

OSSIPEE PLANNING BOARD
Meeting Minutes
January 16, 2024

Minutes have been recorded for the convenience of summarization by Laura Nash, Boards & Commissions Secretary and are deleted once the minutes are board approved; any amendments to the minutes are noted in ***bold & italic*** type.

Call to Order: Sharon “Sharie” Cohen, Chairman called the Special Meeting to order at 7:00 PM and requested all cellphones to be silenced.

Pledge of Allegiance: Was recited by all in attendance.

Roll Call: Sharon “Sharie” Cohen, Chairman, Bruce Stuart, Vice Chairman, Ash Fischbein, Brian Ames, Roy Barron and Krystal Eldridge,

Other Attendees:

Jonathan Smith – Zoning Officer
Dallas Emery – 60 Moultonville Rd.
Carol Gartland – 195 Foggs Ridge Rd.
Ted Bateman – 195 Foggs Ridge Rd.
Ed MacDonald – 8 Crestline Dr.

Angela Eldridge – 69A Dore St.
Bob & Lisa Louttit – 30 Remle Rd.
Joy Gagnon – 16 Puritan Ln.
Katherine Alexander – 7 Moultonville Rd.
Daver Spirito - 19 Governor Peabody Rd. and 52 Ridge Rd.

Public Input: Chairman Sharon “Sharie” Cohen called for public input unrelated to any case being presented tonight. None was heard.

PUBLIC HEARING

• **2024 Proposed Zoning Ordinance amendments/changes/additions**

Chairman Cohen read each article prior to discussion and voting to recommend or not recommend the changes to the voters.

Amendment modifies Article III – “Zoning Map,” Section 3.2 by striking “and the third map is referred to as the “Ossipee Wetlands Map.” Because Ossipee does not have Wetlands Map.

3.2 ZONING MAP

The Zoning Districts listed above are bounded as shown on the map entitled “Ossipee Zoning Map” and the map entitled Ossipee Water Resource Protection District and the map entitled “Ossipee Wetlands Map,” which maps are located in the Ossipee Planning Office at 1 Moultonville Road (the former “Freight House” building) and made a part of this Ordinance. The first map is hereinafter referred to as the “Zoning Map”, the second map is referred to as the “Ossipee Water Resource Protection Map”, ~~and the third map is referred to as the “Ossipee Wetlands Map.”~~

Regardless of the existence of other printed copies of the Zoning Map, the Water Resource Protection Map, ~~and the Ossipee Wetlands Map,~~ which from time to time may be made or published, the official Zoning Map which shall be located in the Town Hall shall be the final authority as to the current zoning status of the land and water areas, buildings, and other structures in the Town. (Planning Board recommends.

Chairman Cohen called for Discussion: None Heard.

A **Motion** by Fischbein to recommend to the voters the proposed amendments to Article 3.2 – Zoning Map as submitted. K. Eldridge seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed (6-0-0)**

Amendment modifies Article IV – “General Provisions,” Section: 4.2 FIRE AND/OR RUINED BUILDINGS and adds (a) a regulation concerning unfinished buildings greater than 2 years.

4.2 FIRE AND/OR RUINED BUILDINGS

No owner or occupant of land in any district shall permit fire or other ruins which are uninhabitable to be left indefinitely, but within two (2) years shall remove or refill the same to clear ground level or shall repair, build or replace the structure. (Amended ~~March 14, 2017, March 10, 2020~~, March ??, 2024)

- a) Structures that are left unfinished for 2 years without exterior weatherproof siding or roof, shall be removed or refill the same to clear ground level or shall repair, build or replace the structure. This does not apply to an active construction site with a building permit.

Chairman Cohen called for Discussion: Dallas Emery stated he opposes this change because it already says “within two (2) years shall remove or refill the same...” All this is, is another way enforcement mechanism and we have enough of that going on in town.

Chairman Cohen Jonathan Smith if he wanted to respond. J. Smith declined stating Dallas Emery is entitled to his opinion and that’s his opinion.

Chairman Cohen asked if anyone on the Board had any comments. Barron stated he’s not for it.

A **Motion** by Fischbein to recommend to the voters the proposed amendments to Article 4.2.(a) as submitted. Stuart seconded. No further discussion. All others voted in favor by a show of hands. Barron – Opposed. **Motion passed (5-1-0).**

Amendment modifies Article IV – “General Provisions,” Sections 4.4 and amends regulations concerning Structures and Uses Per Lot by adding subsection (c) HUD Requirements.

4.4 STRUCTURES AND USES PER LOT

c) HUD REQUIREMENTS

All manufactured homes installed after the passage of this Ordinance must comply with the most recent specifications and standards established by the US Department of Housing and Urban Development. (24 CFR CHXX)

Chairman Cohen called for Discussion: Dallas Emery commented don’t they already have to do comply with state HUD. J. Smith explained that it’s in Article 13.5 but their putting it in a more general location so it makes it clearer. Because with it in Article 13.5, it gives the impression that it’s restricted to Article 13.5, when it not and we’re just trying to clarify the ordinance. Dallas Emery continued to argue if the state already requires it why does the Town need to enforce it.

Chairman Cohen called for a motion.

A **Motion** by Fischbein to recommend to the voters the proposed amendments to Article 4.4.(c) and amends regulations concerning Structures and Uses Per Lot as submitted. Stuart seconded. No discussion. A

unanimous vote was taken by a show of hands. **Motion passed (6-0-0)**

4.7 Amendment modifies Article: 4.7 PARKING AND STORAGE OF UNLICENSED VEHICLES/TRAILERS (Amended ~~March 14, 2023~~ March ??, 2024)

In any district, no more than one (1) motor vehicle/recreational vehicle/trailers which requires license plates, but which are without current license plates, shall be parked or stored except in authorized automobile sales areas, enclosed buildings or approved junk yards. No more than two (2) specialty vehicles which do not require license plates, such as homemade or factory constructed competition machines, shall be parked or stored out of sight from adjacent properties and may be subject to RSA 236:111. This does not pertain to farm vehicles or other vehicles which are in constant use and do not require a license plate for such use.

Chairman Cohen called for Discussion: Joy Gagnon questioned the Article numbers on her copy. Review of the copies determined the numbers had changed within Microsoft Word when it printed.

A **Motion** by Fischbein to recommend to the voters the proposed amendments to Article 4.7 as submitted. K. Eldridge seconded. No further discussion. All others voted in favor by a show of hands. Barron stated he hadn't made his mind up but he was going to – Oppose. **Motion passed (5-1-0)**.

4.9 Amendment modifies Article 4.9: RECREATIONAL VEHICLES AND TENTS ON PRIVATE PROPERTY, Section: 4.9.2 - Campsite, and amends regulations concerning Structures and Uses Per Lot by adding subsection (i) and (j).

A campsite shall comply with the following requirements: (Amended ~~March 14, 2023~~ March ??, 2024)

i) Recreational vehicles outside of the timeframe permitted must be in a road ready condition to include but not limited to, (i.e.. Sliders in and secured, stabilizer jacks/leveling platforms to be retracted, awnings retracted, water hose disconnected, etc.) excluding a power connection to keep onboard batteries charged.

Chairman Cohen called for Discussion: Joy Gagnon inquired if someone has an old camper and wants to set up a campsite this is eliminating that option.

J. Smith explained the changes made last which now allows someone to set up a camper from May 1st to October 31st, this is allow the ability to enforce violators who are trying to live in their campers beyond October 31st. Smith noted this was in the previous revision but somehow was stricken when it went to the voters.

Dallas Emery stated he opposes this change because it's too much enforcement and if somebody wants to allow someone to stay in the back yard in a camper because they have no place to go to. They should have the right to do so.

J. Smith tries to clarify but Dallas Emery would not let J. Smith speak and kept interrupting the discussion. Disruptive discussion ensued. J. Smith asked the Chairman if she wanted him to clarify. Chairman Cohen stated yes. J. Smith stated the timeframe of May 1st to October 31st already exist; this is to help the zoning officer to enforce the violators. J. Smith provided a couple of examples for the need.

Dallas Emery argued this is preventing homeless people from having a place to go; it's a compassion thing. Dallas Emery tried saying "it's not a law, it's something the town is trying to impose." J. Smith told Dallas Emery he did not want him to mislead the public because it is the law and the town passed it last year. Dallas Emery continued arguing and accused J. Smith as being an authoritarian. Emery doesn't like the idea

that someone cannot have a trailer in the backyard for someone to live in the winter. J. Smith informed Dallas Emery if he doesn't like the change he can submit a petition warrant article to throw out that section of the ordinance, and then the people get to vote on it. This is a reflection of the will of the people. I understand you don't like it and that is your opinion, but this is the will of the people. Dallas Emery continued argue his position and was not listening to what anyone else was saying.

Chairman Cohen called for any other input. None was heard.

Chairman Cohen called for a motion on Article 4.9.2.(i).

A **Motion** by K. Eldridge to recommend to the voters the proposed amendments to Article 4.9.2 (i) as submitted. Stuart seconded. No further discussion. All others voted in favor by a show of hands. Barron – Opposed. **Motion passed (5-1-0).**

4.9.2

j) **Tents outside of the designated timeframe permitted and must be taken apart and packed away.**

Chairman Cohen called for Discussion: Joy Gagnon inquired if you have someone stay over for a campout. J. Smith stated that's fine during the May 1st to October 31st time frame.

A **Motion** by Fischbein to recommend to the voters the proposed amendments to Article 4.9.2 (j) as submitted. K. Eldridge seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed (6-0-0)**

Amendment modifies Article IV – “General Provisions,” Sections 4.10.1 Definition of Terms by **adding subsection (e)** to Recreational Vehicles.

4.10.1. Definition of Terms: The following definitions shall apply only to this Floodplain Development Ordinance, and shall not be affected by, the provisions of any other Ordinances of the Town of Ossipee.

RECREATIONAL VEHICLES: (Added March 1994) A vehicle which is:

- e) **Recreational Vehicles must meet NFPA 1192 or be certified by the RV industry Association.**

Chairman Cohen called for Discussion: None Heard.

A **Motion** by Fischbein to recommend to the voters the proposed amendments to Article 4.10.1(e) as submitted. K. Eldridge seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed (6-0-0)**

Amendment modifies Article VI - Zoning District Regulations,” Sections 6.4.1(a) Front Setback Area by striking **(Also see Article 8.3)**. Administrative change to remove because Article 8.3 was struck last year.

6.4.1. Front Setback Area:

a) No part of any building, except uncovered steps, and no other structure, other than a sign, or landscaping articles, shall be placed in the front setback area, measured from road right-of- way to setback line. ~~(Also see Article 8.3).~~

Chairman Cohen called for Discussion: None Heard.

A **Motion** by Fischbein to recommend to the voters the proposed amendments to Article 6.4.1(a) as submitted. K. Eldridge seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed (6-0-0)**

Amendment modifies Article VIII – “SETBACKS AND BUFFERS,” Sections - 8.2 amends regulations concerning Landscaping by adding further clarity.

8.2 GREENSPACE

All setback areas shall be greenspace (retained natural woodland shall be the preferred greenspace) or covered with grass, shrubs or ground cover. This article shall not apply to driveways including entrance and exits but at no time can the side/rear/front setback area be used for parking or storage of items unless the items are for sale. (Amended ~~March 14, 2023~~ March ??, 2024)

Chairman Cohen called for Discussion: Dallas Emery stated again he thinks it's an over reach and not specific to what items cannot be stored in the front yard. Chairman Cohen stated any items unless there for sale. Dallas Emery feels it's an infringement on what he can do on his property.

Jonathan Smith explained that it was in the old ordinance but somehow it got struck through the process. So, you're starting to see it now where their leaving and piling up stuff out on the road side. They're using up storage space rather than selling it. So, what happens is it becomes a junkyard de facto of storage in the front yard. So, we're reinstating what used to be in the old ordinance to alleviate junk piling up in yards and depreciating the neighborhood.

Joy Gagnon inquired if green space was for commercial uses. J. Smith stated that green space applies to everyone and to any new property that's being installed residential, commercial, anybody. The old ordinance, we made it better. The old ordinance, you had to keep a tree wooded buffer around the entire perimeter of the property. We now classify this green space. Green space is broader. It could be open space, grass, stone, whatever. The whole purpose is that you don't infringe upon your neighbors with junk. The old ordinance was never enforced that's why you don't see it. We've had people come to us and complain and want us to enforce it. The problem is when something has been neglected for years and then it starts to get selectively enforced, that's being selective enforcement and that will be challenged in court, or it could be and has been and the town will lose. That's why we improved it through the Zoning Revision Committee last year for green space.

Joy Gagnon inquired if it's specifically the front yard or is it more the space between the front yard and the road. J. Smith stated it's the setback area and depending upon the zone that varies.

Dallas Emery commented that the front setback area was never included in anything. The fronts have always been open, and the green space was only and the tree buffer was only between lots. J. Smith stated he doesn't want to debate the issue; this is not a debate.

Chairman Cohen suggested to Dallas that for any of the proposed ordinances that he objects to can you just say. Dallas Emery interrupted the Chairman stating that's not true. J. Smith commented but it was. Chairman Cohen stated we appreciate your input and I wish more people had input. But we can speed the meeting up if we understand that you don't like the principle of the whole thing. Dallas Emery commented OK, but I just wanted to say that what J. Smith said was not true. J. Smith asked the Chairman Cohen to shut the discussion down because he's now calling me a liar. Chairman Cohen told Dallas Emery that your point is on record.

B. Stuart commented because I've been absent, Madam Chair, were there public hearings when we were writing these? They were reviewed during public hearing. Did you attend those, Dallas? Dallas Emery confirmed he did. Stuart asked Dallas Emery if he brought up his concerns. Dallas Emery confirmed he had.

Stuart stated, "I just don't want to take up four hours of time tonight with something that's already been reviewed." Dallas Emery stated, he's not doing anything that anybody else should be able to do. Stuart commented, I'm just saying if you brought this up at the public hearing already, I don't think now is the need to... Dallas Emery stated, "So they don't know what I said." Stuart noted then they should have attended the meetings.

A **Motion** by Fischbein to recommend to the voters the proposed amendments to Article 8.2 as submitted. Barron seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed (6-0-0)**

Amendment modifies ARTICLE IX – "DISCONTINUANCE AND EXPIRATION OF ~~LIGHT INDUSTRIAL~~ USE," by removing Industrial Use from Section 9.1 and 9.2. and adding verbiage to clarify. **Administrative change to remove because not restricted to Industrial Use**

ARTICLE IX – DISCONTINUANCE AND EXPIRATION OF ~~LIGHT INDUSTRIAL~~ USE

9.1 EXPIRATION OF APPROVAL

If the ~~industrial~~ use has not commenced within two (2) years of **final approval**, the approval for such use shall be null and void. (~~Amended March 14, 2017~~)

Chairman Cohen called for Discussion: None Heard.

A **Motion** by Stuart for the Planning Board to recommend to the voters the proposed amendments to Article 9.1 **EXPIRATION OF APPROVAL** and the proposed amendments. Barron seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed (6-0-0)**

9.2 DISCONTINUANCE; EFFECT

If the ~~Industrial~~ use is discontinued for two (2) years **or more**, said use shall be deemed abandoned. (Amended ~~March 14, 2023~~ **March ??, 2024**)

Chairman Cohen called for Discussion: None Heard.

A **Motion** by Stuart for the Planning Board to recommend to the voters the proposed amendments to Article 9.2 **DISCONTINUANCE; EFFECT** and the proposed amendments. Barron seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed (6-0-0)**

Amendment modifies "ARTICLE XI - **GENERAL REQUIREMENTS**," Sections –11.2.1, 11.2.3, 11.2.4, add 11.2.4 (a), and amends regulations concerning Purpose and General Requirements, strikes Article 11.2.2 and 11.2.6 and rennumbers each criteria.

11.2 GENERAL REQUIREMENTS

~~Cluster Developments may not be required to conform to the minimum frontage and lot size requirements of the Rural District but may be designed as provided by the provisions of this Article.~~

11.2.1. The total land area included within the development shall be a minimum of (~~10~~ **5**) acres **with 25% of land left for open public space**. (Amended ~~March 14, 2023~~)

~~11.2.2. The total number of lots shall not exceed the number of lots normally permitted in the Rural District as determined by regular subdivision layout using Tables 2 and 3.~~

~~(Amended March 14, 2023)~~

11.2.3. ~~11.2.2~~ The parcel to be subdivided shall have a minimum of ~~four~~ 200 hundred (~~400~~ 200) feet of frontage on Class V or better road and shall comply with the provisions of Article VII of this Ordinance regarding waterfront access, if applicable.

11.2.4. ~~11.2.3~~ The cluster development shall be served by a community water and sewer system if not on the municipal water and sewer system unless the soil conditions will permit individual on-site systems.

11.2.5. ~~11.2.4~~ Individual lots shall comply with the dimensional requirements for the Village District in accordance with Table 2 of this Ordinance.

~~11.2.4 (a) In all districts except the Village District the entire perimeter of the cluster development shall have a 25ft. green space around it.~~

~~11.2.6. The minimum width of open space between any cluster of lots or sites and the property boundary, and between every two (2) clusters of lots or sites within the development shall be no less than one hundred (100) feet and with no more than eight (8) lots in each cluster.~~

~~(Amended March 14, 2023)~~

11.2.7. ~~11.2.5~~ All developments shall have at least one (1) entrance upon a Class I thru Class V public road and no more than one (1) entrance per eight hundred (800) feet of frontage on said public road.

11.2.8. ~~11.2.6~~ All roads within a development shall be constructed to Town standards.

11.2.9. ~~11.2.7~~ Pedestrian walkways shall be provided, where practical, for separation of pedestrian and vehicular traffic.

11.2.10. ~~11.2.8~~ The area which has not been built upon shall be consolidated into open space accessible from a road and shall be held in corporate ownership by the owners within the development. (Amended March 14, 2023)

11.2.11. ~~11.2.9~~ The open space shall be designed as an integral part of the development and used for recreation, conservation or park purposes. Such open space may be used to accommodate the community water supply and septic systems. (Amended March 14, 2023)

~~11.2.10~~ The developer shall include in the deed to the owners, beneficial rights in said open space and any use of the open space shall be for the benefit for the owners. (Amended March 14, 2023)

Chairman Cohen called for Discussion: Joy Gagnon requested clarification on Article “~~11.2.4 (a) In all districts except the Village District~~” does that mean that area does not get green space. J. Smith explained the Village District setbacks are very shallow your allowed to go within 10 ft. of the property boundary while every other zone is 25 ft. or more depending upon commercial, abutters, recreational, etc. This ordinance is to ensure the green space buffer in all zones except the Village District.

A **Motion** by Fischbein to recommend to the voters the proposed amendments to Article 11.2 as submitted. Barron seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed (6-0-0)**

Amendment modifies **ARTICLE XV - RECREATION CAMPING PARK PERFORMANCE STANDARDS** and amends regulations by requiring an approved Site Plan Review.

ARTICLE XV - RECREATION CAMPING PARK PERFORMANCE STANDARDS

A Recreational Camping Park shall be an approved lot on which two or more tents, recreational vehicles or trailers are used as temporary living quarters for recreation or education, and a fee is charged

for such land use. **Planning Board approval of a Site Plan Review must be granted.**

Chairman Cohen called for Discussion: None heard

A **Motion** by Barron to recommend to the voters the proposed amendment to Article XV - **Recreational Camping Park** as submitted. Fischbein seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed (6-0-0)**

Amendment creates ARTICLE XXII – SHORT TERM RENTALS.

ARTICLE XXII – SHORT TERM RENTALS
(Added March ??, 2024)

Chairman Cohen called for Discussion: Ed MacDonald inquired how the Zoning Officer would enforce the ordinance. J. Smith explained the Zoning Ordinance is passed by the people, enforced by the Board of Selectmen, and the Zoning Officer is an agent for the Board of Selectmen.

Ed MacDonald explained the Home Owners Association states you have to own your home for two years before you are allowed to rent it. Ed MacDonald inquired how the zoning ordinance would work together with the HOA regulations with permitting, since the Town is not going to know that HOA's have this regulation and will it create a conflict. J. Smith stated the own has no authority to enforce HOA rules. It's up to the individuals within the HOA's to comply with the HOA rules. If the individual applies with the Town for a permit and the HOA deems it invalid per HOA rules; the HOA will have to enforce with the homeowner per HOA policy. Ed MacDonald inquired how the HOA will know that the homeowner has received permitting through the town. J. Smith stated the HOA can call the Zoning Office and it can be looked up in the computer. Town permitting does not override HOA Regulations and permitting.

Joy Gagnon inquired about not allowing tents, campers or RV in the yard. J. Smith stated during discussions the Planning Board did not want to allow camper, tents or RV's for STR. Joy Gagnon questioned whether that should be a separate article added. Fischbein inquired if a petition warrant article could be submitted stating if the proposed article XXII – Short Term Rental passes on election day; an article could be created changing that one line. J. Smith confirmed that the deadline for submitting petition article has past. So, if Article XXII – Short Term Rental passes, they would have to wait until next year to make any changes to the article. Joy Gagnon inquired about becoming a camping park. J. Smith noted that is an involved process through Article XV and there are a lot of state requirements to comply with also.

Katherine Alexander inquired if the Town Attorney has reviewed these changes for compliance in light of the Conway Daily Sun article noting that the Town of Freedom lost their court case concerning "grandfathering status." Discussion ensued with the Zoning Officer Jonathan Smith stating in 2020 the state created the Housing Appeals Board to help facilitate the zoning and planning appeals process to alleviate congestion at the Superior Court level. The Housing Appeal Board expedites the cases and ruled that the zoning ordinance in Freedom does not apply to pre-existing lawful Short Term Rentals. The rule was not against the ordinance but that it does not apply to a lawful pre-existing use.

Katherine Alexander inquired what the Town was doing to prevent any lawsuits stemming from the STR proposed ordinance. The secretary explained that once the Planning Board votes to recommend or not recommend the proposed ordinance to the voters; the secretary will send the proposed ordinances to the Town Attorney to review for compliance and to put into legal terms to go on the ballot. So, by the time it goes to the voters it has gone through legal review. Discussion ensued.

Dave Spirito inquired if the expectation is the existing STR will be “grandfathered” and the proposed new STR ordinance will not be applicable or is the expectation that this will be applied to everyone. J. Smith commented based on the most recent court case, unless it changes, if you have a legal, lawful STR the Town would have no jurisdiction to go after them for violation. J. Smith clarified that “Legal and Lawful” means they have their meals and room tax ID number, actively advertising, they have signed paperwork, etc. The owner cannot just say they’ve been renting a short term rental. Dave Spirito questioned that there have been no STR regulations or ordinance until now. J. Smith stated no this is the first. Dave Spirito noted they may be paying a meals and room tax but the Town is not aware that they may be renting it to too many people or their septic systems are adequate. Dave Spirito clarified with the Board that this proposed ordinance will not impact them. Fischbein commented not until they sell their property, then the new owner, if they choose to have STR; the new owners would have to comply with the current zoning ordinances at that time. J. Smith noted that Fischbein’s comment is based on the most recent court case but that could change if Freedom decides to appeal the ruling or it goes to the Supreme Court.

Fischbein noted most of the proposed zoning ordinance requirements for STR is to ensure life safety measures. Ultimately, the Board hopes that homeowners that are renting their homes are taking that precaution as well. We have seen a lot of STR’s that bedrooms in the basement with no egress, which is extremely dangerous in the event of a fire.

Joy Gagnon inquired how this will impact someone who has a house and wants to rent it to family for the winter, is that still considered a short term rental. The Board noted under the definition a short term rental is for less than 30 days.

Ed MacDonald inquired about enforcing occupancy capacity if someone has 20 people staying in a 2 bedroom home and their only allowed to have 6 people based on the ordinance, how will this be enforced. J. Smith stated they could call the zoning officer or call the police department, who would generate a report. The report would be submitted to the Selectmen and the Selectmen who have the Zoning Officer could do a follow up and take enforcement action.

Fischbein stated they have several complaints of renters abusing the number of people allowed and that is impacting the neighbors property values. Ed MacDonald commented that it’s impacting the water systems.

Katherine Alexander asked how the Town will enforce capacity. J. Smith stated if there is a STR on file and it states they are limited to 6 people but if there is 10 people then their in violation. The permit limits how many can be there at any given time during the day or night.

Discussion ensued over the reasoning for not allowing campers, RV’s and tents, and maintaining septic system capacity. J. Smith commented that if somebody does not like an ordinance they have the power to do a zoning amendment.

Dave Spirito inquired how this court ruling will affect Ossipee’s proposed ordinance. J. Smith confirmed based on the outcome of Freedom’s court case, yes, because it has now set a precedence. But there could be an appeals process that could eventually take it up to the Supreme Court. But until there is a change the Town would be foolish to try and enforce the ordinance on existing STR’s.

Stuart stated the key word the Board is trying to get across is “lawful.” Smith and Cohen agreed the STR must be a legal and lawful pre-existing STR. Stuart addressed Dave Spirito and thanked him for bringing his situation to the Board and that the Board took his complaint seriously and have acted upon it. Dave Spirito was appreciative of the Board’s efforts.

Katherine Alexander commented that it’s a delicate balance of what the Board is trying to achieve by being

Careful with the wording. Katherine Alexander praised the Planning Board for trying to be fair when creating this ordinance and trying to take everyone's view into consideration.

A **Motion** by Fischbein to recommend to the voters the proposed addition of Article XXII – Short Term Rentals. Barron seconded. No further discussion. A unanimous vote was taken by a show of hands. **Motion passed (6-0-0)**

Amendment modifies Article XXIV – “Administration, Enforcement and Penalty,” Section 24.1.1(a) **and adding (e).**

24.1.1 BUILDING AND ZONING PERMITS

(Added March 1995; Amended March 2006, 2010, 2018, 2023, 2024)

a) The issuance of a permit by the Town Authority (Zoning Enforcement Officer or Building Inspector) is required prior to the **placement**, commencement of construction or modification of any structure within the Town of Ossipee except for **detached accessory structures** ~~sheds~~ of 120 Sq ft or less **and a maximum height of 12 ft**, fences 7ft and under, general repairs that do not involve structural repairs or changes.

Chairman Cohen called for Discussion: None heard.

e) **If there is a known zoning violation, no new building permit shall be issued.**

Chairman Cohen called for Discussion: None heard

A **Motion** by Stuart to recommend to the voters the proposed amendment to Article 24.1.1 (a) and (e) as submitted. Fischbein seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed (6-0-0)**

Amendment modifies **ARTICLE XXXIII – “DEFINITIONS,”** by amending or adding definitions.

Per Housing Contractor ~~– **ACCESSORY APARTMENT:** Lodging as an accessory use to a single family dwelling. The accessory apartment shall be an integral part of, or connected to, the single family dwelling and be no larger than one thousand (1000) square feet or thirty (30) percent of the inhabitable floor area of the single family dwelling, whichever is smaller. (Amended March 2005)~~

ALLOWED OCCUPANCY: Is the number of guests allowed in a permitted STR. Occupancy calculation is two people per bedroom approved by NH Department of Environmental Services Subsurface Division for septic capacity plus two. Number of beds in the STR is not the measure of allowed occupancy.

CLUSTER DEVELOPMENT: Is a division of land into sites or lots used, or available for use, as residential building sites for single detached one family dwellings or other lawful buildings where such lots are clustered together into one or more groups, separated from adjacent property and other groups of lots by intervening common land.

DWELLING: A building or portion thereof designed for **permanent** residential occupancy **beyond 30 consecutive days**, including single family, two-family and multiple family, but not including hotels, motels, **short term rentals** or rented rooms in lodging houses or similar uses.

HOME OCCUPATION: Any income-producing use conducted **and contained completely within** a dwelling and/or accessory building by the residents and their employees that is secondary to the residential purposes and does not change the character of the building or the character of the neighborhood.

MOTOR VEHICLE: A vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used on public streets, roads, or highways, but does not include a vehicle, machine, tractor, trailer, or semitrailer operated only on a rail line or custom harvesting farm machinery.

RECREATIONAL VEHICLE: A recreational vehicle means any of the following vehicles:

- 6) Recreational Vehicles must meet NFPA 1192 or be certified by the RV industry Association.

SEPTIC APPROVAL: Means a copy of the official NHDES approval for the septic system located at the applicant's property.

SHORT-TERM RENTAL: Is any unit individually or collectively owned single family house or dwelling unit or any unit or group of units in a condominium, cooperative, or timeshare, or owner-occupied residential home, that is offered for a fee for less than 30 consecutive days, and that is not considered a commercial tourist accommodation per RSA 48-A:1. **Exclusion**: Campers, camping trailers, yurts and tents do not meet this definition and shall not be rented as a STR.

STRUCTURE, Accessory ~~TEMPORARY~~: A ~~temporary or~~ portable canopy, carport, garage, shed, shelter or tent, chicken coop, treehouse, playhouse and other similar uses. An ~~temporary~~ accessory structure shall be subject to all setbacks and shall have the same setback requirements as an accessory building. Accessory structures are permitted in all zones without a primary structure. (Added March 13, 2018) (Amended ~~March 14, 2023~~)

TRAILER: An unpowered vehicle towed by a motor vehicle

TRANSIENT: A person who is staying or working in a place for only a short time of less than 30 days.

Chairman Cohen called for Discussion: None heard

A **Motion** by Fischbein to recommend to the voters the proposed amendment to Article XXXIII - Definitions as submitted. K. Eldridge seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed (6-0-0)**

Amendment modifies ARTICLE XXXIV – “TABLE 1 – CHART OF USES”, Section 34.1 **(i) to add Cluster Development** to Residential Uses and permitted in all zones.

Discussion: Fischbein commented that this is the Board's attempt to spark housing and correcting an omission.

A **Motion** by Fischbein to recommend to the voters the proposed amendment to ARTICLE XXXIV – “TABLE 1 – CHART OF USES”, Section 34.1 **(i) to add Cluster Development** to Residential Uses and permitted in all zones. K. Eldridge seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed (6-0-0)**

Amendment modifies ARTICLE XXXIV – “TABLE 1 – CHART OF USES”, **Section 34.2 (d) Bed and Breakfast** to amend the allowability of Commercial use in the Rural District without a Special Exception.

Chairman Cohen called for Discussion: None heard

A **Motion** by Stuart to recommend to the voters the proposed amendment to ARTICLE XXXIV – “TABLE 1 – CHART OF USES”, **Section 34.2 (d) Bed and Breakfast** to amend the allowability of Commercial use in the Rural District without a Special Exception. Fischbein seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed (6-0-0)**

Amendment modifies ARTICLE XXXIV – “TABLE 1 – CHART OF USES”, **Section 34.2 (w) Storage** to amend the allowability of Commercial Use and add a new use.

Last year when the Planning Board split Warehouse/ Storage to create Storage Unit Facilities, they inadvertently eliminated Storage altogether. This is adding Storage back into the Chart of Uses and Description of the Permitted Uses.

Chairman Cohen called for Discussion: None heard

A **Motion** by K. Eldridge to recommend to the voters the proposed amendment to ARTICLE XXXIV – “TABLE 1 – CHART OF USES”, **Section 34.2 (w) Storage** to amend the allowability of Commercial Use and add a new use. Barron seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed (6-0-0)**

Amendment modifies ARTICLE XXXIV – “TABLE 1 – CHART OF USES”, **Section 34.3 (a) Churches P and add (3)** in the Village district to correct an administrative oversight.

Chairman Cohen called for Discussion: None heard

A **Motion** by Fischbein to recommend to the voters the proposed amendment to ARTICLE XXXIV – “TABLE 1 – CHART OF USES”, **Section 34.3 (a) Churches, add P(3)** in the Village district to correct an administrative oversight. Barron seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed (6-0-0)**

Amendment modifies ARTICLE XXXIV – “TABLE 1 – CHART OF USES”, **Section 34.6 (h)** to add a new accessory use of Short Term Rentals and permitted in all zones.

Chairman Cohen called for Discussion: None heard

A **Motion** by Fischbein to recommend to the voters the proposed amendment to ARTICLE XXXIV – “TABLE 1 – **CHART OF USES,**” **Section 34.6 (h)** to add a new accessory use of Short Term Rentals and permitted in all zones. K. Eldridge seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed (6-0-0)**

Amendment modifies ARTICLE XXXV – “DESCRIPTION OF PERMITTED USES,” Sections – **35.1 (b), Residential Uses** and amends regulations concerning Two Family Dwelling by loosening the restriction.

35.1 RESIDENTIAL USES

b) Two Family Dwelling - A residential building designed for or occupied by two families living independently of each other in individual dwelling units, commonly referred to as a duplex. ~~Lot size for the first unit shall comply with the dimension requirements of Table 2 with the additional lot size for the second unit complying with the requirements of Table 3. (Amended March 14, 2023)~~

Chairman Cohen called for Discussion: None heard

A **Motion** by Stuart that the Planning Board recommend to the voters the proposed amendment to ARTICLE XXXV – “DESCRIPTION OF PERMITTED USES,” **Sections – 35.1 (b), Residential Uses** as submitted. Fischbein seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed (6-0-0)**

Amendment modifies ARTICLE XXXV – “DESCRIPTION OF PERMITTED USES,” **Sections – 35.1 (i), Residential Uses** and amends regulations by **adding Cluster Development**.

35.1 RESIDENTIAL USES

- i. **CLUSTER DEVELOPMENT:** Is a division of land into sites or lots used, or available for use, as residential building sites for single detached one family dwellings or other lawful buildings where such lots are clustered together into one or more groups, separated from adjacent property and other groups of lots by intervening common land. (Shall comply with Article XI)

Chairman Cohen called for Discussion: None heard

A **Motion** by Barron to recommend to the voters the proposed amendment to ARTICLE XXXV – “DESCRIPTION OF PERMITTED USES,” **Sections – 35.1 (i), Residential Uses** and amends regulations by **adding Cluster Development**. Fischbein seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed (6-0-0)**

Amendment modifies ARTICLE XXXV – “DESCRIPTION OF PERMITTED USES,” **Sections – 35.2 Commercial Uses** by adding a requirement, **35.2 (l)** amends the allowability of uses, and **adding (w)** which reinstates a use.

35.2 COMMERCIAL USES - Planning Board approval of a site plan must be granted.

Chairman Cohen called for Discussion: None heard

A **Motion** by Stuart to recommend to the voters the proposed amendment to ARTICLE XXXV – “DESCRIPTION OF PERMITTED USES,” **Sections – 35.2 Commercial Uses** by adding a requirement of receiving Site Plan Review approval from the Planning Board. Fischbein seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed (6-0-0)**

35.2 COMMERCIAL USES - Planning Board approval of a site plan must be granted.

- l) Salesroom - Business with the primary purpose to sell **or rent** automobiles, boats, motorcycles, trucks, snowmobiles, farm equipment or other large objects and which has outdoor display and storage of the objects.

Chairman Cohen called for Discussion: None heard

A **Motion** by Stuart to recommend to the voters the proposed amendment to ARTICLE XXXV – “DESCRIPTION OF PERMITTED USES,” **Sections – 35.2 (l)** amending the allowability of uses. Fischbein seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed (6-0-0)**

35.2 COMMERCIAL USES - Planning Board approval of a site plan must be granted.

- w) **Storage:** The storage of boats, materials, merchandise, products or equipment containing no assembly, repair, or other incidental facilities, provided that such use is not hazardous by reason of potential fire, explosion or radiation.

Last year when we split Warehouse/ Storage to create Storage Unit Facilities, we inadvertently eliminated Storage altogether. This is adding Storage back into the Chart of Uses and Description of Permitted Uses.

Chairman Cohen called for Discussion: None heard

A **Motion** by Fischbein to recommend to the voters the proposed amendment to ARTICLE XXXV – “DESCRIPTION OF PERMITTED USES,” **Sections – 35.2 (w)** by reinstating Storage as a use. K. Eldridge seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed (6-0-0)**

Amendment modifies ARTICLE XXXV – “DESCRIPTION OF PERMITTED USES,” **Sections – 35.3**, and amends regulations for Industrial Uses by requiring an approved Site Plan Review.

35.3 INSTITUTIONAL USES - Planning Board approval of a site plan must be granted.

Chairman Cohen called for Discussion: None heard

A **Motion** by Barron to recommend to the voters the proposed amendment to ARTICLE XXXV – “DESCRIPTION OF PERMITTED USES,” **Sections – 35.3** and amends regulations for Industrial Uses by requiring an approved Site Plan Review. K. Eldridge seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed (6-0-0)**

Amendment modifies ARTICLE XXXV – “DESCRIPTION OF PERMITTED USES,” **Sections – 35.4 (a) (2)** and adding new uses.

35.4 OPEN SPACE USES

a) Agricultural & Livestock Uses - Orchard, market garden, nursery, dairy farm, commercial animals, poultry, livestock, or other commercial agricultural activity is allowed in all districts as an accessory use per Zoning Ordinance 34.6 and 35.6 (d), 1 and 2. Home gardening is allowed in all districts as an accessory use including poultry, livestock, and other farm animals. The following restrictions are for commercial operations only. (Amended March 14, 2023)

2) **An Accessory Building is allowed per lot for housing of farm animals and/or farm equipment.**

Chairman Cohen called for Discussion: None heard.

A **Motion** by Barron to recommend to the voters the proposed amendment to ARTICLE XXXV – “DESCRIPTION OF PERMITTED USES,” **Sections – 35.4 (a) (2)** and adding new uses. K. Eldridge seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed (6-0-0)**

Amendment modifies ARTICLE XXXV – “DESCRIPTION OF PERMITTED USES,” **Sections – 35.6 (f)** and adding a new use.

35.6 ACCESSORY USES

(f) Temporary structures – An applicant may receive a building permit/ **RV-Tent** permit for one (1) year for a temporary structure/recreational vehicle while building or re-constructing a residential structure if the temporary structure/recreational vehicle meets all New Hampshire, federal, and local requirements. The applicant may receive a one (1) year renewal of the building permit/**RV-Tent** permit if in the judgment of the Code Enforcement Official the applicant has made substantial construction progress.

For a second renewal, the applicant must apply to the Zoning Board of Adjustment for a Special Exception.

Discussion: Barron inquired why the Board is asked to propose this change. J. Smith explained that for someone wanting to build a new home is allowed to obtain a camper permit (valid for 1-year) to have and occupy a RV/Tent while construction of the new home is taking place.

A **Motion** by Barron to recommend to the voters the proposed amendment to ARTICLE XXXV – “DESCRIPTION OF PERMITTED USES,” **Sections – 35.6 (f)** and adding a new use. Fischbein seconded. No further discussion. A unanimous vote was taken by a show of hands. **Motion passed (6-0-0)**

Amendment modifies ARTICLE XXXV – “DESCRIPTION OF PERMITTED USES,” **Sections – 35.6 (g)** and adding a new use.

35.6 ACCESSORY USES

g) **Refer to Sign Ordinance Regulations (Amended March 14, 2023)**

Chairman Cohen called for Discussion: Discussion: Jonathan Smith questioned why this ordinance is being proposed because it was approved by the Town’s people last year. The secretary thought that J. Smith had sent it to her but it was an administrative oversight. After discussion the Planning Board motioned to strike this from the list of proposed changes.

A **Motion** by Stuart for ARTICLE XXXV – “DESCRIPTION OF PERMITTED USES,” **Sections – 35.6 (g)** to strike this ordinance from the list of proposed changes. Barron seconded. No further discussion. A unanimous vote was taken by a show of hands. **Motion passed (6-0-0)**

Amendment modifies ARTICLE XXXV – “DESCRIPTION OF PERMITTED USES,” **Sections – 35.6.(h) - Accessory Uses** by adding the use of Short Term Rentals.

35.6 ACCESSORY USES

h) **Short-Term Rental - Is the provision of transient lodging for compensation in the primary dwelling unit on a lot in Ossipee for stays less than 30 consecutive days, and where the dwelling unit would normally be considered a residential living unit not associated with regulated commercial activities such as a hotel, motel, or bed-and-breakfast per RSA 48-A:1. Exclusion: Campers, and camping trailers and tents do not meet this definition and may not be rented as a STR.**

Chairman Cohen called for Discussion: None heard

A **Motion** by Fischbein to recommend to the voters the proposed amendment for ARTICLE XXXV – “DESCRIPTION OF PERMITTED USES **Sections – 35.6 (h) - Accessory Uses** by adding the use of Short Term Rentals. K. Eldridge seconded. No further discussion. A unanimous vote was taken by a show of hands. **Motion passed (6-0-0)**

Chairman Cohen closed the public hearing on the proposed zoning ordinance changes at 8:08 pm. Stuart thanked all those involved with putting these proposed changes together. A brief recess ensued while several attendees were exiting the building. Chairman Cohen moved forward with the Regular Planning Board meeting.

Regularly Scheduled Meeting

Sharon “Sharie” Cohen, Chairman called the Regular Meeting to order at 8:10 PM

Meeting Minutes: Review to approve Meeting Minutes of November 7, 2023, November 21, 2024 and January 2, 2024.

A **Motion** by Fischbein to approve the Meeting Minutes of November 7, 2023 as submitted, Stuart seconded. No discussion. B. Ames, Fischbein, Stuart and Cohen voted to approve. Barron and Eldridge abstained. **Motion Passed.**

A **Motion** by Eldridge to approve the Meeting Minutes of November 21, 2023 as submitted. Fischbein seconded. No discussion. Eldridge, Fischbein, Stuart and Cohen voted to approve. Barron and B. Ames abstained. **Motion Passed.**

A **Motion** by Barron to approve the Meeting Minutes of January 2, 2024 as submitted, Fischbein seconded. No discussion. B. Ames, Fischbein, Barron, Eldridge and Cohen voted to approve. Stuart abstained. **Motion Passed.**

Unsatisfied Conditions:

- **Case #24-02-SPRA:** Veterinary Urgent Care of NH c/o Amanda Flagg & Megan Witt. Owner: White & Brown Dog, LLC of 2025 Route 16, Tax Map: 024 Lot: 001

1. Pending: Fire Chief's letter – [Received on 01/06/2024](#)

A **Motion** by Fischbein to accept the receipt of the Fire Chief's letter and to remove this condition from the list of Unsatisfied Conditions. Barron seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

A **Motion** by Fischbein for **Case #24-02-SPRA:** Veterinary Urgent Care of NH c/o Amanda Flagg & Megan Witt and Owner: White & Brown Dog, LLC of 2025 Route 16, Tax Map: 024 Lot: 001 is Granted a Final Site Plan Review Amendment to open a Veterinary Urgent Care facility in the Road Side Commercial district at the former Meadow Pond Veterinary Hospital. K. Eldridge seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

The Applicant was Noted: The Selectmen, or 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 - Appeals, available on the Town of Ossipee website.

- **Case #23-09-SPR:** Eric Clifford c/o Fire Side Lumber of 2245 Route 16. Tax Map: 014 Lot 004
 - 1 Pending: Building permit applications approval – [Issued on 12/11/2023](#)
 - 2 Pending: NHDES approved Septic Design plan by a certified septic designer – [Received on 01/09/2024](#)

A **Motion** by Fischbein to accept the receipt of the NHDES approved Septic Design and to remove this condition from the list of Unsatisfied Conditions. Barron seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

A **Motion** by Fischbein for **Case #23-09-SPR:** Eric Clifford c/o Fire Side Lumber of 2245 Route 16. Tax Map: 014 Lot 004 is **Granted a Final Site Plan Review** to have a 30ft. x 42ft. building with front office space and storage of lumber for sale. The front 16 ft. x 30 ft. will be for office space with the remaining 26 ft. x 30 ft. barn storage for lumber and a 14 ft. x 26 ft. front lean-to. Also, putting a roof over the existing sign with down cast lights to enhance curbside appeal. Provided All Federal, State and Local Regulations and Permits shall be followed. K. Eldridge seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

*The Applicant was **Noted**: The Selectmen, or 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 - Appeals, available on the Town of Ossipee website.*

Unfinished Business:

- **Master Plan:** Housing Chapter Discussion continues...

Bruce Stuart reported he has sent in all the reviews and updated the HOPS. Stuart spoke with Carol Ogilvie, who is going to bring before the steering committee to approach the Board's request to use the remaining approximate \$8,000.00 of grant funds to parole' for additional chapters of the master plan to be completed provided they are related to the Housing Chapter. Carol Ogilvie and the steering committee believe this will be possible.

Non-Public Session: Per RSA 91-A:3, II(c)

A **Motion** by Chairman Cohen to enter into a Nonpublic Session at 8:20 pm under Specific Statutory Reason cited as foundation for the nonpublic session: RSA 91-A: 3, II (c) *Matters which, if discussed in public, would likely adversely affect the reputation of any person, other than a member of this board.*, Stuart seconded. A roll call vote was taken as follows:

Roll Call Vote to enter into a nonpublic session:

Sharon "Sharie" Cohen	Y or N	Bruce Stuart	Y or N (Absent)
Ash Fischbein	Y or N	Brian Ames	Y or N
Roy Barron	Y or N	Krystal Eldridge	Y or N

The attending audience was asked to leave the meeting room during the non-public session.

A **Motion** by K. Eldridge to leave the nonpublic session and return to public session. Barron seconded the motion. No discussion. **Motion passed unanimously.**

Public session reconvened at 8:31 p.m.

A **Motion** by Fischbein was made to seal the minutes because it would likely adversely affect the reputation of any person, other than a member of this board. B. Ames seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

New Business: N/A

Next Meeting: **February 6, 2024: @ 7:00 pm at the Freight House**

NHMA Zoning Ordinance Deadlines:

- **Monday, January 22, 2024**

Last day to hold first public hearing on adoption or amendment of zoning ordinance, historic district ordinance or building code if a second public hearing is anticipated. [RSA 675:3 – 14 days prior to last date to hold public hearing on zoning/building/historic district ordinance amendment/adoption on February 5]

- **Thursday, January 25, 2024**

Last day to post and publish notice of final planning board public hearing on proposed adoption or amendment to zoning ordinance, historic district ordinance or building code. [RSA 675:3; 675:7 – 10 clear days before February 5]

- **Monday, February 5, 2024**

Last day for planning board to hold final public hearing on adoption or amendment of zoning ordinance, historic district ordinance or building code. Planning board must also determine final form. [RSA 675:3 – one day before deadline for delivery of final zoning/building/historic ordinance ballot proposals to town clerk on February 6]

- **Tuesday, February 6, 2024**

Last day for official copy of final proposal to adopt or amend zoning ordinance, historic district ordinance or building code to be placed on file at the town clerk's office. [RSA 675:3, V-fifth Tuesday before town meeting]

Any Other Business Which May Come Before This Meeting: Chairman Sharon “Sharie” Cohen called for any other business. None heard.

Chairman Sharon “Sharie” Cohen called for a motion to adjourn.

Adjournment:

A **Motion** by R. Barron to adjourn. B. Stuart seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

Meeting adjourned at 8:33 PM.

Minutes approved by majority vote of the Board on –

Date

Sharon “Sharie” Cohen, Chairman
Ossipee Planning Board

Bruce Stuart, Vice - Chairman
Ossipee Planning Board