

**OSSIPEE PLANNING BOARD  
MEETING MINUTES  
August 7, 2018**

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 by all in attendance

**PB Attendance by Roll Call:** – Connie Billings-Chairman, Roy Barron-Vice Chair, Martha B. Eldridge-Selectmen's Rep., Dennis Legendre, Rick St. Jean, and Steve McConarty (ZEO).

Absent: Tim Otterbach

Late Arrival: Peter Zavas AT 7:09 PM

**ZBA Attendance by Roll Call:** Ralph Wurster, Jim Rines, Roy Barron, Ed MacDonald, Daniel Fischbein, and Steve McConarty, ZEO.

Absent: Stanley Brothers, and Sandra "Sam" Martin

**PUBLIC HEARING  
SPECIAL JOINT MEETING W/ THE ZBA**

Chairman Billings referred the variance application over to ZBA acting Chairman, Ralph Wurster.

***Acting Chairman – Ralph Wurster: addressed the Applicant (under RSA 674:33) – noting since there is not a full 5 member board, even with alternates serving. The applicant has the option of postponing the hearing until all members are present. If the applicant chooses to proceed with the hearing, he/she should be advised that a 3- or 4- member board will not be grounds for an appeal hearing in the event the application is denied.***

The applicant wished to proceed.

Acting Chairman – Ralph Wurster explained the procedure for tonight's joint public hearing.

- **Case#18-8-V, John W. Dawson, Jr.,** owner – of 80 Route 16B. Tax Map: 93 Lot: 015 is applying for a Variance from Article 34.2.n for a Warehouse/Storage facilities in the Village District. Mr. Dawson also wants to rent a portion of his building to a landscape company to store unused equipment and have an office.

Representing agent, Ash Fischbein presented on behalf of Bill and Jake Dawson's plans to re-open the laundry mat and subdivide the interior of the building.

Fischbein explained the original building permit applied for, which was denied, was for a warehouse/storage facility in the village district. But they are actually applying to have multiple businesses at this location. The front left section will include the existing laundry mat. The left rear section will be Dawson's Excavation Garage and an office area. The right rear section of the building will be rented to a landscape company with an office area. The right front section of the building is undetermined at this time. Outside landscaping will be done to improve curb appeal.

**Board discussion:**

Legendre commented on having a hard time believing Dawson's intentions because of discrepancies from previous meetings verses what he is actually doing. Legendre stated Jake Dawson has lied to the residents of Ossipee by lying to these Boards about his intentions verses his actions. Jake apologized to the Boards and

to Steve McConarty for his actions.

Ash proceeded to read through the five (5) variance criteria's.

Board discussion ensued over potential noise levels within a primarily residential area. McConarty responded per Z.O. "No person shall engage in, cause or permit any person to be engaged in construction activities on a site abutting any residential use between the hours of 7 pm of one day and 7 am (8 am on weekends and holidays) of the following day."

Board discussion continued over potential number of trucks used, storing fuels and chemicals on site with the landscaping company. Jake Dawson replied no chemicals would be stored and it's a stipulation of his rental agreement. Billings noted this property is within the Water Resource Protection District.

Discussion shifted over the discrepancy between which zoning ordinances the applicant is requesting a variance from because the original denial issued was for storing equipment from the landscaping business. Fischbein now states Jake is applying to have a landscaping business along with his own businesses and is applying to have multiple businesses within one building. Rines commented the current variance application would be incorrect as noted by article 34.2 (n) for Warehouse/Storage facility when it should have been noticed for multiple uses (businesses) 4.4 (a) (b) and water resource protection district under article 20.

Greg Howard spoke to the Board's about their lack of knowledge and professionalism of the laws and regulations and hindering the process of businesses wanting to come to Ossipee.

Fischbein requested to have fees waived for the second notice and requested to withdraw the variance application.

Wurster asked McConarty at the last meeting, he had granted the landscape business permission to operate out of the building. McConarty clarified, "he gave them permission to use the warehouse part of the building to store their equipment but they could not do business out of this building."

A **Motion** by Rines to waive all fees for second notice if the applicant withdrew their variance application. MacDonald seconded. No further discussion. A vote was taken by roll call:

Rines – Yes      MacDonald – Yes      Barron – Yes      Wurster – Yes – **Motion passed.**

Chairman Billings closed the joint public hearing with the Zoning Board of Adjustment at 8:09pm.

The secretary requested a five minute recess. Chairman Billing granted the request.

Chairman Billings reconvened the Public Hearing at 8:20pm.

Billings asked Fischbein if he wished to proceed with the site plan review. Fischbein asked for clarification on article 4.4 (a). Peter Zavas read article 4.4 (a). Discussion ensued over whether a variance is actually required based on the verbage in article 4.4 (a). The Planning Board advised Fischbein/Dawson the Zoning Enforcement Officer is the only person to decide the article required for a variance.

The site plan application was reviewed to determine if the case could move forward as noticed since article 34.2, (n) was already deemed the incorrect article for denial. But since the application was notice for wanting to rent a portion of the building to the landscape company, the Board and the applicant agreed to move forward with the site plan review.

A **Motion** by Zavas moved to accept an amended and conditional application for a Site Plan Review. Barron seconded. No further discussion. A roll call vote was taken.

St. Jean – No      Legendre – Yes      Eldridge – Yes      Barron – Yes      Zavas – Yes      Billings – Abstained. Motion passed 4 - 1 - 1.

The Board proceeded to review the application.

- **Case#18-4-SPR, John W. Dawson, Jr.,** owner – of 80 Route 16B. Tax Map: 93 Lot: 015 is applying for a Site Plan Review from Article 34.2.n have a Warehouse/Storage facilities in the Village District. Mr. Dawson also wants to rent a portion of his building to a landscape company. Representing agent is Ash Fischbein.

- **Requesting Waivers:**

1. 6.07.3.b – Waiver of Modification of the Requirements or Standards
2. 6.04.4.g.1 – Waiver to require a licensed/certified land surveyor, engineer or architect.
3. 6.04.4.g.4.d – Waiver to require four (4) copies of the parcel layout indicating five-foot contour intervals, soil types, location and data of each percolation test hole, the zoning, and any district boundaries.
4. 6.04.4.g.4.e – Waiver to require four (4) copies of the Final Road/Traffic Design Plan consistent with information required in Section 8, Design Standards.
5. 6.04.4.g.4.e – Waiver to require four (4) copies of the Final Grading and Drainage Plan with information as required in Section 8, Design Standards.
6. 8.02.4 – Outdoor Lighting Plan: Mr. Dawson will be adding up to (2) two motion detection security lights on all 4 sides of the existing building.

Billings inquired about the approval by NHDOT for the curb cut. Dawson explained the property never had one and he will be applying for one tomorrow (09/08/2018).

The Board listed the conditions as follows:

1. NHDOT Curb Cut approval
2. Ossipee Water & Sewer approval
3. Official Fire Chief Letter of Inspection approval.
4. Lighting plan added to design plan
5. Variance approval by ZBA
6. Shall comply with All Federal, State, and Local Regulations and Ordinances.

Fischbein present the case on behalf of the Dawson's. The goal is to open the laundry mat in the left-front quadrant of the building. Dawson Excavation will be in the left rear quadrant and rent to the landscape company to occupy the right rear quadrant of the building. The right front quadrant is undetermined. The outside of the building will have some work to improve the façade of the building.

Board discussion ensued concerning parking, lighting, and the number of trucks utilized. Jake counted approximately 12 trucks. Billings stated a variance would be needed because 10 trucks are allowed for trucking terminals. The applicant contested the use is not a trucking terminal. Discussion continued addressing the percentage of impervious surface and solid waste/material debris from the landscape company.

A **Motion** by Zavas to Conditionally Approved the Site Plan Review with the following conditions:

1. NHDOT Curb Cut approval
2. Ossipee Water & Sewer approval
3. Official Fire Chief Letter of Inspection approval.
4. Lighting plan added to design plan
5. Variance approval by ZBA
6. Shall comply with All Federal, State, and Local Regulations and Ordinances.

Legendre seconded. Discussion to add variance approval as a condition was heard. No further discussion. A roll call vote was taken. Legendre, Eldridge, Barron and Zavas voted to Approve, St. Jean – Opposed and Billings – Abstained. **Motion passed** 4 - 1 - 1.

## REGULAR PUBLIC MEETING

**Meeting Minutes:** Review to approve Meeting Minutes of 07/17/2018.

A **Motion** by Barron to approve Planning Board minutes of July 17, 2018. St. Jean seconded. No further discussion. All others voted in favor by a show of hands. Billings abstained. **Motion passed.**

### **Financial:**

- Budget Report: 07/01/2018 – 07/31/2018

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

- See separate sheet with details.
- Verizon/H&R Block – McConarty noted the alarm system is installed and the Fire Chief's letter should be coming soon.
- **Case #18-2-SUBD, Van E. Hertel, Sr.** – owner of 95 Blake Hill Rd. Tax Map: 223 Lot: 003 new plans will be delivered tomorrow 08/08/2018.

## **PUBLIC HEARING**

### **New Business:**

- **Case #18-1-BLA**, Look East, LLC & Bumbaca, LLC of 1018A & 1020 Route 16. Tax Map: 118 Lot: 003 & 002 have applied for a boundary line adjustment.

Bob Tafuto, owner and President of Ammonoosuc Survey Co., Inc. presented plans for the boundary line adjustment for his client noting their swapping equal amounts of land. The snowmobiles trails will be on the Look East, LLC property and Bumbaca has agreed to provide land in the back so the trails will not be moved. Discussion concerning the septic systems location was addressed.

A **Motion** by Billings to approve the Boundary Line Adjustment for Case #18-1-BLA, Look East, LLC & Bumbaca, LLC of 1018A & 1020 Route 16. Tax Map: 118 Lot: 003 & 002. Barron seconded. No further discussion. Billings abstained. All others voted in favor by show of hands. **Motion passed.**

- **Case #18-5-SPRA:** Dawn Goodrich c/o Kim Cumberland of 674 Route 16. Tax Map: 259 Lot: 001 is requesting a Site Plan Review Amendment to open Ora's Coffee & Ice Cream. Requesting to sell products all year round to include pastries, desserts, snacks, and miscellaneous non-alcoholic beverages. In addition, Ora's intends to showcase and/or sell local produce, and arts & crafts.

Billings called on applicant to present their plans. Kim Cumberland was present to present on behalf of Dawn Goodrich. The Planning Board took several minutes to review the application and plans. Billings inquired about the septic design. Cumberland noted there is an approved septic design and Mark McConkey is preparing an updated plan in the event of a septic system failure.

A **Motion** by Billings to accept the application as complete. Barron seconded. No discussion. Billings abstained. All others voted in favor by show of hands. **Motion passed.**

A **Motion** by Billings to approve **Case #18-5-SPRA:** Dawn Goodrich c/o Kim Cumberland of 674 Route 16. Tax Map: 259 Lot: 001 for a Site Plan Review Amendment to open Ora's Coffee & Ice Cream shop providing all federal, state and local ordinances and regulations are adhered too. Barron seconded. No discussion. Billings abstained. All others voted in favor by show of hands. **Motion passed.**

### **Old Business:**

- **Gravel Pits:** Ambrose Bros. – Archer's Pond Pit – a letter was received 07/23/2018. A brief discussion over whether this pit was closing or not. Board decided to send a letter back to Ambrose Brothers for clarification.

A **Motion** by Billings to send a letter to Ambrose Brothers informing them to submit a new application to renew the Earth Excavation & Reclamation Permit before October 2018, if your plans are to remain open. If not, the Planning Board is requesting a formal letter announcing its closure. Barron seconded. No discussion. Billings abstained. All others voted in favor by show of hands. **Motion passed.**

**Notices:** Billings acknowledged the notices but no action is required.

- NHDES Wetland Permit Application – Applicant Susan Watson c/o Donald & Susan Watson Realty Trust has applied for an Expedited Wetland Permit for 50 Channel Rd. to replace an existing failing concrete block wall with a dry stack 2 ft. diameter stone wall. Conservation Commission & Town Clerk approved
- NHDES Wetland Permit Application – Applicant Stephan Ingham Revocable Trust has applied for a Wetlands Permit for 54 Ridge Rd. for construction of a concrete anchor pad (7 ft. X 7 ft. X 2 ft.) and installation of a (6 ft. X 40 ft.) seasonal dock. Approximately 98 sq. ft. of the lakes bank is to be impacted and no jurisdictional wetlands are proposed. Town Clerk approved

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

No other business was brought to the Board's attention.

### **Adjournment:**

A **Motion** by Barron to adjourn. Eldridge seconded. No discussion. A unanimous vote was taken by show of hands. **Motion passed.**

Meeting adjourned at 09:32 pm.

Next Meeting/Public Hearing: **August 21, 2018 @ 7:00 pm**

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

Date

\_\_\_\_\_  
Condict (Connie) Chairman 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    | 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 <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 whichever is greater. <b>Pending</b> |
| PB    | 06/06/2017 | Valley Point, LLC                 | SPR granted pending remaining conditions: #7: Proof of State approval of the water well and septic system. <b>Pending</b>   |
| 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. <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 shall be 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, 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. <b>Pending</b>  |
| PB    | 11/21/2017 | Verizon/H&R Block c/o Dave Poulin | SPR granted pending remaining conditions: #1: Official Letter from Fire Chief approving the plan. <b>Pending</b> final inspection letter from Fire Chief 05/25/2018 – Certified letter sent requesting an update of Fire Chief's condition for a full fire alarm system.                                    |
| PB    | 06/05/2018 | Mountain Grainery, LLC            | SPRA granted <b>pending</b> remaining conditions: #2: NHDES Subsurface Disposal Permit for the Commercial Septic System.  |
| PB    | 07/17/2018 | Van Hertel, Sr.                   | SUBD granted pending conditions: # 1: Revise plot plan to include documentation of Cemetery and cemetery right of way access on revised plot plan. <b>Revised plans received 08/08/2018</b>   |
| PB    | 07/17/2018 | Van Hertel, Sr.                   | SUBD granted pending conditions: #2: Add required second line to signature block <b>Revised plans received 08/08/2018</b>   |
| PB    | 07/17/2018 | Van Hertel, Sr.                   | SUBD granted <b>pending</b> conditions: #3: Fire Chief's Official letter  |
| PB    | 07/17/2018 | Van Hertel, Sr.                   | SUBD granted pending conditions: #4: Boundary Corners pinned. <b>Revised plans received 08/08/2018</b>  |
| PB    | 07/17/2018 | Ossipee Granite Recovery Ctr      | SPR granted <b>pending</b> remaining conditions #1: Official Fire Chief letter  |
| PB    | 07/17/2018 | Ossipee Granite Recovery Ctr      | SPR granted <b>pending</b> remaining conditions #2: Official lter from Water & Sewer dept.  |
| PB    | 07/17/2018 | Ossipee Granite Recovery Ctr      | SPR granted <b>pending</b> remaining conditions #3: NHDOT' Driveway permit approval   |
| PB    | 07/17/2018 | Ossipee Granite Recovery Ctr      | SPR granted <b>pending</b> remaining conditions #4: Removal of existing fence   |
| PB    | 07/17/2018 | Ossipee Granite Recovery Ctr      | SPR granted <b>pending</b> remaining conditions #5: A new 6 ft. stockade fence shall be erected between the facility and the School property along own boundary line.   |
| PB    | 07/17/2018 | Ossipee Granite Recovery Ctr      | SPR granted <b>pending</b> remaining conditions #6: Revise plan to include a bus loading and unloading area and parking.  |
| PB    | 08/07/2018 | John W. Dawson, Jr/Laundry Mat    | SPR granted <b>pending</b> remaining conditions #1: Curb Cut approval from NHDOT'   |
| PB    | 08/07/2018 | John W. Dawson, Jr/Laundry Mat    | SPR granted <b>pending</b> remaining conditions #2: Official letter from the Water & Sewer dept.  |
| PB    | 08/07/2018 | John W. Dawson, Jr/Laundry Mat    | SPR granted <b>pending</b> remaining conditions #3: Official Fire Chief letter  |
| PB    | 08/07/2018 | John W. Dawson, Jr/Laundry Mat    | SPR granted <b>pending</b> remaining conditions #4: Lighting Plan on Design Plan dated 07/16/2018 on aerial plan and interior plan dated 06/16/2018.  |
| PB    | 08/07/2018 | John W. Dawson, Jr/Laundry Mat    | SPR granted <b>pending</b> remaining conditions #5: Variance approval by ZBA  |
| PB    | 08/07/2018 | John W. Dawson, Jr/Laundry Mat    | SPR granted <b>pending</b> remaining conditions #6: Shall adhere to all Federal, State and Local Regulations & Ordinances.  |