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Effingham Planning Board

Minutes

July 23, 2020

5 **Members Attending:** Theresa Swanick (Chair), Michael Cahalane (Selectmen's Representative), Paul Potter, Grace Fuller, and Elaine Chick

Members Absent: George Bull, Gary Jewel, Mark Hempton

Others Attending: No members of the public requested access to this video conference.

Planning Board Meeting Called to order at 6:05PM

10 Theresa Swanick took roll call attendance: Grace, Elaine, Michael, Paul, and Theresa all identified as present for this roll call.

This meeting is to discuss whether to determine a recent application (Angelini Excavation Pit, prese) should be evaluated as a Development of Regional Impact.

15 The Board is following the **Regional Impact Guidelines** published by Lakes Region Planning Commission in September of 2018. RSA 36:54-58 requires land use boards to determine when a local development may have the potential for regional impacts, and establishes a framework to be followed by a municipality that is reviewing an application with potential impacts beyond the municipal boundaries, for the purpose of identifying pertinent abutters due to regional impacts.

20 A local Land Use Board determines the potential for regional impact (RSA 36:56). A development of regional impact means any proposal before a land use board which the board determines could reasonably be expected to impact on a neighboring town because of factors such as, but not limited to: relative size/number of dwelling units as compared to existing stock, proximity to borders of neighboring town, transportation networks, anticipated emissions (such as light, noise, smoke, odors or particles), proximity to aquifers which transcend municipal boundaries, and shared facilities (RSA 36:55).

25 **Checklist for Determining Development of Regional Impact** is as follows:

A town should consider finding that a project may have regional impact if YES to one of more:

1. **School Impacts** – will the development create significant new student population? **NO**
2. **Traffic** – will the development create an increase in traffic in adjacent town? **YES**
3. **Building Size** – will proposed buildings/dwellings impact adjacent town? **NO**
- 30 4. **Visual Impacts** – will the development create visual impacts to adjacent town? **NO**
5. **Pollution** – will the development propose operations that generate air and noise pollution, wastewater discharge, hazardous waste transport? **YES, as to air and noise.**
6. **Surface/Groundwater** – Will development occur on/adjacent to known aquifer? **YES**
7. **Conservation Lands** – Will development abut existing conservation lands? **YES**
- 35 8. **Economic Impacts** – will the development create business/industry with significant regional economic impact? **NO**
9. **Emergency Response** – will the development significantly increase in demand for emergency services of adjacent town? **NO**

10. **Historic or Cultural Resources** – will there be negative impacts to historical or cultural resources? **NO**

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Of the ten criteria, we determined YES on four. Thus, this framework would instruct that the board find the application to be a Development of Regional Impact, relative to the following abutters:

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Specifically, the board finds potential impacts to transportation networks (Ossipee), anticipated emissions (Ossipee), and proximity to aquifers or surface waters that transcend municipal boundaries (Wakefield and Freedom) would be included because of the aquifer and potential impact on water quality as a result of excavation, and proximity to the borders of a neighboring community (Ossipee).

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After discussion of the proper wording for a motion, **a motion was made by Grace Fuller: In reference to the Angelini gravel pit application previously accepted as complete, per LRPC checklist, this is a Development of Regional Impact. Elaine Chick seconded the motion.**

A roll call vote for the motion was taken of all members: Grace Fuller, aye; Elaine Chick, aye; Michael Cahalane, aye; Paul Potter, aye; and Theresa Swanick, aye.

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RSA 36:57, states that the board must notify the RPC and affected municipalities of the public hearing, including date, time, place and their right to testify, and include the minutes of the meeting at which the DRI was formally made. Notice is by certified mail at least 14 days before the public hearing. The board can request that the applicant provide the RPC and neighboring municipalities with a full copy of the application.

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Michael Cahalane stated we should inform the applicant of this determination promptly. Theresa Swanick said they would get a certified copy of these minutes like the other abutters. In addition, Theresa will email Jim Rines of White Mountain Survey who represents the applicant.

LRPC has already picked up a hard copy of the application and plans as initially submitted even though edits were expected after the applicants review of the Effingham Excavation Regulations.

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In reference to the Excavation Regulations, Nate Fogg, land use clerk, had raised a question about weekend operation hours not specifically permitted or prohibited. Startup time no earlier than 7am, shut off time 5pm, Monday through Friday. No mention of the weekend in our regulations. Michael Cahalane said he didn't see why we wouldn't allow Saturday operations. Theresa said the board should take this under advisement and revisit this issue in the future.

Expert Consultation for Applications

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Theresa has inquired with NHMA about soliciting expert consultation on technically complex applications if the board were to need assistance analyzing the details of a proposal.

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Theresa delegated to Michael Cahalane to inquire with town attorney the process the board might go through if it felt it needed expert consultation on a given application. Michael reported that if we receive an application that, for example, has had a wetlands delineation done and the board wanted to know how to verify the technical details of that, a Peer Review is a tool where the board could engage a qualified expert, such a wetland scientist, to review a wetland delineation. If there is a second opinion on something like the premise for a wetland delineation which is

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used for a proposed design, at that point the board could engage in a give and take on the proposal if the other opinion recommends changes to the proposal.

80 In order for the board to conduct a Peer Review, the applicant must agree to that process. The board could inquire with a few experts on a preliminary basis to get a rough estimate of a costs to present to the applicant at a public hearing.

Mike was informed about escrow accounts and bond requirements as well.

Theresa and Mike will talk/inquire further to define options for public hearings on applications.

85 **Without an alternate forum, best use of Zoom for Public Hearings**

Further discussion was held on how to use the Zoom Video conferencing tools for conducting a public hearing. A technology assistant to host the meeting and assist with monitoring public participants wishing to speak was discussed. Theresa did inquire if the Effingham Elementary School would be available to utilize for a public hearing with proper social distance between members of a larger audience. The school district response was that it is not available for public meetings at this time. Grace is helping to develop the Zoom public hearing guidelines to we can have ground rules for the public to participate that go to abutters and participants, like rules for using zoom chat to raise hand, ask questions. Grace said it is very helpful to have a designee monitoring the chat and passing that on to the chair. The important issue is to be polling callers who are not on video since all visitors will be muted for the most part. Theresa said she may want a co-facilitator for public hearings on zoom in addition to a separate technical host. This will be refined offline after this meeting.

95 **Motion to adjourn by Elaine Chick, seconded by Grace Fuller.** Chair held a Roll call vote to adjourn: Grace Fuller, aye; Elaine Chick, aye; Michael Cahalane, aye; Paul Potter, aye; and Theresa Swanick, aye.

100 **Meeting Adjourned: 7:10 PM**

Submitted by Theresa Swanick