

# OSSIPEE PLANNING BOARD MEETING MINUTES

October 2, 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, Rick St. Jean, and Steve McConarty (ZEO). Absent: Peter Zavas

**Public Input:** None heard

Chairman Billings reminded everyone in attendance the rules of procedure for speaking during the meeting.

**Meeting Minutes:** Review of the Meeting Minutes of 09/18/2018, ensued. Billings called for a motion.

A **Motion** by Barron to approve Planning Board minutes of September 18, 2018. Legendre seconded. No further discussion. All others voted in favor by a show of hands. Billings abstained. **Motion passed.**

### **Financial:**

- Budget 2019 Worksheet: Billings suggested increasing the postage line item from \$1,500 to \$1,700. The Board also would like line items Lakes Region Plan and Computer & Software removed because these line items are paid through the Town budget.

A **Motion** by Otterbach to approve increasing the postage line item from \$1,500 to \$1,700 and remove line items Lakes Region Plan and Computer & Software from the Planning Board budget. Eldridge seconded. No further discussion. All others voted in favor by a show of hands. Billings abstained. **Motion passed.**

### **Informal Discussion:**

- **Tony Head** – 5 Route 16B, Tax Map: 095 Lot: 014 is here to discuss subdividing his property. Tony Head was here to present his plans to subdivide his 1.8 acre property. Tony acknowledged he does not have enough acreage but does have enough footage.

A **Motion** by Billings to deny the request and issue him a denial letter, so he may apply to the ZBA for a variance. St. Jean seconded the motion. No further discussion. All others voted in favor by a show of hands. Billings abstained. **Motion passed.**

- **Hida Khamsi & Steve Nystrom** – 9 Polly's Crossing Rd. Tax Map: 252 Lot 38 & 39 is here to discuss doing a Boundary Line Adjustment his property. Steve Nystrom explained lot 39 is a 9.1 acre lot and he wants to move the lot line on lot 38 across lot 39. Lot 39 would retain 5 acres and lot 38 would absorb the 4 acres to become a total of 19 acres.

After a lengthy discussion over whether a boundary line adjustment verses a subdivision was required. The Planning Board recommended he hire a licensed land surveyor to do a boundary line adjustment but lot 39 must retain a minimum of 5 acres.

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

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

### **Unfinished Business:**

- **Boundary Line Adjustment:** Case # 18-2-BLA for Dan Hole Pond Watershed Trust

Billings informed the Board that an abutter came forward the next day claiming when White Mountain Survey & Engineering surveyed the property, they moved one of the pins to her property. Billings relayed to the Board, he spoke with Jim Rines at White Mtn. Survey & Engineering. Jim has assured Billings no pins were moved. After a brief discussion, the Board agreed there is a 30 day appeal period if anyone wishes to appeal the decision of the Planning Board.

A **Motion** by Billings to sign the boundary line adjustment plans for **Case # 18-2-BLA for Dan Hole Pond Watershed Trust** previously approved at the 09/18/2018 Planning Board meeting. Barron seconded. No further discussion. All others voted in favor by a show of hands. Billings abstained. **Motion passed.**

- Gravel Pits: Billings asked Barron if any written reports are ready for submission.

### **New Business:**

### **PUBLIC HEARING**

- **Case # 18-1-SPRA**: Hobb's Brewing Company, owner – Mountain Grainery, LLC of 755 White Mtn. Hwy/Route 16. Tax Map: 130 Lot: 009 is here for final Site Plan Review Amendment approval with receipt of the following conditions: Scott Lawler of Land Tech as the Representing Agent, presented to the Board the following documents and plans for final approval.
  1. NHDES Subsurface Disposal Permit for the Commercial Septic System – [Received 09/19/2018](#)
  2. Alteration of Terrain copy of notification response letter. – [Received 06/22/2018](#)
  3. Official letter from Fire Chief – [Received 08/21/2018](#)
  4. NHDOT – Right of Way summary. – [Received 08/09/2018](#)
  5. All Federal, State and Local Regulations shall be followed.

A **Motion** by Billings to grant **Case # 18-1-SPRA**: Hobb's Brewing Company, owner – Mountain Grainery, LLC of 755 White Mtn. Hwy/Route 16. Tax Map: 130 Lot: 009 final Site Plan Review Amendment with conditions met. Eldridge seconded. No further discussion. All others voted in favor by a show of hands. Billings abstained. **Motion passed.**

- **Case # 18-2-GP**: Ambrose Bros., c/o Robert Ambrose of Archer's Pond Rd. Tax map: 231 Lot: 001 is requesting an Earth Excavation & Reclamation Permit to renew the Archer's Pond Rd. Gravel Pit. The Board reviewed the material submitted.

A **Motion** by Billings requesting to send a letter to Ambrose Bros., c/o Robert Ambrose of Archer's Pond Rd. Tax map: 231 Lot: 001 asking them to file an Earth Excavation & Reclamation Permit Application with appropriate fees in order to renew the Archer's Pond Rd. Gravel Pit. St. Jean seconded.

Board discussion ensued over the consequences of not filing a renewal application. Barron argued he needs the authority to regulate these pits, whose permits have expired or are exceeding the maximum limit of 5 acres excavated. Rick St. Jean proceeded to read RSA 155: E:10.

#### ***“RSA 155-E: 10 Enforcement. –***

***1. The regulator or its duly authorized agent may suspend or revoke the permit of any person who has violated any provision of his permit or this chapter or made a material misstatement in the application upon which his permit was granted. Such suspension or revocation shall be subject to a motion for rehearing thereon and appeal in accordance with RSA 155-E: 9.”***

Discussion continued over duties of the inspector verses the regulator.

A **Motion** by St. Jean to give Barron the authority to order non-compliant gravel pits to either correct the non-compliance or to issue a cease & desist. Eldridge seconded. Billings called for discussion. No further discussion. All others voted in favor by a show of hands. Billings abstained. **Motion passed.**

The secretary reminded the chairman there is a previous motion still on the floor.

Billings noted that St. Jean's motion needs to be withdrawn. St. Jean withdrew his motion.

A **Motion** by Billings requesting to send a letter to Ambrose Bros., c/o Robert Ambrose of Archer's Pond Rd. Tax map: 231 Lot: 001 asking them to file an Earth Excavation & Reclamation Permit Application with appropriate fees in order to renew the Archer's Pond Rd. Gravel Pit. St. Jean seconded. No further discussion. All others voted in favor by a show of hands. Billings abstained. **Motion passed.**

A **Motion** by St. Jean to appoint Barron as the regulator of the gravel pits and to give him the authority to order non-compliant gravel pits to either correct the non-compliance within two weeks or be able to issue a cease & desist, per RSA 155 E:10. Otterbach seconded.

Billings requested the written reports be submitted because currently there is no documentation of compliance or non-compliance. Barron and St. Jean are to inspect and complete the written inspection reports by the next meeting. Billings called for any further discussion. No further discussion. All others voted in favor by a show of hands. Billings abstained. **Motion passed.**

- **Case# 18-2-LM:** Bruce Bradshaw of 13 & 15 Fillion Rd would like to merge lots. Billings noted 13 Fillion Rd. has .27 acres and 15 Fillion Rd has .34 acres which would bring the structure more into conformance.

A **Motion** by Billings to approve the Lot Merger for **Case# 18-2-LM:** Bruce and Kristi Bradshaw of 13 & 15 Fillion Rd. Tax Map: 052 Lots: 043 & 044. Legendre seconded. No further discussion. All others voted in favor by a show of hands. Billings abstained. **Motion passed.**

- **NHMA 2019 Traditional Town Meeting Calendar:** Billings informed the Board according NHMA 2019 Schedule; November 12, 2018 is the first day to accept petitions to amend the zoning ordinances and asked if anyone on the Board had any suggested changes to the zoning ordinances.

- **Proposed Zoning Changes:** The Board reviewed the proposed changes to the zoning ordinances. The secretary explained most of the changes are consistent with current RSA's. Items in red print are to be replaced with the items in blue print.

### ***Current Ordinance: 25.3 PROCEDURES***

*25.3.3. MEETINGS AND HEARINGS: Meetings of the Board of Adjustment and public hearings on appeals being heard by the Board shall be held as required by the bylaws of the Board. The concurring vote of three (3) members shall be necessary to decide in favor of any appeal or to reverse any action appealed from (RSA 674:33 III). Notice of public hearing shall be given **at least five (5) days** before the hearing date, by **certified** mail to the appellant, abutters, and all property owners within two hundred (200) feet of the boundaries and by placing notice in a newspaper of general circulation, as required by RSA 676:7, and also be provided to the Board of Selectmen, Zoning Enforcement Officer and other Town Boards and Commissions. Cost of giving notice shall be borne by the person at the time of application. The Zoning Enforcement Officer, unless prevented by good cause, shall attend all hearings and shall present to the Board of Adjustment all plans, photographs or other factual material which is appropriate to an understanding of the appeal.*

### ***Proposed Changed: 25.3 PROCEDURES***

*25.3.3. MEETINGS AND HEARINGS: Meetings of the Board of Adjustment and public hearings on appeals being heard by the Board shall be held as required by the bylaws of the Board. The concurring vote of three (3) members shall be necessary to decide in favor of any appeal or to reverse any action appealed from (RSA 674:33 III). Notice of public hearing shall be given **at least not less than five (5) days** before the hearing date, by **(strike) certified (replace with verified) mail, as defined in RSA 451-C:1, VII** to the appellant, abutters, and all property owners within two hundred (200) feet **radius** of the boundaries and by placing notice in a newspaper of general circulation, as required by **RSA 676:7 (b)**, and also be provided to the Board of Selectmen, Zoning Enforcement Officer and other Town Boards and Commissions. Cost of giving notice shall be borne by the person at the time of application. The Zoning Enforcement Officer, unless prevented by good cause, shall attend all hearings and shall present to the Board of Adjustment all plans, photographs or other factual material which is appropriate to an understanding of the appeal.*

**Current Ordinance - 25.3.5. NOTICE OF DECISION:**

**25.3.5. NOTICE OF DECISION:** The Board shall issue a final written decision with all reasons and conditions set forth for the record on each appeal heard. If the appeal is not approved, the decision shall state the reasons for disapproval (RSA 676:3 I). *The decision shall be placed on file with the Town Clerk and made available for public inspection within seventy-two (72) hours after it is made (RSA 676:3 II).* In addition, a copy of the decision shall be given to the appellant, Board of Selectmen, Zoning Enforcement Officer, and other Town Boards and Commissions and shall be published in local newspaper.

**Proposed Change - 25.3.5. NOTICE OF DECISION:**

**25.3.5. NOTICE OF DECISION:** The Board shall issue a final written decision with all reasons and conditions set forth for the record on each appeal heard. If the appeal is not approved, the decision shall state the reasons for disapproval (RSA 676:3 I). *The decision shall be placed on file with the Board's Office and shall be made available for public inspection within 5 business days of such vote. (RSA 676:3 II).* In addition, a copy of the decision shall be given to the appellant, Board of Selectmen, Zoning Enforcement Officer, and other Town Boards and Commissions and shall be published in local newspaper.

**Current Ordinance - 25.3.6. REHEARINGS:** Within *twenty (20) days* after any order or decision of the Board of Adjustment, any party to the action or any person directly affected may apply for a rehearing, as provided in RSA 677:2.

a) MOTION FOR REHEARING: *A motion for rehearing shall set forth fully every ground upon which it is claimed that the decision complained of is unlawful or unreasonable. The Board of Adjustment shall within ten (10) days after a motion for rehearing is filed, either grant or deny the motion or suspend the order or decision complained of pending further consideration (RSA 677:3 II). The Boards decision to grant or deny a rehearing may be made at a regular or special meeting.*

**Proposed Change - 25.3.6. REHEARINGS:** Within *thirty (30) days* after any order or decision of the Board of Adjustment, any party to the action or any person directly affected may apply for a rehearing, as provided in RSA 677:2.

a) MOTION FOR REHEARING: *A motion for rehearing shall set forth fully every ground upon which it is claimed that the decision complained of is unlawful or unreasonable. The Board of Adjustment shall within thirty (30) days after a motion for rehearing is filed, either grant or deny the motion or suspend the order or decision complained of pending further consideration (RSA 677:3 II). The Boards decision to grant or deny a rehearing may be made at a regular or special meeting.*

**Current Ordinance - 26.1 APPLICATION PROCEDURE**

26.1.1. The applicant shall submit to the Zoning Board of Adjustment the completed application and *three (3) copies of plans* for the proposed development or change in use of the site and other pertinent information that is necessary to determine that the proposed use meets the requirements and spirit and intent of this Ordinance.

**Proposed Change - 26.1 APPLICATION PROCEDURE**

26.1.1. The applicant shall submit to the Zoning Board of Adjustment the completed application and *five (5) full size copies of plans* for the proposed development or change in use of the site and other pertinent information that is necessary to determine that the proposed use meets the requirements and spirit and intent of this Ordinance.

A **Motion** by Billings to accept the revisions to Zoning Ordinances 25.3, 25.3.5, 25.3.6, and 26.1. Otterbach seconded. Discussion, Otterbach asked if when changes are made, does the secretary received a copy of the changes. She replied no and Ed Comeau agreed and explained his process for updating the zoning ordinances in his town. No further discussion. All others voted in favor by a show of hands. Billings abstained. **Motion passed.**

**Suggested Add In's – Terms and definitions to be worked out.**

**34.2 COMMERCIAL USES (See also Article XXXV, Section 35.2)**

r. Lawn Care/Landscaping Business

- s. Sports & Recreation Facility
- t. Spectator versus Participant Activities

### 34.3 INSTITUTIONAL USES (See also Article XXXV, Section 35.3)

- h. Transitional Housing – short term, temporary housing for Ossipee resident’s qualified and referred by the Welfare Director...
- i. Addiction Recovery Center – State licensed and Federally Regulated facility for the treatment of addiction...
- j. Addiction Recovery Housing – Stage three (3) addiction housing...

Billings asked McConarty if he had definitions for the following suggested ordinances. McConarty commented this is the first time seeing these suggestions. The secretary explained, based on some of the cases that have come before the Board this year, she thought the Board may want to add these items to the definitions and to Table I.

Discussion ensued over who is responsible for creating the definitions for the zoning ordinances. Several members of the Board noted, the Board as a whole will create the verbage and vote to accept each new definition for the Zoning Ordinances.

Suggestions were made to contact the NHMA and other Towns to see what definitions they may have. Barron asked if there is an ordinance for proper storage of chemicals painters use. Billing requested the Board members to think of any other zoning ordinances they would to see changed.

Billings requested the secretary to ask the ZBA at their next meeting if there are any changes to the zoning ordinance, they would recommend. Specifically, creating a special zone district or relaxing the setback requirements on properties around the lake.

- **Revision to Order of Business:**

The secretary will make the suggested revisions for the next meeting. Changes to be made are relocate (h) and (i) after (e), Old Business change to Unfinished Business, move Unfinished Business to before New Business and add “Amended to include information about PB and date approved...”

**Notices:** None presented.

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

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

Adjournment:

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

Meeting adjourned at 8:27 pm.

Next Meeting/Public Hearing: [October 16, 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 <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	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 letter from the 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 remaining conditions #2: Official letter from the Water & Sewer dept. <b>Received 09/18/2018.</b>
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 remaining conditions #4: Lighting Plan on Design Plan dated 07/16/2018 on aerial plan and interior plan dated 06/16/2018. <b>Received 09/18/2018.</b>
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.