Minutes have been recorded for the convenience of summarizing by Laura Nash, Planning Board Secretary; any amendments to the minutes are noted in **bold & italic** type.

**REGULAR PUBLIC MEETING**

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

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

**PB Attendance by Roll Call**: – Connie Billings, Roy Barron, Tim Otterbach, Sharon “Sharie” Cohen, Bruce Stuart, Sue Simpson (Select. Rep), Alternate- Krystal Eldridge, Jonathan Smith and Steve McConarty, ZEO.

**Absent**: Peter Zavas

Chairman Billings raised Alternate - Krystal Eldridge up to voting status in place of Peter Zavas.

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

**Meeting Minutes**: Review to approve Meeting Minutes of 12/17/2019.

A **Motion** by Barron to approve the minutes of the December 17, 2019 Planning Board meeting as submitted. Otterbach seconded. No discussion. All voted in favor by a show of hands. **Motion passed**.

**Financial**:

- Budget Report: 12/01/2019 – 12/31/2019 was reviewed by the Board. No discussion ensued.

**Informal Discussion**: Ed Evans inquiring to the procedure to replace the bond money for Berry Pit. Billings informed Mr. Evans the Board will need a copy of the deed, showing the ownership transfer from Ernest Berry to Evans Brothers, a copy of the Purchase & Sales Agreement, and a public hearing with abutter notification will need to take place before approving the changes. The bond money shall be in the form of cash and is held in a CD or Savings account by the Town Treasurer.

Ed Evans inquired about obtaining a monthly or yearly statement on their bond money from the Town Treasurer. Jonathan Smith, ZEO & Deputy Treasurer, stated he would check with the Town Treasurer about providing a statement.

Barron inquired about completing the reclamation of the Berry pit by removing the pile of stumps. He noted due to the drought this past summer the seeding did not take and will need to be reseeded next summer but would like the stumps removed. Ed Evans submitted a written agreement between Evans Brothers and Ernest Berry indicating each parties responsibilities. Barron suggested Mr. Berry should be held accountable to his portion of the agreement before any bond money is released. **Discussion ensued until Otterbach called on the Chairman for decorum**. Billings inquired as to the number of acres open in the pit. Ed Evans would like to set up a yearly reclaiming plan with the regulator to try an simplify this process. Discussion ensued over the legalities of storing stumps. Ed Evans is to review the regulation for a definitive answer. Billings informed Ed Evans the number of acres opened for the pit does not include any roadways for the trucks to maneuver, or 2-acres for the processing area, for a total of 5-acres open for the pit.

Billings informed Evans, since they are the new owners, they will need to apply for a new permit.
Discussion ensued over being able to apply for a name change and not a whole new Earth Excavation & Reclamation Permitting process. Evans noted the permitting that just took place, he paid for it. But Billings noted the permit is in Ernest Berry’s name. Rines noted there is a form at the state level for just changing a name. The Board will review the regulations to determine the appropriate process for transferring ownership and will follow up with Mr. Evans.

Otterbach recited from the Earth Excavation & Reclamation Regulations:

“SECTION VIII – PERMITS

8.1 Granting of Permit

A. Permits shall be issued only in the name of the owner and shall not be transferable without the prior written consent of the Regulator. A copy of the permit shall be prominently displayed at the site or the principal access to the site.”

Barron thanked Ed Evans for coming in and working with him on getting the pit reclaimed.

Unfinished Business:

- Case #19-2-SUBD: owner – John Howell of 95 Leavitt Rd. Tax Map: 031 Lot: 031 was granted Final Subdivision Approval for a 2 - Lot Subdivision. Billings and Cohen signed the amended plans after the meeting.

 Unsatisfied Conditions: (continued from previous PB Mtgs):

- See separate sheet with details. (No other updates)

Gravel Pits: Brad Leighton was not present to address the delay in completing the pending conditions.

- Case # 18-1-GP: (Continued from January 7, 2020 meeting) Brad Leighton c/o Jon Rokeh, Rokeh Consulting for 75 Chickville Rd. Tax map: 239 Lot: 001 has submitted an Earth Excavation & Reclamation Permit to re-open the 75 Chickville Rd. Gravel Pit, which is under new ownership.

  1. The owner and applicant for 2012 Foresight Realty Trust Holdings reflect each other on the application.
  2. Letter of Authorization from 2012 Foresight Realty Trust Holdings noticing Brad Leighton as trustee.
  3. Legal documentation to support which owner put forth the reclamation fees, Coyne or Leighton.
  4. Letter of Authorization from 2012 Foresight Realty Trust Holdings noticing Brad Leighton as a trustee and is appointed to represent them.
  5. Legal opinion from the Town of Ossipee’s, Attorney Sager on the disbursement of Mr. Coyne’s money.

New Business:

PUBLIC HEARING

- Case #19-8-SPR: Frank Varney of 44 Route 28. Tax Map: 126 Lot: 018 is requesting a Site Plan Review to formalize a gravel driveway (4,097 sq. ft.) and construct a 4,800 sq. ft. building to store and maintain his own vehicles and trailers. Mr. Varney will not take in outside vehicle or trailer service work and will not be open to the public. (Case Continued until 1/7/2020 PB Mtg.)

  1. Waiver Request 6.04.4 (G) (3) – Scale: the scale shall be a minimum scale of 1 inch = 20 ft. Due to size of lot of the initial plan is scaled at 1 inch = 70 ft., to show the entire parcel. The second plot identified as sheet 2 is a 1 inch = 30 ft. scale to show greater detail for the area in question.

Billings asked Representing agent, Mark and Jake McConkey, if Mr. Varney and Suzanne Koliass, Trustee c/o CTA Realty Trust had met to come to an agreement on the location of the right of way. Mark
McConkey responded they had not. Billings decided to continue the case until both parties meet and come to an agreement. Billings noted that was a stipulation from the last meeting.

A Motion by Billings to continue Case #19-8-SPR: Frank Varney of 44 Route 28. Tax Map: 126 Lot: 018 until a date certain of January 21, 2020 for the next Planning Board meeting. Pending both parties addressing the following concerns:

1. CTA Realty Trustee c/o Suzanne Kolias, Trustee and Frank Varney come to an agreement on the location of the right of way.
2. Survey right hand side - north boundary line of abutting property owned by Suzanne Kolias.
3. Define entrance of the right of way length and angle by a Licensed Land Surveyor.
4. To have the Town Attorney present at the next Planning Board meeting to provide legal advice on this matter.

Otterbach seconded. No further discussion, A unanimous vote was taken. Motion passed. Billings stated he will continue, to continue the case until both parties can come to an agreement.

- Case #19-9-SPR: Request for a continuance until the January 21, 2020 meeting due to illness.
New Circular Wireless (AT&T) c/o SmartLink. Representing Agent is Kevin D'Auteuil for 88 Walker Hill Rd. Tax Map: 252 Lot: 022 are requesting a Site Plan Review for placement of a wireless facility per Section 6409 Eligible Facilities Request to add (9) wireless antennas, (9) remote radio units, (1) walk in cabinet and (1) generator to be installed. Also proposing to add an extension of the existing structure by (15) ft. to raise the tower from 122 ft. to 137 ft. at the wireless Base Station located at 88 Walker Hill Road.

A Motion by Barron to grant a continuance of Case #19-9-SPR: New Circular Wireless (AT&T) c/o SmartLink. For 88 Walker Hill Rd. Tax Map: 252 Lot: 022 until a date certain of January 21, 2020 for the next Planning Board meeting. Otterbach seconded. No further discussion, A unanimous vote was taken. Motion passed.

- Case #20-1-BLA: Patrick & Deborah Smith of Foggs Ridge Rd. Tax Map: 264 Lot: 025 and Tax Map: 264 Lot: 026 is requesting a Boundary Line Adjustment and Waivers from the Subdivision/Boundary Line Adjustment Regulations as follows: Representing agent is Bryan Berlind, Land Technical Service Corp.
  1. Regulation 11.02 A and F
  2. Regulation 11.02 E
  3. Checklist Item requesting soils testing
  4. Checklist Item requiring Topographic Contours

Daniel Yule from Land Tech Survey, Corp. was here to present on behalf of Patrick & Deborah Smith. The lot lines adjustment between Parcel (A) Tax Map: 264 Lot: 025 is a 6.1-acre lot will increase to 48.454-acre lot and Parcel (B) Tax Map: 264 Lot: 026 is a 62-acres lot will decrease to a 25-acres. Currently, the lots are wooded lot with no plans of development.

Billings questioned if parcel (A) had a 50 ft. right of way. Mr. Yule confirmed it has a 50.09 ft. right of way.

A Motion by Billings to accept the application as complete. Barron seconded. No discussion. A unanimous vote was taken by show of hands. Motion passed.

Daniel Yule demonstrated the boundary lines being adjusted. The Board discussed the location of the right of way and location to the pond area. Billings polled the Board for anymore questions.
Connie Billings, Roy Barron, Tim Otterbach, Sharon “Sharie” Cohen, Bruce Stuart, Sue Simpson (Select. Rep), Alternate- Krystal Eldridge all responded, “no further questions.”

Billings called for public input. Daniel Yule demonstrated the lot line adjustment to Ted and Carol Bateman, who had no issues with the proposed Boundary Line Adjustment.

The Board moved to address each waiver requested:

1. Regulation 11.02 A and F requiring a HISS soils map prepared by a professional soil scientists be completed.

A Motion by Barron to approve Waiver request from Regulation 11.02 A and F requiring a HISS soils map prepared by a professional soil scientists be completed. Billings seconded. No discussion. A unanimous vote was taken by a show of hands. Motion passed.

2. Regulation 11.02 E requiring wetlands mapping.

A Motion by Barron to approve Waiver request from Regulation 11.02 E requiring wetlands mapping. Billings seconded. Discussion: Billings questioned if there are wetlands and there currently wet, why request a waiver from showing the wetlands. Daniel Yule explained the financial hardship that would be endured to hire a wetlands scientist to map the whole area plus the cost for the land surveyor to suit and mark all the boundaries of wetlands would be very costly. Daniel Yule estimated about 50% of the area is wetlands. Billings asked for confirmation that between these two lots the Boundary Line Adjustment will not disturb the wetlands and will leave approximately 50% of the properties buildable without disturbing the wetlands. Daniel Yule confirmed it would. A unanimous vote was taken by a show of hands. Motion passed.

3. Checklist Item requesting soils testing.

A Motion by Barron to approve Waiver request from Checklist Item requesting soils testing. Billings seconded. No discussion. A unanimous vote was taken by a show of hands. Motion passed.

4. Checklist Item requiring Topographic Contours.

A Motion by Barron to approve Waiver request from Checklist Item requiring Topographic Contours. Billings seconded. No discussion. A unanimous vote was taken by a show of hands. Motion passed.

A Motion by Billings for to Conditionally Approve Case #20-1-BLA: Patrick & Deborah Smith of Fogg’s Ridge Rd. Tax Map: 264 Lot: 025 and Tax Map: 264 Lot: 026 request for a Boundary Line Adjustment, pending the following conditions:

1. Final application fees
2. Submittal of Mylar plan for recording with the CCRD.

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

Notices:

- Proposed Zoning Ordinance Changes – the proposed zoning ordinance changes were provided to each member for review:

23.2 NON-CONFORMING USES

23.2.1. DISCONTINUED USE: If a non-conforming use is discontinued for STRIKE “one (1) year” ADD “two (2) years” or superseded by a conforming use, it shall thereafter conform to the requirements of the zone and the non-conforming use may not be resumed.
ARTICLE XXXIII - DEFINITIONS

STRUCTURE: Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. Structures include, but are not limited to, buildings, walls, mobile homes, fences exceeding STRIKE “six (6) feet” ADD “seven (7) feet” in height and billboards. It shall not include minor installations such as mailbox, flagpole and fences or walls less than STRIKE “six (6) feet” ADD – “seven (7) feet” high. (Amended March 11, 1997 ADD “and March 11, 2020”)

A Motion by Billings to schedule the Planning Boards Public Hearing on the Proposed 2020 Zoning Ordinance Changes for January 21, 2020 at 7:00 PM on the proposed zoning ordinance changes. Barron seconded. No discussion. A unanimous vote was taken by a show of hands. Motion passed.

Billings called on Jonathan Smith, ZEO for changes he was looking to incorporate into the structures definition. Smith had questions pertaining to cargo containers being used for storage or a garage in which there considered a permanent structure but if there on wheels. Billings commented it would then be considered a temporary structure. Steve McConarty and Jonathan Smith explained they have restrictions within the Floodplain areas but not in the definition of structure. Smith noted per the Town of Lincoln Planning Board minutes, they reference the NFPA Safety Code for definitive definition of permanent verses temporary structure, which states as follow: “Any building or structure that is intended to be in place for more than 180 days, in any consecutive 12 month period is considered by the Building Code is considered a permanent structure.” Otterbach commented he believes that’s in conflict with the RSA. Discussion ensued over cargo containers, storage on property, temporary verses permanent structures, and reverting to State Regulations when Local Regulation do not specify. Discussion ensued.

McConarty asked to be excused. His request was denied.

After discussion no further changes will take place on the definition of structure than what is being presented.

- Planning & Zoning Handbook updates was supplied to each member of the Planning Board along with a summary of rule changes. The Board reviewed the changes.

Board discussion ensued over Sam Martin, Selectmen decision to deny the Planning Boards request for alternative legal counsel, since Town Counsel has a conflict of interest with a case before the Planning Board. The Planning Board was requesting a legal opinion over a commercial property, so designated prior to zoning, is shown on the Town’s Zoning Map as within the Residential District. Sue Simpson was asked to respond but she claimed to only just now hearing about it.

A Motion by Barron to send a letter to the Board of Selectmen asking for legal representation.

Billings called a second on the motion. Otterbach had a question before possibly seconding the motion. Discussion ensued over the actual need for legal counsel and he ability for both parties to work out their differences before coming back to the Planning Board. Discussion shifted to commercial use property in a residential district and when does it fall back to original state. Some argued under Z.O. - 3.2 Zoning Map - everything reverts back to the Town Zoning Map, while others argued that is only after the property has been abandoned for more than 2-years.

Billings commented the only other way to change a properties zoning district is to petition it at Town Meeting or it’s abandoned for more than 2-years. McConarty stated the ordinance needs to be clarified. Discussion shifted to revising the verbage of zoning ordinance 3.2 Zoning Map.

Billing suggested getting a couple more zoning maps.
A Motion by Billings to have the secretary contact Lakes Region Planning Commission about obtaining two more Town Zoning Maps in 1:2,000th scale. One for the Town Hall and one for the Zoning Officer. Barron seconded. No discussion. A unanimous vote was taken by a show of hands. Motion passed.

Discussion continued on the verbage for revising zoning ordinance 3.2 Zoning Map to include zoning ordinance verbage from Zoning Ordinance 23.2 as follows:

3.2 ZONING MAP

The Zoning Districts listed above are bounded as shown on the map entitled “Ossipee Zoning Map” and the map entitled Ossipee Water Resource Protection District and the map entitled “Ossipee Wetlands Map,” which maps are located in the Ossipee Planning Office at 1 Moultonville Road (the former “Freight House” building) and made a part of this Ordinance. The first map is hereinafter referred to as the “Zoning Map”, the second map is referred to as the “Ossipee Water Resource Protection Map”, and the third map is referred to as the “Ossipee Wetlands Map.”

Regardless of the existence of other printed copies of the Zoning Map, the Water Resource Protection Map, and the Ossipee Wetlands Map, which from time to time may be made or published, the official Zoning Map which shall be located in the Town Hall shall be the final authority as to the current zoning status of the land and water areas, buildings, and other structures in the Town. ADD “Except, if a lawful use exists at the effective date of adoption or amendment to the Ordinance, that would not be allowed in the Zoning District under terms of this Ordinance, said use may be continued, so long as it remains otherwise lawful and subject to the other provisions of this Section. (Amended March 11, 2020).”

A Motion by Billings to adopt the revision to Zoning Ordinance 3.2 Zoning Maps as stated. Barron seconded. No discussion. A unanimous vote was taken by a show of hands. Motion passed.

Upcoming Deadlines & Meeting:

- **Wednesday, January 8, 2020** - Last day to post and publish notice for first hearing on proposed adoption or amendment of zoning ordinance, historic district ordinance or building code if a second hearing is anticipated.
- **Monday, January 20, 2020** - Last day to hold first public hearing on adoption or amendment of zoning ordinance, historic district ordinance or building code if a second public hearing is anticipated.
- **Wednesday, January 22, 2020** - Last day to post and publish notice of final planning board public hearing on proposed adoption or amendment to zoning ordinance, historic district ordinance or building code.
- **Monday, February 3, 2020** - Last day for planning board to hold final public hearing on adoption or amendment of zoning ordinance, historic district ordinance or building code. Planning board must also determine final form.
- **Tuesday, February 4, 2020** - Last day for official copy of final proposal to adopt or amend zoning ordinance, historic district ordinance or building code to be placed on file at the town clerk’s office.
- **Tuesday, March 3, 2020** - Last day to submit zoning ordinance protest petition to require 2/3 vote at town meeting.

Any Other Business Which May Come Before This Meeting:

Jonathan Smith gave a brief synopsis of information gathered on regulations for solar arrays. The Board determined to work on creating an ordinance over the coming year.

Next Meeting & Public Hearing: **January 21, 2020 @ 7:00 pm**

Adjournment:
A Motion by Barron to adjourn. Otterbach seconded. No discussion. A unanimous vote was taken. Motion passed.

Meeting adjourned at 8:45 PM.

Minutes approved by majority vote of the Board on –

Date

Condict (Connie) Billings, Chairman