering to come before the Board at the next Planning Board meeting on January 2, 2018. Gillette seconded.

Discussion over the necessity of having SFC Engineering come before the Board or does the Zoning Enforcement Officer have the authority to address the issues. Discussion continued until the secretary interjected, advising the Board of continued discussion without representation from the opposing side.

Billing's ceased discussion and called for a vote. St. Jean, Otterbach, Legendre, Barron, and Gillette voted in favor by show of hands. Martin opposed. **Motion passed: 5 – 1.**

- See separate sheet with details, all other items are status quo.

Old Business:

- **Morse Pit discussion** – Pending legal process of Original Reclamation plan and Court Order.
- **Form Revisions:**
 - **Request by the Planning Board for Notices of Taxes Paid** – Legal advice from Attorney Sager was reviewed. Board acknowledged that they have the authority to ask if taxes are paid if someone is applying for a subdivision or boundary line adjustment. But do not have the authority if someone is applying for a Site Plan Review.
 - **Zoning Ordinance Revisions:** Finalize wording changes for presenting to Public Hearing:

A. 4.9 – Review of proposed changes from Rick Sager as follows:

*The **proposed** Section 4.9 reads as follows:*

“4.9 RECREATIONAL VEHICLES AND TENTS ON PRIVATE PROPERTY

4.9.1. General Requirements. A recreational vehicle or tent shall be located on private property (that isn't a Recreational Camping Park – See Article XV) only in compliance with this Section 4.9.

4.9.2. Campsite. A campsite shall comply with the following requirements:

- a) A recreational vehicle or tent shall be located on private property wholly within a private campsite (as defined in this Ordinance) designated by the property owner.
- b) The corners of the campsite shall be marked by the property owner, and shall be of sufficient size to accommodate the recreational vehicle or tent.
- c) One private campsite per parcel of land is allowed for a period no longer than thirty (30) days, consecutive, during a calendar year.
- d) If a campsite is occupied or planned to be occupied for more than ten (10) consecutive days, the property owner shall obtain a permit from the Building Department, and shall be required to show sufficient arrangements for adequate water supply, and that satisfactory sewerage and solid waste disposal safeguards are in place.
- e) No campsite shall be used as a permanent residence.
- f) A campsite placement on any lot shall conform to the setback requirements in Article VI, Sections 6.4.1. and 6.4.2. of this Ordinance. For purposes of applying, the setback requirements, the area of the campsite shall be treated the same as a structure is treated in Sections 6.4.1. and 6.4.2.
- g) Solid waste and sewerage shall be disposed of in a lawful manner.
- h) A parcel owner shall not receive any form of compensation from use of a campsite.
- i) A recreational vehicle connected to a water supply shall be hooked to a sewage disposal system approved by the NH Department of Environmental Services.

- j) Only one recreational vehicle or tent is allowed per campsite.

4.9.3. Storage of a Recreational Vehicle or Tent. Nothing herein shall preclude the storage of an unoccupied recreational vehicle or tent on private property provided:

- a) A recreational vehicle shall be owned and registered in the name of the owner of the property.
- b) A tent shall be fully collapsed and disconnected from all utilities.
- c) All recreational vehicles shall be stored in their fully collapsed, road-ready configuration, disconnected from all utilities.
- d) All other state and local requirements are met.
- e) No more than one (1) recreational vehicle shall be stored on a property.”

Billings called on McConarty for input. Otterbach indicated the verb usage on “**4.9.1. General Requirements.** A recreational vehicle or tent shall be located on private property (*that isn’t* a Recreational Camping Park...” should read “**4.9.1. General Requirements.** A recreational vehicle or tent shall be located on private property (*which is not* a Recreational Camping Park...” Gillette agreed. Discussion was heard over changing the wording.

Barron addressed whether or not the properties that have been in existence prior to zoning would be “grandfathered.” Various examples and scenarios were given. Kimberlee Altomare was present to plead her case or which she was informed her property is “grandfathered.”

Billings polled the Board to change to the wording or to leave it as is:

St. Jean, Legendre, Martin, Barron and Billings voted to “Leave the wording as is.” Otterbach and Gillette voted to change the wording to proper English. **Motion passed: 5 – 2.**

A **Motion** by Billings to accept Attorney Rick Sager’s written wording of Zoning Ordinance 4.9 as is. Barron seconded. No further discussion. St. Jean, Legendre, Martin, Barron and Billings voted in favor of accepting the revision to Zoning Ordinance 4.9. Otterbach and Gillette opposed. **Motion passed: 5 – 2.**

B. Definitions: Temporary and Recreational Vehicles - Review of proposed changes from Rick Sager as follows:

II. Amend Article XXXIII entitled “Definitions” to include the following definitions:

Replace the **current** definition of “Travel Trailer,” which provides:

“TRAVEL TRAILER: A recreational vehicle that is towed by a car or truck. It is designed as temporary living accommodations and is usually outfitted for connecting with temporary utility hookups.”

With the following **proposed** definition of “Recreational Vehicle”:

“Recreational vehicle. A recreational vehicle means any of the following vehicles:

1) Motorhome or van, which is a portable, temporary dwelling to be used for travel, recreation and vacation, constructed as an integral part of a self-propelled vehicle.

2) Pickup camper, which is a structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, and vacation.

3) Recreational trailer, which is a vehicular, portable structure built on a single chassis, 400 square feet or less when measured at the largest exterior horizontal projections, calculated by taking the measurements of the exterior of the recreational trailer including all siding, corner trim, molding, storage space and area enclosed by windows but not the roof overhang. It shall be designed primarily not for use as a permanent dwelling but as a temporary dwelling for recreational, camping, travel or seasonal use.

4) Tent trailer, which is a canvas or synthetic fiber folding structure, mounted on wheels and designed for travel, recreation, and vacation purposes.”

Add the following **proposed** definitions:

“Tent. A portable canvas or synthetic fiber structure used as a temporary dwelling for vacation or recreation purposes.”

“Campsite, Private. An area located on private property and not in a recreational campground or camping park for the placement of a tent or a recreational vehicle for the overnight use of its occupants.”

A **Motion** by Billings to accept Attorney Rick Sager’s Amendments to Article XXXIII entitled “Definitions” to include all definitions under Recreational Vehicle. Martin seconded. No further discussion. A unanimous vote was taken by show of hands.

C. Table 1 (d) Bed & Breakfast - Review of proposed changes from Rick Sager

Proposed 2018 Warrant Article to Amend Ossipee Zoning Ordinance

“Are you in favor of the adoption of Amendment No. 2 as proposed by the Planning Board for the Town Zoning Ordinance as follows?: Amendment allows for a “Bed and Breakfast” as a permitted use in the Rural Zoning District, and adds “Temporary Structure” as a new definition to Article XXXIII entitled “Definitions.”

I. Amend Article XXXIV entitled “Permitted Uses and Special Exceptions,” Table 1 – “Chart of Uses,” Section 34.2 to allow a “Bed and Breakfast” as a permitted use instead of requiring a special exception, as follows:

(Note: Text to be deleted appears in ~~strike through~~. Text to be added appears in ***bold italics underline***):

TABLE 1 – CHART OF USES

		Village	Residential	Roadside Commercial	Commercial	Rural	Commercial Node	Corridor
	<u>34.2 COMMERCIAL USES</u> (See also Article XXXV, Section 35.2)							
a.	Amusement Facility	P	N	P(1)	P	N	P	P(2)
b.	Automobile Service Station'	SE	N	P(1)	P	N	P	P(2)
c.	Automobile and Truck Repair	SE	N	P(1)	P	N	P	P(2)
d.	Bed and Breakfast	P	P	P(1)	P	SE <i><u>P</u></i>	P	P(2)

A **Motion** by Billings as written by Attorney Rick Sager, which states: “Are you in favor of the adoption of Amendment No. 2 as proposed by the Planning Board to Amend Article XXXIV entitled “Permitted Uses and Special Exceptions,” Table 1 – “Chart of Uses,” Section 34.2 to allow a “Bed and Breakfast” as a permitted use instead of requiring a special exception in the Rural District.” Martin seconded. No discussion. A unanimous vote was taken by show of hands.

Article XXXIII – Definitions; Definitions to be added

II. Amend Article XXXIII entitled “Definitions,” to add the new definition of “Temporary Structure,” as follows:

“Temporary Structure. A temporary or portable canopy, carport, garage, shelter or tent. A temporary structure shall be subject to all setbacks, and shall have the same setback requirements as an accessory building.”

A **Motion** by Billings to accept Attorney Rick Sager’s Amendments to Article XXXIII entitled “Definitions” to include a new definition for Temporary Structures. Martin seconded. No further discussion. A unanimous vote was taken by show of hands.

D. 24.1.1 – The PB reviewed the proposed changes submitted by McConarty as follows:

Current Ordinance - 24.1.1. BUILDING AND ZONING PERMITS: (Added March 1995)

Building and Zoning Permits issued by the Town of Ossipee, N.H. will be required in accordance with the International Code Council Regulation Section R105 Permits as adopted by the state of N.H.; when the project’s material value meets or exceeds the local (within 50 miles) average retail cost of \$2500 as determined by the Town Authority issuing the permit (Zoning Enforcement Officer or Building Inspector. Applications for these purposes shall be available at the Ossipee Town Hall. (Amended March 2006 and 2010)

Proposed Change to 24.1.1 Building and Zoning Permits – Billings read to the Board.

- Permits are needed prior to the location of any structure upon any land in the Town, for modifications to an existing structure, if inspections of work done are required by applicable code and if the assessed value of the property or structure is affected.
- There shall be no building permit fee’s assessed to a property owner’s primary residence in the Town of Ossipee, until the project’s material value meets or exceeds the local (within 50 miles) average retail costs of \$2,500.00 as determined by the Town Authority issuing the permit (Zoning Enforcement Officer or Building Inspector).

Billings suggested listing each requirement separately when a permit is required. Board discussion ensued over who and when a permit is requires.

Gillette suggested rewording the first sentence as follows, “Permits are ***required*** prior to the location ***or*** any structure...”

Billings suggested that McConarty meet with Attorney Sager to construct the final wording and present to the Board at the next meeting on January 2, 2018.

Martin read and submitted rewording of the paragraph #1. The secretary is to rewrite and submit to Town Attorney for legal opinion.

A **Motion** by Otterbach to forward the revision by Martin onto Attorney Sager for legal verbage to warrant article for Zoning Ordinance 24.1.1. Gillette seconded.

Discussion: Billings asked who has authority over the Zoning Enforcement Officer if someone disputes his summation of material costs. McConarty and Martin stated the ZEO works for the Selectmen.

Billings called for those in favor of forwarding the language to Attorney Sager. Martin, Otterbach, Gillette and Legendre voted in favor. Barron opposed. Billings abstained. **The Motion passed 4 – 1.**

Important Deadlines/Meeting:

- **Friday, January 12, 2018** Last day to post and publish notice for first hearing on proposed adoption or amendment of zoning ordinance, historic district ordinance or building code if a second hearing

is anticipated. [RSA 675:3; 675:7 – 10 clear days before 1/22/18]

- **Tuesday, January 16, 2018** Last day to publish notice, in a newspaper of general circulation in the town, for January 23rd session for checklist correction. [RSA 654:27; 669:5]
- **Monday, January 22, 2018** Last day to hold first public hearing on adoption or amendment of zoning ordinance, historic district ordinance or building code if a second public hearing is anticipated. [RSA 675:3 – 14 days prior to last date to hold public hearing on zoning/building/historic district ordinance amendment/adoption]
- **Thursday, January 25, 2018** Last day to post and publish notice of final planning board public hearing on proposed adoption or amendment to zoning ordinance, historic district ordinance or building code. [RSA 675:3; 675:7 – 10 clear days before 2/5/18]
- **Monday, February 5, 2018** Last day for planning board to hold final public hearing on adoption or amendment of zoning ordinance, historic district ordinance or building code. Planning board must also determine final form. [RSA 675:3 – one day before deadline for delivery of final zoning/building/historic ordinance ballot proposals to town clerk on 2/6/18]

Any Other Business Which May Come Before This Meeting

Joe Deighan announced the Economic Counsel is having a Public Event on January 8, 2018 at the Town Hall from 6 – 8 PM to gather input from residents on areas of improvement in Ossipee. All are welcomed for input.

Adjournment:

A **Motion** by Gillette to adjourn the meeting. Barron seconded. No further discussion. A unanimous vote was taken. The meeting adjourned at 8:37 PM.

Next Meeting: **January 2, 2018 @ 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 – PB received on 12/19/2017 .
PB	09/20/2016	WWSCR-Northgate Ossipee, LLC	SPR granted pending remaining conditions: #2: Subdivision Approval Letter received 09/11/2017 - PB received on 12/19/2017 .
PB	09/20/2016	WWSCR-Northgate Ossipee, LLC	SPR granted pending remaining conditions: #3: NHDES Septic Approval Letter received 09/11/2017 – PB received on 12/19/2017 .
PB	06/06/2017	Valley Point, LLC	SPR granted pending remaining conditions: #1: Written proof of who is responsible for the clean-up of offsite drinking wells both private and public with proof on the means to do so Pending
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. Pending
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. Pending
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. Pending
PB	06/06/2017	Valley Point, LLC	SPR granted pending remaining conditions: #5: Plans that show the prevention of further groundwater contamination. Pending
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 whichever is greater. Pending
PB	06/06/2017	Valley Point, LLC	SPR granted pending remaining conditions: #7: Proof of State approval of the water well and septic system. Pending
PB	06/06/2017	Valley Point, LLC	SPR granted pending remaining conditions: #8: All permit/ approvals of Federal, State and Local shall be in place before any construction begins. Pending
PB	06/06/2017	Valley Point, LLC	SPR granted pending remaining conditions: #9: No salt to be used for snow and ice removal. Pending
PB	06/06/2017	Valley Point, LLC	SPR granted pending remaining conditions: #10: All construction shall be materially of the latest design. Pending
PB	06/06/2017	Valley Point, LLC	SPR granted pending remaining conditions: #11: All Federal, State and Local Regulations shall be followed. Pending
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. Pending
PB	06/06/2017	Valley Point, LLC	SPR granted pending remaining conditions: #13: Any spills, requiring notification of NHDES, per NHDES rules, shall result in the evacuation of the Oil and Water Separator system and shall be cleaned semi-annually. Pending