

**OSSIPEE PLANNING BOARD
MEETING MINUTES
April 18, 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, Brian Ames, and Melissa Ames (Alternate).

Absent: Ash Fischbein, Krystal Eldridge, Roy Barron, and R. Christopher Templeton (Selectmen’s Rep.)

Chairman Cohen raised Melissa Ames up to voting status in place of Roy Barron.

Chairman Cohen stated the Board was going out of order because Mr. Stiff needed to get to the airport to pick up his wife.

Informal Discussion

- Enoch Stiff of Off Blake Hill Rd. Tax Map: 103 Lot: 024 is seeking to subdivide a one-acre lot from the 30-acre lot.

Enoch Stiff has secured Jim Rines to be his representing agent and Randy Walker for some of the legalities. The property is located on the corner of Blake Hill Rd and Valley Rd. further up towards the ridge. It has been in the Neal family since 1860. His great-grandfather conceived the idea for Roland Park and most of the houses there were constructed between 1890 – 1930. Enoch Stiff gave an in-depth history of how his great grandfather lured Boston businessmen to the area. Enoch Stiff submitted to the Board and encouraged each one to read a document written by his great grandfather called Roland Park’s Early History by Enoch E. Neal, circa 1930’s. Enoch Stiff commented on the number of Ossipee family names listed in this document.

Enoch Stiff noted at one time there where 16 Boston families living up in Roland Park and to this day 12 families still live there. Enoch Stiff explained that within his family if someone needed some land to expand for another family member to live there; they would all give up some land for that family member to build a legacy.

Enoch Stiff referred to a map he provided and specifically to lot: 024, which is the Neal Family Trust. Lot: 023 contains the family far house. The brother owns Lot: 016 and Lot: 017 and the sister wants to buy a Lot right next to him outlined in red on the map. It is 1.5 acres, Jim Rines will be completing the survey and subdivision plan and having the perk test done. Randy Walker will be assisting with the surveying and the deed research. Jim Rines recommended that Enoch Stiff come and speak with the Board for Informal Discussion before submitting a subdivision plan.

Stuart noted on face value the frontage requirement is met, there is still access to Lot: 024 from Valley Rd, and Blake Hill Rd. Blake Hill Rd. is closed in the winter time so primary access will be from Valley Rd. Stuart and Cohen both had no issues or concerns with the preliminary plan. The lot to be subdivided from the main lot is square in nature, is in a fairly level area, and has a very high consistency of sand.

Chairman Cohen and Stuart addressed the issue of the 1894, right of way. Jim Rines has the complete history going back to the 1800’s, the larger parcels never got sold, they were passed on from generation to generation.

So, there was no true right of way, and the deeds are not very clear, or as Enoch Stiff put it the deeds tend to be very “perfunctory.” At the prior meeting it was suggested he follow up with the Registry of Deeds, because if the right of way was truly recorded it would be there.

Enoch Stiff noted on the 1894 subdivision plan the lots were all 0.25 acre lots and roads were put in to accommodate the 0.25 acre lots. But the roads were never built, they were only drawn on the map. So, the question was what happens to a road that was never built but was approved but never deeded. The second question is who consolidated the parcel. Did the family do it or did the Town. Thus far they have not been able to find in the deeds that the parcels were consolidated. Enoch Stiff believes it may have been mutual between the town and the families because who would want (100) 0.25 acre lots, so they were consolidated.

Jim Rines warned Enoch Stiff that whoever buys the lots should be made aware of the 1894 subdivision on paper map only but was never acted upon. Stuart questioned if the laws of that time would have similar to today’s laws when a project is never acted upon. The secretary noted it would be whatever the laws were at that time since it was well before any zoning ordinances were considered.

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 April 4, 2023

Chairman Cohen noted on page 5 under Unsatisfied Conditions it says, “he has decided what he want to do” it should be “he has ***not*** decided what he want to do.”

Chairman Cohen noted on pages 1- 3 that Lorianne Bennett should be spelled ***Laurianne Bennett*** and on page 2. “there will be either port a potties or an (***outhouse***) will be built for bathroom”

Brian Ames noted on page 1 that his name was excluded from the roll call - **Roll Call:** Sharon “Sharie” Cohen, Chairman, Bruce Stuart, Vice Chairman, Ash Fischbein, Roy Barron, ***Brian Ames***, Krystal Eldridge and Melissa Ames (Alternate).

With no other corrections, Chairman Cohen called for a motion.

A **Motion** by Brian Ames to approve the meeting minutes of April 4, 2023 as amended. Melissa Ames seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

Informal Discussion (Cont.)

- Brian & Laurianne Bennett of 47 Effingham Rd. is seeking to sell homemade goods and to have (4) Yurts on platforms to rent for family camping under Article 34.4 (a) per RSA 21:34 (a) on their farm. (Continued from April 4th, 2023)

Request received to cancel attending tonight’s meeting because they need to apply for a variance before proceeding with getting Site Plan Review approval.

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. (Case Continued from February 21, 2023, March 7, 2023, March 21, 2023 and April 4, 2023) – Fire Chief’s letter received. Pending NHDOT curb-cut.

Michael Stevens presents with updates but noting he is waiting on NHDOT driveway approval but they did send a letter acknowledging receipt of the application. The Fire Chief’s letter has been received. Michael

Stevens noted he did do some improvements to his site plan. He walked the property to find the boundary markers and proceeded to demonstrate on the plan where he found one marker but could not find the other marker because of the state drainage work that was done but the marker is gone.

Michael Stevens spoke with Stuart and demonstrated on the plan where parking will be located, where the shop will be located and where the RV and camper storage will be located. Stuart noted per Table II where commercial land abuts commercial land there is a minimum of 10 ft. buffer area of greenspace where no parking is allowed to the boundary line. Michael Stevens explained that the boundary line follows the train tracks and from that line to the center of the train tracks is the buffer. Stuart noted he could find out but the buffer for that rail line and for any B&M rail line is 33 ft. from the center of the tracks and from that point is usually a 66 ft. right of way and 33 ft. on each side. So, Michael Stevens will need to ensure that the parking for the food trucks will have the 10 ft. buffer of greenspace where no parking is allowed. Stuart referred Michael Stevens to the trails bureau has a map of this track that will tell where the boundary line is located.

The Board reviewed the application to determine if the waivers had been previously approved. The prior minutes were reviewed and it was determined that neither the application nor the waivers were previously approved.

Waivers: The Board discussed the first waiver request to not have an agent represent him. 6.04.3 A – Requirement for completed application – Agent: is not needed because he's representing himself. After discussion the Board determined this waiver request was not necessary because he is representing himself.

A **Motion** by B. Ames to grant the waiver for 6.03.4 – Copy of NHDES approvals: is not required because there is a well and septic on the property and there are no wetlands to be disturbed. M. Ames seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

A **Motion** by B. Ames to grant the waiver for 6.03.4 – Copy of any Zoning Board or Water District Approvals: is not required because the property has a driven point well. M. Ames seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

A **Motion** by B. Ames to grant the waiver for 8.03.1. B. – Ossipee Water & Sewer Commission Approvals: Because he has a driven point well and own septic system. M. Ames seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

A **Motion** by B. Ames that the application is complete for **Case # 23-02-SPR**: Michael Stevens of 1800 Route 16. Tax Map: 038 Lot: 020 request for 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 (3) Waivers. M. Ames seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

Stuart inquired about the time frame of constructing the garage. Michael Stevens estimated about 2 – years. Michael Stevena explained this would be a phased project with Phase I being the food trucks and camper storage. Phase II would be to construct the garage for repairs and sales. Discussion ensued.

A **Motion** by B. Stuart to Grant Conditional Approval for a Site Plan Review for **Case # 23-02-SPR**: Michael Stevens of 1800 Route 16. Tax Map: 038 Lot: 020 for a two-Phased project with Phase I to allow Camper Storage, and Food Trucks, and Phase II is to construct a 60 ft. X 40 ft. Garage for the use of Repairs and Sales. With the subsequent condition of receiving NHDOT driveway approval and All Federal, State, and Local Laws and Regulations shall be followed. M. Ames seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

Chairman Cohen 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.

- **Case #23-01-LM:** Kyle Knox Perry, owner c/o Keith Perry, (Father & POA) of 285 Newman Drew Rd. Tax Map: 016 Lot: 008 and 295 Newman Drew Rd. Tax Map: 016 Lot: 007 is requesting to merge these two lots and become one lot of record. Lot 008 has a dilapidated house that will be razed and removed to make way for a new home to be built when Kyle Knox Perry returns home from deployment in two years.

The secretary explained that the applicant is Kyle Knox Perry and wants to merge lots 007 and 008. Keith Perry is Kyle's father and has Power of Attorney because Kyle is overseas servicing in the military. So, Keith Perry completed the application and has provided the necessary documents along with a copy of the POA.

The Board reviewed the application. The secretary noted that lot: 008 is 0.52 acres and Lot: 007 is 1.0 acres so it meets the minimum lot size requirement. Lot 008 does have a dilapidated house that will be razed and removed to make way for a new home to be built when Kyle Knox Perry returns home from deployment in approximately two years. Chairman Cohen asked for any Board discussion. None was heard.

A **Motion** by B. Ames for **Case #23-01-LM:** Kyle Knox Perry, owner c/o Keith Perry, (Father & POA) of 285 Newman Drew Rd. Tax Map: 016 Lot: 008 and 295 Newman Drew Rd. Tax Map: 016 Lot: 007 is Approved a Lot Merger of these two lots to become one lot of record under Tax Map: 016 Lot: 008. Lot 008 has a dilapidated house that will be razed and removed to make way for a new home to be built when Kyle Knox Perry returns home from deployment in approximately two years. M. Ames seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

Chairman Cohen moved to Bruce Stuart for an update on the Master Plan.

Unfinished Business:

- **Master Plan:** Stuart reported he has reached out to 8 different consultants and everyone's schedule is jam packed. He did hear back from Daniel Stephens, Director of Real Estate Development Services of Saratoga Springs, NY and Carol Ogilvie of the Mount Vernon area. Stuart commented they are eager to help and will work around the Boards schedule. They were the only two that responded back and are within close proximity to Ossipee. Stuart is going to reach out to each of them to see what they offer for their services.

- **Rules of Procedure:** Revisions were reviewed. The secretary noted that all changes and revisions are shown in red and green. **Red** is for suggested deletion and **Green** is the new verbiage.

The first changes are noted on page 4 – Order of Business by adding in the following:

- IV. **Public Input, Unsatisfied Conditions:** Review of cases with pending conditions.
- IX. **Notices:** Review of any Federal, State, and Local correspondence for the Planning Board.
- X. **Any Other Business Which May Come Before This Meeting:**
- XI. **Next Meeting:** Date, Time and Location of next scheduled meeting
- XII. **Adjournment:**

And striking the following from page 7 because it's been relocated to page 4.

- XIV. ~~**Unfinished Business:**~~
- XV. ~~**Correspondence:**~~
- XVI. ~~**Any Other Business Which May Come Before This Meeting:**~~
- XVII. ~~**Adjournment:**~~

The next change is on page 9 under 9.4 and 9.7 – Standards of Conduct.

9.4 - A Board member who is participating only for the purpose of being counted for the presence of a quorum shall be entitled to sit at the podium, provided that he/she **does** not participate, comment, or make any indication of his/her position.

9.7 All discussions between Planning Board members and applicants or their agents regarding matters to be decided by the Board shall take place at public hearings **and as part of the public record during the Informal Discussion Phase and the Conceptual Design Review Phase.**

The next change is on page 10 under 10.1:

Article 10 - Agenda Management

10.1 Applications for hearings before the Board shall be made on forms provided by the Board and shall be presented to the Boards & Commissions Secretary (non-elected position) and record the date of receipt. Completed applications shall be submitted to the Board, reviewed for completeness, and then accepted ~~for~~ **consideration** as complete by majority vote...

10.5 If new or additional information relative to the application is required by the Planning Board, such information must be submitted to the Planning Board and/or the Town Planner at least 10 days prior to the next Planning Board meeting.

Amendments:

... August 30, 2022 - Amendment reflects the change of adding a board elected Secretary to the Board Officers

May ??, 2023 – Change to Order of Business, grammatical changes, and RSA changes.

A **Motion** by Stuart to accept the amended Rules of Procedures. B. Ames seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

- **Site Plan Review Application:** Proposed revisions can be found on the Town's website.

The secretary noted that all changes and revisions are shown in red and green. **Red** is for suggested deletion and **Green** is the new verbiage.

The Board proceeded to review the proposed changes. Discussion shifted to the fee schedule.

- **SPR Fee Schedule:** Discussion ensued over changing the application fee amounts to give some leniency towards Amendments to an Approved Site Plan Review. The current fee schedule is as follows:

- **Site Plan Review (Minor)** - \$200.00 Application Fee
- **Site Plan Review (Major)** - \$250.00 Application Fee
- **Site Plan Review (Amendment)** - \$200.00 Application Fee

Discussion ensued over the amount of work involved and difference between an Amended SPR versus a full SPR. The secretary explained the works the same but not all documentation needs to be provided because it's in the file or unless there is an issue, as an (example; septic approval) would need an inspection but not necessarily a whole septic design. After discussion the Board agreed to the following changes to the fee schedule:

- **Site Plan Review (Minor)** - ~~\$200.00~~ **\$225.00** Application Fee
- **Site Plan Review (Major)** - \$250.00 Application Fee (remains the same)
- **Site Plan Review (Amendment)** - \$200.00 Application Fee (remains the same)

A **Motion** by Cohen to accept the changes to the SPR Fee Schedule as proposed. B. Ames seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

Chairman Cohen returned to discussing the revisions to the SPR application.

- **Site Plan Review Application:** Proposed revisions can be found on the Town's website.

The secretary noted that all changes and revisions are shown in red and green. **Red** is for suggested deletion and **Green** is the new verbiage.

The Board discussed page 5, last paragraph on whether to allow conditional approvals or not. The law does not recommend granting conditional approvals but the RSA does allow for a conditional approval if:

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.

After discussion the Board agreed to be less lenient in allowing conditional approvals unless it is pending state approvals as listed per the RSA and summarized above.

The Planning Board signature block on page 7 has been amended to replace ~~Vice-Chair~~ with **Member**, per RSA. On page 8, is the new waiver form that is fillable and will be on line.

A **Motion** by B. Ames to accept the amendments to the SPR Application as proposed. M. Ames seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

- **Subdivision/BLA Application:** Proposed revisions can be found on the Town's website.

The secretary noted that all changes and revisions are shown in red and green. **Red** is for suggested deletion and **Green** is the new verbiage. The bulk of the changes is per request of Ash Fischbein, who requested that it be similar to the Site Plan application to include the blue notes, etc.... Chairman Cohen recalled and agreed.

Some changes remind applicants to complete a waiver form for each N/A they note on the checklist. The secretary noted she is trying to reference the corresponding regulation number to each item on the checklist to improve the ease of completing the application.

A **Motion** by Cohen to accept the amendments to the Subdivision/BLA Application as proposed. Stuart seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

Stuart inquired if the new selectmen was appointed to be the Selectmen's Rep to the Planning Board. If not has there been an Ex-Officio appointed. Stuart may contact the Selectmen for there input.

- **Site Plan Review Regulations:** RSA revisions to be reviewed at the next meeting
- **Subdivision/BLA Regulations:** RSA revisions to be reviewed at the next meeting

Intent to Excavate: Chairman Cohen acknowledge receipt of the Intents to Cut. The secretary reported she has made copies for Roy Barron in order to conduct the annual gravel pit inspections. The secretary reported she has not received last years inspection reports. Chairman Cohen will follow up with Barron.

- **Chickville Holdings, LLC:** (Former Ernest Berry Gravel Pit) c/o Evans Brothers, of 172 Dorrs Corner Road. Tax Map: 231 Lot: 022. Total acreage of Lot: 92.75. Date of Permit: 07/16/2019. Total Permitted area is 16 acres. Excavation area is 7 acres. Reclaimed area is 5 acres. Remaining cubic yards of Earth to Excavate is approximately 319,662 cu. yds. Estimated cubic yards of: Gravel: 74,000 cu. yds., Sand: 16,000 cu. yds., Loam: 1,000 cu. yds., Stone Product: 12,000 cu. yds., for a Total: 103,000 cu. yds. To be done by Edward Evans c/o Evans Brothers, LLC. Board of Selectmen approved. Taxes paid.

- **Coleman Concrete, Inc.** 39 Route 28, Tax Map: 124 Lot: 023 Plant #606. Total acreage of Lot: 20. Date of permit: Grandfathered. AoT permit: (not listed). Total Permitted area is 0.75 acres. Excavation area is 0.5 acres. Reclaimed area is 0.5 acres. Remaining cubic yards of Earth to Excavate is approximately 5,000 cu. yds. Estimated cubic yards of sand is 1,000 cu. yds. To be done by Coleman Concrete, Inc. Taxes paid, and Board of Selectmen approved.
- **Ossipee Aggregates - Frenchmen's Brook:** Granite Rd, Tax Map: 130 Lot: 010. Total acreage of Lot: 300. Date of permit: 05/02/2002. AoT permit: WPS5191. Total Permitted area is 25 acres (Phase I). Excavation area is 4.75 acres. Reclaimed area is 2 acres. Remaining cubic yards of Earth to Excavate is approximately 8,176,623 cu. yds. Estimated cubic yards of sand is 90,000 cu. yds. To be done by Moe Langlois of Boston Sand & Gravel. Taxes paid, and Board of Selectmen approved.
- **Eastern Materials:** Polly's Crossing Rd. Tax Map: 243 Lot: 002. Total acreage of Lot: 355+/- . Total Permitted area is 28+/- acres. Excavation area is +/- 3 acres. Reclaimed area is 0.5 acres. Remaining cubic yards of Earth to Excavate is approximately 200,000 cu. yds. Estimated cubic yards of gravel is 30,000 cu. yds. and a total of 30,000 cubic yards. To be done by Downey Shea of Eastern Materials. Taxes paid. Board of Selectmen approved.
- **Ossipee Aggregate:** 368 Route 16. Tax Map: 266 Lot: 007. Total acreage of Lot: 1,318. Total Permitted area is 1,318 acres. Date of permit: 05/02/2002. AoT permit: WPS5868a/WP03074. Excavation area is 38 acres. Reclaimed area is 227 acres. Remaining cubic yards of Earth to Excavate is approximately 3,898,382 cu. yds. of stone and 23,941,925 cu. yds. of sand. Estimated cubic yards of gravel is 80,000 cu. yds. and sand is 675,000 cu. yds. and 90,000 cu. yds. of stone products for a total of 845,000 cubic yards. To be done by Moe Langlois of Boston Sand & Gravel. Taxes paid. Board of Selectmen approved.
- **John Jeddrey:** Polly Crossing Rd. Tax Map: 244 Lot: 002. Total acreage of Lot: 106.1. Total Permitted area is 22.10 acres. Date of permit: 05/02/2002. AoT permit: WPS5868a/WP03074. Excavation area is 18.10 acres. Reclaimed area is 12.00 acres. Remaining cubic yards of Earth to Excavate is approximately 542,630 cu. yds. Estimated cubic yards of gravel is 5,000 cu. yds. and sand is 2,000 cu. yds. and 5,000 – 10,000 cu. yds. of stone products for a total of 12,000 – 17,000 cubic yards. To be done by John Jeddrey. Taxes paid. Board of Selectmen approved.

The secretary informed the Board that the permit for the Jeddrey pit expired in February 2023. Mr. Jeddrey has been contacted and he informed the secretary that Bryan Berling of Land Technical will be submitting the application for permit renewal.

- **Tilton Sand & Gravel/Pike Industries, Inc.** – Route 16, Tax Map: 250 Lot: 008. Total acreage of Lot: 71. AoT permit: unknown. Total Permitted area is 117 acres. Excavation area is 3.4 acres. Reclaimed area is 1 acres. Remaining cubic yards of Earth to Excavate is approximately unknown cu. yds. Estimated cubic yards of gravel 40,000 cu. yds. Estimated cubic yards of sand is 40,000 cu. yds. Estimated cubic yards of loam is 1,500 cu. yds. Estimated cubic yards of stone products is 0 cu. yds. Estimated cubic yards of fill is 15,000 cu. yds. for a total of 96,500 estimated cu. yds. To be done by Pike Industries, Inc. Taxes paid, and Board of Selectmen approved.

NHDES Notices: Chairman Cohen acknowledge receipt of the Dredge & Fill permit application. The Board had no questions or concerns.

Dredge & Fill Wetlands Permit – application for Arthur Harrington of 4 Channel Rd. Tax Map: 021 Lot: 013 is proposing an installation of a perched beach to replace an existing beach. The installation of a perched beach will eliminate erosion issues.

Notices: LRPC – Meeting packet emailed to PB & ZBA members.

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

Next Meeting: May 2, 2023 @ 7:00 to be held at the Freight House

Chairman Cohen called for a motion to adjourn.

Adjournment:

A **Motion** by Brian Ames to adjourn. Cohen seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed. Meeting adjourned** at 8:32 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