

**Effingham Planning Board  
Meeting Minutes  
November 30, 2023**

**Members Present:** George Bull (chair); Elaine Chick; Paul Potter; Grace Fuller; Chris Seamans (Selectmen’s Representative); Nate Williams; Linda Edwards (Alternate, seated for Gary Jewell until 6:30 PM) Gary Jewell arrived at 6:30

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

**Others Present:** Nate Fogg (PB Clerk); Blair Folts; Corey Lane; Rich Fahy; and other members of the public.

Prior to calling the meeting to order, Ms. Lane asked why the start time of this meeting was changed from 6:30 PM to 6:00 PM at the last minute. Mr. Bull explained there was a mistake in the posting of this meeting and the error was not noticed until today.

Meeting called to order at 6:03 pm. Quorum present.

**Chair Bull** explained this meeting is not a public hearing, the purpose of this meeting is solely to verify all conditions precedent in the Meena LLC, NOD have been met. It is not the intent to solicit public comment nor accept or review anything other than the Conditions Precedent.

**Notice of Decision, for Meena, LLC, Conditions precedent:**

Chair Bull commented that he sent the last letter from Northpoint to the board members to be sure everyone had a copy. The letter explains what Mr. Lewis reviewed and he indicated that all conditions precedent have been met.

The only other condition precedent is the payment of Northpoint by the applicant. The Chair has received copies of the checks and confirmation from the Town office that all payments to Northpoint have been made. Northpoint has confirmed that they have received payment.

Section 96 of the NOD identifies all conditions precedent. Section 97 addresses the condition precedent regarding payment to Northpoint which has been met.

**The Planning Board reviewed each condition as follows:**

- **I&M Manual - Manual has been provided.** *Condition subsequent* the I&M Manual to be recorded at the registry of deeds. This will come later.
- **Soil testing under the Bioretention basin-** An independent company completed testing with no contaminants found, stating no further testing is necessary.

***Condition has been met.***

1. **Locate Diesel Pump a minimum of 15 ft from the building and 25 ft from right of way with blockage to prevent usage between pump and building-**

Depicted on the revised plan. *Condition has been met.*

2. **Impermeable liner on sides of Bioretention basin** Depicted on the revised plan. *Condition has been met.*
3. **Additional spot elevations for drainage area between buildings** – Depicted on the revised plan. *Condition has been met.*
4. **Clarification pavement removal** - Depicted on the revised plan. *Condition has been met.*
5. **Show gravel areas to be seeded-** Depicted on the revised plan. *Condition has been met.*
6. **Basin Spillway to be moved further to the East from steep slopes-** Depicted on the revised plan. *Condition has been met.*
7. **Spot elevations and drainage arrows in the area of the Pumps-** Depicted on the revised plan. *Condition has been met.*

**Ms. Lane interrupted**, asking if the Board had received Dr Newton’s letter. **Mr. Bull responded**, which one. **Ms. Lane**, the most recent, the one sent the other day referencing elevations. **Mr. Bull responded** he had not received any letter from Dr Netwon.

**Ms. Folts followed**, there would be a lot less time in court if the board started paying attention to some of the stuff people are sending you.

**Ms. Lane argued** the Basin Spillway was moved closer to the steep slopes.

**Mr. Bull** asked if the Board would like more clarification from Jeff Lewis asking why he, (Mr. Lewis) thinks the Basin Spillway condition has been met. Further discussion with the Board members noted that the applicant has done what was asked by moving the Spillway to the East and away from the Steep Slopes.

**Chair Bull** stated based on the review of the revised plan the Applicant has met the Conditions Precedent as stated on the NOD.

**Ms. Lane** brought up the SPCC plan has not been revised with the updated plat.

**Mr. Fahy** raised a point of order that earlier today on the web site, it stated the meeting started at 6:30 PM and then it was changed later today to 6:00 PM. For weeks it was posted on the web site at 6:30.

**Mr. Bull** responded to **Mr. Fahy** that he (Mr. Fahy) was at the last meeting when the meeting time was determined for 6:00 PM. Mr. Bull then offered to restart the meeting now to review the same information again. No response from members of the public. Mr. Bull apologized for the mistake in posting and was unaware it was incorrect until this morning. Restating this was not a deliberate act.

**Mr. Seamans** asked to speak: He stated, at the last PB meeting, this meeting was not already on the schedule. At that last meeting, the Chair asked the Board members, in the interest of transparency, if the Board members could be present at an extra meeting to

review the Conditions precedent in a public meeting at 6:00 PM.

100 **Mr. Bull** asked for a Yay or Nay response from the board members to confirm that the Meena, LLC., NOD Conditions Precedent, in their judgment, were met. Yay votes from Mr. Potter, Mr. Jewell, Mr. Williams, Mr. Seamans, Mr. Bull, Ms. Chick, and Ms. Fuller

105 **Motion to Adjourn** by Grace Fuller. Seconded by Elaine Chick.  
All voted in favor.

Meeting adjourned at 7:00 PM

110 Minutes prepared by Elaine Chick

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***The following is for Planning Board Use Only.***

115 ***To Do List:***

- ***Discussion around Minute taker and funding***
- ***Update Subdivision Regulations***
- ***Add Dates to applications and forms.***
- 120 • ***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***
- 125 • ***Template for NOD***

*These minutes are considered draft until approved by the board at the next regularly scheduled meeting. Corrections will be incorporated into the finalized version of the minutes posted on the Town's website.*