

**GREENLAND PLANNING BOARD
PUBLIC HEARING MINUTES**

THURSDAY, March 18, 2010

Members Present: Chair John McDevitt, Deborah Beck, Stu Gerome, Rich Winsor, Patrick Crimmins and Selectmen's Rep. Paul Sanderson

Member Absent: David Moore

Staff: Dylan Smith, Circuit Rider and Amy Leonard, Secretary

Agenda

Chair McDevitt opened the meeting at 7:00 P.M. and asked for a roll call of the attending Board members (see listed above). He announced that a quorum was present and the meeting was being recorded.

PUBLIC HEARING

1. Continuation of Public Hearing for Site Plan Review, for a change of business use, with a second floor residential apartment in the commercial zone; 445 Portsmouth Avenue, (Map U4, Lot 27) [Owner/Applicant: 445 Portsmouth Ave., LLC - Gary Bourassa].

Chair McDevitt reviewed the application to date. He stated that he asked the Board secretary to contact the applicant to see if he would reschedule until the April 15th meeting. This was due to the fact that the two newly elected members had not yet been sworn in, and Ms. Beck and himself would be recusing themselves; therefore, there would not be a quorum present tonight to proceed with this application. The Board agreed and stated it would be better to wait until the 30-day ZBA appeal period was over as well. With that said and based on those reasons, the following motion was made:

Motion 1: Rich Winsor moved to continue the site plan review for 445 Portsmouth Ave., LLC until the April 15, 2010 meeting. Stu Gerome seconded the motion. There was a vote of 3 in favor and 3 abstained (D. Beck, J. McDevitt, P. Crimmins). MOTION CARRIED.

2. Acceptance of Application/Public Hearing for a minor subdivision; 1039 Portsmouth Avenue, (Map R10, Lot 31) [Owner: Deborah Beck & Brian Beck/Applicant: Deborah Beck].

Chair McDevitt reminded the Board that this application had been granted a continuation until the May 2010 public hearing.

3. Preliminary Conceptual Review for a minor subdivision on 16.5 acres located on Post Road

Mr. Paul Hollis, a residential developer based out of Kittery, ME, approached the Board to discuss a conceptual review for a minor subdivision on a 16.5-acre parcel on Post Road. He stated there is 530' of frontage on the lot and he was considering creating two or three lots, pending soil tests and other development requirements. The third lot would be under the Backlot Regulations. Mr. Hollis explained the

layout of the proposed lots and stated he reviewed the backlot regulations, 4.4.1.1. He asked if the third lot (backlot) could be positioned in the front of the property, alongside the other lots, as long as he met the side yard setbacks, or did it have to be behind one of the other lots. He stated the driveway would be 20' wide as required, but he did not want to have the cost of building/clearing a long driveway. Mr. Smith stated Mr. Hollis would need to have NH DOT come and review the site and approve 3 separate curb cuts, which may be an issue, considering the closeness of the driveways. He felt this proposal was a way to get around the frontage requirements and was not the intent of the backlot regulation. Ms. Beck felt this would be a ZBA issue for frontage. Mr. Winsor's opinion was the backlot regulation was not for creating new lots, but for property owners of existing lots to have a way of accessing their back land. After the discussion, the Board concurred that the house needs to be in the back of the property, with a 20' strip of land to the lot. The Board suggested Mr. Hollis might want to reconfigure the lots so the house is not set back as far as he feared. Mr. Hollis thanked the Board for their consideration, but noted the cost of building a driveway to support the third lot would probably not be feasible.

4. Any other business that may legally come before the Board

1. Mr. Sanderson informed the Board of the Selectmen's discussion at their last meeting regarding Stearn's Way roadway. He noted the Selectmen asked the Planning Board to review and comment on the proposed plans under RSA 674:41. The Board reviewed the plan. Mr. Sanderson noted Stearn's Way meets the schematics of a class VI road. There were questions regarding the "Gordon's" garage that encroaches onto Stearn's Way. Mr. Sanderson stated they have a final Supreme Court order that states the Gordon's had defaulted and the garage needs to be removed, but that has not happened yet. Mr. Gill and Mr. Gordon are in the process of discussing options to allow it to remain.

Stephen Gerrato, 512 Post Road, reviewed RSA 231:28 regarding improvement of a class VI road. Mr. Sanderson explained that RSA 231:28 did not apply, as the road currently exists and did not need to be layed out. Mr. Gerrato asked that the Board speak with the surveyor that surveyed Stearn's Way to find out what the true width of the road is.

After the discussion, the Board agreed to send the plans to Town Engineer for his review and comment. They stated they would discuss this matter further, as well as his comments, at the workshop meeting on April 1st.

2. The Board made nominations for the chair and vice chair positions for the upcoming year.

Motion 2: Stu Gerome moved to nominate Rich Winsor as the chairman of the Board for the upcoming year. Patrick Crimmins seconded the motion. All were in favor. MOTION CARRIED.

Motion 3: John McDevitt moved to nominate Stu Gerome as the vice chairman of the Board for the upcoming year. Rich Winsor seconded the motion. All were in favor. MOTION CARRIED.

The Board discussed Alternate Board member possibilities. They asked the secretary to contact Aidan Moore to see if he would be interested. The Board also asked Stephen Gerrato if he would be interested. Mr. Gerrato responded yes. With that said, the following motion was made:

Motion 4: John McDevitt moved to nominate Stephen Gerrato as an alternate member to the Board for a 3-year term. Paul Sanderson seconded the motion. All were in favor. MOTION CARRIED.

Mr. McDevitt asked the Board if anyone would be interested in being the RPC Commissioner. He noted Bruce Dearborn has resigned. Stephen Gerrato stated he would be interested. The Board noted they would also ask the new member, David Moore, at their next meeting. With that said, the following motion was made:

Motion 5: Rich Winsor moved to nominate Stephen Gerrato as the RPC Commission for a 4-year term. Stu Gerome seconded the motion. All were in favor. MOTION CARRIED.

3. The Board noted receipt of the P.R.E.P. assessment final document.

4. Mr. Sanderson updated the Board on the condition of the Winnicut River Bridge. He stated during the last rainstorm, they almost lost the bridge, but the State is working on stabilizing it.

5. Mr. Sanderson noted the O.E.P. annual conference is going to be held on May 8th (attachment 1) if any Board member is interested in going.

6. The Board asked Mr. Sanderson if the Selectmen were going to be appealing the March 3rd ZBA decision, regarding 445 Portsmouth Ave., LLC. Mr. Sanderson requested the secretary speak to Ms. Anderson about having the Selectmen discuss this matter at their next meeting.

7. The Board discussed the April 1st workshop agenda. They stated they would continue discussing form-based code zoning and would review the Stearn's Way road plan if Town Engineer comments have been received.

Having no other business to discuss, the following motion was made:

Motion 2: John McDevitt moved to adjourn the meeting at 8:10 P.M. and Patrick Crimmins seconded the motion. All were in favor. MOTION CARRIED.

Recorded, transcribed and typed by:
Amy Leonard
Secretary, Planning Board

Attachments:

1. OEP annual conference notification
2. Agenda, dated 3/18/10

Approved by the Greenland Planning Board on April 1, 2010.