

**OSSIPEE PLANNING BOARD**  
**Meeting Minutes**  
**November 21, 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 Krystal Eldridge,

**Absent:** Brian Ames 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 November 7, 2023

Meeting Minutes of October 3, 2023 and November 7, 2023 have been tabled until December 5, 2023 due to not having the appropriate quorum.

**Informal Discussion:**

- Brian Roche for 954 Route 16. (formerly Jena’s Seafood) Tax Map: 123 Lot: 008 is wanting to re-open a restaurant at this location. File History: includes a SPR approval in 2001. The last occupant was a seafood restaurant less than a year ago. Brian Roche is interested in re-opening the sale of seafood portion of the business but is focusing on opening the restaurant portion first.

Fischbein informed Brian Roche that he will need a Site Plan Review Amendment, A Letter of Authorization from the owner, and work with the secretary on completing the SPRA application. The secretary will help Brian Roche through the application process. Stuart and Fischbein asked the secretary to make a copy of the site plan from the file for Brian Roche to work with.

**New Business:**

***The Chairman addressed the Applicants (under RSA 674:33) – noting since there is not a full board, with no more alternates to serve. The applicant has the option of postponing the hearing until all members are present. If the applicant chooses to proceed with the hearing, he/she should be advised that by not having a full board will not be grounds for an appeal hearing in the event the application is denied.***

- **Case #23-04-SUBD:** The Neal Family Trust of Twin Cottage Lane off Blake Hill Road is requesting a (3) lot subdivision of a 29.7 acre parcel. Lot 1 being 2.64 acres and having 200.00 ft of frontage on Twin Cottage Lane. Lot 2 being 1.87 acres and having 244.87 ft. of frontage on Twin Cottage Lane, and Lot 3 being the remaining land, containing approximately 10.39 acres and having approximately 470 ft. of frontage on Blake Hill Rd. Lots 1 & 2 will require state subdivision approval for being less than 5 acres. Along with

several waivers from Article: 9.05 (L), 9.05 (P) and Soil Maps of the Subdivision Regulations.

Jim Rines presented plans for a subdivision on behalf of the Neal Family Trust. The property is 29.7 acres and has road frontage on Twin Cottage Lane and Blake Hill Road. The proposed Lot #1 being 2.64 acres and having 200.00 ft of frontage on Twin Cottage Lane and Lot #2 having 1.87 acres and having 244.87 ft. of frontage on Twin Cottage Lane. Lot #3 being the remaining parcel has approximately 470 ft. of frontage on Blake Hill Rd. The wetlands have been mapped on the proposed Lot #1 and Lot #2. Lot #1 has 83,775 square feet of upland soil which exceeds the minimum lot size for Waumbeck soil on a C slope which required 82,500 square feet. Lot #2 has 55,600 square feet of upland soil which is the same soil type as Lot #1 on a B slope which requires 55,000 square feet.

Two waivers are being requested Subdivision Regulation, Section 9.05, L – Linear and angular data for location boundary lines on the remaining 25.2 acres of land and Section 9.05, P – Significant features on and within 200 feet of the remaining land.

The Board should have received a letter from the Fire Chief stating they have no issues with the plan. They are pending State Subdivision approval. Enoch Stiff, Trustee is present to answer any questions.

Fischbein inquired on the location of this parcel and Jim Rines provided directions. The Board reviewed the application for completeness.

Waivers Requested.

1. Section 9.05, L – Linear and angular data for location boundary lines on the remaining 25.2 acres of land.

A **Motion** by Fischbein to approve the waiver request from Section 9.05, L for Case #23-04-SUBD: The Neal Family Trust of Twin Cottage Lane off Blake Hill Road. K. Eldridge seconded. No discussion. A unanimous vote was taken. **Motion passed.**

2. Section 9.05, P – Significant features on and within 200 feet of the remaining land.

A **Motion** by Fischbein to approve the waiver request from Section 9.05, P for Case #23-04-SUBD: The Neal Family Trust of Twin Cottage Lane off Blake Hill Road. K. Eldridge seconded. No discussion. A unanimous vote was taken. **Motion passed.**

Chairman Sharon “Sharie” Cohen called for a motion to accept the application as complete.

A **Motion** by Fischbein to accept the application as complete for Case #23-04-SUBD: The Neal Family Trust of Twin Cottage Lane off Blake Hill Road. K. Eldridge seconded. No discussion. A unanimous vote was taken. **Motion passed.**

Chairman Sharon “Sharie” Cohen called for public input.

Donna Gridley of Roland Park thought that the minimum lot size is 5 acres. Jim Rines and Bruce Stuart both stated the minimum lot size is 1 acre. Donna Gridley referred to the case posting stating that “Lots 1 & 2 will require state subdivision approval for being less than 5 acres.” Jim Rines clarified that’s a state requirement which means anytime you create a lot less than 5 acres, you will need state subdivision approval in addition to town approval. Anything greater than 5 acres state approval is not required.

Donna Gridley inquired if the subdivision is approved who is going to maintain Twin Cottage Lane. Jacqueline Boisse of Twin Cottage Lane stated for the past 10 years, she has maintained the road and has paid to have the road plowed in the winter. She has had the pine needles, sticks, and trees removed that

have fallen down. She has considered it a driveway and now it's a road. Prior to her moving there the Henderickson family maintained the road. Jacqueline Boisse wants to know who is going to maintain the road, now. Jim Rines stated a few years ago, the Supreme Court ruled that on private roads where an association does not exist everyone living on the road must contribute to the maintenance and upkeep of the road. So, there is a mechanism in place which states everyone who owns property on the road must share in the expense of maintaining the road. Jim Rines clarified that if anyone builds on these lots, they will have to contribute to the maintenance of the roads.

Jacqueline Boisse feels like she needs a lawyer and is being hoodwinked. Jacqueline Boisse has not spoken with any neighbors, because she says she never sees them. Stuart commented that he feels that Jacqueline Boisse is trying to project that something bad is taking place but she has not spoken with anybody to voice her concerns. Jacqueline Boisse provided the history of the road and how it got its name. But at the same time, she believes there is going to be more houses being built on Twin Cottage Lane and will become a busy road instead of her "driveway" as it's been all these years and it feels very intrusive.

Stuart sympathized and Jacqueline Boisse should speak with her neighbors but it does not affect the case before the Board. Fischbein suggested finding the Supreme Court ruling so she can possess the mechanism to present to the neighbors for help with the road maintenance.

Enoch Stiff stated, he spoke the woman buying one parcel next to hers for her brother. Enoch Stiff ensure Jacqueline Boisse that her concerns will be taken care of and the other property owners will reach out to help as well. Enoch Stiff noted that it has been the policy of the Trust and the family of keeping families together. So, if one family member wants to buy a parcel close to another family member, the Trust would sell to them first. Jacqueline Boisse inquired when these properties were put up for sale. Enoch Stiff said they never were because there not subdivided. He does not want to disturb her peace of mind and is more than willing to discuss the issues with her.

Alice Scott inquired if it was never for sale and why is it for sale now. Enoch Stiff stated the lot was never posted for sale; the family trustees were approached about selling a parcel as a means of accommodation which is why they decided to subdivide the parcel.

Fischbein conveyed to Chairman Cohen that the public should be directing their questions and comments through the her and not having private conversations.

Chairman Cohen questioned if she's understanding the situation correctly; their wanting to subdivide the property but there's no structures and no driveways so at this point there would be no traffic and no changes other than the lots will be divided on paper. Enoch Stiff clarified that the proposed Lot #2 will be purchased by Cherylynn's family. Chairman Cohen noted once the lot is sold; that family will need to come back to planning and zoning for approval to build a house and have a driveway put in. Several members clarified they would need to apply for a building permit, which would not involve the Planning Board or Zoning Board of Adjustment unless they were not meeting a zoning ordinance. Chairman Cohen corrected herself noting she meant building permit.

Jacqueline Boisse expressed concerns for Twin Cottage Lane with construction trucks traveling the road when propane trucks can barely make it down the lane.

Stuart stated he does not believe this is something for this Board to address. Mr. Stiff has already addressed this by saying he is more than willing to work with you and again Stuart doesn't think that they reached out to anyone to address her concerns. Because you're projecting what might happen before you had a chance to speak with the individuals. Stuart feels Mr. Stiff has been a genuine individual over the past 5 months during this subdivision process and whatever your concerns are can be worked out if you're willing to sit down and speak with him. Stuart agreed with Fischbein that there is no legal reason for this case to not

move forward because it all complies.

Chairman Sharon “Sharie” Cohen called for any more public input. Non heard.

Chairman Sharon “Sharie” Cohen called for any discussion from the Board. None heard.

A **Motion** by Fischbein for **Case #23-04-SUBD**: The Neal Family Trust of Twin Cottage Lane off Blake Hill Road to Grant a Conditional Subdivision approval for a (3) lot subdivision of a 29.7 acre parcel. Lot 1 being 2.64 acres and having 200.00 ft of frontage on Twin Cottage Lane. Lot 2 being 1.87 acres and having 244.87 ft. of frontage on Twin Cottage Lane, and Lot 3 being the remaining land, containing approximately 10.39 acres and having approximately 470 ft. of frontage on Blake Hill Rd. with the pending condition:

1. Receiving State Subdivision approval
2. All Federal, State and Local Regulations shall be followed.

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

- **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 – Eric Clifford submitted a revised plan showing the location of the monuments verified by Ash Fischbein and Bruce Stuart’s site visit done on November 10, 2023 and all structures are within the setbacks.
- Septic design application and/or NHDES approval. Eric Clifford submitted a copy of the septic plan that has been submitted to NHDES.
- NHDOT Driveway/Curb cut approval – Eric Clifford informed the Board that he has been trying to contact NHDOT but has not made contact as of today.
- Building Permits received for (5) structures along with the square footage and an (1) Electrical Permit. Fischbein read an email into record from Jonathan Smith which states two permits were issued for the one car port and the other for the sign. The permit for the concrete slab will not be issued until an approved septic plan for construction is received. The electrical permit is not needed at this time for the shed on the trailer. The shed/structure on the trailer has no registration plate that is visible, but a property owner is allowed one unregistered trailer per property. There is another travel trailer on the property that is listed for sale. It appears he is in the process of disassembling one of the carports.

Eric Clifford noted that he has removed two of the structures. The septic design has been submitted to NHDES and approval is not expected for approximately 2-3 weeks. The application and plan were reviewed for completeness noting the following conditions:

1. NHDES Septic approval by a Certified Licensed Septic Designer
2. NHDOT Driveway/Curb cut approval
3. Building permit for the slab foundation once septic design is approved by NHDES.

Discussion ensued over granting a conditional approval and how much time is needed to obtain the required state approvals. The secretary asked to clarify the 65 day rule to the Board. The secretary asked if the Board is counting the 65 day rule based on final approval. If the Board is looking to grant a conditional approval

with subsequent conditions pending state entities. The 65 day rule does not factor on that decision because it's outside departments. The 65 day rule is for if this Board is stalling in making a decision for whatever reason and making up excuses to not render a decision.

The Board explained to Eric Clifford that even if they conditionally approve the site plan he still cannot put a shovel in the ground until he obtains his state approvals, Board approval once he submits the state approvals to the secretary and obtain his building permit. Eric Clifford acknowledged that he understands.

The Board reviewed the following Waiver requested.

Waivers Requested:

1. 6.04.I 2: Copies of required State and Federal permits

A **Motion** by K. Eldridge to approve the waiver request for 6.04.I 2: Copies of required State and Federal permits, because he's not changing surface of ground. Fischbein seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

2. 6.04.4 H. 8 - **Dimensions**, area and minimum setback requirements.

A **Motion** by K. Eldridge to approve the waiver request for 6.04.4 H. 8 - Dimensions, area and minimum setback requirements added it to his plan. Stuart seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

3. 8.3.2.c- **Flood Hazard Areas**: FEMA Requirements: For subdivisions and site plans that involve land designated as "Special Flood Hazard Areas" (SFHA) by the National Flood Insurance Program (NFIP): C. The Planning Board shall require the applicant to submit sufficient evidence (construction drawings, grading and land treatment plans so as to allow a determination that:

A **Motion** by K. Eldridge to approve the waiver request for 8.3.2.c - Flood Hazard Areas: FEMA Requirements. Stuart seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

4. 6.04.4 H 13 – **Parking**: Location, layout and dimensions of all on-site and/or off-site parking areas and loading facilities

A **Motion** by Stuart to approve the waiver request for 6.04.4 H 13 – Parking: Location, layout and dimensions of all on-site and/or off-site parking areas and loading facilities requirements. Fischbein seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

5. 6.04.4 H 14 – **Buffer Zone**: Proposed landscaping including size and type of plant material, buffers and treatment of natural and historical features on the parcel including scenic views visible from parcel boundaries.

A **Motion** by Stuart to approve the waiver request for 6.04.4 H 14 – **Buffer Zone**: Proposed landscaping including size and type of plant material, buffers and treatment of natural and historical features requirements. Fischbein seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

6. 6.04.4 H 5 - **Location** of all natural and historical features including water bodies, water courses, wetlands on or adjacent to the parcel; and vegetation/foilage lines, soil types, rock outcroppings, railroads, stone walls and historical buildings on the parcel.



A **Motion** by Stuart to approve the waiver request for 6.04.4 H 5 - Location of all natural and historical features including water bodies, water courses, wetlands on or adjacent to the parcel requirements. K. Eldridge seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

7. 6.04.4 H 15 & 8.02.3 - **Sediment, Erosion Control and Topsoil Preservation:** Provisions for erosion and sediment control and topsoil preservation and restoration of disturbed areas and the Applicant shall comply with Ossipee Regulations pertaining to Drainage, Sediment and Erosion Control and Topsoil Preservation as well as all applicable state and federal regulations.

A **Motion** by Fischbein to approve the waiver request for 6.04.4 H 15 and 8.02.3 - Sediment, Erosion Control and Topsoil Preservation: Provisions for erosion and sediment control and topsoil preservation and restoration of disturbed areas requirements. K. Eldridge seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

8. 8.03.1 B - Sewage Disposal: Private Systems: Individual sewage disposal and/or water systems shall be shown on the applicant's plan and shall comply with applicable State and Federal regulations

A **Motion** by Fischbein to approve the waiver request for 8.03.1 B - Sewage Disposal: Private Systems: Individual sewage disposal and/or water systems.

Stuart asked Eric Clifford what this waiver request was for. Eric Clifford explained he had requested the waiver because he was not sure if the septic design would be ready in time. The Board acknowledge the receipt of the septic plan from the designer and is pending NHDES approval. The Board agreed the request for this waiver is not required. Fischbein requested to strike his motion.

9. 8.03.3 & 8.03.7 – **Hazardous Material Storage and Dust, Fumes, Vapor, Gas and Odor**

A **Motion** by Fischbein to approve the waiver request for 8. 8.03.3 & 8.03.7 – Hazardous Material Storage and Dust, Fumes, Vapor, Gas and Odor requirements. Stuart seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

10. 6.04.4 G 1- **Site Plan Plat: Preparation:** The plat shall be prepared by a licensed/certified land surveyor, engineer or architect unless this requirement is waived by the Board.

A **Motion** by Stuart to approve the waiver request for 6.04.4 G 1- Site Plan Plat: Preparation: The plat shall be prepared by a licensed/certified land surveyor, engineer or architect requirements. K. Eldridge seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

The Board discussed the waiver request for the lighting plan with Eric Clifford, who pointed out that he has included the lighting on the plan. The Board agreed this waiver request is not needed.

11. 6.04.4 H 9 & 8.03.4 – **Storm Water Retention and Surface and Storm Drainage:** Location, elevation and layout of catch basins and other surface water drainage or retention features.

A **Motion** by Fischbein to approve the waiver request for 6.04.4 H 9 & 8.03.4 – **Storm Water Retention and Surface and Storm Drainage:** Location, elevation and layout of catch basins and other surface water drainage or retention feature requirements. K. Eldridge seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

12. 8.03.1 a – **Sewage Disposal:** A. Use of Public Services. If a development is to be served by public sewers or by public water supply, a statement is required from the Municipal department or company involved attesting to the availability of such service.

A **Motion** by Stuart to approve the waiver request for 8.03.1 a – Sewage Disposal: A. Use of Public Services. K. Eldridge seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

**13. 8.3.2.a – Ground Water Protection - Flood Hazard Areas:** FEMA Requirements: For subdivisions and site plans that involve land designated as “Special Flood Hazard Areas” (SFHA) by the National Flood Insurance Program (NFIP): **A.** The Planning Board shall review the proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State Law.

A **Motion** by K. Eldridge to approve the waiver request for 8.3.2.a – Ground Water Protection - Flood Hazard Areas. Fischbein 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 #23-09-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. K. Eldridge seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

Chairman Sharon “Sharie” Cohen called for public input. None heard.

A **Motion** by Fischbein for **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 Granted a Conditional Site Plan Review Approval to have a 30 ft. x 42 ft. building with front office space and storage of lumber for sale. Pending receipt of the following conditions:

1. NHDES Subsurface/Septic approval
2. NHDOT Driveway/Curb cut approval
3. Building permit for the slab foundation once septic design is approved by NHDES.
4. All Federal, State, and Local Regulations and Permitting shall be followed.

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

The Board informed Eric Clifford (***For Conditional Approvals only***): A Conditional Approval is considered **temporary approval** until the pending documentation is received. Once the documentation is submitted to the secretary of Boards & Commission, it will be presented to the Board at the next General Meeting and final approval will be decided. A final notification letter will be sent to you within 5 business days notifying you of the Boards decision.

Documentation may be submitted at the Ossipee Town Hall – Selectmen’s Office or by mail to: **Town of Ossipee, Attn: Planning Board, PO Box 67, 55 Main Street, Center Ossipee, NH, 03814**

- **Proposed Zoning Ordinance Changes:** submitted by Jonathan Smith, ZEO

Chairman Sharon “Sharie” Cohen read the following proposed zoning ordinance changes. The Board had no questions at this time.

- Article 4.9: RECREATIONAL VEHICLES AND TENTS ON PRIVATE PROPERTY, Section: 4.9.2 - Campsite, by adding subsection (i) and (j).

Fischbein and Stuart questioned if it’s acceptable to keep the camper plugged in or not acceptable. After discussion the Board agreed with Jonathan Smith’s submitted request but are requesting a little clarity to 4.9.2.i - by adding: define road ready, add parentheses, or to include but not limited to, (i.e.. Sliders in and secured, stabilizer jacks/leveling platforms to be retracted, awnings retracted, water hose disconnected, etc.)

- Article 8 - SETBACKS AND BUFFERS,” Sections 8.2 by adding further clarity. Fischbein read.

**Unsatisfied Conditions:** No Updates

**Notices:** The Board acknowledged receipt of the notices and had no concerns.

- Lakes Region Planning Commission's FY23 Annual Report
- Lakes Region Planning Commissioner's Meeting – November 27<sup>th</sup> at 6:00 PM
- National Flood Insurance Program (NFIP)

**Unfinished Business:**

- **Master Plan:** Housing Chapter Discussion continues... Stuart gave an update
- **Short Term Rental:** the Board is to review the rules, regulations and policies from other towns to determine what they would like to see in the proposed ordinance for Ossipee. Discussion will take place once the data has been accumulated and compiled to present for public input.

**Next Meeting:** December 5, 2023 at the Freight House

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

The secretary informed the Board of a webinar she attended hosted by FEMA providing updated legislation, which includes new constructions build in the Flood Plain or Flood Way will require an elevation certification be issued prior to obtaining a Certificate of Occupancy from the Building Inspector.

FEMA and the Office of Planning and Development are reviewing Ossipee's Flood Plain Ordinance to review for any changes to bring it into compliance. Once the review is complete they will contact the secretary with the suggested changes. The Board was provided a list of links to review if a property is located in the flood plain or flood way. FEMA is also offering flood insurance to residents not in the flood plain. Discussion ensued. Stuart inquired about who to contact to get clarification and would Matt Sawyer, Jr. or Jonathan Smith be able to answer any questions. Stuart (jokingly) asked if that Dallas character had any answers.

Dallas Emery questioned if FEMA is over stepping their authority by regulating the wetlands area. Because the Supreme Court ruled earlier this year or late last year that the EPA had overstepped its authority by classifying larger areas as wetlands that they were not supposed to classify. So now there is a big case here where the EPA, who sets the boundaries that FEMA follows; somebody could be overstepping their boundaries because the Supreme Court has already ruled that the EPA did over step it's authority. The EPA is supposed to map areas of flowing water way, tributaries, and not all the backyards of people not near the waterways. Chairman Cohen inquired of Dallas Emery if he's thinking that FEMA is taking over for the EPA with stepping over their bounds and no one is going to challenge them because it's FEMA.

Fischbein asked Emery to research or provide the Board with the court case number. The secretary suggested getting the information and giving it to Matt Sawyer, Jr. or Jonathan Smith.

Chairman Sharon "Sharie" Cohen called for a motion to adjourn.

**Adjournment:**

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

**Meeting adjourned** at 8:34 PM.



Minutes approved by majority vote of the Board on –

\_\_\_\_\_  
Date

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Sharon “Sharie” Cohen, Chairman  
Ossipee Planning Board

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Bruce Stuart , Vice - Chairman  
Ossipee Planning Board