

Approved: \_\_\_\_\_ Approved with changes: 12/15/2022

*Minutes are Draft until approved.*

**Effingham Planning Board  
Work Session  
September 19, 2022**

**Members Present:** Theresa Swanick (Chair), George Bull, Grace Fuller, Lennie Espie (Selectmen's Rep), Dave Garceau and Elaine Chick

**Members Absent:** Paul Potter, Gary Jewell (Alternate)

**Other Attendees:** Nate Fogg (Land Use Clerk), Russell Downing (Agent for Sarah Frohock); James Owen and Sean White (Structure Route 25 and 153), Ted Wright (Surveyor for Lisa Gardella family Subdivision), Anne Leverette (Trackers Store). Other members of the public present but not identified.

**Meeting called to order at 6:30 pm** by the Chair. Quorum present.

Minutes for Approval to be reviewed at the end of the meeting: August 18, 2022, and September 1, 2022

**Progress regarding submission of Meena LLC paperwork for October 6<sup>th</sup> Public Hearing**

1. Chair opened the discuss stating: Paperwork from Meena was received prior to the deadline. Therefore, the Public Hearing will move forward on October 6, 2022, as scheduled. **Note:** The Location of this Public Hearing is being moved to the Effingham public school to accommodate additional attendees.

**6:35 PM**

**Cottage Industry, Preliminary discussion for Sarah Frohock – Dog Boarding - 189 Highwatch Rd**

1. Mr. Downing (agent for Ms. Frohock) described the plan to renovate an existing 36'x36' barn located out behind the dog training center. The proposed plan is to finish the barn by adding heat, and additional lighting. New construction of dog kennels inside the building for the boarding dogs, and in addition, construct two outside kennel runs. Drawings were provided by Mr. Downing for review by the members of the board. The Barn location meets all set back requirements.
2. Discussion: The Board raised the following questions and concerns
  - Are there any regulations that apply to Dog Kennels in the RSA's?
  - Water is available? Water is available at the barn via an outside faucet.
  - Is the floor of the barn concrete? Yes, there is a drain in the floor to allow for power washing. The water runs outside through the floor drain
  - What is the Maximum number of dogs to be boarded? Maximum capacity is 14 dogs at any one time.
  - How close are the nearest neighbors? The closest property with a house is a considerable distance from the proposed location.
  - Should there be a concern for noise, due to dog barking? Based on a potential concern for noise, a public hearing for the abutters should be considered.
  - Grace Fuller noted: Some towns have time limits regarding barking for an extended period.

Effingham does not have any limitations specific to dogs barking but there is a Noise/Noxious use ordinance.

- George Bull asked for more detail regarding the interior layout: Specifically, the number of kennels and the size of kennels. Mr. Downing stated: there will be 14 kennels inside. Each kennel will be 4'X6'.
- George also asked for some sort of schedule: what time will dogs be outside in the runs. How many dogs will be outside at a time?
- Will staff be on site all day? Yes, someone will be on site 24-hour while Dogs are being boarded.
- Grace Fuller provided information regarding licensing: Dept of Agriculture has an application to license commercial kennels. The contact number was provided to Mr. Downing: (603) 271-2404. Application lists several RSA's and other requirements. Ie: Disease control and prevention, veterinarian, and proof of local Zoning Approval.
- George Bull stated: with the need to notify abutters, this would fall under a Minor Site Plan. The applicant can review the minor site plan requirements on the town website. In addition to what has already been provided, the minor site plan requires the layout be drawn on 11x17 paper, a list of abutters along with the expanded information we discussed.
- Dave Garceau will follow up with the Health Officer to verify if there is anything needed.
- Nate Fogg will communicate with the Applicant/Agent for Notice of Public Hearing date.

**7:10 PM**

**Member of the Public voiced a request to ask a clarifying question regarding the purpose of this work session.**

1. He (No Name) asked if there was going to be any discussion regarding the Meena Application?
  - a. The Chair explained that this meeting is a work session and discussion about an ongoing application takes place outside the Public Hearing. Therefore, no discussion about the Meena application will take place in this meeting.
2. He then asked for minutes of the August 22, 2022.
  - a. The chair indicated those minutes are currently not available but would notify him when they are available.
3. He then asked: Is there an Agenda for Public Hearing meeting?
  - a. The Chair stated: No specific Agenda has been created for the Hearing. The only scheduled items are: 15-Minute presentation from Dr. Newton and a 15-minutes presentation from the applicant.
4. He then asked: Is there going to be a screen for the presentation?
  - a. The Chair stated: We do not know if there will be a screen or not. This is the first time the Planning Board has used this venue and we are unfamiliar with the amenities.
  - b. Lenny Espie stated: there is a pull-down screen at the stage.
5. The question was raised again by the public: Asking if the Planning Board was going to review the Meena documentation at this work session meeting?
  - a. Theresa Swanick and George Bull both restated: The Planning Board is not going to review any Meena Application material outside of the Public Hearing.

**7:25 PM**

**Open Space Conservation Subdivision - Map 104, Lot 2 - 45 Bailey Road Preliminary Discussion**

1. Ted Wright (Land Surveyor White Mountain Survey) representing Lisa Gardella and family, presented a proposed lot breakdown of the Open Space Conservation Subdivision.
  - a. The existing parcel is a 40-acre lot to be subdivided into a Conservation Subdivision with 7 house lots and at least half the acreage set-aside as conservation land.
  - b. The proposed plan had two smaller lots identified as common areas.
  - c. This property currently extends out along route 153 and continues down Bailey Road. There is an existing driveway off Bailey Road that is a right of way easement for some other existing properties that are not part of this subdivision.
  - d. The proposed new lots are off the existing driveway easement that extends off Bailey Road. One lot is the 3+ acre lot that includes the farmhouse which is accessed via route 153. The other lots are smaller than the 2-acre minimum. Most are at least 1-acre except for one of the lots that borders Bailey Road.
  - e. The 20+ Acres of Conservation Area is spread through the subdivision with some smaller portions set aside as Common land.
  - f. Dave Garceau mentioned, conservation land is best if all connected to allow for wildlife passage. George Bull confirmed the intent is to keep the conservation land as contiguous.
  - g. Grace Fuller asked if any of the lots are wetlands.
    - i. There is wetland on some lots but there is enough buildable area on each of the lots.
  - h. The owners' future intent is to convert the farmhouse into a wedding venue.
  - i. There is a path that runs between the farmhouse acreage and the proposed subdivision, the owners intend to keep this open as an easement through the conservation land.
  - j. After discussion with the Planning Board, some changes to the proposed plan will be made by the applicants. Following those revisions, the applicants will return for review and possible Public Hearing. Applicant will return with changes.

**8:10 PM**

**James Owen and Sean White - Co owners - Barn discussion route 25 and 153**

1. 50' x 100' barn at the junction of routes 153 and 25. The barn was built for storage for all their "stuff". The original plans were provided to Zoning Enforcement Officer as storage building. The barn includes storage for both personal and business storage.
  - a. Grace Fuller asked is there an office. The office is for personal use and not used for any commercial enterprise.
  - b. The second story also includes a small gym for personal use.
2. Theresa Swanick stated since you are not residing at that location, this is considered a Non-Residential use.

3. The applicants asked: In the future is it a possibility to add apartments?
  - a. Thresa Swanick stated: It would require a full site plan review to add apartments.
  - b. George Bull stated: It would be easiest to proceed now with current use of the storage facility. Then, if at some point in the future you want to add apartments, you would need to come back for a change of use.

Dave Garceau asked is there would be outside storage in addition to the inside storage use?  
Applicant stated there are some trailers stored outside, so yes there is some outside storage

Theresa Swanick suggested Warehouse Storage/Facility is the closest definition.

4. George Bull indicated this would fall into a Minor Site Plan and reviewed some of the requirements.
  - i. Vegetative Buffer: The applicants meet the requirements for the vegetative buffer.
  - ii. Adequate space for parking. The lot has plenty of parking.
  - iii. Question if this property is in the wetlands buffer – After review of the map in the Zoning ordinance, this is in the Wetland protected area.
5. It was determined this will require a Public Hearing for a Minor Site Plan Review.
6. The applicants will work with Natt Fogg on establishing the Public Hearing date.

### **8:30 PM**

#### **Trackers Store – Map 103, Lot 28 1688 Province Lake Road - Anne Leverette**

1. Applicant stated she is asking for guidance on what she needs to submit for the additional storage building she has added.
  - a. The properties front lot line is in question and will need a survey to determine appropriate setbacks.
2. Applicant stated: After reading Article 7 section 702 of the zoning ordinance, she does have to go to the ZBA. Her store is considered a non-conforming use as it sits in the front setback and the addition of the shed is an expansion of use. The shed is being used as storage for the store.
3. Applicant indicated at some point she would like to expand into an ice cream window but not at this time.
4. The applicant stated: she is having difficulty obtaining a surveyor to just Survey the front line of her property. Everyone she has spoken with has stated they need to survey the entire lot.
  - a. Theresa Swanick asked if any of the abutting properties have been surveyed?
  - b. The applicant stated that the previous owner (Eva Downs) had to give permission for the utility poles to be placed on her property. Which means the porch on the front of the store is on the ME NH state line.
5. Dave Garceau stated: without knowing where the lot line is, the Planning Board cannot grant your application.
6. Elaine Chick stated: If the lot line is not defined and/or you are building within the setback, that requires you go to the Zoning Board of Adjustment for a variance. The ZBA may or may not accept your request without a survey.
  - a. The applicant stated: the Effingham Survey Map shows the property line in a different

location.

- b. Elaine Chick stated: the Effingham maps you are referring to online are not survey maps but rather tax maps and are not “surveyed maps.”
7. Natt Fogg mentioned: The surveyor that just did the survey for the Baily Road property we just discussed, had to survey all the way from Woodman’s corner at route 110 to survey the lot on the corner of Bailey Road and route 153
8. Elaine Chick stated: The lot immediately to the applicants left as you face the street has a surveyed lot. So potentially, you should be able to get you front lot line surveyed based on the lot next door to you and the most recently surveyed lot on the corner of Bailey Road.
9. Elaine Chick explained what the applicant needs to go before the ZBA for:
  - a. As an Existing Non-Conforming use (the Store in the setback) the applicant needs to request an Expansion of Use.  
and
  - b. Since the new shed is potentially within a setback, she would require a Variance from the ZBA for the placement of the building in the setback.
10. Once a ZBA approval is granted, the applicant would then come back to the Planning Board with for a Minor Site Plan review.

**8:50PM**

**Dave Strauss Applicant - Map 408 Lot 34 -Subdivision 49 Jack Russell Road - HEB Waiver letter**

1. HEB Letter received by the Planning Board- They met the conditions of the waiver
  - a. George Bull stated he is happy with the letter from HEB.**Motion** by Elaine Chick to accept the Waiver letter submitted on September 19, 2022. George Bull seconded. All voted in favor.

The Strauss application is approved, pending signatures on the Mylar which is expected at any time this week. Signatures will be added and mylar sent to Registry of Deeds at which time the applicant will be notified.

**8:55 PM**

**Review of Minutes:**

**Minutes of August 18, 2022** – Elaine Chick asked about the fact that these minutes state: Changes were made to the minutes being reviewed but the minutes on 8/18/2022 do not reflect what those changes were. The minutes of 8/18/2022 need to reflect the changes made to the prior minutes that are being reviewed. References to minutes from June 2, 2022, June 16, 2022, July 7, 2022, and minutes from August 4, 2022, all indicate changes were made and those changes need to be added to the minutes of August 18, 2022.

Elaine Chick stated she would add the edits to the August 18, 2022, minutes, if Theresa would send a copy of the August 18, 2022, minutes in Word so that she can edit the document.

George Bull asked for an edit to be made to the August 4, 2022, minutes: Discussion ensued over

the Class VI Road Policy. It was determined the Planning Board has no purview over the Class VI Road policy.

**Minutes of September 1, 2022** – Grace Fuller asked that the To Do list be added to the September 1, 2022, minutes.

**Motion** by Elaine Chick -to approve with the addition of adding the To Do List. Seconded by George Bull. All in Favor

**Additional Discussion:**

George Bull asked Lenny Espie if the Selectmen put forth the Cease-and-Desist orders for: The Bait Shop and Galloway's Lakeside Marina.

Lenny stated: They both got noticed with Cease and Desist, Galloway got Cease and Desist for both Province Lake Road and Green Mountain Road properties.

**Natt Fogg Proposed:** the following Site Plans for review for the November meeting.

- Frohock – Dog Kennel - Highwatch Road
- Owen and White – Barn Route 25 and 153
- Open Space Conservation Subdivision – Gardella Family 45 Bailey Road

**Motion to Adjourn** by Grace Fuller. Seconded by George Bull. All in favor.

**Minutes submitted by Elaine Chick**

**To Do list:**

- **Update Subdivision Regulations: Number of Plat Copies**