

**OSSIPEE PLANNING BOARD
MEETING MINUTES
September 18, 2018**

Minutes recorded by and summarized by Laura Nash, Planning Board Secretary, amendments are noted in ***bold & italic*** type.

REGULAR PUBLIC MEETING

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

Pledge of Allegiance: was recited by all in attendance

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

Rules of Conduct & Decorum: Billings reminded all in attendance of the Rules of Conduct & Decorum of a Planning Board meeting. Billing stated the Rules will be followed.

Public Input: Andrew "Billy" Riding of Riding's Auto Sales of 924 Route 16. Tax Map: 123 Lot: 022 was here to inform the Board, since moving to his new location, he is still offering auto sales, repairs, and is pending State of NH license for auto inspections. Board discussion over whether the "use" is within the 2 year grandfather statute. After discussion, the Board agreed no further action is required, at this time and thanked him for coming in to inform the board.

Late Arrival: Tim Otterbach at 7:08 pm

Meeting Minutes: Review of the Meeting Minutes of 09/04/2018, ensued. Billings noted the dates of September 21st on page 1 and 2 should be August 21st, 2018. Billings called for a motion.

A **Motion** by Legendre to approve Planning Board minutes of September 04, 2018 as amended. St. Jean seconded. No further discussion. All others voted in favor by a show of hands. Barron and Billings abstained. **Motion passed.**

Financial:

- Budget Report: 08/01/2018 – 08/31/2018
- Budget 2019 Worksheet: Billings stated the 2019 budget will be addressed at the October 2nd meeting.
- Sager & Smith, PLLC – Planning Board v. Morse (gravel pit) - \$6,874.25 – August 2018 statement
- Sager & Smith, PLLC – Invoice received for \$455.00 for General Matters related to updating the Zoning Ordinances.

A **Motion** by Billings for the Planning Boards to approve the payment of \$455.00 to Sager & Smith, PLLC, for general matters related to the 2018 Zoning Ordinance updates. Barron seconded. No further discussion. All others voted in favor by a show of hands. Billings abstained. **Motion passed.**

Informal Discussion:

- Don Dodier of 810 Route 16. Tax Map: 124 Lot: 008 was here to inform the Board, he's interested in purchasing this property but the sale is contingent on being able to have a home business. He wants to build a (2) story, 26 ft. x 30 ft. (3) bay Gambrel style garage and have a woodworking shop. The second floor will have living quarters, (1) bay will be for personal vehicle, (2nd) bay will have a lift to work on his mustang and the (3rd) bay will have his wood shop. He would like to widen the driveway to allow in and out traffic. Board discussion ensued. Billing and McConarty both informed Mr. Dodier he will need the Fire Chief's approval. After discussion, the Board agreed no further action is required at this time and thanked him for coming in to speak with the board.

Unsatisfied Conditions: (continued from previous PB Mtgs):

- See separate sheet with details. [Status quo no other changes.](#)

Billings asked Jim Rines the status of the Valley Point project. Rines stated the Traffic Engineer submitted the traffic report on August 28, 2018 to NHDOT. Once the driveway locations are acceptable to NHDOT, then they will submit septic system and water supply applications to NHDOT.

Unfinished Business:

- **Morse Pit:** Andrew Morse was here to speak with the Board about the Morse Pit. This fall he wants to try and clean up and level the piles of sand and gravel to make it more appealing to eventually sell. After discussion, Andrew is to follow up with the secretary for the Earth Excavation & Reclamation permit application and previous paperwork.
- **Gravel Pits:** Ambrose Bros., has submitted material to review for the Earth Excavation & Reclamation permit.
- **Inspection reports:** Billings asked Barron if he has any inspection reports completed. Barron is waiting on the Berry Pit before he submits any reports. Billings asked Rines for an update on the Berry pit. Rines replied due to high work volume, it won't be until October before he is able to bring the case to the Planning Board. Barron commented the permit has expired and he is exceeding the required (5) acres.
- **Zoning Ordinances:** Changes for the 2019 Ballot – Billings noted due to several cases to be heard this will not be addressed tonight.

New Business:

PUBLIC HEARING

- **Case # 18-1-GP:** Brad Leighton c/o Jon Rokeh, Rokeh Consulting for 75 Chickville Rd. Tax map: 239 Lot: 001 has submitted an Earth Excavation & Reclamation Permit to re-open the 75 Chickville Rd. Gravel Pit, which is under new ownership.

Jon Rokeh reported the change of ownership has been filed with the State of NH and filed the first AoT permit, since 2009. No work has been done on this pit except for about less than an acre out in the back section. Board discussion over legal documentation to support which owner put forth the reclamation fees, Coyne or Leighton. Billings suggested Leighton's attorney speak with Attorney Sager, who represents the Town. Zavvas would like documentation showing Brad Leighton as the trustee of 2012 Foresight Realty Trust Holdings.

A **Motion** by Billings to accept the application as incomplete with the following corrections to be made:

1. The owner and applicant for 2012 Foresight Realty Trust Holdings reflect each other on the application.
2. Letter of Authorization from 2012 Foresight Realty Trust Holdings noticing Brad Leighton as trustee.

Otterbach seconded. No further discussion. All others voted in favor by a show of hands. Billings abstained.

Motion passed.

A **Motion** by Billings that after the application corrections are complete; to approve 2012 Foresight Realty Trust Holdings of a Conditional Earth Excavation & Reclamation Permit upon the following conditions:

1. Legal documentation to support which owner put forth the reclamation fees, Coyne or Leighton.
2. Letter of Authorization from 2012 Foresight Realty Trust Holdings noticing Brad Leighton as a trustee and is appointed to represent them.
3. Legal opinion from the Town of Ossipee's, Attorney Sager on the disbursement of Mr. Coyne's money.

4. Documentation from the owner, 2012 Foresight Realty Trust Holdings showing payment of approximately \$32,000.00
5. The owner and applicant for 2012 Foresight Realty Trust Holdings and Brad Leighton reflect each other on the application.

Otterbach seconded. No further discussion. All voted in favor by a show of hands. **Motion passed.**

- **Case # 18-2-BLA:** Dan Hole Pond Watershed Trust, Edwin R. Wilder and Edward W. Patterson, Jr. of Granit Rd. Tax Map: 260 Lot: 001 & 002 and Tax Map: 129 Lot: 037 is requesting a Boundary Line Adjustment in accordance with Article 7, section 7.01.B. Also, requesting the following Waivers which will correct encroachments subsequent to the survey of the parcel:
 1. Section 9.05.P – requesting relief from showing water courses, ponds, ledges, wetlands on-site & within 200 feet of the boundary lines.
 2. Section 9.06.C – depicting adequate information to demonstrate the lots are suitable for sewage disposal.

Jim Rines presented on behalf of Dan Hole Pond Watershed Trust, Edwin R. Wilder and Edward W. Patterson, Jr. The lot line adjustments increase the size of the smaller, developed lots. The undeveloped lot will exceed the minimum lot size by 173+ acres. Dan Hole Pond Watershed Trust is requesting waivers on sections 9.05.P because this property is conservation land and therefore, is unable to be developed & 9.06.C because the smaller lots have existing sewage disposal systems and wells and are fully developed. By adding land, it is improving the existing land and correcting encroachments subsequent to the survey of the parcel. The Wilder parcel is currently 1.47 acres and will increase to 4.92 acres. The Patterson parcel is currently 2.16 acres and will increase slightly to 2.42 acres. Dan Hole Pond Watershed Trust parcel is currently 178.14, minus 3.44 acres to the Wilder parcel and .26 acres to the Patterson parcel. The remaining Dan Hole Pond Watershed Trust parcel will be 174.44 acres.

Board discussion over potential, future subdivision of the Patterson parcel, and that all boundary markers are in place.

Billings commented that Otterbach can remain on the Board for the discussion, but is not allowed to vote since he is a member of Dan Hole Pond Watershed Trust.

A **Motion** by Barron to approve the request for a Waiver from Section 9.05.P – requesting relief from showing water courses, ponds, ledges, wetlands on-site & within 200 feet of the boundary lines for **Case # 18-2-BLA:** Dan Hole Pond Watershed Trust, Edwin R. Wilder and Edward W. Patterson, Jr. of Granit Rd. Tax Map: 260 Lot: 001 & 002 and Tax Map: 129 Lot: 037. Billings seconded.

Discussion for identifying the wetlands was heard. No further discussion. All others voted in favor by a show of hands. Otterbach abstained. **Motion passed.**

A **Motion** by Barron to approve the request for a Waiver from Section 9.06.C – depicting adequate information to demonstrate the lots are suitable for sewage disposal for **Case # 18-2-BLA:** Dan Hole Pond Watershed Trust, Edwin R. Wilder and Edward W. Patterson, Jr. of Granit Rd. Tax Map: 260 Lot: 001 & 002 and Tax Map: 129 Lot: 037. St. Jean seconded.

Discussion and concerns were addressed for the ability to subdivide the Patterson parcel in the future.

No further discussion. All others voted in favor by a show of hands. Otterbach abstained. **Motion passed.**

A **Motion** by Billings to approve **Case # 18-2-BLA:** Dan Hole Pond Watershed Trust, Edwin R. Wilder and Edward W. Patterson, Jr. of Granit Rd. Tax Map: 260 Lot: 001 & 002 and Tax Map: 129 Lot: 037 request for a Boundary Line Adjustment. Barron seconded. No further discussion. All others voted in favor by a show of hands. Otterbach abstained. **Motion passed.**

Note: Rines at Billings' suggestion is to submit the official Mylar plans for signatures at the next scheduled Planning Board meeting on October 2, 2018.

Notices:

- NH Division of Historical Resources: Property of Andrew Ciano of 34 Remle Rd. Tax Map: 033 Lot: 032 response to wetland impact. Billings read and acknowledged the notice to the Board.
- Letter by ZEO McConarty in response to Ash Fischbein's letter pertaining to 80 Route 16B – Dawson for the - **information purposes only**.

Billings acknowledged the letter but was not going to read it aloud. Billings opened the letter to discussion since Ash Fischbein and Jake Dawson were in attendance.

McConarty interjected stating the letter is for informational purposes only to the Boards and unless Jake has authorization from his father, who owns the property, to represent them during these meetings, he will not address any questions from Jake Dawson.

Billings called for a two minute recess to retrieve the case file at 8:02 pm.

Billings read the letter of authorization from William Dawson authorizing Fischbein to represent him. Fischbein and Jake Dawson state the authorization for Jake to speak on his father's behalf is worded in the lease agreement.

McConarty stated without an application or set of plans for this location, he has no information to give to the Board.

Otterbach inquired if this conversation is being considered an Informal Discussion. Billings replied this case was given a conditional approval and technically, it can be discussed at any time. Fischbein stated he submitted some of the items prior to the meeting but is requesting a more detailed letter from the Fire Chief and the Curb Cut permit from NHDOT. Billings stated they also need approval from the ZBA. This produced a lengthy conversation.

The Planning Board did agree that William Dawson, Jake Dawson and/or Ash Fischbein shall submit a building permit application with plans outlining the building, property, and detailing exactly what businesses and/or uses will take place at this location to Steve McConarty, Zoning Enforcement Officer. At which point, McConarty will be able to review and determine whether a variance or special exception is required, and subsequently a denial letter can be issued. The Planning Board and McConarty did agree the laundry mat can open, once Jake Dawson is ready. Billings stated if McConarty determines a variance or special exception is not required, he would like a formal letter of that determination.

Any Other Business Which May Come Before This Meeting:

No other business was brought before this Board's attention.

Adjournment:

A **Motion** by Billings to adjourn. St. Jean seconded. No discussion. A unanimous vote was taken by show of hands. **Motion passed.**

Meeting adjourned at 8:12 pm.

Next Meeting/Public Hearing: **October 2, 2018 @ 7:00 pm**

Minutes approved by majority vote of the Board on –

_____ Date

Condict (Connie) Billings, Chairman

Or

Roy Barron, 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 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
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. Pending 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 pending remaining conditions: #2: NHDES Subsurface Disposal Permit for the Commercial Septic System.
PB	07/17/2018	Ossipee Granite Recovery Ctr	SPR granted pending remaining conditions #1: Official Fire Chief letter
PB	07/17/2018	Ossipee Granite Recovery Ctr	SPR granted pending remaining conditions #2: Official letter from the Water & Sewer dept.
PB	07/17/2018	Ossipee Granite Recovery Ctr	SPR granted pending remaining conditions #3: NHDOT Driveway permit approval
PB	07/17/2018	Ossipee Granite Recovery Ctr	SPR granted pending remaining conditions #4: Removal of existing fence
PB	07/17/2018	Ossipee Granite Recovery Ctr	SPR granted pending 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 pending 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 pending remaining conditions #1: Curb Cut approval from NHDOT
PB	08/07/2018	John W. Dawson, Jr/Laundry Mat	SPR granted remaining conditions #2: Official letter from the Water & Sewer dept. Received 09/18/2018.
PB	08/07/2018	John W. Dawson, Jr/Laundry Mat	SPR granted pending remaining conditions #3: Official Fire Chief letter
PB	08/07/2018	John W. Dawson, Jr/Laundry Mat	SPR granted remaining conditions #4: Lighting Plan on Design Plan dated 07/16/2018 on aerial plan and interior plan dated 06/16/2018. Received 09/18/2018.
PB	08/07/2018	John W. Dawson, Jr/Laundry Mat	SPR granted pending remaining conditions #5: Variance approval by ZBA
PB	08/07/2018	John W. Dawson, Jr/Laundry Mat	SPR granted pending remaining conditions #6: Shall adhere to all Federal, State and Local Regulations & Ordinances.