



PLANNING BOARD
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MINUTES OF THE PLANNING BOARD

Thursday, October 01, 2020 – 6:30 p.m. – Virtual via Zoom

Members Present: Frank Catapano, Stu Gerome, Steve Gerrato, David Moore, Bob Dion (Alternate)

Members Absent: John McDevitt, Catie Medeiros

Late Arrival: Steve Smith (Selectmen's Rep)

Staff: Mark Fougere - Consultant

Vice Chair Gerrato opened the Planning Board work session at 6:32 p.m. A roll call was taken by the Vice Chair; he announced a quorum was present and the meeting was being held virtually through Zoom and recorded by audio. A checklist to ensure meetings are compliant with the Right-to-Know Law during the State of Emergency was read into the record by Vice Chair Gerrato.

Attendance of Planning Board members was taken by roll call: F. Catapano – aye; S. Gerome – aye; S. Gerrato – aye; D. Moore – aye; B. Dion – aye.

1. Planning Board Attorney – Sharon Somers, Attorney

Attorney Somers joined the meeting via Zoom and was introduced to the Board by Vice Chair Gerrato. Attorney Somers gave the Board a brief background of her experience representing Planning Boards and Zoning Boards of Adjustments. Board members discussed various topics with Attorney Somers including wetlands and vernal pools.

The Age Restricted Housing Ordinance was discussed. Attorney Somers stated that the amount of flexibility in the ordinance will be governed by the Fair Housing Statute in New Hampshire which references the federal regulations. In order to get the protection against discrimination claims, one person must be over the age of 55. There is also a provision that allows the over 55's to be demoted to 80% of the units. Attorney Somers recommended crafting a practical solution for situations that may arise and used the example of a couple where the partner/spouse dies, leaving a younger partner/spouse who is not 55. Attorney Somers has worked to make it possible for the surviving partner/spouse to stay until they leave; then the age 55 requirement would 'kick in' again. Another option would be to have time periods for visitors so it did not become an occupancy by someone underage. Attorney Somers continued it was a balance of keeping it an adult community without children while avoiding a discrimination claim. When drafting the amendments, there should be a way to provide for caregivers. She noted the State statute changed in 2015. Greenland's ordinance mentioned the importance of independent living; allowing caregivers potentially undercuts the intent of independent living as opposed to an assisted living facility. Attorney Somers felt there was room to provide for the gray areas and maintain the integrity of the system.

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MOTION: F. Catapano moved to consult with Attorney Sharon Somers as the Planning Board Attorney. Second – S. Gerome; roll call vote: F. Catapano – yes, S. Gerome – yes, D. Moore – yes, B. Dion – yes, S. Gerrato – yes; all in favor. MOTION CARRIED

Attorney Somers will review the Age Restricted Housing Ordinance. She will send an engagement letter to formally retain her services. Attorney Somers' hourly rate is \$185.

S. Smith joined the meeting.

2. Mandatory Open-Space Ordinance (Article XXVI)

F. Catapano stated he would not like to make the Open-Space Ordinance mandatory. He preferred to have the Planning Board look at a parcel to determine if it would be suitable for open space. F. Catapano did not like the term “mandatory”; people would have to spend money on something that might not happen.

M. Fougere noted that members were supposed to have done their ‘homework’ on this ordinance because there were concerns about some of the requirements. M. Fougere tweaked the mandatory section to make it an option for the Planning Board.

The Board had commented that wildlife corridors may affect mandatory open space requirements, etc. Currently, it is for major subdivisions: ‘For each major subdivision, the Planning Board shall have the authority to require...’. M. Fougere continued: ‘For each application, the Planning Board shall make the determination if an open space plan is required based upon...’. A major subdivision is four or more new lots.

Further discussion was continued to the work session on Thursday, November 05, 2020.

3. Age Restricted Housing (Article XIX)

The discussion on Age Restricted Housing was continued until Attorney Somers reviewed and commented. Members wanted caregivers to be an option for anyone living in an ARH development.

4. Work Force Housing Ordinance

The Board received a copy of the Work Force Housing Ordinance – Draft 1, dated September 05, 2020. The proposed ordinance addresses work force housing in the rural zone, the biggest zone in Town. M. Fougere referenced the Mixed-Use Overlay Zone (multi-family will be allowed in that area). The Commercial A Zone was also included.

In the ‘R’ zone it could be a single family or duplex. The Commercial A Zone could be a single-family duplex or multi-family (a maximum of five buildings). The Mixed-Use Overlay Zone could be any size with no restrictions. Density is addressed under Section F – Work Force Housing Incentives. The units in the Residential and Commercial A Zones cannot be market rate; they would have to be affordable (example: if units were to be added to a five-lot subdivision in the rural section of Town, those units would have to be designated as work force for 30 years). The average price for work force in Town is currently \$364,000.

F. Catapano asked for clarification on 125 ft. of frontage for market rate lots vs. 200 ft. of frontage in the residential zone. M. Fougere explained that if frontage were given to work force housing units, frontage

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would have to be taken from market rate units. M. Fougere will do some sketches to help the Board visualize the concept. The Town's obligation is to provide the opportunity and make it available. Applicable environmental rules would need to be met.

Any work force housing units would be covered by a covenant for 30 years. The unit would have to be part of the deed as a deed restriction. If an individual stayed for 30 years, the deed restriction would be removed and they could take the increased equity.

There was a discussion about density and number of work force housing units in a project (example: 10% of the project has to be work force housing). M. Fougere stated it could be maxed out at 10%.

MOTION: F. Catapano moved to continue further discussion of the Work Force Housing Ordinance to the work session on Thursday, November 05, 2020. Second – S. Gerome; roll call vote: F. Catapano – yes, S. Gerome – yes, D. Moore – yes, B. Dion – yes, S. Smith – yes, S. Gerrato – yes; all in favor. MOTION CARRIED

M. Fougere noted that the language for the Work Force Ordinance and amendments to other Ordinances needed to be 'nailed down' in November. The first public hearing would be held in December.

5. Approval of Minutes

MOTION: S. Gerome moved to approve the minutes of Thursday, September 17, 2020. Second – F. Catapano; roll call vote: F. Catapano – yes, S. Gerome – yes, D. Moore – abstain, B. Dion – yes, S. Smith – yes, S. Gerrato – yes; five in favor, one abstain (D. Moore). MOTION CARRIED

6. Approval of Invoices

MOTION: S. Gerome moved to approve payment of the invoice from Fougere Planning & Development in the amount of \$1,423.75 from the Town Budget. Second – D. Moore; roll call vote: F. Catapano – yes, S. Gerome – yes, D. Moore – yes, B. Dion – yes, S. Smith – yes, S. Gerrato – yes; all in favor. MOTION CARRIED

7. Other Business

Master Plan Update: M. Fougere stated the only chapter left to be updated was Utilities. Included in that chapter will be the location of the Town's public water supply and pipes. He will have the Rockingham Planning Commission add the sewer lines that were part of the sewer plan developed 8 years ago. That plan shows a potential layout for sewer and the location of existing private sewer lines including peak loads and a few other sites on the Portsmouth line.

M. Fougere asked the Board if they wanted a future land use map included in the Master Plan update. That map would include things the Board would want to consider when moving forward for zoning purposes (key issues in the community). The Board felt it would be a good idea to update the map. S. Gerome would like to see the greenways added.

Rt. 33: Vice Chair Gerrato commented that the Board has been dragging their feet on the Rt. 33 issue. The Board of Selectmen have written a letter to NHDOT. S. Smith stated the letter was sent but the Selectmen have not received a response. The Selectmen have requested the general reconstruction of the Willowbrook/Dearborn/Rt. 33 intersection, to put in a turning lane or restripe to slow traffic down.

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A section of Rt. 33 has been restriped as a no passing zone. The center turn lanes would include Van Etten Drive and the Willowbrook Avenue intersection. Vice Chair Gerrato noted that no matter what was done, increased traffic would slow down at the bridge; something needed to be done at the bridge. He continued that at the recent TAC meeting, Dave Walker was going to send a notice to DOT to have them look at Rt. 33 from Stratham to Portsmouth.

M. Fougere noted that the 10-year highway process has been started and paperwork submitted to RPC. RPC has requested a cost estimate for the bridge intersection; their engineer has put together some numbers. M. Fougere has contacted Vanasse and Associates (did the corridor study); they will develop conceptual designs and cost estimates for that intersection. The hope was to get the project moving as quickly as possible. The Town will have to pay for a portion of the improvements to the State road. F. Catapano stated there were other roads in Town that needed to be repaired first.

S. Gerome was hoping the focus was on the bridge issue and asked S. Smith why the Selectmen were looking for a left turn lane at Willowbrook if there was a problem at the bridge corridor. S. Gerome continued it should coordinated from the Town perspective on what is important. S. Smith responded it was a safety concern that was brought up before the discussion about the bridge due the number of accidents on that section of Rt. 33 from the Stratham line to, and including, Bayside Road.

Vice Chair Gerrato suggested that S. Smith discuss with the Selectmen the possibility of forming a committee with members from each Board. B. Dion felt it was owed to the Town to have a coordinated, cohesive response. Vice Chair Gerrato was hoping to get something done without the RPC, they were not going to put Greenland ahead of another town. M. Fougere noted that when the million sq. ft. project at Pease got going, it would change dynamics the significantly.

The Board will wait to receive plans and the cost estimate from Vanasse and Associates before meeting with DOT.

NHMA Land Use Conference: NHMA will be sponsoring a day-long virtual Land Use Conference on Saturday, October 31, 2020. The cost will be covered by the Town. There are many topics that will be discussed as well as excellent speakers.

8. Topics for Public Hearing: Thursday, October 15, 2020

Topics for the public hearing were briefly reviewed.

9. Adjournment

MOTION: F. Catapano moved to adjourn at 7:50 p.m. Second – S. Gerome; roll call vote: F. Catapano – yes, S. Gerome – yes, D. Moore – yes, B. Dion – yes, S. Smith – yes, S. Gerrato – yes; all in favor. MOTION CARRIED

NEXT MEETING

Thursday, October 15, 2020 – 6:30 p.m., Public Hearing via Zoom

Submitted By: Charlotte Hussey, Administrative Assistant