

**GREENLAND PLANNING BOARD
PUBLIC HEARING MINUTES**

THURSDAY, July 15, 2010

Members Present: Chair Rich Winsor, Stu Gerome, Deborah Beck, Patrick Crimmins, David Moore, Selectmen's Rep. Paul Sanderson and Stephen Gerrato, Alternate

Member Absent: John McDevitt

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

Agenda

Chair Winsor opened the meeting at 7:05 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 Winsor stated they had received a written request (attachment 1) from the applicant to continue this review until the August meeting. With that said, the following motion was made:

Motion 1: Stu Gerome moved to continue the site plan review for 445 Portsmouth Avenue until the August 19, 2010 meeting. David Moore 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 requested the Board continue the acceptance of application until the August meeting. With that said, the following motion was made:

Motion 2: Patrick Crimmins moved to continue the acceptance of application for 1039 Portsmouth Avenue until the August 19, 2010 meeting. David Moore seconded the motion. There was a vote of 4 for and 1 against (P. Sanderson). MOTION CARRIED.

3. Acceptance of Application/Public Hearing for Boundary Line Adjustment; to adjust the lot lines between Map R6, Lot 9 and Map R9, Lot 8K [Owner/Applicant: Michael & David Gill and BMT Development].

On behalf of Michael and David Gill, and BMT Development, LLC, Paul Connolly, Civilworks Engineering, approached the Board to present a boundary line adjustment application between Map R6, Lot 9 and Map R9, Lot 8K. Chair Winsor asked Mr. Smith if the application was complete and Mr. Smith responded yes. With that said, the following motion was made:

Motion 3: Paul Sanderson moved to accept the application for Michael and David Gill, and BMT Development, LLC as complete. Patrick Crimmins seconded the motion. All were in favor. MOTION CARRIED.

Mr. Connolly showed the Board the proposed plan that involved dissolving the common lot line between Lot 9 (currently 81.16 acres) and Lot 8K (currently 5.4 acres off Moulton Avenue), which would increase Lot 8K from 5.4 acres to 74.21 acres and, in essence, shrink Lot 9 from 81.16 acres to 12.49 acres. Lot 8K has close to 800 feet of frontage off Moulton Avenue and Lot 9 would be accessed by an existing 25-foot right of way off Sleepy Hollow Drive, with 51.7 feet of frontage. Mr. Connolly stated the 74.21-acre lot (Lot 8K) would be owned by BMT Development and the 12.49-acre lot (Lot 9) would be owned by Michael and David Gill. He informed the Board that the septic plans for both lots have been submitted to the Town of Greenland and NH DES, and the Approval for Construction had been received from DES. He stated there is a driveway permit application pending, with a conceptual design approval from NH DOT. This driveway permit is to have access to Lot 8K off Stearn's Way and is between the Gordon's, Gill's and the Town; it is not part of this boundary line adjustment application. Mr. Sanderson asked if this application is, in fact, a boundary line adjustment or a resubdivision of the entire parcel and read RSA 672:14. Mr. Connolly responded that it is a boundary line adjustment and explained that there are currently two lots and after the adjustment, there will still be two lots.

The Board reviewed Mr. Smith's comments (attachment 2). Mr. Connolly stated they agree to all Mr. Smith's comments, except Comment B, regarding wetland depiction. He showed the Board the septic plan that was sent to NH DES, which shows the wetland area, dimensions, contiguous uplands, etc. He felt Comment B was addressed on the septic plan and indicated they would ask for a waiver from those requirements. The Board also reviewed Town Attorney's opinion of this proposal (attachment 3).

Ms. Beck asked if there were any covenants regarding the Moulton Avenue lot, within that subdivision. Mr. Connolly responded there were none that he was aware of, but there are several easements, which include an electric and gas line easement and a small area in the far corner of the Moulton Avenue lot, reserved for a small cemetery. He indicated that these easements are shown on the plan. Mr. Sanderson asked if the applicant should go to the ZBA to obtain a variance for frontage regarding Lot 9 (access from Sleepy Hollow). Mr. Connolly responded no, as Lot 9 is an approved back lot, with legal access; granted by the Planning Board when Sleepy Hollow was developed. Mr. Gerome asked if

they would access both lots from Sleepy Hollow and Mr. Connolly stated no, although there would be a "farm" road between the two lots. Ms. Beck did not feel this was just a boundary line adjustment; she felt they were actually creating a lot and suggested a condition of the approval could be no further subdivision. Mr. Connolly disagreed and reminded the Board that there are currently two lots involved and if this were approved, there would still only be two lots.

Mr. Gill gave a history of the property and what he has had to go through to get to this point. He has owned the lots for 12 years and could, today, be granted two building permits from the Building Inspector. He stated if he was going to put a big development on the land, he could have done it 10 - 12 years ago when he bought the property. Mr. Gill stated this proposal is what he has to do to acquire two house lots, with the houses positioned on the highlands. He indicated he has no intention of disrupting the land, except to build two houses.

Mr. Winsor stated that due to the fact that a building permit has not yet been granted by the Selectmen for the proposed Lot 8K, with access off Stearn's Way, he would suggest, as an interim step, they prepare/show an area for one of the houses to be closer to the Moulton Avenue access (ie: do more test pits and show the septic system). He stated a waiver could be requested from actually doing this to avoid any financial burden. Mr. Gerome did not have any issues with this entire proposal. Ms. Beck stated she would not have a problem with the proposal, as long as the applicant agreed to no further subdivision. There was a discussion regarding putting the rest of the property in conservation.

Chair Winsor opened the hearing for public comments. Stephen Gerrato, 512 Post Road, questioned the ownership of the two lots and asked why they had not been merged. The Board responded that they are under two different names; one lot is owned by Michael and David Gill and BMT Development, LLC, owns the other. Mr. Gerrato asked twice if Michael Gill owned BMT Development, LLC. Mr. Connolly responded he is a principal of BMT Development, LLC. Mr. Gerrato continued by reading documentation from old deeds that he had put into a packet for the Board to review (attachment 4). Hearing no other comments, the hearing was closed.

After the lengthy discussion, the Board summarized what they would be looking for at the August 19th meeting: 1) Confirm that the Sleepy Hollow access is an approved back lot and get the Building Inspector's analysis of granting a building permit on the back lot. 2) Request a waiver regarding the wetlands delineation. 3) Lot 8K house placement by Moulton Avenue until Stearn's Way issues are resolved. The following motion was made:

Motion 4: Stu Gerome moved to continue the boundary line adjustment application between Map R6, Lot 9 and Map R9, Lot 8K. Dave Moore seconded the motion. All were in favor. MOTION CARRIED.

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

Mr. Smith submitted a revised Master Plan contract (attachment 5) for the Board to review and discuss at the August 5th meeting. Having no other business to discuss, the following motion was made:

Motion 5: Patrick Crimmins moved to adjourn the meeting at 8:30 P.M. and Stu Gerome seconded the motion. All were in favor. MOTION CARRIED.

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

Attachments:

1. Continuation request, re: 445 Portsmouth Ave, LLC
2. RPC Circuit Rider comments, re: Gill Boundary Line Adjustment
3. Peter Loughlin's comments, re: Gill Boundary Line Adjustment
4. Documentation submitted by Stephan Gerrato, re: Gill Boundary Line Adjustment
5. RPC Agreement for Planning Assistance for Master Plan Update, Conventional Zoning and Form-Based Code
6. Agenda, dated 7/15/10

Approved by the Greenland Planning Board on September 2, 2010.