

Approved: \_\_\_\_\_  
Approved with changes: \_\_\_\_\_  
Unapproved: \_\_\_\_\_

**Effingham Planning Board**  
**Meeting Minutes**  
**April 16, 2020**  
**(via phone conference call)**

**Members Present:** Theresa Swanick (chair), George Bull (vice-chair), Grace Fuller, Elaine Chick, Paul Potter, Mike Cahalane (selectman's rep), Mark Hempton (alternate)

**Members Absent:** Gary Jewell (recording secretary).

**Others Present:** Nate Fogg.

Workshop meeting called to order at 6:35pm. Intent is to further discuss the Earth Excavation Regulations.

**Excavation Regulations**

Grace Fuller has a spreadsheet showing several different towns and details of their Earth Excavation Regulations. Madison and Belmont are similar size to Effingham and seem to have comprehensive regulations.

The two biggest concerns expressed by the PB are setbacks to approving and non-approving abutters, including setbacks to residences, and also how , if possible, to be reimbursed for excessive wear and tear on Effingham roads.

Grace Fuller read off several setbacks used by other towns. The PB has previously agreed that unless an abutter indicates that they are an approving abutter, that they will be assumed to be a non-approving abutter. Many setback distances were discussed ranging from 10 feet to 500 feet. After much consideration, and discussion relating to how defensible a setback might be in court, it was agreed by consensus, that all abutters would receive a 50-foot setback. It is reasonable and defensible in court.

The distance to the seasonal highwater table was also discussed. The PB could not find a direct reference in RSA 155:E. Most agreed that they should use 5' to the seasonal highwater table, which is the same as Ossipee.

Many towns require annual inspections of the excavation. Several members agreed that an inspection should be done, but the exact inspection criteria should be spelled out to avoid excessive and subjective inspections being conducted. The cost for this inspection would be born by the of the gravel pit.

The town should investigate and inspect when an abutter has a complaint and/or concern.

The PB agreed that a bond should be required for Earth Excavations to ensure that a project can be reclaimed when complete. The exact type of bond or surety will require further discussion by the board and consultation with town counsel.

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The Town can limit the weight carried over Town roads, however beyond that it may be difficult to receive compensation for wear and tear on the Town roads. How to enforce the weight limits on Town roads has always been difficult for the Town to enforce.

Enforcement will fall on the PB or BoS or their designee depending on whether the excavation rules are an ordinance or a town policy.

Theresa Swanick will check with LRPC and the NH Municipal Association on how to enforce the regulations.

The PB will try to pull together a final draft at the next meeting so that the PB can hold a public hearing and put the rules into place.

Grace Fuller will pull together a draft for review at the next meeting.

**Adjournment**

**A motion was made by Elaine Chick to adjourn the meeting. The motion was seconded by Grace Fuller. The vote was 6-0 in favor and the meeting adjourned at 8:25pm.**