



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

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

Members Present: Steve Gerrato, John McDevitt, David Moore, Stephan Toth, Bob Dion, Phil Dion (Alternate)

Members Absent: Catie Medeiros, Richard Winsor (Alternate), Stu Gerome (Alternate)

Late Arrival: Steve Smith (Board of Selectmen's Rep)

Staff Present: Mark Fougere

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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. Capital Improvement Plan

The Capital Improvement Plan (CIP) was discussed. The Library, Conservation Commission, School, and Rec Committee have submitted CIP forms. The Rec Committee did not include pricing on their submission; they will be asked to include costs and resubmit. Copies of all submissions will be given to the Board at the July work session.

J. McDevitt requested that a representative from the School attend the work session to explain their CIP request. It was suggested that the Facilities Manager and School Board Chairman attend the meeting.

B. Dion recommended that requests and expenditures over the last three years be tracked.

M. Fougere noted the amounts for the Capital Reserve Funds that were approved by voters at the March Town Meeting (copy on file).

2. Accessory Dwelling Units

B. Dion questioned if accessory dwelling units would benefit the Town more than a tiny homes ordinance. S. Toth stated that it might be easier to include a section for tiny homes in the ADU ordinance. A tiny house is similar to a detached ADU.

*S. Smith arrived.*

B. Dion explained that if tiny homes were allowed on the same lot as an ADU, there would be two single family homes on one piece of property. M. Fougere stated that an ADU and tiny homes were two separate discussions, noting that an ADU was not a tiny home. He further explained that an ADU had to be connected to the main house and was not a separate building. Responding to a statement by B. Dion, it was explained that the Zoning Ordinance does not allow an ADU in a detached garage.

## DRAFT: SUBJECT TO CHANGE

B. Dion questioned if there was any benefit to the community to review the Ordinance for any possible changes. J. McDevitt commented that 800 square feet had been brought up during this discussion. It was noted that 800 square feet was pretty small; the Board may want to increase the size. M. Fougere noted that it had to be an accessory, which would be smaller than the house. The Board agreed they would not go any higher than 1,200 square feet. S. Toth suggested no more than 60% of the principal use. J. McDevitt added that to make it equitable for all property owners, percentage may be the better choice. After discussion, the Board agreed: 1,200 square feet but not more than 40% of the principal residence, whichever is greater.

There was also a discussion about detached ADU's. M. Fougere noted that if detached ADU's were allowed, the lot had to be the standard size (60,000 square feet), not a conservation lot. S. Gerrato pointed out the requirement that 'an interior door shall be provided between the principal dwelling unit and the accessory dwelling unit' (Section 3.7.11.3). M. Fougere stated that it was initially for in-laws. M. Fougere will prepare a draft for the July work session.

### 3. Town Center Zone

B. Dion recommended Board members review the draft prepared by C. Medeiros, who was not at this meeting. He would like to discuss further when C. Medeiros was present. B. Dion questioned why the Town Center Zone was extended to Target. M. Fougere pointed out that there is an overlay zone in that area that allows anything. He suggested the Town Center Zone end at Dunkin' Donuts. S. Smith stated it should encompass the area from Dunkin' Donuts to the end of Remembrance Park and down to the Post Office. B. Dion would like a proposal for the Town Center Zone ready for the charette planned by the Rockingham Planning Commission (RPC) in September. He would also like the Town Center Zone to be on the ballot for the Town Meeting in March 2024.

### 4. Zoning Ordinance

Banning granite posts, as suggested by the Town Administrator, was discussed. S. Smith stated that the State does not allow granite posts in the State right-of-way. He continued that TA Sanderson's idea to keep the legalities down going forward was that granite posts snapped off by a snowplow will not be replaced by the Town. TA Sanderson would also like developments to have a group mailbox rather than individual mailboxes; this may be a postal requirement. B. Dion stated that granite had great compression strength. It has no shear strength or tensile strength. S. Toth suggested an ordinance stating if a mailbox was destroyed, the Town was not responsible. There was a discussion about mailbox setbacks. S. Smith suggested mailboxes be placed 'x' number of feet from edge of pavement. M. Fougere noted that, depending on wording, it may not be appropriate in the Zoning Ordinance, and should be a Town Ordinance adopted by the Selectmen.

### 5. Facilities Committee Update

S. Smith updated the Board on the Facilities Committee meeting on Thursday, May 25<sup>th</sup>. The next meeting will be on Wednesday, June 21<sup>st</sup>.

The Committee agreed to use the original plan from five years ago. The property where the existing Maintenance Building is located is the best property to be utilized. The Board was updated that pieces of the overhang were falling. The Fire Chief, Building Inspector and Town Administrator looked at the building; they do not think the building is worth saving. An engineer has also looked at the building and there should be a report available for the Selectmen's meeting on Monday, June 05<sup>th</sup>.

## DRAFT: SUBJECT TO CHANGE

The Facilities Committee discussed what could be done with the old salt shed and the DPW Building. They also discussed how to utilize the existing Town Hall and Fire Department. The current equipment and vehicles in the Maintenance Building will be moved to the DPW Building. Delivery of the new ambulance is expected in July. There will be two ambulances that need to be inside a heated building.

S. Gerrato questioned adding a second story to the existing fire station. S. Smith responded that an analysis has been done. The Town Hall and Fire Department sit on a floating pad that has no retention. S. Gerrato stated it was a monolithic pad designed properly and there are steel studs in the wall.

### 6. Approval of Minutes

MOTION: S. Smith moved to approve the minutes of Thursday, May 18, 2023. Second – S. Toth; four in favor, three abstained (J. McDevitt, D. Moore, P. Dion). MOTION CARRIED

### 7. Consent Agenda: Approval of Invoices

- Town Budget – Fougere Planning & Development: **\$1,560.15**
- Escrow - Fougere Planning & Development: **\$780**
  - Tower Place: \$130
  - 125 Dearborn Road Subdivision: \$650
- Town Budget – Vanasse & Associates: **\$2,704.85**
- Escrow – Donahue, Tucker & Ciandella: **\$425.50**
  - Tower Place

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

### 8. Other Business

Culverts: S. Toth reviewed the Town culverts with the Board. Of the 11 culverts, only three are in the Town's jurisdiction. Only three can be repaired or replaced. The remaining eight culverts are the responsibility of NHDOT. A letter needs to be sent to NHDOT requesting the culverts be added to their improvement plan, which they are required to do according to RSA 228:16. S. Toth's proposal was to add the culvert repairs/replacement to the CIP so work can be done to coincide with road repairs.

MOTION: S. Toth moved to add the three culverts that are the Town's responsibility to the Capital Improvement Plan. NO ACTION WAS TAKEN

Most of the culverts are undersized in diameter. M. Fougere stated they needed to be sized properly. He continued the Board should send a letter to the Selectmen if they concurred the culverts were an issue. The Selectmen decide which roads were repaired; if the road was going to be repaired, the culverts should be upgraded. M. Fougere noted that one culvert was really bad, one was semi-bad, and one is not great.

The three culverts are: Willowbrook Avenue (Johnson Brook), Riverside Lane (Unnamed Brook), and Coastal Way (Shaw Brook). This information was based on a 2017 report; the culvert on Willowbrook Avenue may have been done when the road was redone.

## DRAFT: SUBJECT TO CHANGE

J. McDevitt stated there should be a letter to the Board of Selectmen and signed by the Planning Board Chairman. S. Toth will write the letter for B. Dion's signature.

Drainage – 529 Portsmouth Avenue: J. McDevitt questioned the drainage issue at 529 Portsmouth Avenue. M. Fougere updated members that the Board approved the condo plans for the property. NHDES refuses to grant approval for a condo due to the septic system; he has received approval for a new septic system if it remains a duplex. The existing building will be demolished and a new duplex with two units will be built rather than a condo.

VHB Bridge Plans: VHB prepared bridge plans in 2020 for the Planning Board; a copy of those plans was given to the Board. The Winnicut Road/Bayside Road intersection and the bridge were widened as one option; the cost was \$5.1 million at that time. The roundabout was an alternative; the cost was \$3.3 million and does not include engineering or right-of-way acquisition. S. Smith added that the right-of-way acquisition would be \$5 million or more. The bridge widening did not include engineering or right-of-way acquisition; however, the impact was not as great as the roundabout. M. Fougere noted that in both scenarios, the right-of-way was needed.

B. Dion stated that NHDOT has funding budgeted to do an engineering evaluation of the bridge this coming fiscal year.

Library Impact Fees: M. Fougere hopes to have the Library impact fees ready by the end of the month. Approximately \$800,000 of the bond can be offset by impact fees.

Tower Place: The progress on Tower Place was briefly discussed. B. Dion questioned recording the current conditions of the road. M. Fougere stated it has been looked at: there have been discussions with Altus Engineering, M. Fougere and the attorney for Tower Place. Altus Engineering concluded that considering the current road conditions it would be a waste of time. Joe Falzone, developer, has agreed to put a finished coat of pavement on the road at the end of the job. The Town would rebuild the base at the end of the project with a base course and J. Falzone will put down the final coat of pavement. He is liable for up to between \$35,000 and \$45,000. It will be approximately 1,600 feet of pavement from the entrance of the development to Breakfast Hill Road. S. Smith noted the road is on the list to be repaired.

597, 603 Portsmouth Avenue: The septic review has been submitted to NHDES. The developer hopes to start the project in June.

New England Development: M. Fougere updated the Board that NE Development may be coming in with something at the Stop and Shop pad next to Target.

Work Session: B. Dion will ask Harmony Homes to make a presentation to the Board on tiny homes at the July work session. J. McDevitt stated they will need to address septic systems and water during their presentation.

## DRAFT: SUBJECT TO CHANGE

### 9. Topics for Public Hearing: Thursday, June 15, 2023

#### - **Preliminary Conceptual Consultation**

150 Bayside Road (R17, 21: Residential)

Applicant: Endres Brothers, LLC dba Bird Dog Cider Co.

Owners: Peter Endres, Claudia Bartolini

The owners and applicant propose to grow apples and/or other fruits for retail and pick-your-own sales and agritourism as well as the onsite production and sales of hard cider with a tasting room.

#### - **Lot Line Adjustment**

61 Bayside Road (R17, 9) and 77 Bayside Road (R17, 9B)

Owner of Record – 61 Bayside Road: Patrick and Maribeth Karr

Owner of Record – 77 Bayside Road: Evan Joseph Tracz, Tavus Begenjjova, Joseph Tracz, Lynda Tracz

Applicant: Alex Ross, Ross Engineering

The owners and applicant are proposing a lot line adjustment to better suit the site conditions and lines of occupation. The proposed area of Lot R17, 9B will be 120,448 square feet; Lot R 17, 9 will be 24,052 square feet.

### 10. Adjournment

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

### NEXT MEETING

Thursday, June 15, 2023 – 6:30 p.m., Town Hall Conference Room

Submitted By: Charlotte Hussey, Administrative Assistant