

TOWN OF OSSIPEE
ZONING BOARD OF ADJUSTMENTS
Special Meeting - Minutes
November 18, 2019

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

Call to Order: Ralph Wurster called the meeting to order at 7:00 p.m.

Members Present by Roll Call: Ralph Wurster, Ed MacDonald, Jim Rines, Roy Barron, and Steve McConarty, ZEO. **Absent:** Shawn Marcotte, Alternate - Daniel Fischbein and Sandra “Sam” Martin

Wurster stated if Daniel Fischbein arrives; he will raise him up to voting status to form a five-member board.

New Business:

PUBLIC HEARING
For the following Applications

- **Case #19-12-SE:** owner – Tracy Cronin of 60 Route 16B. Tax Map: 093 Lot: 024 is requesting a Special Except from Article 23 - Section 23.3.2 Expansion of a Non-Conforming Structure to remove an existing non-conforming roof to expand living area as per plans. (Continued from November 12, 2019)

Wurster as Chairman addressed the Applicant (under RSA 674:33) – noting since there is not a full 5-member board, with no additional alternates to serve. 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.

Tracy Cronin accepts the 4-member Board and wished to continue.

Wurster informed Mr. Cronin that per the ZBA’ Rules of Procedures page 4- Section 4 Decisions (B) states; ***“The voting procedure for a variance utilizes the five criteria set forth in RSA 674:33, I, and all criteria need to pass in order for the variance to be granted. Each criteria needs at least 3 votes to pass and all 5 criteria must pass in order for a variance to be granted. As required by SB 339 – Voting by Zoning Board of Adjustments: The Bill amends RSA 674:33, III.”*** Mr. Cronin understood and apologized for the missing information on his application and conveyed the mistake was on his part.

Tracy Cronin presented his plans of remodeling the building into multi-family apartments. The apartments will include a single, one two-bedroom, two three-bedroom, and one four-bedroom units. His goal is to have all new electric, fire alarm and sprinkler system, plumbing, heat and all new windows, siding, and roof.

To achieve this, he is requesting a special exception to remove a section of roof of a storage room on the back side of the building and enlarge the second-floor unit 2 apartment to a four-bedroom apartment. The current section roof is in need of repair and is a hazard with snowfall to the stairs and walkway below. Access to the basement on the right side of the building was very dangerous. This is in the process of being repaired and will provide a direct access to the right side of the building which will contain the water, heat, fire alarm and sprinkler systems and controls. Currently, water flow from across the street flows to the left side of the building creating some flooding and when he’s done, he hoping to have the water flow redirected.

Wurster asked McConarty if the footprint of the building is remaining the same. McConarty noted the footprint is the same except for the basement entrance is being extending by 2 feet. McConarty commented

the building is a U shape and agrees the section of roof Cronin is wanting to replace is definitely in need of repairs.

Discussion ensued over the current number of apartments, easy access to the both basements, and meeting state and federal load regulations for the septic system.

Cronin read through each criteria. No discussion.

A **Motion** by Rines to approve **Case #19-12-SE:** owner – Tracy Cronin of 60 Route 16B. Tax Map: 093 Lot: 024 for a Special **Exception** from Article 23 - Section 23.3.2 based on satisfying the 8 – criteria that were submitted with the condition that all Federal, State and Local Regulations shall be followed. Barron second.

Wurster called for a roll call vote on each criteria. A vote of Yes is a vote in favor and a No vote is to deny.

Vote by Criteria:

- 1. The use is permitted by Special Exception under Table 1 (Article 34 of the Ossipee Zoning Ordinance), or elsewhere in the Ordinance (for example, see Article 6.2)**

Barron – Yes Rines – Yes MacDonald – Yes Wurster – Yes

- 2. The use is so designed, located and proposed to be operated that the public health, safety, welfare, and convenience will be protected.**

Barron – Yes Rines – Yes MacDonald – Yes Wurster – Yes

Barron commented, he's making a big improvement to the building and it's needed it for a long time.

- 3. The specific site is appropriate for the proposed use or structure.**

Barron – Yes Rines – Yes MacDonald – Yes Wurster – Yes

- 4. No factual evidence is found that the property values in the district will be reduced, due to incompatible land use, by such use.**

Barron – Yes Rines – Yes MacDonald – Yes Wurster – Yes

- 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.**

Barron – Yes Rines – Yes MacDonald – Yes Wurster – Yes

- 6. There will be no undue nuisance or serious hazard to pedestrian or vehicular traffic.**

Barron – Yes Rines – Yes MacDonald – Yes Wurster – Yes

- 7. The proposed use shall not violate the provisions of Article IV and V of the Ordinance.**

Barron – Yes Rines – Yes MacDonald – Yes Wurster – Yes

- 8. There is no valid objection from the abutters based on demonstrable fact.**

Barron – Yes Rines – Yes MacDonald – Yes Wurster – Yes

Wurster commented, the only abutter to respond was Monja Von Maxey and she is in favor of the project.

Chairman Wurster announced the **motion passed**. The Special Exception has been granted.

Note: The Selectmen, any party to the action or any person directly affected has a right to appeal this decision within 30 days. To avoid lapsing of the approval, there should be substantial construction or

liability within 2 years of the decision. See New Hampshire Revised Statutes Annotated, Chapter 677, available at the Ossipee Town Hall.

Any Other Business Which May Come Before This Meeting: None was presented.

Adjournment:

A Motion by Wurster to adjourn the meeting. Rines seconded. No discussion. All voted in favor, **Motion passed.** The meeting adjourned at 8:25 p.m.

Next Meeting:

- **December 10, 2019 @ 7:00 pm**

Minutes were approved by majority vote of the Board:

_____	_____	Or	_____	_____
Ralph Wurster, Chairman	Date		Ed MacDonald, Vice Chair <i>(In the absence of the Chairman)</i>	Date