

Approved: Approved with changes: 8/18/2022 Minutes are Draft until approved.

**Effingham Planning Board
Meeting Minutes
July 7, 2022**

Members Present: Theresa Swanick (Chair), Elaine Chick, George Bull, Paul Potter, Grace Fuller, Lennie Espie (Selectmen's Rep), Dave Garceau, Gary Jewell (Alternate)

Members Absent:

Other Attendees: Nate Fogg (Land Use Clerk), Rebecca Boyden (ZEO), Nicole Maltese, Mark McConkey, Blair Foltz, Tim Otterbach, Rich Fahey, Rusty Downing, Jim Rines, Mike Cahalane

ZOOM Attendees: Tara Schroeder, Corey Lane, Matt Howe, Robin Despina, Susan Wiley, Lorie Dunne, Roberta McCarthy, Ruth O'Neal, Nora Schwarz, Dana Simpson, J Earle, Amy Gullickson, P. W. H. Tung

Meeting called to order at 6:30 pm. Quorum present.

Meena LLC Public Hearing continuation opened at 6:40PM

1. The Chair opened the hearing. Prior to the meeting, the applicant reached out to the Ms. Swanick to ask if any substantive discussion would take place in tonight's meeting. She explained, due to insufficient time for the Planning Board to review materials received on 7/1/2022 from the applicant and today's report received from Northpoint Engineers, there would not be substantive discussion. Considering this information, the applicant agreed to a continuance. In addition, the Attorney for Meena, LLC has asked the Planning Board to consider having a Special meeting just to review this application.

2. **MOTION** by Elaine Chick: To continue the public hearing for Meena LLC to August 2, 2022, at 6:30pm in the Town Office building. Paul Potter second. All in favor. Motion passed.

Hearing continued as of 6:55 PM.

Jim Rines of Horizon Engineering for Angelini – Gravel Pit

1. Mr. Rines, the Agent for William Angelini, updated the board on the status of the Angelini Excavation Application. In March 2021, the Board granted a notice of decision, with conditions requiring. 1. Approval from Ossipee Planning Board to utilize the Ossipee Town Road as access to their Effingham property and 2. An Alternation of Terrain permit from the State of NH. Mr. Rines wanted to inform the board that these remaining two conditions had been met. On 7/22/2021 they received Ossipee Approval and 5/16/22 they received the AOT permit from the State of NH. Mr. Rines stated Mr. Angelini wishes to address the remaining matter of Surety. The Chair referred him to the Effingham Board of Selectmen. Lenny Espie, Selectmen representative, said he would want to check with town council and will follow up with Mr. Rines.

Cottage Industry Application for Sarah Frohock – Dog Training Facility - 189 Highwatch Rd

1. Mr. Downing, general contractor for Ms. Frohock, provided documents for the Planning Board to review regarding the proposed Dog Training Center. He explained the class schedule for year-round use in the training facility. Documents included a parking plan, plot diagram including the location of the training center building, residence and other buildings, and access locations onto the property. The Planning Board reviewed the materials presented and asked questions George Bull explained that any expansion or change of use will require returning to the Planning Board. Grace Fuller asked about signage. A free standing, externally lit sign can be no larger than 6 square feet. Although, signage on the building is not regulated.
2. **MOTION:** George Bull moved to accept cottage industry application as proposed. Elaine Chick seconded. All in favor. Motion passed.

Owen and White

Nate Fogg distributed documentation submitted by Owen and White for the constructed, 50 x 100 barn at junction of routes 153 and 25. Based on the documentation, it was not clear for what use the building was intended. It was suggested that the proprietors come to a Planning Board meeting to discuss their application and the actual use of the facility. Elaine Chick recommended come before the Planning Board for a preliminary discussion. George Bull suggested they review the major site plan application submission requirements. The Board concluded the need for more information, and the applicants will need to submit a Major Site Plan Application. Nate will follow up with Mr. Owen and Mr. White.

Paul Potter suggested we add submission dates to the applications.

Rebecca Boyden, ZEO asked for a status update.

Status Update of Properties that she has sent to Planning Board

- Trackers: nothing submitted to Planning Board
- Lakefront Landing Marina: nothing submitted to Planning Board
- Don Flanders and Bait Shop: nothing submitted to Planning Board
- 44 Champion Hill Road: notice of violation sent by ZEO. nothing submitted to Planning Board. This needs to go to ZBA for Special exception or variance before coming to the Planning Board.

A member of the public asked who is in charge of enforcing the violations for properties that are not complying with the Zoning Ordinance. The Chair and Elaine Chick both explained the Board of Selectmen are responsible for authorizing cease and desist orders which the ZEO can then issue to those properties in violation. Mr. Espie, as the BoS Representative to the Planning Board and the BoS Chairman, would be responsible for bringing this to the Selectmen for action.

Hiring Special Counsel

Theresa Swanick has reached out to the lawyer, Chris Bolt, she worked with previously. She met with the Selectmen and spoke with George Bull about working with someone that would not be taking the Appeal of the ZBA and to engage special counsel on a project basis. Theresa Swanick recommended use of this special counsel for the Meena LLC case.

Reason for Non-Public session was not stated for the minutes.

Motion: Grace Fuller motioned to go into non-public session RSA 91 A-3, II(i). at 8:07 PM. George Bull seconded.

Roll Call Vote to enter nonpublic session:

| | |
|-----------------|-----|
| Grace Fuller | Yes |
| Lenny Espie | Yes |
| George Bull | Yes |
| Theresa Swanick | Yes |
| Elaine Chick | Yes |
| Dave Garceau | Yes |
| Paul Potter | Yes |

Motion passed.

Motion to leave nonpublic session

Dave Garceau moved to end non-public session at 8:35 pm. Paul Potter seconded

Roll Call Vote to leave nonpublic session:

| | |
|-----------------|-----|
| Grace Fuller | Yes |
| Lenny Espie | Yes |
| George Bull | Yes |
| Theresa Swanick | Yes |
| Elaine Chick | Yes |
| Dave Garceau | Yes |
| Paul Potter | Yes |

Motion passed.

Public session reconvened at 8:36

MOTION: Grace Fuller motioned to seal minutes for 5 years. George Bull seconded. All in favor. Motion passed.

MOTION: Grace Fuller moved to utilize Chris Bolt as special counsel for the Meena LLC case. George Bull seconded. All in favor. Motion passed.

Just before entering non-public session, Mike Cahalane had offered to sit on the Planning Board as an alternate.

Motion: Dave Garceau moved to accept Mike Cahalane as an alternate. No second was entered. Mr. Potter stated he did not feel it was appropriate to add another alternate at this time. He recommended we reconsider this offer at a later time. Board tables the request.

MOTION: Elaine Chick moved to adjourn. Grace Fuller seconded. All in favor. Motion passed. Meeting adjourned at 8:42pm

Minutes prepared by Pat Piper, edited by Elaine Chick