



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

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Thursday, May 18, 2023 – 6:30 p.m. – Town Hall Conference Room

Members Present: Bob Dion, Steve Gerrato, Stephan Toth, Steve Smith (Selectmen's Rep)

Members Absent: John McDevitt, Catie Medeiros, David Moore, Phil Dion (Alternate), Stu Gerome (Alternate), Richard Winsor (Alternate)

Staff Present: Mark Fougere

Also Present: Paul Sanderson, Town Administrator

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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

M. Fougere stated that when the Board reviewed the proposed 13-lot residential conservation subdivision, the third agenda item, they should discuss if it needed to be considered a project of regional impact. The property is not far from the Stratham town line.

2. 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.

Joe Coronati, Jones and Beach Engineers, addressed the Board on behalf of the Greenland United Methodist Church. Also present was Chong-Ye Arnold, owner and applicant representing the Church. This application was continued from the meeting on Thursday, April 20, 2023. At that time, there was one additional lot adjacent to Rt. 33; Planning Board members objected to that lot. The lot was removed, and the plan was revised. The property will be retained by the Church. The two lots to the north remain. There is a common drive and the same lot areas.

J. Coronati noted the location of the lot that was removed from the plan (intersection of Dearborn Road and Rt. 33). S. Smith noted that the biggest concern with the front lot was the distance on Dearborn Road; it was not adequate for a driveway application. The driveway was going to be within 150 feet to 200 feet of the intersection, which could be a problem.

S. Toth questioned if anything else on the plan had changed other than the removal of one lot. J. Coronati responded nothing else changed. B. Dion stated that at the last meeting they discussed removing a driveway. J. Coronati stated that there was a common drive for the two proposed lots. S. Smith noted that the driveway to be removed was on the front lot, which has been removed. The

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driveways in the middle of the property remain. S. Gerrato asked that the lots be more pronounced. Test pits were noted on Sheet C2. Two test pits were done per lot. J. Coronati noted the test pits were witnessed and met local requirements. Test pit logs were submitted with the original application. Responding to S. Toth's questions about ownership of the shared driveway, J. Coronati stated there is an easement for that parcel (Sheet A1) and it will be recorded in the deed. It was shown in Detail A in the upper left corner. M. Fougere added the easement document will be created to deal with access, maintenance, and utility. It will be recorded to encumber that lot and give the rights for those services that cross the property.

M. Fougere reviewed the conditions of approval: receipt of NHDES approval, setting all pins prior to recording, submittal of a signed Access Utility Maintenance Easement document, and test pits noted on the plan.

B. Dion opened the meeting to public comments. There being no comments, B. Dion closed the public hearing and returned to the Board for further discussion. S. Smith noted that there was still the issue of the 1997 site plan condition of approval. The applicant requested that condition be removed. S. Smith did not have a problem removing that condition because it removed the Rt. 33 frontage lot, which was part of the earlier concern. S. Toth was hesitant to remove the condition until further information regarding the cistern and well was available. Removing the 1997 condition of approval could potentially open up further development in the area. S. Gerrato suggested a condition be added that the lot could not be subdivided any further. M. Fougere stated they would have to come back to the Board to subdivide. S. Smith continued that the conditions were added when the Church was approved in order to keep the open space, the fire pond as the fire pond, etc. At the time, the Board did not want development on the front lot.

MOTION: S. Smith moved to remove the 1997 Site Plan Condition of Approval for 25 Dearborn Road that reads: *The land area bounded by the western property line 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.* Second – none. MOTION FAILED

The condition will remain in place as stated in 1997. M. Fougere noted it would not preclude them from coming back to request a subdivision.

MOTION: S. Smith moved to approve the Subdivision of Land for 25 Dearborn Road (R11, 13: Residential District), according to the plan submitted by Jones and Beach Engineers revised 05.01.2023, Project No. 21224, with the following conditions: receipt of NHDES approval, setting all pins prior to recording, submittal of a signed Access Utility Maintenance Easement document, and test pits noted on the plan. The 1997 Site Plan Condition of Approval shall remain in effect: *The land area bounded by the western property line 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.* This plan is consistent with the Town's Site Plan Regulations and Zoning Ordinance. Second – S. Toth; all in favor. MOTION CARRIED

3. 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.

Joe Coronati, Jones and Beach Engineers, and representing Jason Lajeunesse, developer, addressed the Board. The property, 125 Dearborn Road, is located on the corner of Stratham Lane and Dearborn Road. The parcel is approximately 23-acres. There is currently an existing duplex on the property on the Dearborn Road side. It is mainly a wooded parcel and has some wetlands. The Board received an existing conditions plan. It has not been fully surveyed; it is tax map information with plan information that was found at the registry. Contours are from LiDAR; wetlands were done from an aerial review by Gove Environmental. A site walk was also done by Gove Environmental to look at what was seen from the aerals. The application is before the Board on a conceptual level. There was a discussion to clarify issues with the Town's tax maps.

A conservation subdivision is proposed; a yield plan for a conventional subdivision was included in the plan set. The conservation subdivision plan showed smaller lots, a shorter road and more open space. They will be going through an official yield plan process after the Design Review. They are proposing 13 new lots, which includes the existing duplex. The duplex lot is 90,000 square feet rather than 60,000. Lot 12-3 will be a backlot and has reduced frontage; it meets the lot area and upland area backlot requirement. The road will be 1,000 feet long; the road shown is not what they are intending to build but is being utilized for the yield of the property. M. Fougere noted that in order to get the density, the applicant must prove a conventional subdivision will work.

The proposed conservation subdivision plan was reviewed. There is one curb cut on Stratham Lane providing access to the proposed lots. The existing duplex on the 90,000 square foot lot would be cut out. The subdivision would be smaller clustered conservation sized lots as well as provide open space. They would keep the green space along Dearborn Road, with the exception of a curb cut on Stratham Lane. The area between the existing duplex and the previously subdivided lot would be open space and remain a wooded area as well as the back of the property. Space will be needed for stormwater and a cistern.

S. Smith clarified that it will be 12 lots on the new road; the existing duplex will be on Lot 13. The yield plan road would be 1,000 feet. The conservation subdivision road will be 700 feet. B. Dion questioned if the turning radius at the back end was suitable for fire equipment. J. Coronati responded the cul-de-sac would be designed to Town regulations in order to be accepted as a Town road.

S. Toth did not see a lot of area being conserved. The areas not being conserved are proposed as cistern or stormwater management areas. He was concerned there was not enough land being untouched or utilized as a condition of the increased density itself. He did not see a lot of land that would be conserved with the plan on Sheet A-2. J. Coronati responded that there was a requirement in the Town's Ordinance regarding open space: Note 4 on Sheet A-2 included the open space requirements. M. Fougere explained that 50% of the gross area had to be open space, 85% of gross area must be uplands and only 15% had to be wetlands. The Open Space Ordinance encourages and allows for drainage to be in the open space. Responding to B. Dion, J. Coronati, referring to the proposed subdivision, stated that the exterior lot line is beyond all the lots; every lot will have access to the open space. They typically do not have public access on small open space areas. The Homeowners Association will maintain and oversee the open space.

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The area for the detention pond will need to be cleared. S. Toth stated that if the area is to be conserved, it should not be touched. Building a detention pond was not in the spirit of what the Town was looking for with conserved land. S. Toth did not see the proposed conservation subdivision plan as providing enough benefit to the Town in regard to actually conserving forested land; he would hesitate to approve the plan. J. Coronati responded that there were many other benefits: there would be a shorter road for the Town to maintain; less road is better for the Town itself. There would be only one curb cut on Stratham Lane; with a conventional layout there would be more curb cuts off Dearborn Road. There is the allowance of the stormwater in the open space: they will try to keep that as small as possible. S. Toth stated he would be much more in favor of the project if the stormwater management was not in that location. J. Coronati explained that it was tougher to put stormwater management on each lot with the smaller lot size. They could look at keeping a numbered buffer from the exterior property line to that pond, possibly 100 feet from the property line to make the pond fit there while still providing the exterior buffer. Another option would be to look at plantings for the pond. S. Toth wanted to see a more contiguous portion of land being conserved.

J. Coronati explained that there are Town regulations and State rules that determine the size of the stormwater management area, and software is available. The site is looked at in its pre-condition, in this case woods with one house. It is then looked at with a road, 12 new homes, driveways, yards, etc. They cannot increase the stormwater exiting the property in the post-condition. S. Smith noted there have been drainage issues with Drake Drive.

S. Smith countered S. Toth's point. This was a conceptual and should be looked at further down the road. The Board needed to actually see what the pond was going to be when a formal plan was submitted. Whether it was trees or water, it was open space. S. Smith did not have a problem with the plan as presented; the open space was there. S. Toth agreed, adding that if land was going to be conserved, it should be done before modification. It could be viable as long as it is not touched. M. Fougere stated that when the Ordinance was written, the realization was that the alternative was a design that sprawls the lots over the land with more driveways on the adjoining streets with no open space. Drainage was allowed in open space because the Town's Ordinance allows lots as small as a half-acre. M. Fougere did not disagree that open space should be untouched. Typically, there is grass in a detention pond, wildlife is attracted to it, and it is not actively used by anyone. Responding to S. Toth, M. Fougere stated that the open space calculation can include wetlands. He explained that 50% of the gross area had to be open space; of that 50%, 85% had to be uplands.

Lots vary in size but are over the half-acre minimum requirement. The State's minimum requirement is 20,000 square feet. Some of the proposed lots are larger; many are closer to a half-acre. Frontage varies from 110 feet to 75 feet in the cul-de-sac. The fire cistern was briefly discussed. S. Smith noted that the last two cisterns were 30,000 gallons. There are stone walls on the property that are not shown on the plan. That detail will be added after the property is surveyed.

B. Dion opened the meeting to public comments. Paul Sanderson, Town Administrator, reviewed his list with the Board (copy on file). He noted that Stratham Lane and Dearborn Road are prescriptive rights-of-way and did not know the delineation at this time; he would like to have that clarified as part of the project. There is an extensive stone wall along both roads; it may be historic and used as a property boundary in the past. The limits of the right-of-way may be at the edge of the stone wall. He requested that be the delineation of the right-of-way. TA Sanderson noted that a number of hazard trees have been allowed to grow in that area; he requested the trees be removed as part of the construction process to free up the right-of-way and have unimpeded drainage. M. Fougere suggested a site walk may need to be done to identify the areas of concern. TA Sanderson asked the Board to prohibit the

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installation of any granite posts due to problems with winter maintenance, specifically snowplowing. TA Sanderson requested a community mailbox; J. Coronati noted that is now a requirement from the Post Office. TA Sanderson requested any easements be reviewed by the Town Attorney. TA Sanderson suggested that if the duplex lot was going to be part of the HOA, they may be able to reduce the lot size allowing for more open space. M. Fougere noted that duplexes are allowed in a conservation subdivision.

Cynthia Armstrong, 136 Bayside Road: She is not an abutter but is a neighbor in the area. C. Armstrong was at the meeting to see how a conservation subdivision worked and very impressed, stating it was very forward thinking. This type of development would be more community oriented.

There being no further comments, B. Dion closed the public hearing and returned to the Board for discussion. M. Fougere questioned if this should be a project of regional impact because it was close to the Stratham line. He referred to RSA 36:55 – Review of Developments of Regional Impact, Definition. The project could not be considered a development of regional impact until a formal application was submitted. The Town of Stratham and the Rockingham Planning Commission would be included as abutters. Members were in favor of the project being considered a development of regional impact; a formal vote would be taken at a later date.

M. Fougere stated that in the Town's regulations, when there is a subdivision, the Board considers if the road/right-of-way should be extended to an adjoining property. Most of the adjoining lot is wet and there is not a lot of buildable land. M. Fougere was also concerned about the backlot on the yield plan which has a really small buildable area (12-4 is the duplex lot and 12-3 is the tight lot).

M. Fougere asked if they planned to stay in Design Review or if they planned to go to final submission. He noted the property has not been surveyed or flagged. Test pits have been done but are not where the lots will be located on the yield plan or the conservation subdivision plan; both will be needed. M. Fougere stated he wanted to have Altus Engineering involved. J. Coronati stated the Design Review could be closed at this meeting; fully detailed plans will be available when they resubmit. J. Coronati confirmed that the next step would be to submit a formal application for a yield plan with a cluster concept. M. Fougere noted that would be vetted by Altus Engineering to make sure the yield plan was real. From there they would move on to the conservation subdivision. More test pits will need to be done. The statutory clock will not start running until the applicant is ready. An Alteration of Terrain (AOT) permit should not be needed: they have 700 feet of road and the ponds. TA Sanderson noted a Natural Heritage Bureau (NHB) would be needed.

#### 4. Approval of Minutes

MOTION: S. Smith moved to approve the minutes of Thursday, May 04, 2023. Second – S. Gerrato; all in favor. MOTION CARRIED

#### 5. Consent Agenda: Approval of Invoices

There were no items on the Consent Agenda.

#### 6. Other Business

B. Dion stated that in the March 2023 minutes of the PDA Executive Board, there was an extensive discussion about items being given to the Board on the day of the meeting. That prevents members from actually reading. A motion was made and approved by the PDA that items must be given to

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Executive Board members a week in advance. B. Dion asked for Board comments; he preferred to see material ahead of time. M. Fougere commented that staff reports and packets normally go out five to six days before the meeting. B. Dion would like to minimize same-day deliveries. S. Smith noted that the PDA has more people working in their office than the Town does. B. Dion noted that the meeting was done in 50 minutes.

### 7. Topics for Work Session: Thursday, June 01, 2023

Rt. 33: S. Gerrato discussed the Winnicut River Bridge. M. Fougere stated that two concepts were developed two years ago by VHB for the Planning Board. He will bring them to the work session. Widening the bridge was one of the concepts. B. Dion stated he has heard several times that there is a corridor study expected on Rt. 33. The corridor study would encompass Pease to Exeter. It has not been done and DOT has not made a commitment. B. Dion has heard rumors that DOT may not have done one in a long time. There was supposed to have been a meeting the first of the month about the corridor study. S. Smith has written several letters to Tim Roache, RPC, requesting that something happen. He has also had discussions with various State leaders and has not had a response back. No action has been taken despite the numerous meetings he has attended and requested that something be done. B. Dion noted RPC will be hosting a charette in Greenland in the fall.

Capital Improvement Plan: The deadline for the CIP forms was Thursday, May 18<sup>th</sup>. The only departments to submit forms were the Library (nothing planned), the Conservation Commission and the School. TA Sanderson stated that the Facilities Committee will meet on May 25<sup>th</sup> and will have a submission. Altus Engineering is reviewing what needs to be done for road work next year. Recreation has made a presentation to the Board of Selectmen and will be submitting. Planning Board recommendations will need to be made to the Board of Selectmen and Budget Committee in the early fall.

### 8. Adjournment

MOTION: S. Smith moved to adjourn at 8:06 p.m. Second – S. Toth; all in favor. MOTION CARRIED

NEXT MEETING
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Thursday, June 01, 2023 – 6:30 p.m., Town Hall Conference Room

Submitted By: Charlotte Hussey, Administrative Assistant