

Ossipee Lake Marina
Public Documents Study: State and Local Violations
1997-Present

	Date	Issue	Precipitating Action	Resolved	Comments
Local Issues					
	1997	Boat storage	The ZBA granted special exception approval for boat storage by approving construction of two storage buildings for up to 225 vessels, contingent on no more than 10% additional boats stored outside the buildings, among other conditions.	No	Three buildings were built instead of two. The limits have been violated almost every year since the approval. Violations have been reported and not enforced. In 2005 the selectmen agreed to let the marina circumvent the ZBA restriction by allowing as many as 120 boats to be stored outside the buildings. In 2006 the town attorney overruled the selectmen's decision. The 2007 ZBA granted a special exception for "unlimited" boat storage behind a fence by overturning the 1997 ZBA's limits. That decision has been overturned twice by two different Superior Court judges. In June the selectmen appealed to State Supreme Court.
	1999	Lot 42 - Part 1	The marina purchased residential Lot 42 and moved the marina onto it, constructing parking lots and a bathhouse without approval.	Yes	The ZBA granted "after the fact" special exception approvals for the limited use of Lot 42 for the already constructed bathhouse and parking lot, contingent on closing access to Alvino Road from Lot 42. All other marina uses of Lot 42 were denied by the ZBA in a July 12, 2002 order.
	1999	Lot 42 - Part 2	The marina opened access to Alvino Road from Lot 42 to create a new marina traffic flow without approval to use Lot 42, violating zoning and creating safety issues reported by abutters. The ZBA's approval of the special exceptions for the parking lots and bathroom are specifically conditioned on prohibiting Alvino Road access from Lot 42.	No	The marina uses Alvino Road freely and the selectmen have ignored repeated reports of violations. In 2005 the selectmen authorized use of the road for fishing tournaments but were reversed by the town attorney in 2006. In 2007 the marina was fined by the Code Enforcement Officer, but the selectmen returned the marina's check after the owner complained. In 2008 the marina asked the selectmen not to have the code enforcement officer investigate every complaint he receives about Alvino Road use, and the selectmen agreed. In 2009 the marina asked the selectmen to eliminate the Alvino Road prohibition as "illegal."
	1999	Lot 42 - Part 3	After purchasing Lot 42, the marina began using it for customer events and added boat slips and berths that were not approved by state or local authorities.	No	The marina continues to use Lot 42 for customer events and boat storage. The selectmen have ignored complaints about the use of Lot 42 for customer events and onshore boat storage. In 2006 the selectmen ruled the marina could have slips and berths on Lot 42's shoreline as long as customers don't use Lot 42 to access them. In 2008 DES ordered the marina to stop using Lot 42's shoreline because it violates state regulations, including the marina's operating permit. [See state issues below].
	2001	Third storage building	The marina constructed a third boat storage building without required ZBA special exception approval.	Yes	The building collapsed in the winter of 2001 and the ZBA denied approval to rebuild it. The decision was upheld in Superior Court and was not appealed. The building was never rebuilt.
	2002	Building expansions	A review of town records showed the building inspector issued permits between 1997 and 2000 that lacked basic required information and impermissibly allowed work to be done that required the prior approval of the ZBA through the special exception process.	No	The town has never addressed the illegal expansions of the fuel dock, main office, snack shack and maintenance/showroom building. [Note: the fuel dock expansion is now subject to a DES Administrative Order. See state issues below].
State Issues					
	1998	Filling wetlands	Freedom Conservation Commission cited the marina for removing shoreline vegetation and filling wetlands on Lot 42.	Yes	The wetlands were remediated by the marina under DES supervision and the issue was resolved with the state in 2003.
	1999	Lot 42	The business began using Lot 42's shoreline for marina boat slips and berths.	No	DES ruled this is an unapproved expansion of the marina's authorized boat slips and issued an Administrative Order to remove the Lot 42 docks and boats from the water. The marina has an appeal pending with DES.
	2006	Dock expansions	The marina rebuilt, expanded and relocated its main (marina property) docks.	No	DES ruled the marina did not have required state approvals and issued an Administrative Order to remove the docks from the lake. The marina has appealed this ruling. In May DES issued a consent order authorizing a temporary return of the docks to the lake pending a ruling on the appeal. The marina has also filed a waiver request that, if approved, would circumvent the public application and approval process required to modify the 1988 operating permit.