

TOWN OF OSSIPEE
ZONING BOARD OF ADJUSTMENT
Meeting Minutes
December 14, 2021

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

Call to Order: Bill Grover called the meeting to order at 7:00 p.m.

Members Present by Roll Call: William “Bill” Grover - Chairman, Roy Barron, Daniel Fischbein, Dallas Emery, Doreen French, Alternate **Absent: Jonathan Smith, (Zoning Officer)**

Late Arrival: Jim Rines

Members: Doreen French has been re-appointed as an Alternate by the BOS

Chairman Grover raised Alternate-Doreen French up to voting status in place of Jim Rines, who will be late tonight.

Appoint/Re-Appoint Alternate: Doreen French as Alternate,

A letter was received from the Board of Selectmen re-appointing Doreen French as an alternate to the Zoning Board of Adjustment. Doreen French confirmed she has been sworn into office.

- **Meeting Minutes:** Review to Approve Meeting Minutes of October 12, 2021 and November 9, 2021 cancellation motion.

A **Motion** by Fischbein to approve the minutes of 10/12/2021 and cancellation notice of 11/09/2021. French seconded.

French noted a couple of edits on page 3, “But as of ***15:00 pm should be 3:00 pm*** today no payment has arrived. An email was sent to Mr. Klingler advising him of his options moving forward. But as of ***18:00 pm should be 6:00 pm*** no reply has been received.”

With no further edits or discussion. All others voted was taken. Barron abstained since he did not attend the meeting on 10/12/2021. **Motion passed 4-0-1.**

New Business:

- **Case #21-08-V:** Michael & Angela O'Hearn of 130 Nichole Rd. **Tax Map: 020 Lot: 021** is seeking a Variance from Article 6.4.2 – Side and Rear setbacks to install a 16 ft. x 10 ft. shed to replace an existing smaller shed.

Michael O’Hearn presents with plans of replacing an existing 6 ft. x 8 ft. shed with a 10 ft. x 16 ft. shed for storage of kayaks and stand-up paddle boards and other yard work items.

Grover inquired about the discrepancy in the size of the shed recorded on the application versus the building permit application and the denial letter from the Zoning Officer. Mr. O’Hearn clarified he is requesting a 10 ft. x 16 ft. shed. The application was allowed to be amended on page 5 and initialed.

Jim Rines arrived at 7:08 pm.

Chairman Grover withdrew Doreen French from voting status and back to Jim Rines since he has arrived.

Grover noted according to the submitted plans, he questioned the location of the property lines and setbacks.

Because the plans show the existing shed 3 ft. off the property lines. Mr. O'Hearn explained the plans design.

Board discussion: Rines questioned if Mr. O'Hearn knows where the property monuments are located. Mr. O'Hearn explained the location of the monuments. Rines voiced his concern of knowing where the property line are located, so the Board knows if the request for a variance is for XX number of reliefs. Discussion ensued over reviewing where the property lines and monuments are located.

Mr. O'Hearn noted none of his neighbors have expressed any opposition to his plans. Discussion ensued over a discrepancy with the distance in the requested setback.

Chairman Grover expressed concerns of a pre-existing non-conforming 6 ft. x 8 ft. shed but the applicant is requesting to remove the existing and place a larger 10 ft. x 16 ft. shed, thus making a non-conforming structure more non-conforming. Which is not allowed under zoning ordinance ***“Section: 23.3.2 A NON-CONFORMING STRUCTURE: May be expanded or altered by Special Exception under Article 26.2, as the business or conditions warrant, providing, how-ever, that such expansion does not make a conforming structure non-conforming or a non-conforming structure more non-conforming.”***

Discussion ensued of replacing the shed in kind or within the same footprint or moving the shed further within the setbacks. Rines questioned if the property is within the Protective Shoreland, if so Mr. O'Hearn would need to comply with the Shoreland Protective Act for impervious lot coverage and percentage of unaltered areas. Discussion on if the shed would be placed on blocks or anchored. Rines measured the setbacks per the plan submitted and it was determined Mr. O'Hearn would need to obtain a Shoreland Permit from NHDES. Rines explained the process for obtaining a Shoreland Permit from NHDES.

Discussion ensued over the zoning ordinance affecting the situation and the options available. Rines informed Mr. O'Hearn that if he wished to proceed with obtaining a Shoreland Permit, he can go to NHDES website and look under the Administrative Rules for form ENV-WQ-1400 Shoreland Permit per RSA: 483-B. French suggested, if Mr. O'Hearn could construct a *lean-to* versus adding a larger shed. The Board gave Mr. O'Hearn a few moments to mull over his options.

Mr. O'Hearn decided to request a continuance until July 12, 2022 to possibly obtain a survey of the property and a Shoreland Permit from NHDES with the option of possibly withdrawing his application without prejudice.

A **Motion** by Rines for **Case #21-08-V: Michael & Angela O'Hearn of 130 Nichole Rd. Tax Map: 020 Lot: 021** request for a **Continuance until a date certain of July 12, 2022** for a Variance from Article 6.4.2 – Side and Rear setbacks to install a 10 ft. x 16 ft. shed to replace an existing smaller shed. Barron seconded. No discussion. A unanimous vote was taken. **Motion passed.**

- **Master Plan:**

Chairman Grover wanted to discuss where they see the community today, and what they see for a vision for the community.

Barron suggested eliminating zoning.

Chairman Grover recalled 25 years before that UPS wanted to setup an operation center where Ace Hardware was located. But UPS was denied by board officials at that time. Chairman Grover and Fischbein recalled that **General Electric (GE)** wanted to open a store where Big Moose is currently. But again, was denied by the officials at that time. Walmart opened a store in Somersworth and is still operating today.

Chairman Grover commented that he used to be president of the Chamber of Commerce for several years. The Chamber of Commerce is all about the economy, jobs, and where to see the community in the future.

Chairman Grover commented (his personal opinion) that we as a community will need to understand that there is so much growth in the country that the town of Ossipee cannot remain the same. The town needs to plan for its growth.

French commented that the town is taxing the young out of town. Chairman Grover reported according to

the latest census, the average person in the town of Ossipee travels 35 miles to go to work. Which means there going to North Conway, Rochester, Dover and further because Ossipee has no commerce to speak of.

Chairman Grover commented Ossipee needs to seriously look at what type of commerce it wants to have in order to excel in the communities. Discussion ensued on the types of businesses, housing for the working class, sustainable jobs, percentage of conservation lands, and creating a legacy in lifestyle in order to keep young adults from moving away to larger cities for better jobs and housing but maintaining personal lifestyles. Discussion ensued.

Chairman Grover commented that the ZBA is being asked to create a course of action to be looked at for the master plan. Where is the Vision, what is being looked at for the master plan, what is the vision for the community in 5 years or 10 years, or 50 years from now. Discussion ensued about tourists, tourist areas, traffic, etc...

Chairman Grover asked the Board; what does the ZBA want to see for the community going into the future to offer to the Planning Board for the Master Plan. Chairman Grover asked if the vision from the Board is looking for affordable housing, sustainable jobs, maintaining the natural feel of the great outdoors, or migrating towards a city area. What can the ZBA offer towards the Master plan to have incorporated.

The ZBA would like to see affordable housing in the \$120,000 to \$130,000 purchase price range which is based on tourist area jobs of \$10.00 - \$15.00 hourly. The Planning Board needs to look at for the Master Plan is, what is affordable housing, what is the cost range for housing and where does the Ossipee measure up in the range, and inflation and overall rising cost of all products and services. Attracting businesses which pay a minimum of \$20.00 hourly in order to afford current rental costs.

Discussion ensued on locations for a possible industrial park in order to attract larger companies towards Ossipee. As a community, we need to look at where is the greatest opportunity to have an industrial park. Suggested areas named were the old furniture mill area up behind the West Ossipee Fire Station or along various sections of Route 16. Chairman Grover stated it's not the responsibility of the ZBA to determine the locations. The responsibility falls to the Planning Board and Economic Development Council. Chairman Grover suggested there needs to be a section of town determined as a starter area for economic commerce. Discussion ensued over the needs and wants of youth's today and the expectations that they can start out making \$100,000.00 a year because that is what the education system is teaching. But the reality is the Mount Washington Valley income is \$10.00 - \$15.00 hourly because it's a tourist catered area and until larger businesses are allowed to move in, the housing and business options and opportunities will remain the same.

- **Case #21-07-V:** Larry Klingler of 3 Route 16B. Tax Map: 095 Lot: 013 was **Denied** a Variance to allow the fence built by the power company to remain at its current height of 8 feet.

Chairman Grover noted Mr. Klingler has paid his application fees. But has not submitted a request for another hearing with the ZBA. Chairman Grover requested the Board to instruct the secretary to submit a letter to the Board of Selectmen requesting a Cease and Desist or re-apply for a Variance or cut 1 foot off the fence.

A **Motion** by Grover instructing the secretary to issue a letter to the Board of Selectmen requesting enforcement of the zoning ordinance for a fence exceeding the 7 ft. height requirement and for Mr. Klingler to either re-apply to the ZBA for a variance or bring the height of the fence down to 7 feet per the zoning ordinance and state law. Barron seconded. No discussion. A unanimous vote was taken. **Motion passed.**

Notice: Chairman Grover read the notification to the Board.

- Annual Christmas Potluck on 12/23/2021 at 12:00 PM in the Bud Avery Memorial Gymnasium

Any Other Business Which May Come Before This Meeting:

- Fischbein raised a concern for Shoreland Protection on a case which was denied by the ZBA for a generator installation on a house. The house sits about 100 ft. from waters edge. Fischbein happened to go

by the property and saw the generator is installed. But the home owner never came back before the ZBA for approval. Fischbein noted the home owner was informed it needed to be so high off the ground and would need NHDES Shoreland Permit approval.

Fischbein is asked to provide the homeowners name, address, and the secretary can verify if the homeowner was actually denied and the secretary to write a letter to the Board of Selectmen for enforcement.

Discussion ensued over members having to recuse themselves from a case due to conflict of interests.

Adjournment:

A Motion by Barron to adjourn the meeting. Rines seconded. No discussion. A unanimous vote was taken. **Motion passed.** The meeting adjourned at 8:35 p.m.

Next Meeting:

Regularly scheduled meeting will be on **January 11, 2022 @ 7:00 pm**

Minutes were approved by majority vote of the Board:

_____	_____	Or	_____	_____
William Grover, Chairman	Date		Roy Barron, Vice Chair <i>(In the absence of the Chairman)</i>	Date