



PLANNING BOARD
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MINUTES OF THE PLANNING BOARD

Thursday, March 18, 2021 – 6:30 p.m. – Virtual via Zoom

Members Present: Bob Dion, Stu Gerome, Steve Gerrato, John McDevitt, David Moore, Steve Smith (Selectmen's Rep)

Members Absent: Catie Medeiros

Staff Absent: Mark Fougere – Consultant

Co-Chair Gerrato opened the Planning Board public hearing at 6:30 p.m. 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 Co-Chair Gerrato.

Attendance of Planning Board members was taken by roll call: B. Dion – present, J. McDevitt – present, D. Moore – present, S. Smith – present, S. Gerome – present, S. Gerrato – present.

1. Reorganization of the Board

MOTION: J. McDevitt moved to nominate S. Gerome and S. Gerrato as Co-Chairmen of the Planning Board. Second – D. Moore; roll call vote: B. Dion – yes, J. McDevitt – yes, D. Moore – yes, S. Smith – yes, S. Gerome – yes, S. Gerrato – yes. All in favor. MOTION CARRIED

MOTION: J. McDevitt moved to appoint Frank Catapano as an alternate to the Planning Board, term to expire March 2022. Second – D. Moore; roll call vote: B. Dion – yes, J. McDevitt – yes, D. Moore – yes, S. Smith – yes, S. Gerome – yes, S. Gerrato – yes. All in favor. MOTION CARRIED

2. Subdivision of Land: 14 Stratham Lane (R12, 12A)

Owner: Agnes Martel

Applicant: Adam Fogg, Atlantic Survey Co., LLC

The owner and applicant are proposing to subdivide 14 Stratham Lane into two lots: 1.45 acres from a 4.12-acre parcel; the remaining lot will be approximately 2.67 acres.

The application for the Subdivision of Land at 14 Stratham Lane (R12, 12A) was accepted as complete at the public hearing on Thursday, February 18, 2021. Staff reviewed NHDES files on wetland violations in this area due to a complaint from an abutter. It was determined that the source of the issues on the abutter's property were from a residence on Drake Drive. There were no violations on the subject site.

S. Gerrato opened the hearing to public comments. There being none, he closed the public hearing and returned to the Board.

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MOTION: B. Dion moved to approve the Subdivision of Land at 14 Stratham Land (Map R12, 12A) in accordance with the plan from Atlantic Survey Co., LLC, dated December 2020, Project No.20194, with the following conditions: NHDES subdivision approval shall be obtained prior to recording; all lot pins shall be set prior to plan recording; prior to any tree/brush clearing and lot disturbance, the required wetland buffer signs shall be install and inspected by the Building Inspector; the applicant shall submit a digital file along with three (3) hard copies of the plan and recording mylar. Second – S. Gerome; roll call vote: B. Dion – yes, J. McDevitt – yes, D. Moore – yes, S. Smith – yes, S. Gerome – yes, S. Gerrato – yes. All in favor. MOTION CARRIED

3. Design Review: 410 Portsmouth Avenue (U4, 17)
Owner/Applicant: 410 Portsmouth Avenue, LLC (Jason Lajeunesse)
The owner/applicant is proposing a multi-family site plan with ten 2-bedroom residential condominium units.

S. Gerrato recused himself from the Design Review; he is also a member of ZBA.

It was announced that even though this case was noticed and advertised as a Site Plan Review, Planning Board Subdivision Regulations require a design review. This case was heard as a design review with non-binding comments and general discussions involving more specific design and engineering details.

Paige Libbey, Project Manager at Jones and Beach Engineers, and Jay Lajeunesse and Eric Littlefield, representing the owner (410 Portsmouth Avenue LLC), were present. P. Libbey addressed the Board, stating the property was located between Rt. 33 and Portsmouth Avenue. It abuts several residential and commercial properties as well as a multi-family property along Portsmouth Avenue. The property is over two acres and consists of an existing four-bedroom residence that was built in 1767 and is known as the John Pickering House. There is a carriage house on the property as well as another outbuilding. Approximately half the property is a grassed and mowed area; the remainder is wooded. There is also a small wetland that runs slightly onto the property and is mainly in the Rt. 33 right-of-way.

The owner/applicant is proposing to construct three multi-family townhouses. Each townhouse will consist of three two-bedroom units. The existing home will remain and be converted into two-bedroom condominium.

The owner/applicant received a Special Exception for multi-family use on the property from the Zoning Board on Tuesday, January 20, 2021. The property is located in the CA Zone. A substantial amount of due diligence was done during the ZBA process. A traffic study was done as well as a demographics study by their realtor, Erin Proulx. In addition to the traffic study by Steve Pernaw, a full design of the property and drainage analysis has been done. Each townhouse is approximately 2,000 sq. ft. with a one-car garage. The existing home will also have a one-car garage.

P. Libbey reviewed the drainage plan. A small piece on the front of the property slopes towards Portsmouth Avenue. The remainder of the property is moderately sloped toward Rt. 33. They will be maintaining that and mimicking the existing site with the proposed development. The proposed driveway will be a hammerhead turnaround; the majority of it will slope back toward Rt. 33, with a small portion in the existing slope toward Portsmouth Avenue. Drainage will be collected in four separate rain garden areas (shallow garden areas that will infiltrate and treat stormwater). They will be designed to infiltrate a 100-year storm event and planted with native plantings to blend in with the surrounding area. Portsmouth Water Department has mains in that area of Town; they will be tying into Portsmouth Water. The water main will go down the proposed driveway to service each of the new units. There will

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be three separate leach field areas that will handle the wastewater for each building. Each building will have its own leach field; the existing house will use one of the leach fields.

Landscaping was discussed in-depth at the ZBA level. Evergreen plantings are proposed along the residential property areas to buffer them from the development. Typical landscape plantings are proposed around the new units. Native plantings are planned for the rain gardens. Decorative lighting for safety is planned in three different locations along the driveway.

Architectural plans were submitted after the application was received and not included in the package. The owners are planning on a modern farm-house style exterior to blend in with the existing home. Trash pick-up will be privately handled by the association; trash bins will be used rather than a dumpster.

P. Libbey reviewed the traffic study. S. Pernaw did an in-depth traffic analysis, reviewing site distance and trip generation. He was able to get recent traffic data from NHDOT for the Portsmouth Avenue/Rt. 33 intersection. S. Pernaw determined that the proposed development would increase the trips during the peak hour by seven. During the peak hour there is over 600 trips per hour on Portsmouth Avenue. A minimal number of trips will be added to the road. Site distance: Portsmouth Avenue has a slight curve to it and is moderately sloped. There is no site distance issue at the proposed driveway location.

J. McDevitt asked about the plan to maintain the rain gardens in the future. P. Libbey responded that one of the ZBA conditions was that there be no increase in stormwater. There will be an operations and maintenance manual the Association will be responsible for maintaining. P. Libbey continued that the model in the stormwater analysis indicates it flows towards the wetland.

Responding to a question from J. McDevitt, P. Libbey stated they were confident with the 2,500-gallon septic tank and 500-gallon pump tank located between the existing house and Units 1, 2 and 3. It was sized based on the number of bedrooms and according to DES regulations.

B. Dion discussed the plantings beside the abutter's house and questioned the size of the plantings to mask the view of the condos. P. Libbey stated that was the intention of the owners and that a fence was also proposed along the property line. The owners were determined that the abutters would be happy with the buffering. The plantings will be evergreens. Condos will be two stories to blend in with the surrounding neighborhood. J. Lajeunesse stated that the target purchasers would be downsizers, empty nesters, and first-time home buyers. J. Lajeunesse reviewed the data that was discussed at the ZBA meeting. It was not the intention of the development to be workforce housing.

A truck turning plan was run for fire trucks. Fire trucks can enter the driveway, turn around in the hammerhead and then exit. S. Gerome noted that the Fire Chief had not submitted a review. The review from the Police Chief indicated that assessment was fine.

D. Moore asked if the traffic study took COVID into consideration; traffic during that period was much lighter than normal. P. Libbey responded that the numbers may have been done during COVID; the peak numbers would be higher.

S. Smith commented on the rain gardens and stormwater runoff. It was his hope that the impervious surfaces would shed water correctly and not back up. Three units may be 'a stretch'; he would like to see two units. Site line and a fence 5 ft. from the property line of neighbors and abutters were a concern.

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S. Gerrato was against the rain gardens because they fill up with dirt; they should be dug up and redone every few years for maintenance. Water will cascade down the road and miss the bottom rain garden; at the top, the water was pushed back to the road. P. Libbey stated they were trying to distribute it more evenly. S. Gerrato was concerned about parking in the hammerhead; fire trucks may have a problem with access in an emergency. He would like the project to be reviewed by Altus Engineering.

F. Catapano noted that Mark Fougere, Planning Board Consultant, mentioned sidewalks in his staff report. There was a brief discussion about the location of the existing sidewalks. F. Catapano liked the layout of the units and the surrounding green space. The overall plan was fairly well-designed. J. Lajeunesse described the condition of the carriage house and the need to tear it down. The type of fence in back of the two properties was undetermined; F. Catapano noted vinyl would be the better choice over wood. F. Catapano would also like the project to be reviewed by Altus Engineering.

S. Gerome agreed with F. Catapano about the vinyl fence, with B. Dion on the landscape design and the concerns for the abutters. Sidewalks should be discussed; the mission was to make the Village District walkable.

S. Gerome opened the hearing to public comments. Chip Hussey, 207 Winnicut Road, noted the sidewalks did extend down to that property. He commented on the exterior of the townhouses looking similar to a farmhouse as discussed at the ZBA meeting as well as the daylight termination on the drains.

Jay MacKenzie, 1616 Greenland Road, asked if there was a catch reservoir on the Rt. 33 side rated for a 100-year storm. He mentioned at the ZBA meeting that the runoff could flow through the culvert and onto his property. P. Libbey responded that the four rain gardens were designed for a 100-year storm event and were infiltrating all the stormwater flowing to them. They are designed to make the runoff issue better than in the existing condition and handle the stormwater for up to a 100-year storm event. There will be four separate rain gardens rather than one large one to distribute stormwater throughout the site rather than it flow to one location. There is one on the Rt. 33 side. The State will review the driveway entrance but not the drainage.

Laura Byergo, 16 Caswell Drive and Conservation Commission Chairman, asked if the buffer had been delineated to the wetlands noted near Rt. 33. P. Libbey noted the wetland line on the plan and the 50 ft. buffer. There will be more than a 75 ft. buffer where 50 ft. is required.

There being no further public comments, S. Gerome closed the hearing and returned to the Board. D. Moore asked if maintenance of the rain gardens would be included in the Association covenant. P. Libbey stated that a Stormwater O&M Manual has been done for ongoing maintenance of the rain gardens including how often they should be inspected and cleaned out, etc. That will be included in the condo documents. S. Gerome noted the fence should be vinyl and on the 410 Portsmouth Avenue property; the condo documents should state that the Association maintains the fence as well as the evergreens along the border.

B. Dion asked for an explanation of the open-air drain. F. Catapano explained that the foundation of the existing house is granite and foundation drains were not installed in basements when it was built. On a current house, the foundation drain will absorb the water that lifts when the water table rises and daylight out. P. Libbey stated there will be basements in the townhouses. She added that the regulations state that new construction must have daylight foundation drains. D. Moore asked if the existing house would have improved drainage; P. Libbey responded that the regulations were for new construction and was not sure it would apply to the existing house.

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B. Dion would like to see the rain garden maintenance plan. P. Libbey stated it was included as part of the drainage analysis but will provide copies for the Board. It will be a separate document in the condo docs.

J. McDevitt noted there would be an in-depth discussion at the next meeting about the sidewalks.

MOTION: J. McDevitt moved to continue Design Review of 410 Portsmouth Avenue to the public hearing on Thursday, April 15, 2021. Second – B. Dion; roll call vote: B. Dion – yes, J. McDevitt – yes, D. Moore – yes, S. Smith – yes, S. Gerome – yes, S. Gerrato – abstain. Five in favor, one abstained (S. Gerrato). MOTION CARRIED

4. Subdivision of Land, Conditional Use Permit: 177 Winnicut Road (R10, 12A-2)
Owner: Brian and Maria Beck
Applicant: 177 Winnicut Road LLC
The owner and applicant are proposing a seven-lot subdivision and a public road.

S. Gerrato returned to the Board.

MOTION: J. McDevitt moved to accept the application for Subdivision of Land at 177 Winnicut Road as complete. Second – D. Moore; roll call vote: B. Dion – yes, J. McDevitt – yes, D. Moore – yes, S. Smith – yes, S. Gerome – yes, S. Gerrato – yes. All in favor. MOTION CARRIED

Chris Berry, Berry Surveying and Engineering and representing the applicant, addressed the Board. He reviewed for the Board that this was the same parcel of land where an age-restricted housing development was proposed last year. The Board felt it was an inappropriate use of the land and asked them to consider a project that would be more fitting for the land. They were approved for a three-lot subdivision consisting of a corner lot on the front of the property, the existing house, and the larger lot.

They have previously presented empirical data, topographics, wetlands analysis, etc. The Winnicut River being on the north and east side of the site and Winnicut Road providing the frontage was discussed at length. There was also a site-specific soils map done by Stoney Ridge environmental. The information was the same as what was submitted for the ARH development; it was included in the application before the Board. Additional test pits have been done.

The Board had previously reviewed the plan at a previous Design Review and felt this was the more appropriate layout for the site. The applicant was asked to move forward with a less intense development. A small roadway is proposed and has been moved north of Meaghan Way as requested by the Board for safety purposes. It is on more of a flat slope further away from the S Curve. There will be a crossing in a narrow spot of the wetlands at the entrance to the site. All homes will have adequate road frontage, lot size, and upland areas outside of buffers. C. Berry reviewed the topographic sheet. They proposed a basic site plan so the Board could see how the site would be built out. The plan shows more in-depth landscaping, stormwater, proposed wetland crossing, etc. and how the site will be built out from a residential standpoint.

C. Berry reviewed the Conditional Use Permit that was included. The entrance to the proposed development crosses a wetland; the proposed crossing is 562 sq. ft. The Conditional Use Permit includes areas within the buffer zone outside the wetlands in the immediate crossing area. There is a fill slope associated with the proposed roadway as well as a proposed gravel wetlands inside the buffer. The stormwater system needs to be at the lowest point possible in the roadway system and on site to capture as much of the impervious stormwater from the roadway as possible. Gravel wetlands were

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chosen for both locations to ensure all of the stormwater runoff from the road and much of the residential runoff was captured and treated for nitrogen and phosphorus, sending it back to its natural flow pattern back to the Winnicut River. Gravel wetlands were chosen rather than rain gardens for their nitrogen reduction capabilities.

The site is proposed to be open stormwater. Very little curbing is proposed; there will be some at the front of the site to capture storm flow at the low point in the road and direct it to the basins. A low impact crossing is proposed. Fish and Game would require that the culvert pipe be oversized and concrete in the crossings.

At the rear of the site, the stormwater flows down into the center of the cul-de-sac and will be sent back to the gravel wetlands at the rear and discharged to the Winnicut River. All devices are designed for the 100-year storm event. A Letter of Map Amendment has been filed with FEMA. The original flood line was higher into the property. A Hec-Ras analysis has been done and submitted to FEMA; it has been approved. C. Berry pointed out the new flood zone line. The Winnicut River requires a 75 ft. setback.

They are proposing that placards be placed every 50 ft. along the buffer zones so future landowners are aware that there is a buffer on site. A note will be included in the deeds referencing the Zoning Ordinance and that buffer zones exist.

Four-bedroom homes are proposed; septic systems will be designed accordingly. The Fire Chief has determined that a cistern would be more appropriate than sprinklers. To meet groundwater recharge requirement of the Town, they are proposing low impact development devices around the structures of each home to allow for re-infiltration of roof runoff.

Best management practices will be used during construction to Town standards. The NHDOT permit has been submitted. A Notice of Intent will be filed with the EPA. The only other permit required is State Subdivision Approval. The traffic analysis has been updated. Traffic from this project will be more during peak.

S. Gerrato opened the hearing to public comments. Jack Shephard, Building Inspector and speaking on behalf of Chief Cresta, stated that the Fire Department suggested a 50,000-gallon cistern. C. Berry stated a 30,000-gallon cistern had been discussed with the applicant; they will work out the final details of the cistern and its location with Chief Cresta. J. Shephard witnessed the test pits; results were briefly discussed. B. Dion questioned testing the abutters wells so they do not run dry. C. Berry stated the wells would not be tested as part of this project; 600 gallon per day individual wells were proposed for this development.

J. McDevitt's concern was protection of the wetlands and stormwater management plan as well as protection of the Winnicut River. He questioned the direction of the Fish and Game firing range. C. Berry responded that it was lateral along the river. S. Smith explained there is a high gravel berm.

D. Moore questioned why the well radius for the existing home was shown by itself on Sheet 8. He noted that the well radius for the existing home extended into the adjacent lot. C. Berry stated there was a protective well radius on Lot 12-A2; the well radius can overlap. He will add the information to the plan.

S. Smith was concerned with runoff and drainage. The retention pond shown in the circular drive of the cul-de-sac appeared to be sloped. Would maintenance be the Town's responsibility? He noted that there are several in Town that do not work and asked if they could be changed so it was not a retention

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pond. C. Berry stated they could look at modifying the interior side slopes and ‘fattening’ up the interior pavement radius. The interior radius is 48 ft.; the exterior is closer to 62 ft. A truck turning template for a fire truck was included in the plan set.

S. Gerome preferred to wait for the Planning Board Engineer’s review. At his suggestion, C. Berry reviewed the four waivers requested from the Subdivision Regulations; there were no motions on the waivers.

- Waiver 1 – Roadway Design Criteria: 3% within 75 ft. of an intersection. DOT has been requiring 4% within 75 ft. of an intersection. The Planning Board would like M. Fougere to look at this for any contradictions.
- Waiver 2 – Section 4.5.1F – Side Slopes: C. Berry was not sure this would be required—guardrails for slopes greater than 4 ft. vertical change. He felt it was a hard standard to meet. They are proposing 3:1 slopes with a 6 ft. vertical change. Guardrails are proposed where they feel is appropriate and where they meet the ASHTO warrant analysis.
- Waiver 3 – Section 4.4.2H – Street Deflections and Vertical Alignment: The curve radii are designed based on the table; the requirement is 150 ft. for a local residential road. There is another section in the requirements that states if there is a deflection angle between two tangents that is over a certain degree; a 200 ft. curve radius is required. C. Berry felt that may be a carry over from before the table was added. They are following the table. The Planning Board would like M. Fougere to look at this for any contradictions.
- Waiver 4 – Addendum A, Subsection IV.B.8 – Driveway Culverts: There are two driveway culverts planned; the requirement is 18 in. RCP culverts. They are proposing 15 in. HDPE driveway culverts. Reasoning: they are proposing a hydraulic analysis stating the capacity of the driveway culverts is more than sufficient. They have been modeled appropriately inside the stormwater analysis.

S. Gerrato discussed wetland crossings and not allowing new road built over the wetlands. They were proposing a road over the wetlands. C. Berry responded they were asking the Board to consider that they should be provided access to a developable piece of property. There are mechanisms in the Ordinance to allow that, presuming the crossing is done responsibly and according to best management practices. He respected S. Gerrato’s comments; they tried to submit a plan in the most responsible way possible.

D. Moore requested that nitrogen fertilizer not be used on the lots closer to the river. Responding to F. Catapano’s question, C. Berry stated the river does not fall under Shoreline Protection. They can note in each individual deed that Shoreline Protection guidelines must be followed: nitrogen rich and phosphorus rich fertilizers cannot be used. S. Gerome noted that it would be in the deed but there would be no way to monitor it.

S. Gerome asked if there was a device near the Winnicut River that could be used to clean the water before it flowed into the river. C. Berry responded that none of the water going through the actual crossing is laden with the flow from any impervious surface with the exception of one house. All of the storm flow from the road will be captured and sent through the front gravel wetlands. The wetland crossing will be all-natural flow, no development flow whatsoever.

S. Gerrato asked about rejuvenating that area and it being contaminated over time. C. Berry stated the road is supposed to be curbed and noted the low point of the road. All of the storm flow from the top of the hill goes to stormwater swales, catch basins, and directed through tight pipes to the gravel wetlands. None of the storm flow from the proposed roadway enters the wetland without going through a treatment cell. The culvert in the wetlands transmits water that is already in the wetlands and over land

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flows to the wetlands in a natural format. C. Berry further proposed vegetation cover and vegetation management between the lawn and the wetland through the remainder of the buffer. He will talk with the applicant about adding vegetation where needed.

S. Gerrato opened the hearing to the public. Laura Byergo, Conservation Commission Chairman: The Conservation Commission had sent notes to the Planning Board. They will review their concerns at a later date. There being no other comments, S. Gerrato closed the public hearing and returned to the Board.

There will be a site walk on Saturday, April 03, 2021, at noon. The public and all Boards will be invited. Rain date: Saturday, April 10, 2021.

MOTION: S. Gerome moved to continue the Subdivision of Land at 177 Winnicut Road to the public hearing on Thursday, April 15, 2021. Second – J. McDevitt; roll call vote: B. Dion – yes, J. McDevitt – yes, D. Moore – yes, S. Smith – yes, S. Gerome – yes, S. Gerrato – yes. All in favor. MOTION CARRIED

5. Approval of Minutes

MOTION: S. Gerome moved to approve the minutes of Thursday, March 04, 2021. Second – J. McDevitt; roll call vote: B. Dion – yes, J. McDevitt – yes, D. Moore – yes, S. Smith – yes, S. Gerome – yes, S. Gerrato – yes. All in favor. MOTION CARRIED

6. Approval of Invoices

There were no invoices to approve.

7. Other Business

F. Catapano was reminded to research dry wells.

8. Topics for Work Session: Thursday, April 01, 2021

Topics were not discussed.

9. Adjournment

MOTION: D. Moore moved to adjourn at 8:17 p.m. Second – B. Dion; roll call vote: B. Dion – yes, J. McDevitt – yes, D. Moore – yes, S. Smith – yes, S. Gerome – yes, S. Gerrato – yes. All in favor. MOTION CARRIED

NEXT MEETING

Thursday, April 01, 2021 – 6:30 p.m., Zoom

Submitted By: Charlotte Hussey, Administrative Assistant