

**OSSIPEE PLANNING BOARD**  
**Meeting Minutes**

**July 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:** Bruce Stuart, Vice Chairman called the Public Hearing to order at 7:02 PM and requested all cellphones to be silenced.

**Roll Call:** Bruce Stuart, Vice Chairman, Ash Fischbein, Roy Barron, Brian Ames,

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

**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, June 20, 2023 and July 5, 2023.

There are no minutes of July 5, 2023, it’s just an itinerary of what took place that night.

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 August 1, 2023.

A **Motion** by Fischbein to approve the Meeting Minutes of June 20, 2023 as submitted. Stuart seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

**Unsatisfied Conditions:**

- **Case # 23-02-SUBD:** Good To Go Properties, LLC c/o Deborah Wade of 525 Route 25 East. Tax Map: 049 Lot: 003 c/o Douglas La Rosa of Civil Works Engineering.
  - Pending: Fire Chief’s letter of approval - Received on 06/30/2023.
  - Pending: State of NHDES Subdivision Approval - Received on 06/30/2023.
  - Pending: Mylar plan for recording with CCRD – Received on 07/18/2023

Doug La Rosa presents to finalize the requirements for the conditionally approved subdivision. Mr. La Rosa brings with him the Fire Chief’s letter of approval, NHDOT Driveway Approval, State of NHDES Subdivision Approval and Mylar plan along with five copies of the updated plan for Board approval.

A **Motion** by Barron for **Case # 23-02-SUBD:** Good To Go Properties, LLC c/o Deborah Wade of 525 Route 25 East. Tax Map: 049 Lot: 003 in the Rural Unimproved District is Grant Final Subdivision approval for an 11 Lot Subdivision for a proposed residential development with all conditions met and All Federal, State and Local Regulations and Permitting shall be followed. Fischbein seconded. No discussion. A unanimous vote was taken by a show of hands. **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.***

**Informal Discussion:**

- **Dave Ross c/o 1725 Route 16, LLC:** Rep. Agent: Phil Valliere for 1725 Route 16. Tax Map: 043

Lot: 004 and Lot: 003 in the Roadside Commercial district and in the Flood Plain Zone. Is wanting to open Bucket O' Balls at the former Smitty's Golf Range and convert the mini-golf course to other recreational accessory uses, (i.e., Axe throwing, concession stand, etc.) File history: Lot consolidation and subdivision approved 12/2/1997, Site Plan Review approved 12/2/1997, Site Plan Review Amendment in 2002 to add the mini-golf course.

Rep. Agent: Phil Valliere presents to explain to the Board plans to re-open the former Smitty's Golf Range. The new name will be Bucket o' Balls. They are looking to maintain the same footprint with no changes to the driving range, structures, or parking area. They want to change the miniature golf course to axe throwing and make provisions for tables for patrons to sit and have beverages. The two entrances will not change.

Barron stated he would need an amended Site Plan Review.

Phil Valliere brought his design plan to the head table for the Board to review. Vice-Chair Stuart inquired about the concession stand. Phil Valliere pointed out on his design plan where the concession stand and picnic tables would be located. Barron asked if this is the driving range on Route 16 on the left. Phil Valliere confirmed it is and Fischbein restated it's the former Smitty's.

Fischbein stated he's seeing a lot of conversation online about a beer garden. Phil Valliere stated their hoping to have a beer garden in the concession area along with food carts.

Vice-Chair Stuart reviewed the zoning ordinances and discussion ensued over if an SPR Amendment is warranted because the previous had a concession stand with soda's and snacks. A beer garden would require state approval and oversight. The concession area would consist of food trucks.

Barron questioned if the addition of axe throwing would require a SPR Amendment for the use. Vice-Chair Stuart read Zoning Ordinance Article: 35.2

t) Sports And Recreational Services - An indoor and/or outdoor establishment engaged in providing amusement or entertainment for a fee or admission charge and include such activities as cinemas; theaters; bands; orchestras and other musical entertainments, batting cages, mini-golf, go- carts, driving range, bowling alleys, billiard and pool establishments; and pinball and video game parlors including, but not limited to similar recreational diversions. The facility may also provide accessory structures necessary to meet the needs of various sports and recreation activities (i.e., Laser tag, etc.).

Fischbein stated if Phil Valliere plans to prepare his own foods (not from a food truck) he would require a structure with hand sinks, flooring, roof, etc.. otherwise, the state health department will not allow it and that would require a SPR Amendment. Vice-Chair Stuart inquires about water and septic. Phil Valliere stated there will be port a potties because there's no septic but they do have water and power.

Fischbein inquired of Phil Valliere if the axe throwing would have cover. Barron stated no, it's done out in the open with targets. Fischbein commented that it's done differently everywhere. Phil Valliere stated it will be in the same foot print as the mini-golf course but there will be lanes with 12 ft. x 15 ft. chain-link fencing separating each lane.

Vice-Chair Stuart inquired of Barron's thoughts. Barron stated believes he's okay as long as he stays within the same footprint and he's going to utilize the food trucks, no SPR Amendment is required but if he changes the use, adds food service separate from food trucks or any additional structures he would require a SPR Amendment. Fischbein recommended to poll the Board.

Vice-Chair Stuart polled the Board to see if Dave Ross c/o 1725 Route 16, LLC: for 1725 Route 16. Tax Map: 043 Lot: 004 and Lot: 003 and the proposed use of the property warrants a Site Plan Review Amendment for the property.

Barron – No, useless the state requires him to have building for the beer garden service.

Fischbein – No

B. Ames – No

Stuart – No, at this time based on current zoning ordinances of the proposed use but if there is change to the current plan he will need to return to the Board.

- **Jeffrey McFarland**: of 7 Gile Rd. Tax Map: 122 Lot: 010 has a campground in the rural zone. He is seeking to purchase 49 Duncan Lake Rd. Tax Map: 122 Lot: 009 to add onto 7 Gile Rd. to expand the campground. See email from Zoning Officer.

Jeffrey McFarland and his brother recently purchased the campground and would like to have 6-8 free standing year round rental cabins. He's not sure if he would pursue the term to condo minimize the location with multiple units, with shared septic, shared wells, shared common area, greenspace or would it best to pursue a lot merger of the 1.7 acres. They've had the property for a 1.5 years and circumstances present their self to expand by adding the 1.7 acres. They would like to see how the market fairs with having full season cabin rental in the expanded section of 1.7 acres. The remaining campground is mixed use of campers, RV and fixed accessories on park models.

Jeffrey McFarland is requesting direction from the Board on the best option he could pursue that could include a lot merger, or would it create other issues. Fischbein commented it sounds like their wanted to reduce friction and figure out the least restrictive way to get something on the 1.7 acres that their under contract with. Fischbein asked if they have received anything from the Zoning Officer concerning this project. Jeffrey McFarland stated he has not.

Fischbein stated both properties are interesting in that there is campground in the rural district which is not allowed by today's zoning. The 1.7 acre lot if merged would result in expanding a non-conforming lot and would require a Special Exception from the ZBA before the lot merger could take place. Discussion ensued over the best course of action for Jeffrey McFarland to pursue. Fischbein requested that Vice-Chairman Stuart read the letter from the Zoning Officer into record because he felt it had some valid points for the Board to consider.

After the letter was read, the Planning Board discussed the intent and uses under Article:15 - A Recreational Camping Park and Article 23.1 - Non-Conforming Uses. The Planning Board discussed the options with Jeffrey McFarland referred by the Zoning Officer and was given a copy of the Zoning Officer's letter.

The Planning Board and Jeffrey McFarland agreed that the cleanest and most legal process would be to seek the Special Exception from the Zoning Board of Adjustment for the use of the land at 49 Duncan Lake Rd. Once the ZBA approves the Special Exception; Mr. McFarland can proceed to apply to the Planning Board for a Lot Merger to merge the property of 49 Duncan Lake Rd. Tax Map: 122 Lot: 009 to add to 7 Gile Rd, Tax Map: 122 Lot: 010 and then apply for a Site Plan Review for the entire singular parcel.

The new lot section (previously 49 Duncan Lake Rd) will be required to comply with today's standards under the provisions of Article:15 regarding recreational camping park standards.

- **Danversport Realty Ossipee, LLC** c/o Charles Plummer of 1018 Route 16. Tax Map: 118 Lot: 004 was Granted Site Plan Review (SPR) Approval to use the property for boat sales, display and boat storage per plans dated 02/17/2022. He now presents seeking input from the Board on wanting to have 3-4 EV Golf Carts on display for sale.

Charles Plummer presents for Danversports Realty Ossipee, LLC, which opened April 15<sup>th</sup>. They primarily sell and store pontoon boats. Since opening they have had 18 people come in and have sold 5 boats but have had very little foot traffic. So, in order to increase foot traffic and subsequently sales, they would like to expand to the sale of EV Golf Carts with a focus on campgrounds and waterfront property owners. Charles Plummer is requesting permission to have 3-4 EV Golf Carts on-site, which takes up the same amount of space as one pontoon boat.

Vice-Chairman Stuart referred to Zoning Ordinance Article: 35.2, which they were previously approved a Site Plan Review for the boat storage and sales.

1) Salesroom - Business with the primary purpose to sell automobiles, boats, motorcycles, trucks,

snowmobiles, farm equipment or other large objects and which has outdoor display and storage of the objects.

Board discussion issued over the ambiguity of the phrase “or other large objects and which has outdoor display and storage.” Vice-Chairman Stuart suggested if the Board had defined “or other large objects” to “other motorized recreational vehicles” that would have clearly defined what he’s asking for.

Barron commented it goes along with what you said because it goes along with street legal.

Fischbein addressed the issue of maintaining access space for emergency vehicles and parking spaces per square footage. Vice-Chairman Stuart agreed stating based on the zoning ordinance EV Golf Carts would be in line with the spirit of the ordinance as being a recreational vehicle and the Board can look at clarifying the definition.

Barron commented that this would set a precedence. Fischbein stated there is no precedence every case is different. Barron again stated that the Planning Board sets precedence and the Zoning Board of Adjustment **XXX** check your rules.

The Board agreed EV Golf Carts is keeping within the spirit of the zoning ordinance as a recreational vehicle. The Board discussed the phrasing from the zoning ordinance “other large objects and which has outdoor display and storage,” Based on this phrasing of the ordinance, the Planning Board agreed that no Site Plan Review Amendment is warranted provided the EV Golf Carts are not stored or displayed inhibiting parking or emergency vehicles road access.

**New Business:** Vice-Chairman Stuart read the following case descriptions

- **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 July 5, 2023 pending Deed research on Right of Way access and to complete the application form)

Amy Gogolowski presented stating that they were able to get the requirement removed for the easement which was used for mowing but he uses another access so they went to who they bought the property from and he was kind enough to remove the easement. Plans have been updated to reflect the new driveway approval from NHDOT and parking area was shifted to a more level ground. The parking spaces have been removed from the greenspace. Parking is now indirectly behind the two barns. Plans now show two handicap parking spaces and an area for the trash removal.

Waivers Requested: The Board reviewed and discussed the following waivers being requested.

Vice-Chairman Stuart read the following waivers requested one at a time.

1. 6.04.4 G 2 – Copies: submitting (5) copies of the plat measuring 24” x 36”.

A **Motion** by Stuart for **Case #23-03-SPR:** Amy & Todd Gogolowski of 1550 Route 16. Tax Map: 053 Lot: 092 to approve the Waiver Request from Site Plan Regulation Section 6.04.4 G 2. Fischbein seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

2. 6.04.4 H 16 – Lighting plan

A **Motion** by Stuart for **Case #23-03-SPR:** Amy & Todd Gogolowski of 1550 Route 16. Tax Map: 053 Lot: 092 to approve the Waiver Request from Site Plan Regulation Section 6.04.4 H 16 – Lighting plan other than what’s noted on the plan dated July 5, 2023. Barron seconded. No discussion. A unanimous vote was taken

by a show of hands. **Motion passed.**

3. 6.04.4 G 1 – Plans submitted by a licensed surveyor

Fischbein noted the proposed greenhouse is very close to the setbacks and referred to a previous case where the owners were asked to move their greenhouse away from the setbacks. Fischbein advised them to give themselves the appropriate 25 ft. – 30 ft. space to meet the setbacks since they have plenty of land to do so.

**A Motion** by Stuart for **Case #23-03-SPR:** Amy & Todd Gogolowski of 1550 Route 16. Tax Map: 053 Lot: 092 to approve the Waiver Request from Site Plan Regulation Section 6.04.4 G 1 – Plans submitted by a licensed surveyor. Fischbein seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

4. 8.03.1 B – NHDES Subsurface approval

Amy Gogolowski stated they have a proposed area for the well and septic but they would like to see how the store does before going through the expense and getting a contractor would be a hardship and delay of the project. The driveway will be gravel.

**A Motion** by Stuart for **Case #23-03-SPR:** Amy & Todd Gogolowski of 1550 Route 16. Tax Map: 053 Lot: 092 to approve the Waiver Request from Site Plan Regulation Section 8.03.1 B – NHDES Subsurface, Well and Septic approval as these approvals will be satisfied at the time of permitting and installation of well and septic. Barron seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

5. 6.4.4 H9 – Storm Water Management Plan

Vice-Chairman Stuart asked if the parking is staying in its same location. Mr. and Mrs. Gogolowski confirmed it is because it is the flattest spot for parking. Amy Gogolowski explained that she miss understood NHDOT when they said the curb cut was invalid. She mistook their decision to mean the parking cannot be located where it was, so they had moved it on their initial plans. But after clarifying it with NHDOT the parking has been put back to its original location and NHDOT has approved.

Barron inquired about any other structures. Amy Gogolowski stated that aside from the greenhouse, they may want to add a pavilion for outdoor vendors. Barron expressed concerns for storm water from roof run-off. Barron commented that whoever puts the driveway in will install the stormwater management. But since its planned for the future the decision would be up to the Code Enforcement to approve or disapprove.

Vice-Chairman Stuart questioned under final approval “before anything can be disturb.” Fischbein questioned if there’s a reason for a conditional approval. Barron commented that is they approve the waivers; he sees no reason for a conditional. Fischbein noted a couple of administrative corrections to be made to the application. The first being a preparation date on the plot plan. Amy Gogolowski added the preparation date of July 5, 2023 to the plan. Fischbein noted the second correction is to add the submitted date to the application and the CCRD book 139 and page 044 numbers, which were added to the application

**A Motion** by Stuart for **Case #23-03-SPR:** Amy & Todd Gogolowski of 1550 Route 16. Tax Map: 053 Lot: 092 to approve the Waiver Request from Site Plan Regulation Section 6.4.4 H9 – Storm Water Management Plan and 6.04.4 H15 – Soil Erosion Control Management Plan for requirements be noted on the plans as this is a minor site plan review and these requirements would be met at a later date. With a driveway permitting and provided by driveway contractor at the time of excavation and driveway installation at a later date, and with building permitting prior to the construction of any new structures on the site. Barron seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

**A Motion** by Fischbein to accept the application as complete for **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. 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 from the Board. None heard.

Vice-Chairman Stuart called for public input. None heard.

A **Motion** by Fischbein for **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. Approved were waiver requests from Sections: 6.0404 G2; 6.04.4 H 16; 6.04.4 G1; 8.03.1 B; 6.04.4 H9; and 6.04.4 H 15.

***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.***

- **Case #23-01-SUBD**: Pitchfork Holdings, LLC c/o Evans Brothers, LLC. Representing Agent: Christopher Berry of Berry Surveying & Engineering for 800 Route 16, Tax Map: 124 Lot: 007 is requesting a proposed (7) Lot Subdivision of the 19-acre parcel. The following permits pending approval and other application revisions needed: (Case continued from June 6<sup>th</sup>, 2023)

- Email request received on July 17, 2023 requesting a Continuance August 1, 2023
  1. Local Subdivision Approval
  2. Local Zoning Board Approval – Not needed
  3. NHDES Subsurface (State Subdivision)
  4. An updated NHDOT Permit – for driveway
  5. EPA Notice of Intent and Stormwater Pollution & Prevention Plan
  6. Natural Heritage Bureau (NHB)
  7. Department of Historical Resources (DHR)
    - a) Update narrative to remove the need for a variance
    - b) Updated plans
    - c) Balance of Application Fees
    - d) Fire Chief's Letter of Approval

A **Motion** by Barron to Approved the Continuance of **Case #23-01-SUBD**: Pitchfork Holdings, LLC c/o Evans Brothers, LLC. Representing Agent: Christopher Berry of Berry Surveying & Engineering for 800 Route 16, Tax Map: 124 Lot: 007 until August 1, 2023. B. Ames seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

- **Case #23-02-LM**: Robert & Melanie O'Blenes, Sr. of 67 Duncan Lake Rd. Tax Map: 122 Lot: 023 and 65 Duncan Lake Rd. Tax Map: 122 Lot: 022 is seeking a lot merger to add a three season room to the existing structure in order to meet setback requirements. 67 Duncan Lake Rd. Tax Map: 122 Lot: 023 will become the lot of record.

The Board reviewed the application and documents submitted.

Barron noted that they conditionally granted pending the Lot Merger because the parcel is land locked and he would have to go to the Planning Board to merge the lots in order to move forward with his plans. So,

he can't do anything until The Planning Board merges the lots. Barron noted there's a big track of land and we didn't feel he could the project without merging it through the right of ways. Fischbein informed Barron that's the next case.

The Board discussion the plan for the applicant to merge the two lots in order to add a three season room to the primary dwelling. Without the lot merger the three season room will meet setback requirements. The paperwork was reviewed for completeness.

A **Motion** by B. Ames to accept the application as complete for **Case #23-02-LM: Robert & Melanie O'Blenes, Sr. of 67 Duncan Lake Rd. Tax Map: 122 Lot: 023 and 65 Duncan Lake Rd. Tax Map: 122 Lot: 022.** Barron seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

Vice-Chairman Stuart called for public input. None heard.

A **Motion** by Fischbein for **Case #23-02-LM: Robert & Melanie O'Blenes, Sr. of 67 Duncan Lake Rd. Tax Map: 122 Lot: 023 and 65 Duncan Lake Rd. Tax Map: 122 Lot: 022** is Granted a lot merger to merge 67 Duncan Lake Rd. Tax Map: 122 Lot: 023 and 65 Duncan Lake Rd. Tax Map: 122 Lot: 022 and have 67 Duncan Lake Rd. Tax Map: 122 Lot: 023 become the lot of record. Barron seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

- **Case #23-03-LM: John J. Tarsa, Jr. of 141 Dorrs Corner Rd. & Chickville Rd. Tax Map: 227 Lot: 008 and Tax Map: 226 Lot: 012** is seeking a lot merger as a condition placed by the ZBA for a variance approval received on June 11, 2023 for a solar array farm crossing both properties. Lot merger required before proceeding with the Site Plan Review application.

The Board reviewed the application and documents submitted. Fischbein questioned the need for the deeds as proof of ownership. Barron noted that according to the tax cards he's been paying the taxes on the properties. Review of the documentation requirements does not specify the deeds are required. Discussion ensued over providing proof of ownership to ensure the Board is not creating a merger that could potentially become a lawsuit. The secretary provided the Vice-Chairman with a copy of the notice of decision from ZBA decision from Mr. Tarsa's variance application.

A **Motion** by Stuart to accept the application as complete for **Case #23-03-LM: John J. Tarsa, Jr. of 141 Dorrs Corner Rd. & Chickville Rd. Tax Map: 227 Lot: 008 and Tax Map: 226 Lot: 012.** Fischbein seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

Vice-Chairman Stuart called for public input.

John Tarsa Jr. introduce himself as the owner and inquired which lot will become the lot of record. He was informed the lot with the house and the required frontage and the assessing department can answer any questions Mr. Tarsa may have concerning the lot of record.

A **Motion** by Stuart for **Case #23-03-LM: John J. Tarsa, Jr. of 141 Dorrs Corner Rd. & Chickville Rd. Tax Map: 227 Lot: 008 and Tax Map: 226 Lot: 012** is Granted a Lot Merger as a condition placed by the ZBA for a variance approval received on June 11, 2023 for a solar array farm crossing both properties. The Lot Merger is required before proceeding to apply for a Site Plan Review application. The property of 141 Dorrs Corner Rd. Tax Map: 227 Lot: 008 will become the lot of record. Barron seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

### **Unfinished Business:**

- **Master Plan:** Housing Chapter Discussion continues...

Stuart suggested to have the Envision Night with OEDC either August 22, 2023 or August 24, 2023 from 4:00 pm – 9:30pm. Stuart reached out to Carol Ogilvie and Ivy Vann for either date. Planning Board members preferred August 22, 2023. Stuart noted there will be an event planning meeting with OEDC and he will let the Board know when that will take place once he speaks with Joy Gagnon.

**Notices:**

- Legal review of RSA 674:39: RE: Storage Unit behind Hannaford's.

Vice-Chairman Stuart read a letter from Zoning Officer, Jonathan Smith to Town Administrator, Matt Sawyer states in part, *"property owner who received a site plan approval in 2017 to build storage units. On that site plan the planning board put a stipulation that the project must be completed within 2 years or the owner would have to return to the ZBA for an extension..."*

Vice-Chairman Stuart continued reading, *"The town through a zoning change (March 2023) prohibits any new storage units in all zones unless a variance is granted. The owner is looking to build two more storage units that are on the approved site plan from 2017. The RSA says in paragraph (a) says site plans are good for 5 years provided that active and substantial development begins within 24 months or in accordance with the terms of the approval. It then says in paragraph II the owner is vested subject to the terms of said approval or unless otherwise stipulated by the planning board."*

Vice-Chairman Stuart read the Zoning Board of Adjustment's Notice of Decision for Case #17-05-SPR as follows: **"Case # 17-5-SPR: Ossipee Self - Storage for owner P&D Zimmerman, FLP. and Agent, White Mtn Survey & Eng. Inc. was *Granted Final Approval* for a Site Plan Review to develop 9 Route 28. Tax Map: 124 Lot: 19. To build a 45,200 square feet new self-storage business.**

*Noting the following conditions have been met and applicant must comply with all Federal, State and Local Regulations:*

1. *NHDES approval of the waiver*
2. *Alteration of Terrain permit*
3. *Build within 2 years of allowable permitting or must come before the Zoning Board of Adjustment for an extension."*

The secretary explained the concern is under RSA 674:39, the Planning Board has no authority to issue a restriction of the project must be done in 2 years, when the RSA says they have up to 5 years. Fischbein noted they were approved in September 2022 and construction of the first building was completed in either April or May of 2023. Vice-Chairman Stuart reviewed the discussion between Jonathan Smith, Matt Sawyer, and the Town Attorney and determined that the applicant has 5 years to make a vested effort in completing the project.

Barron inquired if the Board had put a moratorium on storage facilities. Fischbein stated no, but the use was changed in each zoning district and will require a variance.

- Request for the Planning Board to vote to designate the Public Works Director as the "designee" to enforce the integrity of road access pursuant to RSA 236:13.

Vice-Chairman Stuart read an email from Town Administrator, Matt Sawyer to the Board secretary which states, *"We need to begin enforcing the RSA which allows the town to hold property owners accountable for ensuring their driveway doesn't present a hazard to the Town roads (in terms of runoff causing washouts etc.)*

*Will you please have the Planning Board vote to designate the Public Works Director as the "designee" to enforce the integrity of road access pursuant to RSA 236:13? Please and thank you."*

The Board discussed they believed the Public Works Director already has the authority as the designee.

A **Motion** by Barron to appoint the Public Works Director as the "designee" to enforce the integrity of road access pursuant to RSA 236:13. Fischbein seconded.

Vice-Chairman Stuart called for discussion.

Emery inquired what authority or what would the PWD designee say to a resident concerning their driveway. Discussion ensued over what authority he already has concerning driveway permitting. Barron wanted it stated that the Planning Board can always revoke it's appointing of the PWD as the designee.



Emery is concerned with the PWD over stating it's authority with residents. Vice-Chairman Stuart gave a copy of RSA 236:13 for Emery to read for himself to see what authority the PWD designee will have.

Vice-Chairman Stuart called for a vote. No further discussion. A unanimous vote was taken by a show of hands. Motion passed.

**Next Meeting:** August 1, 2023 at the Freight House

**Any Other Business Which May Come Before This Meeting:**

Fischbein wanted to congratulate the Zoning Ordinance Committee on receiving the Award of Excellence from Lakes Regions Planning Commission for the work done on the zoning ordinances that were all passed in March 2023. Vice-Chairman Stuart read the letter from LRPC awarded and thanked everyone involved.

Vice-Chairman Stuart wanted to congratulate Jonathan Smith on being re-appointed as a Selectmen until March elections 2024 to fill the vacancy of R. Christopher Templeton, who resigned.

Fischbein inquired of Josh Kaake, who is in attendance about the status of SPR Amendment case in the list of Unsatisfied Condition.

- Case #22-09-SPRA: Josh Kaake c/o 455 Route 16, LLC of 455 Route 16. Tax Map: 266 Lot: 012
  1. Pending: NHDES Wetlands Permit Application for the new well.
  2. Pending: NHDES Subsurface/Septic Approval
  3. Pending: Planning Boards Signature Block on the plans
  4. Pending: Final plans showing 3 buildings with the Certified Stamp by a Licensed Engineer on the final plans.

Josh Kaake explained he plans on re-applying again this year because the state has made the grants available again.

Emery inquired about the Town maps. The Board told him that according to Jim Rines, he is waiting to hear back from Lakes Regions Planning Commission because their updating the wetland maps.

Vice-Chairman Stuart called for a motion to adjourn.

**Adjournment:**

A **Motion** by Barron to adjourn. Stuart seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed. Meeting adjourned** at 8:46 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