



PLANNING BOARD
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MINUTES OF THE PLANNING BOARD/BOARD OF SELECTMEN JOINT PUBLIC HEARING

Thursday, October 04, 2018 – 7:00 p.m. – Town Hall Conference Room

Planning Board Members Present: James Connelly, Stu Gerome, John McDevitt, David Moore, Rich Winsor, Catie Medeiros (Alternate), Paul Sanderson (Selectmen’s Rep)

Planning Board Members Absent: Frank Catapano, Steve Gerrato (Alternate)

Board of Selectmen Present: Chester Deorocki, Chip Hussey, Vaughan Morgan, Jim Rolston, Paul Sanderson

Staff Present: Mark Fougere – Consultant; Karen Anderson – Town Administrator; Ralph Cresta – Fire Chief

Chair Morgan opened the joint public hearing at 7:00 p.m. A roll call was taken by the Chair; he announced a quorum was present and the meeting was being recorded. Chair Morgan explained the topics of discussion for the meeting. He recognized the public officials that were present: Honorable Tamara Le, State Representative; Honorable Dennis Malloy, State Representative; John Formella, Governor’s Legal Counsel.

I. PUBLIC LISTENING SESSION

1. Discussion of Proposed Lonza Expansion and Its Impact On the Community

The regional impact of the Pease Development Authority and the Rt. 33 corridor, which travels through Greenland, were discussed. There are increasing traffic impacts, including accidents, on Rt. 33 during the morning and afternoon commutes. Increased traffic is due in large part to the growth at Pease. The growth is good for the area; Greenland is not anti-growth at Pease. However, the Town would like to make sure that it’s done properly so Greenland doesn’t get “stepped on”. The situation will worsen over the next ten years if it’s not dealt with now. Both the Planning Board and Board of Selectmen feel that a development of regional impact exists.

Chair Morgan deferred further explanation to P. Sanderson, Selectmen’s Rep to the Planning Board. P. Sanderson explained that letters had been sent to the Pease Development Authority and the City of Portsmouth requesting the Lonza expansion be called a development of regional impact. If that were to happen, Greenland would be given a seat at the table when large projects at Pease were reviewed by local land use authorities. Initially, the City of Portsmouth didn’t feel that should happen. As a result, the Town hired Vanasse and Associates to do a traffic study and analysis. A report has been given to the Town on the existing conditions. Due to the publicity that has been generated, the PDA has agreed that the expansion is a development of regional impact, allowing Greenland to have a seat at the table.

P. Sanderson introduced Giles Hamm, Traffic Engineer and Managing Principal at Vanasse and Associates. G. Hamm explained that a traffic study was done for the 1 million sq. ft. expansion of Lonza

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by another company; Vanasse & Associates did a peer review of that study. In addition, a traffic analysis was done on the Rt. 33 corridor.

The study done for the Lonza project and submitted to the PDA only looks at the driveways around the development and doesn't look outside of the immediate area. Vanasse has asked the company to expand their study to include the Gosling Road interchange, Grafton Road to Rt. 33, and the I-95 south bound ramps. They were also asked to do a safety analysis at those intersections and where traffic was going to and coming from at the development; little detail was provided.

The study was reviewed in-depth; a copy is on file. The three intersections in Greenland where the analysis was done were Ocean Road, Portsmouth Avenue and Winnicut Road. A traffic count was done and queues were studied: Ocean Road works well, Portsmouth Avenue works okay, and Winnicut Road is a bottleneck. There is heavy volume with one lane at Winnicut Road in the morning and afternoon.

Intersections are graded A to F. Ocean Road operates fairly well during peak; the Level of Service (LOS) was 'C'. Portsmouth Avenue is busier but operates fairly well during peak; the LOS is 'C'. Winnicut Road is the real problem during peak; the LOS is 'E' and is a failed intersection. In addition, there are safety issues. There isn't the capacity to get through a one lane intersection; the solution is to build what's at the other two intersections (noting there is a bridge).

Questions and comments from residents included concerns about traffic on Newington Road as well as trucks and other vehicles running red lights at intersection and no visible police (Chair Morgan will address this issue with the Police Chief); future traffic impact of Pease projects (M. Fougere announced that the Portsmouth Planning Board will be holding a public hearing for the Lonza project in two weeks; the Greenland Planning Board will be asking for more information at that meeting). G. Hamm stated that there are approximately 1,500 vehicles per hour going through the Winnicut Road intersection; side roads will also fail. Data relating to emergency vehicles was not studied and included in the reports. Left turns into Cushman Way or Van Etten Drive were a concern; a left turn lane was suggested that would serve side streets from the Winnicut River Bridge to the Stratham line.

G. Hamm explained that the State has standards in terms of traffic study. The Lonza study followed some of those standards. AASHTO has standards regarding sight distance that needs to be conformed to; there is a standard protocol for traffic studies. In Vanasse and Associate's opinion, the Lonza study is lacking in some of those areas. P. Sanderson added that the engineers are using standards from AASHTO (American Association of State Highway Traffic Officials), their findings are comparable to traffic engineers working with DOT, and has credibility.

P. Sanderson noted that this is not an effort by the Planning Board or Selectmen to stop development, but rather reacting to the existing development and looking for improvements. He recommended looking at the NH Department of Transportation (10 Year Plan) and explained the Rockingham Planning Commission's role with the 10 year plan. P. Sanderson also discussed funding any improvements. J. McDevitt noted that the expansion on Rt. 33 was paid for by Packard Development (Target and Lowe's), not the State. There was also a resident concern about bicyclists and walkers on the Winnicut River Bridge.

Chair Gerome stated the Town's initial move was to get the PDA involved and considering improvements now rather than later; the Boards were looking for immediate action. Residents should be aware of what was happening in the area with traffic impacts. P. Sanderson suggested that residents should pay attention to what the Planning Board is doing because they work on the process all the time. In addition, residents should check the Rockingham Planning Commission's website for updates and is

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the first step in the planning process (Transportation tab). The State's website is another place for information: nh.gov, Department of Transportation, 10 year plan. References will be listed on the Town's website (greenland-nh.com).

There was a brief discussion about the apps that are bringing traffic through Greenland. P. Sanderson stated that Chief Laurent has been in touch with Google maps. Dr. Tom Sherman recommended seasonal speed limits.

P. Sanderson stated that the Planning Board's next step was to work with its professionals to deal with the PDA and the City of Portsmouth. Information will be given to RPC to start the process of working on projects. Chair Morgan added that the Town was moving in the right direction and would keep the wheels moving: we're a little town, but we'll be the squeaky wheel; hopefully, we'll get it greased.

2. Approval of Invoice

MOTION: J. Rolston moved to approve General Fund Manifest 21 in the amount of \$10,547.50 to Portsmouth Sign Company. Second – C. Hussey; three in favor, two against (C. Deorocki, P. Sanderson).
MOTION CARRIED

MOTION: C. Hussey moved that the Selectmen adjourn at 7:55 p.m. Second – C. Deorocki; all in favor.
MOTION CARRIED

Chair Morgan turned the meeting over to the Planning Board Chairman for the Weeks Public Library expansion hearing.

II. PUBLIC HEARING

1. Weeks Library Expansion

Ron Lamarre, Lavallee Brensinger, addressed the Board. They have worked very closely with the Selectmen, Planning Board and NHDES. A plan was submitted to DES approximately one month ago; comments were sent to the engineers by DES. Responses to those comments were returned to DES for final approval. The Planning Board has reviewed the site plans; plans were also submitted to Altus Engineering for an independent review. Altus noted that the Library is not a commercial development; however, there is a list of items that don't comply with the Town Ordinance. That list has been reviewed by the Library's engineer; if there is anything on the list they can comply with, they will take a look to see what can be done.

The Library Trustees have also worked very closely with the abutter; they understand that construction will be happening on their property line as well as their property. The property will be restored when the project is complete. The Library Trustees have been working closely with the Parish House and have a letter from them that has been sent to DES stating they realize the Parish House septic is on Library property. The Town has granted them permission to have window wells installed on the Parish House that extend to Library property. Altus Engineering suggested that there be a legal easement to solidify the written agreement from 2014 when the Parish House redid their septic. At some point there will be a final easement stating the septic system is on Library property.

R. Winsor asked R. Lamarre how they planned to respond to the Planning Board Engineer's comments, adding if he heard them correctly, they would do the best they could and that would be it. Chair Gerome explained that all site plans submitted to the Planning Board are reviewed by its engineer. He continued

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there were 52 comments from Altus Engineering concerning the project not being in compliance with the Town's Site Plan Review Regulations.

Eric Weinreib, Altus Engineering, explained that they did reviews and engineering on inspections for site development projects for the Planning Board. Altus was asked to review the Library project from a technical standpoint and that it was a private development project. Some of their comments were very fine detail; others are larger issues they would like to see addressed. E. Weinreib added that under RSA 674:54, the Planning Board may issue non-binding written comments relative to the conformity or non-conformity of the proposal with the normal applicable land use regulations of the governmental sponsor. E. Weinreib reviewed his comments, highlighting major issues (a copy is on file; items discussed are noted). He has reviewed his comments with Underwood Engineering (prepared the Library's site plan); they understood his concerns and were in general agreement with many. Chief Laurent's letter was entered into the record. She also had concerns about the parking in front of the Library on Post Road; the Planning Board had mentioned the same concerns at an earlier meeting. Chair Jerome noted that Altus Engineering, Chief Laurent and the Planning Board had concerns with parking in the front of the Library; it was a red flag for safety and backing out onto Post Road.

M. Fougere, Planning Board Consultant, reviewed his comments (copy on file). He was also asked to review the project as if it were a private development; E. Weinreib had covered many of the same concerns. M. Fougere noted it was a pre-existing non-conforming site that doesn't conform to open space, lot coverage, setbacks, etc.

P. Sanderson reported that another issue had come up during the week (copy of email is on file). A key part of the project is the septic system. It is currently a shared system between the Parish House and Library; the proposal is to make it a larger shared system. An email from 2016 was sent by the Town Administrator to the Board of Selectmen earlier in the week. It was a communication between the Town and the Attorney General's Office, Director of Charitable Trusts (copy on file). When the Town was given the land, there was a restriction that the Town has title to the land as long as it was used for Library purposes. The Attorney General's position is that it creates a charitable trust; the property is, therefore, regulated by the Office of Charitable Trusts.

The 2016 email from the Church was regarding window wells on that were on the edge of the Parish House building. He read the email into the record (copy on file). The Trustees don't have the legal authority to enter into negotiations with abutting landowners; it can only be done by the Board of Selectmen. The Board of Selectmen doesn't have the legal authority to grant an easement to the Church to provide them access to the septic system. This is a significant problem: the current septic system may be illegal. The existing conditions will need to be reported to the Attorney General's Office and work with them as to the Selectmen's authority to resolve the situation. According to the directive from the Office of Charitable Trusts, it must be the Selectmen. Any agreements that the Trustees may have made to this point can't be implemented. P. Sanderson has contacted the Office of Charitable Trusts; they have indicated the information issued in 2016 is still valid. Potentially, a revocable license is a possibility and means any Board of Selectmen could shut the flow off at any particular time. The Selectmen can't give them a property right that gives a perpetual right to flow sewage into a septic system located on Library property; it would be a breach of the Trust.

M. McLaughlin, Nantucket Place, stated that P. Sanderson misspoke about the septic system. The Library currently has its own system; the Church replaced a failing septic system which is not connected to the Library. The email of 2016 stated that at the time the system was installed, the designer made the capacity large enough so the Library could be connected. M. McLaughlin asked if there was an "irrevocable" license. It could be granted to allow the Church to have the use of the installed septic

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system in perpetuity. P. Sanderson stood corrected factually on the septic system. An irrevocable license would be the same as an easement (the permanent granting of a property right). It wouldn't be possible at this time unless permission was given by the Attorney General's Office to grant a perpetual easement for the Church to operate their septic system.

J. McDevitt reiterated that the Board was aware of their responsibilities under RSA 674:54 that the Town doesn't have to follow its own Ordinance and Regulations. His recommendation to the Selectmen would be based on safety. J. McDevitt had 26 issues on the Altus review that he classified as safety. Should this go forward, he wanted them to review and address the comments from Altus. His concerns about safety included the building, parking and traffic.

Chair Gerome opened the meeting to public comments. Craig McLaughlin, Nantucket Place, stated he was on the Library Building Committee. The Parish House window wells were provided by the Selectmen, and asked if an easement was issued. P. Sanderson responded "no". In accordance with instructions from the Attorney General's Office, there was a written agreement but it's a revocable license and can be removed at the request of the Selectmen. C. McLaughlin stated that a shared septic could be done in the same way. P. Sanderson stated the Attorney General's Office would have to make that ruling. C. McLaughlin noted that the Parish House and Church can put in their own system on their property. P. Sanderson responded they may not physically have the capability of putting in that system. The determination as to whether the system can remain in operation and accept effluent from the Parish House has to be brought to the attention of the Attorney General's Office for their guidance. C. McLaughlin stated that RSA 202A gives an exception to the authority of the Library Trustees for a Trust Fund. Are they the same as a Charitable Trust? P. Sanderson responded they are not the same. In this case there is a conveyance of land to the Town of Greenland with a restriction "as long as it's used as a Library". There is nothing in that RSA that allows the Library to own real estate. C. McLaughlin asked if the Selectmen would be willing to contact the Attorney General's Office in cooperation with the Library Trustees. P. Sanderson's response: absolutely; they were there to put the existing conditions in front of them and ask for a ruling and options.

Several residents spoke. The Parish House would be subject to Town Ordinances and Regulations. Parking would be considered as part of the Library if it provided direct access. There will be no further public hearings; the Library is required to have one public hearing with the Planning Board. P. Sanderson stated the Planning Board needs to report to the Town how the issues are resolved. To be transparent and let residents know what has been done and why, there should be another opportunity to meet with the Planning Board. Several residents were concerned about safety issues, including accessibility of emergency vehicles.

Chair Gerome stated that it's been the Planning Board's purpose to bring the comments forward so residents understand the Board's concerns. They would like to move with the Library and Board of Selectmen to create a scenario where there is parking and safety. There are a lot of questions, and the residents need to be much more involved.

C. McLaughlin agreed there were a lot of issues and the majority have been addressed by the Library Trustees Building Committee, but isn't publicly known. He clarified the accessibility question, which is ADA compliant. He also clarified accessibility for school children. The Library done at this location will be one of the most accessible libraries in the State of NH. Over 70% of the time that the Library is open, school is not in session. Chair Gerome stated there may be more than one additional meeting required to resolve outstanding issues from the Planning Board Engineer and residents.

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C. McLaughlin asked if it was State law that the Library had to comply with Town of Greenland regulations. Response from P. Sanderson was that a Town department was not subject to Greenland regulations or the Zoning Ordinance. There is no requirement that those regulations be complied with. The comments are not legally binding, but are important to be considered. C. McLaughlin noted that the Library Trustees and Building Committee were present as a courtesy to the Planning Board to address the questions but not as a State requirement. P. Sanderson responded that RSA 674:54 is not a courtesy, the hearing is a requirement. When the comments are issued, everyone would be well-advised to take them into consideration to have the best possible public project.

Responding to a comment from a resident about the lengthy process, Chair Gerome stated that an engineer can't review plans that aren't available. There has to be a level of trust on everyone's part for the next step to go forward. The Library doesn't have to conform to the Town of Greenland Zoning Ordinance; if that's what the residents of Greenland want, they need to let the Planning Board know that. The Board is working for the safety of the residents. If residents tell the Board "don't do it", they'll let it go. However, if residents want something that everyone can go to and not worry about safety, the Board is working on behalf of the residents.

M. McLaughlin asked the Selectmen if they planned to sign the bond at the Board of Selectmen's meeting on Monday, October 22, 2018. Chair Morgan responded that he couldn't answer as a single Selectman; it would be discussed and voted on as a Board.

C. Deorocki asked how much had been spent by the Trustees on engineering to date. The response was approximately \$170,000. The Planning Board engineer's review was not included in that cost. There was a comment from a resident that moving the bond forward would be in the best interest of the Town due to interest rates increasing.

Chair Gerome closed the public hearing. R. Winsor asked the Library Trustees when the Board could anticipate a response to the comments from Altus. R. Lamarre responded that there were two choices: tell the Church to get rid of the window well or get rid of the septic. He felt that by working together and not leaving the Church without a septic system or window wells would progress very well because there are members of the Weeks family still alive. Safety was another issue. The design was much better as far as ADA accessible. The building is smaller than originally planned. As far as parking on Post Road, the Library will address that issue but not as part of the Library project; it's a State road. It could be done at the same time as the Library project at the Town's expense. They would meet with DOT on behalf of the Town. Grading and drainage issues have been addressed. They don't plan on dealing with some of the comments, because they just can't do them. R. Lamarre discussed the plans for the wall on the abutting property, landscaping on the Library property, parking on Post Road and curb cuts.

MOTION: R. Winsor moved to continue the Library expansion discussion to the Planning Board meeting on Thursday, October 18, 2018. Second – J. McDevitt; all in favor. MOTION CARRIED

III. ADMINISTRATIVE AND OTHER BUSINESS (Planning Board)

1. Approval of Minutes

MOTION: J. McDevitt moved to approve the minutes of Thursday, September 20, 2018. Second – P. Sanderson; four in favor, three abstain (D. Moore, R. Winsor, C. Medeiros). MOTION CARRIED

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2. Approval of Invoices

MOTION: C. Medeiros moved to approve payment of the invoice from Fougere Planning & Development in the amount of \$1,615.11 from the Planning Board Town Budget. Second – D. Moore; all in favor.
MOTION CARRIED

3. Topics for the Public Hearing: Thursday, October 18, 2018

Topics were briefly reviewed.

4. Other Business

There was no other business to discuss.

IV. ADJOURNMENT

MOTION: R. Winsor moved to adjourn at 9:17 p.m. Second – P. Sanderson; all in favor. MOTION CARRIED

NEXT MEETING

Thursday, October 18, 2018 – 7:00 p.m., Town Hall Conference Room

Respectfully Submitted: Charlotte Hussey, Secretary to the Boards

Approved: