

Approved with changes: 2/7/19

Effingham Planning Board
Zoning Amendment Public Hearing Minutes
January 17, 2019

5 **Members Present:** Theresa Swanick (Chair), George Bull (Vice Chair) Gary Jewell (Signing Secretary)
Michael Cahalane (Selectmen’s Representative), Paul Potter, Elaine Chick

Members Absent: Grace Fuller

Others Present: Rebecca Boyden (ZEO) and approximately 50+ members of the Public.

The Chair called the Public Hearing to order: 6:30 PM and introduced the Board.

10 Thirty copies of the 2019 zoning amendments were distributed to the public. The Chair asked attendees to share copies and informed the room that the Board would deal with each amendment in order.

Amendment 1. [This amendment discussion is the only one transcribed in full for the minutes.]

[Petitioned repeal of zoning] Are you in favor of repealing the Zoning Ordinance of the Town of Effingham, New Hampshire, 2000?

15 The Chair called on the petitioner, Mellisa Seamans, to stand and speak to the reason she and others want to repeal the Effingham Zoning Ordinance.

Petitioner: I didn’t realize I was the petitioner. I was not prepared to speak. There are people that wish to see the zoning ordinance repealed.

Chair: Can you tell the room why you would like the zoning ordinance repealed?

20 **Petitioner:** No. I can tell you why I signed the petition. I need to know why I’m the Petitioner. Is that because I delivered it?

Chair: I’m sorry, you are the only person that I have been in touch with.

Paul Potter: I also believe your name was number one on one of the copies that came before us.

Petitioner: On one of the five pages or six?

Paul Potter: Yes, and the pages weren’t numbered.

25 [Chair interrupted to state for the recording that Gary Jewel had arrived and joined the board.]

Petitioner: Okay.

Chair: I’m sorry.

Petitioner: No, I was just caught off guard, but I am gathering my thoughts.

Chair: I’m sorry.

30 **Petitioner:** Thank you.

Chair: Is there any problem that this petition is attempting to address?

Petitioner: Okay. The Town of Effingham Zoning Ordinance was adopted at a time in Effingham’s history as an emergency stopgap to development. That would be one reason why I would be in favor of repealing the zoning ordinance.

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35 **Chair:** Okay, so, just to be clear so we don't confuse the public, there was emergency zoning but that was before the town meeting that voted to approve the zoning ordinance that had been worked on by Jory Augenti, George Bull, I think, and Susan (Slack), and Blair Folts is saying in the back of the room. So, emergency zoning was a separate thing but town meeting approved the zoning ordinance in the year 2000.

40 **Petitioner:** With all due respect, Madam Chair, it's a public hearing so I wish to offer my public comment if I could and I believe that after, the public gets their comment, the Board also comments?

Chair: Yes, we are going to go through each of the amendments one by one, hear from, in this case, the Petitioner, in the other cases we (the Board) will be reading what we're proposing. So, we will be saying why we are proposing what we are proposing and we want to know why you're proposing what you're proposing, and try to efficiently move through this. We have a lot of people that might have something to say in the time that we have. And after that we will conclude the hearing and then the Board will have its own time to discuss and make any decisions that we might make on the amendments, and so forth.

Susan Slack: If I might as a procedural kind of question?

Chair: Sure.

Susan Slack (to Petitioner): If you're not the initiator, could the initiator start the conversation?

50 **George Bull:** Thank you, Susan.

Petitioner: I don't mind being the initiator; I was just caught off balance. So, I'm sorry.

George Bull: We are not trying to put you on the spot. We just assumed there would be somebody here who... because we can't speak to why this petition is put on there if we didn't put it on there.

Petitioner: Certainly.

55 **Chair:** And, just to be clear, you are the one that brought it in, you're the one who has been in touch with me by email, back and forth, back and forth.

Petitioner: Okay. And I just wasn't clear on the rules of procedure for the public hearing of the planning board. I thought perhaps the question would just be open and anyone could comment. I didn't realize, but here we are. So, in the interest of not wasting your time, I would say that I don't believe that in our town we need the Effingham Zoning Ordinance. All the things that we could as a community, that we are interested in protecting and preserving, can be done through other means beyond a zoning ordinance. You can have, as other communities without zoning have, Ground Water Protection Ordinances. You still have the Planning Board regulating Site Plan should a business that we all hope to someday come to Effingham, there is still Site Plan regulation.

65 [Chair indicated to speak.]

Petitioner: I can't... Do you want to say something?

Chair: I would just correct your understanding in that we would not have Site Plan regulation.

Petitioner: Okay. I really...

Chair: I'm sorry, I won't correct you; I'll speak after you.

70 **Audience member:** We can't hear you.

Chair: Okay, can you (Petitioner) come a little forward and face that way (toward the audience)?

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75 **Petitioner:** So, I have been asked to speak to why Effingham should not have zoning, because I delivered the petition to the municipal building. The petition was signed by 37 people. As far as I know, all of those signatures have been verified. Those people signed the petition to see if the Effingham zoning that was first emergency adopted and then fully adopted at the 2000 town meeting still applies to where we are today and if it's working for our community. We have the option as citizens to be able to adopt separate ordinances to regulate the things that are really important to us, but time and time and time and time again, people come into the Selectmen's meeting, they complain about certain issues. They believe zoning should be taking care of it, and zoning can't: Dogs, trash, loud parties... all of these things can be regulated or are already regulated through other means. For example, the health officer is in charge of, are people living in sanitary conditions that aren't affecting their neighbors, such as rodents; is their septic overflowing into your yard? These are not zoning things. These are separate from that. Junkyards, they have their own ordinance; it has nothing to do with zoning. Outdoor events, has its own ordinance, nothing to do with zoning. So, there are many people that feel that the things that are really important to us that we want to protect could be done through separate ordinances and we don't need to worry how big our neighbor's shed is. Thank you.

Chair: Thank you very much.

[No one else volunteered to represent or speak for the petition.]

90 **Chair:** Okay, that is from the petitioners. Anyone else want to make a comment? Thank you everyone for coming, again; it's a very full room. Would someone like to comment? Yes, Henry first, then Jory.

Henry Spencer: I've looked at these overall.

Chair: We are just talking about one.

George Bull: We are going in the order.

95 **Henry Spencer:** Okay, my primary interest, I served on the Planning Board at one time and I don't understand a petitioned appeal being put as an amendment. To me, an amendment is something the Planning Board makes to the zoning ordinance, puts together to change the regulation and stuff like that, so I don't understand why a petition ends up being an actual amendment listed.

Chair: Yes, I can speak to that.

Henry Spencer: Which appears to be approved by the Planning Board

100 **Chair:** No, that is not a warrant, it's not written in warrant form yet but the way the statute reads, if a petition... A petition to repeal zoning may happen in the way that zoning was achieved in the first place. So, the only way that anything zoning-related happens in town is through the Planning Board after we got zoning and it blessed us with this power. So, the only method of repeal of zoning, entire repeal of zoning, which is different then something that is called a protest petition, the only way to repeal zoning entirely, is to file a petition, with enough number of names that don't disqualify themselves.

105 **Henry Spencer:** through the Planning Board?

Chair: It gets submitted to the Town. The Town is obligated... and it's within a timeframe; it has to be more than 90 days before (town meeting).

Petitioner: Between 90 and 120 days.

110 **Chair:** Between 90 and 120 days. It can't be too soon; it can't be like yesterday, "Oh, by the way..."

Henry Spencer: I assume they did it correctly.

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115 **Chair:** It was done correctly. Then the Town is obligated to give the Planning Board a copy in a timely manner. Then the Planning Board is obligated to include that with our amendments, and we have no say. So, this is our regular hearing that we have every year if we're making any amendments, but this one, we don't have a say on it; it is going to be there. It is not in warrant form yet.

Henry Spencer: But it shall be.

Chair: But it will be. It shall be.

120 **Michael Cahalane:** Theresa, may I add something to how the process works? Part of that, Henry, to answer your question is under RSA 675, in there, this is handled the same way as any other zoning amendment, the repeal is handled just the same way as an amendment to the zoning ordinance would be done. That's why it's here and it would appear on the warrant as a ballot vote, not a town meeting issue.

Chair: Yes, the main difference is we can't change any language and we are not here to amend any language in that tonight.

125 **Henry Spencer:** Well, in that sense, I'd be willing to speak to the way I feel about repealing zoning if that is what we are doing.

Chair: Yes, that is what we're doing.

130 **Henry Spencer:** Overall, I think it's a bad idea. I've been involved in the community for a number of years and I understand the one advantage of zoning. I also understand those places where it infringed on my own life and costs that I've incurred to move property lines to do things that I've wanted to do. But I do look at zoning as the only protection that a property owner has that their neighbor will not do something on the neighbor's property that diminishes the enjoyment and value that the first person can derive from their property. So, it offers a degree of protection. I do understand it infringes upon everybody's right to do exactly what they want to do. But...I mean, we call ourselves rural but we live very close to each other. It's very difficult to do anything on your property that has no affect on your neighbor's property. They're going to know you did it. And that is why I don't think it is a good idea to get rid of zoning because if what it accomplishes for the community. I'm also a little unsure about what would happen if you repeal zoning; what it would do to the Planning Board's ability to exercise control over subdivisions and site plans and stuff like that. I don't know the answer to that but I think there may be serious unintended consequences to the function of the planning board as a register so they know what is happening on a particular piece of property and what those sizes of property are. Thank you.

140 **Chair:** Thank you. Jory?

Jory Augenti: The only concern that I have is that it be enforced equally; not playing favoritism to anyone. When it comes down to it, everyone should be treated the same way.

Chair: Hear, hear, thank you. Susan?

145 **Susan Slack:** Thank you. As the town moderator I don't normally stand up and subject you to my opinions about things because on the floor of town meeting I want to be a bit removed from the everyday discussion. But this is not a question that will come to the floor of town meeting. This is a question that will be on your ballot on the Tuesday when you vote for electing town officers. So I feel a little leeway in giving you my opinion on some things here.

150 Back in the day, we did adopt Emergency Temporary Zoning (ETZ) in response to several land uses that were projected to be coming into our town. One was a racetrack right next to a fairly dense residential community. And the other was a commercial garbage transfer station. And people in town did not want those kind of uses. And the only way you can regulate the types of land uses is through a zoning ordinance. So, ETZ was adopted. We didn't make up the regulations for that; it's spelled out in statutes.

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155 So the state says, if you want to adopt ETZ, right here in the statute is what your regulations will be. You don't get to say what regulations you want or don't want. So we did adopt that. That statute also says ETZ goes away automatically if you don't adopt your own zoning ordinance. And we set up a committee, worked hard on it, Jory, George, there were several other people, we looked at many towns' ordinances. We decided we were a pretty small residential community: rural, agricultural, forested, that certain types of uses were important to us, timber harvesting, all kinds of home-based businesses, those types of things. We did not set up a commercial district and say the only way you can run a business is if it's right here. You can run a business anywhere pretty much in this town. There are certain requirements you have to follow so that you're not infringing on your neighbors. That's a pretty laid-back kind of zoning ordinance but we didn't feel we needed anything more than that.

165 Over the years, we have tweaked it, we've amended it if there have been problems, like there was around the Province Lake area where the houses are more densely situated. We amended the zoning ordinance to adopt some regulations that worked for that area of town, instead of making them abide by the regulations that work in a more rural area. So, over the years we've amended these regulations and there's a normal process for that. And it's a kind of adult, consensus-building way to dealing with your problems and it seems to have worked out pretty well.

170 The other thing, there was a mention of Site Plan Review regulations – so if you want to have a business you have to develop a site plan, and have a good entrance off the road and those kinds of things. If we don't have zoning, we cannot enforce our Site Plan Review regulations according to the statute. So, we're giving up all sorts of protections that protect us from uses that we don't want and end up with kind of a mealy-mouth looking little village. We have protected our historic districts, we've protected our villages, and we have left pretty much open our rural and forested area. Seems like a pretty good deal. Thanks.

Chair: Thank you very much. Eve Klotz?

Eve Klotz: Why I was raising my hand about doesn't speak to this, but I agree with everything Susan said. Why I was raising my hand somebody has a blue Audi A4 that is parked with its lights on.

180 **George Bull:** That's mine; they're parking lights, they're intentional. Thank you.

Eve Klotz: Just wanted to make sure. And, thank you, Susan, your history is absolutely correct.

Chair: Sorry it's hard for me to see, Emelyn?

Emelyn Albert: Yes. Echoing what Susan just said.

Rebecca Boyden: Could you state your name, I think this is being taped.

185 **Chair:** Yes, it is being taped, thank you, thank you.

Emelyn Albert: Emelyn Albert, Effingham. Echoing what Susan just said I just want to reinforce the fact to everyone that zoning protects our natural resources. You might not think that it does but at least it gives us guidelines for groundwater, floodplain protection, things like that. If that was taken away, you might not miss it until something dangerous happens to your neighbor, or you.

190

Chair: And the woman behind you, can you stand and say your name?

Virginia Wrabel: Oh, I don't want to say my name; I promised my husband I would behave. [Laughter] My name is Virginia Wrabel.

Chair: Thank you, Virginia!

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195 **Virginia Wrabel:** And if you know my husband, please don't hold me against him! [Laughter] I'm a
realtor in town. If you do away with zoning and if they can't protect it through ordinances, protect your
property, protect your businesses, protect your homes, your property values are going to tank. Everybody
complains about our taxes, our taxes are high, but properties in Effingham are selling! Because we have
200 zoning! Because people know that the lot next door to them isn't going to have, if it's a one acre lot, a
trailer plopped on it with people coming and going in all hours of the day and night or you're not going to
have 30 cars in your yard leaking oil and gasoline into your groundwater, into your well, running into the
rivers that we have around here. Effingham has a lot of wetlands, a lot of flagged wetlands, and if you
think that the cars that are parked in your yard don't affect those wetlands and that groundwater, you got
another think coming. It really does. We need to have zoning. If you don't like the zoning laws, then
205 tweak them. Do something. But this to me sounds like a petty argument about neighbors not liking your
shed or your garage or the color of your windows. And that's just petty. We're adults, and we should be
able to just settle our differences. If you don't want zoning take a ride through Tamworth. They have a
closed-up restaurant that I'm sure had a bar in it, across from their grammar school! That's what the lack
of zoning will do to your town. If that's what you want, knock your socks off. It's not what I want.

210 **Chair:** Thank you. Jory?

Jory Augenti: Jory Augenti. Just would like to make a correction on Susan.

Susan Slack: Only you, Jory! [Laughter]

Jory Augenti: That we worked on a racetrack ordinance long before zoning came in.

Chair: Thank you. Jim?

215 **Jim Pittman:** Jim Pittman, former member of the ZBA. I think everyone has spoken eloquently for the
good reasons for having zoning. And we certainly recognize Effingham is not unique in having zoning.
Many other communities have decided this is a really good idea. So, nothing radical there. It's difficult
for me to know the reason for the folks who have put the petition forward for this but I guess I would
remind those folks that no ordinance is perfect, and the state has recognized that by statute. Any town that
220 has a zoning ordinance must also have a Zoning Board of Adjustment (ZBA). That is to address situations
where perhaps the ordinance does not fit everybody. There are special cases and as was already pointed
out, there are other ways to adjust the ordinance over the years. Every year I think, there's always a little
change in the ordinance. I would recommend to the petitioners to try to work through those channels. No
reason to throw the baby, the bathwater, the bathtub and burn down the house all at once. We've got
225 something good here; I think we should keep it.

Chair: Thank you. Karen?

Karen Payne: Karen Payne. I'm not sure if it is appropriate but if it is I'm wondering if it's possible to
ask the petitioners. Lower property value is definitely what happens when you have no zoning. Our real
estate agent spoke to that. I'm wondering if there was an awareness of that? If that's what people were
230 hoping for? If there was a misunderstanding that if their property values went down their property taxes
would go down? Is that part of the picture?

Chair: There's a murmur or "No"

Karen Payne: Ok, I'll take that as a rough No. Or is there something like a racetrack or a transfer station
that people had in the back of their minds they think we're preventing that they want to see come to town?

235 **Chair:** Thank you, Karen. Chris?

Chris Seamans: Chris Seamans. The direct answer to your question would be no. First, I'd like to say as
one of the signers of the petition, I can speak for them, that nobody was attempting to take away from the

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240 work that was done by the boards that were set up initially to adopt zoning, the racetrack ordinance
people, was anyone's intention whatsoever. It takes a village, right, to make this run. If you look at the
preamble in the zoning ordinance, the very first section, that's one of my main things. Promote health,
safety, prosperity and general welfare. I watch meetings, I've been to meetings, I listen to people in the
streets, most of the complaints that people have about what's going on in this town, the zoning ordinance
is not going to stop it, just like my wife said. I'm sorry, it's just not going to. We can't tweak those things
because you really do start to infringe on our constitutional rights. Okay? To speak to something Susan
245 Slack said the reasons why this was adopted to begin with. Those parcels of land are in conservation. The
likelihood of us getting a Casella Waste Management, a racetrack, Oliver Oil Company, Atlas wanted to
come and have a fireworks store. The land is all sucked up, with the exception of on route 25 and 153.

Unknown: No, that's not true.

250 **Chris Seamans:** With the exception of route 25 and 153, to the best of my knowledge, the large tracts of
the land that businesses of those caliber would go to, as we've stated over and over again, there's not 3-
phase electricity. There's nowhere in this town. What we have now is what we are going to have. I'm not
saying I'm against that. We certainly are not promoting to have anything bigger come. We are going to be
a bedroom community for the towns around us that are growing. We're going to have more children. If
you drive Pine River Rd, there are residential houses being built, very substantially sized houses for that
255 matter. For me, it get's tweaked every single year. On average, we're voting on five amendments to our
zoning regulations. A couple years ago, and I'm sure someone will correct me if I'm wrong, green tractor
sheds. I've had one in my yard for... it was my father's. I inherited his property. If I'm not mistaken, you
need permits for those now.

Chair and Zoning Officer: No. You are mistaken.

260 **Chris Seamans:** Okay. Every year the zoning ordinance get's tweaked a little bit more. One of the zoning
changes I see this year, proposed, is so that Park models can be allowed. That was a very heated, lengthy
discussion of a Selectmen's meeting. So, we mold to fit people, and I don't think that that's right. But...
to cut this short, I don't see how this is making us more prosperous. Certainly not me. I haven't gotten
richer since zoning was adopted by any stretch of the imagination. I don't want to see this get to the point
265 that I can't do anything on my property that has been in my family for six generations. And I don't see
any large corporations coming in. We are what we are. We are going to stay a bedroom community for
the other towns around us that are continuing to grow. There was one other thing.

Chair: If it comes back to you, let us know.

Chris Seamans: Thank you

270 **Chair:** Thank you. Dave?

Dave Strauss: I'm Dave Strauss, current chair of the Zoning Board of Adjustment. I like Mr. Pittman's
sentiment that we are definitely here for adjustment of the zoning ordinance. Myself, Mr. Augenti, Mr.
White, Mr. Hart, and Mr. Fuller currently sit on the board. Now the last three years I've see this board
adjust the zoning ordinance. Everything that comes in front of us gives us the latitude to do things that are
275 good for the citizen and try not to cut their hands. And that board has done that with the quasi-legal rules
we have in front of us. I really feel that deleting zoning would take us back not forward. I feel that we
have the method to do what we want to do right now, and just because we have a problem with just a few
little things... There isn't anything in this world that we don't have disagreements with. You don't throw
everything out because you've got disagreements. I really believe we need to move forward and I am not
280 in favor of this. Thank you.

Chair: Thank you very much.

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Virginia Wrabel: I have a question, do I have to stand up again?

Chair: Is that your question? [Laughter]

Virginia Wrabel: The thing about the Park Models. Can I address that now or not?

285 **Chair:** No, please not, we are going to try to be as efficient as possible with the number of people here to try and participate and we do have a lot on the agenda. So... yes (toward another attendee) can you stand and say your name? And I ask so the tape recorder can hear you.

Paula Hammond: Paula Hammond. I just have a question. When you tweak the amendments, does it go before the town and we vote on it?

290 **Chair:** Absolutely!

Paula Hammond: So we have control in town over what gets changed?

Chair: Yes! So tonight you have control, you can say, "what are you doing, that's crazy!" and maybe we change our minds, which we've done in the past. Then, whatever we decide turns into a warrant article that goes on the ballot, and the town decides.

295 **Paula Hammond:** So if the majority of the town doesn't want it, it doesn't happen?

Chair: Indeed.

Paula Hammond: That's great!

Chair: Blair Folts.

300 **Blair Folts:** Hi, I'm Blair Folts, and I was on the committee. We did pass emergency zoning, and I think a week after we passed emergency zoning we create a committee and I think Jory you were was on the committee as well, Don LaChance was on the committee. The idea was zoning is not a way to control stopping; it's really a way to plan for how you want to grow as a town. In my mind that was a really positive thing. I thought of an example today, one of the things we included, and I didn't read the current zoning ordinance, but I remember we talked about internally lit signs. Jory, do you remember that? [Jory: 305 Yes] And so that was kind of like, do we want McDonalds? And my memory, and I'm okay Jory if you tell me I'm remembering wrong, but I remember we talked about, we could have McDonalds, but maybe they don't have an internally lit sign. If we plan for McDonalds, they would have to be a cozy Effingham McDonalds without an internally lit sign. So they wouldn't have the golden arches, they might have to have painted arches with a spot light on them. So, that was the example of what zoning can do for you. 310 When I saw this petition, I thought, I haven't seen any problem with zoning.

And now I'm going to speak as the contractor for Green Mountain Conservation Group for two years. We went from a house to a residential property. So we had to change our use from residential to commercial. I only had people be incredible respectful to me, very helpful to me. Yes, we had to pay for the permits, but it wasn't thousands of dollars. It was just a process. And there were things we couldn't do but we 315 could ask well, what if we do it this way? I felt like it was really positive planning and we now have our office and we now are open to the public (that was a long process and took four years), but I only felt respect from this board.

So, I have never seen a problem with our zoning. It's so minimal compared to other towns. We don't have a town building inspector to make sure to building is the right height, all that stuff, it's pretty minimal. 320 We don't require houses to be a color. So, I feel very positive about our zoning and I've only seen the ZBA and the Planning Board be incredibly respectful to me as a homeowner but also to me as a business-person.

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Chair: Henry?

325 **Henry Spencer:** For the tape, this is Henry Spencer. One other aspect is sort of the spirit and the tone of
the Planning Board and the ZBA that exists in Effingham. One of the biggest problems I always had with
zoning was the residential aspect of it. It made it extremely difficult to extract value from a small piece of
property. Maybe it was two years ago, or maybe it was last year, the Planning Board put together an
amendment to add a whole section about Accessory Dwelling Units, which has allowed individual
330 property owners with a single house in this town, if they have the investment money to do it, they can
either revamp certain portions of an existing piece or to build a separate piece. There are rules and
regulations about it but it allows almost every single landowner in Effingham to build an income building
on their property. And that to me just speaks to the spirit of what we try to do with zoning, what
everybody who I've ever seen work on it, defend it. The Zoning Board of Appeal whose position is to try
to find a way to say yes when the person has been told no. That's their job and they do a good job at it.
335 But that speaks deeply to me about the way this town looks at what it's trying to do to promote the well
being of the community. Thank you.

Chair: Thank you. Anyone on the fringes, just want to make sure. Okay. Hi Moselle?

340 **Moselle Spiller:** My name is Moselle Spiller and I grew up in Effingham Falls. I've lived there my whole
life since I was five, so I've seen the neighborhood grow a bit. I was fortunate enough to grow up here
swimming in the Ossipee River and building forts in the forest and I never really had to worry about
falling into a toxic pit or getting cyanobacteria from the water because there are protections for our water
quality. And it's just very important to me that the Articles that protect the wetlands and open spaces are
kept because they provide guidelines for responsible development. I've familiarized myself with the
zoning ordinance, and I don't see it as anti-development, but it does provide guidelines for responsible
345 growth. Thank you.

Chair: Thank you very much. Yes?

350 **Linda Edwards:** Hi, Linda Edwards. I don't know if it's appropriate or not but maybe, it's a concern. We
salted the heck out of Champion Hill Rd several times in the last month. And the water, when it goes
down, hits the salt, runs across the road, and it goes I believe into Pine River. I'm wondering if there is
any kind of restrictions on that much salt being placed there and then having it run off?

Chair: Yes? Thank you.

Linda Jones: Hi, I'm Linda Jones, and my husband and I own property in Effingham. We've been here
twenty years. This is the first time I've been to one of these meetings. I don't know why. [Clapping]

355 **Chair:** Thank you for coming out. We appreciate it very much. We don't get a lot of public attendance
but we welcome it and encourage it.

360 **Linda Jones:** I just wanted to say that we appreciate the zoning. We live in an area of Effingham where
the houses are maybe a little closer together than in other areas. And we appreciate the fact that someone
can't open a business right next door to us and have a lot of extra traffic. We moved here because it's
quiet and it's a very nice town. And it sounds to me that the way that this is set up, that you do
amendments every year, it sounds like it's a working system. I mean I don't really quite understand the
disagreement with it, the problem with it. It seems to me it is working great.

Chair: That's what we're here for tonight. Thank you very much. Tim?

Tim White: I'm about as fringy and they get. [Laughter]

Chair: I wasn't going to say... [Laughter]

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365 **Tim White:** I don't remember when I stepped on to the Zoning Board (of Adjustment) years ago but I've
been unable to extricate myself. [Laughter] And, I had no great enthusiasm for being in town government,
which I think uniquely qualifies me for hearing some of these things, because I do kind of get a sense of
both sides. Running any government or municipality is work and it takes people's input. We tend to have
370 more complaints than volunteers. So at a time like this when we've been putting a lot of effort and energy
into trying to make something like the zoning ordinance work for everybody, simply to have to defend its
very existence, it just doesn't move us in a productive direction at all. I mean, really the next step if you
want to trash the zoning ordinance is to un-incorporate. I mean, you really want it all off your backs, pull
the plug, the whole thing goes away: all the expense of that top-heavy management is gone, and we're
just county protected. Have a good time; the county administration is pretty busy, they wouldn't pay a lot
375 of attention to us. Rock on! Right? [Laughter]

Chair: Thank you, Tim. [Unknown: Party at Tim's house!] [Laughter]

Tim White: I'll have all the lights out. [Laughter] Certain things need to be done. The town runs better
with more attention, more planning and thoughtful moving forward, instead of just acting on impulse. So,
I'd really like to see, more people showing up to play along, and fewer people throwing rocks.

380 **Chair:** Thank you. Okay, Mellisa?

Mellisa Seamans: I appreciate your, Tim White, your comments about people need to come out and get
involved and not just throw rocks. I appreciate that. And it is our responsibility to come out and be
involved in the conversations when there're happening about the zoning, about anything. It is our
responsibility to show up, whether it's today for the first time in three decades or you've been coming
385 every week for three decades. There is a whole mix of people here and we all have an important opinion
to express. Perhaps just consider for a while, or half a second, the people that don't come, don't get
engaged, that appear to be throwing rocks, that appear like they're not adults, feel disenfranchised and
don't feel like they're part of the process. Even if they tried, they feel like, this is the way, so we're over
here. There is a great divide in our community. And a lot of people don't see it. What divide, we're all in
390 this together? Well maybe most of this room is in it all together but there is a completely separate
segment of the population that is not here, and there's a reason. I think that's part of where this comes
from. I agreed to sign the petition because I think we need to start talking to each other. And quite
frankly, if my neighbor decided that she wanted to build a new shed and it was on my property line, I
don't need Rebecca to come and make that better for me. I'm gonna step over that stone wall and have a
395 conversation with my neighbor. And if we can't come to terms, it's my responsibility to do my civic duty
at the court and either we do an adjustment with the line or it becomes my shed. We're all neighbors here.
We need to be working together, I agree with that. But we also need to be respectful. There are a lot of
rules and regulations already in place that are dictating what we do. For example, in private subdivisions,
they have they're own covenants. That tiny group of people that knows exactly what they need in their
400 neighborhood gathers every single year and they rewrite their covenants. If they don't want a logging
truck starting up at 5:30 in the morning, or they don't want someone splitting wood in their backyard,
they have the perfect opportunity to rewrite their own covenants in their own little community. And some
people feel that zoning coming into that, we don't need the Lord Town to come in and take care of it. If
there's an historic building where my best friend used to live and she moved away because she couldn't
405 come to grips with the fact that she couldn't reopen a tavern – it's historic use – in the garage. So, she
moved away and left the house that's now, it's going to fall into the ground. Nobody loves it. Guy comes
in, he wants to change his door. \$3,000 fine later, he had to put the old door back on. Is that who we are?
Is that what zoning is? Or, someone wants to put solar panels on their house so they put solar panels on
their house because they're told its okay but then its not okay and then they have to come to the planning
410 board and they have to do the dance with the ZBA. Is that who we are? Put the solar panels up, for God's
sake, save the climate!

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Chair: Thank you.

415 **Mellisa Seamans:** There are just so many instances where the zoning just makes me question who we are as a community. If my neighbor is dumping her sewage into my well, there are already rules in place for that. I could list a million things. Vehicles? 50 vehicles on a property leaking into the groundwater. We can have a groundwater ordinance, and that's actually a police issue under the junkyard ordinance. Does it make sense to who we are? And are we all talking together? And are we making sure we connect with the other side of town? There are 1,100 grownups in this town. It's the same 50 people running things.

Tim White: It's the same 50 people showing up.

420 **Mellisa Seamans:** That's exactly why we formed our group, so we could have these difficult conversations with both sides of the creek.

Chair: Thank you very much, Melissa. Although I don't know the examples you were using. [Other Board member: I know a few.] You do, okay. So, anyway...

Tim White: Brief rebuttal?

425 **Chair:** Okay.

Tim White: I understand the disenfranchised feeling. Part of it is that we are scattered around the base of a mountain instead of gathered around some central meeting ground, right? Every little section has its little sectional. And also I understand how its really easy to feel disconnected from town affairs because so many of us have to work outside of town, and are willing to do so because it's nice to be here where its quiet and not bustling. And it does aggravate that sense of isolation and separation. There's also a natural human tendency to gather into your echo chamber and hang out with people who reinforce what you're already feeling. And, I don't how many other people had to bend things to be here tonight, but I had to skip something that I've been doing weekly every Thursday for 5 or 6 years, you know, because this was important. It's also something that I prefer not to do, but I mean, these are the sacrifices that you make but they are sacrifices. And anyone who has to make a special effort to join in has to appreciate everyone else's special efforts, and kind of understand that maybe we're all feeling kind of separated. Something like a government entity raises a lot of emotions, which short stop a lot of intellectual processes. People fall into patterns of sort of binary thinking. If it upsets them, quite understandably, they want to just make it go away. And that's why we have to thank the same 50 people who keep showing up because they keep showing up. I mean, I'm seeing a lot of gray hair on everybody who is doing things here. Eventually, no one's able to do it anymore. It's the earlier reference to un-incorporating. Either you're going to take some interest in participating, or have a somewhat more tolerant attitude if you are not able to participate. I think the town should open any means of communicating so that people can participate on their own time. And I think that's happening. You know, that's very helpful. I don't think that rolling back the clock to whatever century is what we want.

Some of things Mellisa is suggesting, like being confronted about your shed by your neighbor who has just climbed over the rock wall, sounds like a pretty intimidating situation compared to both of you being mindful of a fair-minded town regulation regarding sticking a shed too close to a property line. Instead of in-you-face, and 'see you in court', it can be perhaps handled in a little more orderly fashion short of that.

450 Separate ordinances are more easily struck down in court challenges by someone who chooses to challenge them. Witness how Tamworth was conned into voting out its entire Wetlands ordinance at the convenience of a private racetrack. Would it have had a little bit more substance if it had been part of a complete and coordinated zoning ordinance package? Maybe. And the thing about the door was probably about the Historic District, not zoning ordinance. You've got a lot of things overlaid here. And again this
455 could be addressed through a longer-term discussion.

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Chair: Thank you very much, Tim. Susan Slack?

460 **Susan Slack:** We've heard mention a little bit this evening that we already have a Groundwater Protection Ordinance, or have a Wetlands Ordinance, why do we need zoning. Those ordinances are zoning ordinances and the whole package is going out the door if the zoning ordinance is repealed. So all that stuff goes away.

Chair: Yes, we had some separate ordinances when zoning was voted in, and the warrant folded those into the zoning ordinance. But it's not true that if you undo zoning those ordinances would file back out and exist again; the whole thing will go. Until the next year that someone else suggests something else.

Mellisa Seamans: Thank you for the last part; that was my question.

465 **Chair:** Hello? I can't see very well. Hi.

470 **Janet Normandeau:** I guess my white hair probably shows up. I'm part of the old timers that started this board. My name is Janet Normandeau and part of the planning board people. Gary was on it, and there were several other people. We had a time bringing that planning board in, it was fantastic to be able to be part of it. But I find that it's touchy business because it's true, a certain amount of people come and that's what happens. But when we were on the planning board, we were on the phone, calling people letting them know. We had a lot of people coming to meetings. Because we would get on the phone, we would advertise, but you can't in a paper that advertises a meeting one day and then that's it. And that's what happens when you put it in the Conway Sun, we never had luck doing it that way. And then a lot of people that are very important that never show up here. But it's good that we are into this again. Let's hope we will be having more meetings on this because it's very touchy. And a lot of people should know.

Chair: No.

Janet Normandeau: No more meetings, that's it?

Chair: On this issue?

Janet Normandeau: Yes, this issue.

480 **Chair:** No. The community is welcome to. We're here tonight to have an opportunity to comment on the amendments to the zoning ordinance. At the close of this hearing, then the Board will discuss and decide what amendments to bring forward or if there are any changes to the amendments that have been proposed. And that will either necessitate another hearing, possibly, but possibly not, in which case, these turn into warrant articles for the ballot and they are items that show up on the ballot. The Board meets every month and so people are welcome to come and people do come in and we discuss things, problems that they are having, problems with zoning. But we are not going to be doing that with this process.

490 **George Bull:** We're limited to a degree because we have to give advanced notice. We can't just have a hearing and say there will be another hearing next week, because there are statutes that prevent any board not just the planning board. So we don't have the flexibility to spontaneously have hearings. That doesn't mean that people in town can't talk about this. It doesn't prevent the topic from coming up. It just means that we can't have public hearings as a planning board.

Chair: And it certainly doesn't mean something like this can't have a number of meetings before it gets to the point of a petitioned warrant article that then is in our process, that's fairly restrictive. Rebecca?

495 **Rebecca Boyden:** Rebecca Boyden, I'm the Zoning Officer here. I happen to be a resident of Tamworth. I want to say that quite a few years ago, when Tamworth was going through a period of real divisiveness in the community, a group of enterprising people started a newsletter called the Tamworth Civic News. It was supported by donations and advertising and it had a pretty broad slate of people that wrote for it. And

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500 it was distributed free of charge through the mail to every household in Tamworth. That kind of
community based effort at communication, it came out I believe once a month. It carried the selectman's
minutes, the planning board minutes, what they were doing at the elementary school, what the arts council
was doing, and any other issues that might have been hot-button topics or that month. It was really
successful over the number of years that it ran in getting a huge pool in Tamworth that were otherwise not
informed about what was going on and how the government worked and how the community worked.
505 The number of people that attended meetings went up. The number of people that were more informed
about just how government works went up. And so I'd strongly suggest that anyone who is feeling
disappointed at how our newspapers – I subscribe to one and buy another – but how our newspapers may
cover our small towns and how the information about what we're doing doesn't get out there... start a
rag, get some sponsors, and donors and send it out. It really is a great contribution to the community and
510 you can have op-eds or do whatever you want, have a lot of different opinions but it's a way to reach all
your neighbors rather than saying that person doesn't come to meetings and that person only reads this
newspaper. I was really proud of it.

Chair: Thank you very much. Susan?

Susan Slack: Just one more thing. Mellisa and Chris both have talked about issues that have come up and
the zoning ordinance doesn't address them, and doesn't have the authority to address them. It seems like
515 there should be some mechanism to figure out what those issues are and how they can be addressed.
Whether that's at a Selectmen's meeting or just a group of people getting together and talking about them,
or something. But there should be a way that people can express some of those feelings about things that
are not going particularly well. I throw that out there. There ought to be a way we can talk to each other.

Chair: [Murmur on the Board] Agreement with that.

520 **Rebecca Boyden:** And I'll respond to that again. I am always available to talk to people that are unhappy
with some aspects of the zoning ordinance. Try to guide them through what a process for change might be
and suggest that they either round up people for a petitioned zoning article or write to the zoning board or
present to the planning board in person. It may feel like the avenues are not out there, and the planning
board only meets once a month, but I am here once a week, I have an email address. I'm happy to hear the
525 bits and pieces that you think aren't working. I've heard it in the past and we've made changes in the past
directly in response to concerns that people have had about restrictions that seem undue.

Chair: Anyone else? Anyone in the hinterlands out there? Okay...

Susan Slack: So your process now with this petition is that it's going on the ballot and we will vote on it.
And the planning board puts on a notation of whether you approve or disapprove?

530 **Chair:** Yes, the statute requires the planning board to state whether it approves or disapproves of a
warrant article that we don't generate. So, what we're going to do now is the board will have an
opportunity to make comments, and then we will move on to the other things. But yes, we cannot edit this
one like we can the next ones. So, this will appear, because it is not generated by the planning board, the
statute requires that the planning board, following the warrant, state whether it approves or disapproves of
535 the, in this case, petitioned warrant article. Any questions about that?

So, I just want to open it up to the Board. I want to close public comment on that warrant article, I mean,
proposed amendment. The Board can make any comment that it would like to and then we'll proceed with
the next amendment.

[Close of Public Comment.]

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Elaine Chick: I would like to offer clarification on a fact and then I have a comment.

Chair: Okay.

545 **Elaine Chick:** I would like to speak to Mellisa's comment about the door that everyone seems to bring up. [Can't hear you] I'm sorry, there was a comment that Mellisa brought up about a door that had to be reinstalled in the Historic District. I would just like to clarify the facts around that. The requirement is that if you are going to modify the exterior of an historic building that you come before the Historic District Commission first before you go ahead and replace a door. The issue was not that the door was replaced and he had to put it back, but that he never actually filed the request for a zoning certificate of approval. That's the issue on that one. Yes?

550 **Chair:** I'm sorry, we have closed the public comment.

Rebecca Boyden: I just want to make a clarification and I'm not public, I'm staff. [Laughter]

Chair: Okay.

Rebecca Boyden: I just want to clarify that that was not a Zoning permit, it in the Historic District.

Elaine Chick: Oh, yes, I need to clarify that. It was a Historic District Certificate of Approval.

555 **Chair:** Okay, I'm just trying to manage this. Thank you for your question. That was in response to Mellisa. Right? And, you're okay, and your're okay? Okay. And I need to mention that the Historic District has its own... statutory... If zoning is completely repealed, we are left with the Historic Districts.

Rebecca Boyden: It is enabled through a different statute.

560 **Chair:** Thank you! It is enabled! Okay. So, if some of the disgruntlement about the zoning ordinance is about the historic district, that is a total miss. A repeal of the zoning ordinance does not repeal... I might stand corrected but I spent a fair bit of time consulting with the town attorney to be able to be prepared for tonight. That's my understanding. Go ahead, Susan.

Susan Slack: The way I understand it, the Historic District Commission's regulations will stay in place, but the types of uses that our zoning ordinance doesn't allow in an historic district by zoning go away.

565 **Chair:** Ah, I am very happy to stand corrected by a long time municipal attorney!

Susan Slack: So, the regulation on what the exterior of an historic building in the historic district looks like stay there. But if I want to put a gas station next door in an historic district I will be able to.

Chair: Oh, right, the gravel pit can go in there. Got it. Got it.

Rebecca Boyden: It just has to meet historic district standards.

570 **Susan Slack:** Oh, it could look really pretty.

Elaine Chick: Nice old gas pumps come to mind.

Chair: Yes. It is time for the board to make comments.

575 **Gary Jewell:** I want to address the fact about the un-incorporation of the town. If that should happen, more than likely the state would take over. And we would have a zoning ordinance imposed by the state. I know in Maine, that's what happens. And the zoning ordinances are much more strict than ours.

Chair: I don't know, but I do know we are not discussing un-incorporation of the town at this time.

Gary Jewell: But that's a point that was brought up.

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Chair: Yes, it was. Thanks Gary. Any comment though about the repeal of zoning?

Michael Cahalane: George, you got anything?

580 **George Bull:** Yes, you know, I got involved with a lot of this because I was not a big fan of zoning. I
certainly see problems in our zoning ordinance that I personally don't like but I don't think that getting rid
of zoning is going to solve that problem. That's why I am on this board. For the people who do have
issues with zoning, and I think a lot of people have legitimate issues with zoning, I think the best way to
address those, is to work within the zoning ordinance, because it can be changed. This is not set in stone.
585 We can allow things that we don't allow now, or disallow things that we do allow. There is a lot of
flexibility. And one thing that has been difficult for me as a board member is that so few people
participate. And I respect the fact that there are people that are disenfranchised, and they have legitimate
concerns. But it's really hard to expect this board to meet their concerns if we don't know what they are.
So, I think that going back a step and maybe giving the board a chance or giving zoning a chance and
590 trying to work within. And then if you're still disenfranchised or still excluded, then you have a better leg
to stand on also if you want to repeal zoning. That's just my take on it as a board member. But I don't
think that people have really tried to change zoning from within. It's not that we have constant complaints
that we are totally aware of. I think in fairness, people really haven't given us a chance. I don't take this
personally; I've done petitions myself. It's not a personal thing. I'm just saying, that, I as a person think
595 that if more people participated in a real concrete way, not in a 'cumbaya, let's all be a village and get
together', but show up to a meeting and say I have a problem with this specific ordinance for this specific
reason. Then we have a chance to address it. Then if we still blow it off, and people feel like their being
disenfranchised, they've got a real legitimate reason to come back later and say we gave you a chance.

600 **Michael Cahalane:** I have served on the ZBA for 6 and a half years, my last stint as alternate, previous to
that I had the privilege of being the ZBA chairman for a couple years and three years before that was vice
chairman. Up until becoming a selectman I was on the planning board for a number of years, which my
last year I was the vice chairman. In that time I attended a lot of trainings that you can go to as a
municipal elected official and I took advantage of that. One of the stresses you'll get where Susan Slack
605 used to work at the Office of Energy and Planning, is that zoning is actually there to protect the
constitutional rights. It is to allow people to make a fair and reasonable use of their properties and
safeguard the community where you can. It works two ways, the idea that is restricts you on some rights,
its kind of an oxymoron, it's a double edged sword. But again, it's a living document, so if things are too
restrictive, like you say, we can petition for changes, we can go to the planning board and try to
610 incorporate these changes. We take input in meetings like this if what we're proposing has some flaws so
we can try and work with that. But there are a lot of protections here: controlled growth, safety for
accesses to roads, so we don't have premature developments going about, and it can mitigate the issues of
neighbor disputes. I think we saw our police sergeant in the hall a minute ago. He could probably attest to
the ongoing festering situation you get when you have neighbors just fighting against each other when
615 you could have a reasonable restriction in place that could just take that right off the table and it inserts
the town. We get to be the bad guys if you don't get your way. Or actually, you all do, we're all the town,
really, we all vote on this. And as far as the permitted uses chart in the zoning ordinance, that's so that we
can restrict where certain big business or certain types of businesses get put in, whether that's around lake
fronts or rather congested areas where they would have a rather negative impact. Or the type of business
620 we may not want to allow at all; it's not a permitted use and it would take a much greater effort to get
something inserted into our community that we all may not want. So, when a large corporation may want
to move into this town and it may have hazardous or detrimental impact on the environment, you can
merge lots. You can buy up a bunch of lots. So, maybe something looks fractured now, but those that
once got separated, they can be joined back again. And that's how zoning works. So, it's both ways. I
625 would say though, that the overall safety benefits are huge for protection.

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630 I also want to say that, this took place about 20 years ago, and since, that's 20 years of filling the seats on
this board. The zoning board has five members, that's 100 seats over 20 years. The Conservation
Commission, Agricultural Commission, Historic District Commission. We had 80 members of the public
work on the master plan, that is the framework for all the other things that get incorporated here. We have
635 a Capital Improvement Committee right now working on things to really guide the growth, expenditures
in the community. If you add this all up and if every seat was an individual person, that's like 600 people
working for this community, to set a framework up so we can have a nice reasonable cohabitation. I think
it's important to consider all the work that others have put forward. And if anyone sitting out here is not
involved, there is an election coming up, you can get involved, and join this side of the table. Thank you.

Paul Potter: Do I get a turn?

640 **Chair:** You sure do, Paul.

Paul Potter: When I was young, and it wasn't that long ago, the town's population was 300 people.
Proportionately, we had a bigger turnout at the old Town Hall than we do today. Supervisors, how many
voted at last town meeting? [Someone: 49] 49 people voted? I think that's a little slim but what I was
going to say is that you've got 1,100 people in town and not even half of them come to vote. Whether it's
645 time, interest, family, health, it's a very poor statistic. It's basically the same in state/federal government.
And the few of us that do run, and may I point out for those of you who don't know, the zoning board and
the planning board do not get paid one red cent. We are a gratis board; we are in this for the glory and the
honor, and probably we should be getting psychological help for being willing to do this stuff. [Laughter]

650 **Chair:** And we are all looking for alternates. They pay just as well! [Laughter]

Paul Potter: Yes, exactly, in fact twice we're going to double their pay this year! [Laughter]

655 For those who aren't appreciative of what the town is doing, perhaps with good reason, there is absolutely
no reason that they can't run for office. It was quoted, there's a lot of gray hairs out there. Some of the
people that I think of as kids, are having gray hair. Some of the people I went to school with, their
children are sitting here, but there are very few young people out here. And by young, I am talking about
teens and twenties and thirties. Any of you younger ones that are here, thank you, I appreciate it. There's
not that much interest in town affairs and as a corollary, there is not much knowledge of how the town
660 works. When I was growing up, town meeting was THE thing, and everyone came. I don't want to say
everybody; I think there was someone up on Green Mountain Road. And everyone was fairly well
informed of the process for how to get a petitioned article on (apparently there still is) and how the town
ran. No longer is that true. They no longer have an idea of what goes on in the Selectmen's office. The
rules and regulations the state has piled on has done nothing but increase in the last 30 years that I am
665 well aware of. I don't really care for zoning. I'm with George. I think it's the worst possible system we
could have, except for all the others. [Laughter] To paraphrase Winston Churchill. I've pratted on
enough... I'm agin it. Thank you. [Against repeal].

670 **Gary Jewell:** Against Repeal. I came on the planning board in the 90s for a whole decade and I became
chairman for a while. [Michael Cahalane: His mom was driving him.] [Laughter] Ya. What would happen
is we would have many issues come to the board nights. And we'd discuss it and say, we'll stop them
from doing that... and from when I was on the board, and Paul would probably know, I believe they used
the board as a zoning board and they'd regulate certain activities and tell people the could or couldn't do
something... [Paul Potter: That might have happened once or twice.]

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680 **Gary Jewell:** I started going to conferences also to learn a little about it. And I'd point out that we really can't do that if we don't have a zoning ordinance. Without a zoning ordinance, there are many things you can't regulate – mutli-family housing, apartments crammed in to rooms. So I take some of the blame for zoning coming in because I kept bringing it up. Not that I liked zoning, and actually I didn't want zoning, just like others here. And I didn't vote for the original ordinance. But I believe there is a need for it to regulate certain things. We have setbacks; we wouldn't have setbacks without zoning. And regulating uses that people don't want to have next to them. I believe in as much freedom as you can have but also you have to be orderly about it too. Give people a chance. For that reason, I would be against repeal also.

685 **Chair:** And I'll say a few words: Zoning is a set of guidelines everyone agrees to work within, to be good neighbors. Zoning is what is deemed reasonable by a community. It is protection for our landowners in case others infringe on their health, safety, peace and enjoyment. It is protection for our community, with rules that are clear to outsiders so some one or company doesn't come in and do things that may injure the peace and enjoyment of your home, or yours, or yours...

690 Zoning is local control of our rural way of life. And it affects our property values, which suffer if we lose protections, if we lose the right to participate and have a say. Property values are further affected if someone moves here and actually does something harmful.

695 A saying goes "Let me or protect me" – let me do whatever I want with my land, until someone infringes on my use of my land, then protect me from that infringement.

A repeal, which has never occurred in NH, would silence our voice in our own land use matters. Zoning allows the town to protect landowners at minimum cost, as lawsuits are minimized when there are clear guidelines to follow by residents and newcomers alike.

700 The alternative? Development without community input: Dollar General in the historic village of Wentworth. A proposed racetrack began the call for zoning here in the first place.

705 In 1999 the Selectmen appointed a committee to create a zoning ordinance. Jory Augenti, George Bull, Susan Slack, our neighbors volunteered and worked very hard to write a Zoning Ordinance that is one of the least restrictive around. We don't limit commercial uses to a single district; commercial activity can be anywhere in Effingham. We permit certain agreed-upon uses, and ensure whomever is near to those uses is not injured. Why repeal something that has protected the town for 20 years and is not onerous?

710 Has the town had a voice? An attempt to repeal failed by more than twice the margin that passed it in the first place, a year after adoption. 80 people participated in our recent master plan, not to mention the many volunteers over the years serving on land use boards.

715 If a provision is a problem, we amend it to fix it in any given year, as we are doing tonight.

If repealed, the town could not prevent anyone from coming in and doing anything; it would be neighbor suing neighbor, or taxpayers footing the bill for the town to sue for some unwanted issue like we did in the first place before zoning was adopted by the voters. Lawsuits are cumbersome and expensive. The town litigated the racetrack all the way to the state supreme court in order to win, which cost the town a huge chunk of change.

720 The state regulates many things, such as wetlands, shore lands, and gravel pits. But there's no protection from Noxious Use without a Zoning Ordinance. Unless you take 'em to court.

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8:00 PM - Hearing reconvened after a short break.

Amendment 2

Section 1004 Aggregate Extraction ~~Permits issued per Also regulated under~~ RSA 155-E:2. Also regulated by Article 22.

730 No comments from the public. No comments from the Planning Board.

Amendment 3

SECTION 302 DEFINITIONS

Recreation Vehicle (RV) means any of the following:

735 A. Travel Trailer – shall mean a vehicular, portable structure built on a chassis, designed as a temporary dwelling for travel, recreation and vacation use. ~~having a body main frame area of no greater than 400 square feet.~~
[Amended 2008, 2019]

~~The allowable width is not more than 8.5 feet. This definition does not include any trailer or vehicle for which a special permit is required for transportation along any roadway, in accordance with RSA 266:24. [Amended 2008]~~

740 B. Tent/Camper – shall mean a vehicular portable structure that folds open as a temporary dwelling intended for travel, recreation, and vacation use.

C. Pick-up Camper – shall mean a structure mounted or to be mounted on a truck type chassis designed as a temporary dwelling intended for travel, recreation, and vacation use.

745 D. Motor home/Van/Coach/Converted Bus – shall mean a vehicle with its own chassis designed as a temporary dwelling to be used for travel, recreation, and vacation use.

E. Park Model RV or (PMRV) – shall mean built on a single chassis, mounted on wheels designed as a temporary dwelling for travel, recreation and vacation use. Must be manufacturer-certified to comply with ANSI A119.5 standards for recreational park trailers and may have a width up to 12 feet in travel mode. [Added 2019]

Public comment:

750 Jory said that the zoning ordinance specifically says that this should not be brought into town.

The Chair agreed that is how we have been interpreting it but that is not what it literally says. When we realized one came to town, the owners of the campground willingly desisted its use and came to the planning board with photos and pamphlets to educate and discuss the issue. They want to improve their business. The board listened to them and agreed to support their reasonable request to improve their campground, which will improve Effingham’s tax revenue at the same time.

755 George Bull summarized as follows: The owners of the campground told us that a lot of campgrounds allow these models now. They wanted the ordinance changed to allow them here. They made a reasonable case that these should be allowed. They are an improvement over old models. We support their desire to make improvements.

760 Michael Cahalane said in 2007 we had defined RV but elsewhere in our ordinance we allowed trailers. Park models are trailers, so there is the ambiguity. The reasonable request was that this is an industry standard typically allowed in campgrounds now. This is to be used as an RV not to be lived in. They asked us to let it go to the town for a vote. That is what we are looking to do.

Jory urged the people in this room to vote no.

765 Kevin Dolan of Ossipee Lake Camping area spoke. They bought the campground a couple years ago. Essentially they are trying to make the place look a lot nicer, they put a lot of money into it. As people

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have older trailers that they want to replace, more and more of them want these, what are referred to as Park Models. They are not any larger overall. But they are nicer models, your modern day camper. We are trying to improve the place. They thanked the board for working on this and bringing it to the voters.

770 Blair Folts was worried it would become like Totem Pole Park in Ossipee with people living there year round. Mike Cahalane said our zoning ordinance prohibits living in RVs. Chris Seamans pointed out, the individual sites in totem pole are owned as condos.

775 Linda Edwards asked if we would get tax revenue. Mike Cahalane said units that come and go pay a registration fee to the state (of which we get proceeds) and units that stay there are taxed in place and we get revenue from that.

Virginia Wrabel (realtor) – camping is a big industry and it getting better every day. I don’t see an issue with a camp model trailer.

780 Chris Seamans – given the tax revenue, if it gets taxed more, that’s more revenue for us. I think one concern - in my spiel earlier I alluded to, how it came forward – but it did come forward and as George said, this is how things get changed.

Mike Cahalane – just a point since zoning has been on the chopping block tonight. We all want zoning to be rational and reasonable and not heavy handed. Park Models was taken up by this board and will be put to the voters to vote on. The town gets to decide. The town has the opportunity to clarify this for everyone and the board was amenable to doing that.

785 **Amendment 4**

SECTION 605 MOTOR VEHICLE/RV/TRAILER STORAGE

A. A maximum of two unregistered motor vehicles that are no longer intended or in condition for legal use on the highways may be stored on any lot, as described in RSA 236:112.

790 B. A maximum of two (2) unregistered Recreation Vehicles, or ~~travel~~ trailers as defined in RSA 259:113, may be stored on any lot.

Public comment - concerns with the language. Chris Seamans asked us if it includes car trailers, snowmobile, boat trailers?

George said we have a definition of RV travel trailer; we were not intending to speak about all trailers.

795 **George Bull motioned** : Strike “trailer”_from between RV and Storage in Section Description. Strike from item B., or ~~travel~~ trailers as defined in RSA 259:113, **Seconded by Paul Potter. All in Favor.**

Theresa read the amendment with approved edits to the public. Any comment. Chris Seamans: thank you.

Amendment 5

Section 1008 Campground

800 F. Campsites

2. RV ~~and trailer~~ campsites are allowed a total of 640 sq. ft. of coverage per site, inclusive of the RV ~~or trailer~~ and all other structures, not to be permanent in nature and to have no permanent footings or foundations. RVs are measured by their travel dimensions, which excludes bump-outs and tow tongues. A Building Permit is required for any campsite structures. [Amended 2016 and 2018]

805 5. No tent, ~~Recreation Vehicle (as defined in Section 302) motorized camper, pick-up camper,~~ or single story cabin ~~or pick-up coach~~ shall be used as permanent year-round residence.

Public Comment: None

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Amendment 6

SECTION 302 DEFINITIONS

810 **Solar Energy System:** A roof mounted or ground mounted solar energy generation system. Any ground mounted solar energy system totaling greater than 4 square feet is considered a structure under this ordinance.

Public Comment: Questions regarding why the distinction of ground mounted solar energy system totaling greater than 4 square feet. Less than four square feet can run fencing, lights, a gate.

Paul Potter called the question after much discussion.

815 **Motion by Elaine Chick:** Edit the second sentence in this Definition to read: Any Solar Energy System totaling greater than 4 square feet is considered a structure under this ordinance. **Seconded by Michael Cahalane. George Bull abstained. All others were in favor.**

Theresa read amendment to public. Any public comment to the new revised amendment? No.

Discussion on whether to continue hearing (until the 24th) or close hearing and rehear 1/31, 675:4, III.

820 Due to changes to Amendments 4 and 6, Second Public Hearing will be held on Jan. 31, 2019 at 6:30 PM.

Public Hearing closed at 9 PM.

Review of all amendments. First one needs language of approval or disapproval by the planning board.

Amendment 1. Will be Warrant Article 2.

The Planning Board Does Not Recommend this Article.

825 **Amendment 2.**

A Motion from George Bull to accept as written, seconded by Michael Cahalane. All in Favor

Amendment 3.

George Bull motioned to propose Amendment 3 as written, seconded by Michael Cahalane. All in Favor

Amendment 4.

830 A Motion from George Bull to accept as changed, seconded by Michael Cahalane. All in Favor

Amendment 5.

A Motion from Michael Cahalane to accept as written, seconded by Paul Potter. All in Favor

Amendment 6.

835 Elaine Chick motioned to accept changes as written, seconded by Michael Cahalane. All in Favor, except George Bull who abstained.

Motion to adjourn by Mike Cahalane, seconded by George Bull. All were in favor

Adjourned: 9:05 PM

840 Respectfully submitted, Elaine Chick and Theresa Swanick