

Approved: _____
Approved with changes: _____
Unapproved: _____

Effingham Planning Board Meeting January 3, 2019

5 **Members Present:** Theresa Swanick (Chair), George Bull (Vice Chair), Gary Jewell (Signing Secretary), Mike Cahalane (Selectmen's Rep), Grace Fuller, Paul Potter and Elaine Chick

Others Present: Heidi Foy (Effingham Resident), A group (4) of concerned citizens from Ossipee, Paul King (Surveyor- Engineering), Rebecca Boyden (Effingham ZEO)

10 Meeting called to order at 6:30pm. Quorum established

Minutes

15 Review of the minutes of November 1, 2018, December 6, 2018 and December 20, 2018 were moved to the end of the meeting and ultimately postponed until the next regular meeting in February due to time limitations.

Public Comment

20 Four residents from Duncan Lake Road in Ossipee were present to raise their concerns regarding the new Excavation business currently under preliminary discussion. Although not direct abutters, these residents expressed they would be directly impacted by the operations of this business. The presented a copy of a petition they files with the Boards of Selectmen of Ossipee and Effingham. Specific Concerns:

- 25
- Access to the new Gravel pit via Duncan Lake Road Resulting in increased truck activity through their residential area.
 - *PB: this property (Tax map 413 lot 138) is presently accessible via a right of way from Duncan Lake Road.*
 - Can the access to this new pit be redirected through the Town of Effingham?

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 - *PB: At one time there may have been access from Elm Street but that may have since been discontinued.*
 - Noxious Use
 - Noise Factor increased due to additional trucks using air brakes and operation of heavy machinery.

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 - Dust level increase due increased truck traffic on the dirt road
 - Enforcing Speed limits on Duncan Lake Road

40 *PB: Since Duncan Lake Road is in the Town of Ossipee, the Town of Effingham does not have enforcement authority. Residents should voice their concerns with Ossipee police and/or Ossipee Selectmen. M Cahalane also stated the NH Department of Environmental Services regulation ENV-a 1002 Fugitive Dust provides specific regulations regarding dust levels. Further information about this regulation can be found on the internet.*

- What restrictions can/will Effingham place on this new Excavation business?

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45 *PB: Aggregate excavation is a permitted use in the Rural Agricultural Zoning district. The new property owner indicated operations would be between the hours of 7AM and 3:30 PM Monday through Friday. With regards to other restrictions or conditions, the Effingham Planning Board will follow NH RSA 155-E in granting a permit should it receive a formal application for Site Plan Review and may, in the review process, develop other conditions.*

Preliminary Review - Subdivision

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Proposed 4 lot Subdivision Whitaker-Fadden Tax Map 408 Lot 45

Paul King representing owners Harold Whitaker and Thomas Fadden, at the request of the Planning Board, returned to better clarify how the proposed 4 lot Subdivision meets the Effingham Subdivision Regulations.

- 55
- Mr. King provided copies of the USGS map of the area under discussion to the Board members. He stated the 3 new lots to be carved out of the 185acre parcel would each consist of approximately 12 acres.
 - Each lot would have at least the 200 feet of road frontage on Jack Russell Road. Lot 1 would also have frontage on Green Mountain Road. Mr. Potter confirmed that combined
 - 60 frontage has been used in the past and is an acceptable practice.
 - Mr. King also stated each new lot is in compliance with the length to width ratio of not more than 4 and ½ times the road frontage.
 - Lots 2 and 3 would most likely have a common driveway to minimize culverts and crossing of wetlands on Jack Russell Road.
 - 65
 - Mr. King asked if he could forgo the Topographic survey requirement of 5-foot-intervals for the entire 12+ acres and instead do only a 2 and ½ acre (buildable) parcel on each lot.
 - The overall survey would delineate wetlands. Wetlands would not be included in the 2 and ½ acres surveyed at 5-foot-intervals. The Board agreed this was a reasonable request.

Review Town Attorney Edits to Proposed Zoning Amendments

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The Chair provided copies of the 1.3.19 Draft - Proposed Zoning Amendments for 2019

Each was reviewed, and edits made as follows:

- 75
- Amendment 1. (Petition to repeal Zoning) ~ Board cannot make any changes.
 - Amendment 2. Section 1004 Aggregate Extraction ~ ACCEPTED.
 - Amendment 3. Section 1017 Forestry/Woodlot ~ Operation hours can be added. ~ DELETE
 - Amendment 4. (now 3) Section 302 Definition Recreation Vehicle ~ ACCEPTED
 - Amendment 5. (now 4) Section 605 Motor Vehicle/RV/Trailer Storage ~ ACCEPTED
 - 80
 - Amendment 6. (now 5) Section 1008 Campground ~ ACCEPTED
 - Amendment 7. (now 6) Section 302 Definition Solar Energy System ~ Edited sentence 2 to read as follows. *Any ground mounted solar energy system totaling greater than 4 square feet is considered a structure under this ordinance.* Strike all below sentence 2. ~ ACCEPTED

85 Theresa Swanick stated that copies of these (edited and final draft) Proposed Amendments shall and will be available in the town office as soon as notice of the hearing publishes.

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90 Grace Fuller asked about providing summaries of the changes and explanations for the public regarding each Zoning Amendment. Theresa asked for volunteers to assist in composing this documentation for the public. Grace Fuller indicated she would be able to assist with this task.

Public Hearing Dates for Zoning Amendments

95 The legal window for the earlier discussed hearing date of January 10, 2019, was lost without review completed in time of the proposed amendments by the town attorney. The zoning public hearing date must have proper legal notice per state statute and the final amendment language must be available when such public notice publishes.

100 IF notice is able to go to print tomorrow noon for Saturday's paper, the new planned first hearing is January 17, 2019 @ 6:30. (It is noted the last date for the first public hearing is Jan. 21st) The following Thursday the 24th was discussed for a second hearing, if needed, but there may be a need to have more notice (M Cahalane recalled) and so January 31, 2019 @ 6:30 would work if a second public hearing is needed.

105 Theresa Swanick will contact the Conway Daily Sun tomorrow, to get the notice in their paper for Saturday 1/5/2019. Failing this, hearing dates must change for proper legal public notice of 10 days, not including the date of notice and the date of the hearing.

110 Motion to adjourn by Grace Fuller, seconded by George Bull. All in favor.
Meeting adjourned at 8:35 PM

Respectfully Submitted

115 Elaine Chick