



PLANNING BOARD
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MINUTES OF THE PLANNING BOARD MEETING

Thursday, September 07, 2023 – 6:30 p.m. – Town Hall Conference Room

Members Present: John McDevitt, Stephan Toth, Bob Dion, Steve Smith (Board of Selectmen's Rep), Phil Dion (Alternate)

Members Absent: Steve Gerrato, Catie Medeiros, David Moore, Richard Winsor (Alternate), Stu Gerome (Alternate)

Staff Absent: Mark Fougere

Also Present: Paul Sanderson – Town Administrator

B. Dion opened the Planning Board meeting at 6:30 p.m. He announced a quorum was present and the meeting was being recorded.

1. MS-4 Requirements

TA Sanderson announced that DES will be offering a free well water testing program to seacoast towns. Stratham and Exeter have done the program; Greenland, Portsmouth, Newington, and Rye will be invited to participate in this testing phase. An informational session will be held at Greenland School in November. DES will accept 30 tests per week over a period of five to six weeks. Standard water testing will be done and include PFAS; this test would normally cost \$600. Testing is completely funded by DES. Results will be given to homeowners; compiled results will be sent to the Town with location maps showing the testing sites and their findings for each contaminant.

The MS-4 is a permit through the USEPA: National Pollutant Discharge Elimination System - Phase 2 and controls non-point sources of stormwater. New Hampshire is one of the few states in the country where the EPA administers this permit; it is normally done by DES. Permits are issued every five years; the last one in Greenland was 2017. Every year the permit phase gets tougher.

The Town is in year five of the permit and there are many things that must be done to reduce contaminants in stormwater. The Town was active in the General Permit in 2013; the effort fell off in the 2017 permit. Very little has been done over the last several years. The biggest concern is that the Town is supposed to be acting under a Chloride Reduction Plan: there is no plan in writing. The winter maintenance provider used more salt during the 2022-2023 season than any other time. The State DES Resources website indicates that the Town Hall is a 'pollution hotspot' due to salt. There is significant work to be done.

TA Sanderson distributed copies of last year's report (Year 4). The report was prepared by RPC and the cost was \$3,500. He also showed the Board the template for the Year 5 report: it is 40 pages long and must be submitted by September 28th. The well testing program will not count in year five. The time period for this report is June 2022 to June 2023. It can be noted that the well testing program is an

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effort that is being undertaken to map chlorides in Town. TA Sanderson is working with the RPC to study the corridor, which is a real pollution hotspot with the amount of salt used.

TA Sanderson has received calls from the USEPA regarding Minimum Control Measure 4 and 5, which deals with control of construction runoff and post-construction control of runoff. The pre-construction portion relates to the types of conditions that are included in the Zoning Ordinance and Regulations and placed as conditions on developers. TA Sanderson will work with Eric Weinrieb, Altus Engineering, on the Zoning Ordinance and Regulations. He will be able to report that he has discussed this with the Planning Board, that it is actively under review, and deficiencies will be worked on.

TA Sanderson has briefly discussed this with Mark Fougere, Planning Board Consultant; he will discuss further on September 21st. TA Sanderson has not discussed this issue with Eric Weinrieb, Altus Engineering. S. Smith added that one of the biggest concerns was the illicit discharge of waste out, failed septic, etc., especially on the Bay with the tides. There are also issues with nitrogen on the golf courses. TA Sanderson noted that the Year 4 report mentions nitrogen and chloride.

TA Sanderson stated that is definitely a problem, there are ways to work on it and bring it back to something that can be taken care of each year. TA Sanderson, responding to J. McDevitt's question, stated he would like the Planning Board to review, with help from M. Fougere and E. Weinrieb, the Subdivision and Site Plan Review Regulations as well as any conditions they may offer to applicants to assure they are adequate for stormwater.

TA Sanderson added that the Board should work on the CIP to support a valid Impact Fee Ordinance. There is currently an impact fee for the Library; an impact fee will be needed for facilities. To do that, a good CIP needs to be in place. There was a brief discussion on how impact fees could be used; TA Sanderson noted they could not build up a 'war chest'. If the Town took on real project with real debt, that would support impact fees.

2. Demolition Permit

There was discussion at the last meeting about how often a permit could be renewed after it expired, specifically the demolition permit. Currently, a permit expires one year after being issued. It can be renewed for a year for \$100. A demolition permit has not been issued for 529 Portsmouth Avenue.

There was discussion that 529 Portsmouth Avenue has been in disrepair for a long time. The fence does not completely enclose the building and there is access into the building, which is a safety issue. TA Sanderson stated that could be looked into for enforcement: it needs to be enclosed.

S. Toth asked if the Town had an ordinance, or could have an ordinance, about general upkeep or appearance of property, or was that at the State. TA Sanderson updated the Board on the Somersworth Property Maintenance Ordinance. Greenland relies on Homeowner's Associations and their bylaws to take care of property issues. There can be an ordinance, but it was intrusive and expensive to enforce because it dealt with aesthetics.

There was continued discussion about the security of the building at 529 Portsmouth Avenue. Public safety was the concern with the building: it was not boarded up and the fence was not secure. S. Smith suggested the Building Inspector/Code Enforcement Officer contact the owner. S. Toth suggested an ordinance to deal with abandoned buildings; TA Sanderson stated the State statute gave the Town powers. In case of fire, the Fire Department would be able to extinguish it.

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3. Capital Improvement Plan

TA Sanderson told the Board it would be helpful if the CIP was ready when the budget process started in late October. The Board reviewed requests from the School, Rec Committee and Conservation Commission (copies on file). B. Dion asked if it was possible to work on the CIP with the goal of not increasing taxes. TA Sanderson stated it was possible by suggesting capital reserve funding: when the project had enough capital reserve funding, that would be the source of funds.

The Rec Committee did not include funding on their CIP requests because they have not received formalized quotes (email on file). B. Dion did not feel that was a compelling argument to fund the requests. The Conservation Commission has submitted a request for a floating dock in Rolston Park (copy on file). S. Toth pointed out the YMCA cannot use canoes in that area and questioned why a dock was needed. S. Smith stated the best option was to see what Fish and Game was doing at Glenn Cove; there would be a dock at that location.

TA Sanderson reviewed facilities with the Board. There are issues with the roof on the metal building across the parking lot. The Town has a contract with a year-round maintenance provider who will utilize that building. The Fire Department Auxiliary Building (previously used by the snowplow contractor) has significant problems including a cracked foundation and contaminated floor drains. The new ambulance is currently being housed in that building. There are also issues with the gas piping into that building. A structural analysis is being done on the Town Hall/Fire Station. TA Sanderson reviewed the concerns with that building. The Police Department was built in 2002 and has been significantly upgraded over the years and the facilities are sound. S. Smith stated the two major problems are the roof and the HVAC system.

J. McDevitt requested the long-term plan be reviewed at Deliberative Session. TA Sanderson is waiting for the structural analysis. S. Smith stated that would be the Facilities Committee's purview to present what was needed, when and how. The structural engineer has stated that the metal building does not have to be torn down. B. Dion would like to see the Town plan for the best value and functionality for the Fire Station.

J. McDevitt questioned problems at the Transfer Station as noted on the MS-4. TA Sanderson responded that, so far, it is not of particular concern. Stormwater at the Transfer Station should be looked at. TA Sanderson reviewed the increased costs that will be incurred at the Transfer Station as contracts need to be renewed. There was a discussion about increasing the cost of a Transfer Station sticker. S. Toth suggested a statement be added that the cost of the sticker will increase annually based on the yearly cost of inflation. TA Sanderson pointed out that no Town Meeting can bind a future Town Meeting. The Town could vote at any time to stop it or roll the fee back. He also stated that it is trying to be done at a cost recovery level. A profit would be a tax, and that is not allowed. Fees would have to be kept close to cost recovery in order to keep it valid. The Town does not have the authority to tax.

Police Department revenue and grants were reviewed. TA Sanderson discussed roads and improvements completed over the summer as well as long-range projects. There is money available in the capital reserve fund.

Brian Helfrich, SAU Director of Facilities, will be invited to the October work session for further discussion on the following CIP requests for the School.

- \$100,000 for the ventilation/HVAC system in the 1965 wing; possible grant application

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- Windows on the stone building
- Doors on the stone building
- Seal coating/crack sealing

The Board did not recommend any further action on the requests from the Rec Committee or the Conservation Commission.

4. GACIT Meeting

Executive Councilor Janet Stevens has announced that there will be a Governor's Advisory Commission on Intermodal Transportation (GACIT) meeting held at Greenland School on Thursday October 19, 2023, at 7:00 pm. Discussion will pertain to proposals and suggestions for the upcoming 10-year Transportation Improvement Plan (TYP), from 2025 to 2034. B. Dion explained that Rt. 33 was Greenland's concern and needed to be discussed at the GACIT meeting.

TA Sanderson noted this is a positive thing and is about the 10 Year Plan. Having the meeting in Greenland indicates they are listening to the concerns of the Town. He hoped the Planning Board public hearing could be scheduled so members were able to attend the GACIT meeting. It was suggested that the public hearing be held at the School at 6:00 pm so the meeting would be over by 7:00 pm. S. Smith felt it would be confusing for applicants. He suggested moving the public hearing to a different day.

It was noted that the ZBA has not met this year. TA Sanderson voiced concern: it opens the Town up to the possibility of attack. ZBA's must be in existence; they are a safety valve for relief from the Ordinance.

MOTION: S. Smith moved to change the public hearing date to Thursday, October 26, 2023, at 6:30 pm. Second – J. McDevitt; all in favor. MOTION CARRIED

5. Vice Chairman Position

B. Dion updated the Board that C. Medeiros was unable to continue as Vice Chairman of the Planning Board due to personal development reasons and has asked to step down as Vice Chairman. B. Dion asked the Board if they would like to have a Vice Chairman. It was clarified that C. Medeiros would like to step down and become an alternate.

MOTION: S. Smith moved to accept the resignation of Catie Medeiros as Vice Chairman of the Planning Board and become an alternate due to scheduling conflicts. Second – P. Dion; all in favor. MOTION CARRIED

MOTION: J. McDevitt nominated P. Dion to move from alternate to full member until March 2024. Second – S. Smith; all in favor. MOTION CARRIED

MOTION: J. McDevitt nominated Frank Catapano as an alternate until March 2024. Second – P. Dion; all in favor. MOTION CARRIED

The Vice Chairman will be appointed at a future meeting when more members are present.

6. Approval of Minutes

MOTION: S. Smith moved to approve the minutes of Thursday, August 03, 2023. Second – J. McDevitt; all in favor. MOTION CARRIED

7. Consent Agenda

- Escrow - Altus Engineering: **\$1,530.00**
 - Tower Place (Summerwind)
- Escrow – Fougere Planning & Development: **\$292**
 - Tower Place (Summerwind)
- Town Budget - Fougere Planning & Development: **\$556.95**

MOTION: J. McDevitt moved to approve the Consent Agenda as presented. Second – S. Smith; all in favor. MOTION CARRIED

8. Topics for the Public Hearing

❖ **Continued Public Hearing**

Conditional Use Permit

24 Winnicut Road (Map R10, 24: Commercial A)

Applicant: Christopher Rice, TF Moran

Owner: Brad Peterson, REP Enterprises

The owner and applicant are proposing to construct a paved driveway with an apron on Winnicut Road to provide access to the existing storage trailer area. The proposed driveway is 24 feet wide and approximately 260 feet in length. Improvements include grading, drainage, and landscaping. There are no wetland impacts; however, work is proposed in the wetland buffer. Retaining walls are proposed to limit buffer impacts.

NOTE: 24 Winnicut Road will be withdrawing their application.

❖ **New**

Design Review

125 Dearborn Road (Map R12, 12: Residential Zone)

Applicant: Jay Lajeunesse - Dearborn Woods, LLC

Owner of Record: Donna Martel, Trustee – Martel Realty Trust

The owner and applicant propose to subdivide approximately 22.12 acres into a 13-lot subdivision. This will be a conventional subdivision with 11 single family homes and two duplex lots. The proposed road will be off Dearborn Road.

9. Other Business

- ❖ **Changes to Planning & Zoning Laws in 2023 - A Guide for Municipalities:** The attached was received from NHMA. This is for informational purposes and will be discussed further at the next meeting when Mark is present.

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- ❖ **Healthcare Complex at Pease:** There was a Technical Advisory Committee (TAC) meeting on Tuesday, September 05, 2023, regarding the proposed Healthcare Complex. The complex will be approximately 52,000 GSF and allow space for up to 10 tenants, 125 parking spaces, and 2 loading docks as well as associated paving, stormwater management, lighting, utilities, and landscaping.
- ❖ **Town of Newington Public Hearing:** There will be a Planning Board Public Hearing at the Newington Town Hall on Monday, September 11, 2023, 6:00 pm, to discuss the Sig Sauer Product Testing Expansion.
- ❖ **Town of Hampton Public Hearing:** There will be a Zoning Board of Adjustment public hearing on Thursday, September 21, 2023, 7:00 pm, to discuss a telecommunications facility.
- ❖ **Proposed Electric Vehicle Ordinance:** S. Toth asked the Board if they wanted to vote on the proposed Ordinance at this meeting or wait for a full Board. Members acknowledged that S. Toth did a lot of work on the Ordinance but preferred to wait and have further discussions. B. Dion stated that if it was going to be an Ordinance, there were some concerns that needed to be addressed. S. Toth assured the Board there are no mandates included.

10. Adjournment

MOTION: J. McDevitt moved to adjourn at 8:08 p.m. Second – S. Smith; all in favor. MOTION CARRIED

NEXT MEETING

Thursday, September 21, 2023 – 6:30 p.m., Town Hall Conference Room

Submitted By: Charlotte Hussey, Administrative Assistant