

**OSSIPEE PLANNING BOARD
MEETING MINUTES
September 5, 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, Rick Morgan-Selectmen’s Rep., Dennis Legendre, Tim Otterbach, Rick St. Jean (Alternate) and Steve McConarty (ZEO).

Absent: Bob Gillette and Sandra “Sam” Martin. **Late Arrival:** Peter Zavas

Chairman Billings raise alternate Rick St. Jean to voting status in the absence of Bob Gillette.

Meeting Minutes: the Meeting Minutes from 8/15/2017 were reviewed.

A **Motion** by Barron to approve the minutes of the 8/15/2017 Planning Board meeting. Legendre seconded. No discussion. A unanimous vote was taken by show of hands.

Financial:

- Budget & Revenue Reports: N/A

Unsatisfied Conditions: Status Quo

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	06/06/2017	Valley Point, LLC	SPR granted pending 13 conditions: Pending
PB	06/20/2017	Ossipee Self-Storage	SPR granted pending remaining conditions: Pending #1: NHDES approval of Waiver
PB	06/20/2017	Ossipee Self-Storage	SPR granted pending remaining conditions: #1: NHDES approval of Waiver received notice from WMS&E on 8/16/2017
PB	06/20/2017	Ossipee Self-Storage	SPR granted pending remaining conditions: #3: Ossipee Corner Fire Chief letter received 8/16/2017

Billings acknowledged receipt of the NHDES permit and the Fire Chief’s letter from Ossipee Self-Storage.

A Motion by Billings to grant final approval with conditions being met to Ossipee Self-Storage. Barron seconded. No discussion. Otterbach, Legendre, Barron and Billings voted in favor by a show of hands. St. Jean and Morgan abstained.

Informal Discussion:

Chris Knight: presented his idea for plans of a solar farm on commercial property in Ossipee. Knight is interested in two potential properties on Route 16. Knight is already involved in a solar farm in Farmington and is seeking any interest from the Ossipee Planning Board.

Zavas arrived at 7:08 PM.

The Planning Board gave conceptual support to Mr. Knight, who will meet with the Steve McConarty, ZEO to review which application procedure Knight will need to apply for.

New Business:

Case # 17 – 6 – SPR: Hobbs Tavern Events, owner Ash Fischbein c/o KJN One, LLC. 3 Covered Bridge Road. Tax Map: 008 Lot: 022 is seeking a Site Plan Review to hold Outdoor Events ranging from musical events, art shows, outdoor plays, movies as well as provide local non-profits with another venue of operation.

Billings read the description and acknowledged the updated application provided by Ashe Fischbein prior to the meeting.

Legendre asked if he could speak before Mr. Fischbein presented his case. Chairman granted request.

Legendre made a **Motion** to not consider the events listed on the original application under Zoning Ordinance 35.2 – Commercial Uses (a) Amusement Facility. Otterbach seconded.

A lengthy discussion resulted over the interpretation of the ordinance, spectator verses participant to an event and whether the motion is applies to the original application or the new revised application. With no further discussion. The Chairman called for a roll call vote.

St. Jean – No, Otterbach – Yes, Legendre – Yes, Morgan – No, Barron – No, Zavas – No.

Billings – Abstained. The motion failed.

Fischbein present to present his revised application.

A **Motion** by **Barron** to accept the application as complete. **Zavas** seconded. No Discussion. A unanimous vote was taken by show of hands.

Fischbein presented the revised application with requirements to the Board and is requesting to add Art Shows back onto the list.

Fischbein addressed parking requirements by stating according to the Zoning Ordinance for restaurant's its 3 people to 1 parking space. Billings disagreed informing Fischbein, parking requirements is based on 1 parking space per 50 square feet. Since the 3 Covered Bridge event area is listed at 3,250 sq. ft., parking must accommodate 149 parking spaces.

Billings opened discussion to public input.

Terry Bryant requested to know what events are listed since he has not seen the revised application. Morgan read the list of events to include Beer Festivals, Contra Dances, Corn-Hole Games, Horseshoe games, Food Festivals, Whiffle Ball Games, Kick Ball Games, BBQ Competitions, Car Shows, Volleyball games, Flag Football, Croquet Tournaments, and Bocce Ball.

Bryant questioned how many and oversight for the Beer Festivals. Billings explained any event involving alcohol is governed by the Liquor Commission and the Police Department would manage any crowd, parking and noise issues. Fischbein would not provide an exact number but stated having too many would not be beneficial either.

Joe Deighan spoke in favor of the project but questioned why the Board would not allow concerts. He commented that Ash is only looking to have music not full blown concerts like those held in Gilford, NH.

Zavas questioned if the revised application meets all the requirements. Billings said yes.

Gail Howard spoke in favor.

A brief discussion over the noise ordinance in a residential area and being respectful to the residents in area. Billings requested a 9:00 PM shut down but Fischbein declined because 1. Ossipee does not have a noise ordinance except for construction jobs and 2. According to Ossipee Police Department, the noise ordinance begins at 11:59 PM.

A **Motion** by Barron to approve the Site Plan Review for Case # 17-6-SPR: Hobbs Tavern Events, owner Ash Fischbein c/o KJN One, LLC. 3 Covered Bridge Road. Tax Map: 008 Lot: 022 to hold Outdoor Events. Legendre seconded. No further discussion. A roll call vote was taken:

St. Jean – Yes, Otterbach – Yes, Legendre – Yes, Morgan – No, Barron – Yes, Zavas – Yes.

Billings – Abstained. **The motion passed 5 - 1.**

Billings noted there is a 30 day appeal process in which “*The Selectmen, or 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.*”

Old Business:

- **Morse Pit discussion** – A lengthy discussion took place on various options about how to clean up the property, cost of work to be done and time frame in order to submit specifications to the Board of Selectmen to be put out to bid.

A **Motion** by Barron to put out to bid and have small equipment come in regrade and spread 6 inches of woodchips on the 1.5 acres. Legendre seconded. Discussion continued.

Morgan commented, since there is inconsistent agreement amongst the Board; he would recommend the Board ask the Selectmen put out an RFP and let the contractors submit their quotes.

Legendre withdrew his second to Barron’s motion and Barron withdrew his motion.

Discussion then turned to finding the original Reclamation Plan in the records, in order to submit a letter to the Board of Selectmen requesting the Town Attorney to take this back to Court.

- **Zoning Ordinances relevant to tents:** Legendre is requesting the Board to update the Zoning Ordinance pertaining to people living in tents with no water and septic for a lengthy period. Options were suggested and discussed. Discussion to continue at next meeting.

- **Projects 2017:**

1. **Zoning Ordinance Revisions:** Pending wording changes for 4.9 & 24.1.1 by McConarty
2. **Site Plan Regulations:** To add FEMA requirements to Section 8.03.3 – Morgan recommended contacting FEMA for more updates because the Selectmen have received a lot more than what is listed here. Billings to contact FEMA updates on hold pending response.

3. Subdivision Regulations: To add FEMA requirements to Section 10.04 - Billings to contact FEMA updates on hold pending response.
4. Revision to Rules of Procedures: Review for updating
5. Revision to Bylaws: The Board reviewed. A **Motion** by Billings to approve the revised By-Laws. St. Jean seconded.

Discussion: **Barron** noted as per the discussion outside prior to the meeting; expressed his disapproval with the Rules of Decorum #16 and giving the Chairman the authority to have an elected official removed from the meeting and/or building based on behavior. **Morgan** commented, as he was a party to the discussion outside, disagrees with Mr. Barron. As Chairman of the Board of Selectmen, he would have removed anybody who has acted like some people have acted in these meetings. Morgan believes the title of decorum means something and it's one thing to be passionate and to disagree but when the "F" Bomb starts dropping and the behaviors, Morgan has seen on video. Morgan believe it's time for the Chairman to declare that member "out of order." If they chose not to stop, they should be removed. Morgan stated with being elected comes some responsibility and that means being an adult.

With no further discussion. Chairman Billings called for a roll call vote of those in favor of the revised By-Laws.

Approve: St. Jean – Yes, Otterbach – Yes, Legendre – Yes, Morgan – Yes,

Oppose: Barron - No, Zavas – Yes.

Billings and Zavas – Abstained.

The motion passed 4 - 1.

6. Lot Merger Application: The Board reviewed and a **Motion** by Billings to remove "Submit a check for \$12.49..." and replace with "Submit a check *per current rate on Fee Schedule* ..." Barron seconded. Discussion: Zavas asked if the Header could be divided to each side of the logo in order to have all information on one page. With no further discussion. A unanimous vote was taken by show of hands.
7. Revision to Order of Business: The Board reviewed. Billings noted the only difference is the order will be, Call to Order, Pledge of Allegiance then Roll Call and under type of plan we'll add #4 Amended Plan/Approval.

A **Motion** by Billings to approve the Rules of Procedure as amended. Legendre seconded. No discussion. A unanimous vote was taken by show of hands.

Notices and Publication:

- Town of Wolfeboro – Notice to abutters of a Public Hearing being held on September 5th at 7:00 PM. To hear a case on Boundary Line Adjustment for Perrin H. Long & Julie Maher-Long of 92 & 100 Pork Hill Rd.

Zavas inquired to the location of this property. Billings explained its location.

- SFI – NH Sustainable Forestry Initiative – Field Day

Any Other Business Which May Come Before This Meeting

Site Plan Review and Amendment: McConarty is asking for consistency in judgement from the Board. McConarty explained the challenges he is facing. Morgan tried to explain McConarty’s perspective that when a business comes to him and wants to expand. McConarty can say, “If you’re going to change in anyway what was previously approved by the Planning Board, you will need to come back to the Planning Board for an Amendment to the original Site Plan Review.”

Barron requested to leave at 9:40 pm.; he needs to pick up a family member.

Discussion continued about the issues McConarty is encountering. The Board agreed there have been plenty of situations done in the past but going forward “If you’re going to change in anyway what was previously approved by the Planning Board, you will need to come back to the Planning Board for an Amendment to the original Site Plan Review.”

Adjournment:

A Motion by Billings to adjourn the meeting. Otterbach seconded. No further discussion. A unanimous vote was taken.

The meeting adjourned at 9:44 p.m.

Next Meeting: **September 19, 2017 @ 7:00 pm**

Minutes approved by majority vote of the Board on – _____
Date

Condict (Connie) Billings,
Planning Board Chairman

Or

Roy Barron,
Planning Board Vice – Chairman
(In the absence of the Chairman)