

OSSIPEE PLANNING BOARD
Meeting Minutes
April 2, 2024

Minutes have been recorded for the convenience of summarization by Laura Nash, Boards & Commissions Secretary. Effective February 20, 2024, all recordings will be stored until further notice. Once the board accepts the written minutes, they become the official record of the meeting; 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, Ash Fischbein, Connie Billings, Katherine Alexander, Tracy ***Fernandes*** (Selectmen’s Ex-Officio), Jonathan Smith (ZEO), Bruce Stuart (MP Administrator) and (**Alternate Vacancy Available**)

Absent: Brian Ames and Krystal Eldridge

Other Attendees: Roy Barron, Glenn & Patty Stewart of Abbott Lane, Justin Fernandes of Newman Drew Rd., Lynn & Mike Durand of East Side Dr., Fred & Paula McLaughlin of Concord, Kevin & Deborah Randall of Leavitt Rd., James & Cynthia Walker of Londonderry, and Allan & Penny Brown of Sharon, NH.

Welcome New Members: Connie Billings and Katherine Alexander

- **Elect Chairman:**

A **Motion** by Billings nominating Sharie Cohen as Chairman. Sharie Cohen was asked if she would accept the position. Cohen stated she would prefer to relinquish the position and hand it over to someone else on the Board.

Kate Alexander expressed if no one else wanted the position she would volunteer. Cohen thanked her but since she is new the Board it’s best if she just observes for her first year.

Billings withdrew his motion.

A **Motion** by Cohen nominating Ash Fischbein as Chairman of the Planning Board. Ash Fischbein accepted the nomination. Fischbein seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion Passed.**

Chairman Fischbein assumed the Chairman role and called for nominations for Vice-Chairman.

- **Elect Vice Chairman:**

A **Motion** by Fischbein nominating Cohen as Vice-Chairman to the Planning Board. Cohen accepted the nomination. Billings seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion Passed.**

- **Elect Board Secretary:** Chairman Fischbein stated that Krystal Eldridge could not attend tonight’s meeting but would accept the nomination as Secretary if someone nominates her.

A **Motion** by Fischbein nominating Krystal Eldridge as Secretary to the Planning Board. Billings seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion Passed.**

- **Appoint Authorized Agent:** for gravel pit inspections. Chairman Fischbein stated that we also have to appoint a new gravel pit inspector.

Barron spoke out stating actually with the Regulator the Board does not have to appoint until he resigns or the Board votes him out. Barron stated that's how the rules are written and he has not had to have been voted back in for the past 5 years.

Chairman Fischbein inquired if there was a reason why the Board would want to vote Barron out of the position as an authorized agent of the gravel pits and appoint someone else. Is there anyone interested in becoming the gravel pit inspector. Barron asked Chairman Fischbein to explain the difference between an inspector and the regulator. Barron stated the inspector has no authority except to report to the Board but the regulator has the authority to close the pit if they're not in compliance. Barron noted he always takes a Board member with him when he does the inspections. Chairman Fischbein asked Barron, who confirmed that he's not looking to resign.

Barron acknowledged that he frequents the pits several times throughout the year and completes the inspections reports, when he remembers to do them. Chairman Fischbein commented when you remember to do them. Barron stated the he and Bruce Stuart had mistaken on the last inspection reports and he needs to redo them but there sitting in his truck and he keeps forgetting to bring them in to correct.

Chairman Fischbein inquired of Connie Billings that he has an interest in becoming the gravel pit inspector. Chairman Fischbein inquired of the Board if they see any reason to remove Barron as the authorized agent, if so, is there a motion. If not then Barron would remain as the Board appointed agent.

Cohen inquired if the inspector is the same as the regulator. The secretary stated no because per the RSA the Planning Board is always the regulator and the Board can appoint an agent.

Chairman Fischbein stated with no motions the Board will leave Barron in place. Chairman Fischbein raised concerns with Barron over not getting the inspection reports to the secretary because that's a state requirement. Barron stated that he understands and that Stuart will back him up on this and there was a mistake made that he needs to correct. Barron and Stuart plan on meeting next week to make the corrections. Barron informed the Board that when he doing the inspections; he always has a Board member with him as a means of protecting himself, the Board and Town that way the pits cannot claim of being singled out or favoriting. Stuart stated it was a clerical error on his part when the reports were initially prepared.

Barron stated that he will take Billings if want to go or whoever else wants to go. Kate Alexander stated she would love to go. Barron stated he will have the reports to the secretary before the next meeting. Barron wanted the Board to be aware of a mistake made several years ago that within the gravel pit ordinances; all skid tanks on disturbed ground has to be enclosed there is no gallon minimum limit. Barron noted that he's been telling the pits for years that as long it's under a certain amount of gallons it did not need to be contained. Barron has corrected the issue with all gravel pits except Evans Brothers because it was not mentioned as a Board and he suggested the Board send the Evans Brother's a letter explaining the rule. Billings stated that the Board did tell Evan's Brother's because they had the ***tank*** next to the pond.

Public Input: Chairman Fischbein called for any questions or discussions unrelated to any case being presented tonight. None was heard.

Meeting Minutes: Review to approve Meeting Minutes of February 20, 2024 and March 5, 2024 were table until April 16, 2024 due to not having an appropriate quorum.

Informal Discussion: N/A

Unfinished Business:

- **Master Plan:** Discussion continues on other chapters... Email from Alissa Del Tufo

Chairman Fischbein moved the Master Plan discussion until the end of the meeting.

- **Case #24-01-SPR:** Applicant - JFJ Holdings, LLC for owner, CAFUA Realty Trust, CLXIX, LLC of 924 Route 16. Tax Map: 123 Lot: 022 is **Granted a Conditional Site Plan Review** to redeveloped the properties for the construction of an 1,848 sq. ft. quick service restaurant with a drive-thru. Pending the receipt of the following conditions and provided All Federal, State and Local Regulations and Permits shall be followed:
 1. Fire Chief's Final letter of approval with Fire Chief's conditions met.
 2. NHDES Septic System Approval
 3. ADA Parking per Town specifications
 4. NHDOT Curb Cut approval
 5. Completed Traffic Analysis
 6. Victoria Perez is to supply a copy of the Associations Rules to GPT, Inc and to the Planning Board for the record
- Email received on March 20, 2024 from Ken Borden of 10 Abbott's Lane. Tax Map: 123 Lot: 018 expressing opposition to the proposed project.

Chairman Fischbein stated he would allow discussion but at this time the application for the project has received conditional approval. There are some actions that could be taken. The Board did make notifications and notices did go out to the abutters. For anyone who is against any proposed project in their neighborhood has the right to appeal within 30 days of approval which was March 5th, 2024. The secretary clarified that the appeal period is within 30 days once the applicant receives final approval. The appeal would be filed to the Zoning Board of Adjustments.

Glenn Stewart of Abbott Lane requested to speak as a resident of the Abbott Pines Association, which formed approximately 50 years ago. The property was subdivided into 10 parcels around Duncan Lake, the subdivision would be for single family residential use only. Any changes in use must be voted on by the association.

Abbott Pines Association is on a community water system and rely on their dues to help fund the maintenance and repairs and possibly replacing the well.

If this Dunkin Donuts is built as planned the project would have an adverse effect on the community due to noise, light and trash blowing on to our properties and would most likely lower our property values.

There does not appear to be any greenspace barrier or fence proposed between said property and the association properties. The other concern is the close proximity to the traffic light on Route 16 and Route 28. There is the possibility of traffic backing up through the lights due to traffic coming in all directions trying to turn into the business.

Due to these concerns the Abbott Pines Association strongly opposed to these changes and Glenn Stewart submitted a letter to be placed into the file.

Chairman Fischbein noted that the Board has no authority over HOA's and their dues. Chairman Fischbein conveyed that he is empathetic and sympathetic to their concerns. As a Board it's our job to protect property values, protect neighboring communities, and protect property rights.

Chairman Fischbein stated he addressed the traffic concerns during the public hearing for the same reasons as stated in Mr. Stewart's letter. Unfortunately, highways and driveway permits fall under the state's jurisdiction.

Chairman Fischbein addressed their concerns for greenspace and buffers. The night of the public hearing

there were a couple of other abutters present who expressed the same concerns. Chairman Fischbein noted that the abutters seemed open to conversations with the property owner.

Chairman Fischbein addressed the HOA status and hoped the mutual parties can work out a lawful solution. Mr. **Stewart** stated he has already contacted his attorney. His attorney has informed him that the new owners cannot just quit the HOA, they have to apply for separation and be voted out.

A couple of abutters complained of receiving their abutter's notices only a few days before the public hearing because they were out of state on vacation. Chairman Fischbein stated again that he couldn't be more sympathetic. But the other side is the Board is responsible for protecting property rights. People don't like being told what they can and cannot do with or on their property. But if an applicant complies with the zoning ordinances and complies with state regulations there is not much the Board can do to prevent the approval of the project.

A gentleman inquired how they were able to get a permit to merge two properties. Chairman Fischbein stated that they submitted the appropriate application, they own the lots and provided the appropriate documents for the Board consideration.

Linda ?? inquired if it was because it's commercial property. Chairman Fischbein denied stating you can merge lots. Glenn Stewart stated that it was residential property now changes to commercial property. Chairman Fischbein noted that it's not zoned residential. Linda ?? stated that it's zoned commercial but it was intended for small businesses. Chairman Fischbein noted that within the zoning ordinances is a list of what's allowed in each zone. Ossipee Zoning Ordinances are considered inclusive, so if it's listed then it's allowed. Linda ?? stated that her house is for sale now and hopes it sells before the Dunkin Donuts goes in.

Linda ?? inquired if the owners are aware that they are within an association. Chairman Fischbein explained that the applicant has a list of local and state approvals to obtain before the Planning Board can consider granting final approval. With that said the applicant cannot even out a shovel in the ground until they receive final approval from the Planning Board. Chairman Fischbein read the list of pending conditions CAFUA Realty Trust has to obtain.

Lynn Durand of East Side Dr. inquired when the traffic study would take place. Chairman Fischbein explained they will do it on one weekday – morning and night and one weekend day morning and night but he was not privy to the time period. Chairman Fischbein informed the abutting residents that once the applicant returns with all there approvals and/or permits and the would have no choice but to approve. Their option available is to appeal the decision to the ZBA and if they don't agree with the ZBA's decision, then they can appeal to Superior Court. Chairman Fischbein advised the Association residents to reach out to the property owner to have a conversation and come to an agreement that accommodates both parties.

Michael Durand suggested that the traffic study should be done on either a Friday or Sunday otherwise they are not doing anybody any justice except for the property owner. Mr. Durand conveyed to the Board his other concerns which includes the Selectmen should have a say in when the traffic study should be done, down cast lighting – which was addressed at the public hearing, Noise barrier, cutting of trees will be removing greenspace. Stuart stated he addressed the greenspace at the public hearing. Michael Durand wants the Planning Board to insist on a physical barrier between the business and the residential homes behind it.

Jonathan Smith stated he would assume the owner and/or agent would request a third party to conduct the traffic study. Chairman Fischbein stated it's actually the same engineering company of GPI, LLC but a different division of the company. Smith noted it will have satisfy state requirements. If the report was not done properly then they could request the Board of Selectmen or State Representative to get involved. Jonathan Smith gave Glenn Stewart the contact information for CAFUA Realty, LLC.

Michael Durand is requesting the Planning Board to please act in the best interest of the resident's. Otherwise, after the fact is going to make our lives a living hell. Chairman Fischbein stated the Planning Board tries to act in that capacity and on behalf of the Ossipee citizens who have entrusted their elected officials.

A question was raised about the storm water runoff and what will be done about the drainage because he's

already having drainage issues. Chairman Fischbein stated they can get a copy of the mitigation system proposed. Billings commented that the retention pond is required to be built to the 100 year flood standards. Billings stated by the Board giving a conditional approval will make it difficult to add any other restrictions or demands before final approval.

Question was asked where they can look to see when the applicant will be returning. Chairman Fischbein stated to watch for the agenda. The secretary stated the agenda is post on the Town's website, notice board at the Town Hall and the notice board at the Center Ossipee Post Office. They can also sign up through the website to receive notices when anything gets posted on the Ossipee website.

Glenn Stewart provided a copy of the Abbott Lane Association By-Laws for the Board to add to the case file and stated the first paragraph addresses the biggest problem.

New Business: Chairman Fischbein read the description of the next case being presented.

- **Case #24-02-SPR:** Edrie Sarah Ames Association, LLC. c/o Representing Agent: Mark & Jacob McConkey for 73 Circuit Rd. Tax Map: 248 Lot: 033 is seeking a Site Plan Review Major along with (8) Waiver Requests to formalize the Edrie Sarah Ames Association eleven (11) site seasonal family campground. The applicant has received NHDES Septic System approval, and NHDES State Subdivision approval. The applicant has received Ossipee ZBA Special Exception approval to have a Recreational Camping Park in the Rural district per Z.O. Article 34, Section 34.4 and a Variance approval per Z.O. Article XV, Section 15.1.1 to allow a recreational camping park to have an area of less than five (5) acres.
- Letter of opposition received 03/27/2024 from Connie West & David Hunter.
- Email received on April 2, 2024 from William Abdu of 65 & 67 Circuit Rd. Tax Map: 248 Lot: 031 & 032 expressing concerns and suggestion for the proposed project.

Point of Order: Connie Billings stated that the Board has not accepted the application and cannot move forward with the public hearing until the Board does so according to Section F page 2 of the OPD Planning Handbook.

A **Motion** by Billings not to accept the application because it's incomplete. Chairman Fischbein inquired of Billings of his findings that the application is incomplete. Billings read through each waiver request noting which section numbers he believed did not correlate with the description of being presented for the requested waiver. Billings stated that the paper record is the official record and the explanations should be in the written record not given verbally.

Chairman Fischbein requested Mark McConkey to read through and clarify each waiver being requested.

Mark and Jacob McConkey were **here** to present on behalf of their client. Jacob McConkey drafted the plans before the Board. Mark McConkey noted the base map was drawn by Land Surveyor-Paul King which has his certification stamped on the plan.

Mark McConkey gave a brief history of his background for the new members of the Board. He was the Zoning Chairman for 14 years, Planning Commission for 30 years, Septic Designers and Installers and Excavators. They present these cases to Planning and Zoning Boards within 15 Towns around Ossipee Lake and Winnepesaukee Lake.

Mark McConkey explained the sites and improvements are all done with a Total Station. The tolerance is not the same as a surveyor's, they don't claim to be a surveyor, but their representations on the plan is true and accurate. The property has been in the family for approximately 30 years, some parcels have been sold off over the years leaving the remaining lot size of 4.26 acres.

Last year plans were made for a new septic system. As part of the process, they had to and did receive State

of NH Subdivision Approval through the work done by Paul King. The McConkey's noted an omission on their plans pertaining to the scale which notes 1 inch = 30 ft. but the bar scale is incorrect. Instead of measuring 30 ft. it's actually measures 45 ft. per 1 inch. But all measurements are true to scale. McConkey provided a new scale to affix to the plans with the correct measurement.

Mark McConkey requested a copy of the letter received from the abutter earlier in the day.

Mark McConkey proceeded to read through the waivers being requested.

1. **Section 8.02.5** – per SPR application section 3 (G): Show lot layout, buildings with dimensions and elevation; setbacks; parking spaces drawn on plan, including handicap parking; (**Section 6.04.4 H 1-3**) (**Section 8.01.2**)

Mark and Jacob McConkey noted that the parking is regulated per the zoning ordinances and is restricted to a family compound. As part of the State Subdivision approval, they were trying to be respectful of the neighborhood during the septic approval and State Subdivision Approval; "***the state is requiring of the family that this cannot become a commercial property, it has to be a family compound.***" So, the state approved the state subdivision and septic plan with this condition.

Chairman Fischbein inquired this is the same reason why you're not going to have a sign. Mark McConkey noted there is a small sign that says, "You have Arrived." Jacob McConkey noted that it's commercial so there is no sign stating it's open for business.

Tracy Fernandes inquired as to difference between a commercial campground verses a family campground. Chairman Fischbein stated there is no family campground which is why they had to get a variance and asked the Zoning Officer, Jonathan Smith to respond. Jonathan Smith noted ***the family campground stays within the family and the family members pay dues and*** commercial means it's ~~not~~ going to be for rent, and it's ~~not~~ going ***to*** have daily changeover of customers.

Chairman Fischbein informed Fernandes that when a use is not listed or allowed within the zoning ordinances; they can apply to the ZBA for a variance to allow the use. Fernandes clarified that it's not an online public rental. Smith clarified if it became a commercial Airbnb, they would be violating the provisions of what was granted.

Mark McConkey moved onto the second waiver requested:

2. **Section 6.04.4 H 13:** Landscaping in harmony with surrounding area, with buffers, clearing kept to a minimum.

Mark McConkey explained that this is an existing facility with existing mature landscape, and a sideline buffer hat is shown on sheet 2. During the winter and early spring there is more visibility because of the lack of foliage and it will only be occupied for 6 months out of the year. Currently the only thing on the lot is a storage shed and 2-3 camping units.

3. **Section 6.04.4 H 9 & 8.03.4:** Storm water drainage, pre- and post-development run-off flow; snow storage areas

Mark McConkey explained it's a family compound, occupied 6 months out of the year, it's not occupied during the winter until the snow melts and most of that is not applicable. Any runoff flowing of the site is what has been happening for decades. On the road side there is a storm water culvert which passes under the driveway and a collection system that sends it across the road. The septic system being built will be covered in loam, hydroseeded, the slope is between 10 – 11%, it's mature and in place, it's not in the flood plain, it's not in the Water Resource Protection District and for these reason we request to waive this requirement.

4. **Section 8.02.3 & 6.04.4 H 15:** Erosion and sediment controls, grading not to exceed 2:1, wetland protection, if any.

Mark McConkey explained we're dealing with a campground in place, the installation of a new septic system with distribution lines to the sites and limiting tree cutting for the septic system. During the installation process they will ensure to keep the storm water runoff contained. The septic system will be covered in loam, hydroseeded, and the owners will be responsible for watering. The distribution lines will be minimal and anything that is excavated to bring the connection to each site will be back filled and compacted. If it's going through a gravel road the gravel will be replaced, but if the system is going through non-gravel location the area will be restored with native material and seeded appropriately. The only trees being cut is to install the septic system and 1-2 were cut to bring the distribution lines out in order to bring material in.

In discussion with the Fire Chief suggested having a clear elevation passing through there which will be done by removing part of the canopy and not removing any more trees.

5. **Section 6.04.4 H 16 & Section 8.02.4:** Outdoor Lighting plan showing compliance with design standards and SPR Regulations.

Mark McConkey explained the owners are using the parcel seasonally and any new lighting that is not there presently but will be installed going forward must comply with the Dark Sky Town Ordinance. In the winter there are no lights. The majority of their site are either travel trailers that are brought in or tents that they setup.

6. **Section 8.01.2 B:** Curb cut for state road, required from NHDOT.

Mark McConkey explained the property is not located on a state road. Mark McConkey referred and read a letter submitted by the Highway Director and/or Zoning Officer stating that the driveway complies with the Town ordinance. It's pre-existing and are not asking for anything new.

7. **Section 8.03.1 A:** Sewage Disposal - A. Use of Public Services.

Mark McConkey explained this property is not on Town water or sewer. They have submitted a NHDES Subsurface Construction approval which will handle the flow as designed.

8. **Section 8.03.2. A:** Flood Hazard Areas and Ground Water Protection District

Mark McConkey explained this property is not in the Ground Water Protection District. This land is capable of handling the amount of waste for the Shute's.

9. **Section 8.03.3:** Hazardous Material Storage & **Section 8.03.7:** Pollution controls (hazardous materials, noise, odor, smoke, etc.)

Mark McConkey explained this is a family seasonal campground that handles its own trash, no hazardous materials are stored on this site. There are 1-2 propane tanks for each trailer. They are to comply with any storage of any materials they had and McConkey believes they will police themselves. McConkey referred to a comment in one of the abutter's letter concerns with the hazard of the storage of campfire wood and believes going camping surrounded by trees and having firewood is what could be considered hazardous.

Chairman Fischbein referred back to Billings statement of needing to accept the application as complete and called for a motion to accept the application as complete.

A **Motion** by Cohen to accept the application as complete. Fischbein seconded. No discussion. Billings abstained. All others voted in favor by a show of hands. **Motion passed. (4-0-1)**

Mark McConkey explained from sheet (1) of the plan which has Paul King's stamp on it and shows the basic

layout of the property. It shows the nets and bounds of the exterior, shows an existing well that's on the property, shows the pump house, shows 1, 2, 3, 4 campers that were located on the site when we were doing our work. It shows a couple tent platforms that we're in place and it's showing an overall of where the septic system is going to be constructed. It's on the lower Northeast corner of this property. So, it's gravity flows to the tank and everything goes into the septic system. The average grade down to the septic systems being constructed is a 13% grade after we construct it because the system is slightly mounded. It's a level mound and then it's sloping to the back with the 2 to 1 slope, which I believe was part of the ordinance and it's part of McConkey's construction detail. Their notes include the owners' information, campground, spelling out what the special exception is, what they can do and what they cannot do. It's under the requirement for an AOT (Alteration of Terrain) permit so that's not needed. It's a mature site with limited disturbance, and Jacob has detailed that on sheet 1.

On sheet 2, we bring in the landscape buffer, which requirement is 75 foot buffer on the front. The front is Circuit Road and 50 foot on the side and rear, which is the remainder of the property. That buffer is shown as a dotted green line. It's an existing landscape and these were the sites that were laid out and shown in the subdivision that was approved by the state. We meet the zoning envelope of the 40 foot setback. Where we falter is the landscape buffer. And on the landscape buffer, it's written in the letter that was sent by one of the abutters site 1. Site 1 shows an entire site, and part of that site that's existing as a gravel site falls inside of that buffer. There is actually room where the sewer is coming in from the far side that you could actually put a camper in that site and it would be out of the buffer. There's a community fire pit in an open area that's existing, falls inside that landscape buffer. Coming down close to the roadside 11 of site 10 fall inside the landscape buffer. The existing pump house are existing structures and a necessary building is inside the landscape buffer. There's a platform on site 7 that also falls inside the landscape buffer. If adjustments need to be made or additional buffering needs to be provided to keep those in their existing location we'd be happy to discuss that whether that's a planting of arborvitae the grow exceptional or white pine in a year's time those adjustments could be made. There's a common area space that's shown, the sites are here, the disturbance we know falls in line. This is a one way road. You come in the driveway, the direction of travel takes you in around the outer loop and brings you back out to that one entrance. There's a culvert that's working well and goes underneath the driveway dropping to the other side of the street. The overhead utility line come in to the pump house for electricity their using and the sewer connections, the distribution lines that would be created and the water lines are shown in blue. The subdivision is shown on the side of the plan. The bar scale correction is for going forward. There's a protective well easement that's written in the center bottom that's recorded at the Registry of Deeds. The driveway is in average of 12 feet and meets the town ordinance. They have valid registration on the plates. There's all sorts of conditions here that must be met and all lighting is Dark Skies compliant. Jake McConkey has broken out the lot coverage is existing and proposed. There's a requirement to say what the soil conditions are by Carroll County mapping; it's shown as Henniker. The septic information is provided by Jake, who's a permitted septic designer with the State of New Hampshire, and Maine. The vicinity map is shown at the top, the plan is identified as Plan 2, directions, owners, plan references are shown. There's a legend that shows stonewalls, property line, camp site lines, sewer, etcetera as shown. The campground, they can only be occupied 6 months out of the year, no more than 25 people on the property of any one time.

Chairman Fischbein called for discussion from the Board.

Fernandes inquired if site 10 and 11 will be camper sites or tent sites. Jake McConkey state site 10 will be a camper site and site 11 is a tent site only. Fernandes inquired if trees have to removed for these sites. Jake McConkey stated no because they are pre-existing sites.

Jonathan Smith explained that this is a pre-existing campground that been operating for nearly 30 years and now they're trying to make it legal. Fernandes inquired if the common area is trees or just grass. Jake McConkey noted both. Fernandes inquired if the roads are existing. Mark McConkey confirmed they are.

Chairman Fischbein stated the campground cannot be used for 6 months out of the year but will the driveway be plowed in the winter. Mark McConkey noted it has not been but it could also be a condition if the Board wants it to be.

Billings inquired if campers are parked there year round. Mark McConkey noted they are a few travel trailers that are parked there year round. Billings thinks for insurance purposes the driveway should be plowed. Chairman Fischbein noted that the Board is not an insurance provider.

Chairman Fischbein discussed the fire departments letter noting if they do any construction to a driveway it's has to be 20 ft. wide; is how he is interpreting the letter. The existing plan shows the driveway at 12 ft. wide but as long as they maintain the 13.6 ft. by clipping the canopy. Mark McConkey clarified according to the zoning ordinance if they maintain single direction movement the width of 12 ft. is sufficient. Fernandes commented that for a 12 ft. wide driveway would be a brutal pull for maneuvering a camper.

Chairman Fischbein called for public input and to please stand and state your name for the record.

Fred McLaughlin had married into the Edrie Sarah Ames family. Mr. McLaughlin gave a brief history of the property and it's namesake. The property was purchased from money sent home during WWII and has been a campground for 30+ years. The original three brothers who built the campground were notorious for sideling proper permitting. The brother's have all since passed away and the next generation is catching up with the proper permitting. Adding a septic system is a big project for the family, it is maintain as a family gathering place, there are no plans to chop down all the trees or to turn it into a huge commercial endeavor. It is maintain as a primitive campground with facility hookups for their campers. They have been quiet, nice neighbors to all their neighbors all these years and will continue to do so. They will be using a port a potty until the septic system is installed.

Billings inquired if there is a certain date in which they start camping. Fred McLaughlin stated they start around mid-May and close by Columbus Day – mid-October.

Chairman Fischbein read an abutter's letter from William Abdu of 65 & 67 Granite Rd. into record. Mr. Abdu had no opposition to the project but did **raise** concerns for storm water runoff flowing onto his property and suggested an idea to prevent erosion **and** requested that any lighting to be less intrusive.

Chairman Fischbein asked Mark McConkey to speak to the erosion concerns. Mark McConkey stated they will leave no open excavation on the distribution lines; they will fill as they go. They will back fill and cover in gravel if that's what present or if it was a forest mat material. Before the septic system grass takes, they could go above and beyond and apply silt fence or silt socks on the lower side. They could treat this area similar to a shoreland or wetland permit in that the erosion controls will stay in place until the reseeding is ensured and then it will be removed off site.

Billing noted according to the letter it seems they are already experiencing erosion issues. Mark McConkey stated he does not interpret the letter that way. He does not believe the erosion is coming the area but they will be mindful of the issue while installing the septic system. Chairman Fischbein noted he does not interpret the letter in that way but appreciates Mark McConkey's efforts to help control the erosion.

Jonathan Smith noted he has been to the site and it's a mature, woodland, undisturbed parcel and obviously there would be erosion with all the rain the state has endured. It's occurring everywhere no matter how the property is laid out and there's nothing unique to this property.

Stuart agreed with Billings that it's an existing problem and he does not see anything other than the topographical portion is not being changes and what's happening now is happening naturally. But he sees no need for required intervention.

Chairman Fischbein closed public input.

Chairman Fischbein called any further Board discussion. None heard.

Chairman Fischbein moved for motions on the waiver requests.

Waiver Requests:

1. Section 8.02.5: Location and dimensions of signs - ***Should be Section 8.01.2. Off-Street Parking and Loading***

Billing stated that Cohen has to signify what the waiver is requesting. Chairman Fischbein disagreed stating it only has to reference the section being waived. Billings commented to Chairman Fischbein that he's the chairman, he can do it how he wants. Discussion ensued.

A **Motion** by Cohen to accept the waiver request for **Section 8.01.2. Off-Street Parking and Loading** for relief from having to provide the adequate provisions for off-street parking because parking is managed inside the property with no parking in the adjacent roadway. Fernandes seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

2. Section 6.04.4 H 9: Storm water drainage, pre- and post-development run-off flow; snow storage areas

A **Motion** by Cohen to accept the waiver request for Section 6.04.4 H 9 for relief from having to meet the Storm water drainage. Fischbein seconded. No discussion. Billings abstained. All others voted in favor by a show of hands. **Motion passed. (4-0-1)**

3. Section 8.03.4: Storm water drainage, pre- and post-development run-off flow; snow storage areas

A **Motion** by Cohen to accept the waiver request for Section 8.03.4 for relief from having to meet the Storm water drainage. Fischbein seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

4. Section 6.04.4 H 13: Landscaping in harmony with surrounding area, with buffers, clearing kept to a minimum.

A **Motion** by Cohen to accept the waiver request for Article 6.04.4 H 13 for relief from having to meet the Landscaping in harmony with surrounding area, with buffers, clearing kept to a minimum.. because there is an existing mature landscape and side line buffer as shown on plan. Fischbein seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

5. Section 8.01.2 B: Curb cut for state road, required from NHDOT

A **Motion** by Cohen to accept the waiver request for Section 8.01.2 B for relief from having to meet the Curb cut for state road, required from NHDOT. Fischbein seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

6. Section 8.02.3: Erosion and sediment controls, grading not to exceed 2:1, wetland protection

A **Motion** by Cohen to accept the waiver request for Section 8.02.3 for relief from having to meet Erosion and sediment controls, grading not to exceed 2:1, wetland protection. Fischbein seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

7. Section 6.04.4 H 15: Erosion and sediment controls, grading not to exceed 2:1, wetland protection

A **Motion** by Cohen to accept the waiver request for Section 6.04.4 H 15 for relief from having to meet the Erosion and sediment controls. Fischbein seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

8. Section 8.02.4. Outdoor Lighting

A **Motion** by Cohen to accept the waiver request for Section 8.02.4. Outdoor Lighting for relief from having to provide a lighting plan. Existing lighting will comply will Town ordinances to maintain its natural dark skies and to prevent glare and light trespass across property lines. Fischbein seconded. No discussion. Billings Opposed. All others voted in favor by a show of hands. **Motion passed. (4-0-1)**

9. Section 6.04.4 H 16 Content of Final Plan to include Location, type and illumination pattern of exterior lighting.

A **Motion** by Cohen to accept the waiver request for Section 6.04.4 H 16 Content of Final Plan to include Location, type and illumination pattern of exterior lighting.. Existing lighting will comply will Town ordinances to maintain its natural dark skies and to prevent glare and light trespass across property lines. Fischbein seconded. No discussion. Billings Opposed. All others voted in favor by a show of hands. **Motion passed. (4-0-1)**

Billings opposed those two waivers because they are supposed to be on the plan.

10. Section 8.03.1 A: Ossipee Water and Sewer Supervisor approval, if the property is located on Town water and/or sewer service.

A **Motion** by Cohen to accept the waiver request for Section 8.03.1 A for relief from having to meet the Ossipee Water and Sewer Supervisor approval because they are not on the Town water system. Fischbein seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

11. Section 8.03.2. A: Flood Hazard Areas

- A. The Planning Board shall review the proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State Law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334

A **Motion** by Cohen to accept the waiver request for Section 8.03.2 A for relief from Flood Hazard Areas because they are not in the Ground Water Protection District. Fischbein seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

12. Section 8.03.3. Hazardous Material Storage

The Applicant shall comply with applicable provisions of the Ossipee Zoning Ordinance as well as relevant State and Federal regulations.

A **Motion** by Cohen to accept the waiver request for Section 8.03.3. Hazardous Material Storage because they will be handling their own trash and there will be no hazardous material. Fischbein seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

13. Section 8.03.7. Dust, Fumes, Vapor, Gas and Odor

The Applicant must demonstrate compliance with applicable provisions of the Ossipee Zoning Ordinance.

A **Motion** by Cohen to accept the waiver request for Section 8.03.7. Dust, Fumes, Vapor, Gas and Odor because they will not be creating any fumes, vapors, gases or dust because this is a family campground. Fischbein seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

Chairman Fischbein suggested a couple of conditions as follows:

1. Erosion Controls as specified per Mark McConkey: "They will leave no open excavation on the distribution lines; they will fill as they go. They will back fill and cover in gravel if that's what present or if it was a forest mat material. Before the septic system grass takes, they could go above and beyond and apply silt fence or silt socks on the lower side. They could treat this area similar to a shoreland or wetland permit in that the erosion controls will stay in place until the reseeding is ensured and then it will be removed off site."
2. Update the smaller 11" x 17" plan to have the correct scale dimensions.

Billings suggested camping allowed from May 15th to Oct 15th. Discussion ensued until Jonathan Smith stated the Zoning Ordinance Article 4.9.2 allows camping from May 1st to October 31st. All parties agreed.

A **Motion** by Billings for **Case #24-02-SPR:** Edrie Sarah Ames Association, LLC. c/o Representing Agent: Mark & Jacob McConkey for 73 Circuit Rd. Tax Map: 248 Lot: 033 is Granted a Site Plan Review Major along with (8) Waiver Requests to formalize the Edrie Sarah Ames Association eleven (11) site seasonal family only campground with the subsequent conditions:

1. Erosion Controls as specified per Mark McConkey: "They will leave no open excavation on the distribution lines; they will fill as they go. They will back fill and cover in gravel if that's what present or if it was a forest mat material. Before the septic system grass takes, they could go above and beyond and apply silt fence or silt socks on the lower side. They could treat this area similar to a shoreland or wetland permit in that the erosion controls will stay in place until the reseeding is ensured and then it will be removed off site."
2. Update the smaller 11" x 17" plan to have the correct scale dimensions.
3. Camping only during May 1st to October 31st per Ossipee Zoning Ordinance Article 4.9.2.
4. All Federal, State and Local Regulations and Permitting shall be followed.

Cohen seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed**

The secretary explained to the new and existing members the following material which includes the 2023 new laws and regulations for the members to read and become familiar with.

- **Planning Board Handbook:** review new laws and changes
- **Zoning Ordinances - 2024**
- **Earth Excavation & Reclamation Regulations:** Review of new laws

Unfinished Business:

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

Stuart conveyed to the Board that there is approximately \$7,500.00 remaining in grant money and he will be working Carol Ogilvie on moving forward with completing two more chapters to include the Vision and Land Use chapters.

Notices:

- **NHDES:** Standard Dredge & Fill - Wetlands Permit Application for Ron Corriveau; NH

Northcoast Corporation, Mile Marker 107.6 on Route 16. Tax Map: 132 Lot: 026. The project is to remove the existing culvert and replace it with a 3 ft. by 4 ft. embedded pre-cast concrete box culvert which will result in 253 sq. ft. of temporary impact and 105 sq. ft. of permanent impact. The culvert has failed and was temporarily repaired to restore service to the railroads. The proposed work is the permanent repair for the temporarily repaired culvert.

- Received update that application is administratively complete.
- **NHDES File # 2024-00378:** Standard Dredge & Fill - Wetlands Permit Application for Kevin and Deborah Randall at 50 Leavitt Rd. Tax Map: 033 Lot: 006 are proposing to install 5 docks (6ft. x 40ft.) on the Southside of Loon Island, Tax Map: 032 Lot: 013. The docks are proposed for the southside of the island so as not to interfere with the nesting loons on the northside of the island.
 - Received NHDES File #2024-00378: Avoidance and Minimization Checklist application received on March 8, 2024.
 - Received NHDES File # 2024-00378: Attachment A: Minor and Major Projects application received on March 8, 2024.

Any Other Business Which May Come Before This Meeting:

- **Alternate Vacancy:** Chairman Fischbein inquired of Bruce Stuart if he would consider being an alternate while working on the Master Plan Revision. Bruce Stuart agreed.

A **Motion** by Cohen to appoint Bruce Stuart as an Alternate to the Planning Board. Fischbein seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion Passed.**

The secretary was instructed to send a notice to the Board of Selectmen and the Town Clerk. Stuart was told to report to the Town Clerk prior to the next Planning Board meeting to be sworn into office.

- **EERP Regulations:**

A **Motion** by Billings requesting the secretary update the Earth Excavation and Reclamation Regulations with the new rules per RSA 155:E updates. Fischbein seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

- **HB 1399 and HB 1291:**

Next Meeting: April 16, 2024: @ 7:00 pm at the Freight House

Chairman Ash Fischbein called for any other business. None heard.

Chairman Ash Fischbein called for a motion to adjourn.

Adjournment:

A **Motion** by Cohen to adjourn. Fischbein seconded. No discussion. A unanimous vote was taken by a show of hands. **Motion passed.**

Meeting adjourned at 9:05 PM.

Minutes approved by majority vote of the Board on –

Date

Ash Fischbein, Chairman
Ossipee Planning Board

Sharon “Sharie” Cohen, Vice - Chairman
Ossipee Planning Board