

1 **Approved: _____ Approved with changes: 2/1/2024 _____ Minutes are draft until approved**

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3 Town of Effingham Planning Board
4 Meeting Minutes
5 January 4, 2024
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8 **Members Present:** George Bull (Chair), Elaine Chick, Grace Fuller, Gary Jewell, Nate Williams, Paul
9 Potter, Chris Seamans (Selectmen’s representative), Alternate: Linda Edwards

10
11 **Members Absent:** Bridget Perry, Mike Cahalane

12
13 **Meeting Minutes Taken By:** Joanna Bull

14
15 1. Chair George Bull called meeting to order at 6:35pm

16
17 Items to cover: Meena Conditions Precedent, Hertel Subdivision & Steep Slopes, Review & Approve
18 Meeting Minutes, Non-Public Session

19
20 2. Meena Conditions Precedent

21
22 Chair noted that this meeting today was publicly noticed in the newspaper, at the town hall, library, and
23 on the Town website. Agenda is also on the website, and the plats and plans being reviewed today have
24 all on the Town website have been for a few days.

25
26 Conditions Precedent were reviewed in the last meeting when the Board reviewed the plats. During that
27 meeting the following two items were raised which the Chair wanted to address before signing off:

- 28
29 1. Spill Prevention Control Plan referred to an outdated plat.
30 2. Dr Newton raised concerns on the new elevations and impacts they would have on the
31 drainage basin.

32
33 To address these points, Chair reached out to Mark Lucy at Horizons and Jeff Lewis at North Point.

34
35 Mr. Lucy dropped off a hard copy, which was posted on the Town website. The correction was made in
36 the Spill Prevention Control Plan. Mr. Lucy indicated that elevations did impact drainage but only to very
37 minor degree. Horizons updated the storm water survey to reflect that, but it did not change the design
38 of the treatment train. Everything on the ground can still accommodate the drainage.

39
40 Chair also asked Jeff Lewis from North Point to review the updated plans. Mr. Lewis reviewed the plans
41 and did not have any concerns either. He did his calculations independent of Horizons. Mr. Lewis noted
42 Dr. Newton alleged in his letter that there was 3565 sq ft of impacted area, a 50% increase. Mr. Lewis
43 corrected these figures, confirming actual impacted area was only 398 sq ft, an increase of 5%. Mr. Lewis
44 did not see where Dr. Newton came up with 3565 sq ft. There was no indication in Dr. Newton’s report
45 how Dr. Newton came to his numbers. Mr. Lewis is confident that what is in place can handle the 5%
46 increase and there is no need for the drainage infrastructure to be changed.

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47 Mr. Lewis updated the Spill Prevention Control Plan referring to the correct plat. That is all now correct.

48
49 All plats now have the revision date of 12/19/2023 or 12/20/2023, consistent on all submittals. Chair is
50 doing this review today as informational, as it is appropriate that the public and Board are all aware of
51 what we received and inputs from North Point, the Board's engineer.

52
53 Chair recapped that the Board has reviewed the plats, and Board's engineer reviewed and had no issues.
54 Chair asked Board if they had any questions. None were raised.

55
56 Attorney Bolt, attorney for the Board, recommended that to keep things consistent, the Board should
57 sign the Spill Prevention Control Plan, the plat cover pages, and sign and date the plats, noting the
58 following wording:

59
60 *"The conditions precedent set forth in the amended Notice of Decision dated August 7, 2023*
61 *having been met in the eyes of the Planning Board per its meeting on January 4, 2024, the*
62 *Planning Board Chair hereby signs this Plan effective this 4th day of January, 2024."*

63
64 The docs being signed in this meeting are on the website.

65
66 The header on the main page is dated 12/20/2023. As many plats in the package have not changed, not
67 all are dated the 20th. After they are signed tonight, the Chair will make copies of these. Original signed
68 copies will stay with the Town and scanned copies will be posted on the website.

69
70 Chair signed the cover page with Conditions Precedent statement and signed all the copies.

71
72 Chair signed the Spill Prevention Control Plan. Disclaimer is noted on the cover page of the plan, which
73 is bound.

74
75 Chair signed the plats.

76
77 Chair noted that signoff by the Fire Chief is not a Condition Precedent, as the Board has discussed in the
78 past. However, Chair wanted to note that the Fire Chief contacted Horizons on 10/3/2023 and indicated
79 that the submitted plan appears to satisfy the ordinance, and after consulting with Matthew Jones at
80 NHDES, understands that it is not required by NHDES due to the types of tanks in the Meena plan.
81 Although this was not a Condition Precedent, Chair wanted to make mention as it was included in the
82 application as part of their submittal.

83
84 Storm water summary was reviewed on 12/19/2023. Chair signed and dated it so everyone knows what
85 came before the Board.

86
87 Matt Johnson, counsel for the applicant, asked the Chair if he could get a signed copy of a page needed
88 for the Registry of Deeds. Mr. Johnson will connect with Chair directly to get what is needed.

89
90 Board has found the Conditions Precedent have all been met. Chair asked the Board if all were in
91 agreement. Agreement was unanimous.

92
93

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94 3. Continuation of Hertel Subdivision Hearing and Steep Slopes Application
95
96 At the last hearing meeting, the Board determined that Steep Slopes would be a condition for the Hertel
97 Subdivision application.
98
99 Board reviewed the Subdivision application first and concluded that all items required for the application
100 were included. Board had not accepted the Subdivision application as complete in the last hearing
101 meeting as the applicant was still considering Steep Slopes.
102
103 Elaine motioned to accept the Subdivision application as complete. Chris seconded. All in favor.
104
105 Board next reviewed the Steep Slopes application and determined that all items required for the
106 application were included.
107
108 Grace motioned to accept the Steep Slopes application as complete. Chris seconded. All in favor.
109
110 Board discussed that the wording on decision will need to address that if someone buys the lot and
111 wants to build a driveway that is approved for what is in the plan, but if someone chooses to do
112 something different from what is in the plan, they would have to come before the Board for approvals,
113 starting from scratch.
114
115 On the plan itself, reference to “For construction” was updated to reflect “For Steep Slopes permitting”
116
117 The plat that gets filed will state will have the following disclaimer: *“The Steep Slopes application is*
118 *approved for the design on the plat dated 11/29/2023 [to be updated with the new date, if applicable];*
119 *any modifications to the design must be resubmitted and approved by the Board prior to construction.*
120 *Based on this design, the Planning Board waives the 2-year implementation period.”*
121
122 Applicant requested that the Board notes this in the plan, and then it will be noted in the deed that all
123 notes in the plan have to be met.
124
125 Once we get the updated plat with updated verbiage and copy of the deed to confirm this is in the deed,
126 condition for approval.
127
128 Grace motioned to vote the Steep Slopes application for the Hertel subdivision with the condition, *“The*
129 *Steep Slopes application is approved for the design on the plat dated 11/29/2023 [to be updated with the*
130 *new date if applicable]; any modifications to the design must be resubmitted and approved by the Board*
131 *prior to construction. Based on this design, the Planning Board waives the 2-year implementation*
132 *period.”*
133
134 Seconded by Elaine. All in favor.
135
136 Board reviewed the existing process for when an applicant comes in for a driveway permit.
137
138 Board decided to continue the subdivision hearing with new plat, with new lines, showing how the
139 driveway lays out on the subdivision plat. As this will be continuation of this hearing it does not need to
140 be reposted.

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141
142 Elaine motioned to continue the Hertel Subdivision no earlier than 6pm on Thursday, 02/01/2024.
143 Seconded by Gary. All in favor.
144
145 Work session was scheduled for Thursday, 01/18/2024 at 6:30pm.
146
147 Chair provided overview of ZBA meeting of 01/03/2024. ZBA upheld the Planning Board's decisions
148 regarding 1) setback requirements, and 2) the store was not considered abandoned for 2 years, as the
149 case was in Superior Court during that time period.
150
151 4. Review & Approval of Meeting Minutes
152
153 Board reviewed the following Planning Board meeting minutes.
154
155 Meeting Date: 10/19/2023
156 • Motioned to approve as amended by Chris, Seconded by Grace. All in favor.
157
158 Meeting Date: 11/02/2023
159 • Review and approval of minutes will be revisited at the Feb 1st meeting, following edits as
160 discussed
161
162 Meeting Date: 11/16/2023
163 • Motioned to approve as amended by Grace. Seconded by Chair. All in favor.
164
165 Meeting Date: 11/30/2023
166 • Motioned to approve as amended by Grace. Seconded by Nate. All in favor.
167
168 Meeting Date: 12/21/2023
169 • Motioned to approve as amended by Elaine. Seconded by Grace. All in favor.
170
171 5. Non-Public Session
172 • Chair motioned to move to Non-Public session, Seconded by Gary Jewell
173 • Entered Non-Public Session at 8:50pm and finished at 9:05pm.
174 • Rollcall vote to commence and conduct and all members present voted in favor.
175 • Chair motioned to seal Non-Public minutes for 6 months. Seconded by Chris. All in favor.
176
177 6. Meeting ended at 9:10pm
178 • Motioned by Elaine. Seconded by Chris. All in favor.