

**OSSIPEE PLANNING BOARD**  
**Public Hearing**

**July 18, 2023**

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

**Call to Order:** Bruce Stuart, Vice Chairman called the Public Hearing to order at 6:30 PM and requested all cellphones to be silenced.

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

Vice-Chairman Stuart asked for a moment of silence in honor of Jan VanTassel, who passed away unexpectedly. Jan was a 40+ year volunteer fire fighter for Center Ossipee Fire Precinct and was known for being a good guy and a salt of the earth by Planning Board members.

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

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

Fischbein stated Sharon “Sharie” Cohen, Chairman will be back on August 1, 2023.

Vice-Chairman Stuart stated the changes have already been reviewed by the Planning Board

- **Planning Board Fee Schedule:** Vice-Chairman Stuart read the proposed changes.

A **Motion** by Stuart to approve and adopt the proposed changes to the Planning Board Fee Schedule. B. Ames seconded.

Fischbein inquired if these changes have been posted. The secretary stated they were posted prior to the July 5, 2023 meeting and have been posted for public review ever since. Fischbein commented instead of reading each one, he suggested making the motion, second the motion, call for discussion, call for public input and then vote on the motion.

Vice-Chairman Stuart agreed and had made notes ahead of time. Vice-Chairman Stuart stated most of the changes are either 99% administrative changes, changes made due to RSA revisions to structure or criteria’s but a few of the changes deal with time lines and he wanted to make everyone aware of them.

No further discussion. A unanimous vote was taken by a show of hands. **Motion Passed.**

- **Subdivision/Boundary Line Adjustment Regulations:** Vice-Chairman Stuart read the following changes are to 6.04. B, 6.05.3 A, 6.05.3 B, 6.05.3 D, 6.06 A, 6.06 B, most of these reflect around a 65 day time line.
  - **6.05.3 A:** Time limit for approval has been changed from 90 days to 65 days to approve or deny after the application has been deemed complete.
  - **6.04. B:** A list of names and addresses of the applicant, agent and all abutters as indicated in the Town Records not more than ~~five (5)~~ **twenty-one (21)** days prior to the day of filing/submitting of the application. **Note: The Boards and Commissions secretary will rerun the abutter list five**

(5) days prior to the hearing to ensure that all abutters have been notified, in accordance with RSA 674.

- **6.05.3 B:** Conditional approvals are granted by the Board for only the following (3) reasons:

1. Permits or approvals from other boards or agencies may be lacking;
2. Improvements to roads, sewers or other utilities may be required before the development is completed;
3. The board may want to require preservation of specific natural features during development.

4. No person required to submit an application pursuant to this Regulation shall commence the construction of roads or structures within the land proposed to be developed or clear the land of natural vegetation or place any artificial fill thereon or do any other act or acts which will alter the natural state of the land or environment unless and until the Final Plan relating thereto has been submitted and approved in accordance with the requirements.

All other conditions shall require a public hearing as provided for in Section 6.08 and notice as provided for in Section 6.09.

Vice-Chairman Stuart stated he wanted everyone to be aware that the Board will accept Conditional Approvals as stated under Section 6.05.3 B - The Board may grant conditional approval for a plan or application accepted as Complete. Such approval may become final without further public hearing, upon certification to the Board, based on evidence submitted by the Applicant of satisfactory compliance with the conditions imposed. However, final approval of a plan or application without further public hearing may occur ~~in the manner cited here~~ only when the following conditions apply: (as stated above)

- **6.05.3 D:** Application Disapproval - the final decision must be put in written form and placed on file in the Town offices and made available to the public within 5 business days. The decision shall include specific written findings of fact that support the decision. Failure of the board to make specific written findings of fact supporting a disapproval shall be grounds for automatic reversal and remand by the superior court upon appeal, in accordance with the time periods set forth in RSA 677:5 or RSA 677:15, unless the court determines that there are other factors warranting the disapproval. The Board is not required to notify the applicant individually except in the case of a denial, in which case the same time limit applies.

- **6.06 A:** Failure to Take Action: If the planning board does not act on the application within the 65-day period (or 95 days in the case of developments of regional impact), then the governing body {selectmen, city or town council} is required to approve the application. If warranted, the applicant and board should agree to an extension of the 65-day time frame.

- **6.06 B:** Upon failure of the Planning Board to approve, conditionally approve, or disapprove the application (unless the board has determined that the application is a development of regional impact, which gives the board an additional 30 days). If the planning board does not act on the application within the 65-day period, then the governing body {Selectmen} is required to approve the application. If warranted, the applicant and board should agree to an extension (continuance) of the 65-day time frame. This 65-day period starts the day after the decision was made to accept the application as complete. (If the board meets on Tuesday night and accepts the application that night, then Wednesday is day 1, Thursday is day 2, etc. (RSA 21:35)). In order for the planning board to have more than 65 days (or 95 days in the case of developments of regional impact) to act upon the application, **the applicant** must waive the statutorily specified time period and **the board and the applicant** must agree upon the time of the extension.

If the planning board fails to act on the application within the 65-day time period, then the Selectmen or city council shall certify on the applicant's application that the plat is approved.

Vice-Chairman Stuart called for Board discussion.

Barron believes it's a good change because now no one on the Board can drag their feet on making a decision on a cases.

Fischbein believes the Board has discussed this issue a lot. Vice-Chairman Stuart agreed and it seems to be working.

Vice-Chairman Stuart called for public input. None was heard. Katherine Alexander had no concerns.

A **Motion** by Stuart to approve and adopt the Subdivision/Boundary Line Adjustment Regulations and the changes thereof. Barron seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion Passed.**

- **Site Plan Review Regulations:** Vice-Chairman Stuart stated most of the changes are either 99% administrative , clerical, structuring, and read the following Sections: 6.04.4 G (d), (e), and (f), 6.05.3 A, B, and E, 6.06 A, and 6.07.2 A.

- **6.04.4 G (d):** ~~Four (4)~~ Five (5) copies of the parcel layout indicating five-foot contour intervals, soil types, location and data of each percolation test hole, the zoning, and any district boundaries.
- **6.04.4 G (e):** ~~Four (4)~~ Five (5) copies of the Final Road/Traffic Design Plan consistent with information required in Section 8, Design Standards.
- **6.04.4 G (f):** ~~Four (4)~~ Five (5) copies of the Final Grading and Drainage Plan with information as required in Section 8, Design Standards.

○ **6.05.3 A: Time Limit:** When a completed application has been accepted, the planning board has 65 days to approve, ~~conditionally approve~~, or disapprove the application (unless the board has determined that the application is a development of regional impact, which gives the board an additional 30 days). If the planning board does not act on the application within the 65-day period, then the governing body Selectmen is required to approve the application. This 65-day period starts the day after the decision was made to accept the application as complete.

- **6.05.3 B:** Conditional approvals are granted by the Board for only the following (3) reasons:

The Board may grant conditional approval for a plan or application accepted as Complete. Such approval may become final without further public hearing, upon certification to the Board, based on evidence submitted by the Applicant of satisfactory compliance with the conditions imposed. However, final approval of a plan or application without further public hearing may occur ~~in the manner cited here~~ only when the following conditions apply:

1. Permits or approvals from other boards or agencies may be lacking;
2. Improvements to roads, sewers or other utilities may be required before the development is completed;
3. The board may want to require preservation of specific natural features during development

4. No person required to submit an application pursuant to this Regulation shall commence the construction of roads or structures within the land proposed to be developed or clear the land of natural vegetation or place any artificial fill thereon or do any other act or acts which will alter the natural state of the land or environment unless and until the Final Plan relating thereto has been submitted and approved in accordance with the requirements.

All other conditions shall require a public hearing as provided for in Section 6.08 and notice as provided for in Section 6.09.

○ **6.05.3 E: Application Disapproval**

In case of disapproval of any Application submitted to the Planning Board, the final decision must be put in written form and placed on file in the Town offices and made available to the public within 5 business days. The decision shall include specific written findings of fact that support the decision. Failure of the board to make specific written findings of fact supporting a disapproval shall be grounds for automatic reversal and remand by the superior court upon appeal, in accordance with the time periods set forth in RSA 677:5 or RSA 677:15, unless the court determines that there are other factors warranting the disapproval. The Board is not required to notify the applicant individually except in the case of a denial, in which case the same time limit applies.

Vice-Chairman Stuart called for Board discussion.

Barron questioned if “The board may want to require preservation of specific natural features during development” is a state regulation or a local. Fischbein stated this per an RSA. Vice-Chairman Stuart asked and the secretary confirmed if this entry is per an RSA. Barron disagrees with the requirement but it’s the state and they’ll do what they want.

○ **6.06 A:** If the planning board does not act on the application within the 65-day period (or 95 days in the case of developments of regional impact), then the governing body (Selectmen) is required to approve the application. If warranted, the applicant and board should agree to an extension of the 65-day time frame.

○ **6.07.2 A:** Applicant ~~may~~ shall submit a request for any waiver in writing at any time during Phase 2 or Phase 3. Applicant shall complete a form supplied by the Board, indicating the specific section of this Regulation for which the waiver is requested, the extent of the proposed waiver, and the justification. The request shall state the grounds for the request and all facts relied upon by the Applicant.

A **Motion** by Stuart to approve and adopt the changes to the Site Plan Review Regulations. Barron seconded.

Vice-Chairman Stuart called for Board discussion. No heard.

Vice-Chairman Stuart called for Public Input. No heard.

With no discussion. A unanimous vote was taken by a show of hands. **Motion Passed.**

- **Subdivision/Boundary Line Adjustment Application:** Vice-Chairman Stuart stated most of the changes are either administrative, clerical, structuring, and read the following from Checklists:

○ Please mark with a check (☐) **in each item of information below** that you provide with this Application. **Mark any items you consider not applicable to the proposed project as “N/A,” and provide an**

explanation why it is not applicable. Failure to follow these instructions may result in your application being declared incomplete or continued to a date certain.

- **Documentation Requirements**

(If not applicable, mark “N/A” and submit a Waiver Request for each from Subdivision/Boundary Line Adjustment Regulations) Section 8 and Section 9

- Subdivision Regulation section numbers have been added to the form for the applicant convenience when requesting a waiver from each section.

- **Applicants Please Note:**

~~***Conditional Approvals are not final until all Conditions and Federal, State and Local Regulations are met. No business is allowed to open for business on a conditional approval or without final approval from the Planning Board.***~~

*It is strongly recommended that you carefully review the current version of the Ossipee Zoning Ordinance and the Planning Board’s – Subdivision/BLA Regulations before submitting a project application.*

*The Zoning Ordinance and Subdivision/BLA Regulations are available on the Town website at [www.Ossipee.org](http://www.Ossipee.org)*

A **Motion** by Stuart to approve and adopt the changes to the Subdivision/Boundary Line Adjustment Application. Fischbein seconded.

Vice-Chairman Stuart called for Board discussion. No heard.

Vice-Chairman Stuart called for Public Input. No heard.

With no discussion. A unanimous vote was taken by a show of hands. **Motion Passed.**

- **Site Plan Review Application:** Vice-Chairman Stuart stated most of the changes are either administrative, clerical, structuring, and read the following:

- **Planning Board Signature Block:** Vice-Chairman Stuart Noted the biggest change is to the signature block. The change is removing Vice-Chairman and adding Member.

Approved by the Planning Board

Chairman: \_\_\_\_\_

~~Vice-Chairman~~ Member: \_\_\_\_\_

- **Application For Waiver Form:** Subdivision/Site Plan Review Regulations (Complete one form for each N/A waiver requesting)

Barron stated it shouldn’t have Chairman because it was always two members could sign. Barron referred back to previous Board members who would only let the Chairman and Vice-Chairman. The secretary stated the RSA now states it’s the Chairman and a Member but Barron insist it should be Members. The secretary and Vice-Chairman Stuart both stated the RSA now states Chairman and a Member. Barron commented he does not believe that is correct but...

- **Applicants Please Note:**

~~Conditional Approvals are not final until all Conditions for Federal, State and Local Regulations are met. No business is allowed to shall open for business on a conditional approval or without final approval from the Planning Board.~~

*It is strongly recommended that you carefully review the current version of the Ossipee Zoning Ordinance and the ~~Planning Board's~~ Site Plan Review Regulations before submitting a project application.*

*The Zoning Ordinance and Site Plan Review Regulations are available on the Town website at [www.Ossipee.org](http://www.Ossipee.org)*

*To simplify the Site Plan Review process for minor **and some amendment** projects, the Planning Board is prepared to waive certain requirements for plan documentation **with a waiver request** unless the nature of the project or the site requires a more comprehensive review.*

A **Motion** by Stuart to approve ... But Barron interrupted to state he finds it ironic that they put Chairman on it but Vice-Chairman Stuart stated it does not matter because it's an RSA. Barron shouted, "Can I point something out, Please!" Vice-Chairman Stuart stated yes that's fine but it's an RSA. Barron stated he understands but referring Stuart stating, "You are Vice-Chair even though you are Chairing the meeting, they didn't allow for that technically and that's why I don't feel like they should have done that. It's a technicality they overlooked." Fischbein commented duly noted.

A **Motion** by Stuart to approve and adopt the changes to the Site Plan Review Application. Fischbein seconded. With no further discussion. A unanimous vote was taken by a show of hands. **Motion Passed.**

- **Rules of Procedure:** Vice-Chairman Stuart stated most of the changes are either grammatical or reformatting and read the Order of Business. Looked to clarify with the secretary ...

Barron commented the signature block should state "Acting Chair" in order to avoid a law suit. Stuart stated we can inquire about. Barron continued stating by putting Acting Chair and not Chairman so whoever is chairing can sign.

Vice-Chairman Stuart clarify with the secretary sections 9 – 13 is just restructuring.

Barron inquired how Sharie Cohen is doing. Vice-Chairman Stuart told him she due to return August 1, 2023.

Vice-Chairman Stuart read the following changes:

- IV. **Public Input:**
- IX. **Unsatisfied Conditions:** Review of cases with pending conditions.
- X. **Notices:** Review of any Federal, State, and Local correspondence for the Planning Board.
- XI. **Any Other Business Which May Come Before This Meeting:**
- XII. **Next Meeting:** Date, Time and Location of next scheduled meeting
- XIII. **Adjournment:**

A **Motion** by Stuart to approve and adopt the changes to the Rules of Procedures. Fischbein seconded.

Vice-Chairman Stuart called for Board discussion. No heard.

Vice-Chairman Stuart called for Public Input. Amy Gogolowski inquired when these changes will go in effect. She was informed it will not be until the next business day and if she already has an application pending, it will be affected.

With no discussion. A unanimous vote was taken by a show of hands. **Motion Passed.**

Vice-Chairman Stuart announced the addition of the SPR/SUBD Application Flow Chart for applicants to guide them through the application process.

**Adjournment:**

A **Motion** by Stuart to adjourn. Fischbein seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed. Meeting adjourned** at 7:02 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



