

**OSSIPEE PLANNING BOARD
MEETING MINUTES
October 20, 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.

Call to Order: Sharon “Sharie” Cohen called the meeting to order at 7:00 PM and asked for all cellphones to be silenced.

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), Alternate-Tim Otterbach and Rick Cousins (New ZEO)

Late Arrival: Krystal Eldridge

Announcements: Chairman, Sharie Cohen announced the Board will move to New Business and announced the following rules to ensure everyone has a chance to speak and be heard.

1. Social Distancing will be required
2. The room capacity is 50 people
3. Abutter’s and individuals with vested interest will take priority
4. Speakers will address the Chairman and will stand at the yellow line in order to be heard
5. Speakers are to state their name and address
6. There are to be NO interruptions while individuals are talking. Anyone who does so will be warned. A second interruption will lead to removal.
7. During the public input; individuals who want to speak will be selected by the Chairman.
8. All individuals will be allotted a maximum of 3 minutes to speak in order to allow all to speak.

Public Hearing on Scheduled Cases

- **Case #20-2-EERP/RI:** Angelini Borrow Pit, Owner - William Angelini Earth Excavation of Effingham. Tax Map: 413 Lot: 138 and Ossipee – Tax Map: 235 Lot: 004 (Right of Way access only) is seeking Ossipee Planning Board’s approval for use of the right of way access under Effingham’s Regional Impact provision.

Representing agent, Jim Rines of White Mountain Survey & Engineering, Inc. for William Angelini in a gravel pit excavation in Effingham. Rines demonstrated on the plans oriented the Board and public to the area. Rines noted per NH RSA 674:53, VII, as stated below:

“IV. No plat or plan showing land or streets in more than one municipality in the state shall be deemed approved for purposes of this title unless it has been approved by the planning boards of all included municipalities in which the planning board has been granted authority over

*approval of that type of plat or plan. In addition, no plat or plan showing land whose sole street access or sole maintained street access is or is planned to be via a private road or class IV, V, or VI highway located in an adjoining municipality shall be deemed approved for purposes of this title unless it has been approved by the planning board, if any, of that adjoining municipality, **provided however that the sole issue which may be addressed or regulated by the adjoining municipality shall be the adequacy of such street access, and the impact of the proposal upon it.***

Rines noted they have been before the Effingham Planning Board through Zoom Meetings and there has been a lot of interest from the Ossipee residents along Duncan Lake Rd because of the existing truck traffic and the dust created as a result of the truck traffic.

The Angelini Pit anticipates approximately 20 trips in, plus 20 trips out for a total of 40 trips or 20 loads per day. They anticipate a maximum of 30 loads per day or 60 trips in and out. The road is currently being use for the same use. According to (AASHTO) American Association of State Highway and Transportation Officials sets the standards for evaluating roads for design, construction, and maintain roads. The posted speed limit for the road is 25 mph and per AASHTO's requirements for road volumes less than 400 trips per day, it requires an 18 ft. travel width with 2 ft. shoulders and per AASHTO's requirements for road volume of 400 to 1500 trips per day, it requires an 20 ft. travel width with 2-5 ft. shoulders. Rines commented based on current use this is adequate for the proposed use.

Rines informed the Board that after review of the plans, the Ossipee Board of Selectmen informed the Effingham Planning Board via letter that the cost to keep the dust down on Duncan Lake Rd has cost approximately \$9,000.00 per year. Mr. Angelini is willing to contribute to the cost but is not willing to pay the entire cost since there is also another pit that is also causing the dust issues conveyed by the resident's.

Rines submitted additional information which included the Deed for Mr. Angelini, a Deed from the Estate of Milton Dow to Green Oak, who is the current owner of the property. In the deed it documents a 50 ft. wide easement that the estate retained for other lands that they own for their heirs, assigns and successors. Rines noted it is 50 ft. in width and is sufficient to have a 20 – 22 ft wide road in and out of the property.

Board discussion:

Otterbach inquired about the use of another road coming out off Elm Street Ext. Rines responded that it's a private road and the deed to Mr. Angelini - Quit Claims any rights he may have to that road.

Jonathan Smith, Selectmen's Rep. stated per legal advise the Board of Selectmen requested the Lake Region Impact Study to be done. Rines responded LRPC reviewed the application as part of the regional impact and relayed back to the Effingham Planning Board the issues they had the right to look at. So, no impact study was done on how it would affect Ossipee. A traffic study was recommended, and the Board of Selectmen want a traffic study done at the intersections of Route 16 and Duncan Lake Rd and Duncan Lake Rd itself. Rines stated no studies have been done. Smith noted the Select Board is asking the Planning Board to request from Effingham that the applicant provide these studies.

Krystal Eldridge arrived late at 7:11 PM

Gordon Pilotte of 59 Duncan Lake Rd. informed the Board that during the Effingham's hearing the topic of what the easement says and there is nothing documented stating that they can actually move sand out of the Effingham pit through the current pit.

Andy Sullivan, Attorney for Green Oaks – the language in the Fiduciary Deed, page 3, says that if "SUBJECT TO a 50-foot right-of-way which is being reserved to the Grantor, its heirs, successors and assigns for **vehicular and pedestrian egress and ingress to and from Duncan Lake Road and the**

Grantor's other property located in Effingham and which is adjacent to the within described and conveyed property. The location of said right-of-way is not finitely established and may be relocated from time to time in the sole discretion of the Grantee, its successors and assigns. Grantee, its successors and assigns will maintain that portion of the right-of-way that is used regularly by Grantee for its operation of the sand and gravel operation of the property and Grantor, its successors and assigns will maintain any other portion of the right-of-way. If the location of the right-of-way is moved, Grantee will pay for the cost of relocation but subsequent maintenance of the relocated right-of-way shall be as stated above. The right-of-way shall run with the land."

But it does not state what the purpose is for when drafted in 2010 it wasn't supposed to be anything more than a driveway into Green Oak's Pit. There are two passage that should be addressed, the Duncan Lake Rd, which has Town jurisdiction and the other is the private right-of-way which has no bearings on Duncan Lake Rd. But in accordance with RSA 674:53 it references "access from another road," to another municipality. The access road only provides access but does not specify it has to be Duncan Lake Rd. The private road does not provide public access to the other municipality, Green Oak's does not believe they have a right to use the private road for operational use. According to the NH Municipal Association states there is no clear definition of a private road verses a public road. So, since the road is private, there is no public access without the owners of Green Oak and the adjacent property owner's documented permission. In RSA 674:53 II, ***"Upon receipt of an application for a permit or approval under this title for the subdivision, development, change of use of, or erection or alteration of any structure upon any lot, tract, site or other division of land whose boundary or portion thereof is a municipal boundary line, or whose sole street access or sole maintained street access is via a private road or class IV, V, or VI highway located in an adjoining municipality, the municipality receiving the application shall inquire in writing to the appropriate administrative officials in the adjoining municipality or municipalities as to the existence of facts or regulations which, under paragraphs I, III, or IV of this section or otherwise, would preclude or affect such subdivision, development, construction, or change of use. Response shall be made to such inquiries within the period provided by this title for approval or disapproval of the underlying application. A response which invokes an ordinance or regulation of such adjoining municipality may be appealed in that adjoining municipality in the same manner as any other administrative decision. An adjoining municipality in which is located an existing private road or class VI highway that serves as an applicant's sole means of fulfilling the street access requirements under RSA 674:41 shall have the same regulatory powers under that statute with respect to that road or highway as if the proposed building or development were located within that same municipality."***

Attorney Sullivan questioned Rines about the section at the end of the private road off Elm Street Ext. there are 4-boulders and questioned why this could not be an alternative access. Rines responded that there is a Quit Claim right-of-way located here for the Angelini Pit. Attorney Sullivan questioned if Mr. Angelini has access through this private road through Effingham why is seeking access through Ossipee. Rines clarified and Jonathan Smith confirmed that this is Elm Street Ext, which is a private road, and both roads are in Ossipee, not Effingham. Barron confirmed this road is very narrow and dangerous for trucks to get through. Attorney Sullivan addressed the impact on the resident's and agreed, there is an impact on the resident's and with the potential of doubling the number of trucks and wear and tear on Duncan Lake Rd.

Barron question Attorney Sullivan about an RSA that states, when you do not separate the Federal Funds from the Town Funds, you cannot stop trucks from using a road because trucking taxes are used for funding road repairs. Attorney Sullivan was not aware of this particular RSA but will look into it. He closed his argument by informing the Board of the arguments and concerns of the residents of Duncan Lake Rd.

Smith reiterated his previous request of the Planning Board to request a traffic study be imposed before rendering a decision.

Fischbein inquired the current width of the road and shoulder. Rines replied, they have not re-surveyed but back in 1996 the average width was 20 ft. and there have been improvements to the road. The types of

trucks to travel the road would consist of dump trucks and tractor-trailer trucks.

Otterbach inquired of the number of trucks coming in and out of Green Oak's Pit. Rines was unaware of that information and if Green Oak's is willing to share that information for an impact study, it would be incorporated into the study. Otterbach inquired if there has been a response from the other Town's notified in the Regional Impact. Rines has had no other response.

Stuart suggested if the Board moves forward with requesting the applicant to have an Impact Study done; it should also take into account the impact it would have on Duncan Lake Rd to Route 16 intersection and Elm Street to Route 16 intersection with respect to line of sight and several other issues that could impact the area.

Smith noted according to the GIS mapping, Elm Street Extension is about 4,300 ft. and has 16 lots. Duncan Lake Rd. is about 10,000 ft. with approximately 36 lots. So, the impact to Duncan Lake Rd. could potentially be much greater due to its size and the number of residents.

Rines spoke of Milton Dow and how he was an individual rights type of person he was. He would not have imposed restrictions to his land knowing of the gravel deposits located here and knowing his son (successor) was in the gravel business. Milton Dow was not a proponent of zoning regulations and believed an individual should have the right to do what they want with their own land. Rines will gather more information of intended use for the Effingham side of the application process. Rines noted the statute says adequacy, which "Adequacy is determined by the road geometry." The impact study will determine the number of truck trips taking place, which will determine the "width," the road needs to be. It will not determine the amount of dust it generates, the number of people walking or the number of horses riding the road. If the Board votes for an impact study, then an impact study will be done. But the impact study will determine the geometry by measuring the roads and the widths, put in traffic counts and determine the volume. As for the impact of Elm Street Extension and Route 16, it is known that Elm Street Extension cannot be used for this purpose. If a road has adequate geometry, statutorily it has adequacy for the use. It is a Town road, but you cannot dictate who can drive on it and who cannot. Adequacy is one determination the other is impact. The impact is if the road is adequate and has adequate geometry, then the impact maybe dust and Mr. Angelini has offered to help mitigate the concern.

Robert Andrea stated the impact goes beyond dust. The road itself is deplorable with potholes to the point of potentially breaking an axle. Mr. Andrea asked for clarification of 18 ft. to 20 ft. road widths. Bruce Stuart clarified that depending on the amount of truck trips it would determine if the road width should be 18 ft. or 20 ft. wide. Mr. Andrea gave a history of how the road went from a 30 ft. right-of-way off Route 16 to Gile Rd and to 50 ft. wide when the land was subdivided in 1976. He believes Duncan Lake Rd. should be 30 ft. wide based on history.

Gordon Pilotte believes when Elm Street Extension was sold off for house lots, its restricted access solely through the deeded easement down Duncan Lake Rd. thus subjecting the residents of to the health concerns voiced tonight. He has a 200 ft. wildlife easement corridor that connects the Pine River State Forest and the Red Brook Swamp it goes through 75 ft. of his property. He voiced concerns for the wildlife of the area with the amount of traffic on the road heading towards the beach area. He expressed concerns that the road is too narrow for when trucks are passing each other for anybody who may be walking on the road at the same time. He stated everyone on Acorn Drive, Gile Rd., Glen Beach Rd., and Duncan Lake Rd. will be filing for a tax abatement for being forced to deal with approximately 75 trucks a day in and out of Duncan Lake Rd.

Attorney Sullivan noted with this area zoned Rural it does not allow excavation/aggregate but with Green Oak's grandfathered in, but Angelini's Pit would not be allowed. He was reminded that Angelini's Pit is in Effingham not Ossipee.

Bill Badolato of Duncan Lake Rd. accused Barron of being bias and in somebodies' pocket. Chairman

Cohen reminded him to be civil. Mr. Badolato stated he drives truck up and down Elm Street every day. He sees the amount of traffic and accused the Board of not wanting this traffic on their roads. He stated the Town cannot maintain the road now, how are they going to maintain it with double the traffic use.

Barron started to respond to Mr. Badolato of his accusation of being on take but (inaudible discussion).

Point of Order by Otterbach to Chairman Cohen for a little decorum. Chairman Cohen halted the conversations and the meeting proceeded.

Jeannine Zwobado of Duncan Lake Rd. near Route 16 states the road is never in good repair and a gravel road is never going to stay in good repair with that much traffic on it. She is very concerned for the wildlife in the area. She lives in a cottage built in 1904 and the house shakes and rattles every time a truck rolls by and dust created comes through and she sometimes has difficulty breathing when the dust is heavy. She states the trucks do not do the posted 25 mph speed limit, they're usually doing 30 - 40 mph and there is no policing of the road for speeding.

David Tedford of Duncan Lake Rd. believes Mr. Angelini's contribution to road repairs should be much greater. He suggested an environmental study be done to determine the health impact of the residents concerned about the dust issue and not being able to walk along the road.

Otterbach inquired of Rines, if the speed limit is 25mph, that implies the residents of Duncan Lake Rd are also generating dust when traveling the road. Rines agreed.

Jim Eastham of Duncan Lake Rd. suggested the Town do an impact study of the cost to the Town if the road access is approved. He also stated he will be filing for an abatement. He also has concerns for the number of trucks utilizing the road, the speed at which some trucks travel on the road and the decreased property values because of the trucks which travel the road.

Smith clarified with the Public Works Director, TJ Eldridge about maintaining Duncan Lake Rd. The cost is not \$10,000 it's an additional \$10,000, which is going to take 3 more gradings and 2 more calcium treatments for controlling the dust. The road conditions are bad now because the first grader blew a transmission, they have a loaner and the new grader should arrive this month. With the additional funds and new grader, the road will be better maintained.

Ralph Buchanan made suggestions as follows:

1. As a member Conservation Commission, noted a wildlife study was done in 2008 by Rick Van de Poll. Suggested having an update to this study and how it affects the current conditions.
2. As someone who walks this road most days; the condition of the road is full of potholes, policing the speed limits needs improving, especially if the road gets smoothed over.
3. Possibly having the applicant improve Elm Street Extension this would allow two accesses to the property.
4. Have the applicant set up a bond of \$5,000,000.00 to maintain the road repairs and whatever the Town requires.

Loretta Sim of Duncan Lake Rd. hopes the Board is listening to the residents and their concerns for the dust, traffic, road conditions, etc... She loves Ossipee and wants to live here but this is making it difficult. She noted over the last few years she has developed cracks in the foundation and in her ceilings from the trucks going by her house and it shakes.

Maureen Adams of Elm Street questioned why can't the access road be in Effingham? Why does it have to

be in Ossipee?

Fischbein asked Rines to answer for context. Rines replied, Milton Dow had proposed a NASCAR size 1 5/8 (1.625) mile racetrack in Effingham. Milton Dow owned one of the residential lots on Elm Street and as a result, Effingham implemented zoning. The case went to the Supreme Court and in the meantime the Milton Dow held one race on the small track in an effort to vest his interest against the zoning ordinances Effingham was in the process of getting pushed through the court. The Supreme Court decision deemed the lots were residential and had no right except for residential use only and cannot provide any access. So, this was judicated in Supreme Court. Subsequently, Milton Dow sold the residential lot that were along Elm Street in Effingham. The residential development and the State approved 2-lots but since Milton Dow could not gain access through there except for the unspecified right-of-way. When Milton Dow got the Quit Claim Easement, (before Elm Street was developed) the access was known as Woods Rd. and he had a right to use Woods Rd. Milton Dow started using the lots for excavation and was using the access road formerly Old Hodsdon Shore Rd., now Duncan Lake Rd. but got into a Court battle with the State of NH. Milton would not settle with the State of NH, but his heirs conveyed to the State about 25 acres of land between the Pine River and as demonstrated on the plans. The State granted Milton Dow the right to build a berm along the edge of the existing pit. He was given the right to draw water from the pit, was given the rights for access down to the river from the property, Rines demonstrated on the plan and Dow had plans of excavating through. The initial Purchase & Sales Agreement when settling the estate, the estate would maintain 100 ft. wide right-of-way. But when the Deed was written, the right-of-way ended up being a 50 ft. right-of-way. But the 50 ft. width meets the road standard, it has the right to be relocated anywhere on the property to get out to Duncan Lake Rd.

Rines noted that Mr. Andrea stated the road had a 30 ft. wide right-of-way to Gile Rd., but it's actually 32 ft. wide right-of-way, there is a survey on record for the Town, after the 32 ft. wide right-of-way the road increases to 50 ft. right-of-way.

Rines noted this access is the sole access that was specifically granted for vehicular and pedestrian traffic it's the deeded easement is silent on the type of vehicles. It does not mean it excludes the trucks; it means it doesn't exclude them. It's means it's up to the Town for argument.

Gordon Pilotte suggested an environmental study be imposed as well. He said he was informed that in order for the trucks to get through Green Oak's pit they need to cross over the Red Brook three times. He noted the dust will go into the Red Brook which goes into the Pine River and flows to the Ossipee Lake.

Rines demonstrated on the plans how Red Brook flows and an access road would only have to cross Red Brook once.

Gordon Pilotte questioned if there are any tax benefits to Ossipee based on this property owner's property taxes paid. Does any of the revenue come from this property owner to Ossipee.

Smith and Billings both clarified that Ossipee cannot get tax money from another Town for providing access across town lines. Pilotte commented Ossipee is going to tax him to help maintain the roads but no one is taxing Mr. Angelini for maintaining the roads.

Attorney Sullivan clarified that Mr. Angelini does not hold the rights to relocate the access road, only the property owner has the rights and that would be Green Oak's Realty.

Bethany Jones of Effingham commented she stated back in 2018 when this all started, Mr. Angelini does not care. It's the wild, wild west out in the pit with 4-wheelers, dirt bikes, shooting and fireworks that goes on 24/7 all the time. She claimed that if the Town or its residents think they are going to receive road support from Mr. Angelini, they to think again. Because the pit is supposed to be no trespassing but it's no posted and he does give two hoots about the noise, dust, or traffic and the Town and Planning Board needs

to seriously think about not granting access.

Barron commented if Mr. Angelini agrees to contribute an amount or percentage of money towards road repairs and it is placed in writing, it is cause for legal action from Ossipee if the owner negates on the agreement.

Nancy Pollard of Duncan Lake Rd. inquired if the 9,000 – 10,000 was the current cost for road repairs. Smith noted according to the Public Works Director, TJ Eldridge about maintaining Duncan Lake Rd. The cost is not \$10,000, it's an additional \$10,000 above what is currently budgeted. Mrs. Pollard voiced her discontent with the lack of police presence on Duncan Lake Rd. checking for speeders and her displeasure with the road conditions. She advised to be careful of the numbers.

Mark Barry of Duncan Lake Rd. and reiterates what everyone else has said. Agreed to watch the numbers, the issue with grader does not explain the years prior. The police presence has not been there for greater than 15 years. Speed limit signs were placed a couple of years ago. He also expressed his concerns about the amount of dust, truck noise, house rumbling, and speed of the trucks. But the monetary benefits will go to Effingham and the pit owner but Ossipee residents will have to pay more for road maintenance.

Fischbein commented that Ossipee has to do its part in protecting property values, its community and doing what best for its community to the best degree it can based on laws and ordinances and ultimately the constitution. He empathizes but each decision made is based on the Board members doing due diligence in protecting the impact of its community but ultimately its based-on Law.

Smith noted the concerns pertaining to the road conditions, grader improvements, police presences, speeding vehicles should all be addressed at a Board of Selectmen's meeting.

Stuart commented a lot of facets of the concerns is from the trucks and does not believe it's true, he believes it has to do with the neighbors, the policing of the area. He agrees because he himself lives on a dirt road and is well aware of the issues. He agreed with Smith that these issues should be addressed at a Board of Selectmen's meeting.

Melinda Fitting of Duncan Lake Rd. questioned if Duncan Lake Rd. is a residential zone. Fischbein responded yes but the road is a public road and the pit is in Effingham. She also questioned if this case is a legal case and would cost money. Barron speculated it could become a legal case if the Board does not follow the RSA's.

Nancy Pollard was at the Selectmen's meeting and these issues were past off as it's the Planning Boards issues, so somebody needs to communicate somewhere. Smith replied these issues were not brought up at the Selectmen's meeting last night. But the Planning Board does not have jurisdiction over municipal business, that falls to the Selectmen and he will bring it their attention.

Barron would be interested in the Region Impact of trucks rattling houses and cracking foundations.

Jim Eastham of Duncan Lake Rd. questioned if the Town would pursue legal action to benefit the residents of Duncan Lake Rd. regardless of the RSA's and Zoning Regulations.

Smith commented he cannot speak for the whole Board, but preliminary legal advice received was to request a traffic impact study.

Ralph Buchanan stated the Board can ask the applicant to upgrade the access. He proposes asking the applicant to pave the road to improve the infrastructure. Smith noted you can request but you cannot make them do it.

Otterbach noted the Board is heading into legal issues that it is not equipped to adequately respond to.

Attorney Sullivan noted the Board is charged with making their best and honest decision. They can or cannot make a decision because their trying to besiege political impact, save Town money, that would be a breach of the Board judicial duties. The Board needs to make a decision either way based on Zoning Ordinances and RSA's. The Board can request conditions but cannot mandate.

Rines commented it's not a mandate it's a design standard based on the Federal government designs roads.

Gordon Pilotte commented on improvements such as traffic lights, pavement, sidewalks these are things that will have to be done. Obviously, Mr. Angelini does not care because he has not come to any of these meetings.

William Angelini announced he was right here. He stated he does not mind helping with improvements, but he wants to share the cost with everyone using the road as a way of coming to a happy medium. He does not want to see the road deteriorate either.

Billings stated the roads are under the realm of Selectmen. This Board starts and stops at Green Oak's gate. Green Oak's pit is a grandfathered and has the right-of-way, and the Board has no say on that road and the Board is wasting time. It is the Selectmen's job not the Planning Board because the Board has no legal obligation to address what happens in Effingham. Barron agreed.

Rines addressed comments made concerning 4-wheelers, etc... Currently, this pit is absent of work taking place and once activity does start it should deter the extra-curricular activity taking place. Rines remembered a saying "if the roads are flatter the cars go faster." He commented the only sidewalks in Ossipee are on Main Street and to have sidewalks on Duncan Lake RD might be a little over the top.

Nancy Pollard replied to Rines comment of paving the road. She noted they would not have the dust, potholes, or the environmental concerns.

Mark Barry it was his understanding from the Effingham meeting based on RSA 674:53 and the pit crosses two Towns. The Town has a right to review it and make a decision if it's going to be good for the Town. He suggested the Town seriously look at the overall cost it would be to the Town before rendering a decision.

Fischbein advised as a resident of Ossipee you have the right to petition a warrant article for funding to improve the road, or add sidewalks, etc... The petition warrant article would need 25 signatures from Ossipee registered voters. It would be validated by the Town Clerk. It would go to the Board of Selectmen and the Planning Board for recommendation or not. It would go on the ballot for voting at the Annual Town Election.

Smith commented even though a petition may pass at Town Election the Board of Selectmen control the money and determines how it's expended.

Chairman, Sharie Cohen closed Public Input.

Chairman, Sharie Cohen moved for Board discussion.

Smith suggested continuing the case to a later date in order to seek further legal opinion.

A **Motion** by Otterbach to continue **Case #20-2-EERP/RI**: Angelini Borrow Pit, Owner - William Angelini Earth Excavation of Effingham. Tax Map: 413 Lot: 138 and Ossipee – Tax Map: 235 Lot: 004 (Right of Way access only) until November 17, 2020, to be held at the Town Hall at 7:00 PM and requesting Attorney, Peter Malia to also attend the meeting. Fischbein seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

Point of Order from Jim Rines requesting if there was any direction for the applicant while the Board seeks legal counsel. The Board said not at this time.

After discussion, the Board realized that alternate, Otterbach had not been raised to voting status so, Otterbach, Smith and Fischbein rescinded the previous motion.

A New **Motion** by Barron to continue **Case #20-2-EERP/RI**: Angelini Borrow Pit, Owner - William Angelini Earth Excavation of Effingham. Tax Map: 413 Lot: 138 and Ossipee – Tax Map: 235 Lot: 004 (Right of Way access only) until November 17, 2020, to be held at the Town Hall at 7:00 PM and requesting Attorney, Peter Malia to also attend the meeting. Stuart seconded. No discussion.

A unanimous vote was taken by a show of hands. **Motion passed.**

REGULAR PUBLIC MEETING

Meeting Minutes: Review to approve Meeting Minutes of 10/06/2020.

A **Motion** by Billings to approve the minutes of the October 6, 2020. Fischbein seconded. No Discussion. B. Stuart abstained. All others voted in favor by a show of hands. **Motion passed.**

Financials:

- Sager & Smith, PLLC – Planning Board for General Matters in the amount of \$43.75

A **Motion** by Fischbein to approve the expenditure of \$43.75 for General Matters to Sager & Smith, PLLC. Stuart seconded. Discussion:

Billings questioned what the charges were for and suggested the Board deny payment until it receives an itemized bill detailing the expense. Fischbein and Stuart withdrew their motion.

A New **Motion** by Fischbein to deny the expenditure of \$43.75 for General Matters to Sager & Smith, PLLC. Stuart seconded. No discussion: A unanimous vote was taken by a show of hands. **Motion passed.**

A **Motion** by Billings to ask Sager & Sith, PLLC for an itemized bill detailing the expense. Barron seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

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

Nash informed the Board that the NH State Subdivision Approval and the Mylar for recording with CCRD were received for Case #20-4-SUBD and the Mylar was received for Case #20-5-SUBD.

- **Case #20-4-SUBD:** Owner – David and Patricia Eldridge of 710 Browns Ridge Rd. Tax Map: 279 Lot: 014 is Granted a Conditional Subdivision Approval pending the following conditions:
 1. NH State Subdivision Approval – [Received 10/16/2020](#)
 2. Receipt and Recording of Mylar with CCRD – [Received 10/16/2020](#)
 3. All Federal, State and Local Regulations shall be followed

A **Motion** by Billings for **Case #20-4-SUBD:** for David and Patricia Eldridge of 710 Browns Ridge Rd. Tax Map: 279 Lot: 014 is Granted Final Subdivision Approval with condition 1 & 2 being met and to remove from the list of unsatisfied conditions. 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.**

- **Case #20-5-SUBD Amendment:** Owner – 760 White Mountain Highway, LLC c/o William Benedetto, Jr., Member of 760 Route 16. Tax Map: 250 Lot: 005 is Granted a Conditional Subdivision Amendment to convert four of the proposed 2-bedroom residential duplex units in Phase I to (2) 3- bedroom single-family manufactured homes with the following conditions:
 1. Receipt & Recording of Mylar Plan – [Received 10/16/2020](#)

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

A **Motion** by Billings for **Case #20-5-SUBD Amendment**: Owner – 760 White Mountain Highway, LLC c/o William Benedetto, Jr., Member of 760 Route 16. Tax Map: 250 Lot: 005 is Granted Final Subdivision Amendment Approval with condition 1 being met and to remove it from the list of unsatisfied conditions. 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.**

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

J. Smith and T. Otterbach informed the Board they would not be in attendance for this meeting.

Master Plan Update: Letters are to be sent to the following departments or committees in Phase II with the pertinent chapters of the MP, as follows:

Historical Society: Chapters 4, 7

Main Street Program: ALL Chapters with emphasis on Chapters 4, 7, 8, 9

Misty Ryder, Ossipee Area Community Center: Chapters 2, 5

Ossipee Concerned Citizens: Chapters 2, 5

Ossipee Lake Alliance:

Lakes Region Planning Commission:

White Horse Addiction Center:

Upcoming Deadlines:

Monday, November 9, 2020

First day to accept petitions to amend zoning ordinance, historic district ordinance or building code for consideration at the 2021 town meeting. [RSA 675:4-120 days prior to town meeting.]

Any Other Business Which May Come Before This Meeting:

Otterbach commented on how impressive it was watching the bridge replacement on Route 16 and the Bear Camp River.

Adjournment:

A **Motion** by Billings to adjourn. Stuart seconded. No discussion. A unanimous vote was taken. **Motion passed. Meeting adjourned** at 8:50 PM.

Minutes approved by majority vote of the Board on –

_____ Date

Sharon “Sharie” Cohen, Chairman
Ossipee Planning Board