

Approved: _____
Approved with changes: _____

Unapproved: _____

**Effingham Planning Board Meeting
Minutes February 4, 2021
(via video conference call)**

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

Members Absent: None.

Others Present: Nate Fogg, Rebecca Boyden, Paul King, Davis Strauss, Anne Foley, William Angelini, Vicki Fadden, Jim Rines.

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

Public Hearing – Whitaker-Fadden

Theresa Swanick opened the public hearing for the Whitaker-Fadden Subdivision and Special Use Permit applications.

Chairman Swanick then noted that the Conservation Commission should have been noticed as part of the Special Use Permit application and they were aware of the application, they were not officially notified 30 days before the public hearing.

Whether to move forward was discussed. Most agreed that the Cons Comm should be given the 30-day review period. Theresa Swanick noted that we were not giving the applicant the 'run-around', but that we wanted to make sure that we were following proper procedure to avoid a possible court challenge. The applicant's surveyor agreed that the PB should not move forward. Continuing the public hearing to March 11th, 2021 gives the Cons Comm time to hold a regularly scheduled meeting and report to the PB.

Theresa Swanick closed the public input portion of the public hearing.

Grace Fuller made a motion to change the planning board's regularly scheduled meeting to March 11th. George Bull seconded the motion. Town counsel had given the okay to change the date, but he was unaware of the petitioned warrant article that might need to be discussed at a PB meeting. The second and the motion were withdrawn.

Grace Fuller made a motion to continue the Whitaker-Fadden public hearing to March 11th, 2021, beginning at 6:00pm via Zoom. George Bull seconded the motion. **A roll call vote was taken George Bull- aye, Grace Fuller- aye, Mike Cahalane- aye, Gary Jewell- aye, Elaine Chick- aye, Paul Potter- aye, and Theresa Swanick- aye. The motion passed. Alternate Mark Hempton was also in favor.**

Public Hearing – Angelini

Theresa Swanick opened the public hearing for the Angelini Gravel pit applications.

Jim Rines prepared a list of 11 conditions to be discussed by the PB. The PB discussed the

conditions presented. They were renumbered to have an approval by the Ossipee Planning Board and an Alteration of Terrain permit to the first 2 conditions. Other wording was changed to more closely match Effingham's Site Plan and Earth Excavation Regulations. Conditions are listed in motion for conditional approval of the excavation permit.

Mike Cahalane mentioned that stock piles of material make good wind breaks for dust control. George Bull wanted to make sure that any surety held by Effingham was only used for Effingham issues, not any Dunkin Lake Road issues.

The number of truckloads per day is listed on the plan as 30.

A motion was made by George Bull to conditionally approve the Excavation Permit Application with conditions:

Precedent Conditions are:

- 1. While conditionally approved by this board, will not be deemed approved until, and unless, the Town of Ossipee Planning Board shall approve access to the site in accordance with NH RSA 674:53, VII.**
- 2. Receipt of an Alteration of Terrain Permit from NHDES and any conditions associated with said permit.**

Subsequent Conditions are:

- 3. Approval is based upon the plan numbered sheet 1 of 3 entitled "Existing conditions Plan for Angelini Borrow Pit, Tax Map 413, Lot 138" dated June 10, 2020, revised through July 23, 2020, with any subsequent that result from this approval.**
- 4. Approval is based upon the plan numbered sheet 2 of 3 entitled "Existing conditions Plan for Angelini Borrow Pit, Tax Map 413, Lot 138" dated June 10, 2020, revised through July 23, 2020, with any subsequent that result from this approval.**
- 5. Approval is based upon the plan numbered sheet 3 of 3 entitled "Existing conditions Plan for Angelini Borrow Pit, Tax Map 413, Lot 138" dated June 10, 2020, revised through July 23, 2020, with any subsequent that result from this approval.**
- 6. Hours of operation as per Effingham Excavation Regulations will be Monday through Friday 7am to 5pm.**
- 7. No excavation or vegetation removal shall occur within 50 feet of the external boundary lines.**
- 8. Subject to annual or as necessary inspections by the planning board or their designee to ensure compliance with the approved plans.**
- 9. No permanent crushing operation will be permitted on-site. Temporary crushing will be permitted no more than twice per year and no more than five days of crushing per session.**
- 10. Fugitive dust shall be controlled in accordance with ENV-A 2805. Supplemental water application shall occur on an as needed basis to control fugitive dust.**
- 11. Subject to a surety of \$30,000 for reclamation, inspection, and performance standards within the Town of Effingham. The form of the surety to be agreeable to the applicant and the Board of Selectmen.**

The motion was seconded by Elaine Chick. A roll call vote was taken, Elaine Chick- aye, George Bull- aye, Grave-Fuller- aye, Gary Jewell- aye, Paul Potter- aye, Theresa Swanick- aye, Mike Cahalane- aye. The motion passed.

A motion was made by Elaine Chick to conditionally approve the Site Plan Application with the conditions listed in the excavation permit conditional approval. The motion was seconded by Grace Fuller. A roll call vote was taken, Elaine Chick- aye, George Bull- aye, Grave-Fuller- aye, Gary Jewell- aye, Paul Potter- aye, Theresa Swanick- aye, Mike Cahalane- aye. The motion passed.

Minutes

The minutes were reviewed from 12/3/20.

Elaine Chick made a motion to approve the minutes of 12/3/20 as written. Grace Fuller seconded the motion. A roll call vote was taken, Elaine Chick- aye, George Bull- aye, Grave-Fuller- aye, Gary Jewell- aye, Paul Potter- aye, Theresa Swanick- aye, Mike Cahalane- aye. The motion passed.

The minutes from 1/7/21 were reviewed. It was suggested that Theresa Swanick's list of potential zoning amendments be attached or added to the minutes.

George Bull made a motion to approve the minutes of 1/7/21 with the list of potential zoning amendments added. Mike Cahalane seconded the motion. A roll call vote was taken, Elaine Chick- aye, George Bull- aye, Grave-Fuller- aye, Gary Jewell- aye, Paul Potter- aye, Theresa Swanick- aye, Mike Cahalane- aye. The motion passed.

The minutes from 1/21/21 were reviewed. George Bull wants it stated very clearly in the minutes that town counsel stated that 1607(D) was the section that applies to the Whitaker Fadden case.

George Bull made a motion to approve the minutes of 1/7/21 as amended. Grace Fuller seconded the motion. A roll call vote was taken, Elaine Chick- abstain, George Bull- aye, Grave-Fuller- aye, Gary Jewell- aye, Paul Potter- abstain, Theresa Swanick- aye, Mike Cahalane- aye. The motion passed.

Other Business

The select board will likely be postponing the town elections and town meeting until May. This pushed back all deadlines related to town meeting. House bill #2 and emergency order #83 allow the select board to make this decision.

There is a petitioned warrant article that can still be considered by the PB. Town Counsel will give dates relating to the petitioned warrant article.

Adjournment

George Bull made a motion to adjourn the meeting. Grace Fuller seconded the motion. A roll call vote was taken, Elaine Chick- abstain, George Bull- aye, Grave-Fuller- aye, Gary Jewell- aye, Paul Potter- abstain, Theresa Swanick- aye, Mike Cahalane- aye. The motion passed and the meeting adjourned at 8:48pm.

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.