



PLANNING BOARD
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MINUTES OF THE PLANNING BOARD

Thursday, April 15, 2021 – 6:30 p.m. – Virtual via Zoom

Members Present: Bob Dion, Stu Gerome, Steve Gerrato, John McDevitt, Catie Medeiros, Frank Catapano (Alternate)

Late Arrival: Steve Smith (Selectmen’s Rep)

Members Absent: David Moore

Staff Present: Mark Fougere, Consultant

Also Present: Eric Weinrieb, Altus Engineering

Co-Chair Gerome 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 Gerome.

Attendance of Planning Board members was taken by roll call: B. Dion – present, J. McDevitt – present, C. Medeiros – present, F. Catapano – present, S. Gerome – present, S. Gerrato – present.

1. Projects of Regional Impact

There were no projects of regional impact to discuss.

2. 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.

Paige Libbey, Jones & Beach Engineers and representing the applicant, addressed the Board via Zoom. Also joining the meeting via Zoom were Jay Lajeunesse and Eric Littlefield, owners, and Colby Gamester, Attorney for the project. Eric Weinrieb, Altus Engineering and Planning Board Engineer, joined the meeting via Zoom.

This project was before the Board in March for Design Review. Plans have been submitted and reviewed by Altus Engineering. Comments were addressed and revised plans submitted to the Town and Altus Engineering. Plans were reviewed again prior to this meeting and an updated review provided to P. Libbey and the Town.

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P. Libbey reviewed the revised plans and comments from Altus Engineering with the Board. Sidewalks have been included along Portsmouth Avenue. The owners felt sidewalks would be a nice addition to the neighborhood. Sidewalks will start at the entrance to the project and continue up towards Arens Stoneworks, creating a walkable space from 410 Portsmouth Avenue to the existing sidewalk. Residents in that neighborhood will be able to walk to the Library, School and Church. There will be a grass strip between the shoulder and the sidewalk.

The pole mounted lighting in the project has been changed to building lighting. They felt this would be a better fit for the neighborhood. Street lighting was not appropriate for this area; security lighting on the front of the buildings would maintain more of the rural character of the neighborhood.

Landscaping: Plans have been changed to show the trees in more definition. Plantings were spaced so they did not hinder the growth of the trees. Trees will be 8 ft. to 9 ft. and are fast growing.

P. Libbey noted the plans are fully engineered and ready for a Site Plan Review. Responding to a question from B. Dion, P. Libbey stated the trees will be pines and spruce. There are large maple trees along the property line; the goal is to keep as many of the full-grown trees as possible.

J. McDevitt reviewed the response letter from Jones and Beach (dated April 05, 2021; copy on file) to Altus Engineering. Demolition Plan: The septic tank will be located during demolition. Grading and Drainage Plan (Item 21): They felt drainage on the two outer most units would be fine. Another drip edge will be added to the middle unit along the front of the porch. Utility Plan (Item 24): Comments are needed from the Fire Chief. Landscape and Lighting Plan (Item 32): Their experience with rain gardens has shown that a conservation mix would be overgrown and not aesthetically pleasing. Their hope is that due to the location of the proposed rain gardens they will be maintained and a garden feature to the property. The HOA will be responsible for maintaining the rain garden. A copy of the Stormwater O&M manual was provided to members. It will be included in the condominium documents. Septic System Plans: The Building Inspector has not reviewed the septic system plans; they plan to submit for his review.

J. McDevitt continued his discussion. Sidewalks: Rt. 151 is a State road and sidewalks should be coordinated through Division 6. It was their understanding that DOT would permit the sidewalks and the Town would be responsible for maintenance. J. McDevitt recommended that the Planning Board discuss the Village District at their next work session and include the type of sidewalks they would prefer. P. Libbey had sidewalks starting on the south end of the property; J. McDevitt preferred to have them start on the north end, running across the front of the property. M. Fougere pointed out where the sidewalks currently stop. He recommended to the Board that the sidewalks continue across the front of the property.

Responding to a question from C. Medeiros regarding the sidewalks, P. Libbey explained where the driveway for the property will be located and where the sidewalk will start, extending to the current sidewalk at Arens Stoneworks. M. Fougere clarified the sidewalk will extend along Portsmouth Avenue toward Dunkin' Donuts. C. Medeiros was pleased with the exterior of the buildings and that different elevations were used for the frontage; the façade looked good for three buildings.

F. Catapano: The Post Office will require a community mailbox. They will want a USPS approved nine-unit mailbox in a central location. The location should be shown on the plan. F. Catapano asked if they had submitted an electric plan to Eversource. P. Libbey stated they have met with Eversource on site and will be meeting with Consolidated Communications and Eversource. She noted that Eversource stated there will be transformers along the road; locations will be added to the plan. F. Catapano

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agreed with the lighting on the houses rather than driveway lights. He agreed with C. Medeiros with the exterior of the buildings.

S. Gerome: Liked the architectural plans. Noted the Board was waiting for comments from Chief Cresta and Chief Laurent was satisfied with the plans.

S. Gerrato: Questioned how the drip edge would change the runoff. P. Libbey responded that the intent was to add a stone drip edge similar to what is on the rear of the building. Runoff will not be flowing onto the driveway. P. Libbey further explained that the gutter will collect the stormwater from the roof; the downspout from the gutter will go into the stone along the front of the porch. This will allow it to be infiltrated rather than flow across the grass and onto the driveway.

Eric Weinrieb addressed S. Gerrato's concern. It was the designer's prerogative to add the stone drip edge in front as well as their treatment device of the stone drip edge at the rear of the building. He would have preferred yard drains in the islands and pitch the roof runoff into the yard drains to treat it there. He was concerned that if there was a cracked foundation, runoff from the front and rear of the building would flow into the basement. E. Weinrieb continued they could use the treatment device but there would be times when it would not work in frozen conditions. He encouraged them to direct the water away from the north side of the building whether into yard drains directly or sheet flow. Running it across the front yard will lead to icing. P. Libbey responded they will look into yard drains. If the gutters are outlet to the outer edges of the building, it will be okay. They understand the concern with the middle unit. They will address that issue in their next response to Altus Engineering's letter.

E. Weinrieb commented that there are other issues in his review. They primarily deal with technical items which can be discussed with P. Libbey. Units 5, 6 and 7 and the grading behind those units: When stepping off the back porch, there is a 3:1 slope onto Arens Stoneworks property. He suggested moving things slightly more towards Portsmouth Avenue to create more room. The landscape buffer along the back edge has a lot of invasives that are in bad condition. That area will need to be enhanced when cleared; it will be difficult on a slope.

S. Gerome questioned if the drainage would be caught with the significant slopes and not flow onto Arens Stoneworks. E. Weinrieb responded they have a significant stone infiltration area that should be able to handle runoff from the back of the buildings. The back of every unit will be all stone. P. Libbey explained the site is pushed back as a condition from the Zoning Board. Another condition was to add drip edges. Depending on the review from fire and safety, Units 5, 6 and 7 may be able to move a little closer.

F. Catapano moved the application for 410 Portsmouth Avenue to Site Plan Review at the public hearing on Thursday, May 20, 2021. Second – J. McDevitt; roll call vote: B. Dion – yes, J. McDevitt – yes, C. Medeiros – yes, F. Catapano – yes, S. Gerome – yes, S. Gerrato – abstain. Five in favor, one abstained (S. Gerrato). MOTION CARRIED

<p>3. 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.</p>

S. Gerrato returned to the Board. S. Smith joined the meeting via Zoom.

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Chris Berry, Berry Surveying and Engineering, joined the meeting via Zoom. S. Gerome stated that the Board should not go through all comments from Altus Engineering (copy on file). C. Berry and E. Weinrieb should have those discussions before the next meeting.

C. Berry gave a brief overview of the project, stating that not much has changed since the last meeting. There has been a site walk since the last meeting. C. Berry's opinion of those Board members attending the site walk was that there was more room and space on the property than appears on the plan. The proposed signs along the 75 ft. set back were discussed during the site walk. There would be plenty of room on those lots for sheds, pools, etc. that would not require ZBA action. At the last meeting they were asked to tighten up some of the vegetation in the open field area. C. Berry pointed out the lots where there may be runoff that could be stabilized by vegetation. They have also included the proposed location of the 30,000-gallon cistern.

S. Gerrato questioned which plan showing the location of the wetlands was correct: the color or what was included in the plan set. He did not want to cross the wetlands. He stated the wetlands were not shown properly. E. Weinrieb explained that many things were shown in different colors and the wetlands were not designated as a separate color on the plan. S. Gerome stated they were clearly marked on Sheet 7. S. Gerrato noted in the easterly corner there was a prescriptive easement. C. Berry stated there were no easements on the property. There is access into the back field on the right side of the property. There were no right-of-ways or easements on the property. The owner has allowed people to use that access in the past. There was a discussion about prescriptive easements.

J. McDevitt's concerns were E. Weinrieb's comments 11 through 17. F. Catapano stated they should try to resolve as many of E. Weinrieb's concerns as possible before the next meeting. There are no street lights proposed. The Hussey's, abutters, were concerned about their property being landlocked. F. Catapano asked the applicant to consider that concern.

E. Weinrieb reviewed items from his comment letter (copy on file) he felt the Board should discuss. Were buses going up the subdivision roads? He suggested that near the mailbox area there should be a 'bus stand'. M. Fougere will research that suggestion. Board discussion of the Altus review should include **Item 8, Lots 3 and 8** (it is challenging to build on those lots); **Item 9; Item 11; Item 12; Item 16; Item 19; Item 21; Item 22; Conditional Use Permit: Items 49-51** (there are opportunities to move the treatment device, regrade the road; it was E. Weinrieb's opinion this was where the road belongs—to impact the wetland and wetland buffer to construct the road makes absolute sense. It was whether or not the treatment device made sense.).

Board members needed more time to review the comments from Altus Engineering. S. Gerome opened the hearing to public comment. Laura Byergo, Conservation Commission Chairman and Caswell Drive, commented on the review by Altus Engineering, stating the Conservation Commission was most concerned about the first gravel wetland. She asked if there was a way to prevent the runoff from the road from crossing the wetlands and have stormwater treatment on the other side of the wetland outside the buffer. Pipes would not have to be buried in the wetlands and not as much fill would be needed. L. Byergo also suggested a box culvert to dramatically reduce the impact on the wetlands. L. Byergo continued that at a recent Conservation Commission meeting, C. Berry stated the wetland would treat nitrogen and phosphorus. She has heard treating nitrogen can be done with various landscape plantings, which is not the same as real nitrogen treatments. L. Byergo also had concerns about the rear of the project on the Winnicut River. There are several houses that will be abutting the river. The back three houses are located in a designated wildlife corridor. The Conservation Commission would like the builder to seriously consider a conservation easement on the back end of the project so it can be monitored as an active wildlife corridor. It was clarified that it should be on the edge of the buffer. L.

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Byergo stated that an easement does not take away property; it gives the right to reinforce protection of the buffers in those areas.

S. Gerome suggested considering what will be used for lawn treatments. C. Berry responded that it has been discussed. The applicant is willing to note what can be used for treatment on lawns. C. Berry clarified that he was not implying that vegetation would remove the nitrogen from stormwater. They were asked to increase vegetation in the field area between the residence on Lot 3 and the wetland area to help with nutrient uptake. The function of the gravel wetland is to remove nitrogen and phosphorus. Vegetation is proposed around those for an aesthetic increase; the plants are not proposed for an environmental purpose. C. Berry pointed out that the gravel wetland is not proposed to be located in a wetland. They are proposing it be located in the low-lying area (field or meadow area). From the cistern location down, is treated in the front (natural flow pattern). They are trying to keep the amount of water naturally flowing in that area congruent in the proposed condition.

S. Gerome suggested they use the area where the buffer is not much different than the tree line as a conservation area. F. Catapano stated that if they are impacting 11,000 sq. ft. of buffer, they may be able to find 11,000 sq. ft. of area that was not within the buffer but along the river to protect the wildlife corridor and river more. S. Gerome suggested C. Berry look at the conservation easement on Vardon Lane and how it was carved around the house lots; something similar may be able to be done on this property. C. Berry noted there was a delicate balance between landowner rights and easing property; he will discuss the possibility with the applicant.

Joe Fedora, Van Etten Drive and Conservation Commission: Asked about the impact in the water treatment areas and anerobic activities due to road salt runoff. Does any aspect of the treatment area need to be replaced in the future and what type of maintenance is involved? Enforcement and monitoring of the maintenance will be required. Will the HOA be required to set up a reserve for future maintenance or replacement? C. Berry responded that each system has a four-bay designed to capture grit and large items; currently there is not a way to remove salt that has been dissolved in the stormwater. He was unable to answer about the impact of road salt on the system but will research. The HOA will have a maintenance document that they will be required to utilize on a prescribed basis. The document will be required to be submitted to the Town on an annual basis. Suggested BMP's for the site: the road become a Town road; the HOA to manage the stormwater systems. The Town will have the right but not the obligation to do maintenance in the event the HOA does not. For the HOA: there is typically an amount reserved and handed over with the project. The stormwater maintenance is included in the monthly dues. All information will be given to the Planning Board so the Board is assured all mechanisms are in place.

There being no further public comment, S. Gerome closed the public hearing and returned to the Board.

MOTION: J. McDevitt moved to continue the Subdivision of Land at 177 Winnicut Road to the public hearing on Thursday, May 20, 2021. Second – F. Catapano; roll call vote: B. Dion – yes, J. McDevitt – yes, C. Medeiros – yes, S. Smith – yes, F. Catapano – yes, S. Gerome – yes. All in favor. MOTION CARRIED

S. Gerome encouraged C. Berry to meet with Altus Engineering before the next Planning Board meeting on Thursday, May 20, 2021. J. McDevitt stated he would be very interested in the results of that meeting and requested that equal weight on both sides be given to the serious environmental issues on the site as well as private property rights.

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4. Design Review: 4 Tower Place (R7, 3)
Owner: Community Congregation Church
Applicant: Joseph Falzone
The owner and applicant are proposing an age restricted development of 50 plus units.

Christian Smith, Beals Associates, joined the meeting via Zoom. C. Smith was representing the applicant, Joseph Falzone. Also present were J. Falzone, applicant, and Tim Phoenix, attorney for the project. C. Smith explained that the wetlands, as shown, have been delineated in the field by Gove Environmental and GPS located. Not done: a survey of the property, test pits, drainage design, traffic evaluation. The purpose of this submittal was to receive opinions and comments from the Planning Board and abutters before moving forward.

C. Smith explained that the proposal was to bring a roadway off Magnolia Drive onto the parcel. They are proposing 52 detached single-family age-restricted units. The homes will be limited to two bedrooms. Formal stormwater design has not been done; C. Smith noted the areas they are considering for drainage mitigation and treatment. 3,100 linear feet of roadway is being proposed.

S. Gerome: did not see how the project could be done with Greenland's zoning; criteria has not been met. B. Dion: C. Smith explained the 'squiggly' line was the GPS located edge of wetland and noted the 50 ft. offset. Access to the property is through Magnolia Drive. The radius around the cul-de-sac is centerline radius of 60 ft.; the exterior pavement would be approximately 72 ft. J. McDevitt: Agreed with S. Gerome. Concerned it did not meet the Town's Ordinance and regulations. Traffic impact onto Magnolia Drive with 52 units was a serious concern. There was only one access in and out. A hydro-geological survey was needed for that many units. The location was in the Aquifer Protection Zone. Stormwater and sewage treatment. A big project that would require a lot of review. S. Smith: Agreed with S. Gerome and J. McDevitt. The intent of the Ordinance was different than the layout. It was an over-abundance of units on that parcel. His biggest concerns were fire protection and access. Should look at a way to limit the number of units. F. Catapano: Agreed with J. McDevitt. Questioned what looked like a stub to another parcel. C. Smith stated there was no opportunity to expand to the parcels where the towers are located. S. Gerrato: Property is very wet. The Town was very firm on trying to keep the wetlands pure.

S. Gerome opened the hearing the public comments. L. Byergo, Caswell Drive and Conservation Commission: The property did not correspond with the plan. C. Smith explained the area proposed for development. Tax card indicates 11 acres on one parcel; three parcels are part of the application—Lot 17 (19 acres), Lot 16 (25 acres), Lot 3 (11 acres). L. Byergo: The property backs up into Packer Bog, the biggest and largest wetland area in Greenland. This area is a priority habitat area as well as a wildlife corridor. The Conservation Commission will be very interested in how this project is handled.

Brad Manning, 57 Sunnyside Drive: Reiterated concerns about wetlands. There is a substantial amount of wildlife activity in this area; this disturbance may alter the wildlife activity.

There being no further comments, S. Gerome closed the public hearing and returned to the Board. C. Smith addressed the comments: specific to the wildlife habitat area, an alteration of terrain permit will be required. The new rules require that a wildlife habitat assessment be done by a wildlife biologist. They will work with Fish & Game, AOT Bureau and Natural Heritage Bureau specific to any concerns. Traffic: C. Smith stated that ASHTO indicates the average daily trip ends (in and out of the project from any given house) is approximately 4.27 trips, compared to single family housing of 10.44 trips daily per household. 52 units would be equivalent to 20 or 21 single family houses in a conservation subdivision or conventional.

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M. Fougere stated that the biggest concern is the Subdivision Regulations and dead-end streets. He interprets the regulation as the plan does not meet the requirements. The dead-end maximum is 1,000 ft. The single access was a big obstacle with the project. C. Smith stated that the Regulations have always been interpreted as 'provided you have a loop configuration' and there are no dead-ends longer than 1,000 ft.; they have always been approved. There are a number of developments in Town with a single access.

Joanne Glode, works for The Nature Conservancy and representing the Packer Bog Preserve which abuts the proposed project: She requested to see the plan in relation to their property. There is an Atlantic White Cedar swamp on their property, which is considered exemplary by the Natural Heritage Bureau. Size of the development is concerning as is the very small 50 ft. buffer. Has many concerns that she would like addressed.

John Krebs, representing J. Falzone: Asked M. Fougere to share the composite plan; it was not available for this meeting. Attorney Tim Phoenix: Discussed the roadway feet, which is 1,000 ft. or less to the throat. They felt it met the requirements of Article 4.4.2. S. Gerome, responding to a request from Attorney Phoenix, did not feel the project met the spirit of the Ordinance. J. McDevitt suggested they review Article XIX – Age Restricted Housing.

S. Gerome closed the Design Review. F. Catapano noted that when Falls Way was built, two access ways were required. The Town allowed the secondary access as an emergency access so that all homes were not going through September Drive. It was F. Catapano's belief that this project would require two access ways. It was exiting into a subdivision that is not age-restricted and has children living there.

S. Gerrato: It would be nice if the project were 'clean'. It is needed and would help the area.

5. Approval of Minutes

MOTION: F. Catapano moved to approve the minutes of Thursday, April 01, 2021. Second – S. Smith; roll call vote: B. Dion – yes, J. McDevitt – yes, C. Medeiros – yes, S. Smith – yes, F. Catapano – yes, S. Gerrato – yes, S. Gerome – yes. All in favor. MOTION CARRIED

6. Approval of Invoices

There were no invoices to approve.

7. Other Business

The Board received information regarding the Spring 2021 Planning and Zoning Conference on Saturday, May 15, 2021. There is no cost to the conference.

The Town Hall will be opening to public access on Monday, May 03, 2021. The Board may want to consider in-person meetings again. B. Dion commented that an in-person work session would facilitate the discussions by the Board.

8. Topics for Work Session: Thursday, May 06, 2021

Topics will include the CIP and Village District.

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9. Adjournment

MOTION: S. Gerrato moved to adjourn at 8:43 p.m. Second – C. Medeiros; 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, May 06, 2021 – 6:30 p.m., Zoom

Submitted By: Charlotte Hussey, Administrative Assistant