



**PLANNING BOARD**  
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**MINUTES OF THE PLANNING BOARD**

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Thursday, August 18, 2022 – 6:30 p.m. – Town Hall Conference Room

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

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

Staff Present: Mark Fougere

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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

The Board discussed the expansion of Sig Sauer on a 20-acre parcel at Pease. M. Fougere has spoken to the Newington Planner and requested that when this project was before their Planning Board it be made a project of regional impact. The expansion is approximately 205,000 square feet. D. Moore noted that the article does not include the number of anticipated employees. Susan Parker is the Greenland and Newington representative on the PDA. The PDA met on Thursday, August 18<sup>th</sup>; M. Fougere noted the plans were in the very early stages. J. McDevitt requested that S. Parker keep in the touch with the Planning Board regarding the Sig Sauer expansion. M. Fougere, referring to the Seacoastonline article the Board received, there would be 20 loading docks and 225 parking stalls. R. Winsor told members that S. Parker has done an excellent job and updates the Selectmen once a month with a full review of the PDA.

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.

Attorney Tim Phoenix – Hoefle, Phoenix, Gormley, and Roberts, representing the applicant, addressed the Board. Also present were Joseph Falzone – applicant, Tower Place property owners, and Christian Smith – Beals Associates. C. Smith updated the Board on the revisions to the plan since the July meeting. They took into consideration comments made by the Planning Board and residents as they referred to the plan. Duplex units were eliminated. The total density count is now 41 units. The road is virtually the same; they maintained the turnout for the municipal plow trucks. There is a 35-foot

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separation between homes. They do not anticipate any change to the drainage areas: bio-retention ponds are planned and there should be less water flowing to them, which builds in a factor of safety. This would also apply to the septic systems: the size would not be reduced; they were designed for 50 units.

Attorney Phoenix has contacted M. Fougere and noted several things with the change to 41 units: the original plan was for 50 units that were permitted according to the calculations in the Zoning Ordinance. After a number of meetings and hearing concerns, J. Falzone reduced the number of units to 45 (a 10% reduction); after the July meeting, the number of units was reduced to 41 (an additional 10% reduction). There was some concern among Board members regarding the 125 gallons per day on the septic system. The effect on the septic system is an 18% increase in septic loading because it would be the same septic system with 18% fewer units. They have eliminated a lot of pavement and the wetland crossing. Fire and police as well as the traffic engineers have signed off on one entrance. There may be a few units that have more than 35 feet between them. Attorney Phoenix noted that 35 feet between units is permitted. They felt that was fair and reasonable to meet the applicant's need for development. J. Falzone has tried to listen to the concerns of the Board and compromised with his original intention. The loss of nine units is fairly substantial, revenue-wise.

R. Winsor stated they needed to be very clear that 51 units was not permitted: it is the number that is maximum allowable if all the other criteria is met and was satisfactory to the Board. He reiterated that it is not permitted until all other criteria is met. It was clarified that it met the maximum calculation.

J. McDevitt appreciated that they listened to the Board's comments regarding the single-family units. He was a little displeased that they did not return to the Board with 50 feet between units as he requested at the last public hearing and came back with 35 feet between units, adding they basically ignored his request. J. McDevitt stated that 35 feet was a minimum distance; they could have gone 40 feet to 50 feet.

J. McDevitt's greatest concern was the traffic. With the single access road, all traffic would be on Magnolia Lane, which was a very short road. He was concerned about the hazard it would create to the residents on Magnolia Lane. A choke point could be added, which has been discussed at previous meetings, to reduce the speed and number of vehicles travelling on Magnolia Lane. This would mean a reduction in housing units on site. J. McDevitt did calculations at the 50-foot setback: the total was 36 units, they presented 41 units; they were five units apart. He asked if there was any wiggle-room. He was unhappy with the density due to traffic concerns. Removing the second road limits access in and out of the development and puts all traffic on the one side road in a small residential subdivision. J. McDevitt stated he would be willing to consider a compromise between 36 and 41 units.

R. Winsor stated traffic needed to be addressed. M. Fougere referred to the traffic study, stated that the traffic engineer estimated 306 trips based on 51 units and two access points (24-hour trip). Based on his calculations and reduced density, it would be 250 trips with one access point. R. Winsor stated that he was not as concerned about the number of trips but rather the speed. There was a disconnect between neighborhoods and there was not the same level of ownership between the two.

Attorney Phoenix stated they did look at 50 feet between units and were at 34 units. They were not that far apart on the number of units. Five units translating to revenue would be a substantial number; the applicant has given up nine units. From their perspective, Fire and Police were fine with one access point as well as the Board's traffic engineer, who stated on a preliminary basis that this would not be an issue. Five or six more units would not appreciably affect traffic. A pinch point or speed bumps could be

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added. This development will be totally separate and screened from the abutting neighborhood. The applicant has given up a lot of costs and the wetland crossing. Once the number of units is reduced, he starts to lose that benefit. Attorney Phoenix continued that a significant reduction in the number of units will not change anything from the abutting neighborhood or traffic. The applicant has tried hard to balance the requests from J. McDevitt for more separation as well as single-family units.

J. McDevitt stated he did appreciate that and it was in line with the other age restricted housing development. He continued that the applicant was saving money removing the second road or having to purchase property for the second road going over wetlands, which is even more expensive.

J. Falzone stated the crossing would cost \$250,000. He continued that he was not trying to reach the Bramber market and it would be wrong for him to say a \$550,000 to \$590,000 house was affordable. They were trying to stay in that price range. J. Falzone stated he could not make the numbers work if the Board removed another three or four units; he would have to reach for a higher market in order to make it work. He had looked at a drop-dead number of 40; removing one unit would add approximately one to two feet between units. J. McDevitt responded that he was looking at density and suitability and the traffic hazard on Magnolia Lane. J. Falzone noted that the Board's traffic engineer discussed the choke point. They were in agreement to put the choke point where that Board wanted it.

R. Winsor suggested that the two units sharing a driveway become a single unit, pull one out of the center and increase the staggering and spacing in the center. The Board could then start discussing details of the project. J. Falzone pointed out that would not do much for separation. R. Winsor responded there would be a little more on the outside that could be spread around. There could be some staggering on the inside to break up the dead-straight line. J. Falzone stated he had included a number for off-site improvements. The Board's traffic engineer had stated a choke point would be good.

Attorney Phoenix did not understand how two to four units would make a difference for safety and traffic, adding that the Board's traffic engineer agreed. R. Winsor stated that went more with suitability and continuity between the neighborhoods. Attorney Phoenix reminded the Board that an analysis had been done and the number of units per acre was compatible. R. Winsor stated when the wetlands are backed out, per acre was one thing but development was condensed into one area. If the units were spread across it would be similar; however, units were compacted into a very small region. R. Winsor did not feel it was a great analysis. Attorney Phoenix responded that the acreage was there and it worked. Distance between units at Bramber Green was questioned. M. Fougere stated that in 30% of the units, the distance was 35 feet or greater. In the abutting neighborhood, homes are at least 40 feet apart.

Attorney Phoenix stated that the applicant was at 40 units, which was a 20% reduction in what was originally submitted. J. Falzone noted that the clubhouse was required and the cost was almost \$1 million. R. Winsor commented there were other details that needed to be covered other than the number of units. D. Moore stated that he did not like the two units (37 and 38) with a shared driveway. J. Falzone suggested doing duplexes for units 30 and 31 and dropping units 37 and 38. R. Winsor recommended leaving units 30 and 31 as they were and dropping either unit 37 or 38. J. McDevitt stated it was either 39 or 40 units; over 40 units and his vote would be 'no'; R. Winsor was in agreement. Attorney Phoenix stated it was one unit but would be six figures for the applicant. J. Falzone asked for clarification on which unit the Board preferred to see eliminated. R. Winsor preferred to see it taken from the shared driveway (unit 37 or 38). M. Fougere noted the issue needed to be resolved at this meeting. The applicant agreed to remove one of the shared driveway units and adjust the plan

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accordingly. S. Gerrato did not agree with 40 units. D. Moore stated there may be more separation by removing either unit 37 or 38.

S. Gerrato stated that if the Board could not finalize an acceptable number for density, 35 units, members should vote to not allow the project as presented. The Board is not responsible for the amount of profit the applicant can make. A common agreement needs to be reached. However, if a reasonable density can be agreed upon, the septic and water deadline could be started. S. Gerrato's preference was 35 units. J. Falzone responded that it would not work with 35 units under the Town's zoning. S. Gerrato stated that there were comparisons with Bramber Valley and this was nowhere near Bramber Valley. This was down in a hole that was surrounded by wetlands. Sewage had to come from one side of the project to the other in filled land. J. Falzone noted there was no filled land on the property. The land will be graded from the existing material—it was all good material and is mainly sand. S. Gerrato stated that if it was sand there would be problems holding the pipe straight for sewage and water. If there is a sewage problem after they are gone, the State will come in and make the Town do sewage. J. Falzone noted that the Town's consultant has signed off in her septic report. He added that they are constrained by the State for water: they must do what the States tells them to do; they issue the permit. Pump tests are done; there is more than enough capacity. It is not in the Town's jurisdiction.

D. Moore stated he would be comfortable with removing the shared driveway and 40 units. D. Moore opened the meeting to public comments.

Rob Holt, 70 Magnolia Lane: Questioned if the Board had addressed the placement of the tower and if the boundary lines of the development complied with the Zoning Ordinance. The guy wires were mentioned as well as the height and setback requirements for the tower from any structures. R. Winsor responded 'from what we have been able to tell so far, yes'. It has been discussed by the Board and have done further review. C. Smith added that it was his understanding the guidelines were for new towers going into existing buildings, not the other way around.

Joe Fedora, 23 Van Etten Drive and member of the Conservation Commission: As a member of the Conservation Commission, he was happy with the reduced density and relocation of the dog park. Designated recreation area on the upland island in the wetlands: with the reduced density, would it be possible to eliminate that as a recreation area? M. Fougere responded it was required by the Zoning Ordinance; a specific amount of land must be set aside for recreation. J. Fedora asked if the reduction in density impacted that. C. Smith responded he was certain it would but that was a large upland island. That area is where the footbridge will be located. In the winter there will not ben an issue with snowshoeing and cross-country skiing.

Debbie Beck, 639 Bayside Road: Told the Board they had the ability to say 'no' to an application because it did not meet the intent of what the Planning Board created. There were pieces joined together. The intent was to have a piece of land that was suitable for this type of development; this land is not suitable. D. Beck continued that fire and police love this: more personnel. This application does not meet the intent of what the Planning Board created. J. McDevitt noted that the Board did not create this Ordinance. It was put before the Town and residents voted and approved it by a 2:1 margin. D. Beck stated there was a master survey done in 2005 that indicated residents wanted to preserve the rural character of Greenland. There was no agriculture in Greenland. She asked how this application was a benefit to the Town of Greenland. J. Falzone stated they had discussed these issues at earlier meetings. D. Beck stated that the soils in Greenland could not support this kind of density. She also said that S. Gerrato was 'right on a lot of stuff'.

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Paul Sanderson, 24 Osprey Cove and Tower Place property owner: Reminded the Board this was three parcels put together. When the development is done, there will be overall conservation methods. As the density goes down, the need for the third parcel disappears. P. Sanderson continued that if the land is jettisoned from the proposal, he would have no alternative but to log it off, build a house, and have it accessed by a driveway (RSA 674:41); the Town would have to issue a building permit and it would not be conserved. P. Sanderson requested that the Board please consider that as they were discussing density. Those 25 acres could be out of it from a conservation perspective if the economics were forced in that direction too far. P. Sanderson stated he would rather that did not happen. R. Winsor appreciated P. Sanderson's comments. He was looking at the plan as presented; if the plan changed and 25 acres were no longer on the plan, the Board would be having a different discussion.

D. Moore closed the public hearing and returned to the Board for further discussion. M. Fougere stated that the density would be between 35 and 40 units. S. Gerrato questioned if 35 units would drop a parcel; R. Winsor stated that would be a different proposal requiring them to start over. R. Winsor stated that the majority of the Board that was present at this meeting was supportive of 39 to 40 units; it was time to move forward.

J. McDevitt recommended the applicant send the plan to Altus Engineering as soon as possible. There were no review comments from Altus Engineering. C. Smith stated that their last submittal to Altus Engineering was on July 12<sup>th</sup> for 50 units; there have been no comments from Altus Engineering. C. Smith stated they will review the original comments from Altus Engineering and apply it to the new plan. J. McDevitt noted there were some issues in the report from Truslow Resources that should be reviewed. Responding to a question from R. Winsor, J. Falzone stated there would be a generator for the well. C. Smith stated there would probably be a generator for the septic pumps as well.

M. Fougere confirmed that the Board had agreed on a density perspective of 40 units. Issues that still need to be resolved: the choke point—the traffic engineers need to discuss; construction management plan—managing contractors and construction vehicles accessing the site, hours of operation, how many loads of materials; the Alteration of Terrain has not been filed; consultants are working through the analysis for septic and wells; use of chemicals and concerns from Danna Truslow—should be addressed in condo documents; C. Smith noted the project will require State subdivision approval.

MOTION: J. McDevitt moved to continue the Site Plan Review for Off Tower Place/Maple Drive to the public hearing on Thursday, September 15, 2022. Second – R. Winsor; roll call vote: S. Gerrato – no, R. Winsor – yes, P. Dion – yes, J. McDevitt – yes, D. Moore – yes. Four in favor, one against (S. Gerrato). MOTION CARRIED

### 3. Approval of Minutes

MOTION: R. Winsor moved to approve the minutes of Thursday, August 04, 2022. Second – R. Winsor; four in favor, one abstained (P. Dion). 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: Altus Engineering (\$1,458)

- Tower Place: \$689
- Founders Square (FKA 410 Portsmouth Avenue): \$769

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

### 5. Other Business

R. Winsor: At the last couple of Selectmen's meetings, they discussed using tablets. R. Winsor felt tablets may be more helpful for the Planning Board and maybe the ZBA. A plan could on the tablet would allow members to zoom in and out. The Board of Selectmen will be testing a couple of tablets. Planning Board members would be interested in tablets.

There was a brief discussion of age restricted housing developments. The Board had decided at a previous meeting to remove it from the Ordinance.

M. Fougere updated the Board on the recent land use changes implemented by the NH Legislature pursuant to HB 1661. Many of those changes become effective August 23, 2022. The Board also received a copy of the Changes to Planning and Zoning Laws in 2022: A Guide for Municipalities. Section 73: Written Findings is new and typically associated with the ZBA. If the Planning Board denies a development, there must be very specific reasons why the project does not meet the requirements. The requirement is now in place for all land use boards. The Planning Board must have written findings of facts for any approvals; M. Fougere will contact the Planning Board Attorney for clarification. If a decision is appealed, the superior court can require a bond from the appealing party. There is also an 'oddity': if there is a senior housing development ordinance providing extra density, the same density would have to be allowed for workforce housing. There are incentives for workforce housing. Churches are now exempt from review; they only have to meet federal and State laws and are allowed in any district.

### 6. Topics for Work Session: Thursday, September 01, 2022

There will not be a work session on Thursday, September 01, 2022 (Labor Day Weekend).

### 7. Adjournment

MOTION: J. McDevitt moved to adjourn at 7:35 p.m. Second – R. Winsor; all in favor. MOTION CARRIED

NEXT MEETING
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Thursday, September 15, 2022 – 6:30 p.m., Town Hall Conference Room

Submitted By: Charlotte Hussey, Administrative Assistant