

**GREENLAND PLANNING BOARD
PUBLIC HEARING MINUTES**

THURSDAY, May 20, 2010

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

Member Absent: Patrick Crimmins and David Moore

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

Agenda

Chair Winsor 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].

Mr. McDevitt stated he had recused himself at the first meeting regarding this application, but after reviewing his business interaction with the applicant with Town Attorney, and reviewing RSA 500-a:12, he felt he could sit and vote on the site plan review.

Attorney David Brown and Steve Oles, MSC Engineering, representing the applicant, approached the Board to continue discussing the site plan review for 445 Portsmouth Ave., LLC. Mr. Brown stated the applicant had been before the Zoning Board of Adjustment and got the required relief there and now wishes to proceed with the Planning Board process. He reminded the Board that the purpose of this project is to move the business's contractor facility to the property and noted the property would be an auxiliary, not the primary, location of the business. The proposal includes parking of trucks in the rear and storage of related equipment on the west side of the property, together with use of the first floor bays for vehicles and to continue the upstairs residential apartment use. He stated he believes this is a reasonable commercial use for the site and a low intensity one, when compared with other allowed uses, which could have much more vehicular traffic in and out of the site all day long. The trucks would be used principally for paving and would leave in the morning and return in the evening.

Mr. Sanderson asked if the 30-day appeal period was over and Mr. Brown indicated he believed it was, as he had not heard of any appeals to the court. Steve Oles continued the discussion by showing the Board the revised site plan. He stated the line of site towards the day care facility on Portsmouth Avenue is over 300' and more than 600' towards the light by Dunkin Donuts. Mr. Oles also showed the Board a vehicular turning plan (attachment 1) that he felt proved the trucks could back into the site without hindering the safety of oncoming traffic. He

stated the site is over 150' away from the Aquifer Protection District. While reviewing the vehicular plan, the Board asked if the applicant owned the right of way they would be using to pull the trucks into before backing up onto the site. Mr. Oles responded no, it was owned by Leroy Syphers and they were discussing easement options with him.

Mr. Smith, RPC Circuit Rider, reviewed his comments regarding this application (attachment 2). The following responses address each comment: A. Six parking spaces were provided for the employees and two spaces for the residential apartment. This will be noted on the plan. All the other comments had been addressed. B. The current septic system is adequate. New test pits were conducted and passed in case of a future failure. C. There will be no dumpster, hazardous wastes or vehicle maintenance done on site. D. There will be no outdoor lighting and will keep the building as it is. Mr. Sanderson suggested a basic security motion light in the back of the property. E. A variance was granted for the open space requirements. F. The variance request was withdrawn, as the Zoning Board of Adjustment concluded a variance was not needed due to the applicant lowering the proposed fence height and there being no structures in the parking/storage area. Mr. Smith stated he disagreed with the ZBA and felt the setback should be an unoccupied space. Mr. Sanderson reminded Mr. Smith that the ZBA grants the final ruling and they cannot revisit the issue. G. The property is 190' from the residential zone line. No proposed plants or fill will be brought in. The abutting lot is owned by Mr. and Mrs. Glennon, but is vacant and separate from their residential lot and is in the commercial zone. H. The vehicular circulation plan was discussed again. The longest truck, with a trailer attached, is 50' long and Mr. Oles stated he used that length on the plan. Mr. Winsor did not agree that a 50-foot truck and trailer would make the far right parking space, considering the close proximity of one of the employee parking spaces. Mr. Oles stated the applicant is talking to Leroy Syphers, who owns the right of way on the right side of the property about easement options, which would make the truck circulation flow better than what the plan is currently showing. The Board had concerns with the trucks having to pull onto the front right of way in order for them to back down the driveway. They felt it was a big safety issue and poor traffic flow. Mr. Sanderson suggested the applicant speak to the State and get their comments regarding the frontage area. I. The applicant will discuss the matter of a sidewalk with the State. J. No sign is proposed. K. The snow storage area was shown, but will delineate on the plan. L. The applicant will get written approval from the fire chief regarding adequate fire protection. M. The hours of operation will be 7:00 am to 5:00 pm and is so noted on the plan. N. The aquifer line is 150' away from the property. Mr. Sanderson suggested the applicant speak to the City of Portsmouth for the most current data regarding the recharge area. Mr. Oles stated he would obtain the data. O. The ZBA decisions will be noted on the plan.

After the review, the Board asked Mr. Oles to forward the site plan to Eric Weinrieb, Town Engineer for review and comment. The following motion was made:

Motion 1: Stu Gerome moved to send the site plan for 445 Portsmouth Avenue to Town Engineer for review and comment. John McDevitt seconded the motion. All were in favor. MOTION CARRIED.

Chair Winsor opened the hearing for public comments. Hearing none, the hearing was closed and the following motion was made:

Motion 2: Paul Sanderson moved to continue the site plan review for 445 Portsmouth Ave., LLC until the June 17, 2010 meeting. Stu Gerome seconded the motion. All were in favor. 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].

Deborah Beck stepped down from the Board to discuss her application for a minor subdivision. She informed the Board that test pits were done on the site and she is waiting for a revised plan that shows the wetland delineation. Ms. Beck indicated she will re-notice the abutters and should be ready to proceed at the June 17, 2010 meeting. With that said, the following motion was made:

Motion 3: John McDevitt moved to continue the acceptance of application for 1039 Portsmouth Avenue until the June 17, 2010 meeting. Paul Sanderson seconded the motion. All were in favor. MOTION CARRIED.

3. Review of Stearn's Way road plans

Mr. Sanderson informed the Board of a telephone conversation he had with DOT District 6, regarding Stearn's Way. He indicated that DOT does not want to approve the Town's driveway permit due to the close proximity of the "Gordon's" driveway. Mr. Sanderson reminded the Board of the existing Supreme Court decision, regarding the "Gordon" garage. He noted the residents in that immediate area were invited in to the Selectmen's meeting on May 24, 2010 to try and resolve this situation. After the discussion, the Board asked the secretary to resend their two comment letters from 2007 to the Selectmen (attachment 3) and write a note to the Selectmen stating they agree with Town Engineer's latest comments.

Mr. Gerrato recused himself from the Board and proceeded to discuss his personal opinion on the matter.

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

1. Mr. Gerrato stated he had a report regarding the RPC Commissioner's meeting he attended, but would wait until the June workshop meeting.

2. The Board revisited the proposal from Habitat for Humanity, which involves two Town owned parcels of land to be donated for the construction of duplexes that are approximately 1,200 square feet each. The Board stated they still have no plans to review and questioned why the Town wants to give away valuable land instead of selling it. The consensus of the Board was to try and sell the two properties.

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

Motion 4: John McDevitt moved to adjourn the meeting at 8:35 P.M. and Paul Sanderson seconded the motion. All were in favor. MOTION CARRIED.

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

Attachments:

1. Vehicular turning plan, re: 445 Portsmouth Ave, LLC
2. Circuit Rider comments, re: 445 Portsmouth Ave, LLC
3. Circuit Rider comments, re: Stearn's Way, dated 2007
4. Board comments, re: Stearn's Way, dated 2007
5. Agenda, dated 5/20/10

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