

OSSIPEE PLANNING BOARD
Meeting Minutes

August 1, 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 Planning Board 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, Roy Barron, Brian Ames, Krystal Eldridge, and Melissa Ames (Alternate)

Absent: Sharon “Sharie” Cohen, Chairman, and Ash Fischbein

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 July 18, 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 August 15, 2023.

With Fischbein absent for the July 18, 2023 meeting, the Board is unable to vote on the minutes due to a lack of quorum, Vice-Chairman Stuart moved the approval of the July 18, 2023 minutes to the next meeting on August 15, 2023.

Financial:

- Expenditure report thru June 2023
- LRPC RSA Book Order 2023-2024 in the amount of \$110.25

Vice-Chairman Stuart queried the Board about moving the finance reports to the end of the meeting. The Board approved.

Informal Discussion: N/A

New Business:

• **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 6th, 2023, July 5th, 2023 & July 18th, 2023) **Requesting a continuance until August 15th, 2023 pending time to complete the following conditions.**

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 continue **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 15, 2023 Planning Board meeting. Stuart seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

Vice-Chairman Stuart raised Melissa Ames up to voting status in place of the absent Ash Fischbein.

Vice-Chairman Stuart read the following case descriptions.

- **Case # 23-04-LM**: William & Celia Harben of 130 Circuit Rd. & Circuit Rd. Tax Map: 247 Lot: 026 and Tax Map: 261 Lot: 040 is seeking a Lot Merger of a triangular parcel to the primary parcel.

William Harben explained the reasoning for the lot merger is to put the land in current use. They currently have (4) lots but by merging Tax Map: 247 Lot: 026 and Tax Map: 261 Lot: 040 it would give them the (10) acres required to put the land in current use.

Vice-Chairman Stuart asked Mr. Harben to explain the issue with this triangular piece of parcel. William Harben stated that the triangular parcel appears on the neighbors titles and on their title as a warranty deed.

Vice-Chairman Stuart has briefly reviewed the deeds dating back to the mid-1800's and asked the Board if they have had enough time to review the paperwork for this case. General answer was not enough.

Barron suggested moving this case to the end because it's going to take some time to sort through the documents. William Harben was asked if the Board could move his case to end to allow the Board time to digest the material provided. Vice Chairman Stuart inquired if there is a dispute over the triangular parcel. William Harben commented he's not aware any and he's been paying taxes on the property for 30 years.

Vice Chairman Stuart inquired of the Board if they want more time to review the documents and move this case to end. William Harben agreed and Vice Chairman Stuart thanked Mr. Harben for his patience and moved onto the next case.

Vice-Chairman Stuart read the following case descriptions.

- **Case #23-03-SUBD**: Gregory C. Bemis of 185 Dorrs Corner Rd. Tax Map: 231 Lot: 027. Representing Agent is Frank McMahon of White Mountain Survey & Engineering; a Division of Horizon Engineering is seeking a (4) lot subdivision of the 24.35+/- acres. Lots 1, 2, and 4 will require State subdivision approval for having an area of 5 acres or less. Lot 3 is larger than 5 acres and state approval is not required. Requesting waivers from subdivision regulations for:

- Section 11.01, D – Length to width ratio
- Section 11.02, A – HISS mapping
- Section 11.02, B – Ground control

Frank McMahon presented plans for a (4) lot subdivision of 24.35 acre lot with approximately 1,174.36 ft. of road frontage. The plan is to subdivide Tax Map 231, Lot 27 into four separate parcels, "Lot 1", being 5.00 acres and having 234.85 feet of frontage on Dorrs Corner Road, "Lot 2", being 4.80 acres and having

234.90 feet of frontage on Dorrs Corner Road, "Lot 3", containing the existing structure, being 10.39 acres and having 503.74 feet of frontage on Dorrs Corner Road, and "Lot 4", being 4.17 acres and having 200.87 feet of frontage on Dorrs Corner Road. Lots 1, 2, and 4 are less than 5 acres and require state subdivision approval. Since "Lot 3" is larger than five acres, state subdivision approval is not required for this lot. State subdivision application has been submitted and is pending approval.

Vice-Chairman Stuart inquired if a copy of the State Subdivision application was included with their application because he was not seeing it. Frank McMahon would ensure a copy is provided.

Frank McMahon stated the property was evaluated for wetlands and prepared by Doiron Environmental and are depicted on the plan. The HISS Mapping was not used but the soils information for both lots have been depicted based on from the NRCS Web Soil Survey.

Frank McMahon stated all the lot corners have been set. The Fire Chief's approval letter has been received by the Board. Lots (2) and (4) show possible well locations and lot (1) already has a well. Each lot has about 4,000 sq. ft., which requires state subdivision approval and lot (3) has an existing dwelling.

Frank McMahon addressed the proposed waivers requested:

- Section 11.02, A – HISS mapping

States in lieu of the HISS mapping, the Natural Resources Conservation Service (NRCS) Soil Maps can be used instead per section 11.02, A, because they were consistent with the test pits.

Vice-Chairman Stuart noted that Ossipee Subdivision Regulations state to use the HISS mapping before the NRCS mapping. Stuart inquired in what kind of circumstance would a HISS mapping be utilized. Frank McMahon conveyed that when a project has a more complicated soil profile it is usually for larger developments.

Barron noted there's an easement noted on the plan. Frank McMahon stated there is a driveway easement due to the wetland's located on lot (1). Barron inquired about how wide is the easement. Frank McMahon noted 20 ft.

Vice-Chairman Stuart request the Board to allow Frank McMahon to finish his request for waivers and then the Board can proceed with questions.

Frank McMahon continued to explain the reasoning for the specific waiver requests.

- Section 11.01, D – Length to width ratio

The length to width ratio requirement is generally no more than 1:4, the lots created are marginally above this ratio and have sufficient width for a dwelling unit, well and septic system.

- Section 11.02, B – Ground control

They believe there are sufficient natural features identifiable on site for example the wet lot is one and there are monuments set at each of the properties corners along with travers around the site.

Vice-Chairman Stuart referred to the wetlands report from Doiron Environmental where he recommends the flags be survey located as soon as possible and depicted on the plans but questioned why the survey was done but the recommendations are not being followed. Vice-Chairman Stuart explained the regulations for marking the wetlands. After discussion, Frank McMahon confirmed that the flags are posted on site but were not depicted on the plans submitted and are required to be according the regulations. Vice-Chairman Stuart inquired and Frank McMahon confirmed there are more than (5) points per acre.

Barron inquired that with the easement being close to the wetlands is the easement surveyed and staked properly. Frank McMahon does not believe the easement has monuments set on the sides. Discussion ensued on the need and requirements to have the monuments set on the easement.

Vice-Chairman Stuart asked if the access point for lot (2) is shared with lot (1). Frank McMahon explained that will be decided upon construction of the driveway. The easement ensures that lot (1) has access and lot (2) may or may not have a driveway. Vice-Chairman Stuart referred and read the following subdivision regulations:

“12.30 Number of Access Points

No more than one (1) access point shall be allowed from any one road to any one parcel of land unless the parcel's frontage along, that road exceeds eight hundred feet (800'). The same ratio of one access point per 800 feet of frontage, provided the minimum safe sight distance requirements can be met, shall be used for parcels which have more than 800 feet of frontage.” And

“12.31 Driveways

All lots must be capable of having access points, as shown on the subdivision plan, which shall meet the following standards for a driveway/access point approval. Failure to meet the standards shall constitute reason for subdivision denial.”

Vice-Chairman Stuart interprets these to mean that the easement for access to lot (1) if it were to be a shared access; meaning the beginning part of the easement could provide the one point of access to lot (2) allowed. But if the access easement is solely for lot (1), then lot (2) cannot have a second driveway. Discussion concluded that it will have to be a shared driveway.

Vice-Chairman Stuart referred and read in part the following subdivision regulation:

“9.06 Documentation Required explaining what the easement is and the conditions of that easement required prior to approval of a subdivision... and

G. A written acknowledgment of the subdivider's responsibility for maintenance of the easement areas, and the assumption of liability for injuries and damages that may occur on any land to be dedicated for public use, until such land has been legally accepted by the Town of Ossipee.”

Vice-Chairman Stuart advised Frank McMahon to speak with the Public Works Director over the specifics for the shared driveway.

Barron preferred and suggested that these conditions be completed before the Board would consider approving the subdivision.

Vice-Chairman Stuart agreed but wanted to address all the concerns so that Frank McMahon won't have to keep coming back.

Vice-Chairman Stuart referred and read in part the following subdivision regulation:

“11.05 Fire Protection:

D. Easements shall be no less than 30 feet in width to allow the Ossipee Fire Department access from the nearest public right of way to the water body or facilities. Such easements shall provide for the maintenance of the easement area, that no obstruction may exist within the easement and that it shall be used for no other purpose.”

Vice-Chairman Stuart stated he could not find any reference to 20 ft. width easement within the regulations but he has found 50 ft. and 30 ft. Barron thinks there needs to be a turn around for fire trucks on the adjacent lot because they will share the easement. Vice-Chairman Stuart questioned if the Fire Chief was aware of the easement when he wrote his letter. Frank McMahon confirmed that the Fire Chief has received a set of the plans.

Vice-Chairman Stuart referred to ADS Flush Markers are either type 1 or type 2 markers but are not listed in the legend on the plan. ADS stands for Aluminum Disk Set.

Vice-Chairman Stuart inquired about driveways that are supposed to be notated within 200 ft. of a subdivision boundary. Vice-Chairman Stuart asked if there was a driveway to the garage just over the on lot (3) boundary. Frank McMahon explained that belongs to the resident on the other side of the boundary.

Vice-Chairman Stuart referred to SUBD Regulation:

“8.01 Preliminary Layout Requirements:

B. Names of owners of record and lot numbers of abutting properties, abutting subdivision names, roads, easements, setbacks, alleys, parks, public open spaces, intersecting roads, and driveways within two hundred (200) feet of parcel to be subdivided and any other pertinent facts regarding abutting properties.”

Vice-Chairman Stuart inquired about the wood frame garage and chicken coop that are encroaching the rear setback of lot (3). Do these structure belong to lot(3) or are they owned by the abutter of Tax Map: 180 Lot: 030. Frank McMahon believes they are owned by the abutter and noted there was no conflict. Vice-Chair Stuart needed to review this concern further before imposing a condition.

Barron reported they (the ZBA) have had cases come before the ZBA that were encroaching boundaries and the owners have had to move the structures to their own lots and meet the setback requirements. K. Eldridge believes these back parcels are on Leisure Drive.

Vice-Chairman Stuart noted he was not finding where in the soils report or on the plan where it states the soil can support a well and septic system. Vice-Chairman Stuart noted he was not finding the results of the perc test pits.

Vice-Chairman Stuart referred to SUBD Regulation:

“9.06 Documentation Required

C. Unless public sewage and/or water facilities are provided, it shall be the responsibility of the subdivider to provide adequate information to ensure that the area of each lot is adequate to permit the installation and operation of both individual on-lot water and sewerage systems.”

Review of the record ensued. K. Eldridge stated to refer to the Doiron Environmental report. Frank McMahon actually had a more detailed report. Copies were made for the Board members.

Barron requested a letter from the Public Works Director on all proposed driveways per SUBD Regulation:

“13.13 Driveway Permits

All driveways in subdivisions, from the effective date of these regulations, will be reviewed and permits issued by the Public Works Director prior to final approval.”

Discussion ensued over the reason why a letter from the PWD is now required.

Public Input:

Dallas Emery inquired about the road width of 30 ft. when he believed it to be 50 ft.

Vice-Chairman Stuart referred back to and read in part the following subdivision regulation:

“11.05 Fire Protection:

D. Easements shall be no less than 30 feet in width to allow the Ossipee Fire Department access from the nearest public right of way to the water body or facilities. Such easements shall provide for the maintenance of the easement area, that no obstruction may exist within the easement and that it shall be used for no other purpose.”

Barron stated that 50 ft. is for larger developments but this is the right of way for someone to get onto their own property.

Vice-Chairman Stuart explained to Frank McMahon not to take any these questions the wrong way. He's trying to ensure that it's done correctly for both the current owners and future owners.

Barron inquired of Frank McMahon if he would like to continue this case until the next meeting on August 15th, 2023. Frank McMahon confirmed he would like to continue until August 15th, 2023.

Vice-Chairman Stuart informed Frank McMahon that at the last meeting the Planning Board had revised the signature block that's added to plan. The secretary will forward it to Frank McMahon tomorrow.

Vice-Chairman Stuart called for a motion to continue the case.

A **Motion** by Barron to Continue **Case #23-03-SUBD**: Gregory C. Bemis of 185 Dorrs Corner Rd. Tax Map: 231 Lot: 027. Representing Agent is Frank McMahon of White Mountain Survey & Engineering; a Division of Horizon Engineering request for a (4) lot subdivision until August 15th, 2023. Pending the following revisions:

1. Copies of all Federal, State and Local application per SUBD Regulation 9.06 E
2. Depict Wetland flag numbers on plan with point locations
3. Survey and set monuments on easement between lots (1) and (2) next to wetlands
4. Access Points on Easement must be a deeded per SUBD Regulations 12.30 and 12.31
5. Conditions of the Easement per SUBD Regulation 9.06 A
6. Fire Chief to re-review plans per SUBD Regulation 11.05 D
7. Add ADS marker to legend
8. List all driveways within 200 ft. per SUBD Regulation 8.01 B
9. Chicken coop and Lean tube encroaching Lot (3) to be relocated onto own property or apply for variance. Speak with the Ossipee Zoning Officer
10. Letter from Public Works Director pursuant to RSA 674:39 and SUBD Regulation 13.13
11. Add revised signature block to the plans

K. Eldridge seconded. No further discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

Vice-Chairman Stuart read the following case descriptions.

- **Case #23-06-SPR**: KOGO, LLC (Kilowatts-on-the-Go) – owner, Victoria Perez of EVR Realty, LLC and Representing Agent: Scott Lawler of Norway Plains Associates, Inc. for 930 White Mountain Hwy. Tax Map: 123 Lot: 021 is seeking a Site Plan Review to allow for a change in use of the existing building and construction of electric vehicle (EV) charging stations.

Representing Agent: Scott Lawler of Norway Plains Associates, Inc is here to present along with owner Victoria Perez and Llyod Griffin of EVR Realty, LLC. Scott Lawler notes this is a 0.53 acre parcel of land, in the commercial zoning district, and the Water Resource Protection District. The property is located at 930 White Mountain Hwy and Harper's Ferry Landing and was formerly a Citizen's Bank.

The building is approximately 950 sq. ft. building, there is a paved access off of Harper's Ferry Landing that services the building and approximately 15 parking spaces. The property has on site septic and a community well. The property has over head and underground utilities servicing the building.

KOGO, LLC presents requesting a change in use by converting the former bank into KOGO, LLC office space which will operate Monday – Friday 8:00 am to 5:00 pm. There will be 1-2 employees onsite daily unless their offsite doing a service call. KOGO, LLC is proposing to have (5) EV Charging stations capable of charging up to (10) vehicles. Each charging station will have a charging connection on each side of the station. Similar to standard gas pumps. Each charging station will be located to the edge of the distant parking lot. The parking lot will be restriped to provided accessible access to each charging station. With the improvements they will result in (15) parking spots with (1) ADA accessible parking spot. There will be 3-4 parking spots for non-EV vehicles. The EV Charging stations will be accessible 24/7 and will provide charging to all types of electric vehicles. The charging stations are short term usually charging 30-45 minutes depending on the level of charge the user is seeking. There is no all-night parking to charge your vehicle.

Barron commented it's like a gas station where you come in get your charge and leave. Barron inquire as to how close were the charging stations to the building because in case of fire he wants to make sure people can get out. Scott Lawler stated the charging stations are rough 30-40 ft. away from the building. Victoria Perez stated that they have gone to the extent of trimming back the trees and also have an excavation company coming to cut a few of the large pine trees from the back of the property.

Scott Lawler continued noting there is (1) down cast pole mounted light in the center of the parking lot. They will be replacing the existing sign with a new sign and will be working with the building department on the permitting. The applicant received a variance approval on July 11, 2023 to allow the use of EV Charging Station, they also received a variance approval to allow (4) of the EV charging stations to be within the 25 ft. rear setback, Fire Chief's letter has been submitted and recommends that (2) bollards be installed to prevent hitting the charging stations. There are no Federal or State permitting required for the use.

Board discussion:

Vice-Chairman Stuart inquired if the variance notice of decision was included with the application. The secretary confirmed she had not included it but could retrieve it from the files if the Board wishes. Scott Lawler commented that the application for the SPR was handed in the same night as the ZBA heard the variance application.

Vice-Chairman Stuart noted that the handicap parking spot is located in the side setback and questioned if it could relocated to a more suitable location. Scott Lawler noted there is no change to the pavement, it's showing tentatively where the parking lines will be located. Discussion ensued over if the space was pre-existing and Vice-Chairman Stuart vehemently disagreed noting that no parking can be within the setbacks. Scott Lawler offered to reconfigure the ADA parking space but still meet ADA requirements.

Vice-Chairman Stuart inquired and Scott Lawler confirmed that each parking space measures 9 ft. by 18 ft. instead of the required 10 ft. by 20 ft.

Barron suggested giving them a waiver on the parking space size considering most EV vehicles are smaller in size. Vice-Chairman Stuart stated since is the first case to come before the Board, he wants to ensure it is done correctly, which is why he wants to review everything.

Vice-Chairman Stuart referred to SPR Regulations and read I part:

“8.01.2. Off-Street Parking and Loading

A. General

All developments shall make adequate provisions for off-street parking and loading facilities...”

Vice-Chairman Stuart inquired if there would be a need for a loading zone for delivery trucks, UPS, Fed-Ex, etc.... Victoria Perez explained they are proposing (3) parking spaces in the front of the building for non-electric vehicles and this would be the area if they were to any deliveries. There will be no tractor trailer truck deliveries after the installation of the actual charging stations.

Vice-Chairman Stuart referred to SPR Regulations for the size of each parking space in order to navigate adequately:

“8.01.2. Off-Street Parking and Loading

(6) Dimensions of Parking Areas

a. Dimensions of Each Space. Each off-street parking space shall measure a minimum of ten (10) feet in width by twenty (20) feet in length for new construction. Larger parking space dimensions shall be permitted.”

Board discussion ensued over whether the parking lot is pre-existing but Vice-Chairman Stuart questioned with this being a change of use and with change in uses it has to have a completely new review.

Victoria Perez explained the parking space measures 9 ft. by 18 ft. but each space has an additional 5 ft. in front of each charging station that will have painted lines indicating no parking in those areas. In an effort of projecting forward because Victoria Perez noted she is as a member of a Board, who meets quarterly with the Federal Government and the extra (5) is being proactive in anticipation of the growth to ensue. Discussion ensued.

Vice-Chairman Stuart stated with this being the first case he wants to ensure that the Board is correct when it makes its decision. Vice-Chairman Stuart noted that there is very little in the way of regulations, and in fact, some regulations are coming into effect on August 3rd, 2023 and other regulations are going out of effect on August 3rd, 2023.

Llyod Griffin informed the Board that typical gas vehicles the fill up spout is either on the left or right of rear quarter panel but with EV vehicles the charge connection can be located anywhere on the vehicle depending on the make and model.

Scott Lawler noted that the (3) Non-EV parking spots in the front meet the regulation requirement of 10 ft. by 20 ft.

Vice-Chairman Stuart inquired of the Board if they are comfortable allowing the parking spaces at the EV charging stations to measures 9 ft. by 18 ft. instead of the regulation requirement of 10 ft. by 20 ft. Barron stated he was but if it was a new construction he would want it to meet regulations but since this is rehabbing the place and building. He thinks it'll work.

Vice-Chairman Stuart inquired about a noise barrier since the stations will be accessible 24/7. Scott Lawler stated there is currently a 6 ft. stockade fence. Victoria Perez stated there will be landscaping done and some arborvitae's will be added. Barron commented that when someone comes to charge their vehicle, they are required to follow the ordinances and would probably receive a visit from the Ossipee Police Department, it's not up to these business owners. They can post signage about noise levels. Vice-Chairman Stuart stated that it's apart of our regulations and that's why he's asking because the scenario would kids coming up to the mountains, they stop to get a charge, they have the radio blasting and now you have upset neighbors.

Vice-Chairman Stuart called for any other discussion. Barron continued with requesting signage be put up stating, “After 9:00 PM please stay in your vehicles.”

Vice-Chairman Stuart called for public input.

Dallas Emery inquired:

1. If rest rooms would be provided:

– Victoria Perez commented during office business hours they will offer bathroom facilities, otherwise there will be port a potties

2. Fire Suppression Plan and what is the Fire Departments impression of the potential fire hazard.

– The Board reviewed the Fire Chief's letter while Barron informed Dallas Emery that the fire department will only let it burn because there is no way of putting out an electric vehicle fire.

3. Traffic Backing up out on to Route 16 – Victoria Perez explained they have an app that will let an EV user know where and when a charging stations are located and available. If all else fails; they have emergency roadside quick charge capabilities to give a quick charge so someone can make it to the next charging station for a full charge. Multiple conversations ensued.

Vice-Chairman Stuart called for motion to accept the application as complete provided the Fire Chief as taken in account the concerns raised by Dallas Emery and Barron about these vehicles catching fire. Vice-Chairman Stuart inquired of Llyod Griffin of EVR Realty, LLC if he is aware of anything that NFPA has in place pertaining to EV vehicles. Llyod Griffin commented he is not aware of anything in place and thinks there are more gas combustion fires than electric vehicle fires.

K. Eldridge noted that the Fire Chief as already reviewed the plans once and has submitted a letter with his concerns stated. Discussion ensued about asking the Fire Chief to submit another letter addressing the fire concerns. But K. Eldridge stated that he has already addressed the concerns in his original letter. Vice-Chairman Stuart was satisfied with K. Eldridge line of reasoning.

A **Motion** by Vice-Chairman Stuart to accept the application as complete for **Case #23-06-SPR: KOGO, LLC** (Kilowatts-on-the-Go) – owner, Victoria Perez of EVR Realty, LLC and Representing Agent: Scott Lawler of Norway Plains Associates, Inc. for 930 White Mountain Hwy. Tax Map: 123 Lot: 021 is seeking a Site Plan Review to allow for a change in use of the existing building and construction of electric vehicle (EV) charging stations. Barron seconded. No Discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

A **Motion** by Vice-Chairman Stuart for **Case #23-06-SPR: KOGO, LLC** (Kilowatts-on-the-Go) – owner, Victoria Perez of EVR Realty, LLC and Representing Agent: Scott Lawler of Norway Plains Associates, Inc. for 930 White Mountain Hwy. Tax Map: 123 Lot: 021 is Granted a Conditional Site Plan Review to allow for a change in use of the existing building and construction of electric vehicle (EV) charging stations.

Pending the following conditions:

1. Reconfigure the ADA parking spot
2. Add New Planning Board Signature Block to plan
3. Submit revised plan

Eldridge seconded. No Discussion. A unanimous vote was taken by a show of hands. Motion passed.

Vice-Chairman Stuart read the following case descriptions.

- **Case #23-07-SPR:** Burch's Bait & Tackle, LLC c/o Brittney & Thomas Burch of 56 Chickville Rd. Tax Map: 108 Lot: 019 is seeking to open and operate a bait and tackle shop out of his 8 ft. X 14 ft. shed on his home property as a home business in the residential district.

Thomas Burch presented wanting to open and operate a bait and tackle shop out of his 8 ft. X 14 ft. shed on his home property.

Vice-Chairman Stuart stated the only issue he has in the drawing submitted for review. Vice-Chairman Stuart suggested that with some graph paper, taking some measurements and a little bit of time showing the setbacks, parking and scale that would be a little more acceptable to the Board. Thomas Burch tried to explain the rush for time to get the application submitted.

Vice-Chairman Stuart addressed the issue of no explanation for the N/A's from the checklist. Vice-Chairman Stuart explained there are people who think each applicant should hire a engineer to design the plans for a

site plan review, but the Board does not agree but also wants the applicant to put forth the effort to submit documents and drawings that meet the criteria's the Board needs to render an informative decision. Discussion ensued over the information needed.

A **Motion** by Barron to accept the application as complete for **Case #23-07-SPR**: Burch's Bait & Tackle, LLC c/o Brittney & Thomas Burch of 56 Chickville Rd. Tax Map: 108 Lot: 019 is seeking Site Plan Review to open and operate a bait and tackle shop out of his 8 ft. X 14 ft. shed on his home property as a home business in the residential district. K. Eldridge seconded. No Discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

A **Motion** by Barron for **Case #23-07-SPR**: Burch's Bait & Tackle, LLC c/o Brittney & Thomas Burch of 56 Chickville Rd. Tax Map: 108 Lot: 019 is Granted a Conditional Site Plan Review to open and operate a bait and tackle shop out of his 8 ft. X 14 ft. shed on his home property as a home business in the residential district, pending the following conditions:

1. Revise Plan with more details, signature block and scaled measurements.
2. Waiver Requests for all N/A's with explanations.
3. Letter of Intent on separate sheet of paper.

K. Eldridge seconded. No Discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

Vice-Chairman Stuart reminded Thomas Burch that under a Conditional Approval, he cannot open for business. So the sooner he can get the information back to the secretary it will be scheduled for the next meeting. Discussion ensued over information the Zoning Officer had conveyed to Thomas Burch about being able to open for business. But Vice-Chairman Stuart explained that in the Planning Board's Rules of Procedure; while an applicant has conditional approval the applicant is not allowed to open for business until all conditions have been met and the Board votes for final approval. Thomas Burch understood and will get the information back to the secretary by the August 15th, 2023 Planning Board meeting.

Vice-Chairman Stuart returned to Case #23-04-LM and thanked Mr. & Mrs. Harben for waiting but he wanted to ensure the Board is being thorough and making the correct decisions.

- **Case # 23-04-LM**: William & Celia Harben of 130 Circuit Rd. & Circuit Rd. Tax Map: 247 Lot: 026 and Tax Map: 261 Lot: 040 is seeking a Lot Merger of a triangular parcel to the primary parcel.

William Harben provided the history of the parcel noting they are in the home that belonged to Samuel Tasker, who had 500 acres of land from the base of Pocket Mountain on Circuit Road to back towards Granite Road. When Samuel Tasker actually did not get all 500 acres because there were homesteaders on the other side of the hill that connected to Pocket Mountain that had home sites on Granite Road. The homesteaders had property that ran up the hill towards Pocket Mountain from Granite Rd. towards the Harben's property.

William Harben referred to the oldest deed he included in his application packet was a deed from Bray Hanscom, who acquired the land from George Tasker. The land eventually went from Bray Hanscom to Dorothy G. Ladd, who eventually sold it to Robert P. Armitage in 1977 and Dorothy Ladd carried the mortgage on the sale at the time until she sold it to Robert Armitage. Robert Armitage paid for a survey. William Harben state the property was divided into 4-5 lots running down to Circuit Rd. and up the hill that runs east towards Pocket Mountain. In the mortgage, Dorothy Ladd states she is transferring only the property that Robert Armitage had surveyed.

William Harben continued, in the mean time a gentlemen by the name of Charlie Drew, who formerly owned William Harben's property, he subdivided his land which was formerly a part of the Samuel Tasker land and sold the lots off. But when they did the survey, they went up to the base of the triangle parcel but did not include the triangle parcel. But they show a rock wall running diagonally from the corner of the

triangle parcel back to a hole in the wall that William Harben's property bounds. So, when the triangular parcel came into dispute the land owners on all three sides of the triangular parcel transferred ownership to Thomas and Jean Watson, III with warranty deeds.

William Harben notes there was survey provided for a James Rutherford, who wanted a radio tower up on the hill and used the Robert Armitage survey to apply for approval of said radio tower. The request was denied his request. So, James Rutherford hired a Rochester survey company who said they cannot see any ownership of the triangular parcel in any of the deeds. In William Harben's research, he found the triangular parcel appears between the Robert Armitage survey and the Charlie Drew survey. William Harben provided a copy of the warranty deed between Dorothy Ladd and Thomas and Jean Watson, III for the triangular parcel. Thomas and Jean Watson, III eventually sold their land to William and Celia Harben.

William Harben referred back to the survey done by a Rochester company for home that abuts the side of the triangular parcel on the top of the hill. That survey says the abutter owns the triangular parcel and bought the property based upon the Rutherford survey. Vice – Chairman Stuart asked if the Dorothy Ladd warranty deed was never brought up and that's why they assumed they owned the parcel. William Harben stated no because he paid Allan G. Fall (who also did the survey for Charlie Drew), because he showed the rock wall on his original survey; William Harben noted that between the two sections of rock wall the land drops off and rocks roll down onto properties on the down side of Pocket Mountain. William Harben inquired of Allan G. Fall why he did not consider the triangular parcel as part of the land. Allan G. Fall explained to William Harben that the partial rock is not continuous and you cannot legally use rock walls boundaries and Allan G. Falls could not find how the triangular parcel was created. But when William Harben did his research, he found where the warranty deed was satisfied by Dorothy Ladd showing that she was only transferring what was in the Robert Armitage survey. So, Dorothy Ladd sold the land to Robert Armitage, who eventually sold it to James Rutherford. James Rutherford had the land surveyed and said there was no triangular parcel included.

William Harben noted that between Thomas and Jean Watson, III, Charlie Drew and himself, they have been paying taxes on the triangular parcel for the past 30+ years, the parcel is landlocked, and only accessible via 4 - wheel drive. William Harben is requesting a lot merger between the triangular parcel and his parcel in order to have the 10+ acres to apply for current use.

Barron suggested getting an opinion from the Town Attorney.

Vice-Chairman Stuart polled the Board on seeking legal opinion by the Town Attorney. Barron commented that he believes the warranty deed overrides the survey but is requesting the attorney to confirm his opinion.

Public Input:

Dallas Emery requested clarification that the James Rutherford survey was based on the Robert Armitage survey. William Harben denied noting that it was an entirely new survey.

Vice-Chairman Stuart polled the Board:

Brian Ames noted he's a little lost. Barron again stated he wants to the Town Attorney to look at this and do the title search. M. Ames and K. Eldridge both agreed to determine which deed is correct.

Vice-Chairman Stuart stated that he wants to ensure the Board makes an informed decision and would like to forward the information to the Town Attorney. Mr. and Mrs. Harben asked if the all the paperwork they submitted would be forwarded to the attorney. The secretary confirmed it would be and if anything, else is needed she would contact them.

A **Motion** by Barron to forward the all paperwork for **Case # 23-04-LM**: William & Celia Harben of 130 Circuit Rd. & Circuit Rd. Tax Map: 247 Lot: 026 and Tax Map: 261 Lot: 040 request for a Lot Merger to the Town Attorney for his legal opinion on of ownership of the triangular parcel and if the Planning Board can move forward with approving the lot merger. B. Ames seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

A **Motion** by Vice-Chairman Stuart to continue **Case # 23-04-LM**: William & Celia Harben of 130 Circuit Rd. & Circuit Rd. Tax Map: 247 Lot: 026 and Tax Map: 261 Lot: 040 is seeking a Lot Merger of a triangular parcel to the primary parcel to the next Planning Board meeting to be held on August 15, 2023 at the Freight House. Barron seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

Vice-Chairman Stuart thanked Mr. and Mrs. Harben for staying all evening. This is a difficult case and he wants to ensure the Board has time to review and make an informed decision.

Unfinished Business:

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

Stuart stated the Envision Night with OEDC is scheduled for August 24, 2023 from 4:00 pm – 9:30pm. Stuart reached out to Carol Ogilvie and Ivy Vann for either date. Stuart will speak with Joy Gagnon and will send out an update to the Board.

Notice:

NHDES - Wetlands Permit:

- **Wetlands Permit by Notification (PBN):** 3 South Shore Realty Trust, owner Marcin Jarmoc. Tax Map: 044 Lot: 072 is submitting an application for the installation of a seasonal Dock Lift next to an existing permitted seasonal dock for 3 South Shore Rd.
- **Wetlands Permit by Notification (PBN):** Owner: Patrick Marks of 88 Deer Cove Rd. Tax Map: 037 Lot: 030 is submitting an application to supplement and replenish 1,978.13 sq. ft. of beach sand at an existing beach that meets the state definition of a legal structure.

Financial:

- Expenditure report thru June 2023
- LRPC - New Hampshire Planning and Land Use Regulation, 2023-2024 edition

A **Motion** by Barron to approve expending in the amount of \$110.25 for LRPC - New Hampshire Planning and Land Use Regulation, 2023-2024 edition books. K. Eldridge seconded. No discussion. All voted in favor by a show of hands. **Motion passed.**

Next Meeting: [August 15, 2023 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. Stuart seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

Meeting adjourned at 9:02 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