

**OSSIPEE ZONING BOARD**  
**Meeting Minutes**  
**March 8, 2016**

Minutes were recorded by Laura Nash, Board Secretary.  
Revisions to these minutes are noted by ***bold/italic*** type.

**Call to Order:** Chairman Stanley Brothers called the meeting to order at 7:02 p.m.

**Members Present by Roll Call:** Stanley Brothers, Ski Kwiatkowski, Ralph Wurster, David Babson, and Bill Grover (alternate). **Not Present:** Jim Rines, Board Member, and Bob Freeman (alternate).

Stanley explained to SFC Engineering Partnership and other attendees with the absence of Board Alternates there was not a five voting members. They have the right to a five person Board; and with only four ZB members present, SFC Engineering Partnership has the right to proceed but if their request gets denied, it's legal. Otherwise, this topic will be moved to the next meeting on April 12, 2016. After brief discussion, SFC Engineering Partnership wished to proceed.

**Meeting Minutes**

**Motion:** by David, seconded by Ski, to approve February 9, 2016 meeting minutes as presented. **All others in favor, motion passed.**

**New Business**

David addressed a variance to the ***DePrizio*** Garage, now owned by Dave Sands. The variance stated it was to sell cars. There would be no public auto repairs being done. David states the current sign over the door advertises Auto Service. Zoning Board agreed to table this topic until new Enforcement Officer is hired by Selectmen.

The Board welcomed New Secretary to Boards and Commission, Laura Nash.

Ralph and Ski posed interest in attending the 22<sup>nd</sup> Annual Spring Planning & Zoning Conference on April 23, 2016.

**Old Business**

**Case #16-1-SE – Westward Shores Lakeside Camping Resort**, 110 Nichols Road, Tax Map 23, Lot 6 for a Special Exception from Article XXXIV, section 34.4(f) for expansion of a recreational camping park.

George Ferdette presented on behalf of SFC Engineering Partnership for expansion of Westward Shores Campground for Northgate Ossipee, LLC. George introduce Attorney Andy Pierce (representing the owners) and the owners are represented by Chelsea & Greta Bossenbroek. George addressed several criteria's posed by the ZB at the previous meeting. George and Dan Flores presented the ZB with an outline of his presentation to follow along.

George noted at previous meeting they presented a plan for an additional 330 campsites. SFC Engineering Partnership has removed everything along Bear Camp River from the plan, thus eliminating 66 campsites and have reduced the request for special exception to 264 campsites.

George addressed the ZB Criteria Instruction:

- 1. To speak with the Ossipee Lake Alliance:** George read a letter by Bob Reynolds within the packet provided to ZB.

Ski noted that new information need to be provided before the meeting. Stanley reminded ZB of not having a secretary made this difficult. George requested to address the issue, and stated at the last meeting they were instructed to bring any new information with them to this meeting.

George noted that Mr. Reynold's got to meet with the new owners and in the letter talks of the character, reviewed the plan and endorses the plan.

- 2. Concern for Milfoil Control:** George noted since 1998 it is illegal in NH to transport or propagate milfoil. Westward Shores has notices to campers addressing policies for milfoil. Westward Shores will also be monitoring when boats are launched.

**View Sheds:** (Per previous recommendation) George states they met the Green Mountain Conservation (GMC). GMC has the Natural Resource Policy Guide which has model ordinances. WWS is complying with. GMC recommends using low level indirect lighting on View Sheds. All flood lights and lighting will be shielded.

**Utilities:** GMC recommends all utilities be under ground. Per GF – in the New section, all utilities will be underground.

**View Shed Buffers:** GMC recommends there should be a 100 ft. undisturbed buffer along the river bank. Westward Shores is providing 1000 Ft. of undisturbed buffer.

- 3. Most Appropriate Use of the Land:** Per Ossipee Zoning Ordinances for permitted uses it includes single family homes, manufactured homes without special exceptions. GF noted that Camp grounds are the lowest intended use and they are. He recommends this is the most appropriate use for this land.
- 4. To Stabilize the Value of Land and Buildings:** George references the categories and the Town of Ossipee's purposes of the zoning ordinance. George reviewed three key points,
- 1. Regional Perspective of Economic Development:** Tourism is one of the leading drivers in the area and nearly 100% of new revenue from tourism will be coming from the campground into Ossipee.
  - 2. Neighborhood Perspective:** George referenced "Compatible Use." GF - continues to state that the campground existed previously and expansion of the campground, along with maintaining required buffers will continue to meet "Compatible Use."
  - 3. Flood Plans:** After research and discussion with Dan Mataney – Dam Bureau of NHDES. GF had requested from Dan the high water readings that have occurred over elevation 411, (normal high water level is 407.25 during summertime) and this gage has been in place since 1982. There has been four years since 1982, where the waters have come up but in 1998 was the highest reading at 413.72. The water also came up over 411 in 2006, 2007 and 2010. GF - states they have increased the flood storage capacity for this land by the grading which has been done. The septic system designs took into account the one nearest the campground the bottom of the leach bed will be 412.5 while the remaining septic systems will be at 414.
- 5. The Criteria of the Purpose of the Zoning Ordinance:** Overcrowding of the land due to undue concentration of population. Zoning ordinance does not specify number of camp sites permitted. According to the Manufactured Housing criteria is permitted for this parcel of land. Campground is seasonal and accounts for only 40% of the year. According to NH DES after discussion indicated Westward Shores could accommodate an additional 700 camp sites. GF – refer to a letter from Chief Huddleson, who made some recommendation. The Chief proposed a second access on the west side of the property and improve the gravel road. GF- stated they will be topping off the gravel road, adding a dry hydrant on the road to the peninsula. The Chief also requested a Central Electrical Disconnect so in the event of a problem there would be a central quick disconnect. All requirements will be complied with.
- 6. Preventing Over Crowding & Noise Ordinance:**
- a. Westward Shores has rules in place with quiet hours. Quiet hours are enforced by Security Staff.
  - b. Fireworks displays – Westward Shores has in the past had fireworks and with the Boards permission, they would like to continue having firework displays.
  - c. Northgate/Westward Shore, Ossipee has built a reputation of family friendly campgrounds. They want to continue that reputation. Campers are given a guest pass to help control the

number of people coming into the grounds. People are responsible for themselves for keeping the music down, loud voices, etc...

- d. **Stress on Lake (Boats):** Not all campers will have boats. But there could be an increase of boats on the lake.
- e. GF spoke with Officer Scott MacLane from NH Marine Patrol, who sees no issues with the expansion on Ossipee Lake. Officer MacLane says the river and coves remain fairly busy on the weekends, but the larger parts of the lake remain open.
- f. Access to boat ramps and marina's – Ossipee would like to see a second ramp. GF indicates there is also three other launch sites around the lake.
- g. Boat Storage – there is existing storage at the Garland property. Although, not included in current drawings but the potential could be for additional storage near the leach fields. There is also provisions for boat storage on each camp site.

**7. To Facilitate the Economic Provisions of Future Utilities and Facilities:**

- a. Nichols Road – (use of 2700ft. of road, which is 20ft wide with 2ft. shoulders.) GF spoke with Brad Harriman, (as recommended by the Board) per a letter from Brad Harriman. The integrity of the road is fine but the two sharp turns will need to be widened to accommodate the larger campers travelling the road. GF – stated they will take this to the Planning Board. But due to the large volume of gravel required for such a large project – they would like to phase it in over three years.

**8. To Conserve Its Natural Resources:** Contacted the Green Mountain Conservation Group but was unable to complete the conversation. But according to the Natural Resource Planning Guide,

Stanley interrupted the presentation momentarily to ask Bill Grover (Alternate) to step in as the fifth voting member, to ensure a five member Board.

- a. **(Cont.)** The Natural Resource Planning Guide (NRPG) is a strategic plan to maintain the quality of the water. By maintaining or managing its water shed during a rain storm. The Natural Resource Planning Guide addresses several criteria's.
  - i. Model Ordinances (not adopted) recommend that any use will not render more than 15% impervious or a storm water management plan needs to be in place.
  - ii. NH DES – has Alteration of Terrain – GF is filing an application for Alteration of Terrain with Planning Board to comply with recommendations from NH DES for ground water.
  - iii. Ossipee Water Protection Resource District – mission is the same to protect surface and ground water. Due to large quantity of discharge water, SCF will be applying for a special use permit from the planning board.
  - iv. Lakes & Ponds – Control of Pollutants: GF noted with the exception of the marina there are no pollutants. No salt is stored on site because they do not salt the roads. No gasoline or oil is use except at the marina, which already has an existing – permitted area.
  - v. Use of Low Impact Development Techniques: Discharging of Storm Water was addressed in the Alteration of terrain. They are using forested buffers, bio-retention barriers to capture, treat, and filter storm water.
  - vi. Model Ordinance on Fertilizer & Pesticides: Not using.
- b. Impervious (Area shall not exceed 20% of the Shoreline): Does not impact the area except in one area on the peninsula. There is an existing house, driveway and an existing 7.3% impervious area out there now. After development they are decreasing the impervious area to 18%.
  - i. Waste Water Disposal Systems through NH DES: Pending two permits for review by DES.
  - ii. Rivers & Streams: NRPG recommends River setbacks from septic systems be 100 ft. from building 75 and keep a 35 ft. buffer from the river. GF reminded the ZB they

have a 1000 ft. buffer. Lake recommends a 100 ft. setback, GF recommends a 900 ft. from the lake setback except on the peninsula. Vernal Pools recommend a 50 ft. buffer but GF states they hold a 500 ft. buffer per NHDES regulation.

- iii. Minimize Sediment and Erosion: Complete plans illustrate al the Silt fence & Silt socks being used around the campground.
- iv. Wetlands: (Buffer be retained in the natural condition) GF states they are maintaining the forested buffers wherever they can. In some areas adjacent to wetlands they are maintaining 10 ft. buffers. A camp site is defined as a 50x80 box with a 12x30 ft. pad. Camp site adjacent to the wetlands, Ossipee has no ordinance to stay away. GF notes they are using a bio-retention pond to collect storm waters for a 2 yr. storm event, it will collect all the waters and there will be no spillage, except maybe in larger storms.

**b-2. Wetland Conservation:** Staying out of the wetland area except improving the existing road out to the peninsula. GF points out that a permitted use in the wetlands is Parks & Recreation uses.

George notes that they will be moving forward with the permit process if successful with tonight votes. One of the Wetland Ordinances requires a special exception from the ZBA for access ways. There will be a wetland impact while working of the road out the peninsula. This will be in the future during the detail expansion process. Also need to solicit opinions from the ZBA, PB & CC.

#### **9. Open Space & Wild life Habitat:**

- i. Vernal pools suggest a 400 ft. setback with no fragmentation. The north – south development unfragmented will be untouched.
- ii. **Maintain Natural Peak Flow & Flow Volume:** Peak flows will not go up and Volume will not go up due to infiltration systems within the bio-retention areas.
- iii. **Do Not Feed The Animals:** Noted in the Westward Shores campers rules.
- iv. **Shielded Lighting:** Lights will be shielded for down cast and dim lighting.
- v. **Wildlife Impacts:** Chris Martin, NH Audubon Society visited the area on February 27, 2016 in reference to an eagle nest. Chris spoke with Dan Flores and stated there is one nest in the area but the location of the project will have no impact on the nest.
- vi. **Amy Lamb – National Heritage Bureau:** Tour the area and has provided three letters in reference to Bear Camp River area. There are exemplary wildlife species, flood lands, Bald Eagle. George noted this is where they removed their plans for this area to preserve the wildlife.
- vii. **Bio-Diversity:** Keep the forest unfragmented which they are doing.
- viii. **Air Quality:** Contained in Campground rules; campers are allowed to burn trash.
- ix. **Promote Dark Skies:** Noted that campers want low to no lighting in order to see the stars.

- 10. Natural Resource Protection - Section on Economy/Tourism/Growth:** Quote from the guide book “it is recognized the economy, tourism and growth are not natural resources. However, they are so closely tied to our natural resource both in value and use that coverage in the guide seems appropriate. The Ossipee Water Shed is one of the state’s most popular tourist destination. It attracts a significant number of visitors each year, creates jobs for local residents, a healthy real estate market, etc... The biggest risk for our local economy tourism and growth; is that people will simply stay away.”

George addressed a couple of questions previously asked:

- 1. Seasonal and Transient Campers: Of the 258 camp sites – 7 of the sites are Transient sites the remaining sites are all seasonal.
- 2. Camp Ground Management: Office hours are 9-5, Security will be there on weekends and as needed to enforce quiet hours.

Inclosing: George recognized there has been discussion in town on the right way to do this project. George acknowledged that SFC Engineering was the developer for Danforth Bay and Ossipee Lake Campground infrastructure upgrade to the septic system.

Stanley: opened up the floor for question and answers.

Jim Magrille: voiced his discontent for lack of consideration of the residents and how the campers would affect the residents.

Harry Merrow: had three comments: 1. The 407.25 is the National High Water Mark not the summer high water mark. 2. Noted a good job on their wetland considerations. 3. Where is the boat ramp going in? It will be a future phase. Dan Flores noted there is currently an existing ramp at the marina. 4. What's going on the peninsula? Dan stated 18 campsites. Harry spoke about his knowledge of the flood plans and data over the years with the Army Corps of Engineers.

Ron Adams: questioned whether flooding would affect the septic system? George noted most people would not be flushing toilets if the flood waters were up. The idea for the septic system is maintain the separation of the ground water and effluent water infiltration comes in to filter before it comes in.

Ron Adams: questioned the Peninsula setbacks on the backside of the un-named tributaries? Dan Flores noted there is less of a setback than on the front. The front border setbacks is governed by Shoreland Protection. The un-named tributaries are not part of Shoreland Protection. Dan noted three sites butting up to the un-named tributaries. There is less setback than on the front.

Dennis Legendre: questioned whether this was a three year vs. a one year plan? George stated it is a three phase plan. There is no timeline in place for the three phase plan because there is 2.5 miles of road to build first.

David Babson: questioned whether the second boat ramp would be private or public boat ramp? George noted it would private just like the one that is there now for campers.

Stanley: asked if there is a public ramp in the campground? Dan stated not in the campground but there are three public ramps provided by the Town of Ossipee already.

David Babson: what the CG stood for under Air Quality? George answered Camp Ground Rules.

Greta Bossenbroek (Camp Manager): Spoke of campers signing off of camp rules at registration check in. There is a manager on duty to monitor burnings and could issue violation against the camper or even call security for eviction if needed.

Ralph: referenced the letter from the Fire Chief Huddleson and asked if the second/emergency access road would be constructed first? George stated that there is no timeline at this point but it would seem logical the construct the road first.

Stanley: asked where this road was located? George illustrated on the map that the gravel road is a utility road that goes out the Utility easement out to Nichols Rd. The fire chief would like to have an access road for fire trucks and emergency vehicles. The road will be gated for non-public use.

Stanley: questioned if the fire chief was fine with the peninsula road being 16 ft. instead of 20 ft.

David: asked where the dry hydrant will be located? Dan illustrated on the map where the hydrant would be located.

David: questioned if the septic would run along the road way? Dan stated it would run along the road way and will be encased in concrete at the wetland areas and the septic system for the peninsula located far away.

Stanley: questioned if the peninsula was an addition to the property? Was this considered in the rural zones? Whether there was a 25 ft. frontage on the tributaries? Dan commented the closest property line they come to is 50 ft. which is on the peninsula. The front side is covered by Shoreline Protection, which considers a campsite to be recreational and require 20 ft. of frontage. Three sites on the tributary is provided with 10 ft. of frontage. Dan will look to see if they could get the 20 ft. of frontage for these three sites.

Bill: questioned on the un-named tributaries. From the water to where the land begins to elevate. How much of a slope is provided? George stated that all the vegetation will remain in place in these areas.

Bill: questioned the wildlife impact in the left upper quadrant of the map? George note this parcel of land is termed highly valuable of wildlife and was removed from the plans.

Bill: questioned if the natural deer corridors were looked at in these areas? George stated no but they will look into it.

Ski: questioned if the emergency road would be gated on both ends? Dan replied yes.

Ski: question why the four remaining camp on the peninsula weren't removed? Dan replied because they met the 20 ft. buffer. The plans will be going to Shoreland Protection. They have verbal approval at this point.

Ski: questioned frontage requirements? If seasonal could be considered a house which requires 50 ft. of frontage how can they get away with only 20 ft. of frontage? Dan replied, a camp site could have a seasonal resident but campsites are considered temporary so it only requires the 20 ft. of frontage.

Ski: has a DOT study been done on RT 16 for campers leaving on Sunday? George replied, no sir. Stanley noted it would go before the PB not the ZBA. George stated it's not the plans currently but will be when they get to that stage of planning.

Ski: questioned how they got their figures of 1.1 camp sites per acres? Dan explained how he got the figures.

Ski questioned evacuation plan in case of emergency? Greta explained Westward Shores, policy to the Board.

Ski: What happens with campers left on site during off seasons? Greta explained in the event of an emergency, she would make every effort to contact the owner/s but ultimately it is the responsibility of the owner for their property.

Stanley: Is this a four season campground? Greta replied, they shut down for two periods during the year. They are shut down until the middle of May. Open for the summer until mid-October and re-open around Thanksgiving for the winter. Water facilities are turned off during the shut downs. Electricity is still on. During winter season there is one bath house that remains open for bathroom and showers.

David: Are campers/rv's removed during off season or do they stay there during off seasons? Greta replied, they do not have to be removed. But during shut downs the park is closed. There is no access at all.

David: Green Mountain Conservation Group published a Natural Resource Planning Guide: to facilitate strategic water wide long term land use a plan based on preserving shed natural resources, is it completed yet? George clarifies it's a volunteer group looking to protect Ossipee Lake. They have offered the towns a Model Ordinance on what each town could do and up to the town to adopt the plan.

Mr. Merrow: Expressed concerns on current and future housing on the peninsula. He referred to one of the current houses as having water stains from previous flooding. GF explained they are aware and are complying with the rules and regulations for flood zones and septic system placement. There will be a pump station located above the flood plain and will be sealed.

Stanley: questioned RV hose connections when in use? Dan replied stating they will have a screw cap connection to prevent any flooding through the piping.

David: Expressed concerns as to whether there is a conflict of interest pertaining to Mr. Bob Reynolds as a land owner and who wrote a letter of recommendation? Mr. Reynolds is also the Secretary for the Milfoil Committee, according to Mr. Merrow. A brief discussion took place indicating that the letter of recommendation was on letter head paper. So the PB would have to assume this letter is a representation of the alliance and not Mr. Reynold's personally.

Ski: Asked if the three letters from Amy Lamb at National Heritage Wildlife Bureau could be submitted to the PB for our files? George agreed to get a copies.

Stanley: Questioned if the original proposed sites in the wetlands and wildlife area would be proposed at a later date or is that area completely off the design? George stated it will not happen. Greta stated the land-owners do not want any sites along the river.

Stanley: asked if they were in the process for a state septic permit. Dan replied, yes.

Stanley: asked if they were in the process for a subdivision permit. Dan replied, yes.

Stanley: asked if they were in the process of a site plan with the PB. Dan replied, yes.

Bill: ask what the status is for the existing dwellings on the peninsula? Dan replied, the one on the left is being raised to make room for camp sites. The second dwelling will remain as a rental with three bedrooms.

Stanley: asked if the existing docks would stay? Dan replied, yes.

Ski: ask if the cabin rental would be summer seasonal? George replied, yes.

Ron Adams: Commented if a local person was brought in to review the conservation of wildlife corridors or was it just someone from Concord? 2. On the peninsula - the fifth campsite down on the tributary has only a 10 ft. buffer and if campers bring canoes or kayaks up to the shore; it's going to ruin any buffer that's there? George replied, they would be pulling into pucker brush if they did.

Mr. Merrow, suggested making an area within the no name section to help preserve the buffer. Dan replied, it would be in the management hand to help maintain any buffer.

Stanley: called for any more questions or comments?

Andy Pierce, Attorney for the owners: addressed the ZB and group. Spoke about the special exceptions to the zoning ordinance. He addressed all nine factors to meet the exceptions according to Article: 26.2. – Condition of Special Exception.

David: asked if Mr. Pierce could site any case in NH where the purpose is voided if a variance or special exception is not met? Andy Pierce replied, Shell Oil vs. Manchester (101-NH-76) 1957 case. There have been several cases since then. Case Cormier vs. Town of Danville, (142-NH-775) 1998 case. Dan stated, if the Conditions for Special Exception are not met, the ZBA cannot allow the project to continue. However, if the Condition are met – Decision must be granted!

Stanley: Noted Brad Harriman stated he felt the Nichols Rd. will handle sufficient use by the weight of the vehicles except on the corners, questions what will be done to address the corners? Dan replied, the corners will be paved and widened.

Stanley: called for any more questions from the public. No further questions.

A brief discussion took place surrounding the letter of recommendation from Mr. Reynolds, as to who is he representing? Is he representing the alliance or is it personal. Ralph agreed there are concerns surrounding the letter but is there anything in the letter that would affect any of the special exceptions being requested tonight. If not, then they need to move for a vote.

**Motion:** by Stanley, move to grant the special exception for Westward Shores Lakeside Camping Resort, 110 Nichols Rd. Tax Map 23, Lot 6 for a special exception. From article XXXIV section 34.4(f) for expansion of a Recreational Camping Park. Bill, seconded the motion, moved for a vote of each exception.

**Special Use 26.2.1:** that the use is a permitted use of special exception as set forth in table one as herein or anywhere else in this ordinance. Ski; **Abstained from vote. All in favor, motion passed.**

**Special Use 26.2.2:** that the use is so design, located and proposed to be operated that the public health, safety, welfare, and convenience will be protected. Ski; **Abstained from vote. All in favor, motion passed.**

**Special Use 26.2.3:** The specific site is appropriate for the proposed use or structure. Ski; **Abstained from vote. David: voted No, All others in favor, motion passed.**

**Special Use 26.2.4:** No factual evidence is found that the property values in the direct will be reduced, due to incompatible land use, by such use. Ski; **Abstained from vote. All in favor, motion passed.**

**Special Use 26.2.5:** Adequate and appropriate facilities and parking will be provided for the proper operation of the proposed use or structure, as required by the Ordinance. Ski; **Abstained from vote. All in favor, motion passed.**

**Special Use 26.2.6:** There will be no undue nuisance or serious hazard to pedestrian or vehicular traffic. Ski; **Abstained from vote. All in favor, motion passed.**

**Special Use 26.2.7:** The proposed use shall not violate the provisions of Article IV and V of the Ordinance. Ski; **Abstained from vote. All in favor, motion passed.**

**Special Use 26.2.8:** There is no valid objection from the abutters on demonstrable fact. Ski; **Abstained from vote. David voted No. All others in favor, motion passed.**

**Special Use 26.2.9:** The applicant for a Special Exception shall, as a condition of the Special Exception, obtain Planning Board approval of the site plan, if required by site plan review regulations. Ski; **Abstained from vote. All in favor, motion passed.**

Stanley stated Majority vote for Special Exception is passed, you will receive notice. There is a 30-day Appeal Period for Objections.

#### **Any Other Business Which May Come Before This Meeting**

Stanley was re-elected to Zoning Board. Election of Officers will take place at next meeting.  
Ralph inquired about Planning & Zoning Conference

#### **Adjournment**

**Motion:** by David, seconded by Ski, to adjourn. **All in favor, motion passed.**  
The meeting adjourned at 9:25 p.m.

**Minutes approved by majority vote of the Board on: April 12, 2016**

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**Stanley Brothers, Chairman**