

Effingham Planning Board
Meeting Minutes
January 6, 2022

Members Present: Theresa Swanick (chair), Grace Fuller (scribe), Elaine Chick, Paul Potter, George Bull, Gary Jewell, Dave Garceau (alternate, not seated), Lenny Espie (Selectmen’s representative)

Others Present: Rebecca Boyden (ZEO), Michael Cahalane (Health Officer), Rich Fahey, Jessica Eldridge, Darlene Gayton, Fred Gayton, Susan Beliveau, Erik Jones, Diane Kistler, Maria Crockett, Stephen Crocket, Vicki Garceau. **Present Via Zoom:** Brian Taylor

Meeting called to order at 6:35 pm. Quorum present.

1. Chair Swanick explained process for tonight: will read amendment, allow discussion and vote on all at the end. In the written handout with the amendments, the words underlined are new; words with strikethrough are deletions. Ms. Swanick explained that changes to zoning are sometimes recommended when multiple people have run into similar zoning issues.
2. Section 603 Yards on Corner Lots
 - a. Change made for clarity, pertains particularly to tiny lots; relevant to setbacks.
 - b. Diane Kistler: does this have any tax implications? Answer: no impact on property taxes. Ms. Boyden explained that some people have very small corner lots, with multiple “front” yards, allows others to be “side yard” setbacks, fair to home owners.
 - c. Mr. Erik Jones: spelling correction on 2nd line to ”yard” (should be “yards”)
3. Section 607 Accessory Building Exception
 - a. Housekeeping. Removing word ‘residential’; the title change made previously.
4. Section 609 Individual Subsurface Disposal Systems (septic systems) - New section.
 - a. Mr. Calahane asked for clarity on when this is applied. Answer: Ms. Swanick clarified that this is after the state has approved the application for construction; it must be inspected by the state prior to operation.
 - b. Ms. Boyden explained timeline in response to question from Mrs. Garceau.
5. Section 707 Non-conforming Lots
 - a. This is an amendment that was approved by Planning Board last year but did not get added to Warrant. Minor edits added.
 - b. Mr. Bull inquired and discussion held whether change should be made to define that this pertains only to residential buildings. Mr. Cahalane explained that this has not been a problem with the ZBA; Ms. Boyden concurred. This part of the ordinance has been in place for years; consider clarifying language if needed next year.
6. Section 1011 Contractors Storage Yard
 - a. Mr. Jones: inquired why difference in sign sizes between Section 1011 and Section 1035? Answer: Ms. Swanick advised that one is incidental to a business and the other is a business open to the public.
7. Section 1035 Warehouse Storage Site. No questions or discussion
8. Section 1202 Effective date. No questions or discussion
9. Definition of Vegetative Buffer (new)
 - a. Mr. Jones: correction on spelling of “totaling”

10. Definition of School (replaced). No questions or discussion
11. Section 1402 RV Seasonal Use Permit (replace current Section 1402 “150 Day Permit”)
 - a. Ms. Swanick advised the biggest change is an added requirement of a shutdown period when RV may not be used.
 - b. Mr. Jones expressed concern about the decrease to 1 RV on property from 2 RVs. Ms. Boyden advised there are very few residents who have 2 on their property. It may be possible to get a waiver.
 - c. Mr. Cahalane expressed confusion about how the demonstration of disposal of solid waste is made. Stated he had letter from Town Attorney stating that septic system is needed, per Health Ordinance. Ms. Boyden explained that the language used in the Health Ordinance does not include RVs (language in Health Ord. includes “trailers”).
 - d. Ms. Eldridge expressed frustration about lack of zoning enforcement, especially of trailers on Green Mountain Road. Ms. Swanick referred her to the Select Board.
 - e. Mr. Gayton inquired about the enforcement of zoning infractions. Ms. Boyden advised that a Cease and Desist will be issued, and then taken to court which may impose a fine.
 - f. Mr. Cahalane expressed concern about who is the arbitrator for the demonstration of disposal of solid waste.
 - g. Ms. Eldridge inquired what other towns have. Mr. Bull explained that the Board looked at multiple towns, and gave a summary of some of the similarities or differences.
 - h. Ms. Chick encouraged citizens to vote for the proposed changes as improvements from what is currently in place. The Board continue to want more town feedback.

Public hearing ended at 7:58pm.

Ms. Swanick advised that minor spelling corrections only. No second hearing needed. Application received for the Meena site plan, and will be reviewed at Feb 3 meeting. No work session to be held in January (Chair is N/A). Ms. Boyden advised she is developing new RV form, and will request feedback.

MOTION: Mr. Bull motioned to accept the 2022 Zoning Amendment Proposals with the 2 scrivener’s edits; seconded by Paul Potter. Motion passed.

Review of Minutes

Review of Dec 2, 2021 minutes. Ms. Chick had questions on the Tracker’s Grocery item; discussion on what was discussed. Ms. Fuller suggested deferment of voting on minutes until recording reviewed. Mr. Espie advised that Gary was listed both as Present and Absent.

Review of Dec 16, 2021 minutes. Ms. Chick advised that the name of the person completing the minutes should to be added to bottom of page. Ms. Fuller advised that Mike Cahalane, as Health Officer, was also present and should be added.

MOTION: made by George Bull to accept meeting minutes as amended; Ms. Chick seconded. Passed.

12. MOTION: Ms. Chick made a motion at 8:20 to adjourn; seconded by Ms. Fuller. PASSED.

Minutes prepared by Grace Fuller

1 – Define side yards for corner lots. Approved 10/7/21

Section 603 Yards on Corner Lots [Amended 2022]

Any yard adjoining a street shall be considered a front yard for the purposes of these regulations. A lot bordering on two streets shall be deemed to have two front yard and two side yards. A lot bordering on three streets shall be deemed to have three front yards and one side yard.

2 – Accessory Building Exception. Make consistent with prior change [we removed "Residential" from title in 2020] Approved 10/7/21

Section 607 Accessory Building Exception [Adopted 2006; amended 2018, 2020, 2022]

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

3– Add NEW section on Septic Systems Approved 12/16/21

Section 609 Individual Subsurface Disposal Systems (Septic System) [Adopted 2022]

- A. Structures requiring a Building Permit must meet the requirements of the Effingham Health Ordinance.
- B. All new and replacement Individual Subsurface Disposal System (ISDS) construction must receive approval for operation from NH Department of Environmental Services.

4 – Amend Section 707 – APPROVED AT LAST YEAR'S HEARING, FAILED TO GET INTO WARRANT Approved 12/16/21

Section 707 Non-Conforming Lots [Amended 2004, 2015, 2022]

A non-conforming lot may be used for the uses permitted in the zoning ordinance in the district within which the property is located so long as the lot satisfies the following:

- A. The lot must have frontage or right of way capable of providing ~~sufficient access for emergency vehicles.~~
- B. The lot must be capable of supporting a well and Individual Subsurface Disposal System (ISDS) septic system, designed and installed in compliance with all then-current Town and State of New Hampshire Water Supply and Pollution Control Regulations.
- C. All structures and improvements must comply with the setback requirements contained in this ordinance.
- D. The lot ~~may be used for the location of a single family dwelling, provided that the lot~~ of record complies with the terms of this section and all necessary state and local permits can be obtained.

5 - Amend Section 1011 of Article 10 CONDITIONS FOR APPROVAL OF PERMITTED USES Approved 12/02/21

Section 1011: Contractors Storage Yard [Amended 2022]

- A. The storage ~~yard~~ conducted and carried on by the owner or lessee of the property shall be incidental to a ~~construction/building contracting the~~ business carried on by the owner or lessee.
- B. Lot size requirement: 2-acre minimum
- C. Minimum setback requirements: 50ft Front, Side and Rear setback.
- D. One small ~~externally~~ non-illuminated sign is permitted, not larger than six square feet.
- E. Solid fencing (minimum of 6 feet in height) and/or a vegetative buffer (exterior to the fence) shall be required to minimize impact on the abutting properties, contingent upon site plan approval.
- F. There is to be provided adequate off -street parking for all employees and customers and for delivering and shipping goods other than by customary home delivery services. There shall be no parking within setbacks.
- G. Noise and light pollution shall be kept to a minimum and lights shall be shielded so as not to be a distraction to abutters.
- H. Stormwater management: No water shall be permitted to run across streets nor shall water be diverted onto abutting properties.
- I. Compliance with the Groundwater Protection Article 22 is required.

7 - Amend Section 1035 of Article 10 CONDITIONS FOR APPROVAL OF PERMITTED USES Approved 12/02/21

Section 1035 Warehouse/ Storage Facility Site [Amended 2022]

- A. Lot size requirement: 2-acre minimum
- B. Minimum setback requirements: at least 100 50ft Front, Side and Rear setback feet from the street and 50 feet from side and rear lot lines.

- C. One externally illuminated sign is permitted at a size no larger than 12 square feet.
- D. There is to be provided adequate off -street parking for all employees and customers and for delivering and shipping goods other than by customary home delivery services. There shall be no parking within setbacks.
- E. Noise and light pollution shall be kept to a minimum and lights shall be shielded so as not be a distraction to abutters.
- F. Solid fencing (minimum of 6 feet in height) and/or a vegetative buffer (exterior to the fence) shall be required to minimize impact on the abutting properties, contingent upon site plan approval.
- G. Stormwater management: No water shall be permitted to run across streets nor shall water be diverted onto abutting properties
- H. Compliance with the Groundwater Protection Article 22 is required.

8 - Add amendments to Effective date. [we planned to do this in 2020 and it got lost] Housekeeping

Section 1202 Effective Date

This ordinance and its amendments shall take effect immediately upon its adoption.

9- Add -- definition of VEGETATIVE BUFFER Approved 12/16/21

Vegetative Buffer or Barrier: A permanent strip of dense perennial vegetation established parallel to the lot line or fencing, including the following: 1) a minimum width for each barrier strip of 36 inches (either a solid strip 36 inches wide or two rows with staggered plantings totally 36 inches in width); 2) a minimum vertical height for privacy as defined in the Site Plan; 3) alignment as near to the lot line as practicable; and 4) plants having erect stems that are stiff enough to remain upright during heavy snow events. Examples of year-round privacy plants include privet, arborvitae, boxwood and the Thuja Green Giant Hedge. [Adopted 2022]

10 - Amend – replaces entire definition of SCHOOL Approved 12/16/21

School: An educational institution that has the following characteristics: 1) Its primary purpose is that of education; it has appropriately credentialed teacher(s) to give instruction; 2) It has at least one appropriately credentialed administrator (usually a principal) who is responsible for all aspects of school administration including supervision and evaluation of staff, fiscal responsibility, student discipline and safety, supervision and evaluation of curriculum, and assessment of academic achievement and school accountability; and 3) contains enrolled or prospectively enrolled students. [Amended 2022]

11 - Replace 1402 in its entirety - Approved 12/16/21

Section 1402 RV Seasonal Use Permit [Amended 2013, 2015, 2020, replaced 2022]

- A. No Recreational Vehicle (“RV”) may be used as a permanent dwelling or residence in Effingham.
- B. To use an RV for the purposes set forth in this section, a landowner must first obtain an RV Seasonal Use Permit for the RV from the Zoning Enforcement Officer.
- C. A landowner may place one RV for non-commercial recreation purposes on his or her property for up to 150 consecutive days between April 1 and October 31. The RV must be either removed, or closed up and not in use as per Section 1401 for the other five months. Furthermore, all RV septic shall be decommissioned and winterized from November 1 until March 31.
- D. All RVs must be mobile and be legally registered. RVs must meet the setbacks for principal structures for the zoning district in which they are located. Lack or expiration of registration will void the RV Seasonal Use Permit. Any RV lacking valid registration must meet the Town of Effingham Zoning Ordinance for a structure.
- E. An RV must have adequate sanitary facilities. Applicant must demonstrate how solid waste and sewerage will be disposed of in a lawful manner per New Hampshire law and the Effingham Health Ordinance. Any unlawful disposal of solid waste or sewage will void this permit. Further, upon expiration of a permit under this section, an RV must comply with all aspects of section 1401 of this Article.

[To be replaced by the above text.]

Section 1402 150 Day Permit [Amended 2013, 2015, 2020]

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: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.

**Cover: Remove March 14, 2000 from the AMENDED list, since that is the Adoption date - editorial fix*

**Table 1 doesn't match the Sections which is confusing. It either needs to be amended to include 23 and 24 as removed, which is what we said we were going to do last year, or renumbered so that 23-33 match Sections 1025-1035. - editorial fix*