



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

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Thursday, October 06, 2022 – 6:30 p.m. – Town Hall Conference Room

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

Members Absent: Dave Moore, Frank Catapano (Alternate)

Staff: Mark Fougere – Consultant

Also Present: Paul Sanderson – Town Administrator, Steve Smith – Chairman, Board of Selectmen

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J. McDevitt opened the Planning Board work session at 6:30 p.m. A roll call was taken, and it was announced a quorum was present and the meeting was being recorded.

1. 2023 Zoning Amendments

M. Fougere reviewed the Changes to Planning & Zoning Laws in 2022: A Guide for Municipalities (copy on file).

Written Findings: Any decision, approval, or denial, must state specific findings. This went into effect on August 23, 2022.

Incentives: The incentive for work force housing will go into effect in July 2023. It states that if a town has an over 55 ordinances with density bonuses, it can automatically become a workforce housing development unless the town makes an amendment to their rules.

Age-Restricted Housing: There was a discussion about age-restricted housing. If Tower Place is passed by the Board, there will be approximately 110 age-restricted housing units in Town. C. Medeiros suggested that the Board look at the developments that have been approved in the last several years. Developers are only focused on age-restricted housing; there is a bigger need for another use. J. McDevitt noted that he has also heard the benefit of age-restricted housing is to the tax rate. B. Dion commented that if there is a new workforce housing development in Town, tax revenues will still increase but not by as much.

M. Fougere stated that there are approximately 2,000 units of housing in Greenland. B. Dion pointed out that 6.5% of residences in Town are age restricted. R. Winsor stated that at some point the demographics change and that was his concern. S. Gerome did not understand why the Board wanted to remove the age-restricted ordinance. He told the Board they should look at it in a different way: the Board determined what was put in there. Economically, workforce housing was not going to work here unless there was State assistance, funding from another source, or water and sewer.

## DRAFT: SUBJECT TO CHANGE

M. Fougere recommended that if the Age-Restricted Ordinance was not removed, it be capped. B. Dion reminded members that when they spoke with their attorney, she stated the Planning Board did not have a leg to stand on. M. Fougere clarified that Tower Place could not be denied based on the current language in the ordinance. S. Gerome stated the Planning Board decided what went on any piece of land: traditional, conservation or senior.

M. Fougere stated if the Board wanted to remove the ordinance, it would be easy to do. If the decision was to keep the ordinance and amend it to address the issues, it could be done. S. Gerome stated that nothing was by right in any zone. M. Fougere noted that elderly was allowed by Conditional Use Permit; the conditions are not spelled out. There should be specific conditions if the Board decides not to remove the ordinance, including it must access onto an arterial road. R. Winsor stated that if the density issue could be solved, it may make it easier to manage. R. Winsor questioned if the Board required a conventional plot mapped before consideration. M. Fougere responded that wetlands and topo had to be done. Layout would have to be determined viable and test pits would have to be done to get the yield. Base density of what was currently allowed was a starting point. M. Fougere clarified that an ARH development should access an arterial road. The Board preferred to name the roads, not including the State roads.

R. Winsor questioned how the Board would fit an ARH in the surrounding area with a raw number. M. Fougere responded that a range could be built in and divided by neighborhoods: in this neighborhood it will be 'X' and this neighborhood would be 'X', noting that the village is denser. S. Gerome stated that another entrance could be required beyond a certain number of units.

M. Fougere will contact the Board's attorney about the ordinance.

The process for zoning amendments was discussed. The last date to hold the first public hearing is January 06, 2023. The Board will need to have a public hearing on zoning amendments in December 2022. B. Dion noted there is a very short time period to prepare zoning amendments. B. Dion also questioned how many other zoning changes were going to be made. M. Fougere stated that the Age-Restricted Housing Ordinance was the most pressing.

Mandatory Open Space: The Board has been discussing this item for several years. Any major subdivision must be an open space subdivision (example: a 10-lot subdivision would have to be an open space subdivision; it could not be conventional). A major subdivision in Greenland is four or more lots. It was noted that this requirement does not need to be fixed. Currently, the open space conservation subdivision is an option and available to developers; this is not mandatory.

R. Winsor commented there was a nice benefit to mandatory open space: less pavement. On the other side of that, the traditional subdivision is Greenland. S. Gerome stated it should be a choice. J. McDevitt recommended leaving it as is.

Private Road to Public Roads: Nothing can be done; the former Planning Board Attorney was consulted. R. Winsor stated that the Planning Board requires any road in Town be built to standards.

Display Area Definition: See definition of Off-Site Parking Lot in Article II: Definitions (Zoning Ordinance).

Allowing Expansion of Non-Conforming Use by Special Exception at the ZBA: Currently this is a Variance. It was noted that the truck stop on Ocean Road would like to expand; it is not an allowed use. M. Fougere corrected that it is now in the Overlay District, and everything is allowed. There would have to be improvements for the truck stop to expand.

## DRAFT: SUBJECT TO CHANGE

### 2. Subdivision and Site Plan Review Regulations Update

Subdivision Regulations: There will be a public hearing on the bonding issue for Erosion Control and Site Stabilization as well as back lots.

Posting Requirements: The posting requirements in the regulations are the Town Hall and Post Office. Posting has been done at the Town Hall, Town website and Town Facebook page. The requirement is two locations. After a brief discussion, the consensus of the Board was to continue posting at the Post Office and internet. Posting does not have to be done in the paper.

Site Plan Review Regulations: A public hearing will be held for the changes to landscaping requirements.

House Bill 1021: This bill prohibits certain zoning regulations of land or structures used primarily for religious purposes. TA Sanderson informed the Board that HB 1021 was already federal law and has been since the Clinton administration. M. Fougere commented that drainage was a concern. TA Sanderson explained that federal law does not prohibit the Board from regulating any performance characters; it only deals with use. It was clarified that the use cannot be prohibited. State permits are still required.

### 3. 2023 Budget

It was recommended that by the former Town Administrator that the legal line in the Planning Budget be increased to between \$8,000 and \$10,000. R. Winsor noted it is a bottom-line budget; 34.5% of the overall Planning Board budget has been spent to date. An additional \$8,000 to \$10,000 does not need to be added to the budget. TA Sanderson requested the Board be fiscally responsible.

Legal: \$8,000; Supplies: \$800; Postage: \$500; Planner: \$22,300; Advertising - Planning: \$1,200; Advertising – Zoning: \$1; Consultants - \$5,000

MOTION: R. Winsor moved to adjust the 2023 Planning Board budget as noted. Second – B. Dion; all in favor. MOTION CARRIED

### 4. Approval of Minutes

MOTION: R. Winsor moved to approve the minutes of Thursday, September 15, 2022, as presented. Second – C. Medeiros; five in favor, two abstained (B. Dion, S. Gerome). MOTION CARRIED

### 5. Consent Agenda

- Town Budget - Donahue, Tucker & Ciandella: **\$277.50** (Rolling Green)
- PB Escrow Account – Truslow Resource Consulting: **\$1,680** (Tower Place)
- Town Budget – Fougere Planning and Development: **\$1,024.45**
- PB Escrow Account – Fougere Planning and Development: **\$605** (Tower Place, Little Tree)

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

## DRAFT: SUBJECT TO CHANGE

### 1. Topics for the Public Hearing: Thursday, October 20, 2022

The following applications have been continued from the meeting on Thursday 09.15.2022:

- Tower Place
- 529 Portsmouth Avenue (Jeff Apsey; corner of Portsmouth Avenue and Cemetery Lane)
- 480 Breakfast Hill Road (Seacoast Family Promise expansion)
- 69 Tide Mill Road (Montessori School)

New applications:

- Preliminary Conceptual: 670 Bayside Road (Robin & John Weeks – subdivide single house lot on a private road)
- Preliminary Conceptual: 64 Breakfast Hill Road (Rolling Green – expansion w/increased parking)

The Preliminary Conceptual applications will be heard first.

### 2. Other Business

CIP - Roads: TA Sanderson would like to identify roads to be paved three years out in the Capital Improvement Plan. That will give the administration time solve any issues with rights-of-way and utilities.

CIP – Bond: The primary construction School bond is paid. Bonding capacity is now available. There has been discussion about a fire station and should be considered for the CIP. TA Sanderson noted there have been many ideas discussed. None of the ideas will be inexpensive or easy. A fire engine will need to be replaced in 2025 and should be ordered two years in advance.

Selectmen's Ordinance: TA Sanderson added that in places where work is done, there should be an ordinance to implement strong penalties to utilities and others that tear up roads that have just been repaved. To be done in conjunction with the Planning Board so the regulations are identical.

RPC and TAC Meetings: There have been questions about Greenland's attendance at RPC meetings. S. Gerrato stated that he has been attending the RPC meetings but not TAC (Technical Advisory Committee) meetings. TAC meetings are once a month at 9:00 a.m. in Exeter. R. Winsor commented it would be in Greenland's best interest to have a representative on TAC and one at RPC. S. Gerrato would like to step down. RPC meetings are normally held at the Stratham Town Hall, Bunker Hill Avenue, at 6:30 p.m. Someone is needed to attend the TAC meetings.

CMAQ: S. Gerrato stated there is \$30 million available through CMAQ (Congestion, Mitigation, Air Quality). He suggested funding be used towards the bridge on Rt. 33. There is \$125,000 for engineering studies on the bridge.

### 3. Adjournment

MOTION: R. Winsor moved to adjourn at 7:43 p.m. Second – S. Gerome; all in favor. MOTION CARRIED

#### NEXT MEETING

Thursday, October 20, 2022 – 6:30 p.m., Town Hall Conference Room

Submitted By: Charlotte Hussey, Administrative Assistant