

**Effingham Planning Board
Special Work Session Minutes
September 14, 2023**

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Members Present: George Bull (Chair); Chris Seamans (Selectmen’s representative); Paul Potter; Elaine Chick; Grace Fuller; Linda Edwards, Alternate (Seated for Nate Williams).

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Members Absent: Gary Jewell; Nate Williams; Bridget Perry (Alternate); Mike Cahalane (Alternate)

Others Present: Gardella family members, other members of the public.

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

1. Gardella Subdivision: Deed and Easement declaration language discussion continued from 9/7/2023.

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Mr. Bull reported there were no further changes or suggestions from the Town’s Attorney.

Final copies of the proposed Conservation Deed and Conservation easement were distributed to the Board members.

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Mr. Bull explained, the Town’s attorney provided a sample Conservation Easement for the applicant to use as a basis to create their own Conservation Easement document. The applicant has submitted an updated draft with all of the requested edits as discussed in the PB’s last meeting on 9/7/2023.

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In addition to the sections outlined in the sample, the applicant added mediation as a part of the Resolution of Disputes section and a new section for Reserved Rights which were not in the sample template provided.

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Ms. Chick raised a concern regarding the Reserved Rights section. Stating the construction of a Raised Beach would seem to be more appropriate in Common Land set aside for the residents of the subdivision rather than in Conservation Land. The language in this section is very open ended: Reserving the ‘right to construct and maintain one or more dam, fence, trail, bridge culvert, maple sugar house, shed, raised beach or similar structure or facility...’ She brought this same concern to the Town’s Attorney. He stated, this is not typically language to be included in a Conservation easement. He did not say No or Yes, just that this was not typical. This is her only concern with this final language.

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Ms. Gardella stated they do not intend to construct anything on that property.

Mr. Bull added that any future construction on the land referenced in the Reserved Rights section is subject to approval.

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50 *Ms. Fuller* asked the chairman, regarding the easement documents reserved rights, there isn't any reference indicating, applicable to Town and State regulations. Is that an assumption.

55 *Mr. Bull* responded that (the reserved rights) does not exempt the applicant from having to meet Town and State regulations at that time. The applicant would still have to apply for and meet the State and Town regulations. Any additional construction must be consistent with and not detrimental to the easement.

60 *Ms. Fuller* asked how would the Town know?

Mr. Bull explained the Town holds the Easement in its name, the Conservation Commission oversees that the conditions of the easement are being met.

65 *Mr. Seamans* interjected DES also requires approval, they cannot just build a dam.

Ms. Gardella commented that this was discussed at the last meeting with regards to meeting all State and Town regulations. They are aware of these requirements.

70 *Ms. Fuller* asked if the Conservation Commission has the opportunity to review this and make any recommendations or comments and shouldn't the Board have the Conservation Commission review this before the final approval.

75 *Mr. Bull* responded he has forwarded the document to the Conservation Commission chair. She did not have any issues with it and will bring it to the Commission's next meeting.

Mr. Bull stated that the Select Board must sign off on the final Conservation Easement. The Final Plat will also need to be signed by the PB Chair and recorded at the Registry of Deeds.

80 *Christopher Seamans* asked to make a **Motion to accept** the easement and all documents as presented. Seconded by Linda Edwards. Vote, In favor, Mr. Potter, Mr. Seamans, Ms. Edwards, Mr. Bull. Abstained, Ms. Fuller. Opposed, Ms. Chick.

85 ***Review of the Final Plat:***

Motion to sign the plat by Christopher Seamans Seconded by Linda Edwards. Members of the Board asked to review the Plat before voting.

90 *Ms. Gardella* stated the final Plat had been submitted to the Office a while ago.

Mr. Seamans interjected that the Plat has been here for over a month.

95 *Ms. Fuller* commented that PB has not reviewed the final plat at any prior meeting.

Mr. Bull commented it has been available, we have just not reviewed it.

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100 The Board reviewed the final plat for inclusion of all requirements. The perc testing and potential well locations were not included on the final plat, and these are a requirement in the PB Subdivision regulations.

105 **Motion** by Grace Fuller, Waive section 7.2.N of the Subdivision requirements for inclusion of perc testing and well locations on the Final Plat. **Seconded** by Christopher Seamans. All in favor, none opposed.

Mr. Bull asked if there are no other issues with the plat, is there a motion to accept.

110 **Motion** by Christopher Seamans to accept the final plat with the Waiver as noted. **Seconded** by Linda Edwards. All in favor, none opposed.

115 **Next Steps:** Mr. Bull and Ms. Fuller signed the Plat. Mr. Bull will record the plat with the Registry of Deeds. The applicant needs to get the Notarized Conservation Easement to the BoS who will review and sign off on the Conservation easement and get it that Notarized. Mr. Bull will then Record the Easement with the Registry of Deeds. Once the Book and Page are known the Deed can be recorded at the Registry of Deeds. After the Easement and Deed are recorded then the Subdivision lots can be sold.

120 **Notice of Decision** needs to be completed by the PB. To be done at the next work session.

125 **Member of the public:** Cory Lane, asked about her request for a Plat. Mr. Bull stated it is being worked on.

Motion to Adjourn by Grace Fuller and Seconded by Chirs Seamans. All in favor. Passed.

130 **Meeting Adjourned at 7:15 PM**

Minutes prepared by Elaine Chick

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135 **For Future Planning Board Use**

To Do List:

- ***Update Subdivision Regulations***
- ***Add Dates to applications and forms.***
- ***Home Occupation/Cottage Industry Checklist Application***
- ***Major/Minor Site plan review***
- ***Accessory Dwelling Unit Conditional use permit***
- ***Clarify Contiguous land.***

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