

# OSSIPEE LAKE REPORT

## MARINA STALEMATE CONTINUES

On May 28th Freedom’s Zoning Board of Adjustment rejected Ossipee Lake Marina’s application for a special exception to expand its business by utilizing adjacent residential land and by constructing new buildings and parking lots.



*Freedom’s ZBA said no to Ossipee Lake Marina’s commercial use of residential Lot 42, but new applications are pending.*

Three weeks later the Marina’s owners submitted five new applications proposing the same expansions as separate requests rather than as a consolidated plan. The ZBA agreed to consider all five and set a special hearing date for July 9th.

The ZBA’s agreement to consider the new applications — the sixth such set of plans in less than a year — effectively delays final resolution of the zoning and environmental violations that have plagued Broad Bay property owners

since 1997 when the Marina was purchased by Ossipee Realty Corp.

In its May ruling the ZBA unanimously voted that the Marina’s proposed growth plan was an impermissible expansion of a non-conforming use. The board also

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### Key Dates:

- **Tuesday, July 9:** ZBA hearing on Ossipee Lake Marina expansion. Freedom Town Hall, 7PM.
- **Saturday, July 13:** GMCG Watershed Weekend, Camp Calumet. Info @ 539-1859.
- **Thursday, August 29:** DES presentation on Source Water Protection Zones. King Pine Lodge, Purity Springs Resort, 7-9 PM.

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## BROAD BAY ALLIANCE WINS GRANT

A joint application by the Broad Bay Alliance, Green Mountain Conservation Group and Ossipee Conservation Commission has been funded as part of the New Hampshire Lakes Association’s “Lake Host” education outreach program. The announcement was made

at a press conference in Concord on June 12th.

Funds from the award will be used to staff the Pine River public boat ramp and parking area on Route 25 during summer weekends, including Fridays, this season

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## FREEDOM MARINA ISSUES CONTINUE

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found that the application did not meet five of the 20 criteria required by the ordinance for special exceptions, including the requirement that the applicant demonstrate that the proposed use would not have an adverse impact on the character of the surrounding area.

During town hearings in March and May, property owners, homeowner associations and non-profit organizations all testified that an expansion of the business would increase the nature and intensity of the marina use and adversely impact the surrounding area, which is residential and documented by the state as being environmentally sensitive.

Given the board's agreement on the adverse impact standard, opponents of the Marina's plans were stunned to read Freedom Town Counsel Peter Malia quoted in the June 6th *Conway Daily Sun* as saying that the marina could "scale down their plan and re-submit it".

In a letter to the Selectmen on June

10th Broad Bay Alliance co-founder David Smith questioned how adverse impact could be "scaled down". Smith noted that the ZBA had established at the hearing that the zoning ordinance calls for a judgment on whether or not there will be adverse impact, not the degree of that impact. In the ordinance, "adverse impact is not a scaleable concept," Smith told the town.

By submitting five new applications covering separately what had been consolidated in the previous proposal the Marina appears to be testing such "scaling" to see if individual elements of the proposed expansion might be approved even if others are rejected.

For example, the initial application requested "after the fact" approval to use the adjacent residential property known as Lot 42 for parking lots and a bathroom building. The request was considered "after the fact" because the Marina has already illegally built parking lots and a bathroom building on the land.

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## ALLIANCE RECEIVES "LAKE HOST" FUNDS

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through Labor Day.

Staff members, called "lake hosts", will provide boaters with information on preventing the spread of milfoil and other invasive plant species, and will offer to conduct a complimentary boat and trailer inspection. Hosts will collect and destroy any milfoil

found during the inspections.

The Lake Hosts program is a reflection of the seriousness of the spread of milfoil in the state's lakes and ponds, according to NHLA. In the Ossipee Lake area the plant has been documented in north Broad Bay and between the upper and lower Dan-

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# FREEDOM MARINA ISSUES CONTINUE

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In contrast, the new applications “unbundle” the proposed uses on Lot 42. One application requests "after the fact" approval for the parking lots while a separate application requests “after the fact” approval for the bathroom building, which in addition to being illegally sited on residential land was built without a building permit or a zoning permit, both of which are required by town law.



*Freedom’s Selectmen have stated their intention to enforce zoning violations at Ossipee Lake Marina, including a limit on the number of boats stored outdoors.*

Founded in the mid-1960s as Bay-view Marina, the business predates the enactment of Freedom’s zoning ordinance and is considered a “grandfathered” use. Previous attempts to develop the property for vacation homes and for “boat slip condominiums” have failed. The property has had five owners and was in financial receivership prior to being purchased by Ossipee Realty Corp. in 1997.

Within weeks of that purchase

Broad Bay residents began filing complaints with the town alleging zoning and environmental violations on the property. After three years of complaints the Selectmen divided the violations into two categories. In a January 2001 letter to principal owner Kevin Price of Londonderry the officials mandated that he bring one set of violations into compliance by July of that year and directed that the remainder of the issues be put before the ZBA as a request for a spe-

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*“Given the ZBA’s adverse impact finding, opponents of the Marina’s plans were stunned to read Town Counsel’s statement that the application could be scaled down.”*

# ALLIANCE RECEIVES “LAKE HOST” FUNDS

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forth Ponds.

While many private marinas help ensure that the plant is removed from the boats that use their ramps, most public boats ramps in the state are unmanned, including the Pine River ramp. The ramp is one of the busiest in the area, providing access to Ossipee Lake, its three bays and the

Danforth Ponds.

GMCG will oversee administration of the grant and staff will be provided by the Wolfeboro-based Appalachian Mountain Teen Project. Staff members will attend one of a number three-hour NHLA training sessions and receive caps, shirts and badges as well as pamphlets and other materials for distribution to boaters.



## FREEDOM MARINA ISSUES CONTINUE

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cial exception to town zoning.

Price filed an application with the ZBA in August 2001 but withdrew it before the hearing date. During the subsequent fall and winter, property owners sent town officials pictures showing that the violations Price was to have remedied by July were still outstanding, included having more than triple the number of allowable boats stored outside of the storage buildings.

Frustrated with the Marina's lack of compliance, the property owners established the Broad Bay Alliance in February and created an Internet website ([www.broadbayalliance.org](http://www.broadbayalliance.org)) documenting the five-year chronology of environmental and zoning violations as well as other irregularities at the marina, including incomplete and missing building and zoning permits for work on the property.

On March 12th Price filed a plan with the ZBA that called for extensive shoreline parking lots, new buildings to accommodate more than

54,000 square feet of boat storage space and an overall expansion of the property by one-third.

More than 100 people attended the March 26th hearing during an ice storm to oppose the plan. Among the speakers was the town's fire chief, who expressed concerns for fire safety, and the executive director of Green Mountain Conservation Group who discussed the environmental fragility of the marina property.

The executive director of YMCA Camp Huckins said that camp waterfront activities had been curtailed and described as "ludicrous" the notion that a bigger marina would not have a devastating impact on the lake. Only three speakers, all Marina employees, spoke in favor of the plan.

After continuing the hearing for two months to allow the applicant to make changes to his proposal the ZBA reviewed the revised plan on May 28th and rejected it.

On June 11th the Selectmen directed Price to stop using Lot 42 or

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*"The Marina's plans call for an expansion of the commercial footprint by one-third and more than 54,000 square feet of boat storage space."*



## WATER & MILFOIL AT ISSUE

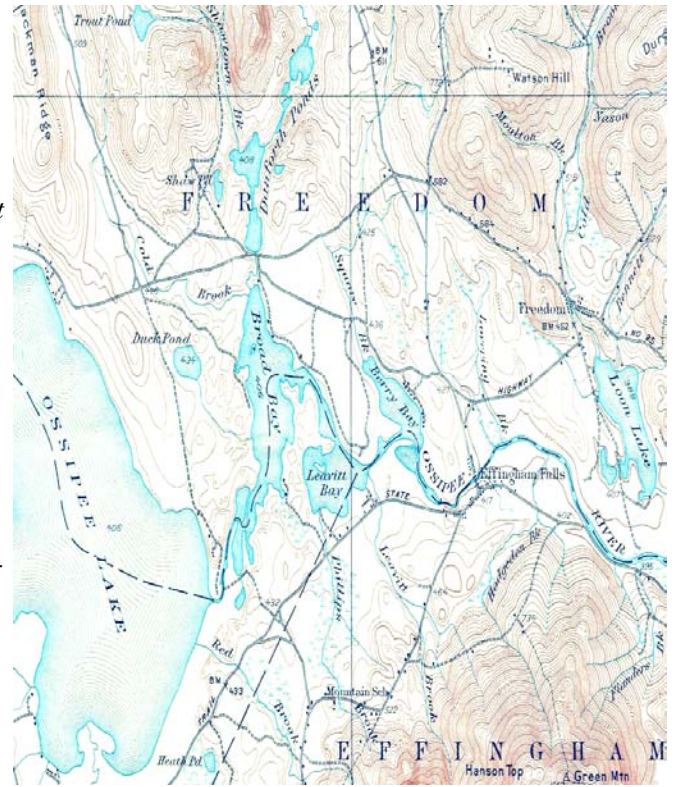
Facing residential growth, increased boat traffic and the spread of milfoil, North Broad Bay Association hopes to develop a consensus of Broad Bay area property owners on how to deal with such issues.

The effort is being directed by current NBBA president Bill White who will meet this month with UNH and

NHDES to discuss water testing methods and options for controlling milfoil.

White hopes to have the options available for public review by the end of the summer and encourages interested property owners to submit ideas and suggestions by e-mail to [feedback@www.broadbayalliance.org](mailto:feedback@www.broadbayalliance.org).

*Broad Bay Alliance was formed in February, 2002, to oppose further commercial development on Broad Bay by seeking enforcement of the state and local laws that protect the quality of our natural environment, the quality of our lives and the value of our property. Working cooperatively with environmental groups, non-profit organizations and homeowner associations, the Alliance is exploring how best to help ensure the long-term integrity of Ossipee Lake, its bays and the surrounding areas.*



## SOURCE WATER PROTECTION ZONES TO BE DISCUSSED

For many people, the Ossipee Lake Marina hearings were the first time they had heard the term Source Water Protection Zone.

Now area property owners will have an opportunity to learn more about why these zones are crucial to ensuring a reliable and safe supply of water for future generations and how towns can use state grants to protect them.

Sherry Godlewski of the Department of Environmental Services will speak on the subject on Thursday, August 29th at King Pine Lodge at Purity Springs Resort, from 7-9 PM.

The Broad Bay Alliance is sponsoring the event in association with Green Mountain Conservation Group and the Friends of Trout Pond.

### MARINA EXPANSION

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face fines of \$250 per day. The land was initially blocked off but was reopened and used for a fishing tournament on June 22nd and 23rd according to abutting property owners.

Last year Price was cited by the state for filling wetlands and was required to repair the damage. An initial progress report due on December 1st was extended to June 15th at Price's request.

On June 25th of this year the DES reported that it had not received the required progress report and residents reported to state and town officials that remediation of the wetlands had not started.

## Contact Us

Broad Bay Alliance  
Freedom, NH 03836  
PH: 516-639-1919  
FX: 509-271-3838  
[feedack@broadbayalliance.org](mailto:feedack@broadbayalliance.org)



[www.broadbayalliance.org](http://www.broadbayalliance.org)  
webmaster: [taylor@unbroken.nu](mailto:taylor@unbroken.nu)