

**OSSIPEE PLANNING BOARD  
MEETING MINUTES  
April 4, 2023**

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

**Call to Order:** Sharon “Sharie” Cohen called the meeting to order at 7:00 PM and requested all cellphones to be silenced.

**Pledge of Allegiance:** Was recited by all in attendance.

**Roll Call:** Sharon “Sharie” Cohen, Chairman, Bruce Stuart, Vice Chairman, Ash Fischbein, Krystal Eldridge, ***Brian Ames***, and Melissa Ames (Alternate).

**Absent:**, R. Christopher Templeton (Selectmen’s Rep.)

**Late Arrival:** Roy Barron arrived at 7:03 pm

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

**Meeting Minutes:** Review to approve Meeting Minutes of March 14, 2023

A **Motion** by Fischbein to approve the meeting minutes of March 14, 2023 as submitted.

Chairman Cohen noted a correction on page 3 – to add “Barron ***referenced a prior case and*** thought there was a time limit for phased projects and the applicant had to return for each phase.”

Chairman Cohen also noted on page 3 to delete a repeated phrase – “but when they replace ~~*the replace*~~ and expand”

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

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

A **Motion** by Fischbein to approve the meeting minutes of March 14, 2023 as amended. Eldridge seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

**Informal Discussion:**

- Misty Morang of 12 Paddy Acres Rd. Ctr. Ossipee presents seeking direction for starting a Daycare facility under Article 4.3 (g). - Canceled prior to the meeting.
- James and Nicole Walsh of 2 Covered Bridge Rd. is seeking to open a small engine repair shop under Article 34.2 (i). - Was not present to discuss with the Board.
- Brian & ***Laurianne*** Bennett of 47 Effingham Rd. is seeking to have a farm to sell homemade goods and to have (4) Yurts on platforms to rent for family camping under Article 34.4 (a) per RSA 21:34 (a).

Brian and ***Laurianne*** Bennett both present to the Board their concept plan to have (4) canvas yurts placed

on a 24 ft. by 24 ft. wooden platform base on the back parcel of their property to rent out for camping along with a private farm stand to sell their own garden produce and canned goods. Each yurt will have a solar panel for lighting and charging phones, there will be either port a potties or an **outhouse** will be built for bathroom use and no running water. Campers will need to supply their own water and food and there will be a fire pit at each campsite.

While **Laurianne** demonstrated on their plans the location for the yurts and the access road, Brian Bennett spoke about utilizing the ATV/Snowmobile trail as an access road to the camp sites by making the trail a little wider for an access road. Barron noted the Fire Chief will determine the width of the access road to accommodate the fire trucks. Brian Bennett noted they would be advertising thru the internet and air bnb. He said they have chickens and horses. They sell eggs and vegetables.

Barron asked if these come down in the winter. Brian Bennett indicated they can stay up all year and can be winterized for winter camping. Brian Bennett plans to build their own port a potties for each site and are hoping to bring business to the community.

**Laurianne** explained they won't be disturbing the land or taking any vegetation down at all and will maintain a buffered area to the abutters. The port a potties will be place along the access road to allow room for the truck to come down for pumping and cleaning. **Laurianne** Bennett noted they are already an established farm; they have a high tunnel on the property and she's working with the USDA on reclaiming the fields that were stripped of top soil to sell the loam. Brian Bennett noted this used to be the old Downing property on Pocket Mountain Rd. **Laurianne** Bennett stated they are not looking to have a campground. Barron commented they are basically looking to have a camping area. **Laurianne** proceeded to show the other Board members and point out on the plan where the yurts, and port a potties would be located, utilizing natural buffers for each campsites privacy and the proximity to the Pine River. Barron commented he's not against modifying the property because he's a lumberjack.

The Board proceeded to review the zoning ordinances for Article 34.4 and 35.4 (a) to determine which article this business would be categorized and reviewed RSA 21:34 (a) for agritourism.

Barron continued asking questions concerning removal of sewage waste from the port a potties. Barron asked if they were going to have any employees and Mr. Bennett said it's possible depending on how well this is perceived.

Fischbein inquired if the Bennett's are going to apply under RSA 21:34 (a) Agritourism, how would this apply to Ossipee's current zoning ordinances.

Barron inquired if the plan to have their guest ride the horses or do anything else on the farm. Brian Bennett noted they only have one horse and he's too old to ride anymore. General conversation ensued between Barron and the Bennett's.

Fischbein asked if the Bennett's are certified or licensed as a farm the Bennett's noted they are licensed as a business with an LLC license. Fischbein clarified what with the state defines them as an operating farm. Barron responded it's having 10 acres or more and selling anything that does not require USDA certified. **Laurianne** commented that she is listed under Health Cottage Foods.

Board Discussion and review of the RSA's and Zoning Ordinances ensued and determined that getting an opinion from the Zoning Enforcement Officer, and Fire Chief/Fire Warden – Adam Riley is warranted, obtaining a definition of what constitutes a "Farm," what constitutes a "Recreational Camping Park, is it based on number of sites," having an access road and right of way, requiring a Site Plan Review from the Planning Board, Building Permit for the platforms from the Zoning Officer, and possibly a Special Exception from the ZBA for setbacks.

Fischbein suggested that the Board take a stand on how to classify this use, whether or not it requires a Site Plan Review to ensure the safety of the people camping where there having fires. The campgrounds go through an extensive amount of work to ensure safety vehicles can get down to the camp sites and questions if the Board can adopt the same set of standards agritourism farms.

The Board instructed the secretary to speak with the Zoning Officer tomorrow about the questions the Board has and get back to them for the next meeting but to also let Mr. and Mrs. Bennett know how they are to proceed. Fischbein suggested continuing this Informal Discussion to the next meeting so the Board can have time to review the RSA's closer and to receive the Zoning Officer's opinion. The Board discussed the questions the secretary is to pose to the Zoning Officer and suggested that the ZEO attend the next meeting.

Fischbein read **RSA 674:32 (b) (II)**:

"II. Any new establishment, re-establishment after abandonment, or significant expansion of a farm stand, retail operation, or other use or activity involving on-site transactions with the public, including agritourism as defined in RSA 21:34-a, may be made subject to applicable special exception, building permit, site plan review, or other local land use board approval in accordance with the provisions of RSA 674:32-c, II and III, and may be regulated to prevent traffic and parking from adversely impacting adjacent property, streets and sidewalks, or public safety. No municipality shall adopt an ordinance, bylaw, definition, or policy regarding agritourism activities that conflicts with the definition of agritourism in RSA 21:34-a."

Fischbein explained according to this RSA the Board cannot create an ordinance but the Board can require the applicant to apply for a Special Exception with the ZBA, require a Site Plan Review from the Planning Board, and/or a Building Permit for the platforms from the Zoning Officer.

Fischbein then read **RSA 674:32-c, II and III**:

"II. Nothing in this subdivision, or in RSA 674:32-b, shall exempt new, re-established, or expanded agricultural operations or activities from generally applicable building and site requirements such as dimensional standards, setbacks, driveway and traffic regulations, parking requirements, noise, odor, or vibration restrictions or sign regulations; provided, however, that in circumstances where their literal application would effectively prohibit an agricultural use or activity allowed by this subdivision, or would otherwise be unreasonable in the context of an agricultural use or activity, in accordance with the provisions of RSA 672:1, III-b, the board of adjustment, building code board of appeals, or other applicable local board, after due notice and hearing, shall grant a waiver from such requirement to the extent necessary to reasonably permit the agricultural use or activity, unless such waiver would have a demonstrated adverse effect on public health or safety, or on the value of adjacent property. Such waiver shall continue only as long as utilized for the permitted agricultural use or activity.

III. Nothing in this subdivision shall apply to any aspect of an agricultural operation determined to be injurious to public health or safety under RSA 147. Nothing in this subdivision shall be deemed to modify or limit the duties and authority of the department of environmental services under RSA 485 or RSA 485-A or the commissioner of the department of agriculture, markets, and food under title XL."

**674:32-d Agritourism Permitted.** – Agritourism, as defined in RSA 21:34-a, shall not be prohibited on any property where the primary use is for agriculture, subject to RSA 674:32-b, II.

Brian Ames inquired at what point does this stop being a farm and becomes more of a campground. Barron commented that as long as they're a farm it's allowed but once they stop being a farm then the use will change. After a lengthy discussion the Board decided to get Jonathan Smith, ZEO opinion before moving forward.

### **New Business:**

- **Z.O. 8.2 Greenspace:** The Board acknowledge receipt of an email from the Zoning Officer reminding the Board members of the change to this article and to keep it in mind when reviewing cases.
- **Case # 23-02-SPR:** Michael Stevens of 1800 Route 16. Tax Map: 038 Lot: 020 is seeking a Site Plan Review to have Food Trucks, Camper Storage, a 60 ft. X 40 ft. Garage for Repairs and Sales. Along with a request for (4) Waivers. (Case Continued from February 21, 2023 and March 7, 2023)

Chairman Cohen acknowledged the receipt of a written request for a continuance until the April 18<sup>th</sup>, 2023 Planning Board meeting. Board members asked the secretary if she had spoken with him. The secretary stated she had and he's requesting a continuance because he's waiting on the driveway approval from NHDOT and the Fire Chief's letter of approval.

Fischbein and Stuart requested the secretary to contact Mr. Stevens and ask him to show boundary lines, parking area, outdoor lighting plan and setbacks on his plan.

A **Motion** by Barron to grant a continuance until April 18, 2023 for **Case # 23-02-SPR:** Michael Stevens of 1800 Route 16. Tax Map: 038 Lot: 020. B. Fischbein seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

Chairman Cohen notified the Board that since there are no cases scheduled for the next meeting, discussion on the regulation revisions will be put on hold until April 18<sup>th</sup>, 2023 and Jim Rines has requested to be here for the discussion.

Chairman Cohen asked Bruce Stuart if he has an update on the Master Plan.

### **Unfinished Business:**

- **Master Plan:** Stuart reported on the status of obtaining a Consultant:
  - 1) Stuart and Fischbein attended the LRPC on the Housing Assessment presentation on March 27<sup>th</sup> at Hobb's. It was a good presentation; the assessment is about 106 pages that contained tons of statistical information on the region but did not contain any information or plan to assist the Planning Boards in addressing the housing needs of the community.
  - 2) Stuart and Joy Gagnon are enrolled in UNH Housing Academy that begins May 9<sup>th</sup> for six weeks. The classes consist of 2- on-site classes and 4- zoom classes. Stuart is looking for one more person to attend the classes preferably from the business sector.
  - 3) Stuart sent out emails to 8 consultants and is waiting for a response back.
  - 4) EDC is meeting next Monday and is hoping for a decision on facilitating an Envision Night.
- **Site Plan Review Regulations:** RSA revisions
- **Subdivision/BLA Regulations:** RSA revisions
- **Site Plan Review Application:** RSA revisions
- **Subdivision/BLA Application:** RSA revisions
- **Rules of Procedure:** Revisions
- **Zoning Ordinance books:** The secretary reported the New Zoning Ordinance books will be emailed to the Board members, posted on the Town's website this week. Printed copies will be made for each Board member for the next meeting. Extra copies will be made available at the Town Hall later next

week.

**Notices:** Chairman Cohen noted a couple of notices for the Boards attention.

- NHDES – Dredge & Fill Wetlands Permit – application for Richard Nelson of 20 Channel Rd. Tax Map: 021 Lot: 005 is proposing to install a perched beach to replace an existing beach.

Chairman Cohen called for any other business.

**Unsatisfied Conditions:**

Fischbein inquired on the status of the remaining two conditionals. The secretary explained she has spoken with Josh Kaake and he wants to keep it on the list for now because he has **not** decided what he want to do with it yet.

The secretary emailed Jim Rines last Friday on the status of **Case #22-04-SPR & #22-02-SUP**: Maurice Bishop Rev. Trust c/o Jim Rines, of White Mountain Survey & Engineering, Inc. of 340 Route 16B. Tax Map: 074 Lot:010 but has not heard back from him. In the same email she inquired on the status of the Town Maps.

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

Fischbein inquired if anyone read the handout from the last meeting on House Bill 44 and how apartment complexes can potentially depreciate property values if built in single family home neighborhoods. Some members said they would need to go back and read it.

**Next Meeting:** **April 18, 2023 @ 7:00** to be held at the Freight House

Chairman Cohen 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 8:25 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