

**OSSIPEE PLANNING BOARD
MEETING MINUTES
June 16, 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: Sharon “Sharie” Cohen called the meeting to order at 7:00 PM.

Pledge of Allegiance: was recited by all in attendance.

Roll Call: Sharon “Sharie” Cohen - Chairman, Ash Fischbein – Vice Chairman, Connie Billings, Roy Barron, Bruce Stuart, Jonathan Smith (Select. Rep), Steve McConarty (ZEO). Late: Krystal Eldridge Absent: Alternate-Tim Otterbach

Regularly Scheduled Meeting

Meeting Minutes: Review to approve Meeting Minutes of 06/02/2020 were reviewed. Fischbein noted one correction on page 4 “**Case #20-4-BLA:** Dan ***Whole*** Pond Watershed Trust” should be “***Hole***.”

A **Motion** by Barron to approve the minutes of the June 2, 2020 as amended. Fischbein seconded. No Discussion. A unanimous vote was taken by show of hands. **Motion passed.**

Financial: Budget Report: 05/01/2020 – 05/31/2020 the Board reviewed, and no discussion ensued.

Informal Discussion: Andrew Donarumo was present to discuss building a storage facility at 1675 Route 16. Tax Map: 043 Lot: 001. He also inquired if it was okay to place a mobile home on the site for night guardsmen. Zoning Officer, Steve McConarty informed him he could not but he could place a stick-built or a modular home on site. Instructions were given for moving forward with a Site Plan Review application and to speak with a licensed land surveyor if the property boundary lines are not clearly marked. They were to contact Zoning Officer, Steve McConarty in the morning. Fischbein informed them of the Abatement Tax Incentive Program for new businesses.

Unsatisfied Conditions: (continued from previous PB Mtgs): See separate sheet with details.

Fischbein called on Jim Rines from White Mountain Survey & Engineering, Inc., for an update on when the Board may finalize **Case#18-4-SPR, John W. Dawson, Jr.**, owner – of 80 Route 16B. Tax Map: 93 Lot: 015. Rines commented with the hold up from COVID-19, his office is a little behind, but he will be bringing in a new application for a Site Plan Review Amendment.

Gravel Pits:

- **Case # 18-1-GP:** (Continued from 09/18/2018) **Pending:** a legally binding contractual agreement, drawn up by the Town Attorney, Rick Sager and Attorney, Jonathan Springer. 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)**

Nash informed the Board that Attorney Sager is waiting on information from Harry Merrow, Town Treasurer on the total amount held for Gary Coyne before he can complete the contract.

- **Case #20-1-EERP:** Eastern Materials, LLC c/o Mike & Shea Downey of Archers Pond Rd. Tax Map: 243 Lot: 002 Renewal of Earth Excavation & Reclamation Permit for signing. Nash informed the Board that permit fees have been paid and only the permit needs signing from the Board members. The Board to sign the permit at the end of the meeting.

Public Hearing for Scheduled Cases

New Business:

- **Case #20-1-SUBD: (Case Continued until May 19, 2020)** 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. (Case Continued from February 25, 2020)

The Board discussed the last update known of Wakefield instructed the owners to come back to Ossipee first. As of this date they have not come back to Ossipee and no updates, emails or correspondence from the owners have been received.

A **Motion** by Barron to Continue **Case #20-1-SUBD:** Van & Constance Hertel & Lawrence & Erika Gray of Granite Rd., Ossipee & Leighton Corners Rd., Wakefield. Tax Map: 263 Lot: 015 until July 7th, 2020 and to send a letter notifying them of the continuance and to provide an update to the Board or the case will be denied, and the owners would need to reapply. Smith seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

- **Case #20-4-BLA:** Dan Hole Pond Watershed Trust (DHPWST), of 75 Granite Rd. Tax Map: 260 Lot: 001 and Angelo & Cheryl A. Bergen-Varrone of 95 Granite Rd. Tax Map: 260 Lot: 004 are requesting a Boundary Line Adjustment in accordance with Section 7, section 7.01.B.
 - Requesting Waiver from Section 9.05.P and a Waiver from Section 9.06.C

Representing agent, Jim Rines of White Mountain Survey & Engineering, Inc, presented the case for DHPWST and the Varrone's of 75 Granite Rd. Tax Map: 260 Lot: 001 and Angelo & Cheryl A. Bergen-Varrone of 95 Granite Rd. Tax Map: 260 Lot: 004. The Varrone property is currently 7.31 acres with 724.18 ft. of frontage on Granite Rd. DHPWST property is currently 174.44 acres with frontage on Granite Rd. The Boundary Line Adjustment would take 1.17 acres from the Varrone's and give it to the DHPWST and DHPWST would take .62 acres and give it to the Varrone's. The Varrone's would have a total acreage of 6.76 acres and DHPWST total acreage would be 174.98 acres. The purpose of the adjustment is to resolve an encroachment from the Varrone property.

Rines addressed the reasoning for the waiver request from "Section 9.05.P. from showing the Location of existing and proposed easements, deed restrictions, parks, and open space, areas reserved by the developer, existing buildings, water courses, ponds, ledges, wetlands ..." reasoning is the lot line adjustment only slightly reduces the size of the Varrone property but will remain more than 5 acres. The cost of providing the information is too costly compared to any benefits and the DHPWST property is held in conservation easement restricting it from development.

Rines addressed the reasoning for the waiver request from "Section 9.06.C Unless public sewage and/or water facilities are provided..." the Varrone property has an existing approved septic system and the adjustment will leave it much larger than necessary to meet lot loading requirements.

A **Motion** by Barron to accept the application for **Case #20-4-BLA**: Dan Hole Pond Watershed Trust (DHPWST), of 75 Granite Rd. Tax Map: 260 Lot: 001 and Angelo & Cheryl A. Bergen-Varrone of 95 Granite Rd. Tax Map: 260 Lot: 004 as complete. Cohen seconded. No discussion. A unanimous vote was taken by a show of hands of those in attendance. **Motion passed.**

A **Motion** by Barron approved Waiver Request Section 9.05.P. from showing the Location of existing and proposed easements, deed restrictions, parks, and open space... Fischbein seconded. No discussion. A unanimous vote was taken by a show of hands of those in attendance. **Motion passed.**

A **Motion** by Barron approved Waiver Request Section 9.06.C Unless public sewage and/or water facilities are provided.... Fischbein seconded. No discussion. A unanimous vote was taken by a show of hands of those in attendance. **Motion passed.**

Discussion ensued after the Zoning Officer questioned if the house on the Varrone property was Non-Conforming. Rines confirmed but noted by doing the boundary line adjustment it will make the house more conforming, but it is still a non-conforming structure. Discussion resolved with if the Varrone's make no changes to their home they could apply for an Equitable Waiver of Dimensions but if the Varrone's decide to change or enlarge their home, they will be in violation of Zoning Ordinance 23.3.2 A NON-CONFORMING STRUCTURE and will need to apply for a Special Exception.

Cohen called for Public Input. Bob Pratt announced he was from Dan Hole Watershed Trust but had no comments.

Cohen called for anymore discussion from the Board. Discussion continued over the non-conforming status of their home.

A **Motion** by Barron for **Case #20-4-BLA**: Dan Hole Pond Watershed Trust (DHPWST), of 75 Granite Rd. Tax Map: 260 Lot: 001 and Angelo & Cheryl A. Bergen-Varrone of 95 Granite Rd. Tax Map: 260 Lot: 004 to Approve the request for a Boundary Line Adjustment. Fischbein seconded. No discussion. A unanimous vote was taken by a show of hands of those in attendance. **Motion passed.**

Cohen informed the applicants representative ***"Note: The Selectmen, any party to the action or any person directly affected has a right to appeal this decision within 30 days. To avoid lapsing of the approval, there should be substantial construction or liability within 2 years of the decision. See New Hampshire Revised Statutes Annotated, Chapter 677, available at the Ossipee Town Hall."***

- **Case #20-2-SPR**: Huggins Hospital of 3 Water Village Rd. Tax Map: 132 Lot: 040 is requesting a Site Plan Review for Ossipee Family Medicine facility to increase medical office space by approximately 1538 sq. ft. for another provider and more efficient use of space.

A **Motion** by Barron to accept the application complete for **Case #20-2-SPR**: Huggins Hospital of 3 Water Village Rd. Tax Map: 132 Lot: 040 in their request for a Site Plan Review to enlarge the Ossipee Family Medicine facility. Smith seconded. No discussion. A unanimous vote was taken by a show of hands of those in attendance. **Motion passed.**

Representing agent, Jim Rines of White Mountain Survey & Engineering, Inc, presented the case for **Case #20-2-SPR**: Huggins Hospital of 3 Water Village Rd. Tax Map: 132 Lot: 040 and is 3 acres in size in their request for a Site Plan Review to enlarge the Ossipee Family Medicine facility. A new addition will be placed on the east backside of the existing building. A Wetland evaluation was completed and the south-west back corner was detected as wetlands. There is the existing building and an existing non-conforming shed, and the main entrance will be increased from 12 ft. wide to 18 ft. wide. The non-conforming shed will be relocated to be in compliance with setback ordinance. A new sewage disposal system design will be submitted for approval. A drainage analysis and design that contains and infiltrates

the increase in the stormwater runoff to the point where the post-development runoff rate and volume are slightly decreased in the 50-year storm event. The driveway permit was approved by NHDOT. The Fire Chief letter of approval was received on April 6th, 2020. The parking will be reconfigured to allow the new drainage infiltration system.

Discussion: Zoning Officer, Steve McConarty questioned if the main building was non-conforming. Rines confirmed. Zoning Officer, Steve McConarty stated that this plan will need a Special Exception from the ZBA before the Planning Board can give final approval. It was explained to the Board that even though the building is pre-existing, once you make changes, or enlarge the structure; it has to comply with current Zoning Ordinances.

Rines continued his presentation by demonstrating the final designs. Parking spaces will go from 22 to 31 and be fully compliant and require two handicap parking spaces. Rines introduced Donn Pushor, Vice President of Facilities and Support Services for Huggins Hospital.

Board Discussion over possibly conditionally approving the case. Surface coverage was discussed and found to be 17.2 percent. Billings questioned if the building was conforming prior to the State taking property for widening the roadway. Donn Pushor agreed to giving the State property for widening the road. Discussion ensued whether the property was conforming or non-conforming prior to the State road widening. Zoning Officer, Steve McConarty even if the building is pre-existing, once you make changes, or enlarge the structure; it has to comply with current Zoning Ordinances and by adding an addition to a building; you are essentially expanding a non-conforming structure under Zoning Ordinance ***“23.3.2 A NON-CONFORMING STRUCTURE: May be expanded or altered by Special Exception under Article 26.2, as the business or conditions warrant, providing, however, that such expansion does not make a conforming structure non-conforming or a non-conforming structure more non-conforming.”***

A **Motion** by Barron for **Case #20-2-SPR**: Huggins Hospital of 3 Water Village Rd. Tax Map: 132 Lot: 040 to Conditionally Approve a Site Plan Review to enlarge the Ossipee Family Medicine facility with the following conditions:

1. Receive Special Exception Approval from the ZBA
2. Federal, State and Local Regulations shall be followed

Smith seconded. No discussion. A unanimous vote was taken by a show of hands of those in attendance. **Motion passed.**

Fischbein informed them of the Abatement Tax Incentive Program for new businesses.

Cohen informed the applicants representative ***“Note: The Selectmen, any party to the action or any person directly affected has a right to appeal this decision within 30 days. To avoid lapsing of the approval, there should be substantial construction or liability within 2 years of the decision. See New Hampshire Revised Statutes Annotated, Chapter 677, available at the Ossipee Town Hall.”***

- **Case #20-3-SUBD**: Helen Day & Lucinda White of 9 Main Street. Tax Map: 093 Lot: 034. Representing Agent – Alan Fall of Alan G. Fall, LLC is requesting a two lot Subdivision along with the following Waivers Request:
 1. 9.05 K – Partial waiver for “Intersecting roads and driveways within 200 ft...”
 2. 9.05 P – Checklist partial waiver for “Location of existing & proposed easements, deed restrictions, parks, and open spaces...”
 3. 9.06 M – “A written statement by the Ctr. Ossipee Fire Department”
 4. Checklist waiver for “Send copies of the plan to Electric Company.”

5. Checklist waiver for “Topographic contours ...Boundary.”

Fischbein noted in full disclosure that the daughter of Helen Day is an employee of his at Hobbs. The Board was poled if anyone thought there was a conflict of interest.

Billings, Eldridge, Smith, Barron, Stuart, McConarty, and Cohen all replied , “No.”

A **Motion** by Barron to accept the application as complete for **Case #20-3-SUBD**: Helen Day & Lucinda White of 9 Main Street. Tax Map: 093 Lot: 034. Representing Agent – Alan Fall of Alan G. Fall, LLC seeking a request for a two lot Subdivision. Stuart seconded. No discussion. A unanimous vote was taken by a show of hands of those in attendance. **Motion passed.**

Representing agent, Allan Fall, Lucinda White and Helen Day were present. Mr. Fall explained the reasoning for the waivers requested from Section 9.05.K, 9.05.P & Checklist, 9.06.M, Checklist waiver for “Send copies of the plan to Electric Company.” And Checklist waiver for “Topographic contours ...Boundary.”

State Subdivision Approval for Lot #2 has been received. Mr. Fall conveyed this is the result of the Probated Court for the Estate of Ervin White in which he left this piece of property to Helen Day and Lucinda White. Ervin White’s Last Will & Testament left instructions that the land of 9 Main Street. Tax Map: 093 Lot: 034 would be left to Helen Day, subject to the condition that Lucinda White shall be entitled to a one-acre lot of her choice from said premises. White and Day wrote a letter to the Probate Judge indicating they would take this to Planning Board for Subdivision Approval.

Board Discussion: McConarty questioned if there is any construction taking placing. Lucinda noted there is construction to remove the old house and eventually make room for a modular home. McConarty questioned that when construction for the new house begins, at that time they will need a letter of approval from the Center Ossipee Fire Chief stating the access road is sufficiently wide enough Fire and Emergency apparatus.

Fall stated that part of the estate settlement was that Helen Day and Lucinda White immediately have the property subdivided and deeded over to their offspring. Fischbein questioned the location of the well and septic for the property. Lucinda White Lot 1 property has a well and septic is sewerd through to Helen Day’s to the Town’s sewer system. Lucinda White’s property has Town water but are uncertain of the sewer system. So, he had to drill test pit’s.

A **Motion** by Barron to approve the Waiver Request from Subdivision Regulation, Section - 9.05 K – Partial waiver for “Intersecting roads and driveways within 200 ft....” Fischbein seconded. No discussion. A unanimous vote was taken by a show of hands of those in attendance. **Motion passed.**

A **Motion** by Barron to approve the Waiver Request from Subdivision Regulation, Section - 9.05 P – Checklist partial waiver for “Location of existing & proposed easements, deed restrictions, parks, and open spaces...” Eldridge seconded. No discussion. A unanimous vote was taken by a show of hands of those in attendance. **Motion passed.**

A **Motion** by Barron to approve the Waiver Request from Subdivision Regulation, Section - 9.06 M – “A written statement by the Ossipee Fire Department” Smith seconded. No discussion. A unanimous vote was taken by a show of hands of those in attendance. **Motion passed.**

A **Motion** by Barron to approve the Waiver Request from Subdivision Regulation, Section - Checklist waiver for “Send copies of the plan to Electric Company.” Stuart seconded. No discussion. A unanimous vote was taken by a show of hands of those in attendance. **Motion passed.**

A **Motion** by Barron to approve the Waiver Request from Subdivision Regulation, Section - Checklist waiver for “Topographic contours ...Boundary.” Fischbein seconded. No discussion. A unanimous vote was taken by a show of hands of those in attendance. **Motion passed.**

A **Motion** by Barron for **Case #20-3-SUBD**: Helen Day & Lucinda White of 9 Main Street. Tax Map: 093 Lot: 034. Representing Agent – Alan Fall of Alan G. Fall, LLC was Conditionally Granted a two lot Subdivision along with Approval for the following Waiver Requests: 9.05, 9.05 P, 9.06 M,

3. Checklist waiver for “Send copies of the plan to Electric Company.”

4. Checklist waiver for "Topographic contours ...Boundary."
5. Federal, State and Local Regulations shall be followed.

Pending receipt of the Mylar plan for recording. Stuart seconded. No discussion. A unanimous vote was taken by a show of hands of those in attendance. **Motion passed.**

Cohen informed the applicants representative "***Note: The Selectmen, any party to the action or any person directly affected has a right to appeal this decision within 30 days. To avoid lapsing of the approval, there should be substantial construction or liability within 2 years of the decision. See New Hampshire Revised Statutes Annotated, Chapter 677, available at the Ossipee Town Hall.***"

- **Case #20-2-LM:** Kathleen Moxham of 96, 80, & 100 Knox Mtn Rd. Tax Map: & Lot: 076/012, 075/039, 076/011 is requesting a Lot Merger of three lots for a total acreage of 3.043 acres.

A **Motion** by Billings to accept the application for **Case #20-2-LM:** Kathleen Moxham of 96 Knox Mtn Rd. - Tax Map: 076 Lot: 012, 80 Knox Mtn Rd. - Tax Map: 075 Lot: 039, and 100 Knox Mtn Rd. - Tax Map: 076 Lot: 011 requesting a Lot Merger./ Barron seconded. No discussion. A unanimous vote was taken by a show of hands of those in attendance. **Motion passed.**

A **Motion** by Billings for **Case #20-2-LM:** Kathleen Moxham of 96 Knox Mtn Rd. to Grant a Lot Merger for Tax Map: 076 Lot: 012, 80 Knox Mtn Rd. - Tax Map: 075 Lot: 039, and 100 Knox Mtn Rd. - Tax Map: 076 Lot: 011. Barron seconded. No discussion. A unanimous vote was taken by a show of hands of those in attendance. **Motion passed.**

- **Case #19-9-SPR:** ([Request for a continuance until 07/21/2020](#)) **REHEARING** –New Circular Wireless (AT&T) c/o SmartLink. Representing Agent is Adrienne Banks for 88 Walker Hill Rd. Tax Map: 252 Lot: 022.
- **Case # 20-3-BLA:** Marc & Ruth Swenson c/o Swenson Family Trust of 7 Pocket Mountain Rd. Tax Map: 247 Lot: 007 and 5 Pocket Mountain Rd. Tax Map: 247 Lot: 006 was Granted a Boundary Line Adjustment. Mylar ready for signing.

A **Motion** by Cohen to accept the Mylar plan for **Case # 20-3-BLA:** Marc & Ruth Swenson c/o Swenson Family Trust of 7 Pocket Mountain Rd. Tax Map: 247 Lot: 007 and 5 Pocket Mountain Rd. Tax Map: 247 Lot: 006. Barron seconded. No discussion. A unanimous vote was taken by a show of hands of those in attendance. **Motion passed.**

Billings clarified the motion should be that all conditions have been met. Accepting the mylar is not necessary. Cohen and Barron withdrew their motion.

A **Motion** by Cohen for **Case # 20-3-BLA:** Marc & Ruth Swenson c/o Swenson Family Trust of 7 Pocket Mountain Rd. Tax Map: 247 Lot: 007 and 5 Pocket Mountain Rd. Tax Map: 247 Lot: 006. Granting Final Approval with all conditions met. Barron seconded. No discussion. A unanimous vote was taken by a show of hands of those in attendance. **Motion passed.**

NHDES:

Wetland Permits:

- **Amendment to existing Permit: #2018-01231** - White Mtn Survey & Engineering for Weetamoe Shores Condominium Assoc. of Weetamoe Rd. Tax Map: 66 Lot: 031 have filed for a Wetlands Permit to expansion of existing, previously approved seasonal docks in order to provide additional boat slips and provide greater water depth at existing slip.

Any Other Business Which May Come Before This Meeting:

- **Case #20-04-V:** Owner Louttit Real Estate, LLC c/o Robert & Lisa Louttit of 30 Remle Rd. Tax Map: 033 Lot: 034 was Granted a Variance to build a 14 ft. by 13 ft. extension onto an existing Den coming within 14 ft. of the property line with the following conditions:
 1. Approved NHDES Septic Plan on file that includes the new addition.
 2. NHDES Shoreland Permit
 3. NHDES Wetland Permit
 4. Federal, State and Local Regulations shall be followed.
- **Case #20-3-V:** Owner – Roger A. Evans of 965 Route 16. Tax Map: 118 Lot: 013. Representing agent is Jim Rines of White Mtn. Survey & Engineering, Inc. was Granted a Variance from Article 8 – Section 8.3 and Article 34 – Section 34.2.1 to buy and sell used heavy equipment as defined in Article 35 – Section 35.2.1 in the rural zone.
- **Case #20-1-V:** Owner- John & Stacy Vittum c/o James Cowles of Walker & Varney P. C. 22 Blueberry Road. Tax Map: 047 Lot: 033 was Granted a Variance from Article 35.1 Residential Uses to continue the use of the remodeled accessory dwelling building converted in reliance on the February 13, 2013 Building Permit and June 7, 2013 Occupancy Permit.
All Federal, State and Local Regulations shall be followed.

Next Meeting & Public Hearing: June 16, 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 08:32 PM.

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

Sharon “Sharie” Cohen, Chairman
Ossipee Planning Board