

OSSIPEE PLANNING BOARD
Meeting Minutes
November 7, 2023

Minutes have been recorded for the convenience of summarization by Laura Nash, Boards & Commissions Secretary and are deleted once the minutes are board approved; any amendments to the minutes are noted in ***bold & italic*** type.

Call to Order: Sharon “Sharie” Cohen, Chairman called the Special Meeting to order at 7:00 PM and requested all cellphones to be silenced.

Pledge of Allegiance: Was recited by all in attendance.

Roll Call: Sharon “Sharie” Cohen, Chairman, Bruce Stuart, Vice Chairman, Ash Fischbein, and Brian Ames

Absent: Krystal Eldridge, and Roy Barron

Regularly Scheduled Meeting

Chairman Sharon “Sharie” Cohen called the Regular meeting to order.

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

Meeting Minutes: Review to approve Meeting Minutes of October 3, 2023 and October 17, 2023

Meeting Minutes of October 3, 2023 have been tabled until November 21, 2023 due to not having the appropriate quorum.

A **Motion** by Fischbein to approve the meeting minute of October 17, 2023 as submitted. B. Ames seconded. No discussion, A unanimous vote was taken by a show of hands. **Motion passed.**

Informal Discussion:

- Lisa Murphy of 5 Hodsdon Shore Rd. Tax Map: 086 Lot: 015 is looking to purchase the property to provide overflow trailer parking for the boat launch.

Lisa Murphy did not attend the meeting to present her plan.

- Joe Goss for 2255 Route 16 Tax Map: 014 Lot: 005 (backside of Kevin’s Discount) is wanting to rent the back side for the purpose of an auto repair service. File History: 1988 – Approval for a Wetlands Permit for logging and a subsequent Dredge & Fill approval. 2000 – Wayne Llyod received SPR approval to construct a 20 ft. by 40 ft. addition on the north side of the existing retail store. 2007 – Boundary Line Adjustment approved to remove the cul-de-sac driveway, thus creating a right of way easement.

Joe Goss stated the building was erected in 1986 and was originally a used car garage. In 2000, a Site Plan Review was approved to add Kevin’s Discount, when Wayne Lloyd bought the building and had his construction trucks in the garage. Joe Goss presented a copy of 2000 site plan showing the existing building labeled “Existing Garage & Showroom.” Joe Goss challenged that the building has always been a garage and questions why he needs to do a Site Plan Review Amendment. Discussion ensued over whether or not there has consistently been a repair garage operating in the back of the building.

Joe Goss gave the history of the owners/leasers through the years but there has always been construction equipment repairs in the back garage. Joe Goss explained he wants to operate his auto repair business out of the garage. There will not be excess vehicles parked around the property. Because if the cars are sitting outside, it means he's not getting paid.

Fischbein asked Joe Goss if he has had a conversation with the Zoning Officer. Joe Goss at first stated no but then asked if they meant Jonathan Smith. Fischbein confirmed and Joe Goss stated he had but all Jonathan Smith told him was to speak with the Planning Board to see what they had to say.

Stuart stated he would prefer to speak with Jonathan Smith because he personally does not remember a garage operating out of the building all these years. At this point the secretary informs Stuart that per Jonathan Smith, he can call him if he has any questions.

Joe Goss stated if he has to do something that's fine but he needs to know what he has to do. Stuart asked if the 2,000 plan is the latest change. Review of the record shows in the year 2,000 a Site Plan Review was approved to add an addition on the side of the building for refrigeration coolers for Kevin's Discount store. In 2007, a Boundary Line Adjustment was approved to remove the cul-de-sac driveway and create a right of way easement for the adjacent property. No other approvals or denials either before 2000 or after 2007.

Stuart called Jonathan Smith at 7:17 pm and put the conversation on speaker phone. Stuart explained in 2000 the primary use was the garage and then they added Kevin's Discount. So, the garage was the initial business and initial use and Kevin's Discount became the secondary. Joe Goss states the garage has not changed its use or vacant for more than two years. Jonathan Smith stated it couldn't be because in the zoning ordinance since 1988, there the water resource district and truck repair and auto repair was a prohibited use up until this past year, when it was changed to a Special Use Permit. Joe Goss states the building was put in in 1986. Jonathan Smith noted that the SPR was approved in 2000. Joe Goss stated the SPR was for adding Kevin's Discount Store in the front of the building and it was originally built for a used car showroom and garage. Then in 2000, Wayne Lloyd leased the front half of the building and added the addition for the store. Discussion ensued over where and was there a Site Plan Review for the garage because there are no records of a SPR and Planning Board records go back to the 1970's. Jonathan Smith stated whatever business has been operating there has been operating without a SPR and it also in the Protective Water Resource District and will require a Special Use Permit the auto repair shop. Jonathan Smith was not arguing the point that it's been listed on the 2000 site plan as an existing garage and showroom. Jonathan Smith stated there are records that it has been a continually operating auto mechanic shop going back all these years. Discussion ensued over how to prove there has been a continually operating auto mechanic shop since 1986, who's responsibility it is for researching the history of a property and where's the SPR prior to 2000.

Jonathan Smith advised the Board that they can only base their decision on what is presented before them and per the records on file. Unless there are records to prove otherwise, the Board can only move forward with what they know. The Planning Board has to base their decision on what they know not what they think they know. Because if it gets challenged by somebody and goes to court, the Planning Board has to be able to defend their decision based on the information provided.

Fischbein stated the responsibility falls to the applicant to do their due diligence in gathering as much information when submitting an application to the Board's. Jonathan Smith noted that Joe Goss

would need to prove through records that the garage has been the use for the past 20+ years.

Stuart informed Joe Goss if he cannot provide other records to justify the use... and then asked who is in there now.

Douglas Kenney of Kenney Brother's Tree Service and Joe Goss' grandson. He has been leasing the building for a year and prior to that his stepfather was leasing the building and prior to that Wayne Lloyd operated out of the building.

Douglas Kenney suggested in order to move forward to get Joe Goss' auto repair business in the building what do they need to do. Stuart stated they would need to have the owner of the building fill out the SPR application, submit a Letter of Authorization giving Joe Goss permission to speak on the owners behalf, and also submit an application for a Special Use Permit. Fischbein and Stuart explained the application criteria and stated that they can use the existing site plan and note any changes to lighting, parking, etc.... Multiple conversations ensued.

The secretary explained that application process to Joe Goss and was advised to contact the secretary with any questions.

Unfinished Business:

- **Master Plan:** Housing Chapter Discussion continues... Stuart gave an update and noting that Joy Gagnon wants to host another event at the Carroll County Nursing Home. And Carol Ogilvie noted two other sessions still pending.

- **Carol Ogilvie:** is going to submit a rewrite.

Unsatisfied Conditions: No Updates

New Business: No new cases to present.

- **Case #23-09-SPR:** Eric Clifford c/o Fire Side Lumber of 2245 Route 16. Tax Map: 014 Lot 004 in the Roadside Commercial district is seeking a Site Plan Review to have a 30 ft. x 42ft. building with front office space and storage of lumber for sale. The front 16 ft. x 30 ft. will be for office space with the remaining 26 ft. x 30 ft. barn storage for lumber with a 14 ft. x 26 ft. front lean tube. Also looking to put a roof over existing sign with lights to enhance curbside appeal. Also requesting multiple waivers from the checklist. (Case continued from September 5, 2023, and October 17, 2023 meeting, until November 21, 2023). Pending the following documents and revisions:

- Monuments marked on plan
- Review and Revise Waivers Requested
- Septic design application and/or NHDES approval
- Building Permits received for (5) structures along with the square footage and an (1) Electrical Permit.

Next Meeting: November 21, 2023 at the Freight House

Any Other Business Which May Come Before This Meeting: Chairman Sharon "Sharie" Cohen called for any other business.

The Board had a general discussion on short term rentals. The Board agreed there needs to be some regulations and restrictions but they are not against allowing them. The Board was given regulations and ordinances from several towns to review. It was suggested they review the ordinances and mark which ones they would want added to an Ossipee ordinance. They are to forward there suggestions to the secretary to compile and write a draft ordinance for the Board to review for discussion. No follow up date has been determined.

With no further discussion, Chairman Sharon “Sharie” Cohen called for a motion to adjourn.

Adjournment:

A **Motion** by Cohen to adjourn. Stuart seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

Meeting adjourned at 8:17 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