



PLANNING BOARD
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MINUTES OF THE PLANNING BOARD

Thursday, October 07, 2021 – 6:30 p.m. – Town Hall Conference Room

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

Members Absent: David Moore, Frank Catapano (Alternate)

Staff: Mark Fougere – Consultant

Co-Chair Gerrato opened the Planning Board public hearing at 6:30 p.m. A roll call was taken by S. Gerrato; he announced a quorum was present and the meeting was being recorded by audio. S. Gerrato stated he would like to start meetings with a roundtable discussion; there was too much on this agenda to have a roundtable.

1. Updates: Zoning Ordinance, Subdivision Regulations and Site Plan Review Regulations

M. Fougere stated the only pressing area he was aware of was the Village Zone. C. Medeiros stated they were waiting for feedback from an architect on what should be included for zoning. M. Fougere noted that the zoning season started in December. C. Medeiros will have an update for the next work session.

An analysis was done on sea rise several years ago. If the Board does not want to look at this topic, M. Fougere stated there are no big issues. S. Gerrato has contacted RPC to see if the sea rise has changed and its impact on Packer Bog.

The Board discussed amending the landscaping requirements in the Site Plan Regulations. Currently, one tree is required for every 500 square feet of disturbance (1 acre = 87 trees). M. Fougere noted that the Board has waived the requirement when reviewing site plans. This does not include shrubbery and underbrush, only trees. There is a landscape standard in the Age Restricted Housing Ordinance. M. Fougere recommended changing the regulation rather than waiving it; he will research the average requirement in surrounding towns and advise the Board.

M. Fougere and Eric Weinrieb, Altus Engineering, have found a flaw in the Town's bonding requirements. Currently, the bond does not have to be in place when a developer applies for a building permit. M. Fougere clarified that the developer could start building the road and there would be no bond in place, which means no protection for the Town. He recommended that at a minimum there should be an erosion control and site stabilization bond in place before a spade goes in the ground. The full bond is needed for the building permit, the road and binder, and anything else remaining. S. Gerome recommended that the full road bond be in place before the shovel goes in the ground. M. Fougere added it is not good policy if there is no bond when the spade goes in the ground.

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There was a brief discussion on the definition of 'man-made' pond. M. Fougere reviewed the definition from Article 18.2.3. He stated that typically a buffer did not apply to man-made. M. Fougere stated the definition should specifically state that buffer zones do not apply to man-made.

'Display area' was discussed at length. Citing a specific case, S. Gerome stated that in order for the lot to be used as a display area, the two lots should be merged. M. Fougere responded that under the Zoning Ordinance, a parking lot could not be built to store cars; that was not the intent in this case. The established business was expanding the display area located on the adjacent lot. S. Gerome questioned how a site plan criteria could be applied when it was not really an allowed use. M. Fougere disagreed, stating it was an allowed use; it is a display area for an adjacent business. J. McDevitt asked the criteria for defining 'display area'. He continued that the entire lot could be considered display or storage for vehicles. M. Fougere stated that someone could not walk around a car storage area but they could a display area. S. Gerome was unsure if the Site Plan Regulations applied and stated he was in favor of it.

The Board discussed Article X – Quarries and Gravel, Sand, Loam and Borrow Pits. Members were concerned about the condition of the disturbed area at 11 Sunnyside Drive. The Building Inspector will be asked to look at the site.

M. Fougere stated that a Pavement Degradation Ordinance would be the purview of the Board of Selectmen not the Planning Board. The Planning Board could write an ordinance for the Selectmen. J. McDevitt stated there should be something on the books.

Backlot road width, Subdivision Regulations, was reviewed. The regulations state the maximum road width is 20 feet. S. Gerrato stated it should be changed to 50 feet; M. Fougere stated it should not be less than 20 feet. M. Fougere explained that because these are regulations, a public hearing can be held at any time. Zoning amendments follow a very specific schedule; there is a 90-day window beginning in December.

There was a discussion on age restricted housing and limiting the number of ARH developments in Town. There is currently one ARH development in Town; another could be before the Board in November. J. McDevitt added that there is still land available. B. Dion would like to see housing options and opportunities in Town for younger people; he would like to see them settle in Greenland and raise their children in Town. It was suggested ARH developments be capped by percentage. J. McDevitt recommended the Board seriously consider limiting the number of ARH developments in Town. Responding to B. Dion's question about creating opportunities for younger people, M. Fougere stated a Work Force Ordinance was adopted recently. M. Fougere will put information together regarding the number of ARH developments.

S. Gerrato discussed his thoughts on wetlands: no dredge and fill; no roads, sidewalks, or parking lots; Article XXIV does not allow new roads over the wetlands and is always overlooked. S. Gerome noted they needed to look at the definition of 'wetland'. There was a big difference between a hydric soil and a wetland; one is clay and one is a wetland. Clay is a hydric soil but by the State definition may be a wetland. J. McDevitt noted that he did not have a problem with wetlands but would like to be educated on them. He was also very big on private property rights; he did not need the Town or State denying him the right to use his property properly. S. Gerrato rebutted J. McDevitt: the State of New Hampshire says it owns the water under an individual's land. J. McDevitt suggested that S. Gerrato educate him on the wetlands. S. Gerrato stated that the wetlands are a large filter to filter water. S. Gerrato stated if there were two types of wetlands, then the Board should separate them and do a test of wetlands with rules for each one. S. Gerome and M. Fougere stated the Board could not differ from the State. M. Fougere added there was one definition of wetlands based on soils and vegetation. That is the standard

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the Army Corps goes by that as well as DES. M. Fougere continued that S. Gerrato wanted to prohibit any type of wetland fill. If the Board wanted to make that decision, he could write something. Using Van Etten Drive as an example, S. Gerrato stated he was informed by the State they would work very hard to not approve anything like that.

2. Approval of Minutes

MOTION: J. McDevitt moved to approve the minutes of Thursday, September 02, 2021. Second – S. Gerome; four in favor, two abstained (B. Dion, C. Medeiros). MOTION CARRIED

MOTION: S. Gerome moved to approve the minutes of Thursday, September 16, 2021. Second – B. Dion; five in favor, one abstained (J. McDevitt).

3. Approval of Invoices

MOTION: J. McDevitt moved to approve payment of the invoice from the Planning Board Town budget in the amount of \$2,029.14 to Fougere Planning and Development. Second – S. Gerome; all in favor. MOTION CARRIED

4. Topics for the Public Hearing

M. Fougere stated that Altus Engineering had a number of issues with 529 Portsmouth Avenue. M. Fougere told the applicant not to come back to the Board until they were ready for approval. He did not feel that further discussion was necessary; the Board indicated what they wanted to see. M. Fougere noted it was a simple duplex/condo.

309 Portsmouth Avenue would be sending plans to Altus Engineering for review on Friday morning, October 08, 2021.

The Board will be reviewing a new application for 597 and 603 Portsmouth Avenue.

M. Fougere noted that 150 Bayside Road would be at the public hearing on Thursday, October 21, 2021, with a preliminary conceptual. The owner would like to start an orchard, make hard cider, and have a tasting room. He has gone through the licensing process with the State. M. Fougere suggested he meet with the Board to find out what type of information they would be looking for and the plan detail. Agriculture and wholesale are allowed in that zone.

5. Other Business

S. Gerrato mentioned the intersection in North Hampton, Rt. 151 and Rt. 111, that the State is in the process of correcting for safety. He stated that Greenland should expect the same.

S. Gerome noted that the project before the Board on Thursday, October 21, 2021, 597 and 603 Portsmouth Avenue, would require two members to recuse themselves. Attendance at the meeting is important.

The GACIT hearing regarding the Ten-Year Plan is scheduled several different dates: Thursday, October 21st (Planning Board Public Hearing) and Monday, November 01st; there will be a virtual meeting on Wednesday, November 03rd. It is highly recommended that members (or a member) of the Planning Board attend. The Rt. 33 corridor will be discussed. M. Fougere noted this is an opportunity for the

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Town to discuss their concerns with the traffic on Rt. 33. S. Smith stated this was a result of a recent meeting with NH State Senator Tom Sherman regarding the fish ladder on the Winnicut River and the dry hydrant near Winnicut Road. S. Smith will be attending the meeting on November 01st; M. Fougere will prepare talking points.

S. Gerrato noted that members should watch the Board of Selectmen meetings on Town Hall Streams to hear the latest PDA developments from Susan Parker, Greenland/Newington PDA Representative.

Katie Fitzpatrick, Dance Innovations, has requested a refund from the Escrow Account in amount of \$1,000 for the Site Plan Review of the rear parking lot of the dance studio at 64 Tide Mill Road. M. Fougere told the Board that the funds are no longer needed and the project is complete.

MOTION: J. McDevitt, moved to refund \$1,000 being held in the Planning Board Escrow Account for the Site Plan Review of Dance Innovations, 64 Tide Mill Road. Second – S. Gerrato; all in favor. MOTION CARRIED

M. Fougere updated the Board on Van Etten Drive. A response was received from the Board of Directors, Greenland Meadows Homeowner Association (copy on file). They basically claimed total ignorance and the Board was being unreasonable. M. Fougere stated the Planning Board approved it, it was in the Zoning Ordinance and required as part of the Ordinance, the developer was given an extra lot, it was built and on a plan approved by the Planning Board. M. Fougere could think of no way to get out of this. The homeowners bought into a subdivision with a playground. J. McDevitt stated they could not ignore a requirement of the site plan; it would set a bad precedence. S. Gerome requested that the Planning Board attorney review the case. S. Gerome noted a fine would be appropriate. J. McDevitt stated, in his opinion, they had to pay a price.

M. Fougere clarified that rain gardens are not required to be shown on a mylar signed by the Planning Board Chairman and recorded at the Registry of Deeds. Rain gardens are required to be on the final site plan signed by the Planning Board Chairman.

M. Fougere informed the Board there was a pre-construction meeting earlier in the day at 410 Portsmouth Avenue. The project will be inspected by Altus Engineering during construction. The developer plans to break ground on Monday, October 11, 2021. They would like to have two foundations in before winter.

M. Fougere distributed a CIP spreadsheet to members (copy on file). The Board needed to decide which projects would be forwarded to the Board of Selectmen. The spreadsheet included balances in the various Capital Reserve Fund accounts. Further discussion was continued to the work session on Thursday, November 04, 2021.

6. Adjournment

MOTION: J. McDevitt moved to adjourn at 7:55 p.m. Second – S. Smith; all in favor. MOTION CARRIED

NEXT MEETING

Thursday, October 21, 2021 – 6:30 p.m., Town Hall Conference Room

Submitted By: Charlotte Hussey, Administrative Assistant