

CONTACT:
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FOR IMMEDIATE RELEASE

EXPANSION OF OSS�PEE LAKE MARINA
DURING PAST FIVE YEARS MORE
EXTENSIVE THAN PREVIOUSLY THOUGHT

******LACK OF PERMITS AND BUILDING DETAILS ALLOWED
EXPANSION WITHOUT ZONING REVIEW ******

May 3, 2002, Freedom, NH – A Freedom citizens group opposed to further commercial development on Broad Bay says that town documents show the extent to which Ossipee Lake Marina has expanded its business without zoning approvals is greater than previously thought.

According to the Broad Bay Alliance, building permits were approved for the Marina property between 1997 and the end of 2000 without required zoning permits, without specific details on what was being built, and sometimes without either.

As a result, the group says the Marina expanded its grandfathered, non-conforming business without going through a zoning review process that would have confirmed, limited or denied the expansions based on the zoning ordinance.

In making the announcement the group cited an April 10, 1997 example in which the town issued a building permit for the Marina that states "rebuild building and rebuild fuel pump house". In addition to there being no zoning permit on file for the job, the building permit lacks a plot plan and contains no information on the work to be performed or even what "building" was to be rebuilt. The application was signed by the code officer of the time.

According to the Alliance, the requirement for zoning permit approval prior to the issuance of a building permit applies to all Freedom property owners but has particular significance for grandfathered non-conforming use properties like Ossipee Lake Marina, which is in the General Residential Zone. Since the ability of such properties to expand their non-conforming use is strictly limited by the zoning ordinance, bypassing the zoning review process defeats the intent of the ordinance.

In its announcement the Alliance also stated that town files on the Marina are missing information on several expansions of the property. The group points to the remodeling and expansion of the Marina's shorefront main office building in 1997, including the addition of a five-foot wide customer entrance deck and a new second-story addition and deck that created

a customer patio and picnic area on the top of the building. Town files do not contain information on this work.

In another example the group says a ZBA review should have been conducted prior to the town's issuance of a building permit and a zoning permit for the 1998 replacement of a shorefront building that was used for outboard motor repairs. The new building became a Snack Shop and was attached to the adjacent main office building. The substantive change in use and configuration should have triggered a ZBA review as an expansion of the non-conforming use, according to the Alliance.

The new revelations are the latest in a series of alleged zoning and environmental irregularities at Ossipee Lake Marina. They come to light as the Zoning Board of Adjustment is considering the Marina's application for a special exception to zoning that would authorize a major expansion of its business.

During the past year state and town officials have compiled a long list of allegations that the Marina's principal, Kevin Price of Londonderry, NH, filled wetlands, cut shoreline trees and vegetation in protected areas and built roads, parking lots and bathrooms for Marina customers on the adjacent residential property known as Lot 42. None of the work was authorized by the ZBA and some of it violated state environmental regulations, according to officials.

Other allegations include constructing two Marina buildings without ZBA approval (one of which did not have a building permit and the other of which subsequently collapsed); failing to comply with the conditions attached to the ZBA's 1997 approval for construction of two boat storage buildings; expanding food and beverage sales in contravention of the ZBA's denial of such an expansion; and installing commercial lights that intrude on Broad Bay's residential properties.

On March 16th Price and his Ossipee Realty Corp. applied for an "after the fact" special exception to town zoning that would make many of the current violations moot by changing the zoning of Lot 42 to incorporate it into the pre-existing Marina. The application also seeks approval for new buildings, new parking lots, expanded boat storage capacity and an expansion of the Marina's overall acreage by one-third.

Approximately 100 Freedom townspeople attended the March 26th hearing on the application which was strongly opposed by the North Broad Bay Association, YMCA Camp Nellie Huckins, the Broad Bay Alliance and individual property owners, including a majority of the Marina's abutters. Additionally, Freedom's fire chief spoke about the fire danger on the property and Green Mountain Conservation Group's executive director detailed the fragility of the Broad Bay environment, which is unique in the state. Letters from approximately 30 people opposed to the application who could not attend the hearing were presented to the ZBA, which delayed its decision until May 28th.

In making the announcement today, the Alliance said that no permits have been issued for the Marina since the end of 2000 after town Selectmen were alerted to a highly irregular building permit that was issued on October 24th of that year. In that permit the Marina was authorized to build an "addition" that was actually a completely new building that had already been

constructed months earlier. It was also on residential Lot 42, which the ZBA has not authorized for commercial use.

Since it was organized in February, Broad Bay Alliance has served as a clearinghouse for factual information on issues regarding Ossipee Lake Marina. It acts as an umbrella organization for homeowner groups, non-profit organizations and individuals opposed to the additional commercial development of Broad Bay. The organization works directly with state and town officials to seek enforcement of existing zoning and environmental laws.

The group urges the public to access its www.broadbayalliance.org website and to e-mail their comments to feedback@broadbayalliance.org prior to May 28th when the Freedom ZBA will rule on the Marina's application.

/Attachments Below

**TOWN OF FREEDOM
APPLICATION FOR BUILDING PERMIT**

APPLICATION DATE 4-10-97
 PERMIT # 9711
 FEE \$25 BY APD

OWNER OF PROPERTY OSSIPEE LAKE MARINA N.H. SEPTIC APPROVAL # _____
 OWNERS ADDRESS PO 777 W OSSIPEE NH N.H. ENERGY CODE APP. # _____
 STREET OSSIPEE LAKE RD. TOWN MAP # 31 LOT # 41
 STATE NH ZIP 03850

IS THIS BUILDING IN THE FLOOD PLAIN? YES NO

CONTRACTOR/BUILDER _____ ADDRESS OF BUILDER _____
 STREET _____ STATE _____ ZIP _____ PHONE _____

ELECTRICAL CONTRACTOR _____ ADDRESS _____
 STREET _____ STATE _____ ZIP _____ PHONE _____ LIC. # _____

PLUMBING CONTRACTOR _____ ADDRESS _____
 STREET _____ STATE _____ ZIP _____ PHONE _____ LIC. # _____

PROPERTY LOCATION _____

REASON FOR PERMIT REMODEL BUILDING + BRACILUP
RAIL PUMP HOUSE
 NEW STRUCTURE _____ ADDITION _____ REMODEL _____ ALTERATION _____ CHANGE OF USE _____
 PROPOSED USE RENTAL _____ TYPE OF ACCESSORY BUILDING _____
 RES. _____ COMM. _____ IND. _____ TYPE BUSINESS _____ TYPE OF MFG. _____
 # OF STORIES _____ FRAME _____ METAL _____ MASONRY _____ OTHER _____
 SIZE OF BUILDING OR ADDITION: WIDTH _____ LENGTH _____

<u>FOUNDATION</u>	<u>BASEMENT</u>	<u>EXT. WALLS</u>	<u>INSULATION</u>	<u>INTERIOR FINISH</u>	<u>HEATING</u>
___ CONCRETE	___ FULL	___ T=11	___ BLANKET	___ DRYWALL	___ ELECT
___ CEM BLK	___ FINISHED	___ CLAPBOARD	___ WALLS/ROOF	___ PANELING	___ OIL*
___ OTHER	___ OTHER	___ OTHER	___ OTHER	___ OTHER	___ WOOD*

*FIRE DEPT. PERMIT REQUIRED

ELECTRICAL

TYPE OF SERVICE _____ SIZE _____
 NO. OF REC. _____ KW. LOAD _____
 NO. OF SW. OUTLETS _____ ELECT. HOT WATER _____
 NO. OF MOTORS _____ RANGE _____ DRYER _____

PLUMBING

BATHROOMS _____ 1/2 BATHS _____
 DISPOSAL _____ SPRINKLER _____
 WATER SUPPLY _____ GAS HOT WATER _____
 LAUNDRY _____ GAS RANGE _____

NOTE: A general plot plan showing the location of the building or work area in relation to property line, including location of driveways must be attached to this application.

I hereby agree to comply with the town subdivision regulations, Freedom growth management regulation, flood plain ordinance, selectmans town road specifications, state highway driveway permit, fire codes, state air and water pollution permits (sewage etc.), state building codes and any of requirements in effect in the town of Freedom.

I hereby certify, under penalty of perjury, that the estimated cost of construction, alteration, or remodeling (including labor and material) is \$ _____

DATE 4-10-97
 CODE OFFICER Paul Donovan

SIGNED [Signature]

Signed 1997 Freedom Building Permit authorized unspecified work at Ossipee Lake Marina with no details, no plot plan attachment and no zoning permit.



TOWN OF FREEDOM APPLICATION FOR BUILDING PERMIT



0236

Owner of Property OSSIPEE LAKE MARINA NH Septic App # _____
 Owners Address 65 MARINA RD NH Energy App # _____
 Street FREEDOM State NH Zip 03836 Phone # _____
 Location of Property _____ Map # 24 Lot # 42
 Date of Application 10 24 2000 Fee 70 by Stal

Is This Building In The Flood Plan? Yes No

Contractor/Builder LAWRENCE EDWARDS Address _____
 Street _____ State _____ Zip _____ Phone # _____

REASON FOR PERMIT

New Res. Addition Remodel Alteration Change of Use

Of Stories _____ Type of Accessory Building _____ Other _____
 Size of Building: Width 10 Length 21

NOTE: A general plot plan showing the location of the building or work area in relation to property line. Including location of driveways must be attached to this application along with an approved zoning application prior to the issuance of this permit.

This permit may be appealed to the Zoning Board of Adjustment R.S.A. 676:5.

Certificate of occupancy is required to occupy a new structure in addition to wired smoke detectors.

This application is made with the full knowledge of the current requirements of the regulations and building codes governing such installations, which will be made in compliance therewith. I further agree, upon accepting this permit, not to cover any part of the installation until it is inspected and approved.

A sketch plan shall accompany this application showing framing and structure design.

I hereby certify, under penalty of perjury, that the estimated cost of construction, alteration or remodel (including labor & mat) \$ 10,000

Date 10 24 00 Name Kevin Price Owner
 Code Officer Stal Address 72 BARKROFT RD
Jas Ponding NH 03053

00157

SEPTIC APP# 1999020792

Valid for (1) One Year From Date Issued.

2000 Freedom Building Permit authorized an "addition" that was actually a completely new building that had already been constructed months earlier on residential Lot 42, which is not approved for Ossipee Lake Marina's commercial use.