

**OSSIPEE PLANNING BOARD  
MEETING MINUTES  
March 17, 2020**

Minutes have been recorded for the convenience of summarization by Laura Nash, Planning Board Secretary and are deleted once minutes are approved; 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, Sharon “Sharie” Cohen, Roy Barron, Bruce Stuart, Krystal Eldridge, Ash Fischbein, Jonathan Smith (Select. Rep) & (ZEO) and (Alternate) – Tim Otterbach

**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 03/17/2020.

A **Motion** by Barron to approve the minutes of the March 3, 2020. Cohen seconded. No Discussion. A unanimous vote was taken by show of hands. **Motion passed.**

**Elections:**

**Chairman Nominations:**

A **Motion** by Otterbach to nominated Ash Fischbein for Chairman. Cohen seconded.

A **Motion** by Barron to nominate Sharie Cohen for Chairman. Eldridge seconded.

A lengthy discussion ensued over the experience Fischbein could offer the Board. General consensus from some members of the Board was they would prefer someone with at least one year of experience on the Board before becoming chairman. Fischbein stated he would have no issue with becoming chairman. He continued by noting his experience on the Economic Development Council and acknowledged the experience Billings and Barron have offered to the Board but that it was time for new faces.

Cohen commented as well to moving forward with new faces and a more professional ethic. She acknowledges the tremendous amount of knowledge both Billings and Barron possess of the Board and would highly recommend working with them. But the Board needs to work on improving it’s relationship with the public.

Barron questioned if Otterbach was raised to voting status at the beginning of the meeting. Billings did not, so the nomination from Otterbach for Fischbein is not accepted.

A **Motion** by Cohen to nominate Ash Fischbein for Chairman.

Billings called for a second nomination for Ash Fischbein. No one seconded. The motion was null and void.

Billings called for a vote for Cohen as Chairman. No further discussion. All others voted in favor. Billings abstained. **Motion passed. 6 -1**

Sharon “Sharie” Cohen took over the meeting as the new Chairman.

### **Vice-Chair Nominations:**

A **Motion** by Smith to nominate Ash Fischbein for Vice-Chairman. Eldridge seconded.

Nash called for anymore nomination. None was heard.

Cohen called for discussion. Barron stated they want the old guys gone. Smith denied the insinuation, stating your knowledge is as valuable as it was yesterday, as it today and as it will be tomorrow.

With no other nominations, Cohen called for a vote. No further discussion. All others voted in favor. Billings abstained. **Motion passed. 6 -1**

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

- See separate sheet with details.
- **Case #19-8-SPR: (Case Continued until April 7, 2020)** 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
- **Case #19-9-SPR: A Rehearing is scheduled for the April 7<sup>th</sup> continuance.** (Case is Continued until April 7, 2020) for 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 **Conditional Site Plan Review**
- **Case #20-1-SUBD: (Preliminary Application Continued until May 19, 2020 pending approval from Wakefield)** Van & Constance Hertel & Lawrence & Erika Gray preliminary application request for a (6) Lot Subdivision on 112 acres in Ossipee and Wakefield.

Smith reported the Selectmen for the Town of Wakefield contacted Steve McConarty inquiring why the applicant was being sent to Wakefield. The Wakefield Selectmen is questioning the applicant's intent because their receiving a different story, than what was presented to the Planning Board. The Wakefield Selectmen suspect the applicant is trying to circumvent the process. Discussion reminded the Board members that 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 need 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.

### **PUBLIC HEARING**

### **Unfinished Business:**

- **Case #20-1-SPRA:** Northgate Ossipee, LLC of 110 Nichols Rd. (former 60 Nichols Rd.) Tax Map: 029 Lot: 001 was **Granted Conditional Site Plan Review Amendment Approval** to add an accessory structure for campground seasonal staff housing. The structure will include 4-bedrooms, structure will meet setback ordinances, and will be located outside the floodplain, pending the following conditions: were Received March 6, 2020.
  1. NHDES Septic Approval
  2. Correct the setback error noted.
  3. Revised plans with signature block
  4. No renting staff housing out to campers
  5. All Federal, State and Local Regulations shall be followed.

The Board reviewed the submitted plans for final approval, but Billings noted that condition 4. No renting staff housing out to campers was not documented on the plans. Review of plans ensued.

A **Motion** by Cohen to continue **Case #20-1-SPRA**: Northgate Ossipee, LLC of 110 Nichols Rd. (former 60 Nichols Rd.) Tax Map: 029 Lot: 001 until the April 7, 2020 Planning Board meeting and the secretary is to notify Dan Flores, SFC Engineer of the missing information of No renting staff housing out to campers. Barron seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

Otterbach inquired of his role as an alternate. He was informed in accordance with the Planning Boards Rules of Procedure and the Planning Board handbook, "Alternate members of the Planning Board are expected to attend all meetings and sit with the regular members. Alternate members shall participate in all business and deliberations of the board as non-voting members, excluding the making and seconding of motions unless appointed as indicated in (Sections 12 and 13.) Furthermore, RSA 673:6, Alternate members may vote only when they are specifically designated (raise to voting status) to sit in the place of a member who is either absent or has disqualified him or herself. The chair designates which alternate shall serve in the place of a regular member.

- **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: Documents were received on March 6, 2020.

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

The Board reviewed the submitted documents for final approval.

A **Motion** by Billings to grant final approval for **Case #19-7-SPR**: Gary R. Wallace Auctioneer, Inc. of 1028 Route 16. Tax Map: 118 Lot: 001 for a Site Plan Review to convert 744 sq. ft. portion of an existing commercial building into residential space. Barron seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

### **New Business:**

- **Case #20-2-BLA & Case #20-2-SUBD**: Northern Tire & Alignment and Four Investors Realty Trust of 1225 Route 16. Tax Map: 101 Lot: 008 & 009 is requesting a BLA & SUBD to separate the tire warehouse structure from the repair building to facilitate any future sales and it adjust the southerly boundary line with Four Investors Realty Trust so that the billboard lies on the tire warehouse lot. Along with Waivers from Section 9.05.P and 9.05.L.

Jim Rines of White Mountain Survey & Engineering, Inc. presented the plans pointing to lot #1 - Northern Tire & Alignment as being 1.57 acres and Lot #2 Four Investors Realty Trust consist of 2 – lots of record. Tax Map: 101 Lot: 009 as being 2.57 acres with a structure and Tax Map: 101 Lot: 008 as being 29 acres of vacant land. The second boundary line adjustment would result in Tax Map: 101 Lot: 009 becoming 3.02 acres and the boundary line between Tax Map: 101 Lot: 009 and Tax Map: 101 Lot: 008 is to be abandoned. The south-west corner of Tax Map: 101 Lot: 009 contains a billboard and will be merged with Lot #2 area thus resulting in Tax Map: 101 Lot: 008 to be decreased to approximately 28 acres.

They have received state subdivision approval. The driveway permits are existing. Lot #2 has two curb cuts permits, but one will be abandoned due to wetlands. Road frontage exceeds the minimum 200 ft. requirements.

### **Waiver Request:**

9.05. P. - Location of existing and proposed easements, deed restrictions, parks, and open space, areas reserved by the developer, existing buildings, water courses, ponds, ledges, wetlands and other significant

natural and man-made features on-site and estimated location within two hundred (200) feet of the subdivision boundary lines.

9.05. L. - All dimensions both linear and angular, and curve data necessary for locating the boundaries of the; subdivision road, rights-of-way, easements, lots, setback lines and reservations. All dimensions shall be shown to nearest hundredth of a foot and all bearings to the nearest minute. The error for closure of blocks enclosed by roads shall not exceed one in five thousand. All surveying must conform to the procedural and technical standards of the New Hampshire Land Surveyors Association as adopted December 4, 1981 as amended. Because there is a survey on record with the Carroll County Registry of Deeds, Book 367 Page 374 and have surveyed enough of the land to make an informed decision of the adjustment.

Rines reported a request for the Fire Chief's letter was submitted but has not been received thus far.

Billings noted the application has not been accepted the application as complete.

A **Motion** by Cohen to accept the application as complete for **Case #20-2-BLA & Case #20-2-SUBD:** for Northern Tire & Alignment and Four Investors Realty Trust of 1225 Route 16. Tax Map: 101 Lot: 008 & 009 request for a BLA & SUBD. Barron seconded.

A brief discussion on the Rules of Procedures for accepting and application ensued.

Cohen called for further discussion. Smith requested where to find Waivers: 9.05. P. and 9.05. L. Smith was informed they are located in the subdivision regulations. Smith noted he does not have a copy of the subdivision regulations. The secretary will provide a copy for him.

With no further discussion. A unanimous vote was taken by show of hands to accept the application as complete. **Motion passed.**

Board discussion: Billings recalled from the informal discussion that there was to be no water in the tire storage barn without a septic system. But there is a well currently servicing both lots. Rines confirmed the well does service both buildings but they have obtained NHDES Subdivision approval showing individual wells on each lot. Discussion ensued over no water would be going to the storage building because if water is going into the building; it must have septic. Water in – Water out!

Rines explained NHDES requirements that since the well is on lot #2 and was prior to the storage building being built, it cannot service both buildings for subdivision approval. Lot#1 would need it's own well. So, the plans submitted show a well and septic, NHDES approved, for both lots. But Rines was not sure if the water was actually connected to the storage building. Rines called his client to determine if water would be going into the building... Rines conveyed to the Board per his client, "the water goes to Northern Tire but there is no water into the warehouse, no septic into the warehouse and no facilities in the warehouse."

Smith questioned if it's the Board's opinion to trust the word of the applicant. Barron agreed and it's up to the code enforcement officer to ensure of compliance.

Billings questioned if the Northern Tire entrance would be serving both lots. Rines demonstrated a NHDOT approved curb cut access easement further south of the property. The northern curb cut is to be abandoned when property owner Deighan develops the adjacent property and a new common curb cut will be developed between the Deighan property and the Four Investors Realty Trust property. Discussion ensued.

Cohen called for public input. None was heard.

Point of Order by Rines asking if a vote was taking that the application was complete. Cohen responded, yes.

Billings reminded Cohen that the waivers need to be voted on before the Board could render a vote on the application.

A **Motion** by Cohen to approve the Waiver Request from Section 9.05. P regarding the requirements to show wetlands or other significant natural man-made features within 200 ft. of the subdivision boundary lines for **Case #20-2-BLA & Case #20-2-SUBD**. Barron seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

A **Motion** by Cohen to approve the Waiver Request from Section 9.05.L, surveying the entire Four Investors Realty Trust parcel since there is a survey record recorded at CCRD Book 367 Page 374 and White Mountain Survey & Engineering, Inc. have surveyed the area to be adjusted for **Case #20-2-BLA & Case #20-2-SUBD**. Barron seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

Billings noted there was another waiver to vote on for the Electric Company. Billings noted per the Subdivision Regulations and the application checklist, the electric company is to be provided a copy of the plans for review. Rines stated there is no regulation requiring them to do so. Billings noted it's a requirement on the application checklist.

A **Motion** by Cohen to Waiver the checklist requirement of having to send a copy of the plans to the Electric Company for **Case #20-2-BLA & Case #20-2-SUBD**. Barron seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

A **Motion** to Conditionally Approve **Case #20-2-BLA & Case #20-2-SUBD**: Northern Tire & Alignment and Four Investors Realty Trust of 1225 Route 16. Tax Map: 101 Lot: 008 & 009 request for a Boundary Line Adjustment & Subdivision to separate the tire warehouse structure from the repair building to facilitate any future sales and it adjust the southerly boundary line with Four Investors Realty Trust with the following conditions:

Billings requested to receive a copy of the curb cut approval for the planning board records. Cohen recorded the following conditions:

1. Letter of Inspection from the Fire Chief
2. Copy of the Curb cuts for the entire property
3. All Federal, State and Local Regulations shall be followed.

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

- **Angela Bean** – SNHU student is requesting to speak with the Planning Board for her Cap Stone Report to graduate. Amy was not present for the discussion.

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

Cohen polled the Board to enter into a non-public session at 8:07 PM pursuant to RSA 91-A: 3, II (l) for legal matters.

A Roll Call vote was taken: Krystal Eldridge – Yes, Sharon “Sharie” Cohen – Yes, Connie Billings - Yes, Roy Barron - Yes, Jonathan Smith (Select. Rep) - Yes, Bruce Stuart - Yes, and Ash Fischbein - Yes

A **Motion** by Cohen to adjourn the non-public session at 8:35 PM. Barron seconded. No discussion. A unanimous vote was taken.

A **Motion** by Cohen to return to the public session at 8:36 PM. Barron seconded. No discussion. A Roll

Call vote was taken: Krystal Eldridge – Yes, Sharon “Sharie” Cohen – Yes, Connie Billings - Yes, Roy Barron - Yes, Jonathan Smith (Select. Rep) - Yes, Bruce Stuart - Yes, and Ash Fischbein - Yes

A **Motion** by Billings to instruct the secretary to renotify the abutters for **Case #19-9-SPR:** New Circular Wireless (AT&T) c/o SmartLink. Representing Agent is Adrienne Banks for 88 Walker Hill Rd. Tax Map: 252 Lot: 022 that the public hearing and subsequent conditional approval is null and void. A Rehearing of the February 4, 2020 conditionally approved Site Plan Review is scheduled for April 7<sup>th</sup>, as previously recorded. Fischbein seconded. No discussion. A unanimous vote was taken by show of hands. **Motion passed.**

The consensus of the Planning Board is that the secretary has permission to speak with Attorney Peter Malia concerning **Case #19-8-SPR: (Case Continued until April 7, 2020)** Frank Varney of 44 Route 28. Tax Map: 126 Lot: 018.

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

A **Motion** by Cohen to remove **Case #19-7-SPR:** Gary R. Wallace Auctioneer, Inc. of 1028 Route 16. Tax Map: 118 Lot: 001 from the list of Unsatisfied Conditions with conditions met. Fischbein seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

**ZEO Report:** Jonathan Smith reporting,

Steve McConarty spoke with Fire Chief Dana Cullen, Jr., who is waiting for Pearson to get the fire alarm system installed. Billings clarified; Pearson needed to install a fire wall before the Fire Chief can do his final inspection.

Discussion on the final condition lighting plan for the Dawson case resolved that Jim Rines of White Mountain Survey & Engineering, Inc. is to include it in the new plans he is working on to submit for a Site Plan Review Amendment.

Smith inquired of Lewis Landscaping has submitted an application. The secretary reported she spoke with him and provided instructions on where to locate the application on the website but has not received it thus far.

Smith inquired if an application for Roger Evans has been submitted. The secretary noted it was probably the application that Jim Rines of White Mountain Survey & Engineering, Inc. handed her tonight.

Smith spoke with Philip Holland, who is currently in Oakhill Florida. He will return in the spring and will need to apply for a Site Plan Review for an RV and Boat storage.

Smith reported the Board of Selectmen need to redraft the Sign Ordinance and by Law it needs to be put incorporated into the Zoning Ordinance book, thus becoming under the Planning Boards realm of responsibility. Smith along with the Board of Selectmen is asking if the Planning Board wants to participate in redoing the ordinance with the Board of Selectmen. Discussion ensued over the ownership of the ordinance, but several Board members are encouraged to participate.

Stuart wanted to thank Billings for his knowledge of the Town and his contribution to the Boards and to thank everyone who chose to run for a position on the various boards. He also thanked Eldridge for stepping into a permanent role on the Board and thanked Cohen and Fischbein for stepping up into the Chairman and Vice-Chairman roles.

Cohen asked for the procedure for cancelling a meeting. Smith noted the Board of Selectmen reached out to Attorney Sager. He commented under the RSA for Emergency Management, if the Town chose to shut down and close access to public buildings, the Planning Board would have no choice but to postpone their

meetings. So, if a meeting is to be cancelled, postponed or rescheduled; Cohen is to notify the secretary or vice-versus so, Board members, applicants and or representing agents are notified a.s.a.p.

Smith inquired if the Planning Board put a condition on the approval of obtaining the Fire Chief's final inspection report for the bathhouse and staff housing at Westward Shores Campground, which was just approved. Otterbach noted they have the condition of meeting All Federal, State and Local Regulations, so obtaining the Fire Chief letter of Approval is included in that condition.

**Next Meeting & Public Hearing:** [April 7, 2020 @ 7:00 pm](#)

**Adjournment:**

A **Motion** by Barron to adjourn. Cohen seconded. No discussion. A unanimous vote was taken. **Motion passed. Meeting adjourned** at 08:58 PM.

Minutes approved by majority vote of the Board on –

\_\_\_\_\_  
Date

\_\_\_\_\_  
Sharon "Sharie" Cohen, Chairman