

**OSSIPEE PLANNING BOARD
MEETING MINUTES
May 16, 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: Bruce Stuart, Vice Chairman 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: Bruce Stuart, Vice Chairman, Ash Fischbein, Roy Barron, Krystal Eldridge, and Brian Ames,

Absent: Sharon “Sharie” Cohen, Chairman, and Melissa Ames (Alternate)

Vice Chairman Stuart addressed the Board members, staff, applicants and audience to remind all parties of the Rules of Decorum and Etiquette during a meeting and specifically # 7 and #8 which reads:

7. “Members of the Town Board, speakers and audience members must observe proper decorum. Any statements made during the meeting or during a public hearing by the Chairperson, members of the Town Board, town officials or employees, or members of the general public shall not involve personal, impertinent, or slanderous attacks on individuals, regardless of whether the individual so attacked is an elected official, a town official or employee, or a member of the general public.”

8. “The Chairperson or the presiding officer shall control the meeting. The use of profane, vulgar, inflammatory, threatening, abusive, or disparaging language or racial or ethnic slurs directed at the Chairperson, members of the Town Board, town officials or employees and members of the general public, or statements by a person attending the meeting which are not made during the public participation segment of the agenda or during a public hearing, shall not be tolerated.”

Vice Chairman Stuart also read #22 of Riggins Rules which states;

22. “**Don’t forget that the staff is there to help you in any way possible.** It is composed of very capable professional people with vast experience. Lean on them heavily. They can pull you out of many a bad spot if you give them a chance. Or they may just sit and let you stew, if you do not give them the respect which is their due. Remember that their usual practice is to remain silent unless they are specifically asked to comment. Most of them consider it presumptuous and unprofessional to inject any unsolicited comments into the hearings. Always ask them to comment prior to the final vote.”

Vice – Chairman Stuart just wanted to remind everyone of these rules of decorum and etiquette.

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

Meeting Minutes: Review to approve Meeting Minutes of April 18, 2023 and May 2, 2023.

Since three of the attending members were absent for the April 18, 2023 meeting, and unable to vote on the minutes due to a lack of quorum, Vice-Chairman Stuart moved the approval of the April 18, 2023 minutes to the next meeting on June 6, 2023.

A **Motion** by Barron to table the approval of the meeting minutes of April 18, 2023 until the June 6, 2023 meeting. Stuart seconded. No discussion. A unanimous vote was taken. **Motion passed.**

Review of the May 2, 2023 meetings minutes ensued. Fischbein noted on page 5 “Fischbein stated he is ***not*** going to make a decision based on someone’s memory.” And since no Board members could remember the

gentlemen's name the following was changed to, "***A gentleman from the audience*** stated R&R holds an Inspection license..."

A **Motion** by Barron to approve the Meeting Minutes of May 2, 2023 as amended. Fischbein seconded. No further discussion. A unanimous vote was taken. **Motion passed.**

Informal Discussion:

- Nicole & James Walsh for 18 Moultonville Rd. Tax Map: 092 Lot: 079 is looking to open a Bagel & Sub Shop at this location previously occupied by Gary LaFoe of Smokin Guns BBQ. Property owner is JB Real Estate Investments, LLC.

Nicole & James Walsh present wanting to open a bagel and sandwich shop. The shop would be open daily 6:00 am to 3:00 pm. There will be some coffee, bakery items, some grocery items to include milk, bread, and eggs and are looking for more local grocers. If demand calls for them to be open longer they would consider staying open longer than 3:00 pm.

Fischbein noted that this property has been brought before the Board several times before and will need to be reminded of the outcomes. But wanted the Walsh's to know that this Informal Discussion is non-binding on either party and in the end the Board will help guide and advise on the steps going forward.

Vice-Chairman Stuart noted the property is in the village district so there's no issue with the proposed use. Discussion ensued over the length of time the store area has been vacant from previous Smokin Gun's BBQ. The Board agreed it has not been vacant for two years in fact Gary LaFoe's lease was up in July of 2022.

The new owner came before the Board wanting to change the use to apartments and the Board informed him at that time he would need a Site Plan Review. But since the Walsh's will renting the space for food service; there is no change in use. The secretary noted the property never had an approved Site Plan Review. Back when Smokin Gun's BBQ had come before the Board; the Board at that time disagreed with the length of time it was vacant and ultimately Gary LaFoe was told he did not need a Site Plan Review. But in actuality prior to Smokin Gun's BBQ, the space had been vacant for almost 4 years and should have been required to apply for a Site Plan Review.

Discussion ensued over the different businesses that have occupied the space. Adequate parking and being able to waive the requirement. Loading dock is located on the side of the building. Discussion ensued about getting an approved Site Plan Review on the property from the owner. Nicole Walsh inquired about how long it would take to get a Site Plan approval. Fischbein noted that the application packet needs to be submitted no less than 21 days before the date of a public hearing. The secretary commented that the next available public hearing date would be June 20, 2023, since the deadline for the June 6, 2023 hearing was today. The Board clarified the owner needs to apply for the Site Plan Review since he is the property owner. The Board advised the Walsh's to contact the secretary for any assistance with the paperwork or for dates.

Mike Surette noted the Board stated the Site Plan Review application is done by the owner of the property. The Board confirmed but Mike Surette questioned if the Walsh's could get a waiver from the owner that allows the Walsh's to do the application. Fischbein stated they could become the agent for the owner on the application. The paperwork can be found on the Ossipee website or they can contact the secretary for any assistance. Vice-Chairman Stuart called for any other questions and Nicole Walsh inquired about having picnic tables outside. Fischbein noted that is not under the prevue of the Planning Board and advised them to contact the Zoning and or Building Inspector for clarification.

New Business:

- **Case #23-03-SPRA:** Michelle Libby c/o Junkyard Dogs. Owner: Igor Kondrakhin of 2300 Route 16. Tax Map: 009 Lot: 014 is seeking a Site Plan Review Amendment for a change in use from an office building to a take-out hot dog business.

Michelle Libby, Mike Surrette and Igor Kondrakhin were present to answer questions. Michelle Libby for Junk Yard Dogs believes she has submitted all the required paperwork. Over the past month, they had Ralph Buchanan come and inspect, tested and passed the septic system. There is also enough room for a new system if this one fails. Buchanan was pleased to see that the septic tank was in a cement box and strong enough to park a car on top and not damage the septic system. In the packet is a letter of inspection from Ralph Buchanan approving the septic system.

The Fire Chief came and inspected the site and has 3 requirements for approval:

- 1: Smoke and CO alarms/detectors installed inside the building.
- 2: The entry/Exit door must swing outwards.
- 3: Lighted Exit sign over the exit door.

They had the Building Inspector come down for an inspection, wished them luck and has suggested adding 4 snow poles for the exterior over hang to support the snow load.

Water test will go out the beginning of June. NHDES approved the curb-cut for the driveway. The Health department has approved the floor plan.

Fischbein inquired if Buchanan mention the gallons per day quantity. But it was not noted. Mike Surrette commented that there is one bathroom for Michelle Libby's use. Public bathroom will be port a potties stationed outside. Vice-Chairman Stuart inquired and Michelle Libby confirmed, they will be open year-round. Michelle Libby stated she is going to continue parking the Junk Yard Dogs trailer at this location until everything is ready with the building and then the whole business will operate out of the new building.

Discussion ensued over the only change is the change in use and when was the prior Site Plan Review approved. Barron questioned if this is an approved Site Plan Review on file. Barron questioned if this is an amendment, why does Michelle Libby need the waivers. The question is just a change in use and they should be set to go. Fischbein commented because it's in the checklist and there's nothing in the application that says this is an amendment you don't need to fulfill these requirements. Barron commented that it should be a change of use and that it. Barron suggested added it to the ballot in March.

Vice-Chairman Stuart and the secretary pulled and reviewed the prior files and determined there was no prior Site Plan Review for the property. All prior applications are noted that "No Site Plan Review Required." So, the Board agreed that prior Boards may have assumed there was an approval on file, but it was not confirmed. Now that it's being looked at and has been vacant for so long The Board agreed to change the Site Plan Review Amendment to a full Site Plan Review to ensure there is one on file going forward. Barron noted that the plan will need to have the Planning Boards signature block. The Board agreed and asked Mike Surrette to add the signature block and verbiage to the plan. In the meantime, the Board proceeded to reviewing the waivers requested.

Igor Kondrakhin inquired if there are any rules about installing sheds on the property for tools and tractor. Fischbein clarified with Barron and Dallas Emery, who are ZBA members, what the setback requirements are in the Roadside Commercial district. Emery stated 40 ft. in the front and 25 ft. on the side and rear setbacks. Fischbein and Barron both informed Mr. Kondrakhin to contact the Zoning Officer, Jonathan Smith, about getting a building permit for the structures. Mr. Kondrakhin inquired if there were any restrictions on cultivating the rest of the property to grow. Fischbein told him there are no restriction on agriculture except staying within state laws.

Vice-Chairman Stuart moved onto the waivers and asked Fischbein to read each one.

Waivers Requested as follows:

1. Section 2:D - Copy of any required Zoning Board or Water District approvals from (Section 6.04.4 B)
- Requesting a waiver because we will be running a private well on the property.

A **Motion** by Fischbein to approve the Waiver Request from Section 6.04.4 B, Copy of any required Zoning

Board or Water District approvals. Barron seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

The waiver request for the signature was no longer required because Mike Surette was adding it to the plan. Fischbein moved onto the next waiver request.

2. Section 3:F - Name of engineer, surveyor with stamp or identification of another qualified preparer; (Section 6.04.4 G 1) - Requesting a waiver because we prepared plans ourselves so no engineer, surveyor, or other preparer stamps or ID was needed.

A **Motion** by Fischbein to approve the Waiver Request from Section 6.04.4 G, Name of engineer, surveyor with stamp or identification of another qualified preparer. Barron seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

3. Section 3:M - Landscaping in harmony with surrounding area, with buffers, clearing kept to a minimum; (Section 6.04.4 H 13) - Requesting a waiver because the landscape will remain the same.

A **Motion** by Fischbein to approve the Waiver Request from Section 6.04.4 H 13, Landscaping in harmony with surrounding area, with buffers, clearing kept to a minimum. B. Ames seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

4. Section 3:N - Location of all natural and historical features; (Section 6.04.4 H 14) - Requesting a waiver because no natural or historical features are needed because there is none on the property.

A **Motion** by Fischbein to approve the Waiver Request from Section 6.04.4 H 14, Location of all natural and historical features. B. Ames seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

5. Section 3:Q - Soil information including soil type (see OZO p. 82 – 83 and Carroll County Soil Survey); (Section 6.04.4 H 5) - Requesting a waiver because the soil is already existing.

A **Motion** by Fischbein to approve the Waiver Request from Section 6.04.4 H 5, Soil information including soil type. Barron seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

6. Section 3:R - Storm water drainage, pre- and post-development run-off flow; snow storage areas (OZO s5.5.) (Section 6.04.4 H 9) - Requesting a waiver because the storm water drainage stays the same as it's an existing building.

A **Motion** by Fischbein to approve the Waiver Request from Section 6.04.4 H 9, Storm water drainage, pre- and post-development run-off flow; snow storage areas. K. Eldridge seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

7. Section 3:S - Erosion and sediment controls, grading not to exceed 2:1, wetland protection, if any; (OZO s5.6.) (Section 6.04.4 H 15) - Requesting a waiver because it will remain the same as it's an existing building.

A **Motion** by Fischbein to approve the Waiver Request from Section 6.04.4 H 15, Erosion and sediment controls, grading not to exceed 2:1, wetland protection. Barron seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

8. Section 4:D - Ossipee Water and Sewer Supervisor approval, if the property is located on Town water and/or sewer service; Applicant must take Plan copy to Supervisor in a timely manner to obtain comments/approval; (603-539-8417) (Section 8.03.1 A) - Requesting a waiver because there is a private well and septic tank in use.

A **Motion** by Fischbein to approve the Waiver Request from Section 8.03.1 A, Ossipee Water and Sewer

Supervisor approval. B. Ames seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

9. Section 4:F - Groundwater protection, if located in a Groundwater Protection District. (See OZO 20.5 p. 60 - 61); check on need for Special Use Permit; (Section 8.03.2 A) - Requesting a waiver because no change will be made to the ground or surrounding ground as it is existing.

A **Motion** by Fischbein to approve the Waiver Request from Section 8.03.2 A, Groundwater protection. Barron seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

10. Section 4:G - Pollution controls (hazardous materials, noise, odor, smoke, etc.) (Section 8.03.3) & (Section 8.03.7) - Requesting a waiver because all cooking will be done with electric and will be done Inside the building.

A **Motion** by Fischbein to approve the Waiver Request from Section 8.03.3 & Section 8.03.7, Pollution controls (hazardous materials, noise, odor, smoke, etc.). B. Ames seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

Vice-Chairman Stuart called for any further discussion. The letter from the Fire Chief and subsequent requirements were discussed. Michelle Libby stated per the Fire Chief, he will come back for a final inspection to ensure his requirements have been met. The Fire Chief will update his letter and Michelle Libby will submit a copy to the Planning Board of the final letter.

A **Motion** by Fischbein to accept the application as complete for **Case #23-03-SPR**: Michelle Libby c/o Junkyard Dogs. Owner: Igor Kondrakhin of 2300 Route 16. Tax Map: 009 Lot: 014 request for a Site Plan Review for a change in use from an office building to a take-out hot dog business. Barron seconded. No discussion. A unanimous vote was taken. **Motion passed.**

Vice-Chairman Stuart called for public input. Hearing none.

A **Motion** by Fischbein for **Case #23-03-SPR**: Michelle Libby c/o Junkyard Dogs. Owner: Igor Kondrakhin of 2300 Route 16. Tax Map: 009 Lot: 014 is Granted a Site Plan Review for a change in use from an office building to a take-out hot dog business. All Federal, State and Local Regulations shall be followed. K. Eldridge seconded. No discussion. A unanimous vote was taken. **Motion passed.**

Vice-Chairman Stuart and Fischbein Noted: 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.

K. Eldridge requested to be excuse from the remainder of the meeting because she needed to pick up a child by 8:00 pm. Vice-Chairman Stuart thanked her for coming in and will see her at the next meeting.

Vice-Chairman Stuart noted the following case is continued until the June 6, 2023 meeting.

- **Case #23-03-SPR**: Amy & Todd Gogolowski of 1550 Route 16. Tax Map: 053 Lot: 092 is seeking a Site Plan Review to operate a business called Wicked Wares and proposing to use the existing two-story barn as a seasonal Antique and Craft retail store. The Resale store will be open approximately 6 months, May 1 to November 1. In addition, sale of plants and garden variety will be available for future sales once the greenhouses are constructed. The single-story red storage barn is currently used for storage/workshop and will continue to be used for storage and workshop. (Case Continued until June 6, 2023 pending Deed research on Right of Way access and to complete the application form)

Unfinished Business:

- **Master Plan:** Housing Chapter - Vice-Chairman Stuart gave an update that he has spoken with Carol Ogilvie, Consultant is requesting to meet with the Board on June 20, 2023. Vice-Chairman Stuart suggested starting the meeting earlier on June 20th. Discussion ensued about posting the public notice, distinguishing between this being a workshop or part of the regular meeting.

After discussion, Vice-Chairman Stuart called for this to be a Special Meeting to be held on June 20, 2023 at 5:30 pm – 6:45 pm at the Freight House followed by the regularly scheduled Planning Board Meeting/Public Hearing at 7:00 pm and will be posted in the same manner as a regular Planning Board Meeting/Public Hearing.

Vice-Chairman Stuart attended the Housing Academy last week with another session taking place tomorrow from 9:00 am – 10:30 am, Joy Gagnon of EDC and Vice-Chairman Stuart attended. Vice-Chairman Stuart is going to ask Jonathan Smith if he would consider being the third person to attend the academy.

Vice-Chairman Stuart stated there will be a Tri-Cap meeting/dinner on June 1, 2023 at the Town Hall, the topic of discussion is transportation. Vice-Chairman Stuart noted Joy Gagnon sent him an invite with the thought that it would be a community based attendance and topic of engagement. Fischbein noted that it would not count towards the grant as community engagement. Vice-Chairman Stuart is going to attend and speak on how the Planning Board is preparing to rewrite the housing chapter.

Dallas Emery inquired if the Special Meeting would qualify as 1 of the 3 public involvement requirements for the grant contract. Vice-Chairman Stuart clarified it does not and it's not meant to. Vice-Chairman Stuart wants to keep the community involvement to actual events to be scheduled for getting their input.

Fischbein suggested using the Tri-Cap meeting/dinner on June 1, 2023 to gain support and possibly others to get involved. Vice-Chairman Stuart will attend the dinner and will notify Carol Ogilvie the June 20, 2023 meeting looks good for attending to meet the Board.

- **Subdivision/BLA Regulations:** Revisions to be reviewed at the next meeting on May 16, 2023.

Vice-Chairman Stuart read the changes as follows:

Page 13: Section 6.04-E. ~~Eight (8)~~ Ten (10) copies of the Final Plan

Page 14: Section 6.05.3-A. Time Limit - within ~~ninety (90)~~ sixty-five (65) days after submission

Page 15: Section 6.06 – Failure to take Action – the whole section is rewritten to reflect the 65-day rule change

Page 19: Section 7.06 - Final Action

Page 19: Section 8.01 - shall submit ~~four (4)~~ five (5) copies

Page 23: Section 9.02 -A. ~~Eight~~ Five copies of the Final Plan, no larger than 24" X 36"

Page 23: Section 9.04A – F Mylar & ~~Four (4)~~ Five (5) copies of the lot layout

Page 31: Section 11.02 G ~~Four~~ Five paper copies of the HIS survey

Page 49: Section 13.13 Driveway Permits

All driveways in subdivisions, from the effective date of these regulations will be reviewed ~~by the Road Agent~~ and permits issued by the ~~Chairman of the Planning Board~~ Public Works Director prior to final approval.

Page 51: Dates of Public Hearings ~~August 14, 1989 and October 10, 1989.~~

Page 52: Entire Page and Page 78: Omit 2 dates.

B. Ames inquired if the Board needs to make a motion to approve the proposed changes to the subdivision regulations. The secretary stated no because they won't get approved until the public hearing.

- **HB – 44:** Bob King response letter to Ivy Vann proposal on housing.

Vice-Chairman Stuart inquired if anyone had read this letter. Vice-Chairman Stuart noted that HB 44 is not going to pass through legislation this year and probably will not pass through next year.

Fischbein commented that the Town of Ossipec just approved all types of housing anywhere in the town. Now that the town has voted in these changes, there are no rules between the division of single-family home and a multi-family unit. So, the subject matter of the letter is the risk of reducing property values on single-family homes and the characteristics of single-family homes next to larger apartment style homes. The risk of putting multi-family units next to single-family homes.

Fischbein noted that the Board, as elected officials have a duty to protect the properties of our residents. The Board needs to consider adding some verbiage to the ordinances for the Board to use as reference to set parameters for any applications coming before the Board.

Vice-Chairman Stuart wanted clarification and Fischbein and Barron both explained the process to add the verbiage would need to go before the voters in March to change any ordinances. Discussion ensued over the point of view of both letters and how they would affect Ossipec housing. Vice-Chairman Stuart is going to review the point of views of both letters and will speak Jonathan Smith, Zoning Officer.

The Board members are to consider the verbiage they want to add to the ordinances to maintain the characteristics of the homes and to consider which districts to limit multi-family units and setback restrictions to propose.

- **Greg Howard Letter:** Discussion continued: Vice-Chairman Stuart stated the scrutiny the Board has displayed towards the cases that have come before them; he feels the Board has made a huge improvement over the past.

Fischbein suggested going forward that the prior case files be pulled for Board review when someone is scheduled to come in for an Informal Discussion. The Board agreed.

Vice-Chairman Stuart believes there were some valid points contained in the letter but does not want the Board to commit to requiring every applicant to have their property surveyed prior to submitting their application, the Board should remain flexible. General discussion ensued.

Next Meeting: June 6, 2023 @ 7:00 pm at the Freight House

Any Other Business Which May Come Before This Meeting: None heard.

Vice-Chairman Stuart called for a motion to adjourn.

Adjournment:

A **Motion** by Barron to adjourn. Fischbein seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed. Meeting adjourned** at 8:50 PM.

Minutes approved by majority vote of the Board on –

Date

Sharon “Sharie” Cohen, Chairman
Ossipec Planning Board

Bruce Stuart , Vice - Chairman
Ossipec Planning Board