



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

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

Members Present: Steve Gerrato, John McDevitt, Stephan Toth, Catie Medeiros, Bob Dion, Steve Smith (Board of Selectmen's Rep)

Members Absent: David Moore, Richard Winsor (Alternate), Stu Gerome (Alternate), Phil Dion (Alternate)

Staff Present: Mark Fougere

Also Present: Paul Sanderson – Town Administrator; Vaughan Morgan – Vice Chairman, Board of Selectmen

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B. Dion opened the Planning Board meeting at 6:30 p.m. He announced a quorum was present and the meeting was being recorded.

1. Portsmouth Planning Board Meeting Update

MOTION: J. McDevitt moved to discuss the Portsmouth Planning Board meeting as the first item on the agenda. Second – S. Gerrato; all in favor. MOTION CARRIED

S. Smith, addressing the Portsmouth Planning Board meeting from the Selectmen's perspective, referred to the letters from the Portsmouth Planning Board stating their approvals of the project at 80 Rochester Avenue; copies were given to the Board (copy on file). S. Smith stated that many of the issues were traffic and were addressed by the City of Portsmouth. He reviewed the approvals with the Board.

B. Dion clarified that the Portsmouth Planning Board has requested the PDA conduct an overall traffic analysis for Pease over the next five to ten years. S. Smith stated that the PDA is a legislative body. TA Sanderson added that the PDA is a State agency. A municipality cannot compel a State agency to take action. TA Sanderson continued that by the conditions in the approvals, it appeared that the presentation made at the meeting resonated with the Portsmouth Planning Board. He felt the decisions were a success for Greenland: for the first time, there are now site plan conditions and material progress had been made. The State agency will not ignore the host community. TA Sanderson added: kudos on making a good presentation; at least citizens of Portsmouth listened and added site plan conditions when they were not compelled to do so.

J. McDevitt: If the PDA is not compelled to comply with the site plan conditions, why do they go before the Board? He noted they were before the Technical Advisory Board for six months. They have authority on the base otherwise they would not be going before the Portsmouth Planning Board. J. McDevitt watched the meeting and stated Board members were absolutely uninformed of their responsibilities of the regulatory oversight of Pease. They need to educate themselves. There is some power there because they set conditions on the site plan and subdivision approvals. J. McDevitt noted

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there were no specifics; TA Sanderson stated it was creating data Greenland does not have and no means of obtaining other than through the conditions. J. McDevitt responded that Greenland has data from Vanasse Associates and the traffic study done for the Greenland Planning Board. TA Sanderson stated Portsmouth could ignore Vanasse because they come in as an advocate. J. McDevitt stated there needed to be pressure on the PDA and the City of Portsmouth. R. Winsor made an eloquent presentation to the Portsmouth Planning Board, and they basically ignored him, stating they had no idea what their authority and scope was.

TA Sanderson asked J. McDevitt what the Portsmouth Planning Board should have done beyond those conditions. J. McDevitt responded that he would ask them to address the Vanasse Associates study and the factual evidence, which they did not. J. McDevitt referred to the Site Plan approval and conditions:

- 2.2) Truck deliveries: trucks can still use Rt. 33, which will increase traffic.
- 2.3) Rt. 33 traffic, towards Greenland, taking into account the TA Truck Stop: how and when are they looking at that. They do not address the employees working on Pease coming through Exeter and Stratham down Rt. 33.
- 2.4) Request PDA conduct an overall analysis for the next 5-10 years: there is no referral to the actual road being used.

J. McDevitt: If the approvals are to be taken as a win, he wanted a lot more clarity and specificity on the actual meaning. He disagreed with TA Sanderson and felt Greenland was 'thrown a very small bone'. TA Sanderson questioned if J. McDevitt felt it should be appealed to the Superior Court. J. McDevitt advocated the decision be appealed. The Board would be 'spitting into the wind' if they sat back and hoped that the PDA and Portsmouth address Greenland's concerns.

TA Sanderson questioned what the Board would ask the Superior Court judge to do if an appeal was filed in Superior Court. J. McDevitt: review what the Town has. M. Fougere stated he would advocate that it was premature. Off-site access is inadequate. Their traffic study highlights the number of on-site intersections in failure at Pease today.

Noting that he could see which way the Selectmen would lean, J. McDevitt clarified that the Planning Board could make a recommendation to the Board of Selectmen and asked TA Sanderson why he was against taking this further. TA Sanderson responded that he believed if it went to Superior Court, a judge would most likely, if they even felt the argument had merit, remand it back to the Portsmouth Planning Board for a rehearing. The Town's arguments had been made and were in the record; Greenland would be advocating for more specific site conditions. John McDevitt: if the Town went back to the Portsmouth Planning Board, they would ignore our concerns.

J. McDevitt asked TA Sanderson what leverage the Town had. TA Sanderson did not think Portsmouth ignored Greenland but agreed they were not as specific as they should have been. He continued that the point had been made and it was in the record. TA Sanderson did not think a Superior Court judge would do anything more, even if they were convinced the Town was correct. The judge could also decide Greenland had no standing and dismiss the case.

S. Gerrato asked J. McDevitt what he was looking for. J. McDevitt explained he wanted more specificity and Rt. 33 addressed. M. Fougere stated the Winnicut River Bridge was the lynch pin. C. Medeiros suggested some of the impact fees from developers on Pease be used for infrastructure. S. Toth stated Greenland should 'take the win' and build a relationship. There is a sympathetic Board in Portsmouth and Greenland could work with that. It is a good steppingstone but not perfect. He did not think

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Greenland should go to court again and spend more money on legal fees to get another small sentence added on the conditions. S. Toth did not think it was worth it; the Greenland Planning Board can make better use of its time than relitigating this issue.

J. McDevitt asked members if they believed this was a win even though there was no specificity and was very vague. Greenland would just be paying an attorney who would be representing the Town's interests with the possibility Greenland could get something out of it. J. McDevitt continued that nothing would happen on Rt. 33 unless the Board really started pushing. There was evidence in Vanasse's traffic study that it needs to be done. The hope that Portsmouth and the PDA would listen to Greenland was a false hope.

B. Dion noted that the Vanasse traffic study was time-dated and would become obsolete. He was concerned about Item 2.4 on the Site Plan Approval. Greenland would not see that report. He agreed with J. McDevitt that they have not given Greenland anything. S. Toth stated that it may not be much, but something was better than nothing. The Board should take the small win; there were other avenues to have this addressed. He did not think more legal fees and combative actions against Portsmouth would be in the Town's best interest.

B. Dion questioned what other leverage the Town may have. The Town got something out of this one, which most members agreed was not much. M. Fougere noted that anything on the airport proper was outside the scope. B. Dion questioned if it was reasonable to look at this as better fulcrum than what the Town had and take the next opportunity to use the new fulcrum with a bigger lever.

J. McDevitt stated this was a tiny baby step in the right direction, but it may go nowhere. Any motion the Board made to continue with this will go through the Selectmen; they decide if it moves forward. J. McDevitt, as a member of the Planning Board, wanted to make a statement: the Greenland Planning Board believes it was not enough and more needs to be done. The decision ultimately rests with the Selectmen. It is the Planning Board's responsibility to give them an overall opinion. J. McDevitt was disappointed in what the Portsmouth Planning Board did. They have a scope and responsibility on Pease to set conditions for approval of site plan conditions. They could have done something more, and they did not. J. McDevitt believed the Greenland Planning Board needed to make a strong statement.

S. Toth disagreed with the categorization that it was the Selectmen's money; it was the Town's money, and the Planning Board was servants of the Town. Whether or not the Selectmen decide to spend the money, it will ultimately affect the Board and the projects that are overseen. S. Toth did not want the Board to have to worry about another legal situation that may be a distraction. He wanted the Board to focus on the upcoming Capital Improvement Plan (CIP).

S. Gerrato stated he reviewed the lawyer's bill and that he was looking for billable hours. J. McDevitt asked S. Gerrato if he was confident the Portsmouth Planning Board and PDA would address Greenland's concerns about Rt. 33 down the road. S. Gerrato did not think they would. B. Dion asked how to make progress on Rt. 33. S. Gerrato asked how close the Town was with the Rockingham Planning Commission (RPC); B. Dion responded at least 10 years.

C. Medeiros felt this was a touchy subject; the company she works for may be a developer on this project. She lives in Greenland and felt very strongly that money should be put towards infrastructure in Town. Development attracts people, expansion of the airport brings a lot of people, and Greenland is impacted. This area being developed is a good thing but there has to be a balance. C. Medeiros, responding to J. McDevitt, stated there needed to be a conversation with Portsmouth to get them on

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the same page as Greenland. There is more development coming; this area is seeing a lot of development.

S. Gerrato asked TA Sanderson if he looked at the legal bill. TA Sanderson stated that the legal bill is relative to the Newington case. He would not comment on the quality of representation; it is a case that remains under litigation. That legal bill would be a guide to the potential legal expenses if the same action were taken for a similar case against Portsmouth.

M. Fougere stated that the improvement at the intersection of Winnicut Road/Bayside Road/Rt. 33 was between \$2 million and \$5 million two years ago. Greenland will have to cover a percentage of that cost. M. Fougere's thought on the litigation was that leverage to get them to the table would be for them to pay \$1 per square foot to help offset the cost of improvements to that intersection. He was not looking to going to court but to getting them to the table. TA Sanderson responded that if Portsmouth imposed an impact fee, it would be according to the Portsmouth ordinance and go to Portsmouth. Greenland does not have an impact fee in place that could be assessed for an off-site improvement for a project that does not reside in Town. Greenland does not have a means to collect an impact fee towards that idea. M. Fougere clarified that it would not be an impact fee; it would be a negotiated exaction. M. Fougere continued that if the Board decided to appeal the decision, Greenland would be suing the City of Portsmouth. The applicant may want to meet with the Town of Greenland in an effort to make the lawsuit go away.

MOTION: Given the continued excessive expansion of Pease and the impacts the expansion has on the citizens of Greenland, including the impact of health and safety, J. McDevitt moved that the Greenland Planning Board strongly recommend to the Board of Selectmen that they appeal the Portsmouth Planning Board approval of the 209,750 square foot facility at 80 Rochester Avenue. Such an appeal shall include the PDA's approval if deemed necessary by the Town's attorney. Second – S. Gerrato; roll call vote: S. Gerrato – yes, J. McDevitt – yes, B. Dion – yes, S. Toth – no, S. Smith – no, C. Medeiros – abstain. Three in favor, two against, one abstained (C. Medeiros). MOTION CARRIED

S. Smith informed the Board that the Board of Selectmen's concern was the legal budget. The legal budget is what the Planning Board had in their budget. If they went beyond that, they were on their own. J. McDevitt commented that something needed to be done.

### 2. Capital Improvement Plan

Documents have been sent to department heads. The Library has responded they will not be submitting anything this year. The deadline to return forms is Thursday, May 18, 2023.

M. Fougere updated the existing debt chart to include what was approved at the Town Meeting this year. The CIP will be given to the Budget Committee, Board of Selectmen and School Board in the early fall.

### 3. Village District

C. Medeiros has drafted a document that will be reviewed at the work session on Thursday, June 01, 2023. M. Fougere commented that the document the Board received at this meeting was published eight years ago by the Office of State Planning and reviews the zoning statute provision for village alternatives; a model ordinance was included in the Village Plan Alternative.

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B. Dion noted that the State would be doing a charette on Rt. 33 in the fall. He was hoping to have the Village District defined so the State does not intrude on that. S. Smith commented that a village district would bring up a different tax rate for people in that district. TA Sanderson clarified that a 'village district' is a type of governmental unit that can be formed within a town. Greenland is looking at a 'village district' as a new zone seeking a different type of development. The new zone will be 'Town Center Zone'.

The Board should be prepared to discuss the information at the work session on Thursday, June 01, 2023.

#### 4. Zoning Ordinance

The intention of the topic of 'Tiny Homes' was to discuss the potential of rezoning some areas in Town to attract revenue-producing commercial enterprises. M. Fougere has spoken to Joe Coronati, Jones and Beach Engineering, and updated the Board on the potential mixed-use development on Rt. 1 in Rye. Jones and Beach is working with Rye and Portsmouth to extend sewer and water. There has not been significant progress since they met with the Greenland Planning Board over a year ago. There was a discussion about possible future development along Breakfast Hill Road.

B. Dion noted the Board should respect the wishes of residents and keep the area rural. S. Toth stated there is not much land available and there are wetlands where houses may be built. This may be an opportunity for a development that may bring in revenue. If houses keep being built, taxes will go up. Non-residential development is essential for the Town's sustainability. C. Medeiros noted that the challenge is lack of water and sewer in Greenland. S. Toth mentioned the potential of a solar farm on the Town land behind the Bethany Church. TA Sanderson noted the limiting factor is that the property is in the Coakley Groundwater Management Zone and there are severe restrictions about withdrawing water. In addition, the rail trail will be going through that area; construction should happen this summer.

B. Dion summarized that he wanted to preserve the rural atmosphere in Town and see if there were any places to locate tiny homes. M. Fougere stated that there can be accessory dwelling units in Greenland as attached single-family homes. S. Smith questioned the requirement for a house and a tiny house on the same lot. M. Fougere stated a tiny house could be put on a lot in Greenland. B. Dion stated that he would like to create opportunities for younger families to get started. Younger families are having a great deal of difficulty buying a starter home.

J. McDevitt stated there was more work to be done on this type of ordinance due to septic and water issues. C. Medeiros added that there will be an impact on neighborhoods as well. S. Toth suggested slightly reducing the required square footage on a lot or the frontage. There are other avenues that could be looked at other than tiny homes. M. Fougere pointed out there is a work force housing ordinance which allows for increased density. He added that Town water would be needed as well as a provision dealing with price point. Tiny homes would have to be on Town water and have a reasonable lot size.

Conditions to make it acceptable: minimum lot size, Town water, number of tiny homes allowed on a lot, community septic, no clusters of tiny homes. Debbie Beck suggested rezoning Rt. 33, bringing in commercial and industrial, water and sewer. The Board needed to plan for the future; traffic was immaterial compared to what the future was for water and sewer.

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### 5. Facilities Committee Update

The Facilities Committee had their first meeting on Wednesday, May 03, 2023. The next meeting will be Thursday, May 25, 2023, at 6:30 pm. B. Dion asked for a volunteer from the Planning Board to attend the meetings.

TA Sanderson reviewed the meeting. They discussed the need for the fire station and the Town Hall, and what might be done.

MOTION: J. McDevitt moved to appoint S. Toth as the Planning Board representative to the Facilities Committee. Second – C. Medeiros; all in favor. MOTION CARRIED

J. McDevitt will be the alternate.

### 6. Approval of Minutes

MOTION: J. McDevitt moved to approve the minutes of Thursday, April 20, 2023. Second – S. Gerrato; all in favor. MOTION CARRIED

### 7. Consent Agenda: Approval of Invoices

- Town Budget – Fougere Planning and Development: **\$1,300.70**

MOTION: J. McDevitt moved to approve the Consent Agenda as presented. Second – S. Gerrato; all in favor. MOTION CARRIED

### 8. Topics for Public Hearing: Thursday, May 18, 2023

#### - **Continued Public Hearing**

Subdivision of Land

25 Dearborn Road (Map R11, 13: Residential Zone)

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.

#### - Design Review

125 Dearborn Road (Map R12, 12: Residential Zone)

Owner of Record: Martel Realty Trust – Donna Martel, Trustee

Applicant: Dearborn Woods, LLC

The owner and applicant are proposing a 13-lot residential conservation subdivision.

### 9. Other Business

In 2017, a report was done by the same organization that did the 2019 report included in the Master Plan about climate change and the impact on Greenland. Using information from that report, S. Toth created a report (copy on file) on the culverts in Greenland, noting that many of them have failed even for 10-year storm events. S. Toth would like to see this information included in the Capital Improvement Plan (CIP) for potential upgrades to the Town's infrastructure. In a severe precipitation event or

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flooding, there would not be failed culverts or roads overtaken by water. The Board noted that many of the culverts listed were on State roads. S. Toth will update the document for review at the June work session.

S. Toth would like to update Zoning Ordinance Article II – Definitions, Automotive Service Station. He attended the recent Planning and Zoning Conference and was made aware of why Portsmouth and other towns did not have vehicle electric charging stations. According to a State Representative at the Conference, a simple fix is to add a sentence to the definition of Automotive Service Station: This use does not include stand alone alternative fuel charging units for vehicles which are permitted as an accessory use in all districts. Portsmouth defines alternative fuels as including electric chargers. There are not electric charging stations in any business or downtown area due to the impact. S. Toth wanted the Town of Greenland to be proactive and bring it to the voters to amend the definition. It would allow businesses to create electric charging stations. S. Toth noted there is an ordinance for wind energy but not electric energy or solar energy; these need to be created to deal with future issues.

### 10. Adjournment

MOTION: S. Smith moved to adjourn at 8:10 p.m. Second – J. McDevitt; all in favor. MOTION CARRIED

NEXT MEETING
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Thursday, June 06, 2023 – 6:30 p.m., Town Hall Conference Room

Submitted By: Charlotte Hussey, Administrative Assistant