

**OSSIPEE PLANNING BOARD
MEETING MINUTES
February 25, 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), and Jonathan Smith, ZEO.

Absent: Peter Zavas, Alternate- Krystal Eldridge

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 02/04/2020.

Billings called for any changes to the minutes of February 4, 2020. Cohen noted on page 5 “Barron requested to have “Discussion ensued until Barron started making inauspicious statements until Otterbach called on the Chairman for decorum” ***removed from the minutes.***

A **Motion** by Billing to approve the minutes of the February 4, 2020 as amended. Otterbach seconded. No discussion, A unanimous vote was taken. **Motion passed.**

Financial:

- Sager and Smith, PLLC invoice in the amount of \$140.00 for Review & Revisions to language of proposed zoning ordinances changes.

Billings believes this invoice should go to the Selectmen, not the Planning Board. Secretary commented that the Planning Board proposes the changes and Sager puts it into legal terminology. The Selectmen have no relevance on the proposed changes. Discussion ensued.

A **Motion** by Billings to approve payment to Sager & Smith, PLLC – Statement for General Matters – Reviewed and revised language of zoning changes; email to Laura with additional comments, in the amount of \$140.00. Barron seconded. No discussion. All voted in favor by show of hands. **Motion passed.**

- Lakes Region Planning Commission – NH Planning & Land Use Regulation books in the amount of \$97.50

A **Motion** by Billings to approve payment in the amount of \$97.50 for the Lakes Region Planning Commission for 2019-2020 Edition, NH Planning & Land Use Regulation Books. Barron seconded. No Discussion. A unanimous vote was taken by show of hands. **Motion Passed.**

Informal Discussion: N/A

Unsatisfied Conditions: (continued from previous PB Mtgs):

- See separate sheet with details.

Northgate Ossipee, LLC – (WWSCG) was Granted a SPRA Pending conditions: #2: The swimming pool will not be constructed until receipt of the State Pool Permit Approval. ([Received 02/08/2020 – NHDES approval for an Indoor Pool, Outdoor Pool, Indoor Spa and Outdoor Spa](#))

A **Motion** by Billings to continue this case until the March 3, 2020 meeting when Northgate representatives will be present for discussion.

Discussion ensued concerning they were conditionally approved to construct a pavilion and an inground pool verses what has been built to include indoor and outdoor pools and spas. Billings noted there is a big discrepancy that they need to explain and provide revised plans.

Cohen seconded. No further discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

Gravel Pits:

- **Case # 18-1-GP:** ([Continued from 09/18/2018](#)) 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 referred to a letter received from Brad Leighton's Attorney, Jonathan Springer explaining the history of who put forth the reclamation funds on the former Gary Coyne gravel pit. According to the attached letter was the 2011 NH State Annual Report, which indicated Leighton owned 90% and Coyne owned 10%. Barron noted this also went through probate court and no one came forth to claim Gary Coyne's estate.

Billings suggested asking for a legal opinion from the Town Attorney. Discussion ensued.

A **Motion** by Billings to request legal counsel from Attorney Sager in response to Attorney Springers letter. Otterbach seconded. Discussion ensued over the ownership of the reclamation fund, documentation from the probate court, and allowing the business to operate pending a legal response. The Board is requesting 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. 3. Probate Court documentation.

Billings called for a vote on the motion Billings, Otterbach, Stuart, Simpson and Cohen voted to approve. Barron Opposed. **Motion passed 5-1.**

- Eastern Material/H. Downy & Michael Shea (Gravel Pit): Tax Map: 243 Lot: 002. Received a Letter of Credit from Haverhill Bank for renewal of an Irrevocable Line of Credit for the Reclamation Funds.

Billings passed the letter around to each Board member to read and discuss. Discussion ensued over how this pit was allowed to operate under a line of credit verses putting up a cash bond for the reclamation fund. The Board agreed to renew the line of credit until the pit comes up for permit renewal May 5, 2020. At which time a cash reclamation fund shall be established with the Town Treasurer.

A **Motion** by Chairman Billings requesting a letter be sent to Eastern Material c/o Downey Shea stating upon renewal of the gravel pit permitting, a line of credit for the reclamation fund will not be acceptable and a cash reclamation fund (bond) is required to be established with the Town Treasurer, and to sign the renewal for the Line of Credit with Haverhill Bank. Otterbach seconded. No discussion. A unanimous vote was taken. **Motion Passed.**

PUBLIC HEARING

• **New Business:**

- **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 from 12/3/2019 **until April 7, 2020**) Received on 02/06/2020 a letter from abutters Suzanne & David Kolias.

- 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.

- **Case #20-1-SUBD:** Van & Constance Hertel & Lawrence & Erika Gray of Granite Rd., Ossipee & Leighton Corners Rd., Wakefield. Tax Map: 263 Lot: 015 are requesting a (6) Lot Subdivision on the 112 acres on the Ossipee and Wakefield town line.

Jeffrey Hertel was here to present the preliminary application and revised plans for subdivision. Hertel noted the surveyors made changes to the plans, which include . Billings noted the application is incomplete with several items missing.

A **Motion** by Billings to accept the application as incomplete and to allow Jeffrey Hertel to complete the application since this was a preliminary hearing of proposed subdivision. Barron seconded. No discussion. A unanimous vote was taken by show of hands. **Motion passed.**

Jeffrey Hertel demonstrated on the plans that the proposed 4 acre lots of 15-2 and 15-3 have been increased to 5+ acre lots and lot 15-4 has been decreased to 6+ acres. The soil test pits were shown on page 3 of the plans. Since a portion of lots 15-5 and 15-6 are in Wakefield and contain the right of way to these two parcels, the Hertel's and Gray's will to obtain Wakefield's approval before Ossipee would be able to render a decision on the subdivision request. Cemetery will need to be marked on the final plans, along with the location of wetlands.

Billings opened discussion to public input.

Patricia and Joseph Bradley, Anna Hill and Beverly Walsh reviewed the plans and had no concerns. Billings read an email from Betty Marshall requesting a 500 ft. tree buffer.

A **Motion** by Billings to continue **Case #20-1-SUBD:** Van & Constance Hertel & Lawrence & Erika Gray request for a (6) Lot Subdivision on the 112 acres on the Ossipee and Wakefield until May 19, 2020 to allow time to submit to Wakefield and possibly receive approval. Barron seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

- Non-Public meeting per RSA 91-A:3, II(l)

Non-Public Session – RSA 91-A:3, II (l) – Legal Matters

Billings polled the Board to enter a non-public session at 7:53 PM pursuant to RSA 91-A: 3, II (l) for legal matters. Roll call vote was taken: Connie Billings - Yes, Sue Simpson (Select. Rep) - Yes, Roy Barron - Yes, Bruce Stuart - Yes, Sharon “Sharie” Cohen - Yes, and Tim Otterbach - Yes

Barron made a motion to adjourn the non-public session at 8:22 PM. Billings seconded. A unanimous vote was taken.

Barron made a motion to return to the public session at 8:23 PM. Otterbach seconded. No discussion. A unanimous vote was taken. Roll call vote was taken: Connie Billings - Yes, Sue Simpson (Select. Rep) - Yes, Roy Barron - Yes, Bruce Stuart - Yes, Sharon "Sharie" Cohen - Yes, and Tim Otterbach - Yes

Notices:

- NHDOT plan Phase II update for Route 16 from Green Mountain Furniture north towards Route 16B and Pine River Rd. They will be redoing the rain runoff drainage. Billings spoke with Rebecca Martin, who in charge with this job, stated the log cabin will not be taken down. Discussion ensued. The job goes out to bid on January 21, 2021 to begin in 2022.

- Billings stated the Conservation *Commission sign* is missing from the Town Forest. To which he was informed the sign was taken down and is being replaced with a new sign similar to the sign at the Windows on the Ossipee.

- Barron response to Planning Board Regulator inquiry was not addressed.
- Lakes Region Community Developers – Lakes Region Housing & Economy Snapshot meeting. Billings read the notice to the Board.

Unsatisfied Conditions: (continued from previous PB Mtgs):

Jonathan spoke with Steve McConarty, who will inspect for the Zoning Officer Approval along with the Fire Chief and will submit something in writing.

- John Pearson c/o 1314 NH RT 16, LLC
 1. Fire Chief Approval
 2. Zoning Officer Approval
 3. Revised plans with signature block
 4. All Federal, State, and Local Regulations shall be followed.

Jonathan Smith spoke with Gary Wallace, who thought Land Tech had handled the pending conditions. He will get in touch with Bryan Berling to get this finalized.

- Gary R. Wallace Auctioneer, Inc.
 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

Billings inquired if Smith had looked into Kevin's Discount, he told him about. Smith asked if a formal complaint had been filed. A fiery discussion ensued over not being able to ask the Zoning Enforcement Officer to look into an issue brought to his attention. After a lengthy discussion, the secretary informed the Board that in order for Jonathan to review or investigate an issue brought forth from the Planning Board. The Planning Board must submit in writing to the Board of Selectmen asking for the Zoning Officer to review or investigate an issue. This process has been in place for two years. The Zoning Enforcement Officer works for the Selectmen and takes instruction by the Selectmen, not the Planning Board or any other Board or Commission.

Upcoming Deadlines & Meeting:

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:

Next Meeting & Public Hearing: **March 3, 2020 @ 7:00 pm**

Adjournment:

A **Motion** by Barron to adjourn. Stuart seconded. No discussion. A unanimous vote was taken. **Motion passed. Meeting adjourned** at 08:43 PM.

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

Condict (Connie) Billings, Chairman