

TOWN OF OSSIPEE
ZONING BOARD OF ADJUSTMENTS
Meeting Minutes
August 11, 2020

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

Call to Order: Roy Barron called the meeting to order at 7:01 p.m.

Members Present by Roll Call: Roy Barron, Jim Rines, Daniel Fischbein, William “Bill” Grover, and Alternate - Ralph Wurster and Steve McConarty, ZEO.

Absent: Ed MacDonald, and Laura Nash.

Vice-Chairman Barron raised Ralph Wurster up to voting status in place of Ed MacDonald.

Meeting Minutes: Review to Approve Meeting Minutes of July 14, 2020

A **Motion** by Barron to postpone approving the minutes of July 14, 2020 until the August 8, 2020 meeting. Rines seconded. No further discussion. A unanimous vote was taken. **Motion passed.**

New Business:

- **Case #20-5-SE:** White Horse Addiction Center c/o Mitchell Yeaton of 45 Old Granite Rd.(legal owner: Kalled Family Trust, James, Jeffrey, and John). Tax Map: 133 Lot: 007 is seeking a Special Exception from **Article 34.3.E – 34.3 INSTITUTIONAL USES (E) Group Homes** to remodel an existing building, vacant for more than 2-years, in the village district to have a business in the middle portion of the building with supervised residential care for people in recovery for addiction in the two flanking original wood homes. On July 7th, 2020, the Planning Board, under an informal discussion, advised the recovery sections of the building will fall under the realm of Article 34.3.E – Group Homes and a Special Exception will be required.

Vice-Chairman Barron spoke with Mitch Yeaton, who is requesting a continuous until the next ZBA meeting to be held on September 8, 2020. Vice-Chairman Barron called for a motion.

A **Motion** by Rines to continue **Case #20-5-SE:** White Horse Addiction Center c/o Mitchell Yeaton of 45 Old Granite Rd.(legal owner: Kalled Family Trust, James, Jeffrey, and John). Tax Map: 133 Lot: 007 for a Special Exception from **Article 34.3.E – 34.3 INSTITUTIONAL USES (E) Group Homes** until the August 8, 2020 ZBA meeting to be held at the Town Hall. Barron seconded. No discussion. A unanimous vote was taken. **Motion passed.**

Rines proceeded to the parking lot for the next applicant.

Karen Banks requested to distribute concerns she has prepared with regards to this project. Vice-Chairman Barron informed her that since the ZBA is jurisdictional no case can be discussed without all parties being present.

Rines returned suggesting the Board reconsider his motion due to a conflict with that also being Primary Election Day. Discussion ensued.

Point of Order by Ralph Wurster that the Board would have to hold a special meeting just to hear **Case #20-5-SE:** White Horse Addiction Center and is obligated to hold the regularly scheduled meeting on August 8th to hear any other cases that may come before the Board.

A **Motion** by Rines to reconsider his last motion and the Board's vote. Fischbein seconded. No further discussion. A unanimous vote was taken. **Motion passed.**

A **New Motion** by Rines to continue **Case #20-5-SE**: White Horse Addiction Center c/o Mitchell Yeaton of 45 Old Granite Rd.(legal owner: Kalled Family Trust, James, Jeffrey, and John). Tax Map: 133 Lot: 007 until **September 22**, 2020, 7:00 PM to be held at the Town Hall due to the conflict with Primary Election Day and the large volume of attendees anticipated. Fischbein seconded. No discussion. A unanimous vote was taken. **Motion passed.**

Rines returned to the parking lot to inform the multiple attendees and acquire the next applicant.

Potential Member/s: Doreen French presented and informed the Board that she is a Tax Assessor in Maine and presents requesting to become an alternate on the ZBA board.

A **Motion** by Rines to send a letter to the Board of Selectmen to consider appointing Doreen French as an alternate to the Zoning Board of Adjustments. Barron seconded. No discussion. A unanimous vote was taken. **Motion passed.**

Vice-Chairman Barron stated the budget report will be discussed at the end of the meeting.

- **Case # 20-4-SE:** Gary Miller of 54 Weetamoe Rd. Tax Map: 066 Lot: 032 is seeking a Special Exception from **Article 23.3.2 Expansion of a Non-Conforming Structure** to add a 16 ft. x 16 ft. Screen Porch Addition.

Gary Miller presented his plan to add a 16 ft. x 16 ft., 2" by 6" construction 3-season screen porch addition onto an existing non-conforming house. Discussion ensued over setbacks to the road, water's edge, boundary line measurements to the center line of the road and it was determined they were within the setbacks to the road. Mr. Miller proceeded to read through the criteria's.

Board discussion: Grover questioned the actual height of the structure verses documentation on criteria #7. Miller clarified to the Board's satisfaction.

Vice-Chairman Barron called for public input. With no public input Vice-Chairman Barron closed public input.

A **Motion** by Rines for **Case # 20-4-SE**: Gary Miller of 54 Weetamoe Rd. Tax Map: 066 Lot: 032 to Grant the Special Exception from **Article 23.3.2 Expansion of a Non-Conforming Structure** to add a 16 ft. x 16 ft. Screen Porch Addition. In accordance with All Federal, State and Local Regulations. Wurster seconded.

Vice-Chairman Barron 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)**

Wurster – Yea Rines – Yes Barron – Yes Grover – Yes Fischbein – Yes

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

Wurster – Yes Rines – Yes Barron – Yes Grover – Yes Fischbein – Yes

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

Wurster – Yes Rines – Yes Barron – Yes Grover – Yes Fischbein – 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.

Wurster – Yes Rines – Yes Barron – Yes Grover – Yes Fischbein – 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.

Wurster – Yes Rines – Yes Barron – Yes Grover – Yes Fischbein – Yes

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

Wurster – Yes Rines – Yes Barron – Yes Grover – Yes Fischbein – Yes

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

Wurster – Yes Rines – Yes Barron – Yes Grover – Yes Fischbein – Yes

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

Wurster – Yes Rines – Yes Barron – Yes Grover – Yes Fischbein – Yes

Vice-Chairman Barron announced the **motion passed**. The Special Exception have 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.

Financial:

- Budget Report: Budget Report: 07/01/2020 – 07/31/2020

A **Motion** by Rines to table discussion of the budget until the next ZBA meeting on August 8, 2020, since it was not within their packets. Fischbein seconded. No further discussion. A unanimous vote was taken. **Motion passed.**

Any Other Business Which May Come Before This Meeting:

Vice-Chairman Barron thanked and recognized Ralph Wurster for his years of dedication and service to the ZBA including holding the positions of Chairman and Vice-Chairman through his tenor and for his volunteerism contributions to the Town of Ossipee over the past 22 years. The Board gave Ralph a round of applause and asked him to adjourn the meeting.

Adjournment:

A **Motion** by Wurster to adjourn the meeting. Rines seconded. No discussion. A unanimous vote was taken. **Motion passed.** The meeting adjourned at 7:34 p.m.

Next Meeting: Regularly scheduled meeting will be on **September 8, 2020 @ 7:00 pm** and a **Special Meeting to be held on September 22, 2020 – 7:00 PM at the Town Hall to hear only Case #20-5-SE:** White Horse Addiction Center c/o Mitchell Yeaton of 45 Old Granite Rd.(legal owner: Kalled Family Trust, James, Jeffrey, and John). Tax Map: 133 Lot: 007 request for a Special Exception.

Minutes were approved by majority vote of the Board:

_____	_____	Or	_____	_____
Ed MacDonald, Chairman	Date		Roy Barron, Vice Chair (In the absence of the Chairman)	Date