



PLANNING BOARD
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MINUTES OF THE PLANNING BOARD MEETING

Thursday, November 21, 2019 – 7:00 p.m. – Town Hall Conference Room

Members Present: Stu Gerome, Steve Gerrato, John McDevitt, Rich Winsor, Bob Dion (Alternate), Steve Smith (Selectmen's Rep)

Members Absent: Frank Catapano, David Moore, Catie Medeiros (Alternate), Vaughan Morgan (Alternate)

Staff Present: Mark Fougere - Consultant

Chair Winsor opened the Planning Board 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.

1. Projects of Regional Impact

There were no projects of regional impact.

2. Subdivision of Land: 1 Stearns Way (Map R9, 8K)

Owner: Michael E. Gill & David M. Gill Revocable Living Trust

Applicant: Paul J. Connolly, Civilworks New England

The owner and applicant are proposing to subdivide a 74.24 acre lot into two lots, 39.12 acres and 35.12 acres, with frontage on Moulton Avenue.

S. Gerrato recused himself from the discussion but wanted to be included in the questions. Chair Winsor requested S. Gerrato recuse himself from the discussion; he could participate as a member of the public and recuse himself from the Board.

Paul Connolly, Civilworks New England and representing the owner, addressed the Board. They were proposing to subdivide a 74-acre parcel into two separate parcels. Both parcels will have more than the required frontage on Moulton Avenue. Parcel 8K-1 will have over 400 ft. on Moulton Avenue and approximately 39 acres; M. Gill is proposing to locate his house on the southerly portion of this parcel. Lot 8K will be a 35-acre parcel with over 300 ft. of frontage on Moulton Avenue. There will be a perimeter approximately 50 ft. wide around the rear of the property, affording the proposed building site to have frontage on a Class V or better highway.

MOTION: J. McDevitt moved to accept the application for the Subdivision of Land, 1 Stearns Way (Map R9, 8K), as complete. Second – S. Gerome; all in favor. MOTION CARRIED

P. Connolly reviewed M. Fougere's comments. Showing the entire plan on one sheet would be nearly impossible and have it in a recordable form. The parcel is very large; shrinking it down makes it impossible to do the necessary labeling to meet the requirements and rules of the Registry of Deeds. M.

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Fougere clarified that his comments were referring to a display plan and not the recording plan. Detailed road improvement plan for Stearns Way as part of the plan set: construction detail plans were submitted eight years ago; all that work has been done and completed.

Three waivers are being requested: not requiring full wetland mapping, showing contours on the entire property, and showing HISS mapping. They are seeking to divide the property into two parcels. They have proved out that there are developable portions of the lot suitable for obtaining a building permit and DES septic approval. A design was submitted and approved several years ago. Test pits were also done on Lot 8K. A certified wetland scientist has verified that there was over two acres of land that were not wet.

Lot corner pins for the new lot to be set prior to plan recording: They planned to monument six of the proposed corners shown on the plan (P. Connolly pointed them out on the plan). Granite bounds or wire rods will be used. 45,000 sq. ft. of contiguous area shall be detailed on the plan: Lot 8K is 60,000 sq. ft. or more. DES approval has been received on Lot 8K-1 to be developed.

P. Connolly explained the location of Stearns Way. D. Gill subdivided out a parcel several years ago which has access onto Sleepy Hollow Drive. D. Gill and M. Gill jointly own the 74 acres in a Trust. M. Gill will own the parcel with the 50 ft. perimeter; the other parcel will be jointly owned by the Trust. There was a continued discussion about the subdivision of the lot. The boundary of the mother parcel is saw-toothed and jagged. M. Fougere added the need for frontage is what's driving it, and Stearns Way does not provide enough; the only legal frontage is Moulton Avenue. P. Connolly noted that Attorney Loughlin stated several years ago that frontage on Stearns Way, which is a Class VI highway, does not satisfy the zoning requirements for providing legal frontage. S. Smith noted that was why the "outline" has been left around the entire parcel. There are some jurisdictional wetlands on the lower portion of the property. There is over 400 ft. of frontage on Moulton Avenue for proposed Lot 8K-1 and over 300 ft. of frontage on Moulton Avenue for the remaining area. S. Gerome felt the three waivers were very reasonable. He recommended that the Planning Board Engineer review the plans due to how much information is on them; J. McDevitt was in agreement.

M. Gill stated that Stearns Way was without the Moulton Avenue lot frontage. At one time it was a Class V road and then turned in to Class VI. The only reason frontage was required for the Stearns Way piece is because he merged Moulton Avenue into it; it's a requirement because he's subdividing. If he did not merge Moulton Avenue into Stearns Way, he would not have the frontage to subdivide. On Stearns Way, the road has already been built and the Board is requiring a 50 ft. strip. The ordinance makes it sound like you cannot subdivide on a Class VI road. It is not subdividing on a Class VI road; it is subdividing a piece of land that has obtained a buildable lot on a Class VI road. Chair Winsor responded that he could not continue to subdivide on a Class VI road. The Stearns Way access without Moulton Avenue is a valid piece of property with access through Moulton Avenue. However, M. Gill cannot further subdivide from the access off Moulton Avenue, which is being done. Because he cannot further subdivide with Stearns Way, he is required to have frontage elsewhere which brings in Moulton Avenue. Chair Winsor continued that if M. Gill was not trying to subdivide, he could access through Stearns Way. Further subdivision brings in the requirement for other frontage. M. Gill felt it was not necessary or legal; the Planning Board Engineer also had to review. S. Gerome added that it was beyond his scope of ability to approve the subdivision; there was too much going on for him to be comfortable and needed the engineer to guide them.

Chair Winsor opened the hearing to public comment. Gail Gerrato, 512 Post Road and direct abutter, questioned P. Connolly on many aspects of the plan but was not opposed to the subdivision. Frontage was off Moulton Avenue; where was he going to exit. She questioned the frontage on Moulton Avenue

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and that a driveway was not shown on the plan. Chair Winsor assured her that would be part of further discussions. G. Gerrato also stated M. Gill could not subdivide off a Class VI road. There was a discussion about where the road ends; Chair Winsor stated if the road ended at the Gill's property line, at that point it became a driveway and they would be free to put in a driveway. Fee simple ownership was brought to the Board's attention (Item 7 on the Subdivision Plan of Land). G. Gerrato was not opposed to the subdivision but wanted to see it done correctly. P. Connolly responded that fee simple ownership of the land under the right-of-way is part of the Gerrato's fee simple interest with their lot. G. Gerrato noted that they owned the land under the road; M. Gill has the right to pass over it and they are not challenging that. Calling the driveway into his land Stearns Way is incorrect; Stearns Way ends at their boundary line. The Board corrected it ends at 1,000 ft. P. Connolly stated that the Michael E. Gill and David M. Gill Revocable Living Trust has fee simple interest under Stearns Way, the portion which goes onto their property. Stearns Way extends onto the Gill property by approximately 80 ft. G. Gerrato asked about the turnaround or T-shaped area that had been discussed not showing on the plan. P. Connolly stated it was shown on the approved septic system plan. Chair Winsor noted these details would be discussed at a later point. At this time, they were discussing the subdivision of land. There was further discussion about using the Moulton Avenue frontage.

Egizia Brown, 498 Post Road, stated her property line was incorrect. Chair Winsor asked P. Connolly to research the boundary line through the Registry.

Bruce Steinberg, 48 Sleepy Hollow Drive: Requested that the Planning Board require full wetland mapping. His long-term concern was that this was "smoke and mirrors" for a larger development with 30 to 40 homes. The wetlands were not being addressed and there were many gaps in the presentation about wetlands. Chair Winsor stated that a waiver would not be granted for wetland mapping if there was a 40 to 50 home development submitted; it would be required. At this time, the Board was looking at one house.

Katerina Steinberg, 48 Sleepy Hollow Drive: Asked the Board to clarify what is and is not allowed on the frontage road (the property at the end of their cul-de-sac). Chair Winsor responded it can only access that single piece of land; it is not wide enough to make a road. It was designed strictly to access that piece of land. It supports a backlot but not further subdivision.

Scott Perkins, 48 Moulton Avenue: Spoke in favor of the subdivision of land.

Jack Colliton, 45 Moulton Avenue: Understood the area needed for frontage, but what was going to happen to the land in that area.

Chair Winsor closed the public hearing and returned to the Board for further discussion. He summarized that the Board would like the Planning Board Engineer to review the plan, waivers, where the actual construction would be, wetlands, and topo of the area where the house will be constructed. The septic system plan includes the topo; P. Connolly will get the Board copies. He will also cloud the area shown on the septic system plan that is part of the house development site. P. Connolly will contact the Planning Board Engineer to do a site walk and review the plan.

MOTION: S. Smith moved to continue the subdivision of land at 1 Stearns Way (Map R9, 8K) to the meeting on Thursday, December 19, 2019. Second – B. Dion; all in favor. MOTION CARRIED

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3. Master Plan Vision Statement

M. Fougere reviewed the latest draft for the Master Plan Vision Statement. The plan will go to public hearing when complete. The consensus of the Board was that the Vision Statement was “good to go”; it could be revised in the future. Everything is in draft form until adopted as a whole through public hearing.

Population and Housing Chapter: At a previous meeting, the Board realized that some statistics were inaccurate. M. Fougere used identical sourcing when revising the statistics; they are now consistent with each other. He reviewed the chart with the Board (copy on file). The increase in housing is 17.6% since 2010 and is the highest in the area. Greenland is third in the region with the percentage of duplexes and multi-family units.

Work Force Housing Section: Lays out the parameters of the law. It was noted that given the region, the area median income for Greenland is \$94,000. That translates into an affordable home purchase price of approximately \$312,500 under the State definition. For renters, it is a maximum affordable rate of \$1,270 per month. Under State statute an area for renters must be provided at 60% of the area median income for work force housing.

The Town needs to comply with the statute for work force housing. In 2015, RPC adopted a Regional Master Plan which included a housing needs assessment in the Housing Chapter. The document indicated that Greenland should allow for at least 46 “affordable” work force housing units (owner and renter) by 2020.

A copy of the proposed Population and Housing Chapter is on file and includes M. Fougere’s recommendations. M. Fougere distributed a news release from Governor Sununu, State and Local Officials, and Young Legislators addressing New Hampshire’s Housing Shortage (copy on file). Two bills have been submitted that are geared towards affordable housing, taking down barriers to affordable housing, mandatory planning for Planning Board members, and other initiatives. There is no obligation for the town to build anything; the law states that the town has to allow for the ability to...The provisions in the order must be real.

The Board received a copy of the enrollment figures from SAU 50 for the last 10 years. Tuition is paid at the high school level and has an immediate impact on the tax rate. S. Gerrato requested a layout for the school of how many students are in each classroom and where they are. M. Fougere stated there should be a policy for student/teacher ratio.

4. Residential-Commercial-Industrial Mixed Use Overlay District

The Board was provided with Draft Two of the RCIM (copy on file). Proposed districts are in the northern part of the community near the Portsmouth line and on the eastern side of Town on Route 1. M. Fougere informed the Board he’s heard some concerns about the Route 1 proposal due to the proximity to Coakley and stirring up the PFOA’s. City water will be needed in that area.

S. Gerome asked what the “industrial” use would be if there is already an industrial district in Town. S. Smith stated it was not going after something rather than not limiting. The RCIM will be allowed in the existing Industrial Zone as well as the proposed overlay district. The hope is for water to be included.

Members of the Board were concerned with what future Planning Boards would allow providing the applicant meets the goals for the district. The Conditional Use Permit criteria would have to be met in

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addition to the goals and the spirit. The hope is that sewer would be brought in. Also important is that mixed residential/industrial/commercial uses are intended to be complementary of one another. B. Dion asked if the Board is obligated to define what is complementary.

The Board reviewed the Table of Uses, noting allowed and prohibited uses in the RCIM Overlay District. Commercial A (CA) is not part of the overlay district. Laura Byergo, 16 Caswell Drive and Conservation Commission: Her concern was that one overlay district was in an area where there are two streams coming in from Packer Bog to conservation land and Great Bay. There is a potential wildlife area and healthy cattail marsh. She suggested adding to the Industrial criteria the following: “Create development that is sustainable in regard to the future flood control needs of Pickering Brook, Packer Brook and Haines Brook. Despite allowance of increased density, waivers on wetland buffers will not be allowed in these areas within this district.” This type of stipulation will reduce the likelihood that someone is going to come in and want to build a repair garage on the adjacent lots next to those wetlands. S. Gerome suggested “evaluating the use within sensitive areas”. M. Fougere stated that the Board has the power to waive all dimensional requirements. “Excluding wetland buffer requirements” can be added. Everything can be waived with the exception of buffers; the distance will not be measured because the buffer can be changed. As an exclusion, density and setbacks can be waived but not setbacks to the wetlands that are in the Wetlands Ordinance. M. Fougere stated the benefit of this district is keeping those buffers intact gives the ability to ramp up density and to offset that. He added that the current and future Boards should not have the ability to waive those buffers. M. Fougere noted the Town has very strict drainage requirements that were adopted last year as part of the Site Plan Review and Subdivision Regulations.

Satellite parking was briefly discussed. It was suggested: “All off-site parking is through Conditional Use Permit only; a time conditioned permit will be issued by the Planning Board”. M. Fougere will create a definition for off-site parking which be included in the use table as a Conditional Use Permit. The definition will state “temporary; time limit will be determined by the Planning Board on a case-by-case basis.”

M. Fougere reviewed the list to be prohibited in the overlay district: single family homes, backlot developments, two-family homes, manufactured housing, overnight day camps, cottage colonies, hostels, golf courses, sexually oriented business, and junkyards/recycling. Those items will be specifically prohibited.

The first public hearing should be held Thursday, January 02, 2020. The overlay district will be reviewed at the work session on Thursday, December 05, 2019 and moved to public hearing in January.

5. Other Business

CIP: M. Fougere updated the CIP chart approved at the meeting on Thursday, November 07, 2019. An email was received from Maria Emory, School Board Chairperson, removing the walls from their CIP; they received bids of less than \$25,000. The walls are no longer considered a capital improvement.

Zoning Updates: The Building Inspector submitted several zoning changes; they were continued to the work session on Thursday, December 05, 2019.

6. Approval of Minutes

MOTION: S. Gerome moved to approve the minutes of Thursday, November 07, 2019. Second – S. Gerrato; four in favor, two abstain (B. Dion, S. Smith). MOTION CARRIED

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7. Approval of Invoices

There were no invoices to be approved.

8. Topics for Work Session: Thursday, December 05, 2019

Continued to the work session: RCIM Overlay District, zoning changes.

9. Adjournment

MOTION: J. McDevitt moved to adjourn at 9:08 p.m. Second – S. Gerome; all in favor. MOTION CARRIED

NEXT MEETING

Thursday, December 07, 2019 – 7 p.m., Work Session, Town Hall Conference Room

Submitted By: Charlotte Hussey, Administrative Assistant