



**PLANNING BOARD**  
**Town of Greenland • Greenland, NH 03840**  
11 Town Square • PO Box 100  
Phone: 603.380.7372 • Fax: 603.430.3761  
Website: greenland-nh.com

**MINUTES OF THE PLANNING BOARD**

---

Thursday, June 16, 2022 – 6:30 p.m. – Town Hall Conference Room

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

Members Absent: Frank Catapano (Alternate)

Staff Present: Mark Fougere

Also Present: Attorney Sharon Somers – Donahue, Tucker, Ciandella; Attorney Timothy Phoenix – Hoefle, Phoenix, Gormley & Roberts; Eric Weinrieb – Altus Engineering

---

D. Moore opened the Planning Board public hearing at 6:30 p.m. He announced a quorum was present and the meeting was being recorded.

1. Projects of Regional Impact

There were no projects of regional impact to discuss.

2. Site Plan Review, Boundary Line Adjustment, Voluntary Merger, Conditional Use Permit

**Address:** Off Tower Place/Maple Drive; Vicinity of Magnolia Lane, Sunnyside Drive  
(R7, 3 – Zones: Residential, Wetlands Conservation, Aquifer Protection)

**Owners:** Community Congregational Church (R7, 3), Homewood Farm Realty Trust (R8, 16), Philbrick-Vickery Tower (R8, 17), Elaine Grover (Easement - R7, 61), Margaret Bell (Easement - R7, 61), Linda McGurin (Easement - R7, 57), Rebecca Eastman (Easement – R7, 57)

**Applicant:** Joseph Falzone

The owners and applicant are proposing an age-restricted development: 47 units, club house, and approximately 3,100 ft. of new road.

*S. Gerome recused himself from this portion of the meeting.*

M. Fougere updated the Board. Steve Pernaw, Pernaw and Company, has reviewed the recommendations by Vanasse and Associates and responded in a memo to the Board and made recommendations for traffic calming. Eric Weinrieb, Altus Engineering, will update the Board on his comments. An update on plan changes will be given by Scott Cole, Beals Associates. The applicant has responded to some environmental questions relative to the groundwater; their responses have been forwarded to Dana Truslow, Truslow Resource Consulting, the Town's consultant. She has received those responses and will comment after reviewing.

Attorney Phoenix, representing the applicant, addressed the Board. Also present were Joe Falzone, applicant; Scott Cole, Beals Associates; Colton Gove, Gove Group Real Estate; John Kuzinevich, Co-Counsel; Steve Pernaw, Pernaw and Company; and Paul Sanderson, landowner. Attorney Phoenix

## DRAFT: SUBJECT TO CHANGE

requested Christian Smith, Beals Associates and not present due to illness, participate by phone. On June 09, 2022, E. Weinrieb issued updated comments and recommended a review of several of his many responses.

Traffic – S. Pernaw: S. Pernaw has reviewed the Vanasse and Associates recommendations for traffic calming (copy on file) and reviewed them with Jeff Dirk, Vanasse and Associates.

Travel Speeds: S. Pernaw stated that the several times he has been in the field doing data collection or taking pictures, he did not witness a speed problem. He was on the site for approximately one hour; traffic volumes are low. If there was a speed problem, it would be someone in the neighborhood causing the problem. S. Pernaw stated that he was unsure if speeding was a deal-breaker or major concern because he had not witnessed it. S. Pernaw cautioned the Board that with all the traffic control devices, there are always advantages and disadvantages associated with each. He suggested not doing something permanent right away. If there is a speeding problem, they have made a recommendation; if there is not a problem, it does not have to be implemented. They are recommending a vertical deflection device (*speed hump: see page 2, Memorandum dated June 8, 2022*). S. Pernaw recommended, and J. Falzone agreed, the developer purchase two speed humps and donate them to the Town. S. Pernaw has spoken with J. Dirk and they both agree speeds would be the highest in the mid-block area between the straight away on Magnolia Lane and the proposed access point on the next curve. It would be the same for the other street on the same side. If there was a problem, the speed bumps could be installed and could be removed in the fall. If the speed humps were effective and people liked them, they could be re-installed in the spring.

R. Winsor thanked S. Pernaw. He was not personally inclined to think that a removable speed bump was a solution and something he would even begin to entertain. He added that he would be happy to speak to the Selectmen as well. R. Winsor did not think the Town would want to remove and replace speed bumps, and they do not look good. He felt lateral calming measures would be more appropriate for a permanent solution. A permanent solution would look better and not interfere with winter snow removal.

S. Pernaw stated it would be important to define the problem and then decide where the lateral deflection should be located. R. Winsor agreed with S. Pernaw and noted that speed appeared to be within the neighborhood. There will be more people coming through the neighborhood without that natural attachment to the neighborhood. They need to plan for people in the neighborhood looking for the quickest point from A to B, and it needs to be addressed. S. Pernaw stated they needed to decide where to locate the lateral deflection.

J. McDevitt noted that the Town does not have a DPW. Installing and removing a speed hump may be an issue and something the Selectmen should deal with. J. McDevitt continued that he would be very reticent of the speed bumps and more inclined to accept the lateral deflection or more of a choke point. S. Pernaw noted the official name was 'choker' and could be created by a pair of curb extensions to narrow the width. Chokers can be located wherever the Board wanted. S. Pernaw commented it was a valid concept. R. Winsor stated it may take more than one.

M. Fougere stated that he received a late email from J. Dirk and he would be reviewing that. They would be reviewing four locations for speed bumps. M. Fougere felt a choker may be better because the Town does not have a Highway Department. D. Moore was not convinced a speed bump would work.

## DRAFT: SUBJECT TO CHANGE

B. Dion questioned if the stop sign at the intersection of Maple Drive and Maple Drive extension that was noted on page 2, Item 3 under 'Pavement markings in the study...' was included in the plan. S. Pernaw responded that it was part of their recommendation and would be included.

M. Fougere noted that J. Dirk will respond in writing to S. Pernaw's memorandum.

### Altus Engineering

E. Weinrieb reviewed his comments with the Board (copy on file). Several items on the Altus review have been addressed by Beals Associates; there are open items they will be addressing. E. Weinrieb noted this is a big project and there are many items on the list. Many of the items are engineering comments that can be resolved.

**Item 2 – Terminus of the Right-of-Way:** Altus believes there needs to be an official turnaround area complying with Town regulations. M. Fougere noted that cul-de-sacs are in the regulations. Will a hammerhead with less pavement be acceptable to the Board? M. Fougere stated that the Board did not want public access into the site with the turnaround. S. Cole reviewed the options (copy on file). Option 1: Town-regulated cul-de-sac; circular configuration giving the opportunity to drive around and go back out. Option 2: One-sided hammerhead which will give a plow truck or garbage truck room to pull in, back out and leave. There would be less impervious surface with this option. It would be on the land within the access right-of-way. Option 3: S. Cole suggested donating a portion of the road to the Town, making it a Town right-of-way. The road would be built; the plows could pull forward and back into the Town right-of-way and leave, similar to a terminus that had a dead end or regular hammerhead. This would be the least amount of impervious surface.

Attorney Phoenix stated that Option 1 was not really an option but to show the size of a cul-de-sac that would require obtaining additional land from private property owners, which they are not inclined to do. It will mean much more pavement and plowing. B. Dion clarified that the cul-de-sac is not entirely on the development property. Attorney Phoenix stated that a cul-de-sac of that size will not fit on the property. They believed that the hammerhead/hatchet style was sufficient for the need.

J. McDevitt stated the Town would need to maintain the hammerhead or cul-de-sac if it were a Town road. He asked Attorney Somers if there was the possibility of the Town giving up the road to the development if there was frontage on the road. M. Fougere clarified that the Town owned the 50-foot strip. If the Town were to give up the road, would it have to go to Town Meeting? Attorney Somers responded that in Greenland it will need to go to Town Meeting; she did not think the Selectmen had that authority. M. Fougere stated that if the applicant acquired the strip, he thought there was 50 feet of frontage. The Board understood it was going to be a short Town road. To make it private even though it is a Town road, there would be an agreement that they maintain it. If it is not Town property, a turnaround is not needed; it will be a driveway entrance.

D. Moore stated he was not a big fan of Option 3. That would give the Town more to maintain. Attorney Phoenix asked if there was the possibility that even though it was a Town road, the requirement could be waived and they maintain it to Magnolia Lane. M. Fougere noted that dirt road is currently a paper street; R. Winsor noted it was not subject to maintenance. M. Fougere continued the first section would be built to Town standards so they have frontage. It would be Town property with an agreement that the Town does not maintain it. It would be a classified road. Attorney Somers was not sure there could be an agreement that they maintain the road. There would be many issues, including liability. E. Weinrieb noted that once it was approved, it had to be classified and maintained so there was safe

## DRAFT: SUBJECT TO CHANGE

access for the residents. R. Winsor stated that maybe there should be some deviation on the size of the circle in the cul-de-sac rather than deviation in the size of the hammerhead.

Responding to a question from S. Cole, E. Weinrieb stated they should use turning templates, meeting the largest fire truck that Greenland and Portsmouth have. E. Weinrieb suggested the cul-de-sac could be a lot smaller or set up similar to a roundabout with a mountable curve. S. Pernaw thought he had seen many roundabouts designed with a 90-foot diameter. E. Weinrieb was not worried about the fire truck doing the U-turn; it was more the plow trucks. There was a discussion about plow trucks backing up or making a U-turn. Attorney Phoenix asked the Board to keep an open mind on the least expensive way to deal with this issue and the least amount of pavement.

**Item 3** - 25-foot Perimeter Landscaped Buffer: 2.38-feet is the distance from the abutting property line and the proposed Limited Common Area. S. Cole has spoken with the design team and developer: they can move the LCA line back, making it a little smaller to provide the 25-foot buffer. E. Weinrieb stated homeowners needed to maintain some personal space around the buffer. M. Fougere noted it was in the Ordinance and not waivable. E. Weinrieb asked the Board if it was acceptable to move the LCA line and have the homes that close to it.

**Item 4** - Wetland Buffer Plaques: The Town has wetland buffer requirements; plaques must be installed along the buffer. Residents need to understand there is no clearing in the buffer and what can and cannot be done. E. Weinrieb noted it is not specific in the Town's regulations but Altus recommends it be done.

**Item 9** - Traffic Study: E. Weinrieb stated they will defer to the traffic experts, adding speed bumps are very effective. There are some down sides: noise and maintenance. The speed bumps on Banfield Road, Portsmouth, were discussed. E. Weinrieb explained those were more like 'tabletops' than speed bumps.

**Item 11** – Construction Traffic: Altus was concerned with the heavy construction traffic. There will be a lot of construction traffic that does not have a vested interest. Altus recommended a road survey be done before construction as well as bond money to ensure the roads are not degraded (Maple Drive, Magnolia Lane, Sunnyside Drive). E. Weinrieb stated that it could be done by video or independent analysis (E. Weinrieb suggested VAI or Altus). Any damage should be repaired when the project was complete. Attorney Phoenix stated it was fine in concept; details can be worked out for the bond. R. Winsor stated that during construction was the perfect time for the plastic speed bumps. They would be temporary and slow down traffic during construction. E. Weinrieb felt that would be a good time to find the location of the greatest impact. M. Fougere asked if they had gotten further enough along with the grade to know if materials would need to be brought in or removed; that will impact the road. E. Weinrieb noted that gravels will need to be brought in.

**Item 29** – Cisterns: The Board would need to decide if it was acceptable that portions of the cisterns were located on individual lots. The LCA's are encumbered with utilities, etc. R. Winsor suggested the Board take it under advisement. M. Fougere stated he has seen it in the right-of-way and as an easement on private property. Attorney Somers stated that the cisterns would be located on the LCA. The cisterns would be owned by the condominium association group. The Board's concern may be how the condo documents would be set up; Attorney Somers recommended she review those to ensure things would be properly maintained and the mechanism for that is included in the documents to the Board's satisfaction and hers. She will work with E. Weinrieb to make sure that happens.

## DRAFT: SUBJECT TO CHANGE

**Item 52** – Roadway Centerline Radius: The way the area was designed is a ‘T’ intersection; E. Weinrieb stated it should be a continuous road, meeting the Town requirements of a 150-foot radius, eliminating the stub. M. Fougere questioned how access to the cell towers was being handled; E. Weinrieb pointed out the location intended to handle the access. S. Pernaw suggested extending the nub further up to 25; E. Weinrieb responded that was a driveway and they would not have the 25-foot buffer.

**Item 66** – Sight Lines at Maple Drive and Magnolia Lane: E. Weinrieb disagreed with S. Pernaw’s analysis of an adequate sight line at the intersection with Maple Drive. There is a fairly significant shrub in an area that limits sight lines. E. Weinrieb recommended securing something with the abutter to provide clearance in that area. Attorney Phoenix noted they are working on it and think it can be resolved. S. Pernaw thought it may be in the right-of-way; E. Weinrieb stated if it was within the right-of-way, they should take it down.

**Item 71** – 125 GPD Per Dwelling Unit: It was understood that DES allows for the minimum septic system design at 125 gallons per day per dwelling. The residents of the proposed age 55 and over development would still be active and no different than a two-bedroom house designed for a 300 GPD septic system. When initially enacted, the DES senior housing regulation applied to age 62 and over had a provision that stated, ‘senior housing 125 gallons per day per unit’. E. Weinrieb’s discussion with DES staff: when it was changed from 62 to 55, DES missed the opportunity to recognize that the younger age group is more active and has a higher flow. E. Weinrieb believed they were two-bedroom homes and should be 300 GPD systems. Metcalf and Eddy support 300 GPD. J. Falzone noted that Metcalf and Eddy do not make the regulation. He continued that he owns similar homes and the State has meters on the over 55 dwellings. They are being metered and tested and using 80 gallons per unit. E. Weinrieb responded that if they are using 80 gallons per unit, DES also recognizes there is a peak of 2.0; they were already at 160. Attorney Phoenix stated this had been addressed the last time; State regulations were State regulations. They would like to research this further and will be prepared to discuss at the next meeting. E. Weinrieb will send Attorney Phoenix the Metcalf and Eddy information. Their current position is that the State has told them what it has to be. Attorney Phoenix has spoken to Christian Smith, Beals Associates; a DES representative told him a regulation is a regulation. C. Smith, by phone, stated there was the assumption that the lots would be purchased by people aged 55 to 60. That was not what they have seen in the past; many of the homes will be occupied by older people. The design flow provided by DES has been more than adequate.

E. Weinrieb explained that Metcalf and Eddy are the ‘design bible’ for wastewater treatment systems and plants. It is also cited in the State sewage design criteria. It is the criteria used by municipalities. Responding to a question from D. Moore, M. Fougere stated that for the development to change from age 55 and over, a Variance would be required. If that were to happen, septic would have to be resolved. M. Fougere noted that the definition in Greenland’s Ordinance is ‘active adult community’. J. McDevitt requested documentation (facts), not opinion on this item (Item 71).

**Item 73** – Standalone Units: In the Conditional Use Permit application, they state that each unit will be a standalone unit. On the plans, several units are duplexes. The Board will need to decide if a duplex is a standalone unit. Attorney Phoenix stated that when the application was submitted, all units were expected to be standalone. Some units were changed to duplexes. M. Fougere noted that duplexes are allowed.

**Item 101** – Stone Drip Edge: E. Weinrieb explained this was more of a technical item. The stormwater design premise was to have stone infiltration drip edges in places for treatment. The detail indicates the houses will be slabs on grade. The water table on this site is relatively high. Some buildings will have

## DRAFT: SUBJECT TO CHANGE

perimeter drains, which means the infiltration trench intended to go into the ground will go straight into the under drain and discharge out. There will not be the required infiltration. In the Town's building code, perimeter drains are required on all buildings. The Board needs to decide if a house can be built without perimeter drains. Attorney Somers will review with M. Fougere if it should be a Variance or waiver.

B. Dion acknowledged that Altus did a nice job on their review and that there are 92 unresolved points. There is a lot of work to be done within the next month.

There was a brief discussion about the possibility of marked gravesites on one of the parcels. There were headstones at one time. The gravesites were vandalized and headstones removed. E. Weinrieb stated it would be helpful if the individual contacted the Town and could walk the site with representatives from the developer's side to make a determination. J. Falzone stated he has spoken to the landowners. J. McDevitt stated that the Board needed facts. E. Weinrieb has walked quite a bit of the property and seen no evidence.

D. Moore opened the hearing to public comment. Joe Fedora, 23 Van Etten Drive and Vice Chairman of the Conservation Commission: Questioned how the dog park was going to be constructed. Was the intent that dog owners would use the dog park on a regular basis and be restricted to that space? J. Falzone explained it would be an amenity for people who would like to use it. J. Fedora stated he has found three studies about nitrates from dog waste. Will the dog park address the nitrates in that area? J. Falzone responded that if the Board did not want a dog park, there would not be a dog park. It would be set up with dog waste bags and a disposal place; it would be maintained. E. Weinrieb added that during the site walk, Danna Truslow, an independent hydrogeologist, addressed the issue. It should be addressed further when she returns to the Board. It sounded like she had little concern over that issue and the level of concentration due to the distance to the wetlands.

J. Fedora asked about the reference to the 25-foot buffer between the development and existing homes. Are the existing trees going to be removed? J. Falzone responded that the trees would remain in that buffer. S. Cole clarified that the mature, strong trees would remain. R. Winsor stated there needed to be a clear understanding of how the houses would be constructed effectively without disturbing the buffer. Would the trees survive with the disruption that close?

Kathleen Reardon, 48 Sunnyside Drive: Still has concerns about Sunnyside Drive. There is a section of Sunnyside Drive where visibility is not good. It was a very dangerous road to have any sort of traffic.

There being no further comments, D. Moore closed the public hearing and returned to the Board. J. McDevitt mentioned the sight line on Sunnyside Drive. R. Winsor asked that Vanasse and Associates look at that road for any possible off-site improvements. S. Gerrato was concerned with the water draw and the well as well as the Coakley bloom. He was also concerned with homeowner rights and the peace and quiet and tranquility of their homes. This is sandwiched between an existing neighborhood and Packer Bog. The density is too overwhelming for the area. He also mentioned dogs.

C. Medeiros appreciated E. Weinrieb's comments. She mentioned being thoughtful about Summerwind (Tower) Place as an individual development but also being mindful of the residents living in that area and making it safe. Sidewalks would be a nice benefit for the children in the neighborhood. She wanted to see property owners be able to develop their site but at the same time something that works for everyone.



## DRAFT: SUBJECT TO CHANGE

B. Dion questioned the national standards and minimal pedestrian activity in the neighborhood. The Board may need to be very conscientious for the safety of the children and people walking in the adjacent neighborhood. B. Dion was concerned about the unresolved comments on the Altus report. He did not want any of it whitewashed or swept under the rug. B. Dion wanted the reports to the Planning Board in time to review them carefully before the next public hearing on July 21<sup>st</sup>. He wanted the Altus responses a week before the hearing. Another extension is a possibility.

R. Winsor noted that Altus Engineering has been working with the Board for many years and he respects their opinion, adding most of the comments are housecleaning. R. Winsor wanted to ensure that the developer had been given the guidance they needed to understand the Board's expectations; the response: I think you have. R. Winsor continued that the project was too dense. From a technical standpoint, it was too tight. Part of the Board's decision criteria was what was acceptable, how it fits with the Town and how it harmonizes with the community. Buildings in the adjacent neighborhood are 100 feet to 200 feet apart, with a lot of open space between homes. In the proposed development, an individual could not walk without trespassing. It was not harmonious to the existing. There has to be a happy medium to balance the two so there is a fluid community and used Bramber Green as an example. With the density as proposed, R. Winsor could not support the project.

D. Moore stated the density has always been an issue. He questioned removing the hammerhead and making it a 150-foot radius and what it would do the lots on the left side entering the development. There was no room on that side of the development. D. Moore continued that the adjacent neighborhood has been a concern: children are in the road all the time. Traffic was a big concern.

J. McDevitt stated the personal opinions and desires of Board members had no place in their decision making. The Board is guided solely by the Town's Building Regulations and the Zoning Ordinance; they must be in compliance. J. McDevitt read the introduction of Article XIX: Age Restricted (Senior) Housing Ordinance, Section 19.4 – Design and Architectural Specifications, into the record. That question, to him, still needed to be answered. This development is not abutting a major interior road. It will access an existing side residential development: Maple Drive, Sunnyside Drive and Magnolia Lane. There are 46 units on 1 1/3 acres each. The proposed development does not harmonize at all. J. McDevitt asked them to go back and look at that. At the next meeting he would like them to present a good understanding why their design harmonizes with the adjacent neighborhood. J. McDevitt wanted them to comport with the regulations and ordinances and to present a design that would harmonize with the adjacent neighborhood.

J. Falzone noted the development was in a different zone with different regulations. J. McDevitt wanted him to address Section 19.4 and come back to the next meeting to explain how their design harmonizes with the existing neighborhood. J. Falzone commented that the Board has brought up less density repeatedly and asked for the Board's definition of less density. J. McDevitt stated that he looked up the definition of 'harmony as it regards to design': sense of cohesiveness between the elements; sense that all elements fit together and fit the same theme, aesthetic and style.

Attorney Phoenix stated they meet the density requirement under the Ordinance. R. Winsor noted there were multiple elements and maximum density was one element. They could not maximize the density and not harmonize with the surroundings. The spirit of the Ordinance was to make sure communities were not being built that did not fit. J. McDevitt added the landowners had a right to sell the property. The buyer has a right to develop age restricted housing on that land as long as it comports to the regulations and Ordinance.

## DRAFT: SUBJECT TO CHANGE

Attorney Phoenix noted that some Board members have been clear from the start. However, they were unclear what the density should be. This was about leaving more open space. Attorney Phoenix was concerned that when they come back and try to answer the question, they still do not know what the Board wants for density. R. Winsor stated the reason for the open space was because the area was wet. Attorney Phoenix reiterated that was permitted by the Ordinance. Attorney Kuzinevich noted they have to harmonize within the context of the zone they were in because the concept of harmony cannot rewrite the Zoning Ordinance; they have to complement each other. They were in a different density zone and were not meant to be one for one. Attorney Kuzinevich stated they would come back and address that. He pointed out that the concept of harmony cannot negate clear zoning. R. Winsor noted the key words were 'have to complement'. It was not about matching. He did not think it was feasible for them to put 150 feet to 200 feet between the buildings. J. Falzone commented that the buildings adjacent to the development were more than two times larger; they were not 200 feet apart but may be 100 feet to 150 feet apart. They are a totally different footprint and magnitude of size. R. Winsor responded that there is balance. He was willing to work with them to find the balance. Right now, there was not balance. J. McDevitt did not have an opinion on the number for density. He was specifically asking them to come back to the Board with what was reasonable and harmonizing with the abutting neighborhood.

J. Falzone stated that at the first meeting their position was (and they chose not to fight or possibly go to court) they could come in one entrance, go 1,000 feet, and do a loop. The Board was against that and wanted another entrance. J. Falzone continued that he negotiated that, quoting S. Gerome: 'If you get this entrance in this spot, it would be a game changer'. J. Falzone got the entrance after many hundreds of thousands of dollars to go two points. Part of this is mathematics. If density was reduced substantially, it comes down to a balancing act. They could go in one way and do less units, and then, maybe, S. Gerrato would be satisfied because there would be zero wetlands impact. J. Falzone continued that once you get down to considerable lower density in a housing development like this, the club house was a huge difference (it is a \$1 million item). There are ways to harmonize but money is part of the harmonizing. He did not know if the Board would be open to one entrance with a smaller development. R. Winsor responded he would not say one way or the other. Economics were part of it as was harmonizing and the competing objectives. That is why the Board looks to the experts to design that and say what harmonizes and works.

J. Falzone noted the other issue discussed was why were they doing single family; they should be doing duplexes so it was in harmony with the adjacent subdivision. If they did not do duplexes, there would be a lot more space between buildings, they would be able to do more buffers and put the 150-foot. He was not going to spend another \$40,000 to come into harmony and then have the Board state they liked single family. R. Winsor reminded J. Falzone that he had stated at an earlier meeting he hated having him spend money on this because it was going to be a real issue. J. Falzone suggested they should come to a work session.

R. Winsor stated there was a solution and middle ground, they just needed to find it. M. Fougere noted it was auto cad and easily done. Looking at the map, the wetlands was driving the design as well as the cell towers, cell tower lots, cell tower guides wires that are located on property owned by the condominium and the power line easement. That is the reason the homes are 'shoved' on the southern side of the property. Site conditions vs. if it was all upland without the easements there would be more flexibility.

MOTION: R. Winsor moved to continue the Site Plan Review for Off Tower Place/Maple Drive to the public hearing on Thursday, July 21, 2022. Second – S. Gerrato; all in favor. MOTION CARRIED



## DRAFT: SUBJECT TO CHANGE

*S. Gerome rejoined the Board.*

3. Site Plan Review, Conditional Use Permit: 309 Portsmouth Avenue (Map R21, 65 – RCIM Mixed-Use District)  
Owner/Applicant: SKA Properties 11, LLC – Sheree K. Allen  
The owner/applicant is proposing to add a parking display area ancillary to the existing automobile dealership.

M. Fougere updated the Board that the application was before the Board in August/September 2021. One of the big issues was the wetland impact (a State permit was needed). Altus Engineering also had concerns with the plan. Without the wetland permit, the project was not viable. After several continuances were granted by the Board, the applicant and engineer were asked to withdraw their application until the State approved the wetland permit. They worked through their issues with DES, were granted the Dredge and Fill Permit, and narrowed down Altus Engineering's concerns significantly since last fall. They are now back before the Board.

Steve Haight, Civilworks New England, addressed the Board. Also present were Sheree Allen, owner, and Attorney Jim Schulte, Bruton & Berube. In December, there were issues with the Wetland Bureau. Many configurations and tweaks were made to the impact areas and the plans. They have received their DES permit and the DOT driveway permit. The driveway permit was labeled as 'DRAFT' and will become final once the bond is posted which will not be done until after Site Plan approval.

They did not respond to Altus Engineering's December review; there was no need to respond until they received the wetlands permit, which was approved in mid-May. Plans were updated and they responded to Altus Engineering's comments. Altus issued a comment letter on May 31, 2022. Comments were minor. Plans were updated based on those comments. S. Haight reviewed the comments with the Board (copy on file).

**Item 1** – Conditional Use Permit: Initial discussion with the Board was that a Conditional Use Permit was not needed.

**Item 2** – Updating Natural Gas on Plan: Has been added to the Existing Conditions line and is shown on the plans.

**Item 3** – Water Distribution: Currently no water distribution is proposed. There is water on the abutting parcel. Utilities will be stubbed to the lot for possible future use. They plan to add a fire hydrant and supply water from the same main. It has been removed from the plans because Portsmouth has not responded to their request about supplying water.

**Item 4** – Subgrade Soils: There is an underground detention system on the lot. Altus wanted to ensure there would be adequate infiltration and compaction to meet the design objectives. An engineered stamped drawing is included in the plan set for the drainage system.

**Item 5** – Retaining Wall: Plans will be stamped by a NH licensed structural engineer; a building permit is required. A retaining wall design is included in the plan set.

**Item 6** – Guard Rail on Retaining Wall Sheet: A guard rail is shown on the drawings. The guard rail is integral to the retaining wall and is an engineered system.

## DRAFT: SUBJECT TO CHANGE

**Item 7** – Waivers: Two waivers have been requested and were discussed with the Board at a previous meeting. One waiver is for landscaping relative to the density of the trees. The other waiver is to reduce the width of the traffic control islands.

M. Fougere explained that the application had been previously accepted as complete and then withdrawn. M. Fougere stated that it should be accepted as complete again.

MOTION: R. Winsor moved to accept the plan for 309 Portsmouth Avenue (Map R21, 65 – RCIM Mixed-Use District) as complete. Second – J. McDevitt; all in favor. MOTION CARRIED

S. Gerrato stated it was quite extensive and suggested Altus Engineering review and keep them out of the wetlands. S. Haight noted that Altus Engineering had all the information. S. Gerrato clarified that Altus Engineering should be on site for construction oversight.

S. Gerome stated lighting was a serious issue that had previously been discussed. M. Fougere explained it was in the Site Plan Regulations and meets the standard. The average luminaire was 2.5 and allowed. The Board requested it be brought down to the minimum, which they have done. S. Gerome stated it was loud at night and they have the brightest site in Greenland. S. Haight stated that the proposed lot would not be as bright as the existing lot and toned back further than allowed by the Ordinance and to the minimum for safety purposes. Lights will turn off at 9:00 p.m.; security lighting will remain on. R. Winsor asked if the security lighting output could be cut by 50%. S. Haight did not want to commit until the lights were installed. There is a minimum lumen that would be needed and is greater for a car dealership than a mall. The number of lumens has been cut down as well as the number of lights at night. S. Haight requested the Board wait until after construction. R. Winsor requested two lighting plans: one for security lighting and one showing everything.

Responding to a question from C. Medeiros regarding the sign, S. Haight stated there will be another sign and noted the location on the plan. The sign will be lit. S. Gerome questioned why another sign was needed. The owner stated she did not need an additional sign. The sign will be eliminated.

S. Gerrato questioned if anything was being done about the runoff flowing across the street. S. Haight stated it was not effecting anything they were doing. There would be nothing flowing into the street; runoff would be retained on site. M. Fougere stated that all drainage in the parking lot would be going into an underground stormwater detention system.

C. Medeiros asked the impact of leaving the traffic control islands at 12-feet vs. 8-feet. S. Haight responded they would impact more area that would have to be reduced from the State's perspective. If they made them 12-feet, they would lose display spaces. There will be approximately 155 display spaces in the proposed lot; there are limited spaces on the existing lot. The display lot will help with traffic on Portsmouth Avenue, eliminating back and forth parking on the street. The delivery truck will be off loading in the proposed display lot.

B. Dion asked for clarification on the number of additional display spaces: was it 155 additional spaces? S. Haight it would be 155 spaces on the proposed lot. B. Dion asked if the intrusion into the wetland has been reduced since the last time they were before the Board or was it eliminated. S. Haight stated it the amount of impact was reduced as much as practicable for the project to be viable. S. Gerrato commented 'and still be out of the wetlands'; S. Haight responded, 'other than what they were proposing to fill and what the Wetlands Bureau has approved'. It was clarified that they are not out of the wetlands, totally. They showed DES a number of reiterations as well as a practicable solution to

## DRAFT: SUBJECT TO CHANGE

make the project work. DES approved the plan before the Board; they minimized the impact as much as possible. M. Fougere commented the plan before the Board was much better than what was approved 10 years ago.

B. Dion questioned if the Board was addressing the Conditional Use Permit. M. Fougere stated it was because of the wetlands. B. Dion asked S. Haight to address Article XVIII – Wetland Protection Ordinance, Section 18.6.2 – Conditions, Item B. S. Haight stated there was a need to have more than a 200-car display at the site than what is presently there. The dealership is currently renting off site space and moving the cars back and forth as needed for display. In looking at the design of the available area on the site, the number was reduced to 155. The land area has been minimized as much as possible to provide a practicable design.

B. Dion read Section 18.6.2, Item J. S. Haight responded it was not necessarily just the economics. They also needed enough room to do the stormwater management. The way the site is situated, stormwater management will be in the only location where the underground detention system can be placed to manage the stormwater on the site. S. Haight described the location. The low point of the site where the stormwater collects now is where the stormwater management system will be located. A stormwater management system cannot be put uphill. Once the water leaves the stormwater management system, it will flow into a meadow wetland and continue down into a culvert under Rt. 33. B. Dion clarified it will discharge into the adjacent wetland and part of the property. S. Haight further explained the system was designed to treat the stormwater before it was discharged. The system will be maintained by Mercedes.

Responding to a question from B. Dion about the amount of reduction of intrusion into the wetland, S. Haight stated it was reduced from 10,200 square feet to 9,848 square feet of impact (numbers are approximate). S. Haight noted it was classified as minor impact.

S. Gerrato asked S. Haight what took so long to get through the State. S. Haight explained it was answering questions similar to what the Planning Board was asking. They also submitted four different reiterations to DES. S. Haight stated that more than one-third of the site was wet.

Responding to R. Winsor, S. Haight explained the snow storage area. If snow piles up, it will be removed off site. There is a guard rail along the entire edge and pushing snow against that will damage it. The owner does not want an unappealing site. R. Winsor wanted it noted on the plan that no snow storage will be allowed outside the designated snow storage areas.

D. Moore opened the hearing to public comments. Steve Eisenbrey, 318 Portsmouth Avenue: Lives across the street from the entrance to the dealership. He questioned the tree waiver. S. Haight explained that trees were internal to the site itself, noting that 146 trees would be planted on the site. Everything along Portsmouth Avenue would be predominance of the trees. S. Haight noted the areas where trees would be located. He also pointed out the location of the new entrance. There was a discussion about the possibility of additional traffic. S. Allen explained there would probably be less traffic because there would no longer be off site storage of vehicles.

Cindy Vinciguerra, 326 Portsmouth Avenue: Complained about the car carriers continuing to offload on the street. It has lessened but not stopped. S. Haight showed her the car carrier circulation plan.

D. Moore closed the public hearing and returned to the Board.

## DRAFT: SUBJECT TO CHANGE

MOTION: R. Winsor moved to grant the waiver request from Site Plan Review Regulations, Section 5.3 – Landscaping and Screening, to allow 145 trees where 184 are required. Second – J. McDevitt; all in favor. MOTION CARRIED

MOTION: R. Winsor moved to grant the waiver request from Site Plan Review Regulations, Section 5.11.4.G – Traffic Control Islands, to allow 8 feet wide landscape islands where 12 feet wide is required. Second – J. McDevitt; all in favor. MOTION CARRIED

Lighting was discussed. It was noted that after 9:00 pm, the only lighting would be the security lights.

MOTION: R. Winsor moved to approve the Site Plan Review, Conditional Use Permit for 309 Portsmouth Avenue (Map R21, 65 – RCIM Mixed-Use District), according to the plan from Civilworks New England, dated 09.29.2021, Project No. 21-2350., with the following conditions: final approval letter from Altus Engineering; car carrier circulation plan added to the plan set, noting that all cars shall be unloaded on the site; no new sign will be proposed and the sign will be removed from the plan set; no snow storage allowed outside of defined snow storage areas; Altus Engineering shall inspect construction for erosion control and site stabilization measures; all Variances and waivers must be listed on the plan; any and all state and/or federal permits shall be obtained and made part of the file; a pre-construction meeting must be held with the Building Inspector prior to any building permits being issued; the applicant must submit a final full plan set (22"x34") and an 11"x17" plan copy as part of the Planning Board file as well as a digital copy. Second – S. Gerrato; all in favor. MOTION CARRIED

#### 4. Approval of Minutes

MOTION: J. McDevitt moved to approve the minutes of Thursday, May 19, 2022. Second – S. Gerome; all in favor. MOTION CARRIED

MOTION: J. McDevitt moved to approve the minutes of Thursday, June 02, 2022. Second – S. Gerrato; six in favor, one abstained (C. Medeiros). MOTION CARRIED

#### 5. Approval of Invoices

There were no invoices to approve.

#### 6. Other Business

There was no 'Other Business' to discuss.

#### 7. Topics for Work Session: Thursday, June 02, 2022

Van Etten Drive would be discussed: Attorney Ducharme and representatives from the HOA will be present. Amendments to the Subdivision and Site Plan Review Regulations will be reviewed.

#### 8. Adjournment

MOTION: S. Gerome moved to adjourn at 9:25 p.m. Second – J. McDevitt; all in favor. MOTION CARRIED

NEXT MEETING
--------------

## **DRAFT: SUBJECT TO CHANGE**

Thursday, July 07, 2022 – 6:30 p.m., Town Hall Conference Room

Submitted By: Charlotte Hussey, Administrative Assistant