



PLANNING BOARD
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MINUTES OF THE PLANNING BOARD

Thursday, May 20, 2021 – 6:30 p.m. – Virtual via Zoom

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

Members Absent: Frank Catapano (Alternate)

Staff Present: Mark Fougere, Consultant

Also Present: Jack Shepherd, Building Inspector

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.

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

1. Projects of Regional Impact

There were no projects of regional impact to discuss.

2. 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.

Christopher Berry, Berry Surveying and Engineering and representing the owner and applicant, has requested a continuance to the meeting on Thursday, June 15, 2021. In addition, the owner and applicant have granted the Board an extension to the 65-day approval period from date of acceptance.

MOTION: S. Gerome moved to continue the Subdivision of Land, 177 Winnicut Road, at the applicant's request, to the public hearing on Thursday, June 17, 2021. Second – J. McDevitt; roll call vote: B. Dion – yes, J. McDevitt – yes, C. Medeiros – yes, D. Moore – yes, S. Smith – yes, S. Gerome – yes, S. Gerrato – yes. All in favor. MOTION CARRIED

3. Subdivision of Land and Site Plan 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 Subdivision of Land and Site Plan Review for 410 Portsmouth Avenue. He is a member of the ZBA, which heard this project in January 2021.

Paige Libbey, Jones & Beach Engineers and representing the owner/applicant, addressed the Board remotely. Also joining the meeting remotely were Jay Lajeunesse, owner, and Colby Gamester, Attorney for the project. They were before the Board for Design Review during March and April.

MOTION: J. McDevitt moved to accept the application for 410 Portsmouth Avenue, Map U4, 17, Subdivision of Land and Site Plan Review as complete. Second – C. Medeiros; roll call vote: B. Dion – yes, J. McDevitt – yes, C. Medeiros – yes, D. Moore – yes, S. Gerome – yes. All in favor. MOTION CARRIED

P. Libbey reviewed the revisions since the last meeting. (1) Drainage from the downspout on the middle unit: A drip edge has been added to the front of the middle units between the two driveways for the downspouts to outlet. (2) Mailboxes: The Post Office has been contacted; a cluster mailbox unit will be installed on a concrete pad on the north side of the road between the garage for the existing house and the first proposed building (location noted on the plan). (3) Transformers and contact with electric company: They have met with Eversource on-site and have been provided with a mark-up of where the transformer should be located as well as where the pole should be relocated. The transformers are shown correctly noted on the plan. The pole noted on the plan will be shifted slightly back towards the proposed road. (4) Sidewalks have been added to the north side of the proposed road, going down toward the apartment building. Sidewalks will run the entire front of the property, the two properties to the south and up to Arens Stoneworks. Sidewalks as well as the driveway are being reviewed by DOT. (5) The review from Chief Cresta, Fire Department, has been received. He was concerned about parking in the hammerhead. The applicant will provide 'No Parking' signage in that area; that space can be used by fire trucks to turn around. Sprinklers will be required; sprinkler services will be added to the utility plan and cleared with the Portsmouth Water Department. There is a hydrant in front of the existing house at 410 Portsmouth Avenue. Chief Cresta is fine with the existing hydrant.

They have received an updated review from Altus Engineering. Most of his points are fairly straightforward; P. Libbey is confident they can work through those items with Altus Engineering and M. Fougere. M. Fougere noted he had spoken with Eric Weinrieb, Altus Engineering, earlier in the day. He agreed the outstanding issues were simple and that he would be able to work through them with P. Libbey. He continued that E. Weinrieb was fine with the project being approved if the Board was comfortable.

J. McDevitt noted the sidewalks on the plan were bituminous; there were concrete sidewalks on Portsmouth Avenue. He questioned if they had consulted with DOT about using granite curbing and concrete rather than asphalt. P. Libbey pointed out a section of Portsmouth Avenue that was bituminous; there was a grass strip with a paved sidewalk. They were trying to be contiguous with the existing. There is a small section of concrete across the street in front of Nik and Charlie's Pizza. J. McDevitt stated the asphalt sidewalks was 'pretty bad'. He wanted to see the entire road with concrete sidewalks.

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B. Dion agreed with J. McDevitt regarding the bituminous sidewalks. He did not feel they were as durable as concrete sidewalks. He questioned the drip edges; P. Libbey responded they added a small piece of one in the front of the middle unit; they were only in the back previously. E. Weinrieb had concerns that the downspout from the gutters to the middle unit would outlet down to the driveway possibly causing icing issues. P. Libbey explained that the downspout would outlet into a stone infiltration area that would allow it to infiltrate into the ground. B. Dion stated that signage at the hammerhead could be a problem: people ignore signs. He requested that the signage in that location be 'a little more imposing', similar to what is at the malls ('No Parking – Fire Lane').

C. Medeiros stated that she was fine with the plans if E. Weinrieb was able to discuss the Board's concerns and he was comfortable with the project. D. Moore agreed with J. McDevitt about the sidewalks; concrete would be better.

S. Smith felt the fire truck issue was covered; however, he questioned the name 'Farmhouse Drive'. There were several roads in Town that included 'Farm' in the name, which could be confusing. He recommended the road name be clarified with Chief Laurent and 911. S. Smith continued that the farthest back building was too close to the line. He did not think the runoff down the hill could be changed at this point. The setback on that building with the existing slope would be an issue.

P. Libbey noted there is a rain garden on either side of Building 2; there are two others in the front near the entrance, on either side. It was S. Gerrato's opinion that after a two-day wind event the rain gardens would be wiped out.

S. Gerome stated there was too much on the table for him to approve the project. He recommended continuing further discussion on sidewalks, drainage, and other concerns to the June public hearing. There were items that still needed to be remedied. S. Gerome pointed out from a developer's standpoint that the expense of granite and concrete vs. bituminous was quite a bit. The Board was asking a lot. He asked Board members to be mindful of that; it was expensive.

S. Gerome opened the hearing to public comments. There being none, S. Gerome closed the public hearing and returned to the Board for further discussion. J. McDevitt, referring to Altus Engineering's letter of May 17, 2021, stated there were a lot of open items and he would like to have those issues resolved. M. Fougere noted that the sprinkler issue in the units had been resolved.

M. Fougere stated that if the Board wanted concrete sidewalks, there should be a motion so it was crystal-clear to the applicant. P. Libbey stated that Nik and Charlie's (across the street) is a commercial building and they have ADA requirements for accessibility, etc. The sidewalk is set back from the road; it does not look out of place to have a curbed raised concrete sidewalk. In the 410 Portsmouth Avenue location, they would have to alter basically the entire road and the drainage would be changed by adding curbing and sidewalks. She did not think DOT would allow that. Concrete sidewalks are typically raised. S. Gerome agreed that was a DOT issue and they may not find it acceptable if it affects the drainage. M. Fougere noted that curbing would be an additional huge expense and will alter drainage which could create a lot of problems vs. having a flush sidewalk. The Town will need to sign an agreement assuming responsibility for maintenance of the sidewalks. DOT will comment about curbing. It could also change the dynamics of drainage on the street, requiring catch basins. J. McDevitt commented that the Board needed to determine their vision of a Village Zone.

P. Libbey explained how the drainage currently works: there is a paved apron on that side of the road with catch basins. Adding curbing would be a huge amount of work. They would have to dig into the road, add the curbing, redo all the drainage, and move the catch basins. They have designed it by

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putting the sidewalk in where the grass is currently. J. Shephard discussed the sidewalks in the Library area.

MOTION: B. Dion moved to continue the Subdivision of Land and Site Plan Review of 410 Portsmouth Avenue to the public hearing on Thursday, June 17, 2021. Second – D. Moore; roll call vote: B. Dion – yes, J. McDevitt – yes, C. Medeiros – yes, D. Moore – yes, S. Smith – yes, S. Gerome – yes. All in favor. MOTION CARRIED

4. Preliminary Conceptual Consultation: 529 Portsmouth Avenue (U5, 9)
Owner/Applicant: Jeff Apsey, Granite State Pioneer Group
The owner/applicant is proposing to demolish the existing residence and build a duplex.

S. Gerrato rejoined the meeting.

Jeff Apsey, owner/applicant, joined the meeting remotely. This project was before the Board as a Preliminary Conceptual Consultation on February 18, 2021. J. Apsey updated the Board on revisions made to the plan since February 2021.

The engineer repositioned the building with decks. The septic field has been inspected; the field is in good condition but needs minor repairs. The property has not been flagged at this time; it could not be done during the winter due to icing. J. Apsey is hoping to have the property flagged by the next meeting. The garage has been removed. J. Apsey is waiting for the wetland delineation. The decks are 'technically' encroaching. M. Fougere stated there is not a setback issue as far as the building setbacks for the decks. The building has been set back further from the road. J. Apsey stated he has tried to pull a line off the other homes on the street; when you look down the street, will look in line and have a similar front yard.

J. Shephard stated he has been in contact with Eben Lewis, DES. That water that has accumulated is coming from the stream that was impacted years ago. E. Lewis thought it may be due to the collapse on end of the culvert on the 529 Portsmouth Avenue property. It may be possible to divert the stream back to its original state and the water may dissipate. It is starting to impact other septic systems along that street. The culvert under Portsmouth Avenue is a Town culvert; J. Shephard stated that is not blocked. The culvert on the property near the clean out box is blocked. If the culvert was not damaged, the water would flow into the culvert, into the box, across the road, and down into Fish & Game (located across Rt. 33 near the dance studio and Living Innovations). J. Shephard clarified the damaged culvert runs beside the property at 529 Portsmouth Avenue and near the septic system. Responding to a question from M. Fougere, J. Shepherd stated the culvert could be removed but the area would fill with water. The State is considering reconstruction of the stream by putting in a swale so it flows where it should; it would save the septic systems in that area. M. Fougere noted there was no stream or culvert shown on the plan, making discussion difficult. J. Apsey will need to contact someone who can help him fix the problem, whether it is a new culvert, repair the culvert or remove the culvert.

J. Apsey told the Board that he would be meeting with E. Lewis on Monday, May 24, 2021 to see what could be done. He will need a permit from DES before any work can be started. M. Fougere stated it may not be a wetland; it does not have to be a wetland because there is water. J. Apsey noted the culvert is damaged above the level of inundation. Most of the stream is on the abutter's property. The culvert under Portsmouth Avenue is a little high. Having the culvert shown on the plan would add clarity for the Board. M. Fougere recommended showing the headwall of the culvert going under Portsmouth Avenue. J. Apsey will have a note added to the plan as well as show the manhole.

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S. Gerrato opened the hearing to public comments.

Morgan and Elizabeth Densley, 29 Cemetery Lane, joined the meeting remotely. The catch basin elevation is too high. He fully supports J. Apsey's efforts. M. Densley has been told that before the sidewalks and drainage were added to Portsmouth Avenue, the area between Portsmouth Avenue and his residence on Cemetery Lane was dry. It was a gravel pit road before it became Cemetery Lane. The seasonal spring has created a wetland between his property and J. Apsey's. It was M. Densley's understanding that the elevation of the catch basin was wrong; the catch basin accepts the culvert from the back of J. Apsey's property, diverting it underneath Portsmouth Avenue and down Fish & Game Road to Great Bay. M. Fougere recommended cleaning up the problem between the Densley's and J. Apsey's property to start the project.

There being no other public comments, S. Gerrato closed the public hearing and returned to the Board for further discussion. M. Fougere stated that the Densley's were willing to work with J. Apsey to resolve what they could; the Selectmen will have to deal with the Portsmouth Avenue issue if the headwall has to be lowered. It will involve digging up the street and resetting or replacing the pipe. S. Gerrato noted that benchmarks will be needed. S. Gerome stated that the Portsmouth Avenue project was completely engineered and approved by the Town.

J. McDevitt's concerns included the septic system and leach field; that was the most critical for him. He was fine with the design of the duplex but felt there was a more colonial look in that area. Members were satisfied with the design. M. Fougere told J. Apsey the next time he came before the Board it should be with a formal application. J. Shepherd will research the engineering plans for the Portsmouth Avenue project. When Atlantic Survey does the grades, they can be compared to the engineering plans.

5. Approval of Minutes

MOTION: D. Moore moved to approve the minutes of Thursday, May 06, 2021. Second – S. Gerome; roll call vote: B. Dion – yes, J. McDevitt – abstain, C. Medeiros – yes, D. Moore – yes, S. Gerrato – yes, S. Gerome – yes. Five in favor, one abstained (J. McDevitt). MOTION CARRIED

6. Approval of Invoices

There were no invoices to approve.

7. Other Business

Lonza: M. Fougere has contacted the City of Portsmouth Planning Board about the Lonza expansion. The stipulation was that if the expansion was going to be occupied, they had to go back to the Planning Board for approval. The Portsmouth Planning Board has not received any plans for expansion; it appears the expansion is in the existing building. M. Fougere has also spoken to the Greenland/Newington PDA rep and brought her up to date on matters.

In Person Meetings at Town Hall: The Board will be notified of the Selectmen's decision regarding masks at the Town Hall. If masks are still required, it will be a Zoom meeting; if not, the Board will meet in person.

June Public Hearing: J. McDevitt will not be at the public hearing on Thursday, June 17, 2021. He will discuss his concerns with M. Fougere and S. Gerome prior to that meeting.

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8. Topics for Work Session: Thursday, June 03, 2021

Susan Parker, Greenland/Newington PDA Representative, to discuss Board concerns with Rt. 33. Also included will be a CIP and Village Zone update.

9. Adjournment

MOTION: J. McDevitt moved to adjourn at 7:48 p.m. Second – D. Moore; roll call vote: B. Dion – yes, J. McDevitt – yes, C. Medeiros – yes, D. Moore – yes, S. Gerome – yes, S. Gerrato – yes. All in favor.
MOTION CARRIED

NEXT MEETING

Thursday, June 03, 2021 – 6:30 p.m., Location to be Announced

Submitted By: Charlotte Hussey, Administrative Assistant