



PLANNING BOARD
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MINUTES OF THE PLANNING BOARD

Thursday, April 20, 2023 – 6:30 p.m. – Town Hall Conference Room

Members Present: Bob Dion, Steve Gerrato, John McDevitt, Catie Medeiros, Stephan Toth, Steve Smith (Selectmen’s Rep), Phil Dion (Alternate)

Members Absent: Stu Gerome, David Moore, Richard Winsor

Staff Absent: Mark Fougere

B. Dion opened the Planning Board public hearing at 6:30 pm. 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. Subdivision of Land (Map R14, 18: Residential Zone)

678 Bayside Road

Owners/Applicants: John W. Weeks, Robert E. Weeks, Lisa M. Holden

The owners and applicants propose to subdivide a 23.4-acre lot into two lots. One lot will be a residential house lot of 1.55 acres with frontage on a private road; the remaining lot will be approximately 21.8 acres.

John Weeks, one of the owners, addressed the Board; also present was Robin Weeks. They were before the Board in October 2022 as a Preliminary Conceptual. The owners and applicants were proposing to subdivide a 1.55-acre lot with frontage. The remaining lot will be approximately 21.8 acres.

J. Weeks noted the location of the private road. There will be an easement for the large lot. The frontage on the private road will be 232 feet. J. Weeks, responding to B. Dion’s questions, pointed out the location of the private road which starts at the end of Bayside Road.

MOTION: S. Smith moved to accept the application for the Subdivision of Land, 678 Bayside Road (Map R14, 18: Residential Zone), as complete. Second – S. Gerrato; all in favor. MOTION CARRIED

In reviewing the waivers, J. Weeks stated there is no further development planned for the remainder of the parcel (21.8 acres). Frontage was also discussed. R. Weeks noted they would not have the frontage for the large lot on the public road because the road ends. There will be an easement from the end of the road and the private road will be used as access to the subdivided lot.

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B. Dion opened the meeting to public comment. Tom Brackett, Brackett Point: Has been neighbors with the Weeks for generations and supported the subdivision so it would continue on for the next generation. Alison Brackett, Brackett Point: Agreed with T. Brackett.

R. Bunnell, 2 McIntosh Way and Selectman: Was looking for clarification on the required acreage to build a single-family home and how long it has been in place. B. Dion responded it was 60,000 square feet (1.38 acres). Members of the Board stated it has been a requirement for many years. R. Bunnell was also interested in the Planning Board's thoughts on development. There have been a number of developments off Rt. 33. He wanted clarity on the future of Greenland: was Greenland going to be an open land community or Lincoln Avenue in Portsmouth. It was nice to have open acres and the conservation land. R. Bunnell also questioned who would be responsible for plowing the private road. J. McDevitt recommended that R. Bunnell attend the work session on Thursday, May 04th as well as look at the Master Plan. B. Dion added the Planning Board would abide by the Ordinance. Changes to the Ordinance would have to be voted on by the residents.

There being no further comments, B. Dion closed the public hearing and returned to the Board.

MOTION: J. McDevitt moved to grant the waiver request from **Subdivision Regulations** Section IV – General Principles and Design and Construction Standards for Subdivisions, Section 4.4 – Design Standards, Subsection 4.4.1.1 – Conditional Use Permit, 'Item A, Number 2' which requires that prior to the subdivision, the existing lot shall have a minimum of 220 feet of frontage. Second – S. Toth; all in favor. MOTION CARRIED

MOTION: J. McDevitt moved to grant the waiver request from **Subdivision Regulations** Section III – Data Required for Submission of a Subdivision, Section 3.3 – Required Exhibits, Subsection 3.3.1 – Existing Conditions Plan, which requires general information to be provided on the site, its existing conditions and to provide the base data from which the subdivision will be designed. Second – S. Smith; all in favor. MOTION CARRIED

MOTION: J. McDevitt moved to approve the Subdivision of Land for 678 Bayside Road (R14, 18: Residential District), according to the plan submitted by Millennium Engineering, Inc., dated March 01, 2023, Project E222979, with the following conditions: a signed access/utility/maintenance easement document submitted and recorded with the plan; NHDES subdivision approval shall be obtained prior to recording; all lot pins shall be set prior to plan recording; all approved waivers must be on the plan; a digital file with three hard copies of the plan and recording mylar must be submitted. This plan is consistent with the Town's Site Plan Regulations and Zoning Ordinance. Second – S. Gerrato; all in favor. MOTION CARRIED

3. Subdivision of Land (Map R11, 13: Residential Zone)
25 Dearborn Road
Owner/Applicant: Chong-Ye Arnold, Greenland United Methodist Church
The owner/applicant proposes to subdivide 12.46-acres into 3 residential lots, creating 4 lots which includes the existing church. Lots will be served by on-site wells and septic systems. One existing driveway will be removed, and two new driveways will be added.

Paige Libbey, Jones and Beach Engineers, addressed the Board on behalf of Greenland United Methodist Church. Also present was Chone-Ye Arnold, owner and applicant representing the Church. They were before the Board in February 2022 with a Minor Amended Site Plan Review, which was granted to allow a parsonage on the property. The application before the Board was to subdivide the property into four

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lots, which includes the existing church. The three additional lots will be residential and over 60,000 square feet and meet zoning. Two lots will be north of the church; one lot will be adjacent to Rt. 33 and on the corner of Dearborn Road.

P. Libbey noted there was a condition on the 1993 site plan: The land area bounded by the western property line of Foss Brook, Great Bay Road, and Route 33 shall be restricted from further development except for agricultural purposes and the construction of unoccupied structures such as play structures or garden sheds. She reminded the Board it was discussed briefly when they were before them for the parsonage in February 2022. They are requesting that condition be removed.

All sites will be serviced by on-site wells and septic. Test pits have been done. Dearborn Road is a State road and will require State driveway permits. The upper two properties will have a shared driveway. DOT has told them that three driveways are allowed on the property. If the third lot is allowed, one of the driveways for the church will be eliminated.

MOTION: J. McDevitt moved to accept the application for Subdivision of Land, 25 Dearborn Road (Map R11, 13: Residential Zone), as complete. Second – S. Toth; all in favor. MOTION CARRIED

P. Libbey, responding to S. Toth, stated they did not know the size of the houses at this time. S. Gerrato commented that the plan was too busy. P. Libbey, responding to J. McDevitt, stated that the parsonage was still planned; that project was put on hold due to the cost of materials. They would like to subdivide the land and sell the lots. State driveway permits will be submitted shortly. S. Smith clarified that there would be four curb cuts on Dearborn Road. It was noted that the narrow driveway would be eliminated.

B. Dion noted that in February 2022, S. Smith clarified that there were two separate issues. S. Smith stated there was an issue with the wetland buffers: one of the best water supplies on that side of Town was the dry hydrant. Another issue was open space: a front lot on Rt. 33 would reduce the open space.

Discussing the dry hydrant, S. Smith stated that there have been issues before, including a beaver dam that flooded Dearborn Road. The spring-fed pond is very significant for the dry hydrant. S. Smith was unsure how the dry hydrant would be impacted with a development. B. Dion requested that P. Libbey research the possibility of the dry hydrant being drained due to a development. P. Libbey will check this concern. S. Gerrato requested that the septic be high enough because of the water source in that area. Open space calculations were included in the plan set. Open space was 80%.

P. Libbey, responding to C. Medeiros' question about moving the sign on the front of the property, stated the sign will remain but there will be an easement for access from the road.

B. Dion opened the hearing to public comment. Brian Button, 1 McIntosh Way: P. Libbey stated that parsonage was approved last year and was planned in the future. It is not a new lot and will stay on the church lot.

R. Bunnell questioned the restriction from the approval in 1997. P. Libbey read it into the record: the 1997 Site Plan Condition of Approval for 25 Dearborn Road reads: The land area bounded by the western property line of Foss Brook, Great Bay Road, and Route 33 shall be restricted from further development except for agricultural purposes and the construction of unoccupied structures such as play structures or garden sheds. R. Bunnell noted that Chief Cresta has mentioned the same concerns as S. Smith. R. Bunnell noted that Greenland has a severe water problem. He was concerned that any lots in that area would be an additional burden on the water. There are many accidents at the intersection

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of Rt. 33 and Dearborn Road. R. Bunnell also mentioned the flooding in that area. He is also concerned about his well. B. Dion clarified that the driveway for the lower lot is on Dearborn Road, not Rt. 33. The State will begin road work on Rt. 33 on May 03rd.

Angela Button, 1 McIntosh Way: Was concerned about the driveway location for the lower lot on Dearborn Road, noting there were more than six cars waiting at that intersection in the morning. S. Smith noted the State would have an issue with the length: they would not want cars queued at that intersection. S. Smith noted that the front lot would be an issue especially when they decrease the shoulders, explaining that the shoulders will be narrower in order to add a center turn lane from Winnicut Road to Stratham Hill Park. There will be shoulder issues.

J. McDevitt stated that he wanted more clarity regarding State approval of the lower lot before moving forward. He asked if the Board was interested in a hydrogeologic study. S. Smith responded 'no'; the lower lands are wet, and the biggest issue was the front lot. Board members did not have a problem with the two back lots but had concerns with the front parcel. S. Toth was also concerned about how big the lot would be and how far back off the road.

Amy Bunnell, 2 McIntosh Way: P. Libbey responded to her question that the homes would be single family. The lots would be sold, and the buyer would be able to choose their house footprint. A. Bunnell was totally against the house on Rt. 33; there was a reason the land was protected from the brook to Rt. 33. J. McDevitt stated that the Planning Board would have to revise the agreement. The Board would listen to the public's opinion before making the decision.

There being no further comments, B. Dion closed the public hearing and returned to the Board. S. Toth stated he would not have a problem accepting the proposal with the upper lots. The single lot on Rt. 33 gave him pause. S. Gerrato stated there was a lot happening on the parcel on Rt. 33; he preferred not to see a house lot. P. Libbey clarified that it was the consensus of the Board that there not be a lot off Rt. 33. S. Smith noted the project would go through much easier without that lot. P. Libbey noted that the two issues would be traffic and looking into hydrogeologic (how the wells would affect the dry hydrant).

MOTION: S. Toth moved to continue the Subdivision of Land for 25 Dearborn Road (Map R11, 13) to the public hearing on Thursday, May 18, 2023. Second – S. Gerrato; all in favor. MOTION CARRIED

4. Conditional Use Permit

A126 and S153 Shared Utility Right-of-Way, Access from Moulton Avenue

Owner/Applicant: Kurt Nelson for PSNH dba Eversource

Routine maintenance work will be conducted on transmission lines involving utility structure replacement with new weathered steel structures. Timber matting will be utilized across wetlands and streams while avoiding permanent resource impacts. Timber mats will be placed around the base of structures where work pads intersect wetland buffers and will not be in place longer than one growing season.

MOTION: J. McDevitt moved to accept the application for the A126 and S153 Shared Utility Right-of-Way, as complete. Second – S. Smith; all in favor. MOTION CARRIED

Matt Cardin, Eversource Project Manager, addressed the Board regarding the A126/S153 structure replacement project. The environmental and permitting representatives were not available. It is an existing 115 kilovolt electric utility line, running from the Ocean Road sub-station in Greenland, west

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into Brentwood or the Great Bay sub-station. In Greenland the lines are parallel in existing transmission rights-of-way.

They are requesting a Conditional Use Permit due to temporary impacts on the wetlands and the Town's wetland buffer. The square footage of the impacted area was not available. The project will be located off Moulton Avenue in the utility right-of-way (north of the Golf Club of New England), heading west toward Union Road (Stratham). In Greenland, 14 structures will be replaced; there will be a total of 34 structures replaced for the entire project. The existing structures are wood and based on engineering reports, have met their serviceable life. They will be replaced with a light duty steel.

Impacts to the wetlands will be temporary. Timber mats will be used as the primary best management practice, reducing the wetlands impact. All access roads and work pads are in wetlands and wetland buffers and will be built from timber mats (4 feet x 16 feet wide). They provide the workers with a safe working platform while doing the structure replacements. The timber mats will be removed when the work is finished, cleaned on site, loaded onto a logging truck, and hauled to the next project. Vegetation will 'bounce back' the next growing season.

The project is scheduled to start in late May establishing the access road and work pads; the line outage is scheduled during the first week in June. The linework for all 34 structures will continue for a month. Contractors have been hired to complete the work within the time frame. Environmental permitting is in process: NHDES Wetlands Permit, Uplands Ground Disturbance Permit through the Alteration of Terrain Bureau, National Heritage Bureau and NH Fish and Game.

M. Cardin reviewed the project, indicating the starting point on Moulton Avenue. They will be replacing the poles between Moulton Avenue and Union Road in Stratham. The plans (copy on file) reviewed with the Board showed the access road on Moulton Avenue and the location of their work pads. A few structures were replaced several years ago with weathered steel poles. C. Medeiros questioned why poles were not replaced at the same time. M. Cardin responded that as a public utility they have to package projects that are defensible towards an audit and on a needs basis. The poles are inspected every two to three years and they age differently (woodpeckers are a common problem with poles). As a utility they are required to do inspections and evaluate each pole/asset and identify the need for replacement. Line outage was also a consideration. The grid can only handle a certain amount of outage at one time.

J. McDevitt: What type of equipment would be accessing the site from Moulton Avenue and how long will the project last? M. Cardin stated that it will start mid-May and be completed mid to late July. Equipment: bucket trucks similar to the Eversource bucket trucks, excavators, walking trucks carrying the mats, and drill rig. J. McDevitt asked if they planned to document the condition of Moulton Avenue prior to work starting. He continued that any damage should not be the responsibility of the Town. He wanted the condition of Moulton Avenue to be documented prior to and after the project.

S. Smith: Noted that the Town was looking to repave a portion of Moulton Avenue this summer. He wanted clarity of the road condition before work starts. The road is not weight posted. M. Cardin pointed out that someone was doing land clearing on the other side of Moulton Avenue. M. Cardin added that they document the pavement; the biggest issues are where they are unloading and loading equipment. They will put down poly mats to protect the pavement. S. Smith warned that there is a horrendous corner going from Post Road down Moulton Avenue. He suggested they have a detail officer at that corner.

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J. McDevitt: Questioned if they had a deconstruction plan for the road they will have to construct to access the poles. M. Cardin responded that in the upland areas they ensure there are no ruts. If there are ruts, they will smooth them out, and seed and mulch the affected areas. Signs will be posted and flaggers or a police detail will be present in high traffic areas.

S. Smith: Questioned the hours of operations due to school buses. M. Cardin stated typical hours are 7:00 am until 5:00 pm or 6:00 pm. He expects them to push the project as much as possible due to the tight time frame. They will work Saturday or Sunday if needed.

S. Gerrato: Confirmed the poles were steel and asked if they had removed any that had been installed. M. Cardin noted it was a lightweight steel that is weathered (pre-rusted). The bottom section is hydrostatically sealed. The section in the ground has a mastic around it.

B. Dion opened the hearing to public comments. Jack Colliton, 45 Moulton Avenue: M. Cardin, responding to J. Colliton's question, stated that the structures will be 'more or less' in the same location as the existing poles; they shift within 10 feet to 20 feet. There is a line moving 50 feet closer to the road. Tree work will not be widened as part of this project.

Cynthia Armstrong, 136 Bayside Road: Described that type of steel (Core-10) that may be used. There was a discussion about using mastic on the poles. M. Cardin noted there will be inspection reps on the ground.

Robin Hughes, 115 Tuttle Lane: Noted that there were wooden poles going across his 118 acres. His land is under an easement with the Society for Protection of New Hampshire Forests. Have they been contacted? M. Cardin stated the property owner is notified but not outside easement holders. It was clarified that there were distribution lines on R. Hughes property and those were not being worked on at this time.

There being no further comments, B. Dion closed the public hearing and returned to the Board.

J. McDevitt: Asked if there was a response to the letter from NHDES dated April 11, 2023 (copy on file) regarding the incomplete Utility Maintenance Statutory Permit-by-Notification (RSA 482-A). M. Cardin stated that VHB, their environmental consultant, was unavailable for this meeting. He stated that they would not start the work if they were not in compliance. He will follow up with VHB.

MOTION: S. Toth moved to approve the Conditional Use Permit for the A126 and S153 Shared Utility Right-of-Way with access from Moulton Avenue, according to the plan submitted by VHB, dated March 2023, with the following conditions: the incomplete Utility Maintenance Statutory Permit-by-Notification be completed before construction begins; all NHDES requirements are met; the condition of Moulton Avenue be documented before work starts and after work is complete; a traffic officer be in place during work hours. This is consistent with the Town's Site Plan Regulations and Zoning Ordinance. Second – S. Gerrato; all in favor. MOTION CARRIED

5. Approval of Minutes

MOTION: J. McDevitt moved to approve the minutes of Thursday, March 16, 2023. Second – C. Medeiros; five in favor, two abstained (S. Gerrato, P. Dion). MOTION CARRIED

MOTION: C. Medeiros moved to approve the minutes of Thursday, April 06, 2023. Second – P. Dion; four in favor, three abstained (S. Gerrato, J. McDevitt, S. Smith). MOTION CARRIED

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6. Consent Agenda: Approval of Invoices

There were no items on the Consent Agenda.

7. Other Business

R. Winsor, Chief Laurent, and a representative from Vanasse and Associates were at the Portsmouth Planning Board Public Hearing. J. McDevitt requested that R. Winsor attend the work session to update the Board. B. Dion noted that the Portsmouth Planning Board meeting was to discuss a different property on Pease. R. Winsor was representing Greenland at that meeting.

S. Toth corrected a statement he made at a previous Planning Board meeting: there were more staff than students at Greenland Central School. He clarified that he should have said 'there were more staff than students in certain classes in Greenland Central School'. He continued that according to the Department of Education, the student to teacher ratio in Greenland was approximately 9.75, the New Hampshire State level is 11:1, and the national average is 15:1. Greenland has a very low student to teacher ratio.

S. Smith stated that the Board of Selectmen will be forming a committee to investigate the future plans for the Fire Department. There should be a representative from the Planning Board on the committee. S. Smith will be on the committee. S. Gerrato stated many people are not in favor of a new fire station. There are problems: where it would be located and how it would be built. S. Gerrato recommended comparing the cost of the fire station and the cost of an addition vs. how much Portsmouth would charge to handle calls. S. Toth stated for the record that he was against outsourcing the Fire Department: response times would increase for emergencies. Portsmouth has the rights to Greenland water, etc. Further discussion was continued to the work session.

Road Improvements: Have been started. The road repair and culvert replacement has been done at Maple Drive and Sunnyside Drive. S. Smith stated the water line on Portsmouth Avenue and Tide Mill Road to the new Montessori School (across Rt. 33) would be upgraded.

PDA: S. Smith asked the Board if they would like Susan Parker, Greenland/Newington PDA Representative, to attend the work session to provide any updates. It was noted that she does drop off a PDA packet prior to PDA meetings.

8. Topics for Work Session: Thursday, May 04, 2023

Topics were not discussed.

9. Adjournment

MOTION: C. Medeiros moved to adjourn at 8:12 p.m. Second – J. McDevitt; all in favor. MOTION CARRIED

NEXT MEETING

Thursday, May 04, 2023 – 6:30 p.m., Town Hall Conference Room

Submitted By: Charlotte Hussey, Administrative Assistant