

Town of Freedom  
PO Box 227  
Freedom, NH 03836

September 30, 2016

Mr. Chester "Ski" Kwiatkowski, Chair  
Ossipee Planning Board  
1 Moultonville Road  
PO Box 67  
Ossipee, NH 03814

Dear Chairman Kwiatkowski,

The Freedom Board of Selectmen is writing to request that the Ossipee Planning Board reconsider its decision of September 20, 2016 to approve the Westward Shores site plan review application. We appreciate your giving Freedom abutter status under RSA 36:54. In no way does Freedom intend to dictate to the Ossipee Planning Board or the town of Ossipee on this matter. We are seeking the opportunity to give testimony to the board as provided by abutter status granted to Freedom on June 9, 2016 because this project has regional impact.

Our concern about this project is the potential negative impact it may have on water quality. We have this concern because the entire project is in the 100-year flood plain. As a downstream town, the impact from a flood could be significant. Analyses of lake water performed at the NH DES laboratory in Concord has shown that total phosphorus in the lake has increased from 6.0 ppm (class 1 lake) in 2003 to 7.2 in 2016. At phosphorus level of 8.0 ppm, the lake drops to a class 2 lake. All of towns on the lake rely on good water quality to attract business activity and to support our tax base.

Our testimony will address these specific concerns.

### **Recreational Vehicle Configuration**

During prior meetings, comments were made about the configuration of the recreational vehicles on the site. The applicant's current business practice involves providing four season accommodations for those types of Recreational Vehicles most often referred to as "camping cabins" or "park model RVs," which prior to arrival on site may satisfy the definition of Recreational Vehicle provided in Section 4.10.1 of the Zoning Ordinance. However, existing Westward Shores Campground reveals a significant percentage of the property is occupied by semi-permanent Recreational Vehicles having stick built decks, three season rooms, carports and the like. Taken together, these installations hardly conform to the definition of the term Recreational Vehicle provided under Section 4.10.1 of the Ossipee Zoning Ordinance in that the resulting installation is neither: (a) built on a single chassis; (b) limited to dimensions measuring 400 square feet or less; nor (c) fully self-propelled or permanently towable by a light duty truck. Most importantly, these "seasonal" installations most often occupy the property for more than 180 consecutive days. In fact, the definition of the term Manufactured Home provided under Section 4.10.1 explicitly states in part that "For floodplain management purposes, the term "manufactured home" includes park trailers, travel trailers, and other similar vehicles placed on site for greater than one hundred eighty (180) days."

On September 20 as well as other dates, the board discussed the question of whether the installations on this site would be manufactured homes or recreational vehicles. Based on the Ossipee zoning ordinance, it appears they are manufactured homes. As specified in Section 4.10.8 (2) (c) of the Ordinance "all Manufactured Homes to be placed or substantially improved within Special Flood Hazard Areas shall be elevated on a permanent foundation such that the lowest floor of the Manufactured Home is at or above

the Base Flood. As approved, the Site Development Plans do not specify required accommodations for elevated or permanent foundations; limitations on length of placement; continued road readiness; nor code compliant anchoring. We respectfully request that the board revisit this and establish whether these sites are, in fact, manufactured homes as specified in the ordinance and therefore subject to section 4.10.8 (2) (c) of the ordinance.

### Vehicles in the Main Campground

Were the board to find that these installations are recreational vehicles, not manufactured homes, other issues arise. While FEMA allows recreational vehicles in the flood plain, it requires the following for recreational vehicles. This is from section 4.7.8 2) c) of the Ossipee floodplain ordinance:

- a) recreational vehicles placed on site within Zones A1-30, AH and AE shall either:
  - i) be on the site for fewer than one hundred eighty (180) consecutive days;
  - ii) be fully licensed and ready for highway use; or
  - iii) meet all standards of Section 60.3 (b)(1) of the National Flood Insurance Program Regulations and the elevation and anchoring requirements for “manufactured homes” in Paragraph (c) (6) of Section 60.3.

Jennifer Gilbert, the State Floodplain Program Coordinator, who oversees the National Flood Insurance Program (NFIP) in NH provided us with the following definition of a recreational vehicle: “A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.” Based on the discussions on September 20, Mr. Flores stated that only the transient sites would have quick disconnect septic connections. In approving these plans, the board did not discuss quick disconnect electrical or water connections. We respectfully request that you consider specifying quick disconnect connections for septic, electric, and water for all sites as required by FEMA.

### Vehicles on the Peninsula

Mr. Flores stated that the recreational vehicles placed on the peninsula will be stationary. These sites would be subject to the requirements of the Ossipee Floodplain ordinance iii above. This section states that these recreational vehicles will meet the “elevation and anchoring requirements for ‘manufactured homes.’” The actual language of the paragraph (c) (6) of 60.3 of FEMA regulations (44 CFR 60.3) reads:

- (6) Require that manufactured homes that are placed or substantially improved within Zones A1–30, AH, and AE on the community’s FIRM on sites
  - i. Outside of a manufactured home park or subdivision,
  - ii. In a new manufactured home park or subdivision,
  - iii. In an expansion to an existing manufactured home park or subdivision, or
  - iv. In an existing manufactured home park or subdivision on which a manufactured home has incurred “substantial damage” as the result of a flood,be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist floatation collapse and lateral movement.

We are concerned that the soils on the peninsula will not meet the above standard and ask that you consider requiring an independent engineer’s assessment of the anchoring system. Without that, Freedom is concerned that these units might dislodge and degrade water quality.

### New Commercial Buildings on the Site

The site development plans show the construction of non-residential buildings. The Ossipee Floodplain Ordinance requires that all new construction or substantial improvements of non-residential structures have the lowest floor (including basement) elevated to or above the one hundred (100) year flood level. We request that the Planning Board enforce this requirement as a condition of approval thereby avoiding noncompliance with the Town's adopted Floodplain Ordinance.

### **Other Issues raised by Jones and Beach**

We have other concerns that we would like to raise as well—all of them relating to water quality. Some of the issues concern items raised in the Jones & Beach letter to the Ossipee Planning Board on September 6, 2016 that have the potential to affect water quality. We are consulting with an engineer on the following items and would greatly appreciate the opportunity to address the board on them:

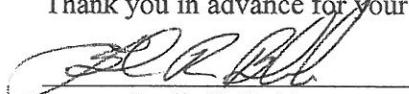
Item #2: We have addressed these above and see that SFC had agreed that compliance with NFIP regulations could be a condition of approval. We also would make that request.

Item #43: The complexity of the project could certainly benefit from additional review during construction. Ongoing review of many aspects of this complex project could benefit both the town of Ossipee and the applicant by preventing problems as the project progresses.

Item #45: The possible doubling of the number of boats on this site raises the prospect of more milfoil infestations. While Westward Shores rules and regulations address milfoil, it represents two sentences in a two-page document. The potential for spreading milfoil could be mitigated by a more formal program, perhaps including the local invasive species committees and a lake host program. Milfoil infestations affect all of the towns on Ossipee Lake. We ask you to consider a more comprehensive approach.

Item #46: During the September 20 meeting, board members raised concerns about the evacuation plan. This is foremost a health and safety issue, but it also raises water quality issues. The board's discussion indicated that it will be the responsibility of owners to remove their recreational vehicles—or have a local friend do so. It seems impractical or unreasonable to expect that sufficient time would be available for full, complete and orderly removal of stick built improvements and accessory structures in such instances. The installation of various accessory improvements and structures on individual campsites could be expected to create a significant hazard and potentially result in the scattering of floatable debris over large areas of the Lake during and subsequent to periods of flooding. Again, based on design elevations specified on the Site Development Plans, the majority of this site would be expected to flood to a depth of three to four feet under Base Flood conditions. Under such circumstances, it would be reasonable to expect that floatable debris would travel outward towards the Lake upon recession of flood stage creating a mess that could potentially take years to clean up while in the interim causing a variety of public and private hazards and nuisances.

Thank you in advance for your consideration of this letter.

  
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Leslie R. Babb

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Ernest F. Day, Jr.