

Approved: _____
Approved with changes: _____

Unapproved: _____

**Effingham Planning Board Meeting
Minutes January 21, 2021
(via video conference call)**

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

Members Absent: None.

Others Present: Nate Fogg, Dave Strauss, Anne Foley, Paul King, & Rebecca Boyden.

Meeting called to order at 6:00pm. Quorum present.

How to approve the subdivision with conditions. Gary Jewell asked who will inspect the driveway installation.

David Strauss read a prepared statement which is included at the end of these minutes.

George Bull noted that no water from this project heads to the road and asked if we can be sure that no increase in runoff will reach the Foley property.

Paul King noted that the ravine and stream above the buildable area on the lots is larger than the stream they are proposing to cross. Riprap is proposed at the outlet of the culverts to slow velocity and spread out the flow so there would be no impact on the property below the project. Also adding a drop inlet to the inlet side of the 15: culvert will make sure that the runoff goes where directed.

Anne Foley is concerned that changing the land will change how the water enters her property.

Mike Cahalane said that the application looks approvable even though he does not personally know if all items have been addressed.

George Bull noted that they are trying to put in the least impactful driveway scenario and have utilized a review engineer to make sure this happened.

Elaine Chick asked if the PB should directly ask about the effect of the runoff on the Foley property.

Paul King noted that we cannot eliminate runoff but can only control the runoff. There is over 260 feet of natural area between the culvert and the Foley property which should give natural velocity reduction.

Davis Strauss noted that the PB should consider alternative access. The top area of the proposed lots could be built upon and use access from Green Mountain Road.

Theresa Swanick reminded those present that Effingham's town counsel said they do not have to consider the other access, only what is presented. Town counsel has previously addressed MR Strauss' comments. She noted that she has difficulty seeing all paperwork on her single screen

and would like paper available to review. She would also like to see HEB address the specific question about the runoff at the Foley property.

George Bull asked if we could speak with HEB.

Theresa Swanick noted that we could speak with them at a hearing or outside of a hearing.

Mike Cahalane would like a written statement from HEB for the record.

George Bull was okay with getting a clear written statement from HEB.

The PB worded a question to ask HEB about the runoff at the Foley property line as follows: *Will the proposed construction activities, based upon the final plan you reviewed, have a negative impact on the downstream property, and if so, to what degree?*

The PB is fine with a written or digital copy of the response.

Paul King expressed his frustration with another delay.

Theresa Swanick noted that the zoom meeting format and not having all of the paperwork in front of them like they normally do makes reviewing the application more challenging.

Mike Cahalane noted that the driveway must be installed within 2 years of the approval. Per zoning ordinance 1608 (c).

The PB noted that the latest plans were dated 12/18/20, except the wetland plan which is dated 10/6/20.

A motion was made by Mike Cahalane to continue the public hearing to February 4th at 6:00pm via Zoom. The motion was seconded by George Bull. A roll call vote was taken George Bull- aye, Grace Fuller- aye, Mike Cahalane- aye, Elaine Chick- aye, Gary Jewell- aye, Paul Potter- aye, and Theresa Swanick- aye. The motion passed.

Adjournment

A motion was made by Elaine Chick to adjourn the meeting. The motion was seconded by Grace Fuller. A roll call vote was taken George Bull- aye, Grace Fuller- aye, Mike Cahalane- aye, Elaine Chick- aye, Gary Jewell- aye, Paul Potter- aye, and Theresa Swanick- aye. The motion passed and the meeting adjourned at 8:20pm.

These minutes are considered draft until approved by the board at the next regularly scheduled meeting. Corrections will be noted in the following month's meeting minutes.

Madam Chair thank you for the chance to address the board.

1st I would like to correct some misleading information by a board member at the last hearing.

He stated that the green mtn option was not viable because Mr King had stated previously that that option would require crossing wetlands also.

1st that board member did not attend the site walk and when it was performed no standing water or streams were encountered and I had at least 3 board members walking with me.

In my opinion that is a suitable alternate access that was confirmed by the site walk.

Additionally If you look at the maps of the lots provided you will note that easterly portion are not even typo geographically depicted which no one can make a judgment on that portion unless they did a physically walk of the property. **Please ask yourself why that is????**

Madam Chair as a former land board chair and current committee member chair I'm fully aware of the many hours put in by your board helping our town and I thank each and every one for that support.

I realize the applicant is frustrated at the delays and I appreciate the board's effort to ensure things are right. As an abutter I would point out not one of the rehearing's were due to something the board caused. The POOR PLANNING and POOR DESIGNS caused all these delays and this is confirmed in the hearing minutes and the lengthy HEB reports.

I ask each board member if you were buying a house with as many design flaws seen here would you purchase it?

Madam Chair in all my years of engineering I have learned you **cannot review quality into a project.**

With the documentation of so many design flaws you have to ask yourself what was missed.....Allow me two point out 2 flaws that came to my attention just at the last hearing.

1st Ms Foley asked at the last hearing where the water downstream of the culverts would be directed to and Mr. King responded into the existing wetland foot print.

As you know the gully is proposed to be filled and drainage would be thru a culvert. This in high rain events creates what is commonly called a venturi effect which any JR engineer knows.

This increases the speed of the water exiting the culvert and also increases the distance it travels. This increase of flow does not allow it to dissipate into the original downstream wetland foot print as before the culvert installation.

Ms Foly's leach field is a few hundred feet downstream of this exit and just a few additional feet is her foundation and Green Mtn road.

No study was done of the effect downstream just if the culvert could handle the upstream flow.

Addressing the 2nd design flaw...the 12 inch 40 foot driveway culvert

You will note that this is proposed to be placed at the bottom of and on the steepest part of Jack Russell road IN THE DITCHLINE.

I call to your attention to the 3 cutouts for water runoff installed by our road contractor. He knew the runoff problems on this road in high rain events which is why he installed them there.

The proposed **40 FOOT culvert** is right at the last bottom cutout.

Ask yourself why the driveway did not exit just 20-30 downhill on the flat area below this cutoff? I say POOR DESIGN.

If left as requested this **40 FOOT** culvert be it 12" or 20" will clog and tear up the road preventing access to my property and god forbid emergency vehicles.

This would leave the town with many emergency repairs and expense in the future.

Madam Chair I remind the board of the Supreme court decision Denis Girard Vs Town of Plymouth GRAFTON case No. 2018-0495 which I have brought up at many other hearings. This special use permit was denied and the board directed the subdivision to be accessed via the alternate access. The court upheld the right of the board to impose this restriction.

I ask the board to consider the concerns of the abutters... the protection of town property AND this wetland.

I respectfully request the board not approve the special use permit for this POORLY DESIGNED project.

Madam Chair Thank you for letting me address the board