



PLANNING BOARD

Town of Greenland • Greenland, NH 03840
575 Portsmouth Avenue • PO Box 100
Phone: 603.431.7111 • Fax: 603.430.3761
Website: greenland-nh.com

MINUTES OF THE PLANNING BOARD PUBLIC HEARING

Thursday, December 18, 2014 – 7:00 p.m. – Town Hall Conference Room

Members Present: Chair Stu Gerome, Steve Gerrato, Chip Hussey, Paul Sanderson, Selectmen's Rep Mo Sodini

Members Absent: David Moore, Rich Winsor

Staff Present: Glenn Coppelman – RPC Consultant

Chair Gerome opened the Planning Board meeting at 7:00 p.m. A roll call was taken by the Chair; he announced a quorum was present and the meeting was being recorded.

1. Subdivision of Land, Conditional Use Permit: 239 Bayside Road [Map R16, 7]
Owner: Henry and Michelle Cowles
Applicant: Greenland Acres, LLC
The owner and applicant are proposing a five lot residential subdivision with approximately 600' of roadway on approximately 20 acres of land.

Scott Cole, Beals Associates and representing the applicant, addressed the Board. Frank Catapano, Greenland Acres, LLC, was also present. S. Cole reminded the Board they had accepted the application as complete at the meeting on Thursday, November 20, 2014. Revisions to the plans included the proposed road being relocated slightly to the east in the entrance way and bulb because of the tightness in the area. There was a short area of 2:1 slopes; by rotating the road away from the abutters, they were able to reduce the area to 3:1 slopes providing more of an access way. The bottom portion of the bulb at the cul-de-sac was moved slightly to get out of the buffer; all the proposed conditions are outside the 25' buffer zone. There is a slight triangulation area at the entrance to the proposed road that will be deeded to the abutter. His driveway encroaches onto the property; F. Catapano has spoken to him about the potential of having his driveway access off the proposed road. The abutter, Alfred Bussiere, was unwilling to do that at this time. Deeding the triangulation piece to him would give him the ability to change his driveway in the future. The survey crew located the wells within 200' of the bounds. They're going to add a deed restricted area so septs cannot be designed or built in that area.

The Town Engineer's comments were reviewed (copy on file); a revised plan was not submitted based on those comments due to the date received. *Item (2)* F. Catapano has spoken to the owner who will pump the tank and check it again in six weeks; the owner will keep the tank pumped until the sale is finalized and F. Catapano installs a new system. The Building Inspector and Health Officer have agreed to this option. *Item (6)* Coming in off the existing driveway there is a very small area that puddles when it rains; it goes away when it warms up. It doesn't create any runoff and is in the location of the proposed driveway for Lot 1; it will be taken care of by the contractor to promote positive drainage. *Item (9)* The Board requested placards be placed along the wetland no-cut buffer. *Item (19)* Buffer impact areas have been added to the profile plan at a better scale than on the actual site plan. Totals have been verified, and they are correct. Totals will be added to the notes. *Item (20)* On Page C1 of the

plans, it was noted to replace the pipe in question. The contractor will inspect and clean out the pipe, and replace if necessary. The replacement pipe will be HDPE. *Item (25)* Sight lines have been added to the site plans. The locations were inspected during the site walk and by the Police Department, who has issued their own letter; neither found a problem with the site distances. P. Sanderson commented that if there is 400', they will meet the statute; the calculation should be added to the plan. S. Cole felt the Town Engineer was requesting they create a plan profile for the access. P. Sanderson added that they should have the full 400' of clear, safe sight distance in both directions; it will be added to the plan. *Item (26)* The diameter of the cul-de-sac has been revised to the standard radii of 52'. The area has also been re-graded and they have changed the drainage design to 2' deep swales on the outside that are contained out of the no disturb zone. The road design is accurate and complete. The *Drainage Analysis* has been revised and submitted to the Town Engineer. *Item (35)* It was estimated where the seasonal high water table was when test pits were done; the actual bio-retention area is higher than that. Based on comments from the Town Engineer, a note was added to the plan that when the bio-retention area is excavated, it will be reviewed by Altus Engineering and determined in the field if they intercept the seasonal high water table. An impermeable liner has been proposed that will keep the drainage water and seasonal high water separate until it reaches daylight. *Item (36)* It was verified in the field that there are existing clean outs in the culvert because of the length. *Item (37)* Stone drip edges are adjacent to the houses to catch roof runoff; information will be provided prior to final approval. *Item (39)* A very typical lot development plan was submitted with houses, septic systems and wells. Lot 5 is extremely flat from the road to the proposed house location. It's understood that the wetland buffer is not to be graded. The schematic plan was done to show the developable options on each lot.

Comments from Rockingham Planning Commission were reviewed (copy on file). *Item (5)* The boundary plan was revised with labels based on comments from Altus; contiguous amounts of upland soils are shown. The plan has been stamped by a licensed land surveyor. *Item (7)* Because of the existing structures that are to remain, there is not a lot of area to move things and keep it safe for engineering.

P. Sanderson felt it was inappropriate to have a proposed new road and abutter driveway adjacent to each other. He stated that the Planning Board has the ability to require the access point be relocated to the new public road as a safety concern. F. Catapano told the Board he had spoken to the abutter at length; he was adamant about not moving his driveway. P. Sanderson recommended that the abutter meet with the Planning Board; F. Catapano suggested the Building Inspector may be able to talk with him. P. Sanderson commented that they needed to keep trying; it would be a bad thing to approve this type of configuration. Chair Gerome stated he would like to have the issue resolved prior to the meeting January 15, 2015.

P. Sanderson reviewed the comments from the Police Chief and Fire Chief. Fire protection was a recommendation from the Fire Chief. F. Catapano stated that the Ordinance is clear on cistern requirements. P. Sanderson stated he would like to know what the Chief is looking for with fire protection. In addition to a concern about the location of the cut and current grade on Bayside Road in the area of the new road, Chief Laurent recommended appropriate vegetation be removed or trimmed for visibility when exiting.

Chair Gerome opened the meeting to public comments. There being none, he returned to the Board for discussion.

MOTION: M. Sodini moved to approve the waiver request from Subdivision Regulations, Addendum A – Road Design and Construction Specifications, Table I – Roadway Design Criteria, to allow a 22' pavement width for the proposed road where 24' is required. Second – P. Sanderson; all in favor. ***MOTION CARRIED***

MOTION: M. Sodini moved to approve the waiver request from Subdivision Regulations, Section 3.3.3 – Construction Plan, to allow the plan view of the proposed subdivision plan be accepted at a scale of 1" = 60', where a scale of not more than 40' to an inch is required. Second – P. Sanderson; all in favor. MOTION CARRIED

MOTION: M. Sodini moved to approve the waiver request from Subdivision Regulations, Addendum A – Road Design and Construction Specifications, Section II, Item M, to allow ADS N-12 (HDPE) plastic drainage pipe where RCP is required. Second – P. Sanderson; all in favor. MOTION CARRIED

MOTION: P. Sanderson moved to continue the Subdivision of Land, Conditional Use Permit: 239 Bayside Road [Map R16, 7], to the meeting on Thursday, January 15, 2015. Second – M. Sodini; all in favor. MOTION CARRIED

2. Subdivision of Land, Conditional Use Permit: 34 Newington Road [Map R22, 23]

Owner: Bertha Patterson Trust

Applicant: John Chagnon, Ambit Engineering, Inc.

The owner and applicant are proposing a four lot residential subdivision with frontage on Newington Road; proposed Lot 3 will be a back lot. No new road construction is proposed.

John Chagnon, Ambit Engineering and representing the Bertha Patterson Trust addressed the Board. Also present was Lorna Boucher, Trustee of the Bertha Patterson Trust, and Colby Gamester, attorney for the Bertha Patterson Trust. They last appeared before the Board on Thursday, November 20, 2014, at which time their application was accepted as complete. The project has been reviewed by the Town Engineer as well as the Rockingham Planning Commission. The NHDOT Driveway Permit has been received.

J. Chagnon briefly described the project. One lot will be subdivided into four; Lots 1 and 2 will share a driveway and Lot 3 will have its own driveway off Newington Road; Lot 4 will have a driveway off Portsmouth Avenue. State subdivision approval has been received; test pits have been done. There was discussion at the Conservation Commission meeting whether there should be a shorter entrance throat before the driveway splits (Lots 1 and 2). The Board would need to decide if they preferred the safer driveway with a little more impact or the one with less impact that may present a safety issue at the entrance to the road.

J. Chagnon reviewed the comments from the Town Engineer dated December 16, 2014 (copy on file). *Item (1)* Lot 3 has been designed as a backlot. The Town Engineer stated that the 20' wide pork chop access may be inadequate for the intended use. J. Chagnon responded that at the road there is an existing PSNH pole they are trying to avoid by shifting the driveway slightly to the south. There will be a 5' wide snow storage easement; the pavement will not be over the property line. The backlot ordinance requires that that strip be 20' wide. The driveway permit for Portsmouth Avenue has been issued by the Building Inspector; he didn't feel there was a need for a two-way width of driveway on Lot 3. *Item (4)* J. Chagnon disagreed with the Town Engineer, and felt that 16' wide would be appropriate for the shared driveways on Lots 1 and 2. *Item (5)* Lot 4 is a 12' driveway; the only 16' driveway is on Lots 1 and 2. J. Chagnon disagreed that all driveways should be the same width: one is shared and two are single driveways. *Item (6)* The applicant doesn't have a problem installing plaques along the buffer, but would like to know where to install them. They are requesting the buffer demarcations be limited to treed areas in the back. *Item (7)* The Town Engineer has reviewed the site, and agrees with Ambit Engineering that there will not be an impact to the abutting property to the east. There is concern with the eventual discharge of the runoff across Newington Road through the swale and Lot 4's proximity to the exit point.

J. Chagnon reminded the Board that at the November meeting they were asked to consider a Condition of Approval that will require a drainage study on Lot 4 before a building permit can be issued, ensuring there is no problem to the Town pipe and the abutters to the north and east. Ambit Engineering disagreed that Lot 3 had a direct impact to the corner; the general flow of the topography is to the east. The Town Engineer felt Lot 3 should be included in the Condition of Approval. RPC comments were reviewed (copy on file).

C. Hussey questioned non-permeable surfaces being added to the PSNH easement, adding that could change the drainage drastically. C. Gamester stated that PSNH has no inclination or intention of removing the easement. He continued that they would like to provide the limited option for the potential landowners to put something there, whether pervious or impervious; the landowner would then have to deal with PSNH and the Town.

S. Gerrato stated that the way it's engineered, it's not going to work. He felt the driveway for Lot 3 would be impassable in the spring. He was also concerned with snow removal for that driveway. P. Sanderson commented that DOT has taken the driveway width out of the Town's hands: widths are stated on their permit. He asked J. Chagnon to comment on S. Gerrato's comments about the driveway. J. Chagnon didn't believe there would be a problem. There is a grade of 50' with a 4' drop in the middle of the driveway. It may be necessary to add a culvert under the road and a ditch on the side. J. Chagnon responded they have designed the road to come off the State highway to a low point where water would cross it and then go back up. It would be gravel material and paved so the water would go across it. There isn't a lot of room to put in a culvert, or culvert and catch basin. S. Gerrato continued that the snow would be piled on the sides of the driveway and act as a dam; because of the grade, it will make things worse.

M. Sodini referred to the Town Engineer's comment regarding the size of the culvert being inadequate for the runoff. J. Chagnon stated that requiring a drainage analysis on Lot 4 would ensure there was no increased runoff from Lots 3 and 4. Altus supports the approach that drainage analysis be required for a building permit for Lot 4. Chair Jerome was concerned about drainage on all four lots. He felt more may come down Newington Road towards the intersection in the winter. J. Chagnon added they haven't heard of an existing drainage problem at the intersection.

Chair Jerome opened the meeting to public comments. Denny Pratt, 128 Portsmouth Avenue: He has no water problems now, but is concerned that he will; the water has to go somewhere when the culvert dams up with leaves, there is snow melt or heavy rain. He mentioned again about the dip on Lot 4 that pools towards his property; dirt as a fill was not going to work. J. Chagnon assured him it could be fixed; Lot 4 should be looked at seriously before it's built on and a drainage study should be done.

Jack McGee, attorney and representing Christine Marchulaitis, 90 Portsmouth Avenue: At the Conservation Commission meeting in November he thought the developer agreed to fully protect the easement area; now they don't feel it's necessary because what's in place will be enough. The area is super sensitive, and a drainage study is not required with the exception of Lot 4. He was concerned prospective homeowners might do some type of activity within the easement that would impact the soil and adversely affect the water situation. It's critical the easement be kept in its current state, which should be done by deed restrictions. Even though PSNH will not release an easement, they will allow things to be done within the easement. Plaques should be placed along the boundary line of the 300' easement. He suggested including in the deeds that the area cannot be disturbed in any fashion, plaques be put along the border, and nothing be allowed within the easement. He felt the Town Attorney should review the deed restrictions to ensure they prohibit anything within the 300' easement.

J. McGee continued that there are drainage issues on the lower portion and questioned if eventually it would cause water to back up. Lots 1 and 2 have a significant wetland area; thought has to be given as to how that will be impacted with construction on Lots 1 and 2. A drainage study might reveal there could be a problem at the intersection of Newington Road and Portsmouth Avenue with four new houses. J. McGee felt a drainage study should be done on the entire lot.

C. Gamester stated that the owner would acquiesce to C. Marchulaitis' concerns and restrict uses within the easement with the exception of agricultural. There was further discussion regarding the drainage study for the lots. J. Chagnon asked J. McGee if the applicant's offer addressed their concerns. J. McGee stated that agricultural uses can adversely affect drainage. J. Chagnon responded that essentially J. McGee would prefer the applicant built a park so nothing could be done other than to look at the land. He felt limiting the use to non-agricultural was stepping a little too far. A drainage analysis was done that accounted for square foot development on each lot. That information was presented to the Town Engineer who reviewed it and indicated he had walked the property and familiarized himself with the site. The Town Engineer did not state that there was a potential for increased runoff. J. McGee countered that his client was worried about drainage and J. Chagnon's clients wanted to allow agriculture which is well-known to adversely affect drainage. C. Gamester responded that PSNH could, at any time, remove all the brush and trees. What the applicant was proposing was extremely reasonable and preserving what other people could come and destroy in 300' of land.

There being no further public comment, Chair Gerome closed the public hearing and returned to the Board for discussion. S. Gerrato asked that a house be shown on Lot 3 as well as where the snow would be plowed along the driveway and where the water would go in the spring. M. Sodini addressed the applicant's offer of nothing more than agriculture within the easement, stating it was more than fair. Chair Gerome asked for the Board's thoughts on marking the wetlands on Lots 1 and 2; the Town Engineer recommended that the no-cut buffers be marked. C. Hussey recommended the tree line be marked. P. Sanderson pointed out the wetlands on Lot 1 and 2 was an open mowed field with hydric soils and not a jurisdictional wetland system. Lot 3 will be included in the drainage study. P. Sanderson commented that with the 300' easement plus the 100' or more from where the homes will be located, Lots 1 and 2 will be provided with more than adequate buffering. The offer made by the developer for the restrictions within the easement is more than adequate.

C. Gamester stated the applicant was willing to eliminate all uses within the easement area, including agricultural. J. McGee stated that the developer showed great effort and his client would be in agreement.

J. Chagnon noted that the property outlined in Detail Area A on the plan set dated October 10, 2014 and revised to December 09, 2014, will be deeded to Map R22, Lot 18.

MOTION: M. Sodini moved to approve the waiver request from Subdivision Regulations, Section 3.3.3 – Construction Plan, to allow the plan scale of 1" = 60', where no more than 40' is required. Second – P. Sanderson; all in favor. **MOTION CARRIED**

MOTION: M. Sodini moved to approve the waiver request from Subdivision Regulations, Section 3.3.1– Existing Conditions Plan, Item (a) Vicinity Sketch: the scale of the vicinity sketch is 1" = 2,000' where 1" = 1,000' is required. Second – P. Sanderson; all in favor. **MOTION CARRIED**

MOTION: P. Sanderson moved to grant the Conditional Use Permit for 34 Newington Road, permitting a conditional use pursuant to Article XVIII – Wetlands Protection, Section 18.6 – Conditional Uses, that will

permit 1,693 sq. ft. of wetland buffer impact in order to construct a shared driveway to service Lots 1 and 2 of the proposed subdivision of Map R22, Lot 23. Second – M. Sodini; all in favor. MOTION CARRIED

MOTION: P. Sanderson moved to approve the subdivision plan for 34 Newington Road, Map R22, Lot 23, prepared for the Bertha P. Patterson Trust by Ambit Engineering, according to the plan set dated December 09, 2014, and in accordance with the waivers granted and NHDOT Driveway Permit No. 06-187-299, permitting two driveways off Newington Road. In addition, the following conditions apply: (1) any persons seeking a building permit on Lots 3 and 4 in this subdivision shall, as part of that request, submit a drainage study that will be reviewed by the Town Engineer and found to be acceptable; (2) the applicant shall, in the deeds to Lots 1, 2, 3 and 4, restrict an area that is currently burdened by a Public Service easement shown on the plan as 300' wide such that no further structures or other alterations of the property will occur without further order of the Planning Board; (3) the property outlined in Detail Area A on the plan set dated October 10, 2014 and revised to December 09, 2014, will be deeded to Lot R22, Lot 18. Second – M. Sodini; all in favor. MOTION CARRIED

MOTION: Chair Gerome moved to convene into a public hearing at 9:04 p.m. Second – P. Sanderson; all in favor. MOTION CARRIED

No citizen petitions to the Zoning Ordinance were received.

MOTION: P. Sanderson moved to close the public hearing regarding zoning proposals. Second – M. Sodini; all in favor. MOTION CARRIED

3. Age Restricted Housing Revisions

MOTION: P. Sanderson moved that the draft dated 12.18.2014 of revisions to Article XIX - Age Restricted (Senior) Housing proposed for the 2015 Town Meeting proceed to the ballot as presented. Second – M. Sodini; all in favor. MOTION CARRIED

4. FEMA Revisions: Article VIII – Floodplain Management District

The Conservation Commission was asked to review the proposed changes to Article VIII before moving it to ballot. C. Hussey stated that the Conservation Commission agreed to move forward with recommendations made by the Planner. P. Sanderson stated the changes were made by OEP (Office of Energy and Planning) to ensure the Town was in compliance with the National Flood Insurance Program. Changes that were made are technical and do not reduce flood protection. In addition, there are three definitions that they suggest be removed, having nothing to do with the National Flood Insurance Program. There are additions to be made to the Subdivision Regulations, which will be done at a later date.

Changes to Article VIII – Floodplain Management District as outlined in the document from OEP, dated 10.07.2014: eliminating Section 8.3.18 - Inland Wetlands, Section 8.3.19 – Isolated Non-Bordering Wetlands, and Section 8.3.33 – Tidal Influenced Lands.

MOTION: C. Hussey moved to forward Article VIII – Floodplain Management District to ballot on March 10, 2015. Second – M. Sodini; all in favor. MOTION CARRIED

5. Topics for Public Hearing: Thursday, January 15, 2015

The secretary updated the Board on the request from Tighe & Bond for a site plan modification for 1533 Greenland Road. Tractor Supply would like to “flip” their storage area to the opposite side of the building which may allow one or two additional parking spaces. They would like to modify the site plan for that section of the subdivision only. P. Sanderson stated that because the Planning Board had approved the subdivision, the Tractor Supply side only would be discussed. If the Board does not approve the modification to the site plan, it will not void the original approval.

G. Coppelman left the meeting.

6. Planning Board Consultant

Copies of the proposed contract from Fougere Planning and Development, Inc. as well as recommendations from the Town Attorney were distributed. There was a discussion regarding Fougere’s Item 8 (indemnify and hold harmless), proof of liability insurance and worker’s comp. The Board has requested the Town Administrator contact Mark Fougere for clarification.

7. Approval of Minutes: Thursday, November 20, 2014 and Thursday, December 04, 2014

Continued to the meeting on Thursday, January 15, 2015.

8. Other Business

There was no other business to discuss.

9. Adjournment

MOTION: Chair Jerome moved to adjourn at 9:30 p.m. Second – S. Gerrato; all in favor. **MOTION CARRIED**

NEXT MEETING

Thursday, January 01, 2015 – *NO MEETING DUE TO THE HOLIDAY*

Thursday, January 15, 2015 – 7:00 p.m., Public Hearing, Town Hall Conference Room

Respectfully Submitted – Charlotte Hussey, Secretary to the Board

Approved: Thursday, January 15, 2015