

**OSSIPEE PLANNING BOARD  
MEETING MINUTES  
October 16, 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 10/02/2018, ensued.

A **Motion** by Barron to approve Planning Board minutes of October 2, 2018. Legendre seconded. No further discussion. All others voted in favor by a show of hands. Billings abstained. **Motion passed.**

**Financial:**

- Budget Report for 09/01/2018 – 09/30/2018 was reviewed. Eldridge inquired if the Board is making any changes to this year's budget. Billings noted the Board voted at the previous meeting to increase the postage from \$1,500.00 to \$1,700.00.

<b>2019 BUDGET WORKSHEET- PLANNING BOARD</b>			to 8/31/2018	
		2018 Adopted	2018 YTD	2019
Account	Description	Budget	Transactions	Dept. Request
01.41911.190.00	PLAN BD - SEC	\$15,000.00	\$10,026.90	\$15,000.00
01.41911.210.00	PLAN BD - HEALTH INS	\$7,453.00	\$4,968.67	\$7,453.00
01.41911.214.00	PLAN BD - STD INS	\$0.00	\$0.00	\$60.20
01.41911.215.00	PLAN BD - LIFE INS	\$26.00	\$17.33	\$26.00
01.41911.220.00	PLAN BD - FICA	\$930.00	\$589.72	\$930.00
01.41911.225.00	PLAN BD - MEDICARE	\$218.00	\$137.93	\$218.00
01.41911.230.00	PLAN BD - RETIREMENT	\$1,707.00	\$1,158.02	\$1,707.00
01.41911.341.00	PLAN BD - TELEPHONE	\$550.00	\$0.00	\$550.00
01.41911.553.00	PLAN BD - ADVERTISING	\$2,000.00	\$1,189.50	\$2,000.00
01.41911.620.00	PLAN BD - OFFICE SUPPLIES	\$500.00	\$269.91	\$500.00
01.41911.625.00	PLAN BD - POSTAGE	\$1,500.00	\$1,022.14	\$1,700.00
01.41911.661.00	PLAN BD - MILEAGE	\$250.00	\$124.15	\$250.00
01.41911.810.00	PLAN BD - EDUCATION	\$500.00	\$55.00	\$500.00
01.41911.814.00	PLAN BD - PROFESSIONAL FEES	\$5,000.00	\$0.00	\$5,000.00
01.41911.840.00	PLAN BD - COMPUTER & SOFTWARE	\$0.00	\$0.00	\$0.00
		\$35,634.00	\$19,559.27	\$35,894.20

Billings noted the Planning Board is scheduled for this year's Budget Hearings on -

**Monday, October 29, 2018** - 2019 Budget Review with Board of Selectmen at 4:30 PM

**Wednesday, November 7, 2018** – 2019 Budget Review with Budget Committee at 6:30 PM

### **Informal Discussion:**

- McConarty informed the Board that Chris Sirious is not moving into Big Moose but wants to move into the old Hodsdon Farm. He wants to have an apartment upstairs. It will need a kitchen. After a brief discussion, the Board had no issues or concerns with these plans.

- **Berry/Evans Bros. Pit:** Jim Rines from White Mtn. Survey & Engineering, Inc. was present to inform the Board that he is working with Ernest Berry and the Evans Brothers to bring the pit back into compliance with Earth Excavation & Reclamation Regulations. He anticipates getting the property surveyed in the coming week and filing the application in time for possibly the December meeting. Rines acknowledged and apologized for the permit being expired and the pit having exceeded the maximum 5 acres but is trying to avoid a cease & desist.

The Board discussed if the asphalt would be ground and mixed to be reclaimed, Mr. Evans confirmed it would.

A **Motion** by Barron to extend the time period for reclaiming the Berry pit to less than 5 acres to bring the pit into compliance, until July 2019 and having to obtain new operations permit. Otterbach seconded. No further discussion. All others voted in favor. Eldridge abstained.

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

- See separate sheet with details. [Status quo no other changes.](#)
- **Verizon/H&R Block c/o Dave Poulin:** McConarty is to speak with the Fire Chief on obtaining the Official letter, in order to close this case.
- **Ossipee Granite Recovery:** McConarty confirmed the new fence is going in and inspected. The post for the old fence will be coming out this week. The Fire Chief is working with the engineer to design a driveway to allow fire truck access.

### **Unfinished Business:**

#### **Gravel Pits:**

1. Chickville Rd. Pit – pending conditions for GP approval.
2. Ambrose Bros. Pit – Application received hearing scheduled for 11/06/2018.
3. Morse Pit – Call and left message for Andrew Morse to schedule a time to review the file.

Barron submitted the Inspection Reports for the remaining pits.

### **New Business:**

#### **Proposed Zoning Changes**

- **Agricultural Ordinance:** to allow farm animals and a barn on a separate parcel and allow within all zoning districts. McConarty explained to the Board, he is getting requests from residents wanting farm animals, barns, and structures allowed on separate parcels without having the primary dwelling on the same lot.

Billings noted current zoning ordinance does not allow non-occupied structures on lots without a primary structure on it. Discussion included several zoning ordinances would need to be changed and restrictions for setback requirements to be met, minimum acreage allowable and restrictions to agricultural uses.

Billings instructed McConarty to write up the proposed changes and bring to the next meeting.

- The ZBA responded to a request from the Planning Board on any zoning ordinance changes for properties on the lake.

The ZBA suggest the Planning Board look into an index system similar to Wolfeboro's for properties on the lake, if wanting to change the setbacks.

Barron report from the ZBA the issue seems to be with side setbacks and the index system is a scaled system based on the amount of side footage for each property. Otterbach is obtain a copy of the index system from Wolfeboro' ordinances by the next meeting for the Board to review.

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

r. **Lawn Care/Landscaping Business** – Discussion ensued over zoning districts which may restrict certain types of business from operating. McConarty noted under Commercial Uses – 34.2, the Town could allow Lawncare business office to operate. Under Accessory Uses – 35.6 (c) the Town could allow outdoors storage of equipment as part of the business as long as it is contained within a fenced in area.

Ash Fischbein had concerns, as a business owner, of storing equipment outside exposing it to the elements and to theft. Ash inquired if the revised Zoning Ordinances were up on the website. He was informed they are.

#### **Agricultural Ordinance: continued;**

Billings changed the topic to zoning ordinance 34.4 (e) Stables or Riding Schools as a potential problem when revising 34.4 (a) Agricultural Uses within the different districts and the need for a Special Exception. McConarty acknowledged he would look into it.

Discussion turned to Article 35.6 (d) 1. And questions were raised as to why someone could have a barn or stable is they had horses. Billings explained according to current zoning, the difference between having an accessory structure on a separate parcel verses having an accessory structure on the primary parcel which contains a residence with water and septic. Legendre noted according to state regulations an owner needs ¼ acre per farm animal. Concerns were noted that a lot of residents have multiple acres for farm animals but are restricted from having them because of the zoning district they live in.

A question was raised on revising 34.4 (a) Agricultural Uses within the village and residential districts, which is currently restricted. Discussion concerning residents who have or exceed the minimum required 5 acres. Or residents, who want to put a Garage on a separate parcel, need to be considered with this change.

Since several ordinances are affected by this potential change, McConarty stated again he would take into consideration all districts, restrictions and ordinances. He will write up a proposed change, present it to the Board of Selectmen and bring the changes to the next meeting.

**Lawn Care/Landscaping Business** – The Board returned discussion to consider allowing lawn care/ landscaping business in all districts. Nash redirected the Board to page 80 in the zoning ordinances book, under 34.2 Commercial Uses, currently does not have an item for lawn care/ landscaping business, along with a description under article 35.6 on page 83 of the zoning book. If the Board wants to consider adding lawn care/ landscaping business a description will need to be added and deciding on which districts to allow.

A contentious discussion ensued over defining lawn care/ landscaping business, and potential pest control, chemicals and fertilizers used and whose duty it is to monitor these businesses.

Ash Fischbein noted 1. Within the zoning ordinances, it states these are examples and that the Zoning Enforcement Officer is the enforcer of the ordinances. 2. Questioned what the concern is if hardware stores are allowed to carry fertilizer. Discussion again turned to creating a basic description for lawn care/ landscaping business.

A **Motion** by St. Jean for Otterbach to look at other municipalities for description of lawn care/ landscaping business. Legendre seconded. No discussion. Barron, Eldridge, Legendre and St. Jean voted in favor by a show of hands. Billings and Otterbach abstained.

s. **Sports & Recreation Facility** - was not addressed by the Board due to time constraints.

t. **Spectator verses Participant Activities** - was not addressed by the Board due to time constraints.

### 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... - was not addressed by the Board due to time constraints.

i. **Addiction Recovery Center** – State licensed and Federally Regulated facility for the treatment of addiction... - was not addressed by the Board due to time constraints.

j. **Addiction Recovery Housing** – Stage three (3) addiction housing... - was not addressed by the Board due to time constraints. - was not addressed by the Board due to time constraints.

- **Revision to Order of Business: Draft II**

Billings noted on page 2, g. Hearings: 1. "Informal Discussion" is not part of the hearing process and instructed to remove. The secretary will make the suggested revisions. The secretary read through the previous changes requested.

A **Motion** by Billings to adopt the Order of Business as amended. Barron seconded. No discussion. All others voted in favor by a show of hands. Billings abstained. **Motion passed.**

- **Revision to Subdivision & BLA application:**

The secretary reported revisions were made to the application on page 4 to include signature lines for the second property owners.

A **Motion** by Billings to adopt the revisions made to the Subdivision & BLA application as amended. Barron seconded. No discussion. All others voted in favor by a show of hands. Billings abstained. **Motion passed.**

#### **Notices: ZBA Hearing:**

Case #18-3-SE: Edmund & Rachel Harrigan c/o owners of Snug Harbor, LLC of 80 Weetamoe Rd. Unit 017. Tax Map: 066 Lot: 031 Sub: 017 was GRANTED a Special Exception from Article 23.2.3 Expansion of a Non-conforming Structure under Article 26.2 requirements and Article 23.3.2 making a Non-Conforming Structure More Non-Conforming.

Case #18-4-V: Ossipee Mountain Grille, LLC. Owner – Tony Ouellette of 1625 Route 16. Tax Map: 053 Lot: 005 was GRANTED a Variance for relief from front setback zoning ordinance Article 6.4.1 and must comply with all Federal, State and Local Regulations.

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

- Ash Fischbein reported the Economic Development Council was discussing zoning ordinance changes and inquired about the deadline for filing and changes. The secretary reported the following NHMA dates:

##### **Monday, November 12, 2018**

First day to accept petitions to amend zoning ordinance, historic district ordinance or building code for consideration at the 2019 town meeting. [RSA 675:4-120 days prior to town meeting]

##### **Wednesday, December 12, 2018**

Last day to accept petitions to amend zoning ordinance, historic district ordinance or building code for consideration at the 2019 town meeting. [RSA 675:4- 90 days before town meeting]

Discussion with Ash as to whether they're revisions or new and if there to come before the Planning Board or by petition. Ash preferred bringing it before the Board and getting their approval verses submitting it via petition. But the EDC is just beginning talks.

- Barron noted all gravel pits have been inspected and passed except for the ones coming before this Board.

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

Meeting adjourned at 8:30 pm.

Next Meeting/Public Hearing: [November 6, 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	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.