

**OSSIPEE PLANNING BOARD
MEETING MINUTES
December 4, 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: – Conduct (Connie) Billings – Chairman, Roy Barron-Vice Chair, Martha B. Eldridge -Selectmen’s Rep., Dennis Legendre, and Rick St. Jean, and Steve McConarty, (ZEO).

Absent: Tim Otterbach and Peter Zavas

Public Input: None was heard.

New Business:

Public Hearing

- **Case #18-3-BLA:** Paul & Pamela McCarthy and Ralph & Nan S. Gregorio of 18 & 16 Mt. Shaw Rd. Tax Map: 110 Lot: 025 & 026 are requesting a Boundary Line Adjustment and (4) Waivers of 8.01.O, 8.01.Q, 8.01.N and 8.01.L.

Ted Wright of Norway Plains & Associates explained when the McCarthy’s built their garage, during the final inspection the setback requirements came into discussion. The property subsequently was surveyed and the garage was determined to be over the boundary lines. With the both parties agreed upon boundary line adjustment, the garage will be on the McCarthy’s own property and the setback requirements will be met. The Board acknowledged the letter received from the Rainbow Ridge Association, and was admitted into the case file.

The Board proceeded to review and vote on the requested waivers.

Billings read SUBD/BLA Section 8.01.O.

A **Motion** by Barron to approve a request from Waiver 8.01.O – Soil Survey for soil typing, St. Jean seconded. No discussion. All others voted in favor by a show of hands. No oppositions. Billings abstained. **Motion passed 4-0-1.**

Billings read SUBD/BLA Section 8.01.Q.

A **Motion** by Billings to approve a request from Waiver 8.01.Q – Percolation testing, Barron seconded. No discussion. All others voted in favor by a show of hands. No oppositions. Billings abstained. **Motion passed 4-0-1.**

Billings read SUBD/BLA Section 8.01.N.

A **Motion** by Billings to approve a request from Waiver 8.01.N – Contour lines for slope of land. Barron seconded. No discussion. All others voted in favor by a show of hands. No oppositions. Billings abstained. **Motion passed 4-0-1.**

Billings read SUBD/BLA Section 8.01.L.

A **Motion** by Billings to approve a request from Waiver 8.01.L – Location of Wetlands. St. Jean seconded. No discussion. All others voted in favor by a show of hands. No oppositions. Billings abstained. **Motion passed 4-0-1.**

A **Motion** by Barron to Conditionally Approve **Case #18-3-BLA**: Paul & Pamela McCarthy and Ralph & Nan S. Gregorio of 18 & 16 Mt. Shaw Rd. Tax Map: 110 Lot: 025 & 026 for a Boundary Line Adjustment, pending the following conditions:

1. Placement of boundary pins
2. Submission of the Mylar plot plan for Planning Board final approval and signatures.
3. All Federal, State, and Local Regulations shall be abided.

Point of Order by Jim Rines requesting public input. Billings acknowledged and called for public input. No public input came forth.

St. Jean seconded. No further discussion. All others voted in favor by a show of hands. No oppositions. Billings abstained. **Motion passed 4-0-1.**

Meeting Minutes: Review to approve Minutes of 11/06/2018 and 11/20/2018.

A **Motion** by Billings to approve Planning Board minutes of November 06, 2018 as submitted. St. Jean seconded. No further discussion. All others voted in favor by a show of hands. No oppositions. Legendre abstained. **Motion passed 4-0-1.**

A **Motion** by Billings to approve Planning Board minutes of the Informal Discussion of November 20, 2018 as submitted. Barron seconded. No further discussion. All others voted in favor by a show of hands. No oppositions. Legendre abstained. **Motion passed 4-0-1.**

Financial:

Budget Report: 10/01/2018 – 10/31/2018 & 11/01/2018 – 11/30/2018 was reviewed by the Board. Questions and concerns were addressed.

Informal Discussion:

- Matt of Melvin Marina requested an informal discussion about bringing a housing development to the area. When called upon, it was noted he was not present.
- Jim Rines of White Mtn. Survey & Engineering, Inc. provided a brief update on the preliminary plans to build a 44 residential condominium units on 29 acres located at 760 Route 16. Tax Map: 250 Lot: 005 for 760 Route 16, LLC. The layout will contain 22 – 2 unit duplex'.

Rines provided preliminary plans showing the layout, the soil summary, soil density and calculations. The units will be affordable home ownership with low cost mortgages. Each unit will be 1,100 square feet, 2 – story, 2 – bedroom, 1.5 bathrooms, with 1- attached garage and parking for 1 additional vehicle. Each unit will have their own septic tank. There will be 22 effluent disposals and 11 wells.

There is an existing NHDOT approved pair of driveways. The driveways will remain in the same location and geometry but will bifurcate the northerly driveway from commercial uses. They will be built in accordance with Town of Ossipee's road standards and BOCA standards. An Alteration of Terrain permit is needed for the 300 – 400 sq. ft. ground surface disturbance.

There would be monthly or annual association fees to maintain the infrastructure. The units will not be offered as Section – 8 housing. The units will be approximately 400 ft. from the Frenchman Brook to the rear of the lot and approximately 100 ft. on the north side of the lot.

Unsatisfied Conditions: (continued from previous PB Mtgs):

- See separate sheet with details.
- Ossipee Granite Recovery – Billings acknowledged receipt of NHDOT Drive Permit. The fence has been removed and replaced with a new stockade fence.

A **Motion** by Billings to remove Condition #3 – Driveway from the list of unsatisfied conditions for Ossipee Granite Recovery. Barron seconded. No further discussion. All others voted in favor by a show of hands. No oppositions. Billings abstained. **Motion passed 4-0-1.**

- Valley Point – Jim Rines noted according to Hank Letarte, NHDOT consultants have completed their traffic consult. Hank was also approached by someone interested in acquiring a 40 ft. X 80 ft. piece of the property, as a means of altering the intersection. But, NHDOT is thinking of aligning Route 41 and Covered Bridge Rd. A representative will be meeting with Rines and Lucy tomorrow to go over the proposed plans.

Unfinished Business:

- Gravel Pits:
 - Ambrose Bros. Pit – spoke with Robert Ambrose last week. He will come to either the December 6th or 18th meeting to answer questions from the Board on the gravel pit.
 - Chickville Rd. Pit – The acknowledged receipt of court documents naming Brad Leighton as trustee of the gravel pit.
 - Berry/Evans Bros. Pit – Jim Rines of White Mtn. Survey & Engineering, Inc. provided a brief update and informed the Board, that due to the early snow fall, they are unable to evaluate and survey the pit for the application, which may delay meeting the July 1, 2019 deadline, previously agreed upon. But will keep the Board posted of any delays.
 - Morse Pit – Andrew Morse came in and reviewed the file on 11/13/2018. He has requested a copy of the reclamation plans, which the secretary received today.

Proposed Zoning Changes:

Proposed Change #1:

- **34.4 Open Space Uses (see also Article XXXV, Section 35.4)**
 - **Agricultural Uses:**
 - **34.4 (a)** To allow farm animals (livestock) in Village & Residential districts
 - **35.4 (a), (1), (2), & (3)** description changes.
- **Article XXXIII – Definitions**
 - **Lot:** (5) To allow a non-primary structure for livestock shelter on an empty lot. (submitted via by S. McConarty per the request from several resident's)

Chairman Billings called on McConarty to explain the requested changes. McConarty noted the Town already allows farm animals in all districts (34.6 (d)). But he's requesting a change to allow non- primary structures on an empty lot, like a barn or shelter for the livestock.

Discussion ensued over the possibility of a barn being built and then someone attempting to live in it. Question was raised if there is a State law or a Town Ordinance restricting a non-primary residential structure allowed on an empty lot.

Billings and Barron suggested McConarty write up the zoning changes referencing Article, Sections and RSA's as applicable and have it ready for the next meeting on December 18th, 2018.

Proposed Change #2:

Lake Front properties: review possible sliding scale for setback requirements:

Changes/Additions are in **Blue** and Striking from the ordinance is in **Red**.

- **Article VI – Zoning District Regulations**

- **6.4 Setbacks**

- **6.4.2 Side and Rear Setback Areas:**

- Lake Front properties: review possible sliding scale for setback requirements on small limited lots.

Shorefront Residential District

Setback requirements; building height; lot coverage.

A. Setback requirements.

(1) Front yard (street): **(30 feet)** **(change to current ZO of 25 feet.)**

(2) Side yard; straight line shore frontage:

- (a) Less than 75 feet: 10 feet.
- (b) Seventy-five to 99 feet: 15 feet.
- (c) One hundred to 149 feet: 20 feet.
- (d) One hundred fifty feet: 25 feet.

(3) Rear yard: 25 feet.

(4) Shoreline: 50 feet (State of NH Shoreland Protection Regulated).

Strike - B

B. **Maximum height permitted: 30 feet (CHANGE to existing ordinance of - 35 feet), for structures with roofs with a pitch STRIKE = of less than 10/12, and 35 feet if 10/12 or greater. However, the height restrictions shall not apply to appurtenant structures, such as church spires, belfries, cupolas, domes, chimneys, flagpoles, antennas or similar structures; provided, however, that no such structure shall exceed a maximum footprint of 144 square feet.**

C. No building shall be closer than **(20)** **change to current ZO of 25 feet** to any other building on the same lot, except for private garages.

D. Percent coverage: **(30%)** **(Change to existing ordinance of 25%).**

Discussion ensued over the purpose of the changes and potential conflicts, which may ensue. Barron and McConarty are to bring discussion back to the ZBA for clarification.

Proposed Change #3:

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

The Board reviewed the definitions submitted by Otterbach via email prior to the meeting for discussion.

The Board discussed changing the title to “Property Maintenance Services” instead of Lawn Care/Landscaping. McConarty questioned who wrote this description because he recently issued a denial letter for a project, which had the same wording. No discussion or comments given.

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

- r. **STRIKE - (LANDSCAPING/LAWN CARE BUSINESS)** **(CHANGE TO – Property Maintenance Services): -**

The Board preferred the title change and proceeded to review the definition which will be under, **Article XXXV, Section 35.2. Commercial Uses;**

ADD to DEFINITIONS -DRAFT

(CHANGE TO – Property Maintenance Services): A commercial business which provides landscaping, lawn and yard care, and (add – property maintenance services). ~~STRIKE: Business facility may include office space, storage of vehicles, trailers, equipment and materials necessary to perform landscaping, lawn and yard care services. Minor repairs and maintenance of equipment are anticipated and are permissible at the location where the equipment is stored.~~

After discussion, the Board was in agreement with keeping the first sentence but striking landscaping, adding property to maintenance services and striking the remaining description.

Proposed Change #4:

The Board reviewed the definitions submitted by Otterbach via email prior to the meeting for discussion and the definitions submitted by the secretary at the previous meeting for:

- **34.2 COMMERCIAL USES (See also Article XXXV, Section 35.2)**
 - s. SPORTS AND RECREATION FACILITY –

Article XXXV, Section 35.2. Commercial Uses;

DEFINITION:

SPORTS AND RECREATION FACILITY: A facility, (building), where sports events and recreation activities are held or occur. As an accessory the building structures, facilities may include: sports fields and courts, batting cages, miniature golf courses, ski area - downhill and cross country, cart tracks, swimming pools, climbing walls, zip lines, BMX tracks, driving ranges, skate parks, ice rinks, running tracks, among others. The facility may also provide accessory structures necessary to meet the needs of various sports and recreation activities.

Amusement Center/Arcade: An establishment offering five or more amusement devices, including, but not limited to coin-operated electronic games, shooting gallery, table games and similar recreational diversions ~~within an enclosed building. (The Board previously agreed to STRIKE = Arcade & within an enclosed building.)~~

AMUSEMENT AND RECREATIONAL SERVICES. Establishment engaged in providing amusement or entertainment for a fee or admission charge and include such activities as cinemas; theaters; bands; orchestras and other musical entertainment; bowling alleys and billiard and pool establishments; and video game parlors.

ASSOCIATED RECREATIONAL ACTIVITIES. Recreational use which is associated in a subordinate/incidental relationship, with the high density residential development (greater than four-plex residential use).

ATHLETIC/FITNESS FACILITY. Any recreational facility whose primary purpose is for the active participation of all members in athletic/fitness programs and activities.

The Board discussed several options and verbage. St. Jean is research other towns ordinances and verbage for the next meeting on December 18th, 2018.

Proposed Change #5:

The Board briefly review the descriptions previously provided, and questioned if the Welfare Director has been included in the discussions. The Board briefly discussed how the State of NH is pushing for all addiction recovery centers, transitional housing, and halfway houses to be licensed facilities’.

The Board will render no decision of adding an ordinance at this time since they believe it is governed by State of NH Regulations and Laws.

• **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...

Notices: Chairman Billings read and acknowledged the following notices,

NHDHR: Notification - Julie Smith of 46 Channel Rd. application for a perched beach. Representing agent: Dale McConkey.

Upcoming Deadlines for Traditional March 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]

Thursday, January 10, 2019

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 1/21/19.

Any Other Business Which May Come Before This Meeting:

No other business came before the Board.

Adjournment: A **Motion** by Barron to adjourn. Eldridge seconded. No further discussion. All others voted in favor by a show of hands. No oppositions. Billings abstained. **Motion passed.**

Meeting adjourned at 20:45 pm.

Next Meeting/Public Hearing: **December 18, 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	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 department
PB	07/17/2018	Ossipee Granite Recovery Ctr	SPR granted Pending remaining conditions #3: NHDOT Driveway permit approval – Received 11/16/2018
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 #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 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.
PB	09/18/2018	Brad Leighton – Chickville GP	Legal documentation to support which owner put forth the reclamation fees, Coyne or Leighton. Received
PB	09/18/2018	Brad Leighton – Chickville GP	Legal opinion from the Town of Ossipee's, Attorney Sager on the disbursement of Mr. Coyne's money. Pending