

**OSSIPEE PLANNING BOARD  
MEETING MINUTES  
June 20, 2017**

Minutes recorded by and transcribed by Laura Nash, Planning Board Secretary, amendments are noted by *bold/italic* type.

**Call to Order:** Chairman, Connie Billings called the meeting to order at 7:00 PM.

**Pledge of Allegiance:**

**Attendance by Roll Call:** – Connie Billings-Chairman, Roy Barron-Vice Chair, Sandra “Sam” Martin-Selectmen’s Rep., Dennis Legendre, Bob Gillette, and Steve McConarty (ZEO).

Late Arrival: Peter Zavas

Absent: Tim Otterbach and Rick St. Jean (Alternate)

**Chairman Billings read a prepared statement as follows:**

Ladies and Gentleman,

I wish to make a statement at this time as a board member and as chairman.

First, I wish to apologize to the public for some of outbursts from this board. As elected by the people of this town to govern the growth of the town, is not an easy task. We have to balance the views of you the people of Ossipee express to us and by the zoning laws that you have voted for us to follow. It is always in the back of my mind as a board member, “Are we doing right for what is best for the town?”

You the public come before this board and tell us what you think about the case before us. As chairman, I welcome you to express those ideas. When you are speaking to the board about your concerns please remember that the law comes first. We must follow the law and that there somethings that we do not have any control over, such as traffic, wells, septic are some. These books in front of me are what we must follow. I do not know all of them by heart so sometimes there are times when I must correct myself. When you speak to us, I would ask you to please speak clearly, as short as possible and present just the facts of the case.

To this board, when you come into these meetings you will leave your personal opinions outside. These books in front of me are now your opinion. We have to follow the law so if your belief is the same all is well. If not, I am sorry but the law will not be followed based on your opinion.

I will not accept any more behavior as we had at the last meeting. If you cannot control yourself, ask to leave the meeting. When I tell you to stop as I tried (not as the newspaper stated) and you do not as chairman it will be my duty to have you removed. You will be removed!!!!!!

We can all have a discussion about anything that is brought up, but you shall at all times be on your best behavior.

Ossipee Planning Board  
Condict “Connie” Billings,  
Chairman

**Meeting Minutes:** the Meeting Minutes from 6/06/2017 were reviewed.

A **Motion** made by Barron to approve the minutes of the 6/06/2017 Planning Board meeting. Martin seconded. No discussion. A unanimous vote was taken.

**Financial:**

- Budget & Revenue Reports: 5/01/2017 – 5/31/2017 – Billings noted about 29% of the Salary budget has been spent. The telephone has spent about 58% of its budget. Advertising has spent about 63% of its budget. Office Supplies has spent about 47% of its budget. Postage has about 69% of its budget. Education is fine.

Billings questions the line item of mileage because the Board has to vote to expend it.

Martin noted the Westward Shores case has cost approximately \$4,500.00 in legal fees.

Peter Zavas arrived at 7:08 PM

Martin provided an update on former Planning Board Chairman Chester “Ski Kwiatkowski. While visiting his wife, who was undergoing surgery herself, Ski suffered another stroke. He has been taken to Brigham and Women’s Hospital in Boston, MA.

- Lakes Region Planning Commission: Municipal Membership Renewal FY-18 - \$4,281.00. A Motion by Barron to approve payment in the amount of \$4,281.00 to LRPC for Municipal Membership. Legendre seconded.

Discussion: Martin questioned what the service or benefits does the Town get for this membership fee.

Barron noted the Board asked the same question last year and voted to table that discussion until this to see what the Town gets for the membership.

Gillette commented they run the Household Hazardous Waste program. But what we (The Town and Board) are not asking them is what we could get is assistance and advice with planning.

Gillette stated he would like to volunteer to be a representative for Ossipee on the Lake Regions Planning Commission.

Billings noted the Board did pay the fee last year and Rick St. Jean is a representative for Ossipee.

Billings moved for a vote: Gillette voted in favor. Legendre, Martin and Barron voted in opposition. Billings and Zavas abstained. **Motion to pay \$4,281.00 for LRPC Municipal membership did not pass.**

Gillette asked, if that means Ossipee will drop out of the Lakes Region Planning Commission and not be represented. Billing replied correct.

- Sager & Smith, PLLC: General Matters invoice in the amount of \$393.03

A **Motion** by Billings to approve payment in the amount of \$393.03 for General Matters to Sager and Smith, PLLC. Martin seconded. No Discussion. **A unanimous vote was taken.**

**Unsatisfied Conditions:**

Board	Date	Applicant	List of Conditions
PB	09/20/2016	WWSCR-Northgate Ossipee, LLC	SPR granted pending remaining conditions: Pending Court decision. #1: Water Supply Approval
PB	09/20/2016	WWSCR-Northgate Ossipee, LLC	SPR granted pending remaining conditions: Pending Court decision. #2: Subdivision Approval
PB	09/20/2016	WWSCR-Northgate Ossipee, LLC	SPR granted pending remaining conditions: Pending Court decision. #3: NHDES Septic Approval
PB	6/06/2017	Buchanan Self - Storage	SPR granted pending remaining conditions: #1: Letter from Fire Chief – received 6/20/2017

Billings acknowledged receipt of Fire Chief, Adam Riley’s letter of inspection of Buchanan Public Self-Storage, located at 851 Route 16. Thus, satisfying the conditions of his Site Plan Review.

A **Motion** by Billings to move Case #17-4-SPRA Buchanan Public Self – Storage from Conditional Approval to Final Approval. Martin seconded. No discussion. **A unanimous vote was taken.**

## New Business:

- Elect a Lakes Region Planning Commission member to represent Ossipee.

Billings stated the Town of Ossipee is entitled to have two representatives on the LRPC. The Commissioner terms are for 4 year terms. Rick St. Jean is a current representative. The Selectmen have asked the Planning Board to nominate another member to fulfill the second open spot per RSA 36. Gillette has volunteered. Billings called for a second to appoint Gillette to be the second representative. Legendre seconded. No discussion. Legendre, Martin, Barron, Zavas voted in favor. Billings abstained. **Motion passed.**

- **Case # 17-5-SPR:** Ossipee Self - Storage – owner P&D Zimmerman, FLP. Agent White Mtn Survey. Application for a Site Plan Review to develop 9 Route 28. Tax Map: 124 Lot: 19. To build a 45,200 square feet new self-storage business.

- Also, requesting a **WAIVER** from the requirement of submitting a site plan at a scale of 1"=20' to 1"=30'
- AoT application package received on 6/9/2017
- Ossipee Corner Fire Chief letter received on 6/13/2017

A **Motion** by Billings to Conditionally Approve the application as complete pending the Alteration of Terrain permit. Discussion over it would be more reasonable to have the AoT permit as a condition for approval verses a condition for the application being complete. Billings withdrew his motion.

A **Motion** by Barron to accept the application as complete. Martin seconded. No further discussion. A unanimous vote was taken.

Jim Rines of White Mountain Survey & Engineering, Inc. was present to represent P&D Zimmerman, FLP. Rines submitted modified plans, (based on previous interaction with the Board) for this project located at 928 Route 28. Locals would know the location as the old Drive-In Theater. A Site Plan Review was originally granted on 9/4/2001 for 55,400 sq. ft. of Self-Storage, a manager's apartment and office space. The plans include receipt of the following:

1. Photometric Plan with 40 watt LED lights, down directed and night sky friendly.
2. Fire Chief, Adam Riley's letter of review of the plans.
3. NH DOT Drive Way Permit approval # 357388A dated 6/7/2017
4. Alteration of Terrain permit application is submitted and pending approval. Which is need when the project intends to disturb more than 100,000 sq. ft. of continuous land area.

### Phase I:

1. The owner wants to construct building #2 and all tension/infiltration basins for the entire project.
2. Requesting one Waiver for a 30 scale verses the standard 20 scale, in order to better visualize the concept of the project.
3. Storm water drainage is designed to infiltrate all storm water run-off deeded with this project up to a 50 year storm event.
4. Requested a 70 ft. flag pole, (on sheet 2, note # 4.) Per Paul Zimmerman stated the base will require an 8 ft. square concrete pad. The base for the flag pole, which houses the ground rod, is secured through the concrete base into the ground.
5. No shrubbery or landscaping along the common driveway of the abutting property will be done because the owner of the abutting property will be coming to the Planning Board with his own project.

6. If the Board would consider a Conditional Approval, the builders are requesting to pour the concrete slab for building #2 because 1. The lead time for the actual building is 3-4 weeks and 2. It will not trigger an AoT, since less than 100,000 ft. of soil will be disturbed.
7. Number of storage units per building will be:
  - i. Building #1 will be 30 ft. X 320 ft. with 32 - 10 ft. X 20 ft. units each side totaling 64 units
  - ii. Building #2 will be 40 ft. X 360 ft. with 36 - 10 ft. X 20 ft. units on each side totaling 72 units
  - iii. Building #3 will be 30 ft. X 360 ft. with 36 - 10 ft. X 20 ft. units each side totaling 72 units
  - iv. Building #4 will be 40 ft. X 260 ft. with 26 - 10 ft. X 20 ft. units each side totaling 52 units
  - v. Total number of 260 storage units.
8. Abbott's Cemetery will maintain the 25 ft. radius from excavation and the right of way is from Route 28 per Record of Deed recorded in 1967.
9. Security motion censored cameras

#### Phase II

1. Will be market driven based on need to construct remaining 3 building over the next 2 years. Billings noted the valid duration of a building permit is good for 1 year with the option to extend it for 1 year. After which the applicant would go before the ZBA for further 1 year extensions up to 5 years.

#### Discussion:

Gillette raised a question on the size of the flag and flag pole wanting to be raised. Board discussion ensued over zoning regulations for the size requirements. It was determined the definition of "structures" does not include flag poles as structures.

Martin asked Gillette if he has a problem with someone wanting to fly the American Flag.

Gillette replied, no he does not, but whether the general public would view this as bizarre depending on it size. Some might view this or could be taken as signage or making a statement.

Barron, Martin and Legendre spoke out against Gillette's question.

Billings stopped the comments and called for Public Input:

Ralph Buchanan expressed concerns for the retention ponds and the use of salt. He noted when the retention ponds over flow, they flow into Frenchman's Brook. Frenchmen's Brook has been monitored for several years because of high salt contents.

Paul Zimmerman and Jim Rines noted they will not be using salt and it's noted on the plans. Can't use salt near metal buildings and it's within the Water Resource Protection District.

A **Motion** by Billings to grant the Waiver from Section 6.04.4.G.3 to allow "Use of a scale of 1" = 30' verses 1" = 20' to better show surrounding features. Barron seconded. A unanimous vote was taken.

A **Motion** by Billings to Conditionally Approve Case # 17-5-SPR for Ossipee Self - Storage to owner P&D Zimmerman, FLP for a Site Plan Review to develop 9 Route 28. Tax Map: 124 Lot: 19, with the following conditions:

1. NHDES approval of the waiver
2. Alteration of Terrain permit
3. Build within 2 years

4. Must comply with all Federal, State and Local Regulations

**Discussion:** Rines asked if they could go ahead and pour the concrete slab for building #2. Billings explained why he would not add that into the motion and Rines could discuss it with Steve McConarty, ZEO, who would ultimately issue any building/construction permit.

Billings called for a vote. No further discussion. A unanimous vote was taken.

**Billings noted there is a 30 day appeal process in which “*The Selectmen, any party to the action or any person directly affected has a right to appeal this decision within 30 days and time starts tomorrow morning. To avoid lapsing of the approval, there should be substantial construction or liability within 2 years of the decision.*”**

### **Old Business:**

#### **Projects 2017:**

1. **Zoning Ordinance Revisions:** To review 4.9 & 24.1.1 for changes – Status quo
  - a. Billings suggested eliminating the whole section on sewer & septic requirements from the Zoning Ordinances. Because has no control over them. It is strictly determined by NHDES.
2. **Revise PB Rules of Procedures:** were reviewed and updates noted by the secretary to provide a revised draft for the next meeting on July 5, 2017.
  - a. Billings noted an article in the newspaper indicating per RSA 673:11, alternate Rick St. Jean should not be sitting at the Board table during the meetings. Billings noted per RSA 673:6 V “An alternate member of a local land use board may participate in meetings of the board as a nonvoting member pursuant to rules adopted under RSA 676:1.”

Gillette recalled over his tenure on various boards that it is up to the Board to determine if they want the Alternate to sit with the Board or in the audience.

Barron commented we have never had an Alternate not sit with the Board.

Billings agreed but it was also noted in the newspaper article that according to the NH Municipal Association, Alternates are not to partake in the meetings unless raised to voting status. Billings noted per RSA 673:6 V an Alternate can participate in discussions but cannot vote unless raised to voting status by the Chairman in the absence of a voting member.

- b. Billings suggested adding “The Pledge of Allegiance” after “Call to Order.”
- c. Legendre questioned if he was interpreting the RSA’s on how to remove a member from a Board correctly. Discussion determined the Board of Selectmen would need to hold a Public Hearing first, before being able to remove a member from a Board.
- d. Discussion over the difference between a Public Hearing verses a Public Meeting ensued.
- e. Discussion over opening and closing public input during a Public Hearing ensued.
- f. Rules of Decorum apply to the Board as well as the public.
- g. Number 4 will be changed to “**Any Other Business Which May Come Before This Board**”
- h. Eliminate “for minor site plan review” and change to Phase I – Informal Discussion, Phase II – Mandatory – Final Approval, Phase III – Amended.

### **ZBA Cases: (Billings read to Board)**

- **Case # 17-4-V:** Alexander Bakman, 12 Old Broad Bay Rd. 1. Tax Map: 35 Lot: 15 – has applied for a Variance from Article VI Section: 6.4.2 (A)(side setback requirements) of the Ossipee Zoning

Ordinance to keep a 20' x 20' metal carport (after the fact) that is less than the required 25 ft. sideline setback. (Case continued until July 11, 2017)

- **Case # 17-5-V:** Jeanne-Marie Demetriou c/o Demetriou 2011 Rev. Trust– 70 Leavitt Rd. Tax Map: 34 Lot: 30 –Variance GRANTED from Article VI Section: 6.4.2 (side setback requirements) of the Ossipee Zoning Ordinance to build an addition on to the garage that will be less than the required 25 ft. sideline setback.
- Public Hearing held for the Town of Effingham. The ZBA again DENIED the motion for Administrative Appeal, remanding the case back to Superior Court.

**Notices:**

**Gregory Howard:** email received with questions concerning Site Plan Reviews.

I have several questions regarding the need for Site Plan Review for a Roadside Commercial property.

1) What triggers the need for Site Plan Review?

2) Does the use of the property for seasonal operations, such as ice cream sales, semi-permanent yard sale, and sale of plants and/or plant materials trigger the need for Site Plan Review? I would think that the need to insure public safety by confirming safe egress to and from the property and adequate parking would be a concern.

3) What difference is there between operating a business out of a fixed structure/building versus a trailer?

4) If there is currently no process for reviewing or permitting of these type of uses, has there been consideration of developing an ordinance to establish standards?

The Board discussed the questions being asked. The Board will send Mr. Howard there response in a letter.

**Any Other Business Which May Come Before This Board:** N/A

**Adjournment:**

A **Motion** by Barron to adjourn the meeting. Martin seconded. No further discussion. A unanimous vote was taken.

The meeting adjourned at 8:48 p.m.

**Next Meeting: Wednesday, July 5, 2017 @ 7:00 pm**

Minutes approved by majority vote of the Board on – \_\_\_\_\_

Date

\_\_\_\_\_  
Condict (Connie) Billings,  
Planning Board Chairman