

Approved: _____
Approved with changes: _____
Unapproved: _____

**Effingham Planning Board
Meeting Minutes
January 2, 2020**

Members Present: Theresa Swanick (chair), Gary Jewell (recording secretary), Paul Potter, Grace Fuller, Mark Hempton (alternate).

Members Absent: George Bull (vice-chair), Mike Cahalane (selectman's rep), Elaine Chick.

Others Present: Nate Fogg, Rebecca Boyden (Zoning Enforcement Officer), Erik Jones

Meeting called to order at 6:30pm

Alternate Mark Hempton was seated for member George Bull.

Public Hearing – Proposed Zoning Amendments

The public hearing was recorded.

The public hearing for the proposed zoning amendments was opened at 6:35pm.

Theresa Swanick read the additions and deletions for each of the proposed amendments to the zoning articles. A copy of the proposed changes is attached to these minutes as part of the record.

Changes are proposed to Section 401; Section 601 and 607; Section 702, 706, 707, and 709; Section 1018; Section 1023 and 1024; Article 14; Section 1402 and 1403; and Section 1501.

No comments were received from the public and no changes were proposed to the amendments as written.

Grace Fuller made a motion to accept the proposed zoning amendments as written. Paul Potter seconded the motion. The motion passed by a 5-0 vote.

Minutes

The minutes were reviewed from 12/05/2019. Corrections to the presenter's name (Jack Bingham) for the school solar panel array and the company (Barrington Power) he represents were made along with grammatical changes.

Gary Jewell made a motion to approve the 12/5/2019 minutes as amended. Mark Hempton seconded the motion. The motion passed by a 5-0 vote.

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Proposed Excavation Regulations

The proposed Excavation Regulations were reviewed by the PB. The regulations as proposed were compiled using existing regulations from North Hampton, Sandwich, Danville, Ossipee, and Barnstead. The PB thanked Grace Fuller and Elaine Chick for their work to compile these proposed regulations!

The two biggest issues brought up by PB members were bonding reclamation, including who determines the amount to be bonded, and bond excessive wear to the roads used by the haulers.

Grace Fuller and Elaine Chick will look into bonding and road wear reimbursement in other towns. Nate Fogg noted that it should be clear that excavation applications must go through the complete site plan review process.

Theresa Swanick asked all members to review the proposed regulations and be prepared to discuss and edit at the 1/18/2020 work session.

ZEO Report

The PB reviewed the ZEO report for December.

Next Meeting

The next PB meeting will be a work session for the proposed Excavation Regulations on January 16th at 6:30pm.

Adjournment

A motion was made by Grace Fuller to adjourn the meeting. The motion was seconded by Paul Potter. The vote was 5-0 in favor and the meeting adjourned at 8:04pm.

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Proposed Amendments to the Zoning Ordinance

ARTICLE 4 DISTRICTS, LOT REQUIREMENTS AND MAPS

Section 401 Establishing Districts

The Town of Effingham is hereby divided into the following districts as shown on the official zoning map:

R/A Rural/Agricultural

The purpose of the Rural/Agricultural District is to retain the Town's rural character.

VOD Village Overlay Districts, otherwise referred to as Village Districts

The purpose of the Village Overlay Districts is to buffer the Town's Historic Districts so as to maintain their historic character.

HD Historic Districts

The purpose of the Historic Districts is to safeguard the heritage of Effingham through the preservation of cultural resources.

PLD Province Lake District [Adopted 2007]

~~Purpose:~~

The purpose of the Province Lake District is to reflect the historical development pattern of lakeshore property located within 300 feet of the Natural Mean High Water Elevation of Province Lake and preservation of the quality of the water in Province Lake. In addition, development restrictions are intended to preserve the environment, aesthetics, wildlife habitat, and natural beauty of the waterfront area and to protect the public health and welfare by preventing overcrowding of the shore land. [Amended 2008, 2018]

ARTICLE 6 GENERAL PROVISIONS

The following shall apply to all districts except where listed.

Section 601 Conflicts [Adopted 2011]

A Where there is a conflict in the application of provisions of this zoning ordinance, the more restrictive provision shall apply except for delineation of the Historic Districts, delineation of the Village Districts and the Aquifer Overlay. [Amended 2014]

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B Where a District boundary divides a lot of record, the regulations for the District shall apply to the portion of the lot within that District.

Section 607 Residential Accessory Building Exception [Adopted 2006; amended 2018]

The accessory buildings on a residential lot shall comply with the minimum setback requirements, with the following exception:

- A. One accessory building as defined in Section 302 may be located in a required side setback or rear setback provided the accessory building:
1. Is not located in a front setback; and
 2. Is not closer than 15 feet to the property line; and
 3. Does not exceed 100 square feet in area; and
 4. Does not exceed 14 feet in height; and
 5. Is used for storage.

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| ARTICLE 7 NON-CONFORMING USES AND STRUCTURES |
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Section 702 Change or Expansion of Non-Conforming Use

- A. Upon approval of a Special Exception ~~permit~~ by the Zoning Board of Adjustment (~~see Article 10 Non-Conforming Use Change or Expansion~~), a nonconforming use may be changed or expanded upon a finding by the ZBA that such a change will bring the use into closer conformance with the provisions of this Ordinance, or will make the nonconforming aspect no worse. ~~A use will be deemed to have been brought into closer conformance with the provisions of this Ordinance, or have been made no worse, if it is less or no more intense than the previous nonconforming use, as measured by volume and type of traffic expected to be generated, size of building or structure housing the use, number of potential customers, number of bedrooms, or similar measures of intensity of use.~~ The ZBA may approve, approve with conditions, or disapprove requests under this section. [Amended 2008]
- B. ~~A use will be deemed to have been brought into closer conformance with the provisions of this Ordinance, or have been made no worse, if:~~
- a. The dimensions of the lot or structure are unchanged *or* more nearly meet the frontage, setback or lot size standards of this ordinance.
 - b. If the proposed use is less or no more intense than the previous non-conforming use as measured by:
 - Volume and type of traffic expected to be generated;
 - Size of the building or structure housing the use;
 - Number of potential customers;
 - Number of potential bedrooms;
- C. ~~No non conforming use shall be enlarged or extended in excess of 20% of the gross floor area of the principal building existing at the time the non-conformance commenced. The expanded 20% use shall comply with all other~~

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~~provisions of this Ordinance, including but not limited to dimensional requirements, sign regulations, and off street parking requirements.~~

Section 706 Expansion of a Non-Conforming Structure [Amended 2001]

A structure that is non-conforming as to one or more dimensional requirements (setbacks and/or height limit) may be enlarged or extended up to ~~20% for non-residential structures and up to~~ 30% for residential structures of the gross floor area existing at the time the non-conformance commenced. For example, a house which is too close to the road and does not comply with the front yard requirement may be extended parallel to the road in an amount equal to 30% of the gross floor area of the house. The extension, however, cannot violate a side yard or rear yard requirement.

If enlargement or extension includes additional bedrooms, evidence of compliance with the State of New Hampshire Water Supply and Pollution Control Regulations must be submitted to the Enforcement Officer.

No provision of this section shall apply to structures on campsites, nor may a campsite expand beyond the dimensional restrictions in Section 1008.

Section 709 Voluntary Demolition/Removal and Replacement of Non-Conforming Structure [Adopted 2008]

A. Upon approval of a Special Exception ~~permit~~ by the Zoning Board of Adjustment and subsequent acquisition of a Building Permit from the Enforcement Officer, a non-conforming structure may be voluntarily demolished or removed and the structure may be rebuilt ~~according to the Use Specific Conditions noted in Article 10.~~ provided the following conditions are met:

- Demolition/removal shall not take place prior to permit issued by the Enforcement Officer.
- A certified plot plan locating the existing structure on the lot shall be submitted with the Special Exception application.
- A second certified plot plan shall be submitted to the Enforcement Officer locating the completed foundation of the replacement structure prior to further construction.
- The exterior dimensions of the structure may be reduced or expanded in compliance with Section 706.
- The location of the replacement structure on the lot is identical to or more nearly meets setback regulation.
- Provision for a single one-year extension may be granted by the Enforcement Officer.

B. Otherwise the voluntarily demolished/removed non-conforming structure shall be presumed to have been abandoned.

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| ARTICLE 10 CONDITIONS FOR APPROVAL OF PERMITTED USES [Amended 2009] |
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(See Table 1: Uses by District or Zone)

Note: The development or change or expansion of use of tracts for nonresidential uses or multifamily dwelling units is also governed under the Town Site Plan Review Regulations.

Section 1018 Home Occupation [Amended 2017]

- A. Lot is primarily residential
- B. Structure must be kept primarily residential

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- C. No employees except for family living in house
- D. Restricted public access
- E. No noxious use as defined in Section 902 of the Zoning Ordinance
- F. Does not involve construction of new structure or expansion of existing structure
- G. Is not dangerous or hazardous to public safety
- H. Has received Special Exception, if located in the Province Lake District
- I. One, small, not illuminated sign is permitted, not larger than six square feet.

Section 1023 Removed [2020] Non-Conforming Structure (Voluntary Demolition/Removal and Replacement)

- ~~A. Demolition/removal shall not take place prior to permit issued by the Enforcement Officer.~~
- ~~B. A certified plot plan locating the existing structure on the lot shall be submitted with the Special Exception application.~~
- ~~C. A second certified plot plan shall be submitted to the Enforcement Officer locating the completed foundation of the replacement structure prior to further construction.~~
- ~~A. The exterior dimensions of the structure may be expanded in compliance with Section 706.~~
- ~~B. The exterior dimensions may be reduced.~~
- ~~C. Placement of the new structure on the lot is identical to or more nearly meets setback regulation.~~
- ~~D. Permit for Demolition/Removal/Replacement shall be issued in accordance to Section 1105.~~
- ~~E. Provision for a single one year extension may be granted by the Enforcement Officer.~~

Section 1024 Removed [2020] Non-Conforming Use Change or Expansion

- ~~A. The dimensions of the lot or structure are unchanged *or* more nearly meet the frontage, setback or lot size standards of this ordinance.~~
- ~~B. The proposed use is less or no more intense than the previous non-conforming use as measured by:
 - ~~1. Volume and type of traffic expected to be generated;~~
 - ~~2. Size of the building or structure housing the use;~~
 - ~~3. Number of potential customers;~~
 - ~~4. Number of potential bedrooms;~~
 - ~~5. Similar measures of intensity of use.~~~~

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ARTICLE 14 Recreation Vehicles [ADOPTED 2004; AMENDED ENTIRELY 2006]

Recreation Vehicles are not allowed in the Historic Districts or the Province Lake District.

Section 1402 150 Day Permit [Amended 2013, 2015]

A landowner may allow the use and placement of up to two Recreation Vehicles for Recreation purposes on his or her property for up to 150 days, even if not a campground. The landowner must obtain a permit from the Enforcement Officer in order to use a Recreation Vehicle for the purposes set forth in this section and such Recreation Vehicle must have adequate sanitary facilities, approved by the State of New Hampshire and the Town of Effingham as per RSA 216-~~I:13~~, I:4 II. The Enforcement Officer may issue multiple permits per year not to exceed 150 aggregate days per calendar year per Recreational Vehicle. Further, upon expiration of any permitted use under this section the Recreation Vehicle must comply with all aspects of section 1401 of this article. Recreation Vehicles must meet the setbacks, whenever possible, for principal structures for the zoning district in which they are located.

Section 1403 Temporary Place of Occupancy

A landowner may use a single Recreation Vehicle as a temporary place of occupancy while a permanent dwelling is being built on the same property, provided the landowner acquires a permit for such use from the Enforcement Officer. The Recreation Vehicle must have adequate sanitary facilities, approved by the State of New Hampshire and the Town of Effingham as per RSA 216-~~I:13~~, I:4 II. Said permit will allow the landowner to use his or her Recreation Vehicle for the purposes set forth in this section for no more than one calendar year. Upon the expiration of one year, the landowner may apply for an extension of the initial one-year permit. Further, upon expiration of any permitted use under this section the Recreation Vehicle must comply with all aspects of section 1401 of this article. Recreation Vehicles must meet the setbacks, whenever possible, for principal structures for the zoning district in which they are located.

ARTICLE 15 HISTORIC DISTRICTS

Section 1501 Purpose

- A. The purpose of this Article is to safeguard the heritage of Effingham by:
1. Preserving cultural resources, particularly structures and places of historic, and architectural and community value;
 2. Preserving districts which reflects elements of Effingham's cultural, social, economic, political, community and architectural history;

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3. Conserving property values in the Historic Districts;
4. Fostering Civic Beauty; ~~and~~
5. Strengthening the local economy; and
6. Promoting the use of the Historic Districts for the education, ~~and~~ pleasure and welfare of the citizens of Effingham

(RSA 674:45)