



**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**

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Thursday, February 16, 2023 – 6:30 p.m. – Town Hall Conference Room

Members Present: Bob Dion, Stu Gerome, John McDevitt, David Moore, Richard Winsor (Selectmen's Rep), Phil Dion (Alternate)

Members Absent: Steve Gerrato, Catie Medeiros, Frank Catapano (Alternate)

Staff Present: Mark Fougere

Also Present: Paul Sanderson, Town Administrator

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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

There were no 'Projects of Regional Impact' to discuss.

2. **Continued Public Hearing**

Site Plan Review

64 Breakfast Hill Road (R7, 45 & 46: Residential District)

Owners/Applicants: Richard and Elizabeth Simpson, Rolling Green Nursery

The owners/applicants propose to construct a new 4,400 square foot store and 48-foot x 72-foot conservatory. Parking will be consolidated and improved with a gravel parking lot. Four greenhouses will be removed at the rear of the property as well as a greenhouse and garage on the front portion of the property. A new driveway is proposed to serve the existing house at the site entrance.

Bruce Scamman, Emanuel Engineering and James Verra and Associates, and representing Rolling Green Nursery, LLC, addressed the Board. Also present were Richard and Elizabeth Simpson, owners/applicants. B. Scamman noted the location of Rolling Green Nursery as well as the fact that the nursery has been there for several decades. The owner/applicants would like to expand the nursery.

Altus Engineering has done a draft review (copy on file). The recent email (copy on file) from Altus Engineering had a few concerns. Also included in the Board packet were 11 waivers (copies on file). Altus Engineering suggested submitting waivers because their project was unique due to the agricultural background of the project. B. Scamman briefly reviewed the waivers.

Waiver #1 - HISS Mapping: The site is all sand and in the Aquifer Protection District. There are no wetlands on site.

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Waiver #2 – Test Pits: Two residences are on site as well as one existing business. All have operating leach fields. Septic calculations have been submitted to Altus Engineering. M. Fougere noted the existing system is large enough to handle the larger building. B. Scamman stated the usage of the original system was designed for 340 gallons per day; the system was designed for 740 gallons per day. The State has reduced the requirements for employees. The existing system is more than adequate for the proposed addition.

Waiver #3 – Wetlands: There are no wetlands on site.

Waiver #4 - Trees Over 6 inches in Caliper: They are not proposing a survey on every tree. This is a heavily landscaped site. Altus Engineering agreed the product is landscaping. A few trees may need to be cut to realign the driveway.

Waiver #5 – Structures within 200-feet of the Site: There are possibly two structures within 200-feet. None of the abutters have come forward with concerns.

Waiver #6 – Buffer Strips: M. Fougere disagreed with Altus Engineering on this waiver. Structures have been there for over 20 years. New structures are not proposed in the buffer. M. Fougere did not see a need for this waiver. B. Scamman clarified the concern was down the center of the property. Nothing is being proposed in the buffer zone. M. Fougere noted it was basically a backlot with no frontage acting in concert with the operation.

Waiver #7 – Landscaping and Screening: The site is a nursery; landscaping on site is vital for business.

Waiver #8 – Landscaping Bond: Altus Engineering recommended a restoration bond be established rather than a landscape bond.

Waiver #9 – Lighting: Since they met with Altus Engineering, three light poles have been added. They are concerned with lighting from late November through February. There is lighting around the site; they are proposing lighting around the building and the new conservatory. Specific hours of operation have been added to the plan: 8 am to 6 pm, Monday through Saturday; 10 am to 4 pm on Sunday. Also added to the plan: agricultural processes may be done outside of operation hours. Cut sheets have been submitted. Lights are downward facing, dark sky compliant fixtures. They do not want to light the entire parking lot at this time.

Waiver #10 – Parking: The site is basically gravel. A row of paved parking has been proposed along the building and will be a more level 'landing' spot. Rather than piling snow on the grass, snow will be put in the last rows of parking in the winter because there will be less traffic. Because the pitch in the road will be leveled down, the water will be dropped further onto the site and continue flowing to the corner (pointed out on the plan by B. Scamman).

Waiver #11 – Stormwater Management Report and Plans: B. Scamman has worked with Altus Engineering on stormwater. There will be a stormwater system underneath the gravel parking lot. They are meeting the basic regulations. They have taken a pro-active role and the soil is very sandy. Water is flowing back into the aquifer and water is being kept on site. Their analysis indicates that there will be a reduction in stormwater.

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R. Winsor questioned if it was keyed to the plan that the lights were going to be on during the hours of operation. B. Scamman responded notes could be added. Lights would be on for employees entering the building before operational hours; security lighting should always be on, and the overall lighting can be turned off. R. Simpson added that there is a security light at the delivery door outside the greenhouse adjacent to I-95. R. Winsor stated they are doing what the Board wanted to see done. He would like to see a note regarding 'security lighting on after hours of operation' keyed to the plan.

Architectural elevations were submitted to Altus Engineering. The existing greenhouse will be mirrored in a slightly smaller format. It will be a single bay conservatory with a single roof peak. B. Scamman reviewed the proposed greenhouse/conservatory pictures/drawings given to the Board (copy on file). They are working with DOT on the driveway permit.

S. Gerome: Biggest issue was 11 waivers and he was concerned about a precedent. S. Gerome did not have an issue with the waivers but stated there needed to be more documentation. B. Scamman responded that the uniqueness of the site was that it was an agricultural operation and not commercial. The Site Plan Regulations are written for commercial projects, and it is a consistent theme for Planning Board's. The agricultural uniqueness of the site is the overriding factor on many of the requested waivers.

R. Winsor: Did not think there was an objection to the waivers. He requested more in-depth explanations on each of the waivers. J. McDevitt: Also requested more in-depth explanations on the waivers. B. Scamman stated that he had addressed each waiver. S. Gerome stated the Board preferred the lighting that was submitted. M. Fougere recommended the Board review, discuss, and decide on each waiver. R. Winsor preferred not to discuss the waivers until they were ready to approve the project.

B. Scamman noted there were only five comments on the latest email from Altus Engineering. Referring to Altus Engineering's letter of February 02, 2023, R. Winsor questioned if items had been cleared by Altus Engineering to move forward. M. Fougere stated he had spoken to Altus Engineering; there were no outstanding issues they were concerned about. Altus Engineering did want to review the updated plan; concerns were in the email dated February 15, 2023 (copy on file). B. Scamman noted they had submitted a letter to Altus Engineering (dated February 08, 2023; copy on file) addressing their concerns. B. Scamman clarified that their responses were in ***bold italics*** below comments from Altus Engineering.

B. Dion: In the response to Altus Engineering's letter of February 02, 2023, there were quite a number of recommended conditions to be included in the approval. M. Fougere stated those would be looked at when he and Altus Engineering reviewed the final plan.

J. McDevitt: Questioned the site restoration bond. B. Scamman responded they will work with the Board and a bond will be in place for construction.

S. Gerome: Referring to the Altus Engineering email of February 15, 2023, recommended the Board wait for their formal review of the revised plan.

M. Fougere summarized that a clean letter from Altus Engineering was needed. He will work with B. Scamman to provide more detail on the waivers. M. Fougere, Altus Engineering and B. Scamman will discuss an amount for the site restoration bond. B. Scamman requested that the bond be put in place

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when the permit is submitted; the Board agreed with the request. Drinking water supply and DOT permits also needed to be received.

S. Gerome: Referred to Item 11 on Altus Engineering's review dated February 02, 2023, regarding fertilizer and the spill prevention and clean up plan, and questioned if storage requirements were being met. M. Fougere responded that the Fire Department would review the specific requirements when they submitted a building permit. R. Simpson stated that any fertilizer on site is kept in dry storage; they only use fertilizer on four acres. The fertilizer sold on site is stored in 5-pound bags and kept on a shelf; there is not much back stock. There is water-soluble fertilizer sold in sealed containers. Organic fertilizer is in a sealed plastic bag and in dry storage. R. Winsor asked if there was a NHDES best practice requirement for fertilizer storage. He wanted the best practice standard for fertilizer storage keyed to the plan.

MOTION: R. Winsor moved to continue the Site Plan review for 64 Breakfast Hill Road to the public hearing on Thursday, March 16, 2023. Second – B. Dion; all in favor. MOTION CARRIED

S. Gerome asked if they would be ready to come back to the Board on Thursday, March 02<sup>nd</sup>, rather than March 16<sup>th</sup>. The Board agreed if Altus Engineering could have a review by March 02<sup>nd</sup>, they would move Rolling Green to the work session.

AMENDED MOTION: R. Winsor moved to continue the Site Plan review for 64 Breakfast Hill Road to the work session on Thursday, March 02, 2023. Second – J. McDevitt; all in favor. MOTION CARRIED

### 3. Approval of Minutes

MOTION: R. Winsor moved to approve the minutes of Thursday, February 02, 2023. Second – J. McDevitt; five in favor, one abstained (P. Dion). MOTION CARRIED

### 4. Consent Agenda: Approval of Invoices

There were no items on the Consent Agenda.

### 5. Other Business

M. Fougere noted that Attorney Bedard filed suit against Newington (Sig Sauer case). M. Fougere attended a ZOOM meeting with Portsmouth TAC for the 200,000 square foot project on Pease (80 Rochester Avenue). He told the committee Greenland's concern about traffic, intersection failure that would require \$3 million to \$5 million to fix, and that the Board of Selectmen authorized Greenland's consultant to review the traffic study, which was peer reviewed by the City of Portsmouth. M. Fougere has contacted Vanasse and Associates. Once the agreement has been signed by the Town Administrator, Vanasse and Associates will review the traffic study.

J. McDevitt thanked S. Gerome and R. Winsor for the number of years they have served on the Boards.

### 6. Topics for Work Session: Thursday, March 02, 2023

Public Hearing (64 Breakfast Hill Road) and work session.

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### 7. Adjournment

MOTION: R. Winsor moved to adjourn at 7:16 p.m. Second – J. McDevitt; all in favor. MOTION CARRIED

NEXT MEETING
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Thursday, March 02, 2023 – 6:30 p.m., Town Hall Conference Room

Submitted By: Charlotte Hussey, Administrative Assistant