

10 **Effingham Planning Board**
Work Session Meeting Minutes
May 4, 2023

15 **Members Present:** George Bull (chair), Elaine Chick, Paul Potter, Gary Jewell, Grace Fuller, Chris Seamans (Selectmen's representative)

Members Absent: Open position unfilled.

Others Present: Nate Fogg (Clerk)

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

1. Review of Minutes:

- 25 a. Review of Minutes from the 4/6/2023. Minor formatting and typos corrected.
i. MOTION made by Grace Fuller to accept minutes as amended; seconded by Elaine Chick.
ii. Passed.
- 30 b. Review of minutes from 4/20/23. Minor spelling edits.
i. MOTION made by Grace Fuller to accept minutes as amended; seconded by Elaine Chick.
ii. Passed.

2. Open Positions overview provided by Board Chair George Bull

- 35 a. Chairman Bull stated there is a position open on the Board, plus up to 5 alternate positions.
- b. Chairman Bull explained there was confusion on how this was noticed. He reviewed the Rules of Procedure which state that candidates with interest in any open position should submit a letter of interest to either Chair Bull or Land Clerk Nate Fogg. The board will meet solely on this issue.
- 40 c. Letter should state name, address, experience on any land use boards, and why interested. The letter should also include any potential conflicts of interest.
- d. Alternates must be staggered over years (5 alternate slots available), over 1, 2 and 3 years. If more, then will repeat.
- e. Discussion held regarding meeting date for review of applicants. May 11 for meeting; letters of interest should be received by May 9 at 5 pm. Send to Nate at pb@effingham.net
- 45 f. Chair Bull will ensure info is provided to Audrey to post on website; candidates are invited to attend the meeting.
- g. Chris Seamans explained the confusion with his posting of the Planning Board opening; this was included with the Board of Selectmen posting of other open positions on boards in the town.
- 50 h. Chair Bull will write up the requirements and forward them to Theresa Swanick to post on the town website tomorrow.
i. Motion made by Board Chair Bull that the meeting for applicant review will be on May 11 at 6:30 at the Town Offices; seconded by Chris Seamans.

ii. PASSED

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3. Status of Meena Hearing:

- a. Chair Bull reminded participants that at the April 6 meeting he had advised that the hearing would be continued to another date at the school, to accommodate all participants.
- b. Ms. Folts advised she had contacted school to determine is Zoom could be used at school. The school principal advised that this could be done as long as there was someone to manage the Zoom app. Chair Bull advised that the use of Zoom had been as issue since many people had not been able to fully participate via Zoom. Chair Bull had notified applicant who did not respond with any concerns about discontinuing use of Zoom.
 - i. MOTION: Chair Bull made motion to continue Meena hearing to Wednesday May 17, no earlier than 6:30 pm at Effingham Elementary School at 6 Partridge Cove Road; seconded by Chris.
 - ii. PASSED
- c. Chair Bull corrected the misconception that there is no spokesperson for the Board. He stated that each Board member may have a personal opinion, but they are not speaking on behalf of the Board when the individual voices their opinions. Discussion continued from participants about the role of Chair Bull at recent Board of Selectmen meeting.
- d. Ms. Folts expressed concern that she was unable to receive a copy of the engineering report until today. Also, expressed concern that Meena info had been accepted after previously set deadline.
- e. Mr. Fahey asked for a copy of the agenda for the 5/17/23 hearing, and a copy of the full application. Also requested a master inventory list of all documents.
 - i. Chair Bull explained that the requested information is in Dropbox for public viewing. Chair Bull explained that the Board has not received information on what and how the applicant will be presenting at the Hearing. He also reminded that there had been a stay from the court to not do anything or have any reach outs. He acknowledged the participants' angst.
- f. Conway Sun reporter inquired about Gary Jewell's role; Chair Bull explained that Mr. Jewell was filling role that had been declined by Victoria Garceau. Gary was an alternate who had been appointed by the Board to fill that position, and was sworn in for the role, to be filled until the next election. The current open position is for David Garceau's position.

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4. Ogren lot line/subdivision application review:

- a. Ted White, Horizons Engineering, authorized representative of the applicant, provided brief overview of the boundary line adjustment and small subdivision, with the driveway on lot 1 to be accessed from Route 153.
- b. Discussion of issues:
 - i. Board Chair Bull advised that the Board is looking for all parcels in subdivision to be buildable. The Board wants to avoid having steep slopes or wetlands issues so that potential future owners do not have issues with building.
 - ii. Wetlands – need to cross for access.

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Approved: _____ Approved with changes: 8/17/2023 *Minutes are draft until approved.*

- 100 c. Lot does not have the minimum of 2 acres of contiguous safe land, not including wetlands. Discussion whether lot means 2 acres of buildable contiguous land. No decision noted.
- d. Paul Potter advised that there are restrictions for driveways on Rte. 25.
- 105 e. Applicant's representative could not address any future use plans. Pete Shiller advised that he is the person buying the lot and wants to build a house. Mr. Shiller explained where he was potentially locating the house, well and septic system.
- f. Chair Bull advised that applicant needs to meet wetland requirements. The Board does not want to approve a lot that would automatically need to apply for a Special Use permit.
- g. Mr. Fogg reported that the State of NH has approved the subdivision. He voiced concern about the larger lot because of lack of access.
- h. Mr. Cahalane advised that the board could provide a Special Use if needed.
- i. Questions whether the state would allow 2 driveways in short distance. Mr. White advised he is working on the application for one driveway.
- 110 j. Board Chair Bull advised that there are issues with crossing wetlands for any access to the southern section of the large lot.
- k. Discussion about unsuitable lots and how to cure. Could provide Special Use permit, need state driveway permit,
- 115 l. Abutter expressed concern about the long driveway in current right-of-way, which abuts her horse pasture. Material from a new driveway could affect her pasture. Second abutter advised that a driveway could block current flow of water that seasonally has water flowage (stream).
- m. Chair Bull: Board looking for quadrangular shape of lots; consider finessing the access due to the limitations of the lot.
- 120 i. MOTION: Chair Bull made a motion to accept the Ogren application as complete; seconded by Elaine Chick.
- ii. Passed.
- n. Chair Bull explained that the hearing was open for public comment.
- 125 i. Mr. White inquired if the applicant could make the larger wetlands part of the land deed-restricted? Board answer: yes.
- ii. Erik Jones advised that no properties north of Route 25 are allowed driveway cuts, as implemented when Route 25 was built. These requirements are in the deeds to those properties. Therefore, the southernmost section would not be able to build driveways onto Route 25.
- 130 o. Chair Bull closed public comment and continued the Ogren hearing to the next Board meeting to give the applicant an opportunity to get the State driveway request reviewed/approved. Also, for the applicant to determine options regarding second driveway or deed restrictions.
- 135 i. MOTION: Chair Bull: continue hearing to June 1 no earlier than 630 at Municipal Building. Seconded by Paul Potter.
- ii. Passed.

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5. Green Mountain Road Landholdings subdivision application review:

- a. Review of abutters, comparing tax map with list provided. No issues noted.
- b. 10 copies of plans and applications – received.
- c. Payment: received appropriate funds except for LCHIP fee of \$28 needed for recording plat. Conditional approval of the subdivision may be granted with the stipulation of payment of the required fee.

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i. MOTION: Chair Bull made a motion to accept as complete; seconded by Grace Fuller.

ii. Passed.

iii. MOTION: Chair Bull made motion for the hearing of the subdivision application to be held at the next regularly scheduled Board meeting on June 1, 2023, following the Ogren hearing. Seconded by Elaine Chick.

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iv. Passed.

6. MOTION made to adjourn by Elaine Chick. Seconded by Grace Fuller. Passed.

Adjourned at 8:45

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Minutes prepared by Grace Fuller

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To Do list:

- Update Subdivision Regulations: Number of Plat Copies
- Add dates to applications and forms.
- Home Occupation/ Cottage Industry
- Major/Minor Site Plan Review
- Accessory Dwelling Unit

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