

**Effingham Planning Board
Meeting Minutes
December 1, 2022**

5 **Members Present:** Chair Theresa Swanick, Vice Chair George Bull, Signing Secretary Elaine Chick, Board of Selectmen’s Representative Leonard Espie, Grace Fuller, David Garceau, Paul Potter

Others Present: Planning Board Admin, Livia Nicolescu

10 **Meeting called to order at 6:35 p.m.**

Flanders Bait Shop Application:

Discussion about **Flanders Bait Shop Application** [Map 413 Lot 157]: the owner has been in business for approximately 15 years, which was destroyed by fire a few years ago. Could this
15 business be considered a Home Occupation or a Cottage Industry? Chair Swanick suggested that it be considered a Cottage Industry.

- Mr. Bull commented that he thinks of a Cottage Industry as a business that produces things.
- Ms. Chick commented that a Cottage Industry can also provide a service, she thinks of the Flanders Bait shop as providing a service.
- 20 ▪ Chair Swanick suggested that the Flanders Bait Shop be defined as a Cottage Industry and added that an approval of a Waiver for a Site Plan be part of the approval for the Cottage Industry.
- Ms. Fuller brought up the issue of traffic impacts and the number of customer site visits per day. Mr. Bull pointed out that the proposed Bait Shop sales are seasonal, not year-round.
- 25 ▪ Mr. Garceau said that the subject site is a Residential Lot with several structures, the proposed Bait Shop is located within its own shed structure, about 12 feet by 8 feet.
- Mr. Bull pointed out that the owner has been in business for 12 to 15 years, before the Zoning Regulations for Home Occupation and Cottage Industry existed.
- Ms. Chick commented that the owner said that he had filed a previous application. Mr. Bull
30 concurred that a Waiver for the Site Plan for the Flanders Bait Shop Application is a reasonable way to amend this application.
- Ms. Fuller suggested that the final approval cite that the proposed Flanders Bait Shop “replaces a pre-existing structure and a pre-existing business.”
- Ms. Chick asked if the owner should apply for a Cottage Industry in the current application?

35 **6:58 p.m. Motion by Paul Potter to approve Waiver Request for Flanders Bait Shop [Map 413 Tax Lot 157], seconded by George Bull. Approved unanimously, none opposed.**

Chair Swanick stated that the Written Waiver for the Site Plan is approved.

Approved: _____
Approved with changes: 1/5/23

Minutes are Draft until approved.

Ms. Fuller said that Mr. Flanders' [the owner's] business be approved as a Cottage Industry with the Condition that a Cottage Industry Application and Checklist be signed by the owner.

40 **7:04 p.m. Motion by George Bull to approve Application for Flanders Bait Shop [Map 413 Tax Lot 157] as a Cottage Industry, seconded by Paul Potter. Approved unanimously, none opposed.**

Ongoing Tasks for the Planning Board:

- 45 ■ Chair Swanick suggested a **review of the Town of Effingham's Zoning Applications and Checklists**, because there is a need to clarify the distinctions in RSA Section 4.2A.
- Mr. Garceau said that he is researching **possible changes to the Town of Effingham's Fee Schedule** according to what neighboring towns are doing. He will scan and send fee information about other towns in the same area; for example, Eaton, Wakefield, and
- 50 Wolfeboro.

Review of November 17th 2022 Planning Board Work Session Minutes:

Ms. Chick said that she will revise the November 17th 2022 Work Session Minutes.

55 **7:14 Motion by Grace Fuller to Revise the November 17th Work Session Minutes, seconded by David Garceau. Ayes: Theresa Swanick, Elaine Chick, Leonard Espie, Grace Fuller, and David Garceau. Abstaining: George Bull and Paul Potter. None opposed.**

Green Mountain Treatment Center's change of ownership:

60 Mr. Bull is concerned about the new owners' understanding of the currently allowed Zoning Uses as compared to the Zoning regulations in place when this facility was operated by the previous owner(s).

- 65 ■ Chair Swanick mentioned that there exists a Variance to build an additional structure. Mr. Potter suggested to check when that Variance's time period expires. Chair Swanick checked the records and said that the Approved Decision of Variance, dated December 23rd, 2020, is for a period of two years.
- Chair Swanick suggested that the Planning Board write a letter in early 2023 inviting Daymark Care Services to have a conversation with the Planning Board re: the status of the Green Mountain Treatment Center facility, its current site plan, and the current Zoning Regulations.

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Correspondence:

75 Chair Swanick said that she received a letter from the attorney re: the **Meena Property court hearing, scheduled for 1/3/2023 @ 10:30 a.m. This is an Appeal of the Planning Board's Decision [text]. It will be heard in Belknap County instead of Carroll County**, likely due to judge availability.

Approved: _____

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Approved with changes: 1/5/23

- 80 ▪ Ms. Fuller recommended that someone on the Planning Board should attend the Zoning Board of Appeals, next Wednesday, 12/7/2022 @ 6:30 p.m. [separate appeal of same decision re: Meena Property].
- 80 ▪ Ms. Chick stated a concern about the cost of the attorney [to attend this hearing], that the Application may be incomplete, and that the Abutter's List includes the Meena Property.
- 80 ▪ Chair Swanick asked is there a consensus that the attorney attend? The Planning Board gave their verbal consent for the attorney to attend.
- 85 ▪ Chair Swanick pointed out that the Zoning Board of Appeals' Rules of Procedure have an error in their last update: it says that there are 65 days to file an Appeal, as opposed to the standard 30 days to file an Appeal.

There are additional Planning Board Meeting Minutes pending: September 19th 2022, October 6th 2022, and November 3rd 2022. We need these sets of Minutes done at the Work Session Meeting on December 15th, 2022.

- 90 ▪ Mr. Garceau asked about the legal timeline to have the Planning Board Minutes completed.
- 90 ▪ It was stated that draft Minutes are due five days after the Planning Board meets.

“To Do” List:

- 95 1) **Letter to Daymark Care Services**, new owner of the Green Mountain Treatment Facility, to have a conversation with the Planning Board re: the status of the Green Mountain Treatment Center facility, its current site plan, and the current Zoning Regulations
- 95 2) **Update Subdivision Checklist** re: number of plan copies.

7:47 p.m. **Motion to Adjourn by Elaine Chick, seconded by Grace Fuller. All in favor.**

100 Minutes respectfully submitted by Livia M. Nicolescu