

**OSSIPEE PLANNING BOARD
MEETING MINUTES
February 4, 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 7:00 PM.

Pledge of Allegiance: was recited by all in attendance.

PB Attendance by Roll Call: – Connie Billings, Roy Barron, Bruce Stuart, Tim Otterbach, Sharon “Sharie” Cohen, Sue Simpson (Select. Rep), Alternate- Krystal Eldridge and Jonathan Smith, ZEO.

Absent: Peter Zavas,

Regularly Scheduled Meeting & Public Hearing for Cases Scheduled

Public Input: Unrelated to any case being presented tonight.

Meeting Minutes: Review to approve Meeting Minutes of 01/07/2019 & 01/21/2020.

A **Motion** by Barron to move the review of the minutes of the January 7, 2020 until the end of the meeting for discussion. Billings seconded. No discussion, A unanimous vote was taken. **Motion passed.**

Review to approve Meeting Minutes of 01/21/2020. Cohen noted on page 8 “this tower sits approximately ***2,500 ft.*** from the tower” should be “***Currently,*** this tower sits approximately ***50 ft.*** from the tower.”

A **Motion** by Billings to approve the minutes of the January 21, 2020 Planning Board meeting as amended. Barron seconded. No discussion, A unanimous vote was taken. **Motion passed.**

Informal Discussion: Douglas Van Dyke of 1165 Route 16. Tax Map: 110 Lot: 004 was present requesting the process for changing a zoning district. Mr. Van Dyke explained to the Board his reason for wanting to change the zoning district for his property from rural to roadside commercial.

Billings informed Mr. Van Dyke, he will need to generate a petition explaining the reason for the change to the zoning district. He will need to obtain a minimum of 25 signatures from registered Ossipee voters, submit to the Town Clerk for verification. The Town Clerk will submit it to the Planning Board for the zoning ordinance changes public hearing, and it will then go to the Annual Town Meeting to be voted on.

After review of the Town Zoning Map with Jim Rines, Billings advised Mr. Van Dykes to review the past minutes from the Annual Town Meetings to determine when the zoning was changed for thar district.

Unsatisfied Conditions: (continued from previous PB Mtgs):

- See separate sheet with details.

• **Case # 17-3-SPR:** Valley Point, LLC: Jim Rines of White Mountain Survey & Engineering, Inc. Requested a continuance until February 1, 2020, for the conditional approval of Case #17-3-SPR, Tax Map 7, Lot 11. This date also coincides with the date of the underground storage tank permit will expire. Conditions pending are on the list of unsatisfied conditions. (Case continued until February 1, 2020.)

Representing Agent, Jim Rines of White Mountain Survey & Engineering, Inc. informed the Board that they were in-touch with the developer after hearing from NHDOT on the intersection of Route 16 and 41. They have tried several ways to contact the owner/applicant to notify them of the February 1st, 2020 deadline to no avail.

Billings noted on July 14, 2015 they received their variance approval for the underground tanks. On June 6th, 2017, they received Site Plan Review conditional approval and not much progress has been made.

A **Motion** by Billings to terminate the Conditional Approval for a Site Plan Review as null and void. Otterbach seconded.

Discussion: Barron agrees with the motion but suggested if the State has delayed the progress, the applicant can resume the project, due to the amount of money invested. But if the delay is on the owner/applicant the he agrees with the vacate of approval. Discussion ensued over the length of time it has taken for the variance and the site plan review to be acted upon.

Discussion and review of the RSA to determine if this situation falls under the new law under RSA 674:33 IV (c) and posting a notice of termination of the site plan review for one year's time. Billings read RSA 674:33 IV (c), as follows:

(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.

A **Motion** by Billings to terminate the Site Plan Review for **Case # 17-3-SPR: Valley Point, LLC.**, of 2400 Route 16 & 41. Tax Map 7, Lot 11 as null and void for insufficient completion of conditional approval, per zoning ordinance 9.5 Expiration of Approval. Otterbach seconded. No further discussion. A unanimous vote was taken. **Motion passed.** Notice shall be posted for one year per RSA 674:33 IV (c) stating the termination date of February 4, 2020 and will expire February 5, 2021.

• **Case#18-4-SPR, John W. Dawson, Jr.**, owner – of 80 Route 16B. Tax Map: 93 Lot: 015 was GRANTED a Conditional Site Plan Review from Article 34.2.n have a Warehouse/Storage facilities in the Village District and rent a portion of his building to a landscape company. Conditional Approval Pending the following conditions:

1. Lighting plan added to design plan
2. Shall comply with All Federal, State, and Local Regulations and Ordinances.

Representing agent Jim Rines was present to give an update. First, he requested to receive a copy of plans dated 07/16/2018. He stated he has completed a survey of the property and has made changes to the original plan to the site plan review. Rines questioned since there are changes to the plans, would the abutters need to be re-notified. After discussion, the Board agreed he would need to apply for an amendment to the site plan review and abutters would be notified. Barron address the need for the fence and sound barrier to be installed. Billings addressed the storm water catch basins, where their located and where do they flow to, since there in the water protection resource district. Rines noted NHDOT installed them but have no knowledge of where it flows. The Board acknowledged down cast lighting should be utilized.

A **Motion** by Billings that **Case#18-4-SPR, John W. Dawson, Jr.**, owner – of 80 Route 16B. Tax Map: 93 Lot: 015 will require a new Site Plan Review Amendment with abutter notification based on the numerous changes from the original plan. Otterbach seconded. No further discussion. A unanimous vote was taken. **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. (Received email response 01/28/2020)

2. The Boundary Line Plans on Lot: 251/005 and 124/025 (Received and recorded from the 01/21/2020 PB Mtg.)
3. Fire Chief official letter of inspection - Pending
4. AoT Permit - Permit
5. All Federal, State, and Local Regulations shall be followed.

- **Case #19-4-SUBD:** received **Conditionally Approved** Subdivision for Van E. Hertel, Sr. of Blake Hill Rd. Tax Map: 223 Lot: 003 Sub: 003 & Tax Map: 223 Lot: 003 Sub 002 and create a new lot of record with Tax Map: 223 Lot: 003 Sub: 004 per plans dated November 2019 pending the following conditions: (Received 01/28/2020)

1. The Monuments to be set per plans
2. Two signature lines on plans for Planning Board to approve
3. Engineer to sign final plans and Mylar
4. Mylar plan demonstrating conditions 1 - 3 and recording fees for the Registry of Deeds.
5. All Federal, State and Local Regulations shall be followed.

A **Motion** by Billings to Grant Final Approval of the SUBD for **Case #19-4-SUBD:** for Van E. Hertel, Sr. of Blake Hill Rd. Tax Map: 223 Lot: 003 Sub: 003 & Tax Map: 223 Lot: 003 Sub 002 with all conditions met and for the mylar plan to be signed and recorded at the Carroll County Registry of Deeds. Otterbach seconded. No further discussion. A unanimous vote was taken. **Motion passed.**

Gravel Pits:

- **Berry Pit:** Warranty Deed received on 01/15/2020 and transfer of Bond money received 01/30/2020 transferring ownership from Ernest Berry to Chickville Land Holdings, LLC.

Billings acknowledged the Evan's Brothers have formed Chickville Land Holdings, LLC. Owners Ronald and Edward Evans located at 172 Dorrs Corner Rd. Tax Map: 231 Lot: 022 with a lot size of 92.75 acres have bought the Berry Gravel Pit from Ernest Berry and have forwarded a copy of the Deed to the Planning Board. Edward Evans presented the Board with copies of the application and paperwork transferring ownership of the gravel pit.

A **Motion** by Billings to transfer the ownership of Gravel Excavation (aka Berry Pit) to Chickville Land Holdings, LLC. Along with transferring the current Excavation and Reclamation Permit received by Ernest Berry on 07/16/2019 which expires 07/16/2025 over to Chickville Land Holdings, LLC. Owners Ronald and Edward Evans. Barron seconded. No further discussion. A unanimous vote was taken. **Motion passed.**

A **Motion** by Billings to accept two checks in the amount of \$16,466.29 each for Reclamation Funds from Chickville Land Holdings, LLC., owners Ronald and Edward Evans to be given to the Town of Ossipee Treasurer for deposit into a Certificate of Deposit (C/D) Account and to release the Reclamation Funds held under Ernest Berry's name, be released to Ernest Berry. Barron seconded. No further discussion. A unanimous vote was taken. **Motion passed.**

Billings asked Smith to follow up with the Town Treasurer to ensure he documents who paid the bond, how much was submitted, and for which name it is deposited under.

- **Case # 18-1-GP:** (Continued from 09/18/2018 - January 21, 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. Legal documentation to support which owner put forth the reclamation fees, Coyne or Leighton. (Pending)
5. Legal opinion from the Town of Ossipee's, Attorney Sager on the disbursement of Mr. Coyne's money. (Pending)

Billings suggested asking for a legal opinion from the Town Attorney. Barron suggested he try and call Brad Leighton and ask him to attend the next Planning Board meeting on February 18, 2020.

A **Motion** by Billings to continue **Case # 18-1-GP**: Brad Leighton c/o Jon Rokeh, Rokeh Consulting for 75 Chickville Rd. Tax map: 239 Lot: 001 for an Earth Excavation & Reclamation Permit and ask Brad Leighton to attend the next Planning Board meeting on February 18, 2020 and this is his last chance to come before the Board and provide documentation of the following: 1: Legal documentation to support which owner put forth the reclamation fees, Coyne or Leighton. 2: Legal opinion from the Town of Ossipee's, Attorney Sager on the disbursement of Mr. Coyne's money. 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 (Representing Agent Mark McConkey submitted a request for a 45-day continuance in order to secure a surveyor) 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 from 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.

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.

Billings read a request from Representing Agent Mark McConkey requesting a 45-day continuance until April 7, 2020 to secure a surveyor.

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 April 7, 2020 for the next Planning Board meeting. Otterbach seconded. No discussion, A unanimous vote was taken. **Motion passed.**

• **Case #19-9-SPR**: New Circular Wireless (AT&T) c/o SmartLink. (Requested to come back prior to April 7, 2020 continuance pending receipt of SE from the ZBA.) 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.

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")

Billing noted that Jonathan Smith, ZEO has reviewed this case and has worked with the applicant on making some changes. Smith informed the Board that back in 1995, Frank Hammond received a Special Exception to raise the tower from 80 ft. to 117 ft. guidewire tower. In 2014, Dave Senecal issued a building permit to change the tower from a 117 ft. guidewire tower to a 122 ft. monopole tower. The plans have been revised for the extension to be 140 ft., which is the maximum height for a class IV tower per the current zoning ordinances, so with these change they no longer need a Special Exception from the ZBA.

Billings commented that Hammond received a prior Site Plan Review approval, and per the Site Plan Review Regulations adopted in 2007, any change to that SPR requires another SPR approval, which was not done at that time but are here now for another change.

Current change is adding an 18 ft. extension to the existing monopole tower bringing the height from 122 ft. to 140 ft. to the tip of the antennas. A generator building will be built with climate control fans and all electrical will be underground. The decibels will be around 71 decibels. Noise buffers will be incorporated around the generator and a noise buffer will be added to the fencing around the towers.

A **Motion** by Barron to Conditionally Approve **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 request for 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, to add an 18 ft. extension to the existing structure to raise the tower height from 122 ft. to 140 ft. at the wireless Base Station, pending the following conditions:

1. Add noise buffering to generator and building cabinet
2. Add noise buffering to the fencing around the tower.
3. Have owners sign original application and return to the Board Secretary.
4. Provide (5) copies of the 24 in. x 36 in. final plans including buffering.
5. All Federal, State and Local Regulations shall be followed.

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

Meeting Minutes: Review to approve Meeting Minutes of 01/07/2019

Barron wanted to discuss, how he feels he is being singled out for comments some people may feel are inappropriate, harassing or getting testy. He would also like to have the Board support him when dealing with the gravel pits which he believes are being non-compliant. Discussion ensued over meeting decorum. Barron requested to have ***"Discussion ensued until Barron started making inauspicious statements until Otterbach called on the Chairman for decorum."***

A **Motion** by Stuart to approve the minutes of 01/07/2020 as amended to reflect the following change of removing ***"Barron started making inauspicious statements,"*** and replace with ***"Discussion ensued until Otterbach called on the Chairman for decorum."*** Otterbach seconded. No further discussion, A unanimous vote was taken. **Motion passed.**

Northgate Ossipee, LLC – WWSCG request for a SPRA was granted pending conditions: #2: The swimming pool will not be constructed until receipt of the State Pool Permit Approval. Email Response
PB Minutes: February 4, 2020
PB Approved: 02/25/2020

01/21/2020 stated they are still waiting on NHDES approval. But it was also noted that Northgate Ossipee, LLC – WWSCG will be coming back in for an amended SPR in the near future.

John Pearson c/o 1314 NH RT 16, LLC - Jonathan Smith was made aware of this case and is to contact Mr. Pearson about his pending conditions and to obtain a final letter of inspection from the Building Inspector.

1. Fire Chief Approval
2. Zoning Officer Approval – need an Official Letter of Inspection from Building Inspector
3. Revised plans with signature block
4. All Federal, State, and Local Regulations shall be followed.

The Board was provided with an updated gravel pit spreadsheet. The Board explained the circumstances of Case #18-1-GP and the 02/18/2020 last chance to resolve the bond money, Reclamation process and legality of reclamation process.

A **Motion** by Barron to inform **Case # 18-1-GP**: Brad Leighton 75 Chickville Rd. Tax map: 239 Lot: 001 is requested to come before the Planning Board to prove the expense of the Reclamation money or submit the Reclamation money by 02/18/2020 or the gravel pit will be closed. Otterbach seconded. No further discussion. A unanimous vote was taken. **Motion passed.**

Gary R. Wallace Auctioneer, Inc. – Jonathan Smith is to contact Mr. Wallace about his pending conditions

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

Upcoming Deadlines & Meeting:

- **Tuesday, March 3, 2020** - Last day to submit zoning ordinance protest petition to require 2/3 vote at town meeting.
- **NH Office of Strategic Initiative** – Annual Planning & Zoning Conference Saturday, May 30th, 2020.

Any Other Business Which May Come Before This Meeting:

Next Meeting & Public Hearing: **February 18, 2020 @ 7:00 pm**

Adjournment:

A **Motion** by Simpson to adjourn. Eldridge seconded. No discussion. A unanimous vote was taken. **Motion passed. Meeting adjourned** at 08:45 PM.

Minutes approved by majority vote of the Board on – _____
Date

Condict (Connie) Billings, Chairman