

Approved: \_\_\_\_\_ Approved with changes: 2/1/2024 *Minutes are draft until approved.*

**Effingham Planning Board  
Meeting Minutes  
November 2, 2023**

**Members Present:** George Bull (chair); Elaine Chick; Paul Potter; Grace Fuller; Chris Seamans (Selectmen’s Representative); Linda Edwards (Alternate, seated for Nate Williams); Gary Jewell

**Members Not present:** Nate Williams; Bridget Perry (Alternate); Mike Cahalane (Alternate)

**Others Present:** Nate Fogg; Lawrence Edwards

**1. Hertel Subdivision- Jeffrey Hertel Continuance of the public hearing for the application for subdivision. Map 411 Lot 63-5**

**Mr. Hertel** stated he is here to ask questions.

- i. He (Mr. Hertel) asked about the requirement regarding the new lot configuration needing to be Quadrilateral. Can there be a variance?

**Mr. Potter** explained that Quadrilateral is preferred, unless the lot design prohibits straight lines.

**Mr. Hertel** explained, the intent is to keep both lots in the subdivision at 5 Acres, however the lines between the two lots end up being 3 not 2. Which would not meet the Quadrilateral requirement. Mr. Hertel shared an example of a proposed new design. Showing the variation in lot lines.

**Mr. Bull** commented that this did not seem to be an unreasonable request for the Board to consider.

- ii. **Mr. Hertel** also asked about the 2-acre contiguous land. If a 2-acre area close to the road was an option, could the lot be subdivided with that acreage thus eliminating the need for a Steep Slope Driveway Permit.

**Mr. Hertel** commented that engineering a driveway across steep slopes is costly.

**Mr. Bull** explained the 2-acre contiguous land is about having suitable buildable land on any new lots. There would need to be a stipulation on the Plan that a driveway accessing across a steep slope needs to be built as designed by a qualified engineer.

**Mr. Hertel** agreed this was the better option to go with an engineered steep slope driveway. He will consider submitting a Steep Slope Permit Application.

**Ms. Chick** asked if the proposed driveway location for this lot meets the 400ft sight line requirement of the State.

**Mr. Hertel** stated he would bring the state driveway permit to the next hearing.

**Mr. Fogg** commented that they will still need a Town driveway permit.

**Mr. Bull** stated the subdivision with the planning board would be first, including a Steep Slopes driveway permit and then obtain a driveway permit through the Zoning Officer.

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Additional discussion continued about the driveway location of the other lot in this subdivision application. Concerns about site distance may not meet the Town's 200 ft requirement on Nutter Road.

**Mr. Bull** explained the first subdivision for this larger acreage included two lots with two proposed driveways onto route 153 crossing the wetlands. The applicant chose not to pursue that plan and opted for a single larger lot with one access onto Nutter Road. He also commented that if the Board members are not in favor of this new subdivision, they can vote against it.

**Mr. Bull** suggested options for consideration, an engineered driveway becomes a condition or conditioned upon Steep Slopes approval for the driveway. Mr. Bull stated if the applicant meets those requirements, then we (PB) cannot arbitrarily deny the application. Mr. Bull personally did not think this was an unreasonable request. Suggesting the rest of the Board consider this option.

Members of the Board did not agree or disagree with this suggestion.

**Ms. Fuller** stated we can informally say that now, but we do not have an application for a Steep Slope permit before us now.

**Mr. Bull** stated we are in a public hearing but have not as yet accepted the Subdivision application as complete. At the last meeting it was determined to continue the Public Hearing to allow the applicant to provide more information.

**Ms. Chick** raised a concern, how we can proceed with a conditional approval when the application has not been accepted as complete.

**Mr. Bull** stated we are not voting on anything now. When this becomes a formal application for the Subdivision, if approved, we would make a condition of approval for a Steep Slopes driveway. We are not approving anything at this time.

**Mr. Hertel** will meet with the ZEO to discuss the driveway access on Nutter Road. Contact the engineer for a Steep Slopes driveway and will consider submitting a Steep Slope application at the same time for the next meeting.

The Board did not deny or approve the application at this hearing and will need to continue the application review process to the next meeting.

Due to member scheduling conflicts, the Board will not be meeting on December 7, 2023. Therefore, the Board's next regular meeting would be January 4, 2024.

**Motion** made by Mr. Bull to continue the Public Hearing for this application review, to January 4, 2024, to convene no earlier than 6:30 PM at the Effingham Town Office. Seconded by Grace Fuller. All in Favor.

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**2. Mr. Bull brought up the following Topics for Discussion.**

- i. Planning Board Meeting Minutes must be available within 5 days as we are legally obligated to do.
  - i. Mr. Fogg has agreed to provide minutes for the Planning Board.
- ii. Review Application revisions and review Zoning Ordinance changes for the Warrant.
  - i. Ms. Fuller had previously submitted some information to Mr. Fogg which was for distribution. The Board did not receive these documents in time for this meeting.
    1. Major/Minor Site Plan
    2. Home Occupation
    3. Cottage Industry
- iii. ZEO Boyden submitted a request for the Board to create a definition on Short Term Rentals
  - i. Mr. Bull wanted to notify the Board of this request but did not advocate adding this as a topic for discussion.
  - ii. Currently, there are no ordinances on the books for Short Term Rentals.
  - iii. When time allows, the Board will consider working on the definition.
- iv. Create a Template for the NOD
  - i. Mr. Bull commented that it was recommended to him to have your Attorney create the final Notice of Decision.
- v. Accessory Dwelling Units – The Chair shared with the Board that the ZEO had stated to him the ADU applications are within her jurisdiction without the need for Planning Board involvement.
  - i. Mr. Bull explained to the Board, when the ADU ordinance was adopted, it was not adopted as Innovative land use. Therefore, based on that fact, the Planning Board is not responsible for ADU review.

**3. Review Final Draft of NOD for Galloway**

- i. Ms. Chick provided the draft for final review.
  - i. Mr. Potter noted the Acreage was incorrect. A correction will be made for the final version to reflect the correct acreage.
  - ii. Final document to be sent to Mr. Bull for signature. Distribution to the Applicant will occur after the receipt of the final plat.
  - iii. A copy of the Final NOD will be sent to the ZEO.
- ii. **Motion** by George Bull to accept as amended. Seconded by Grace Fuller. All in Favor.

**4. Appeal of the Planning Board** decision regarding the Meena Application, the ZBA determined this to be Regional Impact, and will be heard on December 6, 2023.

**5. December Planning Board** meeting will be on December 21, 2023. Mr. Fogg will post there is no meeting on December 7, 2023.

**6. Agenda for November 16, 2024, Work Session Meeting**

- i. Items for Zoning changes in 2024
  - ii. Contiguous Land Definition
  - iii. Article 22 Section 2208

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7. **Minutes for the Hertel** site walk dated 10/24/23.
- i. George Bull will provide these minutes.
  - ii. Include discussion topics on
    - i. Boundaries
    - ii. Steep Slope

**Motion to Adjourn** by Elaine Chick, Seconded by Chris Seamans.  
All voted in favor.

Meeting adjourned at 7:30 PM

Minutes prepared by Elaine Chick

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*The following is for Planning Board Use Only.*

*To Do List:*

- *Discussion around Minute taker and funding*
- *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.*
- *Document submission at minimum 5 days prior to meeting/hearing*
- *Template for NOD*

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