

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

Absent: Peter Zavas and Rick St. Jean

Public Input: Unrelated to any case being presented. None presented.

Meeting Minutes: Review to approve Meeting Minutes of 12/04/2018.

A **Motion** by Barron to approve the minutes of December 4, 2018 as submitted. Legendre seconded. No discussion. All others voted in favor. **Motion passed 4-0-1.** Abstained: Otterbach

Informal Discussion: Matt Young of Melvin Village Marina presented for an informal discussion about adding a 200 ft. X 70 ft., 4 tier storage building on the left side of the property. In order to maintain their NHDES approval for impervious surface; loam will be brought in and landscaping will be done around the property.

The Board discussed lot coverage within the corridor zoning district, grandfathered space, and space which is not grandfathered. Matt discussed possibly creating a drainage basin for water run-off under the building since its open construction for storing boats. This would aide in maintaining impervious surface coverage.

After discussion, the Board informed Matt Young, they’re in favor of the idea but he will need the Fire Chief’s approval for 360 degree access around the building.

Unsatisfied Conditions: (continued from previous PB Mtgs):

- See separate sheet with details.
- Ossipee Granite Recovery – receipt of revised plot plans, Water & Sewer letter, Initial Fire Chief’s letter. The Board reviewed the revised plans.

A **Motion** by Billings to remove conditions #2, #4, #5, and #6 from the list of unsatisfied conditions for Ossipee Granit Recovery. Barron seconded. No further discussion. All others voted in favor. **Abstained:** Billings **Motion passed 4-0-1.**

Unfinished Business:

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:

- Placement of boundary pins - Placed
- Submission of the Mylar plot plan for Planning Board final approval and signatures. – Received 12/13/2018

The Board reviewed the final plans and noted the pins have been placed.

A **Motion** by Billings to grant final approval for **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 with conditions met. Legendre seconded. No further discussion. All others voted in favor. **Abstained:** Billings **Motion passed 4-0-1.**

Gravel Pits:

- Browns Ridge Road Gravel Pit – status update submitted
- Ambrose Bros. Pit –Robert Ambrose was present and answered questions from the Board on the gravel pit and if he has re-applied to NHDES for Alteration of Terrain permit on the gravel pit. Mr. Ambrose was provided assistance completing the Earth Excavation & Reclamation application. After discussion, Mr. Ambrose was instructed to re-apply for an Alteration of Terrain permit with the state. Once he receives AoT approval, he is to contact the Planning Board to be rescheduled for the Earth Excavation & Reclamation hearing.
- Chickville Rd. Pit – pending conditions for GP approval
- Berry/Evans Bros. Pit – pending submission of application from White Mtn. Survey
- Morse Pit – Andrew Morse copy of plot plan mailed on 12/14/2018.

New Business:

Public Hearing

Case #18-3-SUBD: Mountain Grainery, LLC c/o Ted Wright of Norway Plains for 755 Route 16. Tax Map: 130 Lot: 009 is requesting a Subdivision to create a new lot in order to separate the existing businesses currently located on the one parcel. Ted Wright presented the proposed plan is to subdivide the lot for the two businesses and reconfigure the driveway.

Billings noted since they are reconfiguring the driveway, an updated driveway permit is required by NHDOT. Billings cited and read from the Subdivision Regulations the following:

10.07 Rights-of-Way (page 27)

“Rights-of-way shall be kept clear of any buildings, parking lots, or similar obstructions. A right-of-way shall not be used as a method to connect two (2) non adjacent lots to make a single lot nor shall a right-of-way be considered as part of a lot when determining minimum lot size.”

Right-Of-Way: Definition (page 9)

“Shall mean a strip of land used for or intended to be used for a street, road, or for other special use including public use. The usage of the term "right-of-way" for land planning purposes in these Regulations shall mean that every right-of-way hereafter established and shown on a recorded plan is to be separate and distinct from the lots and parcels adjoining such right-of-way and not to be included within the dimensions or areas of such other lots or parcels.”

Discussion ensued over allowing a right of way easement verses splitting the driveway in two for each business. Billings noted according to the Driveway permit dated 03/04/2013, provided with the application, in part states under “Specifications: This permit authorizes a paved access to be used as a Mountain Grainery & Hardware Store drive. Any change in use, increase in use or reconstruction of the driveway requires reapplication.”

Billings questioned the sewage disposal system flow rate of 4000 GPD but only 1600 GPD for phase I. Billings was informed this was approved during the Site Plan Review and was entered into the subdivision

application only for the purpose of showing they have approval. Ash Fischbein explained the process and the state will monitor the flow rate.

A **Motion** by Billings to Conditional Approve a Subdivision for **Case #18-3-SUBD**: Mountain Grainery, LLC c/o Ted Wright of Norway Plains for 755 Route 16. Tax Map: 130 Lot: 009 with the following conditions:

1. Update driveway permit with the State NHDOT
2. Revise plan with corrected driveway configuration & Mylar
3. Lot be pinned
4. All Federal, State and Local Regulations are followed.

Otterbach seconded. No further discussion. All others voted in favor. **Abstained:** Billings **Motion passed 4-0-1.**

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.

McConarty explained, this article revision has been drafted for a petition and was submitted to the Town Clerk on Tuesday, December 12, 2018. It will come before the Planning Board for recommendation for the next meeting.

- **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)

McConarty explained, this article revision has been drafted for a petition and was submitted to the Town Clerk on Tuesday, December 12, 2018. It will come before the Planning Board for recommendation for the next meeting.

Proposed Change #3:

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

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

A **Motion** by Billings to add into the Table of Uses under **34.2 COMMERCIAL USES (See also Article XXXV, Section 35.2)**

- r. **Property Maintenance Services**

Barron seconded. No further discussion. All others voted in favor. **Abstained:** Billings **Motion passed 4-0-1.**

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.~~

A Motion by Billings to add to **Article XXXV, Section 35.2. Commercial Uses; DEFINITIONS - Property Maintenance Services**: A commercial business which provides lawn and yard care, and property maintenance services. Eldridge seconded. No further discussion. All others voted in favor. **Abstained: Billings Motion passed 4-0-1.**

Proposed Change #4:

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

s. SPORTS AND RECREATION FACILITY –

A Motion by Billings to add into the Table of Uses under **34.2 COMMERCIAL USES (See also Article XXXV, Section 35.2)**

s. SPORTS AND RECREATION FACILITY

Barron seconded. No further discussion. All others voted in favor. **Abstained: Billings Motion passed 4-0-1.**

Billings read the proposed definition as follows:

Article XXXV, Section 35.2. Commercial Uses;

DEFINITION:

AMUSEMENT AND RECREATIONAL SERVICES. An indoor and/or outdoor 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 entertainments, batting cages, mini-golf, go-carts, driving range, bowling alleys, billiard and pool establishments; and pinball and video game parlors including, but not limited to similar recreational diversions. (within an enclosed building.) (The Board previously agreed to STRIKE = Arcade & within an enclosed building.) The facility may also provide accessory structures necessary to meet the needs of various sports and recreation activities.

Discussion ensued with concerns of multiple current zoning ordinances which would need to be revised or changed in order to implement this definition and the deadline for getting the changes on the ballot. Some concerns were raised if this would conflict with the Temporary Outdoor Event Ordinance regulated by the Selectmen. McConarty will discuss with the Selectmen and bring the results back to the Planning Board.

Article XXXV, Section 35.2. Commercial Uses;

DEFINITION:

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

A Motion by Billings to add to **Article XXXV, Section 35.2. Commercial Uses; DEFINITIONS - ATHLETIC/FITNESS FACILITY.** Any recreational facility whose primary purpose is for the active participation of all members in athletic/fitness programs and activities. Otterbach seconded. No further discussion. All others voted in favor. **Abstained: Billings Motion passed 4-0-1.**

Proposed Change #2:

Shore 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%).**

Planning Board is looking for more input from the ZBA so; discussion will continue into the New Year and will not be on the 2019 ballot.

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.

A **Motion** by Billings to approve the changes in accordance with RSA changes. Legendre seconded. No further discussion. All others voted in favor. **Abstained:** Billings **Motion passed 4-0-1.**

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.

A **Motion** by Barron to approve the changes in accordance with RSA changes. Otterbach seconded. No further discussion. All others voted in favor. **Abstained:** Billings **Motion passed 4-0-1.**

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.

A **Motion** by Billings to approve the changes in accordance with RSA changes. Otterbach seconded. No further discussion. All others voted in favor. **Abstained:** Billings **Motion passed 4-0-1.**

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 approve the changes in accordance with RSA changes. Legendre seconded. No further discussion. All others voted in favor. **Abstained: Billings Motion passed 4-0-1.**

Notices: Chairman Billings read and acknowledged the following notices,

- Town of Ossipee Christmas Celebration
- NH Division of Historical Resources – Construction permit for solar panels at 20 Route 28 & Isaac Buswell Rd. **Decision:** Survey required before a determination can be made.
- **Case #18-16-V: Walter S. Jr. & Margo Levitsky** – 6 Old Broad Bay Rd. Tax Map: 034 Lot: 006 was GRANTED a Variance from Article 6.4.1.A, 6.4.2.A for Front & Side Setbacks Requirements and was GRANTED a Special Exception from Article 23.3.2 for Making a Non-Conforming Structure More Non-conforming for House Expansion & Adding an Attached Garage.
 1. Pending Wetlands Permit Approval – Septic Design
 2. All Federal, State and Local Regulations and Ordinances shall be followed

Upcoming Deadlines for Traditional March 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]

Monday, January 21, 2019

Last day to hold first public hearing on adoption or amendment of zoning ordinance, historic district ordinance or building code if a second public hearing is anticipated. [RSA 675:3 – 14 days prior to last date to hold public hearing on zoning/building/historic district ordinance amendment/adoption]

Wednesday, January 23, 2019

First day for candidates in towns with non-partisan official ballot system to file declarations of candidacy with town clerk. [RSA 669:19; 652:20 – seventh Wednesday before town meeting]

Thursday, January 24, 2019

Last day to post and publish notice of final planning board public hearing on proposed adoption or amendment to zoning ordinance, historic district ordinance or building code. [RSA 675:3; 675:7 – 10 clear days before 2/4/19]

Friday, February 1, 2019

Last day for filing declarations of candidacy with town clerk in towns with non-partisan official ballot system. Town clerk's office must be open at least from 3 to 5 p.m. [RSA 669:19; 652:20 – the Friday next following the first day for candidates to file declarations of candidacy on 1/23/19]

Friday, February 1, 2019

Last day for party caucus to nominate candidate for town office in towns using partisan system. [RSA 669:39- sixth Friday before town meeting]

Monday, February 4, 2019

Last day for planning board to hold final public hearing on adoption or amendment of zoning ordinance, historic district ordinance or building code. Planning board must also determine final form. [RSA 675:3 – one day before deadline for delivery of final zoning/building/historic ordinance ballot proposals to town clerk on 2/5/19]

Tuesday, February 5, 2019

Last day for official copy of final proposal to adopt or amend zoning ordinance, historic district ordinance or building code to be placed on file at the town clerk's office. [RSA 675:3, V-fifth Tuesday before town meeting]

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 20:28 pm.

Next Meeting/Public Hearing: [December 18, 2018 @ 7:00 pm](#)

Minutes approved by majority vote of the Board on –

Date

Conduct (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 Final Inspection letter of Approval
PB	07/17/2018	Ossipee Granite Recovery Ctr	SPR granted remaining conditions #2: Official letter from the Water & Sewer department – Received 08/13/2018
PB	07/17/2018	Ossipee Granite Recovery Ctr	SPR granted remaining conditions #3: NHDOT Driveway permit approval – Received 11/16/2018
PB	07/17/2018	Ossipee Granite Recovery Ctr	SPR granted remaining conditions #4: Removal of existing fence - Confirmed by McConarty 12/18/2018
PB	07/17/2018	Ossipee Granite Recovery Ctr	SPR granted remaining conditions #5: A new 6 ft. stockade fence shall be erected between the facility and the School property along own boundary line. Confirmed by McConarty 12/18/2018
PB	07/17/2018	Ossipee Granite Recovery Ctr	SPR granted remaining conditions #6: Revise plan to include a bus loading and unloading area and parking. Confirmed by McConarty 12/18/2018
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	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