

**OSSIPEE PLANNING BOARD  
MEETING MINUTES  
January 21, 2020**

Minutes have been recorded for the convenience of summarizing by Laura Nash, Planning Board Secretary; any amendments to the minutes are noted in ***bold & italic*** type.

REGULAR PUBLIC MEETING

**Call to Order:** Connie Billings called the meeting to order at 7:01 PM.

**Pledge of Allegiance:** was recited by all in attendance.

**PB Attendance by Roll Call:** – Connie Billings, Roy Barron, Tim Otterbach, Sharon “Sharie” Cohen, Jonathan Smith, ZEO. **Late Arrival:** Bruce Stuart

**Absent:** Peter Zavas, Sue Simpson (Select. Rep), Alternate- Krystal Eldridge

**Zoning Ordinance**

**Public Hearing on 2020 changes**

Billings opened the public hearing on the 2020 Proposed Zoning Ordinance changes.

**23.2 NON-CONFORMING USES** as read by Billings

23.2.1. DISCONTINUED USE: If a non-conforming use is discontinued for **STRIKE “one (1) year” ADD “two (2) years”** or superseded by a conforming use, it shall thereafter conform to the requirements of the zone and the non-conforming use may not be resumed.

A **Motion** by Billings to approve the proposed changes to Zoning Ordinance **23.2.1. DISCONTINUED USE** as submitted before this Board, and to present to the Town for voting. Otterbach seconded.

Billings called for any discussion from the Board. None at this time.

Billings called for any discussion from the public.

Jim Rines questioned the reason for the change. Billings stated it’s state regulated per the RSA.

David Kolas contested the incorrect date listed on the Town’s website for the public hearing and wanted the hearing rescheduled. He stated it did not allow him time to consult with his attorney on how the zoning changes would affect him and his property. Billings and Otterbach informed him several times the notice was posted per the RSA and thus it is a legal public hearing. The Secretary stated the notice was sent to the Conway Daily Sun on the 01/08/2020 to run in there edition on 01/10/2020 and was sent to the Carroll County Independent on 01/08/2020 to run in there 01/16/2020 edition. It was posted at the Town Hall and the Center Ossipee Post Office, thus meeting the 3 public locations and 10 days prior notification requirements under RSA 675:7. The Town’s website is not designated under the RSA as a location for posting. Billings reiterated the Planning Board has met the requirements under the law for posting a public hearing on the proposed zoning ordinance changes and denied his request to reschedule the public hearing.

Billings called for a vote.

No further discussion. All voted in favor by a show of hands. No oppositions. **Motion passed. 4-0**

Billings called on Barron to read the next proposed zoning ordinance change.

## ARTICLE XXXIII – DEFINITIONS as read by Barron.

STRUCTURE: Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. Structures include, but are not limited to, buildings, walls, mobile homes, fences exceeding ~~STRIKE “six (6) feet”~~ ADD “seven (7) feet” in height and billboards. It shall not include minor installations such as mailbox, flagpole and fences or walls less than ~~STRIKE “six (6) feet”~~ ADD – “seven (7) feet” high. (Amended March 11, 1997 ADD “and March 11, 2020”)

Billings stated per the State adoption of the 2015 International Building Code is the reason for the change.

A **Motion** by Billings to approve amending the proposed changes to Zoning Ordinance **ARTICLE XXXIII – DEFINITIONS: STRUCTURE:** as submitted before this Board, and to present to the Town for voting. Barron seconded.

Billings called for any discussion from the Board. None at this time.

Billings called for any discussion from the public.

Jim Rines questioned the building code allows the fence height to (7) feet instead of (6) feet for structures. Billings confirmed.

Billings called for a vote.

No further discussion. All voted in favor by a show of hands. No oppositions. **Motion passed. 4-0**

## 3.2 ZONING MAP as read by Barron.

The Zoning Districts listed above are bounded as shown on the map entitled “Ossipee Zoning Map” and the map entitled Ossipee Water Resource Protection District and the map entitled “Ossipee Wetlands Map,” which maps are located in the Ossipee Planning Office at 1 Moultonville Road (the former “Freight House” building) and made a part of this Ordinance. The first map is hereinafter referred to as the “Zoning Map”, the second map is referred to as the “Ossipee Water Resource Protection Map”, and the third map is referred to as the “Ossipee Wetlands Map.”

Regardless of the existence of other printed copies of the Zoning Map, the Water Resource Protection Map, and the Ossipee Wetlands Map, which from time to time may be made or published, the official Zoning Map which shall be located in the Town Hall shall be the final authority as to the current zoning status of the land and water areas, buildings, and other structures in the Town. ADD “Except, if a lawful use exists at the effective date of adoption or amendment to the Ordinance, that would not be allowed in the Zoning District under terms of this Ordinance, said use may be continued, so long as it remains otherwise lawful and subject to the other provisions of this Section. (Amended March 11, 2020).”

A **Motion** by Billings to approve the proposed change to Zoning Ordinance **3.2 ZONING MAP** as submitted before this Board, and to present to the Town for voting. Otterbach seconded.

Billings called for any discussion from the Board.

Billings called for any discussion from the public.

Jim Rines feels this is superfluous to an existing ordinance for non-conforming uses, which says *“23.2 NON-CONFORMING USES: If a lawful use exists at the effective date of adoption or amendment of this Ordinance, that would not be allowed in the Zone under terms of this Ordinance, said use may be continued, so long as it remains otherwise lawful and subject to the other provisions of this Section.”* Rines questioned why this is being added if it already exists in the Non-Conforming section of the ordinances.

Otterbach tried to help clarify. Smith stated it is being duplicated but believes it helps to clarify the section in the beginning with the zoning map verses having it in the back. Rines noted the issue with having it in

multiple places; if it ever changes you have to remember to make the changes in multiple sections. Rines believes it's going to create a future problem by having it in two locations within the zoning ordinance. Otterbach commented on two similar situations which were zoned a particular non-conforming use and the zoning map and parties involved were concerned because the map did not show those properties specific to be a particular use. The Board wanted to clarify that the map is the precedence for determining the use of a particular property but if the non-conforming use pre-exists prior to the adoption of the ordinance, it can remain as a non-conforming use. The Board wanted to clarify that definition in the section of the zoning map because there was reference to that section when reviewing the two projects.

Rines noted by adding this language it does not change the zoning map or the 23.2 ordinance.

Barron, Cohen and Rines suggested adding "Refer to 23.2 Non-Conforming Use" versus repeating the language.

Billing and Otterbach withdrew their previous motion. Discussion ensued over if there was enough time to post and hold a second public hearing. Since there was not enough time, Billing made a second motion.

A **Motion** by Billings to table the discussion on the proposed changes to Zoning Ordinance **ARTICLE XXXIII – DEFINITIONS: STRUCTURE**; until the 2021 Annual Town Meeting. Otterbach seconded. No further discussion. All voted in favor by a show of hands. No oppositions. **Motion passed. 4-0**

Billings called on Smith to read the next proposed zoning ordinance change.

#### **4.2 FIRE ADD "OR" RUINED BUILDINGS** as read by Smith

No owner or occupant of land in any district shall permit fire or other ruins which are uninhabitable to be left indefinitely, but within two (2) years shall remove or refill the same to clear ground level or shall repair, build or replace the structure. (Amended March 14, 2017)

Smith explained a point of clarity with the ordinance. The title currently reads **4.2 FIRE RUINED BUILDINGS**, but the description refers to "fire or other ruins." Smith is asking for "OR" to be added to the Title only to read **4.2 FIRE ADD "AND/OR" RUINED BUILDINGS**.

A **Motion** by Billings to approve amending the proposed change to Zoning Ordinance **4.2 FIRE ADD "AND/OR" RUINED BUILDINGS** as submitted before this Board, and to present to the Town for voting. Barron seconded. Billings called for any discussion. No discussion. All voted in favor by a show of hands. No oppositions. **Motion passed. 4-0**

Billings called on Smith to read the next proposed zoning ordinance change.

#### **ADD to 27.4 EXPIRATION OF APPROVAL** (Amended March 11, 2014) page 71

Per Zoning Board Handbook 2019, page 24 & 25

In 2018, the legislature amended RSA 674:33, I-a and RSA 674:33, IV to allow municipalities to amend their zoning ordinance to provide for the termination of unexercised variances and special exceptions that were granted before August 19, 2013.

**"The Planning Board must post a notice of termination in town hall for one year, stating that variances and special exceptions authorized before August 19, 2013 are scheduled to terminate, but shall be valid if exercised within 2 years of the expiration date of the notice. Variances and special exceptions subject to these automatic termination provisions may still be extended by the ZBA for good cause."**

RSA 674:33, I-a

I-a. (a) Variances authorized under paragraph I shall be valid if exercised within 2 years from the date of final approval, or as further extended by local ordinance or by the zoning board of adjustment for good

cause, provided that no such variance shall expire within 6 months after the resolution of a planning application filed in reliance upon the variance.

RSA 674:33, IV

IV. (a) A local zoning ordinance may provide that the zoning board of adjustment, in appropriate cases and subject to appropriate conditions and safeguards, make special exceptions to the terms of the ordinance. All special exceptions shall be made in harmony with the general purpose and intent of the zoning ordinance and shall be in accordance with the general or specific rules contained in the ordinance.

(b) Special exceptions authorized under this paragraph shall be valid if exercised within 2 years from the date of final approval, or as further extended by local ordinance or by the zoning board of adjustment for good cause, provided that no such special exception shall expire within 6 months after the resolution of a planning application filed in reliance upon the special exception.

***(c) The zoning ordinance may be amended to provide for the termination of all special exceptions that were authorized under this paragraph before August 19, 2013 and that have not been exercised. After adoption of such an amendment to the zoning ordinance, the planning board shall post notice of the termination in the city or town hall. The notice shall be posted for one year and shall prominently state the expiration date of the notice. The notice shall state that special exceptions authorized before August 19, 2013 are scheduled to terminate but shall be valid if exercised within 2 years of the expiration date of the notice or as further extended by the zoning board of adjustment for good cause.***

Barron stated the legislature says it “allow municipalities to amend” it does not say you must add it to the ordinance. Others disagreed. Smith noted according to NH House Bill – HB1533 we have to add this to the ordinance. Otterbach noted we are only looking to add section (c) to the current ordinance.

Billings referred to Z.O. “**27.4 - EXPIRATION OF APPROVAL (Amended March 11, 2014)**

***The expiration of an approved variance by the Zoning Board of Adjustment shall be in accordance with RSA 674:33, I-a as revised...***” Billings noted because it says, “as revised,” the Board needs to revise the ordinance in compliance with the RSA. Discussion continued over “must” adding the verbage verses “allowing” to add the verbage and whether variances and special exceptions were still valid prior to the August 19, 2013 date indicated.

A **Motion** by Billings to approve amending the proposed change to Zoning Ordinance **ADD to 27.4 EXPIRATION OF APPROVAL (Amended March 11, 2014) - RSA 674:33, IV (c)** as submitted before this Board, and to present to the Town for voting. Otterbach seconded.

Billings called for any discussion from the Board. None at this time.

Billings called for any discussion from the public.

Jim Rines questioned if paragraph (c) was going to be added into the ordinance. Billings confirmed, yes. Rines questioned why the Board would add this to the ordinance when it states, “***(c) The zoning ordinance may be amended to provide....***” why amend an ordinance that says it “may be amended” it does not make sense? The only thing the legislature allowed was giving the Town’s the authority to change the ordinance, it does not mean it has to change the ordinance. Discussion ensued over whether to add 674:33 IV (c) paragraph to the zoning ordinance.

A **Motion** by Billings to post the State Law 674:33 IV (c) in the Town Hall and not make any change to the zoning ordinance. Otterbach seconded.

Discussion: Nash suggested adding “674:33 in its entirety” to **27.4 EXPIRATION OF APPROVAL.**

Otterbach questioned how this would affect “(Amended March 11, 2014),” to which he was informed by referencing Article 674:33 in its entirety, it would subsequently include all the subsection.

Billing and Otterbach withdrew their previous motion. Billings suggested tabling the discussion until 2021.

A **Motion** by Barron to table the discussion on the proposed changes to Zoning Ordinance 27.4 **EXPIRATION OF APPROVAL** to include RSA 674:33 IV (c) until the 2021 Annual Town Meeting. Billings seconded. No further discussion. All voted in favor by a show of hands. No oppositions. **Motion passed. 4-0**

#### **4.9.2. Campsite** as read by Billings.

A campsite shall comply with the following requirements:

- c) One private campsite per parcel of land is allowed for a period no longer than thirty (30) days, consecutive, during a calendar year.

Smith explained how difficult it would be to enforce. Smith noted he's not looking to change the ordinance but wants the Board to be aware it will be difficult to enforce. The Board concurred.

Billings closed the Public Hearing for the 2020 Proposed Zoning Ordinance Changes at 7:45 PM.

### **Regularly Scheduled Meeting & Public Hearing for Cases Scheduled**

**Public Input:** Billings called for public input unrelated to any case being presented. None was heard.

#### **Informal Discussion:**

- Ron Evans inquiring to the procedure to replace the bond money for Berry Pit.  
Mr. Evans was not present.
- Brian Lord – former Lord Funeral Home new Ambulance House – no SPR on file

Brian Lord presented to the Planning Board at the request of Steve McConarty to provide any paperwork he may have of a Site Plan Review and to update the Planning Board of the changes to his building which will house the new ambulance service, Action Ambulance.

Billings and Barron both stated they would need to recuse themselves because they both have worked for Brian Lord in the past.

A **Motion** by Otterbach to postpone the discussion until the Board can form a quorum.

Billings commented its not necessary because the discussion is an informal discussion and as such is non-binding on either party.

Brian Lord informed the Board that the building in question was never a funeral home. He does have an office there that operated the former ambulance service. It was also listed somewhere as a crematorium, which it was never a crematorium. He submitted (2) plans from a Site Plan Review dated 06/19/1991, revised 03/05/1992 and shipped by White Mountain Survey Co., Inc. on 03/20/1992. The Board reviewed the plans. One was the original plan and the second plan was for a proposed crematorium, which never took place. Brian Lord gave a history of the businesses that have occupied the building from the ambulance service, a wheelchair service, operating, Lakeside Ambulance Service, Care Plus Ambulance Service, Life Star Services and now Action Ambulance is moving into the building. Structurally, the roof is getting repaired and some other building code compliance but most of the repairs are inside the building. It was noted he would have to designate some handicap parking.

Bruce Stuart arrived at 7:55PM

The Site Plan Review was adopted in 2007, so in 1991 when the original ambulance service began a formal site plan review was not required, only a submittal of a site plan plat was required. Billings noted Brian Lord fulfilled the Site Plan as required in 1992, the current Site Plan Review was not adopted until 2007 and believes he is in compliance as far as the Site Plan is required.

Billings polled the Board to determine if Brian Lord is in compliance with the Planning Board and the Site



Plan Review Regulations or if he needs to apply for an amendment.

Yes, means He is in compliance      No, means He needs to apply for an amendment.

Cohen – Yes   Otterbach – Yes   Stuart – Yes      Billings and Barron Abstained.

Billings noted Brian Lord is in compliance by a majority vote for Action Ambulance to occupy his building.

**Meeting Minutes:** Review to approve Meeting Minutes of 01/07/2020.

A **Motion** by Billings to approve the minutes of the January 7, 2020 Planning Board meeting as submitted.

A **Motion** by Barron to postpone approving the minutes until the February 4, 2020 meeting, since he got them tonight and has not had a chance to completely read them. Otterbach seconded. No further discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

### **Gravel Pits:**

- **Berry Pit:** Warranty Deed [received on 01/15/2020](#) transferring ownership from Ernest Berry to Chickville Land Holdings, LLC and Ossipee Tax Card
- **Case # 18-1-GP:** [\(Continued from 09/18/18 - January 7, 2020 meeting\)](#) 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.
  1. The owner and applicant for 2012 Foresight Realty Trust Holdings reflect each other on the application. [Received](#)
  2. Letter of Authorization from 2012 Foresight Realty Trust Holdings noticing Brad Leighton as trustee. [Received](#)
  3. Legal documentation to support which owner put forth the reclamation fees, Coyne or Leighton. [Pending](#)
  4. Letter of Authorization from 2012 Foresight Realty Trust Holdings noticing Brad Leighton as a trustee and is appointed to represent them. [Received](#)
  5. Legal opinion from the Town of Ossipee's, Attorney Sager on the disbursement of Mr. Coyne's money. [Pending](#)

Brad Leighton was not present to address the delay in completing the pending conditions. But had submitted correspondence indicating that there is no record of a bond for the pit. He also implied another pit owner has been told the Town cannot locate his bond money.

Nash requested and received a list from the Town Treasurer of all gravel pits and the reclamation amount and location of the account (i.e. savings account, cd, etc...)

Billings referred to the pending conditions concerning this pit. Billings noted pending conditions numbers 3 & 5 listed above, in which there is no proof of who the reclamation money belongs to since, Mr. Coyne passed away, and the purchase and sales agreement does not address the reclamation money. So, legally the Board cannot grant final approval for the pit to operate until its clear of who the reclamation money belongs too.

A **Motion** by Billings to continuance of **Case # 18-1-GP:** Brad Leighton c/o Jon Rokeh, Rokeh Consulting for 75 Chickville Rd. Tax map: 239 Lot: 001 request for an Earth Excavation & Reclamation Permit to re-open the 75 Chickville Rd. Gravel Pit was Conditionally approved a Site Plan Review, until a date certain of February 4, 2020 for the next Planning Board meeting. Barron seconded. No further discussion, A unanimous vote was taken. **Motion passed.**

## New Business:

### PUBLIC HEARING

• **Case #19-8-SPR:** Frank Varney of 44 Route 28. Tax Map: 126 Lot: 018 is requesting a Site Plan Review to formalize a gravel driveway (4,097 sq. ft.) and construct a 4,800 sq. ft. building to store and maintain his own vehicles and trailers. Mr. Varney will not take in outside vehicle or trailer service work and will not be open to the public. (Case Continued until 1/7/2020 PB Mtg.)

1. Waiver Request 6.04.4 (G) (3) – Scale: the scale shall be a minimum scale of 1 inch = 20 ft. Due to size of lot of the initial plan is scaled at 1 inch = 70 ft., to show the entire parcel. The second plot identified as sheet 2 is a 1 inch = 30 ft. scale to show greater detail for the area in question.

Billings noted that the Representing agent, Mark and Jake McConkey were not present. He asked Suzanne Kolias, if there has been a settlement reached between Mr. Varney and the Kolias's. Suzanne Kolias denied having any contact from Mr. Varney or from McConkey and Associates. Billings asked if she has tried to contact either Varney or McConkey. She denied.

A **Motion** by Billings to continue **Case #19-8-SPR:** Frank Varney of 44 Route 28. Tax Map: 126 Lot: 018 until a date certain of February 4, 2020 for the next Planning Board meeting. Pending both parties addressing the following concerns:

1. CTA Realty Trustee c/o Suzanne Kolias, Trustee and Frank Varney come to an agreement on the location of the right of way.
2. Survey right hand side - north boundary line of abutting property owned by Suzanne Kolias.
3. Define entrance of the right of way length and angle by a Licensed Land Surveyor.
4. To have the Town Attorney present at the next Planning Board meeting to provide legal advice on this matter.

Discussion: Suzanne Kolias questioned if the Board keeps getting no response by the next meeting; does the Board dismiss the case, how long can this keep going on. Billings stated no, the Board cannot dismiss the case. Discussion ensued over who's responsible for making contact to work out an agreement on the pending conditions. The Kolias's believe it's not their responsibility but Billings noted if the Kolias's want to ensure the survey is done to both parties approval; they need to communicate with each other. Discussion ensued.

Otterbach seconded. No further discussion, A unanimous vote was taken. **Motion passed.**

- **Case #19-9-SPR:** New Circular Wireless (AT&T) c/o SmartLink. Representing Agent is Kevin D'Auteuil for 88 Walker Hill Rd. Tax Map: 252 Lot: 023 Sub: 001 are requesting a Site Plan Review for placement of a wireless facility per Section 6409 Eligible Facilities Request to add (9) wireless antennas, (9) remote radio units, (1) walk in cabinet and (1) generator to be installed. Also proposing to add an extension of the existing structure by (15) ft. to raise the tower from 122 ft. to 137 ft. at the wireless Base Station.

Barron questioned the authority the Board has on towers since the laws have changed. Billings stated the Board cannot deny a tower installation, but the applicant has to follow the zoning ordinance and regulations when applying for installation.

Kevin D'Auteuil was here to present the plans to the Board. D'Auteuil referred to a letter from his predecessor entitled "Section 6409 Eligible Facilities Request for New Cingular Wireless PCS, LLC ("AT&T").

Billings addressed issues with the SPR application submitted. Billings noted the applicant listed is New Cingular Wireless PCS, LLC ("AT&T"), the application was unsigned, and the checklist sheet owner listed is Crown Castle. But the application owner is Kenneth and Janice Harvey. Kevin D'Auteuil explained the

property is owned by the Harvey's and have reached a lease agreement with Crown Castle for the tower. Crown Castle is responsible for the tower. Discussion ensued over the ownership.

A **Motion** by Billings to Conditionally accept the application as complete for **Case #19-9-SPR**: New Circular Wireless (AT&T) c/o SmartLink on 88 Walker Hill Rd. Tax Map: 252 Lot: 022. Pending the following the conditioning:

1. Revised application indicating the Harvey's as the applicant
2. Crown Castle Lease Agreement with Kenneth & Janice Harvey
3. Consent from Kenneth & Janice Harvey
4. Crown Castle Lease Agreement with New Cingular Wireless PCS, LLC ("AT&T")

Otterbach seconded. No further discussion, A unanimous vote was taken. **Motion passed.**

D'Auteuil presented the plans to install (9) panel antennas, (12) remote radio units, (3) DC Surge suppressors, (6) DC Cables, (6) 1-5/8in. coax cables to a 15 ft. extension on the existing wireless tower from the current base of 122 ft. They will also install (1) 6 ft. – 8in. AT&T equipment shelter and (1) KW Diesel generator on a proposed 126 in. X 64 in. concrete pad at ground level with an ice bridge connected to the tower.

The WUC and 20KW Generac generator with fuel tank underneath will be positioned outside, will operate at 72 decibels. Barron suggested adding a buffer to reduce the noise level for the neighbors. The generator is for emergency use and will be tested 1-2 per month. It was suggested of installing the proposed chain-link fence but with slats to act as a buffer.

Billings noted by increasing the height, they will need to adjust the drop line (fall zone) in the event the tower fell, per regulations 17.4 Dimensional Requirements. The extension is a monopole, so no guidewires are required. **Currently**, this tower sits approximately **50 ft.** from the tower owned by SBA Properties, LLC.

Frank Hammond (abutter) gave a history of the properties and roughly when each tower was installed.

Attorney Derick Lick for SBA Properties, LLC., had two concerns:

1. Whether or not the proposed extension of the tower meets the criteria for the Section 6409 Eligible Facilities
2. The applicant for AT&T antenna is already located on the tower, which is actually on SBA Properties, LLC, property roughly 50 ft. away. Implying the expansion is not to expand coverage, provide coverage or open up coverage in the area because they already have the coverage. Claims it in order to jump coverage from one tower to the next.

Barron would like to see the facts to support the claim it will not increase coverage. He also questioned if their tower is within the fall zone currently, and if so, who's tower was there first.

3. Should the Town allow the expansion in height by 15 ft. that will not increase coverage.
4. Suggested the Town seek legal counsel before rendering a decision.

Billings questioned how two towers within approximately 50 ft. of each other were approve, when the Zoning Ordinance 17.4 (c) (4) ***"Tower Separation. No tower facility (Class 3 or Class 4) shall be located within two thousand feet (2000 ft.) of another tower facility (Class 3 or Class 4)."***

Russ Putnam of SBA Properties, LLC., stated the SBA tower was first and is an old New England Telephone & Telegraph tower. It's an old microwave style tower was installed roughly around 1972.

Discussion ensued over how and when the second tower was installed, and whether the classification of the towers was a class 3 or 4. Billings requested to review, and Nash pulled the old files for review. After review of the zoning ordinance for classification, it was determine with the extension, they will be going from a



class 3 to a class 4 and would require a Special Exception from the ZBA for an expansion of a non-conforming structure.

A **Motion** by Billings to refer **Case #19-9-SPR**: New Circular Wireless (AT&T) c/o SmartLink. Representing Agent is Kevin D'Auteuil for 88 Walker Hill Rd. Tax Map: 252 Lot: 023 Sub: 001 to the Zoning Board of Adjustment for a Special Exception under Zoning Ordinance Article 23.3.2 Expansion of a Non-Conforming Structure and to continue **Case #19-9-SPR**: New Circular Wireless (AT&T) c/o SmartLink until April 7, 2020 with the Planning Board. Otterbach seconded. No further discussion, A unanimous vote was taken. **Motion passed.**

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

- • See separate sheet with details.
- **Case # 17-9-SPR**: Verizon/H&R Block, owner David Poulin. 1995 Route 16. Tax Map: 27 Lot: 24 was GRANTED a Conditional Site Plan Review to renovate the former O'Keefe building and move Verizon Retail Store and H&R Block into this location pending the following condition:
  1. Receipt of Fire Chief's letter of authorization. ([Received 01/21/2020](#))

A **Motion** by Billings to Grant Final Approval for a Site Plan Review with all conditions met and to remove this from the list of Unsatisfied Conditions. Barron seconded. No discussion. All voted in favor by show of hands. **Motion passed.**

- **Case #19-5-SPR** – Sias Solar Farm 01/09/2020 – Received via email a letter and surveyed plan along with AoT Permit application.
  1. Conditional Waivers:
    - a. Conditional Waiver Request from Section 6.04.04 (H) (2) – Property Lines with condition that the boundary line between the pit and the lease property to left be marked.
    - b. Conditional Waiver from Section 8.02.1 – Landscaping & Buffers with the condition that once installation is complete, they invite the Board for a site visit to determine a landscape plan.
    - c. Conditional Waiver Request from Section 8.02.4 (C) - Lighting Plan with the condition if lights are to be installed at a later date, they will need to come before the Board, again. [01/09/2020 – Received via email a letter and surveyed plan.](#)

A **Motion** by Billings to Approve condition #1 for **Case #19-5-SPR** – Sias Solar Farm with conditions met and to remove from the list of Unsatisfied Condition. Barron seconded. No discussion. All voted in favor by show of hands. **Motion passed.**

2. The Boundary Line on Lot: 251/005 and 124/025 is to be established [01/09/2020 – Received via email a letter and surveyed plan.](#)

A **Motion** by Billings to Approve condition #2 for **Case #19-5-SPR** – Sias Solar Farm pending receipt of the Boundary Line plans. Barron seconded. No discussion. All voted in favor by show of hands. **Motion passed.**

3. Fire Chief official letter of inspection
4. Alteration of Terrain – Receipt of State Approval

A **Motion** by Billings to Approve condition #4 for **Case #19-5-SPR** – Sias Solar Farm with the condition met and to remove this from the list of Unsatisfied Condition. Barron seconded. No discussion. All voted in favor by show of hands. **Motion passed.**

5. All Federal, State, and Local Regulations shall be followed.

- **Case #19-7-SPR:** Gary R. Wallace Auctioneer, Inc. of 1028 Route 16. Tax Map: 118 Lot: 001 be **Conditionally Approve a Site Plan Review** in his request to convert 744 sq. ft. portion of an existing commercial building into residential space with the following conditions:
  1. Letter of Authorization from Corporation ([Received 11/07/2019](#))
  2. Application revised to reflect the actual property owner
  3. Dedicated 2 parking spaces
  4. Approved NHDES Septic system plans for leach field and septic tank
  5. Application Balance of \$244.00 ([Received 11/12/2019](#))
  6. All Federal, State, and Local Regulations shall be followed.

A **Motion** by Billings to Approve conditions #1 & #5 for **Case #19-7-SPR:** Gary R. Wallace Auctioneer, Inc. of 1028 Route 16. Tax Map: 118 Lot: 001 for the Conditionally Approved Site Plan Review and to remove conditions #1 & #5 from the list of Unsatisfied Condition. Barron seconded. No discussion. All voted in favor by show of hands. **Motion passed.**

- **Case# 19-1-SPRA:** Westward Shore Cottages & RV Resort; owner: Northgate Ossipee, LLC. 110 Nichols Rd. Tax Map: 029 Lot: 001 received a Conditional Approval for a Site Plan Review Amendment to add an outdoor pool and playground area. With the following conditions:
  1. May start construction of the pool area once the Alteration of Terrain permit is approved. ([Received 01/21/2020](#))
  2. The swimming pool will not be constructed until receipt of the State Pool Permit Approval. ([Email Response 01/21/2020](#))
  3. All Federal, State and Local Regulations must be followed.

A **Motion** by Billings to Approve conditions #1 for **Case# 19-1-SPRA:** Westward Shore Cottages & RV Resort; owner: Northgate Ossipee, LLC. 110 Nichols Rd. Tax Map: 029 Lot: 001 for the Conditionally Approved Site Plan Review Amendment and to remove from the list of Unsatisfied Condition. Barron seconded. No discussion. All voted in favor by show of hands. **Motion passed.**

- **Case #20-1-BLA:** Patrick & Deborah Smith of Foggs Ridge Rd. Tax Map: 264 Lot: 025 and Tax Map: 264 Lot: 026 was Conditionally Approved for a Boundary Line Adjustment, pending the following conditions:
  1. Balance of application fees of \$152.10 ([Received 01/21/2020](#))
  2. Submittal of Mylar plan for recording with the CCRD. ([Received 01/21/2020](#))
  3. Fire Chief's letter of inspection ([Received 01/10/2020](#))
  4. All Federal, State, and Local Regulations are followed.

A **Motion** by Billings to Approve **Case #20-1-BLA:** Patrick & Deborah Smith of Foggs Ridge Rd. Tax Map: 264 Lot: 025 and Tax Map: 264 Lot: 026 for a Boundary Line Adjustment with all conditions met. Otterbach seconded. No discussion. All voted in favor by show of hands. **Motion passed.**

#### **Upcoming Deadlines & Meeting:**

- **Wednesday, January 22, 2020** - 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.
- **Monday, February 3, 2020** - 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.

- **Tuesday, February 4, 2020** - 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.
- **Tuesday, March 3, 2020** - Last day to submit zoning ordinance protest petition to require 2/3 vote at town meeting.

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

Discussion ensued over the gravel pit reclamation money (Bond). Billings requested Smith to convey to the Town Treasurer that when reclamation (bond) money is received and subsequently deposited, the Planning Board needs to know who provided the funds. So, when there is a transfer of ownership, the Planning Board, as the Gravel Pit Regulator, will know who is to receive refund.

**Next Meeting & Public Hearing:** **February 4, 2020 @ 7:00 pm**

**Adjournment:**

A **Motion** by Billings to adjourn. Barron seconded. No discussion. A unanimous vote was taken. **Motion passed.**

**Meeting adjourned** at 9:32 PM.

Minutes approved by majority vote of the Board on –

\_\_\_\_\_  
Date

\_\_\_\_\_  
Condict (Connie) Billings, Chairman