

**OSSIPEE PLANNING BOARD
MEETING MINUTES
December 1, 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, Jonathan Smith (Select. Rep), Connie Billings, Krystal Eldridge and Rick Cousins (New ZEO)

Absent: Roy Barron, Bruce Stuart, and Alternate-Tim Otterbach,

Meeting Minutes: Review to approve Meeting Minutes of 11/17/2020.

A **Motion** by Fischbein to approve the minutes of November 17, 2020 as submitted. Eldridge seconded. No discussion. Smith 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 \$105.00

Each member reviewed the itemized invoice and had no comments.

A **Motion** by Fischbein to approve the expenditure of \$105.00 for General Matters to Sager & Smith, PLLC. Smith seconded. No discussion: A unanimous vote was taken by a show of hands. **Motion passed.**

Informal Discussion:

- Ken Hoyt, Owner of Ridgetop Training at 88 Main Street. Tax Map: 092 Lot: 100 property owner is Joseph N. & Nancy J Gildea, Jr Trustee of Main Street Center Realty Trust to conduct training in basic pistol safety. Mr. Hoyt has spoken with Rick Cousins, who has inspected the area and has informed Mr. Hoyt and Joseph Gildea (property owner) the repairs needed to the porch, door header, an egress, Fire Chief’s approval, sprinkler system and parking.

Discussion ensued over obtaining an approved Site Plan Review, the building has been vacant for at least 4 years and a change in use from Retail Shop to a Personal Service Shop under zoning ordinance 34.1 Table of Uses. Billings suggested a Minor Site Plan Review. Mr. Gildea will contact the secretary in the morning to go over the Site Plan Review application process.

A brief discussion ensued over creating a different level, less involved Site Plan Review.

A **Motion** By Billings to 1. Give Ken Hoyt, Owner of Ridgetop Training at 88 Main Street. Tax Map: 092 Lot: 100, permission to operate his business, and 2. The property owner, Joseph Gildea, Jr Trustee obtains approval for a Site Plan Review within the next 90 days along with approvals from the Fire Department Chief and Ossipee Zoning Officer for the repairs needed to the porch, door header, an egress, sprinkler system and parking have been completed. Smith seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

Rick Cousins, Zoning Officer will issue a temporary 90-day certificate of occupancy with Fire Departments approval, while the owner, Joseph Gildea applies for a Site Plan Review.

- Lauren Beech business plans for 15 Water Village Rd. – Was not present to discuss plans with the

Board.

Rick Cousins discussed with the Board if each potential applicant should come before the Board for an Informal Discussion or have them apply for a Site Plan Review. The Board discussed several properties in question.

New Business:

- **LRPC:** Need (2) Representatives for Town Representation was discussed with the Board. Discussion involved the benefits to Ossiipee, cost of books, times of the meetings and the Board of Selectmen will add the request to website for any potential interested parties.

- **Case #20-2-EERP/RI:** Angelini Borrow Pit, Owner - William Angelini Earth Excavation of Effingham. Tax Map: 413 Lot: 138 and Ossiipee – Tax Map: 235 Lot: 004 (Right of Way access only) is seeking Ossiipee Planning Board's approval for use of the right of way access under Effingham's Regional Impact provision. (Case continued to January 5, 2021 at the Town Hall)

Zoning Ordinance Changes:

- **Building Codes** – Edits were noted mid-page on page 1, pertaining to the ordinance effective date and on page 2, #7 (b) Fences not over six feet high, should be Fences not over seven feet high, per RSA revisions 2019. Discussion ensued over the formal adoption of the Building Code, in which the Board of Selectmen had seeked legal reviewed.

- **Sign Ordinance** - Smith provided the background information for the changes. The Board had no comments or concerns.

- **3.2 - Zoning Map** - The Zoning Districts listed above are bounded as shown on the map entitled "Ossiipee Zoning Map" and the map entitled Ossiipee Water Resource Protection District and the map entitled "Ossiipee Wetlands Map," which maps are located in the Ossiipee Planning Office at 1 Moultonville Road (the former "Freight House" building) and made a part of this Ordinance. The first map is hereinafter referred to as the "Zoning Map", the second map is referred to as the "Ossiipee Water Resource Protection Map", and the third map is referred to as the "Ossiipee Wetlands Map."

Regardless of the existence of other printed copies of the Zoning Map, the Water Resource Protection Map, and the Ossiipee Wetlands Map, which from time to time may be made or published, the official Zoning Map which shall be located in the Town Hall shall be the final authority as to the current zoning status of the land and water areas, buildings, and other structures in the Town. ADD (Refer to 23.2 Non-Conforming Uses, para 1) ADD (Amended March 9, 2021)

Discussion ensued over what is the official zoning map and is there one located at the Tax Collectors office, under law per Billings, and the Freight House.

- **26.1.6 – Special Exception: ARTICLE XXVI - SPECIAL EXCEPTIONS**

26.1.6 The expiration of an approved special exception by the Zoning Board of Adjustment shall be in accordance with RSA 674:33 I-a as revised. (For informational purposes, the text of RSA 674:33, IV as of March 2014, modified for inclusion in this Ordinance, is as follows): Special Exceptions approved by the Zoning Board of Adjustment shall be valid if exercised within 2 (two) years from the date of final approval, or as further extended by local ordinance or by the Zoning Board of Adjustment for good cause, provided that no such special exception shall expire within 6 (six) months after the resolution of a planning application filed in reliance upon the special exception. Remove (Amended March 11, 2014) - ADD (Amended March 9, 2021)

ADD: Per 674:33, I-a (c) The zoning ordinance may be amended to provide for the termination of all special exceptions that were authorized under this paragraph before August 19, 2013 and that have not been exercised. After adoption of such an amendment to the zoning ordinance, the planning board shall post

notice of the termination in the city or town hall. The notice shall be posted for one year and shall prominently state the expiration date of the notice. The notice shall state that special exceptions authorized before August 19, 2013 are scheduled to terminate but shall be valid if exercised within 2 years of the expiration date of the notice or as further extended by the zoning board of adjustment for good cause.

The Board reviewed and discussed the administrative change and had no questions or concerns.

- **27.4 – Expiration of Approval – Variance: EXPIRATION OF APPROVAL**
Remove (Amended March 11, 2014) ADD (Amended March 9, 2021)

The expiration of an approved variance by the Zoning Board of Adjustment shall be in accordance with RSA 674:33, I-a as revised. (For informational purposes, the text of RSA 674:33, I-a as of March 2014, modified for inclusion in this Ordinance, is as follows):

Variances approved by the Zoning Board of Adjustment shall be valid if exercised within 2 (two) years from the date of final approval, or as further extended by local ordinance or by the Zoning Board of Adjustment for good cause, provided that no such variance shall expire within 6 (six) months after the resolution of a planning application filed in reliance upon the variance.

The Zoning Board of Adjustment shall note the expiration date for such variance on the approval, but the failure to note the expiration date shall not extend or render the expiration date void or voidable.

ADD: Per 674:33, I-a (b) The zoning ordinance may be amended to provide for the termination of all variances that were authorized under paragraph I before August 19, 2013 and that have not been exercised. After adoption of such an amendment to the zoning ordinance, the planning board shall post notice of the termination in the city or town hall. The notice shall be posted for one year and shall prominently state the expiration date of the notice. The notice shall state that variances authorized before August 19, 2013 are scheduled to terminate but shall be valid if exercised within 2 years of the expiration date of the notice or as further extended by the zoning board of adjustment for good cause.

Question was raised if there is a tracking mechanism in place for tracking approvals to ensure they are acted upon within the two-year deadline. Avitar has the capabilities provided an expiration date is entered. The secretary is currently tracking separately via a spreadsheet.

The Board reviewed and discussed the administrative change and had no questions or concerns.

A **Motion** by Billings for the Planning Board to hold a Public Hearing on the adoption of the Proposed Zoning Ordinance changes/addition of the Building Codes, Sign Ordinance, Article 3.2, Article 26.1.6 and Article 27.4 to be held on January 5th, 2021 - 7:00 PM at the Freight House with a second hearing date of January 19th, 2021, if needed. Smith seconded No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

Master Plan Update: The secretary confirmed the letters for phase II were sent to the departments and committees along with the pertinent chapters of the MP and is pending receipt of department contributions.

Upcoming Deadlines:

Wednesday, December 9, 2020 - Last day to accept petitions to amend zoning ordinance, historic district ordinance or building code for consideration at the 2021 town meeting. [RSA 675:4- 90 days before town meeting]

Thursday, January 7, 2021 - Last day to post and publish notice for first hearing on proposed adoption or amendment of zoning ordinance, historic district ordinance or building code if a second hearing is anticipated. [RSA 675:3; 675:7 – 10 clear days before January 18]

Monday, January 18, 2021 - Last day to hold first public hearing on adoption or amendment of zoning ordinance, historic district ordinance or building code if a second public hearing is anticipated. [RSA 675:3 –

14 days prior to last date to hold public hearing on zoning/building/historic district ordinance amendment/adoption on February 1]

Any Other Business Which May Come Before This Meeting:

Next Meeting: December 16, 2020 @ 7:00 pm

Adjournment:

A **Motion** by Billings to adjourn. Smith seconded. No discussion. A unanimous vote was taken. **Motion passed. Meeting adjourned** at 8:30 PM.

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

Sharon “Sharie” Cohen, Chairman
Ossipee Planning Board