



**PLANNING BOARD**  
**Town of Greenland • Greenland, NH 03840**  
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**MINUTES OF THE PLANNING BOARD**

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Thursday, April 18, 2024 – 6:30 p.m. – Town Hall Conference Room

Members Present: Bob Dion, Phil Dion, Morris Goodman, John McDevitt, David Moore, Frank Catapano (Alternate)

Members Absent: Steve Gerrato, Steve Smith (Selectmen's Rep), Catie Medeiros (Alternate), Stu Gerome (Alternate), Richard Winsor (Alternate)

Staff Present: Mark Fougere

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Bob Dion opened the Planning Board public hearing at 6:30 pm. He announced a quorum was present and the meeting was being recorded.

1. Acceptance of Resignation

Steve Gerrato submitted his resignation due to continued health problems.

MOTION: J. McDevitt moved to accept Steve Gerrato's resignation. Second – M. Goodman; all in favor. MOTION CARRIED

B. Dion thanked S. Gerrato for his service over the years. The Board acknowledged he served many years, doing many of the things that they could not do.

2. Reorganization of the Board

MOTION: J. McDevitt moved to nominate Frank Catapano to fill Stephan Toth's vacant seat until March 2025. Second – M. Goodman; all in favor. MOTION CARRIED

F. Catapano will fill the seat until March 2025. That seat will be on the ballot in 2025 as a one-year position until 2026. In 2026, it will be on the ballot as a three-year position.

MOTION: J. McDevitt moved to nominate Phil Dion to fill Steve Gerrato's seat until 2025. Second – D. Moore; all in favor. MOTION CARRIED

P. Dion will fill the seat until 2025. The position will be on the ballot in 2025 as a three-year position until 2028.

MOTION: F. Catapano moved to nominate Heather Droesch as an alternate on the Planning Board. Second – D. Moore; all in favor. MOTION CARRIED

MOTION: J. McDevitt moved to nominate Stu Gerome as an alternate on the Planning Board. Second – F. Catapano; all in favor. MOTION CARRIED

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## DRAFT: SUBJECT TO CHANGE

MOTION: D. Moore moved to nominate Bob Dion as Chairman. Second – M. Goodman; six in favor, one abstained (B. Dion). MOTION CARRIED

MOTION: J. McDevitt moved to nominate Dave Moore as Vice Chairman. Second – F. Catapano; six in favor, one abstained (D. Moore). MOTION CARRIED

H. Droesch moved up to vote.

### 2. Projects of Regional Impact

There were no projects of regional impact.

## I. PUBLIC HEARING

### 1. Subdivision of Land

529 Portsmouth Avenue (Map U5, 9: Commercial A)

**Owner/Applicant:** Granite State Pioneer Group LLC – Jeff Apsey

The owner/applicant has proposed to convert the existing duplex into a condex.

MOTION: J. McDevitt moved to accept the application for 529 Portsmouth Avenue (Map U5, 9: Commercial A), as complete. Second – F. Catapano; all in favor. MOTION CARRIED

M. Fougere noted that this project has been before the Board numerous times. NH DES refused to grant J. Apsey subdivision approval even though he received permission from them for a duplex. M. Fougere explained there is no difference between a duplex and a condo, but the State would not grant subdivision approval for a condo. J. Apsey returned to the Board and undid the approval so he could rent them. The State has changed their mind; a copy of the subdivision approval was included in the packet. When the subdivision approval was rescinded, J. Apsey returned to the Board for reapproval.

J. Apsey explained that the State may not have approved the original one because he needed a waiver for the setbacks. The existing culvert, which he did not install, was the issue. He will be keeping the culvert because it drains the swamp. The septic system design required a waiver: it must be 'x' feet from the footing drain. J. Apsey recently received a letter from the State that the subdivision of land was approved.

One entrance will be on Portsmouth Avenue and the other on Cemetery Lane, which is a Town road. The parking area off Cemetery Lane will be bigger because there is more space. The Portsmouth Avenue driveway, which has an existing curb cut, will be big enough for two cars and a turnaround.

J. Apsey will start the demolition of the existing house as soon as he gets a permit from the Building Inspector. He is still waiting for a Wetlands Permit, which is required to do some of the work because it is still wet in the rear. J. Apsey noted that the drainage works; he has opened it up with his excavator and drained the swamp approximately 6 inches. He will be installing a culvert. J. Apsey stated there is an existing 36-inch culvert that functions; it goes under the road and flows to Rt. 33 and Great Bay. They will be adding riprap for delineation. Water should never rise up again.

J. McDevitt requested that J. Apsey review the septic system. J. Apsey stated that it would be a chambered concrete Enviro System with six chambers. Vehicles will be able to drive over it. It will be included in the condo documents that the compressor must be maintained and inspected annually; the

## DRAFT: SUBJECT TO CHANGE

owners will share the cost. J. Apsey explained that the way the documents will be written, both owners must cooperate.

The exterior will be Hardie Board or cedar, not vinyl. M. Goodman noted that there were several types of siding listed. F. Catapano commented that for a condo association it was much cheaper to maintain vinyl. The building will need to be painted even with Hardie Board. J. Apsey stated the units will be sold.

B. Dion opened the meeting to public comments. He reminded the public that comments would be limited to three minutes and pertinent to the subject being discussed. There being no comments, he closed the public hearing and returned to the Board.

F. Catapano explained that the Limited Common Area (LCA) is owned by the condo association. They cannot stop someone from the association from accessing the LCA as long as there is notice.

SUGGESTED MOTION: D. Moore move to approve the Subdivision of Land for 529 Portsmouth Avenue (Map U5, 9: Commercial A), according to the plan submitted by Ross Engineering, Job No. 21-144, dated March 28, 2023, with the following conditions: (1) Update 'Note 9' on the Subdivision Plan: it refers to the approval in 2022; (2) Recording sheets need unit layouts; (3) A note on the subdivision plan must clarify the common area and limited common area; note on the plan that the septic area is considered common area. This plan is consistent with the Town's Site Plan Review Regulations and Zoning Ordinance. Second – M. Goodman; all in favor. MOTION CARRIED

### II. WORK SESSION

#### 1. Introduction of the Planning Board Attorney

Sharon Somers, the current Planning Board Attorney, will be retiring this summer. M. Fougere has contacted Steve Whitley, DrummondWoodsum, about the possibility of filling that vacancy. The Board discussed their concerns with Attorney Whitley by phone. His office is located in Manchester, and he practices municipal law. They represent 60 to 70 communities statewide. Attorney Whitley works with Planning Boards and the various aspects of what it entails. He has been practicing municipal law for more than 10 years. He understands the Planning Board is a difficult job and tries to be a resource for clients and to assist them through the legal issues.

Attorney Whitley was not aware of any PDA work within DrummondWoodsum and will verify that for the Board. He does not plan to retire anytime soon. Attorney Whitley is very familiar with wetlands. Rt. 33 was briefly discussed. Attorney Whitley does not work for NHDOT but would contact them if there was something occurring within a community that overlapped with NHDOT.

B. Dion summarized the issues around Rt. 33: they keep adding large facilities with many employees, sending the traffic down Rt. 33 through Greenland. Greenland has no voice in the matter, and the PDA ignores the fact that much of the traffic goes through Greenland. B. Dion also noted that Greenland has representation on the PDA Board, but that may change. M. Fougere will discuss PDA concerns with Attorney Whitley at a later date.

MOTION: D. Moore moved to authorize the Town Administrator to sign the Engagement Letter and Standard Terms of Engagement with Attorney Steve Whitley, DrummondWoodsum. Second – J. McDevitt; all in favor. MOTION CARRIED

## DRAFT: SUBJECT TO CHANGE

### 2. Post Construction Stormwater Management Ordinance

The Post Construction Stormwater Management Ordinance, revised by TA Sanderson, was reviewed by the Board. M. Fougere explained that this Ordinance was adopted several years ago and is included in the Town's Regulations. Within months of the Board adopting the current Ordinance, it was amended by the EPA. In order to be in compliance, the Town must adopt the new language. M. Fougere and Eric Weinrieb, Altus Engineering, have reviewed and edited the Ordinance; comments have been added by TA Sanderson. The draft document has been emailed to the EPA and NHDES by TA Sanderson; he is still waiting for their comments. TA Sanderson strongly recommended that the Board move this Ordinance to public hearing. M. Fougere, responding to M. Goodman, recommended the Board hold a public hearing and adopt the Ordinance as presented. If the EPA requests additional changes, the Board can easily make an amendment.

B. Dion questioned the following:

- Section 5.2.4, Item B: Does it need to be clarified to include driveways? After discussion, it was decided that driveways should be added.
- Section 5.6.1, Item J: 'Efforts should be' will be changed to 'Efforts shall be'.
- Section 5.8.2, Item F: This item was vague. How does one know what the expectations are? TA Sanderson left it in place; it was added by M. Fougere and E. Weinrieb. M. Fougere clarified they did not add this item; it was added by the EPA. Items A through G were a series of goals and objectives. F. Catapano commented that if an engineer was designing a plan, that item needed to be taken into consideration. M. Fougere clarified that it was dependent on location. J. McDevitt commented that if this was an EPA recommendation, it was fine.
- Article 5.9 - Spill Prevention, Control and Countermeasure (SPCC) Plan: How is this implemented? Do letters need to be sent to local businesses? TA Sanderson responded 'no': this jurisdiction would apply if a subdivision or site plan review was before the Board. There is an opportunity to enforce an illicit discharge. If a discharge flows into a receiving water, that can also be enforced. M. Fougere noted that Article 5.2 – Applicability specified when the regulations would apply. He continued that the language in Article 5.9 had not changed; TA Sanderson separated the items.

MOTION: F. Catapano moved to approve the draft of the Post Construction Stormwater Management Ordinance as amended by the Town Administrator and forward to public hearing on Thursday, May 16, 2024. Second – P. Dion; all in favor. MOTION CARRIED

### 3. Approval of Minutes

MOTION: D. Moore moved to approve the minutes of Thursday, March 21, 2024. Second – J. McDevitt; four in favor, three abstained (B. Dion, P. Dion, H. Drosch). MOTION CARRIED

### 4. Consent Agenda

- Town Budget – Fougere Planning & Development: **\$994.45**
- Escrow – Fougere Planning & Development: **\$310**
  - Tower Place (Summerwind) - \$145
  - 125 Dearborn - \$165

## DRAFT: SUBJECT TO CHANGE

- Escrow – Altus Engineering: **\$4,076.25**
  - Tower Place (Summerwind) - \$1,639.50
  - 125 Dearborn - \$2,291.25
  - 603 Portsmouth Avenue - \$145.50

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

### 5. Other Business

- **Letter from City of Portsmouth:** The Planning Board received a copy of the letter from the City of Portsmouth: Ability to Serve Letter for Water Service, City of Portsmouth Water System. B. Dion noted there were many requirements.
- **Accessory Dwelling Units:** Detached ADU's are now allowed in Greenland. If the bill before the State Legislature passes, the only change is that two ADU's will be allowed: one detached and one inside the existing house; two exterior ADU's will not be allowed.

### 6. Work Session: Thursday, May 02, 2024

There will be a plan reading session with Eric Weinrieb, Altus Engineering.

### 7. Adjournment

MOTION: J. McDevitt moved to adjourn at 7:45 p.m. Second – F. Catapano; all in favor. MOTION CARRIED

### NEXT MEETING

Thursday, May 02, 2024 – 6:30 p.m., Town Hall Conference Room

Submitted By: Charlotte Hussey, Administrative Assistant