



PLANNING BOARD
Town of Greenland · Greenland, NH 03840
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MINUTES OF THE PLANNING BOARD

Thursday, July 21, 2022 – 6:30 p.m. – Town Hall Conference Room

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

Members Absent: Stu Gerome, Catie Medeiros, Frank Catapano (Alternate)

Staff Present: Mark Fougere

Also Present: Attorney Timothy Phoenix – Hoefle, Phoenix, Gormley & Roberts; Michele Kaulback, Bob Ellwood – Cemetery Trustees; Danna Truslow – Truslow Resource Consulting; Steve Shope – Exeter Environmental; Colton Gove – Gove Group Realty

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.

Cemetery: Michele Kaulback and Bob Ellwood, Cemetery Trustees, addressed the Board. They were approached by Robert Hersey, 71 Maple Drive, about the possibility of gravestones in the area of the Tower Place development. The Cemetery Trustees and a member of the Historical Society walked the area with R. Hersey, who remembered several stones being in the area. The Trustees had a rake and shovel with them and prodded the ground; they could not find any stones. There were no low-lying, fenced off or sunken areas, which would indicate a cemetery. Paul Hughes, local historian, did not mention a cemetery in that area in his writings. M. Kaulback stated the Trustees could not say either way.

D. Moore asked if there were any State records. M. Kaulback stated that going back through New Hampshire deeds, they did not see anything. B. Dion asked if there was a tendency for someone to walk away with gravestones that had fallen down. M. Kaulback stated that occasionally stones have been

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found in the woods, but none had the last name of the property owner. B. Ellwood added that he was told by B. Hersey that the slate stones were occasionally stolen. B. Dion asked if the deeds registered with the county were researched back 100 years. M. Kaulback were uncertain they went back 100 years.

M. Kaulback stated that the area was located near the first tower road. She confirmed B. Dion's comment that there are stone walls in that area with an opening similar to a cemetery. S. Gerrato suggested placing an ad in the paper asking people to come forward if they know of any burials in that area.

Environmental: Danna Truslow, Truslow Resource Consulting, reviewed her comments (copy on file) on the report from Steve Shope, Exeter Environmental. Additional borings have been done by Exeter Environmental since the last meeting. Additional work has also been done on the nitrate loading study. Other issues reviewed were the use of fertilizer, the dog park, etc. D. Truslow's summary can be found in the letter dated July 11, 2022 (copy on file). A copy of S. Shope's response is on file.

D. Truslow and S. Shope agreed that the additional borings helped to further define the groundwater flow. Groundwater continues to flow towards the brook, not making a turn. The hydraulic connectivity, subsurface material properties, seem to indicate that the groundwater will flow similar on the subsurface; the nitrate loading studies did not change significantly.

Joe Fedora, Conservation Commission, contacted D. Truslow about dog parks within conservation lands and their contributions to nitrates and phosphorus loading. D. Truslow stated there is some evidence there are impacts. The proposed dog park is currently located immediately adjacent to the septic system area. There is not good data to quantify how much nitrogen would come from that area. The leach fields are perpendicular. As a precaution, D. Truslow suggested it might be better to look at a location further from the septic system and/or away from the wetlands.

A fact sheet (copy on file), based on information D. Truslow used for the Rye Planning Board, was included in D. Truslow's comments regarding fertilizer use. She used material from the Cooperative Extension; the Town of Exeter has detailed information about turf management. That information indicates that nitrogen sources and fertilizer should be greater than 50% slow-release nitrogen so there is less of a leaching effect of nitrogen which would cut down on the amount of nitrogen flowing to the wetland and into the Aquifer Protection Zone.

It has been proven there is a lot of phosphorous in the sand and gravel material. There may not be a need for phosphorous to start turf or grass. A soil test should be done first to verify if it is actually needed.

There will more than likely be de-icing chemicals used. Salt within the wetland buffer should be looked at. The Homeowners Association should use a Green SnowPro trained contractor; they tend to use less salt. Green SnowPro contractors must keep track of their salt usage, report it to DES and get recertified every year on the best management practices for salt.

Manganese and iron levels in the well locations are higher than the secondary standard. A health advisory has been issued for manganese. D. Truslow has been notified there will be treatment for iron and manganese at the well. All other water quality parameters look good for this well. There is water quality after the 72-hour pumping test, and what the treatment system is based on. D. Truslow and the

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applicant have not received the results of the well test for the water supply well that would show the impacts from adjacent homes.

At the last meeting, D. Truslow was asked how the Coakley Landfill might impact the proposed development site. There are a lot of changes in the rock type from east to west. The Coakley Landfill is situated on granite. There is a change in the rock type from granite to metamorphic rock which is much more highly fractured. Because of the difference in rock type, the most recent water quality test did not show any signs of PFAS compounds. D. Truslow felt that due to the distance and change in rock type, there was little likelihood that there would be contact between the two areas.

Steve Shope, Exeter Environmental, noted the applicant has stated that if the dog park was a concern to the Conservation Commission, it can be removed from the proposal. S. Shope has also spoken to the applicant regarding the recommendations for the fertilizer and salt; he is amenable to those conditions.

J. McDevitt noted that if the dog park was removed, people would still have dogs and they had to go somewhere. He, personally, felt there may be a better plan for the dog park. He did not feel removing it was the solution. S. Shope noted there was another possible location for the dog park. J. Fedora stated the dog park was a concern. There are scientific studies that strongly indicate nitrates are a problem. The Conservation Commission would like to do whatever is possible to keep nitrates out of the wetlands. Moving the dog park from its proposed location adjacent to the leach field is a step in the right direction. Whatever can be done to discourage owners from taking their dogs into the wetlands area is important. Attorney Tim Phoenix, representing Joe Falzone, stated they were willing to add a stipulation to the condo docs/declarations that the owners were not permitted to go into the wetlands with dogs. The wetland boundary would be marked with placards.

S. Gerrato: Questioned the number of units. The current proposal is 50 units. Septic: Gravity systems would be used to the extent possible. Some houses will be on slabs, others will have full basements. S. Gerrato noted he was against slabs and would like to see foundations. C. Smith stated that the homes with or without slabs will have footings and rebar; there are support mechanisms to keep them from sinking.

B. Dion: He was unaware that PFAS was an effluent from Coakley and questioned if the report showed any other effluents from Coakley. D. Truslow stated that Coakley has a level of PFAS that affected the area. It shows a number of other landfill contaminates. A lot of the contamination is from overburdened sand and gravel material. From Breakfast Hill Road to the site, there may be discontinuity between the sand and gravel material. The most recent bedrock study has not received good reviews from the EPA. Because of the distance and change in bedrock type, the well that will be pumping at the development will not be pumping enough to create any draw from the Coakley area. There are no contaminants showing at this time that far to the west. S. Gerrato noted that there is PFAS in the Greenland well. D. Truslow stated that PFAS comes from a number of different sources. B. Dion asked if any wells on Maple Drive had been tested. D. Truslow stated there was an extensive well testing program done by the EPA around Coakley; she will check into it further.

S. Shope has looked at the study. They have defined the extent of PFAS in the closest well, which is over a mile away towards the golf club. There was a discussion about the testing done in the area of the development, which was done to test the volume of water draw and not for chemicals. Bob Hersey, 71 Maple Drive, stated that a water quality test was also done; he has not received test results. S. Shope added that the most common test was for bacteria.

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M. Fougere: Referring to the NHDES website, six wells have been tested for PFAS on Sunnyside Drive; the closest one has a Level 5. S. Shope stated there are four different PFAS compounds regulated in New Hampshire. The lowest standard is 11. A location near the golf course has a Level 24.

B. Dion: Questioned C. Smith if blasting would be required for any of the foundations. C. Smith responded they were not aware of any blasting. None of the test pits indicated a need for blasting. B. Dion clarified with D. Truslow that, subsequent to test results, there was no effluent coming from Coakley to that area. D. Truslow stated there has been nothing verified at this time.

J. McDevitt: Two open issues were fertilizer and salt. He asked for a definitive response. C. Smith stated the applicant is willing to comply with those requests.

Attorney Phoenix, representing the applicant, addressed the Board. Also present was Attorney John Kuzinevich, Co-Counsel; Christian Smith, Beals Associates; Steve Shop, Exeter Environmental; Colton Gove, Gove Realty.

C. Smith submitted an updated plan set and responses to Altus Engineering's comments. The Board received a copy of alternate plans, showing one entrance and exit by the Towers. The entrance requiring the wetland crossing has been removed. Reports from fire, police and traffic indicate they are comfortable with one entrance. Attorney Phoenix noted that the original plan submitted for Design Review showed a single entry. The Board had safety concerns and the plan was changed to two entrances, which required a wetland crossing, more pavement, a box culvert, etc.

After many discussions with the Board, comments from abutters, and a site walk, some Planning Board members felt density was an issue and the unit count should be reduced. Attorney Phoenix stated they felt they complied and met all the requirements of the ARH Ordinance; their proposal is one less than allowed: they are at 50 units and the allowable is 51 based on density. In order for the applicant to consider reducing the unit count on an economic basis, there needs to be some cost savings. Removing the second entrance and its cost allows some flexibility. The one entry plan is reduced by 10% to 45 units. It will increase the septic by 10% with five less units. In addition, there will not be a wetland crossing, the separation will be 40 feet rather than 35 feet, it is further from I-95, there is a 150-foot radius for the turn, and there is a truck turnaround.

They were looking for direction from the Board on which plan to pursue: the two entry or single entry. They were concerned about safety; police, fire and traffic were fine with a single entry. More traffic will be on the single-entry end. Attorney Phoenix indicated that their traffic engineer, Steve Pernaw, and the Board's traffic engineer, Jeff Dirk, felt the additional traffic would not be a problem.

J. McDevitt: His first concern was if it complied with Subdivision Regulations Section 4.4.2 – Streets. Referring to 45 units, J. McDevitt noted that the Planning Board had sole authority for approval of proposed projects based on suitability and density as well as other issues. There is one other age-restricted housing development in Town. Bramber Green has single family dwelling units, approximately 40 feet apart. There are two access roads and abuts an older neighborhood. Bramber Green reflects the neighborhood it abuts. The proposed development abuts a neighborhood where the housing units are on approximately 60,000 square feet. It was J. McDevitt's opinion if there were going to be age-restricted housing developments in Town, he wanted them to reflect continuity within themselves. In order to harmonize with the neighborhood and the Town, he would like to see single family units. The distances on Maple Drive range from 80 feet to 120 feet apart; units in the proposed development are 35 feet. J. McDevitt would like the proposed development to reflect Bramber Green. He wanted to see

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the calculations if the distance was increased to 50 feet between units as well as single family dwellings. Reducing the density would go a long way with him; the Board has addressed reducing density in the past.

J. McDevitt continued the other issue was that Bramber Green had two access roads to two major arterial roads (Rt. 151 and Portsmouth Avenue). The residents in Bramber Green exit onto major roads; residents exiting the proposed development will go onto pre-existing side residential streets. They are increasing the hazard for the people in that development. By reducing the density, they would also be reducing the hazard. J. McDevitt requested they address the density issue. If they had a single entry and were compliant with Subdivision Regulations Section 4.4.2 – Streets, he calculated between 35 and 38 units, possibly 39 units. Attorney Phoenix stated they would look at that.

R. Winsor: At a prior meeting, he expressed a ‘continuity feel’ between the existing and new neighborhoods. How does that get phased down to provide continuity and still have adequate density? He noted the density of several lots within the development appear pretty compact: lots 37 through 45, lots 1 through 12, lots 17 through 26 in the inner circle. The number would be close to what was suggested by J. McDevitt.

B. Dion: He was not happy with the single entrance. His primary reasons: if he lived in almost any house in that development, he would use the exit that was removed. It is shorter, straighter, and faster and impacts Maple Drive less. B. Dion suggested putting that entrance back in and remove the other. M. Fougere commented on the frontage; it would not be possible. B. Dion felt the other entrance was safer; the people in the adjacent neighborhood would be safer. Removing the entrance was a negative.

S. Gerrato: Was in favor of dropping the number of units to 35. He was happy about not going through the wetlands.

D. Moore: They were going in the right direction with density, but not there yet. He was concerned with the loss of the second entrance: traffic would be funneled through one entrance and would have an impact.

J. McDevitt: Would like to confirm the new proposed configuration complies with Subdivision Regulations Section 4.4.2 – Streets. If it does, that entrance could be removed. Responding to Attorney Phoenix’s question about determining compliance, J. McDevitt stated he would consult with the Town Attorney and Planning Board Engineer. Attorney Kuzinevich stated they would like to speak with the Town Attorney before there is a final determination made.

Attorney Phoenix: Agreed with Attorney Kuzinevich they met the requirements: 1,000 feet to the turn to create a loop is needed; they have approximately 650 feet. The intent of the limit is public safety. Attorney Phoenix reiterated that the Police Chief, Fire Chief, and the Town’s traffic engineer were comfortable with it. There will be more traffic going out. Attorney Kuzinevich stated that safety and traffic experts recognize the reality there will be an increase but not a doubling increase because there will be fewer units. R. Winsor was less concerned about the traffic, it was a safety issue. There were a lot of homes on a cul-de-sac condensed to one thoroughfare. If it meets the requirements, it can be done. C. Smith pointed out that there are 77 homes in Falls Way and one entrance; there is a secondary emergency crash gate to September Drive. R. Winsor responded that he would be ‘on board’ with that in the proposed development. His concerns about the second entrance were for safety.

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J. McDevitt: Mentioned the continuity of single-family homes. He wanted age-restricted housing developments conform to the same type of design as Bramber Green. It also is about reducing the number of units; less units meant less hazard on that road, which is important. J. McDevitt allowed 50 feet between units in his calculations. The proposed development does not harmonize with Maple Drive like Bramber Green does with its adjacent neighborhood.

Attorney Phoenix: Respectfully disagreed and referred to Article XIX – Age Restricted (Senior) Housing, Section 19.4 – Design and Architectural Specifications. Attorney Phoenix stated the development would not be seen until it was accessed, whether there was one or two entrances. There will be heavy vegetation and landscaping. He continued, that technically, they met the requirements of the Ordinance. ‘Sole authority’ does not change anything the Board is about; it was about meeting the requirements, some of which are subjective. They have tried to make concessions with units already. Attorney Phoenix stated the ARH requirements have specific conditions of what is supposed to be done with the house design, the roof, streets, sidewalks, etc. They could not meet the requirements and have it comply with the neighborhood. When it is separated by vegetation and they have to meet the requirements, they are there. While they are not at the Board’s satisfaction with the number of units yet, they were pleased to be moving in the right direction. The number of units the developer could go down to would depend on one or two entrances.

Attorney Phoenix requested guidance from the Board regarding the entrances. He mentioned the difference between the proposed development and the adjacent neighborhood: when they were built and the regulations that were in place. They have done some basic analysis of Maple Drive: there are 46 units on 42 acres (1.1 unit per acre); Sunnyside Drive is 17 units on 22 acres (.8 units per acre). Combined they are 63 units on just under 64 acres (1 unit per acre). Their development was 50 units, now 45 units, on 60 acres (.8 units per acre). Overall density indicates they are ‘neck and neck’.

R. Winsor stated he felt better about what was presented at this meeting and appreciated the work they put into the changes. They will ‘hash out’ the second entrance. They were within the negotiation range. J. McDevitt added that the fact they were willing to reduce to 45 units means the Board was not beholding to the maximum that is allowed. Attorney Phoenix stated they were making the concession. They found the feedback helpful with revisions for the next meeting.

Attorney Kuzinevich asked the Board if there were any other points that showed a lack of harmony. They may disagree but wanted to ensure they had all their thinking points. J. McDevitt stated there was nothing in the Ordinance that all age-restricted houses had to be designed the same. He also mentioned complying with Subdivision Regulations Section 4.4.2 – Streets. J. McDevitt’s personal opinion: he would like to see all single families rather than duplexes. If they were single-family units and has 50 feet between units, J. McDevitt’s calculations were in the 35 to 38, possibly 40, unit range; he would be comfortable with that. R. Winsor’s calculations were 32 units.

C. Smith: Requested to straw poll the Board for their preference for single-family detached units rather than duplexes. The consensus of the Board was single-family detached units. Attorney Phoenix stated there were reasons the developer went to the combination of units: changes in economics and the neighborhood of duplexes. D. Moore noted that single-family units would make the development the same.

R. Winsor stated that aside from density, the road needed to be worked out. Most were technical details remaining. Landscaping also needed to be worked on: adequate screening for the interim period until

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trees grow in. S. Gerrato did not think the duplexes were a problem because there were no children. If the duplexes were removed, they would be closer to the number the Board wanted.

D. Moore opened the hearing to public comments. Patrick Miner, 17 Maple Drive, agreed with the Board regarding density. Rob Holt, 70 Magnolia Lane, questioned the traffic study with one entrance. Attorney Phoenix responded that going to one entrance was a recent change. Their expert prepared a letter as did the Town's expert stating they did not have a problem with one entrance. R. Holt voiced his concerns about the road conditions and possible effects of additional traffic. Drainage was also substandard. He questioned if the State of New Hampshire had commented on the development. R. Holt stated that RSA 356-d, which will take effect April 01, 2023, will require private developments to establish a fund to ensure roads and infrastructures are taken care of. C. Smith responded that it is customary, especially since this was a private road, the homeowners pay annual dues for repairs and maintenance of roads, septic systems, stormwater features, etc., and will be part of the condo documents. The documents will be provided to the Board for review.

J. McDevitt stated that the roads in those neighborhoods will be videotaped and recorded prior to construction. Any damages due to construction will be repaired by them. Complaints about road conditions need to go to the Selectmen; they are responsible for road repairs. R. Winsor added that a survey has been completed of Town roads and a crack sealing bid has just been authorized. There is a substantial bid out for paving of the most severe roads in Town.

Robert Hersey, 71 Maple Drive, stated only two houses were affected on Maple Drive. He has a culvert under his driveway that drains into the swamp; will he be responsible for keeping the culvert clean? R. Hersey was concerned about the old homestead and cemetery plot that was on the property in 1902 (approximately). He had personally seen three graves in that area. Had concerns about there being a private road. J. McDevitt noted that it would be a Town road up to the turnaround.

Paul Sanderson, 24 Osprey Cove and Homewood Realty Trustee, 16 Tower Place, stated he has owned the property since 1974. The abutting property has been owned by Mr. Katsoney since 1975. P. Sanderson took absolute exception with R. Hersey's idea there was a homestead there—it was not true; there is deed evidence. P. Sanderson was very, very upset and very concerned that because of concerns mentioned by R. Hersey, Town officials went onto private property without permission or talking to the owners and were coming in and making reports. Where were their rights in this situation? P. Sanderson continued it should not be considered because the Planning Board had no jurisdiction over burial grounds.

David Pitts, 6 Magnolia Lane, had concerns about the design. He felt the Board was moving in the right direction regarding density. Removing the second entrance was a problem. The developer was thinking about margins and not the community. He was the most concerned about the possibility of 18 months of construction and the greatly increased risks to the neighborhood and residents of Magnolia Lane. The neighborhoods were not engineered for the large construction vehicles. There will be noise, jake-breaking, diesel, etc. He wanted to know what the Board was going to do for the area during the 18 months of complete chaos. R. Winsor responded that the Board has discussed those concerns. J. McDevitt added the Board was well aware of the concerns and are discussing traffic calming measures.

R. Winsor asked M. Fougere to have Altus Engineering look at the drainage at the end of Magnolia Lane.

D. Moore closed public comment and returned to the Board for further discussion. M. Fougere noted that an extension was needed from the applicant; they were at 60 days. He told the Board their

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homework was to work on the road issue. Altus Engineering has the revised plan and a review should be available by the next public hearing. M. Fougere's goal was to whittle the list down to something reasonable. C. Smith noted that the design on the stormwater ponds would not change with the reduction in density. They have been holding on the area by the intersection until a decision is made about the loop. C. Smith asked M. Fougere to share the answer to compliance with Subdivision Regulations Section 4.4.2 – Streets. J. McDevitt asked for calculations on single-family units vs. duplexes.

Attorney Phoenix requested a 65-day extension, which has been granted once. A 65-day extension brings the date to Saturday, September 24th; the Board meets on Thursday, September 15th.

M. Fougere noted that the construction concerns should be considered and they need to talk with their traffic engineer about how it was going to work. C. Smith stated they have started working on that and have spoken to Vanasse Associates. Regarding grading, M. Fougere asked C. Smith if they saw this as a balanced site or import site; C. Smith did not want to speculate at this time. He noted that if the second entrance was removed, it vastly changed the scope.

MOTION: R. Winsor moved to continue the Site Plan Review for Off Tower Place/Maple Drive to the public hearing on Thursday, August 18, 2022. Second – J. McDevitt; all in favor. MOTION CARRIED

3. Approval of Minutes

MOTION: B. Dion moved to approve the minutes of Thursday, June 16, 2022. Second – R. Winsor; all in favor. MOTION CARRIED

Approval of minutes from Thursday, July 07, 2022, was continued to the next meeting.

4. Consent Agenda

From the Planning Board Escrow Account:

- Vanasse & Associates (2 invoices): \$3,904 – Tower Place
- Truslow Resource Consulting: \$1,629 (another invoice expected before the meeting) – Tower Place
- Altus Engineering: \$4,394.90 – Stillwater Drive (off Winnicut Road)

MOTION: J. McDevitt moved to approve the revised consent agenda as presented. Second – R. Winsor; all in favor. MOTION CARRIED

5. Other Business

Philip Dion, 27 Maple Drive, has submitted an Application for Appointment to the Planning Board as an alternate. He will have to be sworn in by the Town Clerk.

MOTION: R. Winsor moved to appoint Philip Dion as an alternate, term to expire March 2023. Second – J. McDevitt; all in favor. MOTION CARRIED

B. Dion was concerned about the camera operator had started recording before the meeting started. M. Fougere noted it was a public meeting in a public place.

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6. Topics for Work Session: Thursday, August 04, 2022

Subdivision Regulation amendments will be reviewed.

7. Adjournment

MOTION: R. Winsor moved to adjourn at 7:46 p.m. Second – J. McDevitt; all in favor. MOTION CARRIED

NEXT MEETING

Thursday, August 04, 2022 – 6:30 p.m., Town Hall Conference Room

Submitted By: Charlotte Hussey, Administrative Assistant