

**OSSIPEE PLANNING BOARD
MEETING MINUTES
March 7, 2023**

Minutes have been recorded for the convenience of summarization by Laura Nash, Boards & Commissions Secretary and are deleted once the minutes are board 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 requested all cellphones to be silenced.

Pledge of Allegiance: Was recited by all in attendance.

Roll Call: Sharon “Sharie” Cohen, Chairman, Bruce Stuart, Vice Chairman, Ash Fischbein, and Krystal Eldridge.

Absent: Roy Barron, Jake Dawson, III (ex-officio) and Melissa Ames (Alternate)

Public Input: Chairman Cohen called for public input unrelated to any case being presented tonight. None was heard.

Meeting Minutes: Review to approve Meeting Minutes of February 21, 2023

A **Motion** by Eldridge to approve the meeting minutes of February 21, 2023 as amended. Fischbein seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

Informal Discussion: N/A

New Business:

- **Case # 23-02-SPR:** Michael Stevens of 1800 Route 16. Tax Map: 038 Lot: 020 is seeking a Site Plan Review to have Food Trucks, Camper Storage, a 60 ft. X 40 ft. Garage for Repairs and Sales. Along with a request for (4) Waivers.

Chairman Cohen read a note from Mike Stevens requesting a continuance until the next Planning Board meeting to be held on March 21, 2023.

A **Motion** by Fischbein to grant a continuance until March 21, 2023 for **Case # 23-02-SPR:** Michael Stevens of 1800 Route 16. Tax Map: 038 Lot: 020. Eldridge seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

- **Westward Shores Lakeside Camping Resort**, 110 Nichols Road, Tax Map 29, Lot 001:
 - **NHDES: AoT-2223A** revised the date in Project Specific Condition 3. The new expiration date is September 13, 2027.
- **Town Maps:** Fischbein requested the secretary to follow up with Jim Rines on the status of the Town Map revisions.

The secretary noted the corrections are color coded. Chairman Cohen move forward with reviewing the changes to the Site Plan Review Regulations. Discussion ensued over the current revisions based on State RSA Laws. But the secretary explained that while reviewing the changes, she noticed that it could probably be cleaned up more due to repetitiveness and possible further changes after town elections. Either way any changes made to the regulations would require a public hearing and a majority vote of approval from the board.

Site Plan Review Regulations: RSA revisions: The Board proceeded to review the proposed changes by sections:

- **6.03.4 (B)**, A list of names and addresses of the Applicant, agent and all abutters as indicated in the Town records, provided not more than ~~five (5)~~ twenty-one (21) days prior to the day of filing/submitting of the application. **Note: The Boards and Commissions secretary will rerun the abutter list five (5) days prior to the hearing to ensure that all abutters have been notified, in accordance with RSA 674.**
- **6.04.2.(B)**, An accepted application shall be deemed submitted to the Board as of the date on which the Board accepts the Completed Application. **The 65-day period starts the day after the decision was made to accept the application as complete.**

The secretary explained that most of the changes to the regulations is based on the RSA changes to reflect the 65-day period.

- **6.04.3. (H)**, A list of names and addresses of the Applicant, agent and all abutters as indicated in the Town records (within a 200-foot radius), provided not more than ~~five (5)~~ twenty-one (21) days prior to the day of filing of the application. **Note: The Boards and Commissions secretary will rerun the abutter list five (5) days prior to the hearing to ensure that all abutters have been notified, in accordance with RSA 674.**
- **6.04.3. (I)**, ~~(See example in appendix.)~~ Removing because there is no appendix.
- **6.04.4. (d), (e), (f)**, ~~Four (4)~~ Five (5) copies – changed Four (4) copies to Five (5) copies because that is what we’ve been asking for.
- **6.05.3. (A)**, When a completed application has been accepted, the planning board has 65 days to approve, ~~conditionally approve~~, or disapprove the application (unless the board has determined that the application is a development of regional impact, which gives the board an additional 30 days).

~~The Board shall consider a Completed Application within thirty (30) days of its formal submission and acceptance and shall act to approve, conditionally approve or disapprove the application within sixty-five (65) days after submission and acceptance, subject to an extension or waiver as provided in accordance with Section 4, I (f), Chapter 676, N.H. RSA 1955, as amended.~~

In the case of a determination by the board that the application is a development of regional impact requiring notice in accordance with RSA 36:57, III, the board shall have an additional 30 days **(95-day time frame)** to act to approve, conditionally approve, as provided in subparagraph (i), or disapprove. Per Amendment to RSA 676:4, I(c)(1), ~~(effective: August 9, 2021; adopt: December 7, 2021)~~

If the planning board does not act on the application within the 65-day period, then the governing body Selectmen is required to approve the application. This 65-day period starts the day after the decision was made to accept the application as complete.

~~The Applicant may consent to an extension of time for the Board to act beyond the initial 65-days period~~ **If warranted, the applicant and board should agree to an extension of the 65-day time frame on the condition that such consent shall be in writing and shall be made part of the Board’s record.**

~~The Board shall issue a final written decision which shall be filed in the office of the Town Clerk in accordance with applicable law. If the application is not approved, the Board shall provide the Applicant with written reasons for the disapproval.~~

Fischbein wanted clarified that since the Board has not accepted the application as complete for **Case #23-02-SPR**: Michael Stevens of 1800 Route 16. Tax Map: 038 Lot: 020, the 65-day ruling does not apply yet. The secretary confirmed.

Board discussion ensued that going forward all applications would need to be complete, including if a variance or special exception is needed, all NHDES and NHDOT approvals needed, Fire Chief approval, and Water & Sewer approvals (if needed) prior to submitting the application to the Planning Board for consideration.

The Board discussed adding a phase (2) to the procedures. Phase I – Informal Discussion, Phase II – Conceptual Plan Design. Both phase I and phase II would be non-binding discussions with the applicant and/or representing agent and the Board. Phase III – would consist of application submittal, all abutter's would be notified, public notices posted and a public hearing scheduled. All continuances **MUST** be submitted in writing by the owner/applicant and/or representing agent prior to the meeting scheduled.

The Board discussed at great length the benefits to the applicant by allowing Conditional Approvals. Per RSA 676:4, To approve an application with conditions may be for a variety of reasons:

The application may require minor revisions;

- Permits or approvals from other boards or agencies may be lacking;
- Improvements to roads, sewers or other utilities may be required before the development is completed; or
- The board may want to require preservation of specific natural features during development.

But only if the Planning Board allows conditional approvals written within the Site Plan Review and Subdivision/BLA Regulations. After much discussion, the Board members agreed there was no benefit to the applicant because as it is already established and documented that “**Conditional Approvals are not final until all Conditions and Federal, State and Local Regulations are met. No business is allowed to open for business on a conditional approval or without final approval from the Planning Board.**”

Since an applicant cannot break ground or open for business without final approval; there is no benefit to a conditional approval. The Board thus agreed to remove the entire section on Conditional Approvals from its regulations.

Moving forward all Site Plan Review and Subdivision/BLA Regulations will reflect that for Phase III – A Complete Application must have include all Federal, State and Local approvals (i.e., NHDES, NHDOT, AoT, Fire Chief's Letter, Local Water & Sewer approvals, etc...) before submitting the application to the Planning Board for consideration.

- **6.05.3 (B) Conditional Approval**

~~—The Board may grant conditional approval for a plan or application accepted as Complete. Such approval may become final without further public hearing, upon certification to the Board, based on evidence submitted by the Applicant of satisfactory compliance with the conditions imposed. However, final approval of a plan or application without further public hearing may occur in the manner cited here only when the following conditions apply:~~

- ~~(1) Minor plan changes as a result of a public hearing, compliance with which is administrative and does not involve discretionary judgment; or,~~
- ~~(2) Conditions which are in themselves administrative, and which involve no discretionary judgment on the part of the Board; or,~~
- ~~(3) Conditions with regard to the Applicant's possession of permits and approvals granted by other Boards or Agencies;~~
- ~~(4) No business is allowed to shall commence operation on a conditional approval or without final approval from the Planning Board and a Certificate of Occupancy from the Zoning Officer.~~

Board discussion continued on how to make the application process fluid and efficient. Stuart specifically asked for the secretary's input. Nash stated for the record, that she has no say in the matter. But the Board insisted on her input. Nash stated she tries to make each application as complete as possible under the current process. Nash stated she has no quarrel of adding a Phase II for Conceptual Plan Reviews, but for Phase III – Completed Application submittal. Nash stated she wants to ensure that all proper notifications are disseminated according to RSA's and once the Board accepts the application as "complete" that's when the 65-day period will begin.

Nash does not recall when a PB case has been left hanging. But there have been times when an applicant did not show up for their hearing and the Board made the motion to continue the case to the next meeting. Under the new RSA rule changes, the Board cannot continue a case without the applicant's written request for a continuance. If the applicant or representing agent does not show up for a scheduled hearing/meeting and has not submitted a request for continuance; the Board has no alternative but to deny the application and the applicant would have to start the application process all over from the beginning and incur all the application and notification fees. So however, the Board wants the application process to proceed, the regulations, and applications need to reflect the proposed changes and then a public hearing on the changes before the Board can vote to adopt the amendments.

Board discussion ensued on verbiage to improve upon and not use when conveying requirements to the applicants. Stuart stated in order to alleviate a lot of the confusion and hold people accountable and encourage them to take the time to read the regulations, understand the regulations and follow them. So, when a potential applicant comes before the Board for an Informal Discussion, they will receive a Process Flow Chart ("Cheat sheet") outlining the phases of the application process.

Stuart made a point of thanking the secretary and appreciates her input and thoughts on certain subjects. Because she is the one who deals the most with the applicants and for him it's important to have her input. Chairman Cohen appreciates her people skills when interacting with the applicant's.

The Board moved onto the subdivision regulations. The secretary noted that the changes to the Subdivision Regulations amendments are similar to the Site Plan Review Regulations amendments.

- **Subdivision/BLA Regulations:** RSA revisions - Fischbein questioned if these revisions were in blue. The secretary noted the areas in blue were changes made last year which include:

- **6.01.2 : Procedure for when approvals from the ZBA is required** - Any application submitted without the necessary Zoning Approval shall be deemed incomplete.

- **6.05 (F & G): Review of Final Plan** – (F) - Applications shall be considered incomplete and rejected by the Planning Board, without Public Hearing on grounds of; (1) Failure of the Applicant to supply information required by these Regulations, including failure to identify abutters; (2) failure to pay costs of notices or other costs and fees required by these Regulations; and (3) Failure to meet any reasonable deadline established by these Regulations; and (4) Failure to provide appropriate plans or documentation.

(G) - An incomplete Application filed by the Applicant will not be formally accepted by the Planning Board nor will notices of a Public Hearing be mailed, posted or published.

- **6.04 (E):** ~~Eight (8)~~ **Ten (10)** copies of the Final Plan completed in accordance with Sections 9.02, 9.03, and Section 9.05. All abutters shall also be identified on the Final Plan submitted to the Board.

Copies changed from 8 to 10 because of Board members and for posting.

- **6.05.3** Board Action on Completed Application

A. Time Limit

The Planning Board shall consider the Completed Application within thirty (30) days of its formal submission and acceptance, and shall act to approve, conditionally approve or disapprove the application within ~~ninety (90)~~ sixty-five (65) days after submission, subject to extension or waiver as provided in accordance with Section 4, I, (f), Chapter 676, N.H. RSA 1955, as amended.

The subdivider may consent to an extension of time for the Board to act beyond the initial ~~ninety (90)~~ sixty-five (65) days period on the condition that such consent shall be in writing and shall be made part of the Board's record.

The Board shall issue a final written decision which shall be filed in the office of the Town Clerk within 72 hours after the decision is made. If the application is not approved, the Board shall provide the subdivider with written reasons for the disapproval.

B. ~~Conditional Approval~~—Again, the Board has agreed to remove allowing conditional approvals.

~~The Planning Board may grant conditional approval of a plan or application, such approval shall become final without further public hearing, upon certification to the Board based upon evidence submitted by the Subdivider of satisfactory compliance with the conditions imposed. Final approval of a plan or application may occur in the foregoing manner only when the following conditions apply:~~

~~(1) Minor plan changes as a result of a public hearing, compliance with which is administrative and does not involve discretionary judgement; or~~

~~(2) Conditions which are in themselves administrative and which involve no discretionary judgement on the part of the Board; or~~

~~(3) Conditions with regard to the subdivider's possession of permits and approvals granted by other Boards or Agencies.~~

~~All other conditions shall require a hearing as provided for in Section 6.08 and notice as provided for in Section 6.09.~~

Fischbein asked about having to write the reasons for denying an application. Nash confirmed that the minutes and Notice of Decision have to specifically state the reasons for denying the application.

Nash referred to page 52 – Attachment I, is to be eliminated because it's never been used and the Board always asks for a copy of the deed as part of the application requirements. Charts have been redone. Nash noted there are extra sheets to the regulations and application packet to include Mailing format, and a Waiver Request Form (one form for each waiver requested).

Fischbein requested the blue sections for “N/A” on the SPR regulations be added to the Subdivision/BLA regulations to be consistent. Fischbein requested the PB Signature Block be added to the SPR regulations and application.

- **Site Plan Review Application:** RSA revisions - Chairman Cohen requested to highlight the currently blue sections so it stands out. Eldridge requested if it could be highlighted in green or yellow for people that are color blind.

- **Subdivision/BLA Application:** RSA revisions - Chairman Cohen requested to extend the lines within the signature blocks for both SPR and SUBD/BLA regulations and applications.

Unfinished Business:

- **Master Plan:** Stuart read through his notes on the status of HOPS Grant:

1. The HOPS Grant was awarded

2. The HOPS Grant Contract a.k.a. The Grant Agreement needs to be signed. Stuart is waiting on Matt Sawyer Jr. and/or Jonathan Smith to sign the contract. Stuart will contact them in the morning so he can get moving forward.
3. Monthly progress reports are due on the 10th of each month
4. Grant amount awarded is \$21,750.00
5. Beginning date is February 21, 2023, when the application was originally approved.
6. Completion date is July 31, 2024
7. They want the Board to adhere to the time entered on the application.
8. The Housing section completion date is by December 12, 2023
9. Extensions can be requested but cannot extend beyond July 31, 2024
10. Re-imbursements is usually a 30 day turn-around-time once an invoice is submitted but most likely within 15-days.
11. Initial funding will be expensed from the Planning Board budget or possibly from general fund and then re-imbursed accordingly.

Nash explained this is where the Planning Board should have budgeted for these expenses. But that was difficult to do due to the timing of the grant.

12. UNH Housing Academy issues three stipends for Board members to attend. Stuart has to attend as the recipient but two others either from the Board, the business community or a resident. The classes are via Zoom and is \$250.00 to attend. The classes are 2-3 sessions.
13. Their scheduled for the spring session which is believed to be after May 1st.
14. Stuart will find out the cost for non-stipend individuals.
15. The Grant money is broken down as follows, , money can be moved around with approval from the NH Housing HOPS Grant steering committee.

	Task			Details			Cost
Task # 1	Consultant Cost MP Housing Chapter			Secure/Onboard/Strategize			\$14,500
Task # 2	Housing Academy Enrollment			Three Participants	X \$250.00		\$750
Task # 3	Community Engagement			OEDC Town Hall Public Forums			\$3,500
Task # 4	Media Channels-Newsprint/Mailers			Notifications/Mailers			\$1,500
Task # 5	Project Administration/Documentation			Progress Reports/Invoicing			\$1,500
Total							\$21,750

16. Bruce Stuart is the Board appointed point of contact
17. Stuart will speak with Matt Sawyer, Jr. Town Administrator about possibly using electronic fund transfers, if not it will be through invoices and checks.
18. Consultants – there are thirty-four in total, Stuart selected 3-4 that share similar demographics and within driving distance so they can attend some meetings with the rest of the Board. There are 8-10 others within driving distance but do have the similar demographics as Ossipee.
19. Must have Community Engagement and Public Input
20. Stuart only asks that the Board members keep an open mind to all suggestions and not come into the meetings with a closed mindset.

21. Work with EDC to establish an Envision Night to discuss housing with the residents. Fischbein noted that the next EDC meeting is scheduled for second Monday of each month, which is March 13th, at 7:00 pm.

Notices:

Stuart reminded the Board members of LRPC - Spring Commissioner Meetings: to be held on Monday, March 27th from 6 – 8 pm at Hobbs Tavern in Ossipee on the Regional Housing Needs Assessment.

Next Meeting: [March 21, 2023 @ 7:00](#) to be held at the Freight House

Chairman Cohen called for any other business.

Any Other Business Which May Come Before This Meeting:

Eldridge inquired about increasing a departments budget on the floor at the Annual Town Hall Meeting. Fischbein doubted if that is possible but, if the Board goes over budget during a month, it's easily explained that it will be re-imbursed from the grant funding.

Eldridge suggested holding an Envision Night during Old Home Week.

Fischbein requested and Board discussion ensued over making several copies of the proposed zoning ordinance changes per request from Katy Meserve, Town Moderator, and adding a brief statement that this one is a duplicate, no longer valid, etc...

Chairman Cohen called for a motion to adjourn.

Adjournment:

A **Motion** by Stuart to adjourn. K. Eldridge seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed. Meeting adjourned** at 8:34 PM.

Minutes approved by majority vote of the Board on –

Date

Sharon “Sharie” Cohen, Chairman
Ossipee Planning Board

Bruce Stuart, Vice - Chairman
Ossipee Planning Board

