

**OSSIPEE PLANNING BOARD
MEETING MINUTES
July 2, 2019**

Minutes have been recorded to be summarized 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, Sue Simpson (Select. Rep), Roy Barron, Bruce Stuart, Tim Otterbach, Sharon “Sharie” Cohen, and Steve McConarty. **Late:** Alternate- Krystal Eldridge

Absent: Peter Zavas.

Chairman Billings raised Alternate - Krystal Eldridge, who arrived at 7:07 pm, up to voting status in place of Peter Zavas.

Public Input: (Unrelated to any case being presented.)

Meeting Minutes: Review to approve Meeting Minutes of 06/18/2019.

A **Motion** by Billings to approve the minutes of June 18, 2019 as Amended. Barron seconded. Discussion over the following corrections requested. The first correction was West Ossipee Fire Precinct changed to Ossipee Corner Fire Precinct. Barron requested rewording of the following paragraph on page 6 “***Billings noted he has a lot of questions in his head not being answered. This is a major development and he wants more time to review. Even though representatives from White Mountain Survey & Engineering have been before the Board for non-binding informal discussions, Billings stated they have changed the plan each time. They don’t have their permits or final plans for approval. Bruce Stuart noted this to be a valid argument.***” Barron wanted it clarified that White Mountain Survey had answered all questions, but it was Billings wanting more time to review the submitted paperwork. With no further question, Billings called for a vote. All voted in favor by a show of hands. **Motion passed.**

Informal Discussion:

- Rines submitted final plans, mylar plans and other documents for Case #19-1-SUBD: owner – 760 White Mtn. Hwy., LLC c/o William Benedetto, Jr., Member of 760 Route 16. Tax Map: 250 Lot: 005, which was given a Conditional Approval for Subdivision at the previous meeting.

- **Jim Rines**, of White Mountain Survey & Engineering, Inc. – presented to discuss the Berry Pit. He informed the Board that Evans Brothers have been there ***grading*** and spreading loam. But Ernest Berry is in negotiations with the Evans Brothers to buy the pit. Rines showed a proposed plan to subdivide the property into 3 lots from the pit to Dorrs Corner Rd, with a 50 ft. right of way around the existing road to the pit with an appropriately sized cul-de-sac. Rines proposed two questions of the Board:

1. If they were to plat the property and right of way to the Town’s correct geometry, would there be any requirements of the Town to upgrade the road if it continues to be a pit, as it’s currently being used for now?

Discussion ensued over the right of way would provide access to the proposed Wood Processing lot (Lot #1), Ernest Berry’s lot (Lot #2), will be a little of an acre and the remaining land for the pit (Lot# 3). Billings questioned the requirements for paving of the excavation road. The section was found and read into

the record by Billings.

“SECTION VI - SITE REQUIREMENTS

6.2 Excavation Site Access Roads

Access roads leading to and from the excavation site shall be paved a minimum of fifty (50) feet from the intersection of existing paved streets and roads at locations that have been duly approved by state and local officials and in a manner duly approved by state and local officials and in a manner that will not endanger the safety of highway users and local residents.”

Rines noted the areas which are currently pinned and noted the back boundaries of the gravel pit were pinned per a court decree approximately 10 years prior. But asked if the Board would waive surveying the whole property if they could supply the documentation to support the boundary locations and the court decree. They will await the application and plans for subdivision.

Financial: Budget Report: 06/01/2019 – 06/30/2019 – Billings noted the budget is looking good at this point.

Unsatisfied Conditions: (continued from previous PB Mtgs):

- See separate sheet with details. **(No updates)**
- Billings asked McConarty to follow up with the Verizon Store and with Fire Chief, Carl Huddleston over the alarm system. The Board has been pending a letter from the Fire Chief since November 2017 and the Board wants to finalize this case. If the alarm system is not installed, then the Board is asking McConarty to issue a Cease & Desist Order to Verizon.
- Dawson’s is pending final plans with lighting from White Mountain Survey & Engineering.
- Westward Shores is pending State Pool permitting.

Unfinished Business:

Gravel Pits:

- Morse Pit – Conditional approval pending sale of property, construction and reclamation completed by new owner. Per Andrew Morse on 06/21/2019, Attorney is drawing up the Deed.
- Chickville Rd. Pit – (pending conditions for GP approval – Certified receipt received 05/24/2019) Pending response from Town Attorney.
- Berry/Evans Bros. Pit – The application from White Mtn. Survey was submitted on July 1, 2019 and will be heard on July 16th, 2019 Planning Board meeting/public hearing. Barron will inspect the reclamation progress on Wednesday. Documentation needs to specify the dissemination of the bond money when coming in for their reclamation hearing.

Billings called to open the public hearing.

PUBLIC HEARING

Billings recused himself from Case #19-3-SPRA and appointed Roy Barron as acting chairman for this case. Barron read the following case description.

- **Case #19-3-SPRA** – Phil Kitsios of 674 Route 16. Tax Map: 259 Lot: 001 is requesting a Site Plan Review Amendment for a change of use to convert the prior approved office space into an apartment.

Phil Kitsios began to present but due to a language barrier, McConarty stepped in to help explain for Mr. Kitsios. McConarty informed the Board there is a previous Site Plan Review on the property and Mr. Kitsios is here for an amendment. The property has a store on one side and a restaurant on the other side.

In the middle is the office which he wants to convert into an apartment. It is permissible in the corridor zone. McConarty drew the Board's attention to the diagram provided in their packet. On the right is the rental unit and, on the left, will be the living quarters. Very small with 2- bedrooms, plenty of parking. McConarty has spoken with the fire chief, who has no issues and will provide a letter to the Board as a condition if approved. McConarty noted Mr. Kitsios will also need a building permit.

Barron called for discussion from the Board, who agreed with getting a letter from the fire chief.

Barron called for public input: Billings noted the Board needs to accept the application before making a motion to consider approval.

A **Motion** by Otterbach to accept the application for **Case #19-3-SPRA** – Phil Kitsios of 674 Route 16. Tax Map: 259 Lot: 001 request for a Site Plan Review Amendment as complete.

Billings stated the application not complete because there's no letter from the corporation giving Mr. Kitsios consent to speak on their behalf. Otterbach withdrew his motion.

Billings stated the property is owned by PHIL & DEE KITSIOS REALTY CORP, and under the Planning Board's rules and regulations, Mr. Kitsios, although is part of the corporation with his wife, needs consent from her to speak on their (the corporations) behalf.

Barron stated a motion will need to be made to continue the case until July 16th, when Mr. Kitsios can return with the letters.

A **Motion** by Otterbach to granted approval for **Case #19-3-SPRA** – Phil Kitsios of 674 Route 16. Tax Map: 259 Lot: 001 request for a Site Plan Review Amendment with the following conditions:

1. A letter of authorization from the corporation giving Mr. Kitsios permission to speak on and for the corporation's.
2. An Official Letter from the Fire Chief

Barron questioned if that's legal. Various Board members commented it would be no different than from previous cases granted with conditions. Barron excepted the Board's decision and asked for second on the motion.

Cohen seconded the motion. No further discussion. A unanimous vote was taken by a show of hands.

Motion Passed with conditions.

Barron stepped down as acting Chairman and re-appointed Billings to the Chairman position.

Billings read the following case description and asked the Board to divert their attention to the secretary.

- **Case #19-1-SUBD:** owner – 760 White Mtn. Hwy., LLC c/o William Benedetto, Jr., Member of 760 Route 16. Tax Map: 250 Lot: 005 was given a Conditional Approval for Subdivision of the proposed Phase I housing development to include subdivision for 12 lot units to include lot C1, sub-lots C1(a) Carwash, C1(B) trailer and lot R1 with sub-lots R1-8. With the following Conditions:
 1. State Subdivision Approval– [Received 07/02/2019](#)
 2. Submit plans to West Ossipee Fire Chief and letter of Approval to the PB – [Received 06/28/2019](#)
 3. Documents for Carwash closed system of the groundwater discharge approval-[Received 06/20/2019](#)
 4. Provide final plans demonstrating all amendments made to plans & Mylar for recording – [Received 07/02/2019](#)
 5. Revised Condominium By-Laws & Declaration – [Received 06/20/2019](#) & [07/02/2019](#)
 6. All Federal, State and Local Regulations must be followed

representing William Benedetto. Mr. Walker had sent 4 documents via email. But due to time constraints and size of the documents she was unable to print a copy for each Board member. Nash did print a copy of each document for the record and each Board member is welcome to review. The cover letter, read by Nash, outlined the changes made to the following documents:

Please find enclosed the following revised documents:

1. **Frenchman's Brook Condominium Declaration - This document was revised to address the Fire Chief's addition of the 30,000 gallon cistern and its maintenance. See pages 13, 38, and 56-57.**
2. **Frenchman's Brook Condominium C1 Declaration - This document was revised to address the addition of the above referenced 30,000 gallon cistern. See pages 13 and 55.**
3. **Frenchman's Brook Condominium R1 Declaration - This document was revised to address the addition of the second (sheet 2 of 2) plan depicting the limited common area i.e. patios and driveways. See pages 3, 5, and 53.**

Otterbach asked if this revision addresses the limited common area for each unit. These revisions supersede the revisions, which were previously distributed to the Board. On June 28th, Nash received *Ossipee Corner* Fire Chief's letter of Approval, which he notes the addition of obtaining the 30,000 gallons cistern along with 3 other documents, which were supplied to the Board members. The Board was also provided copies of documents submitted by William Benedetto for the water holding tank with NHDES approval of the closed water system.

Rines submitted the final plans, mylar plans and other documents for **Case #19-1-SUBD:** owner – 760 White Mtn. Hwy., LLC c/o William Benedetto, Jr., Member of 760 Route 16. Tax Map: 250 Lot: 005, which was given a Conditional Approval for Subdivision.

Billings noted they were pending State Subdivision Approval. Nash reviewed the file submitted by Rines and State Subdivision Approval was present. Billings acknowledge the receipt of the State Subdivision Approval for lots C1 and R1. Billings noted there was no prior mention of the 30,000-gallon cistern and commented this is why he wanted to continue the case to allow more time to review.

Nash inventoried the conditions with the documents submitted and all appear to be present. The Board proceeded to review the large plans. A lengthy discussion concerning the 24 ft. radius curve of the cul-de-sac and meeting the minimum turn radius requirements for the emergency vehicles. But the Fire Chief stated in his letter the radius is fine as long as the cul-de-sac remains.

But the Board discussed the further expansion of the project and possibly recommending to the Fire Chief of rewording or stating that the minimum requirements for turn radius must be maintained. After discussion, the Board consensus was the Fire Chief will be inspecting each phase of the project and will make his recommendations accordingly.

A **Motion** by Barron to grant Final Subdivision Approval for **Case #19-1-SUBD:** owner – 760 White Mtn. Hwy., LLC c/o William Benedetto, Jr., Member of 760 Route 16. Tax Map: 250 Lot: 005, for Phase I subdivision for lots C1 and R1, with all conditions being met and all Federal, State and Local Regulations shall be followed. Otterbach seconded.

Billings called for further discussion, none was heard.

Billings called for public input, none presented.

