

OSSIPEE ZONING BOARD
Meeting Minutes
April 11, 2017

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

Call to Order: Stanley Brothers, Chairman called the meeting to order at 7:00 p.m.

Members Present by Roll Call: Chairman - Stanley Brothers, Bob Freeman (Selectmen's Rep), Jim Rines, and Steve McConarty (ZEO). **Absent:** Ralph Wurster, Ski Kwiatkowski, and Bill Grover (alternate)

New Business:

Stanley addressed Mr. Perry informing him of his rights to a five member Board.

Chairman - Stanley Brothers: addressed the Applicants (under RSA 674:33) – If there is not a full 5 member board, even with alternates serving. The applicant has the option of postponing the hearing until all members are present. If the applicant chooses to proceed with the hearing, he/she should be advised that a 3- or 4- member board will not be grounds for an appeal hearing in the event the application is denied.

- **Case # 17-3-V:** Robert Perry – 4 Forest Lane. Tax Map: 65 Lot: 023 Sub: 33 – has applied for a Variance from Article VI Section: 6.4.1. A & 6.4.2.A of the Ossipee Zoning Ordinance to replace an existing shed and construct a new utility shed within the 40 ft. frontage setbacks.

Mr. Perry requested a continuance.

Motion made by Rines to grant the request for continuance until the next ZBA meeting on May 9, 2017.

Brothers raised Freeman to voting status to in place of Ralph Wurster.

Brothers seconded the motion by Rines. No discussion. A unanimous vote was taken. Brothers apologized to Mr. Perry for the inconvenience.

Meeting Minutes:

- Meeting Minutes of March 22, 2017 were reviewed. Rines read a spelling corrections he submitted to secretary prior to the meeting. **Motion:** By Rines to approve the March 22, 2017 meeting minutes as corrected. Brothers seconded with the changes. No further Discussion. A Unanimous vote was taken.

Financial:

- Budget & Revenue Reports: March 2017 – Brothers questioned if the Town was going to assist in covering secretary's salary if it goes over budget.

Old Business:

- **Case # 16-12-V: Angus McFarland Limited Partnership c/o White Mtn. Survey & Engineering, Inc.** – 25 Gile Rd.; Tax Map: 123 Lot: 52 – was GRANTED a Variance with Conditions of meeting all NHDES approvals and all Federal, State and Local Regulations.

Rines raised the point that this case was conditional pending **NHDES notification** of Permit #2014-01740 – after review the property is consistent with Shoreland Impact Permit.

- **ZBA Fee Schedule** – Brothers read emails from Carroll County Independent and Conway Daily Sun advertisement rates. CCI rates are \$57.00 to \$71.00 depending on size. CDS rates is \$6.50 per column width and per inch length with a cost of \$104.00. Discussion ensued over the pricing and keep it affordable for the applicants to publish Public Hearing Notices and Notice of Decision for each case.

Motion made by Brothers to raise the Notification Fees for Variance and Special Exception applications to \$210.00 to cover both notifications. Rines seconded.

Public discussion: Otterbach indicated it seemed reasonable. Marie McConarty agreed it's reasonable. Public discussion was closed.

Point of Order by Rines recommended changes to be approved at the next ZBA meeting.

Further discussion noted a need for another public hearing before final approval would be granted updating the fee schedule.

Brothers changed his **Motion** to a **Recommendation** to raise the Notification Fees for Variance and Special Exception applications to \$210.00 to cover both notifications. A second public hearing will be held before final approval will be granted to update the fee schedule.

- **Town of Freedom vs. Town of Ossipee & Ossipee Northgate:** Received Court Order for the ZBA to rehear the appeal of the Town of Freedom because the ZBA did not hold a Public Hearing but held a Public Meeting. Thus not allowing the public to speak.

M. McConarty questioned who represented the Town of Ossipee at the hearing. She was informed Attorney Rick Sager.

The Board recalled that Brothers asked during the second appeal on 01/10/2017 if there was anyone from the Town of Freedom, who wished to speak. Paul Elie and Ann Cunningham attended at that meeting but did not wish to speak. Also, in attendance was Chris Boldt, who called a **Point of Order** stating his name was "Chris Boldt, Attorney, whose firm is representing the Town of Freedom and Board of Selectmen. Explained this is a Motion for Rehearing. No public discussion is accepted. The discussion and decision process is strictly with the members of the ZBA Board to either approve or deny the request for rehearing."

Brothers stated the Public Hearing will be held on May 9, 2017 prior to the ZBA's next scheduled meeting.

- **ZBA Board Member Vacancies:**

Rines read from RSA 673:12 **Filling Vacancies in Membership.** – Vacancies in the membership of a local land use board occurring other than through the expiration of a term of office shall be filled as follows:

- I. For an elected member, by appointment by the remaining board members until the next regular municipal election at which time a successor shall be elected to either fill the unexpired term or start a new term, as appropriate.
- II. For an appointed, ex officio, or alternate member, by the original appointing or designating authority, for the unexpired term.
- III. The chairperson of the local land use board may designate an alternate member of the board to fill the vacancy temporarily until the vacancy is filled in the manner set forth in paragraph I or II. If the vacancy is for an ex officio member, the chairperson may only designate the person who has been appointed to serve as the alternate for the ex officio member.

Discussion ensued over how many alternates could be raised to full member to fill vacancies.

Motion made by Rines to raise Bob Freeman from alternate status to full member status until next election

to fill a vacancy. Brothers seconded. Public discussion from attendees commented in favor of decision. No further discussion. A unanimous vote was taken.

Any Other Business Which May Come Before This Meeting

- Variance instructions & application – pending fee schedule approvals
- SE instructions & application – pending fee schedule approvals

Next Meeting: May 9, 2017 @ 7:00 pm

Adjournment:

Motion by Rines, and seconded by Freeman to adjourn the meeting.
All in favor, motion passed. The meeting adjourned at 7:35 p.m.

Minutes approved by majority vote of the Board on:

Stanley Brothers, Chairman

Date