



PLANNING BOARD

Town of Greenland • Greenland, NH 03840
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MINUTES OF THE PLANNING BOARD PUBLIC HEARING

Thursday, June 19, 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, Rich Winsor

Members Absent: David Moore

Staff Present: Glen Greenwood – RPC Circuit Rider

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. Site Plan Review: 01 Bayside Road [Map R17, 3]
Owner: MMC Greenland, LLC
Applicant: MJS Engineering, PC
The owner and applicant are proposing to construct an additional 30' x 140' self-storage building adjacent to the existing storage buildings.

MOTION: M. Sodini moved to continue the Site Plan Review for 01 Bayside Road to the public hearing on Thursday, July 17, 2014. Second – S. Gerrato; all in favor. **MOTION CARRIED**

After a brief discussion, members of the Board felt that abutters should be noticed again due to the number of continuances.

MOTION: P. Sanderson moved to require the applicant to re-notice the abutters. Second – M. Sodini; all in favor. **MOTION CARRIED**

2. Site Plan Review: 330 Portsmouth Avenue [Map R21, 10]
Owners/Applicants: David Phreaner & Lisa Rothermich
The owners/applicants are proposing to convert the existing barn into living quarters on a slightly expanded footprint, and restore the current living quarters to four wellness center practitioner offices. This will require increased parking for staff and clients as well as a new septic system.

The applicants last appeared at the May 15, 2014, Planning Board meeting. Lisa Rothermich addressed the Board, introducing David Phreaner and Michael Behrendt, Town of Durham Planner; also present was Marlene Hayes, Condo Association rep. A slide show presentation of the proposed project was done by L. Rothermich.

At the meeting in May, the Condo Association requested a green screen at the rear parking area; there is an existing green screen at the front parking area. Exterior lighting was also a concern of the

Association. They have met with the Association and reviewed plans for landscaping and lighting. The Association is comfortable with the plans.

Concerns of D. Smith, former RPC Circuit Rider, were addressed (copy on file). Their response paid particular attention to exterior lighting, stormwater runoff management and parking (copy on file). L. Rothermich stated what they have proposed is appropriate and in alignment with the Commercial A zone, and it integrates well with the traditional building design representing historical Greenland.

G. Greenwood told the Board that the applicants have worked diligently to address D. Smith's comments. They are concerned about doing the project correctly as well as the impact parking may have on the abutting parcels.

R. Winsor commended the applicants on their progress. There was a brief discussion about lighting; R. Winsor suggested that lighting be indicated on the mylar and keyed to the plan. P. Sanderson addressed signage on the site, adding it should be noted on the plan that the sign will not exceed the requirement in the Ordinance. Although the location is fine, the sign needs to be in compliance. P. Sanderson also suggested the applicant request a waiver for underground utilities because service was not going to be changed and it was safe. He continued that an addition should be made to Note 10 on the plan that there will not be a dumpster on site and waste storage would be kept in the garage. Parking spaces were also discussed. The applicant requested the option to add parking spaces if it's determined they're needed. There are currently nine paved spaces, plus two in the garage for a total of eleven spaces. L. Rothermich requested that because they meet the requirement now, they would like to keep their options open and not do gravel spaces in the grassy area. Board members felt that by adding expanded parking to the plan, the applicant would not need to return for additional parking. The open space requirement would still be met with proposed parking. Also to be added to the plan: a signature block, the species of trees and count, and waivers.

MOTION: R. Winsor moved to grant the waiver from Site Plan Review Regulations, Utilities - Section 5.14(a): All utilities serving the property shall be placed underground. Second – M. Sodini; all in favor. MOTION CARRIED

MOTION: M. Sodini moved to grant the waiver from Site Plan Review Regulations, Parking Specifications, Size - Section 5.11.3.1, to allow 9'x18' parking spaces, where 10'x20' is required: Each required parking space shall not be less than 10' wide and shall have a minimum area of 200 sq. ft., exclusive of drives or aisles; the business is existing and the nature of the business does not require truck deliveries. Second – P. Sanderson; all in favor. MOTION CARRIED

MOTION: M. Sodini moved to grant the waiver from Site Plan Review Regulations, Parking Specifications, Travel Lanes – Section 5.11.3.2, to allow 18' travel lanes where 22' is required: Travel lanes shall not be less than 22' wide for 90 ° angle parking; 18' wide for 60 ° angle parking; and 12' wide for 45 ° angle and less parking. Second – R. Winsor; all in favor. MOTION CARRIED

MOTION: P. Sanderson moved to approve the site plan for 330 Portsmouth Avenue [Map R21, 10] with the conditions as listed. Second – M. Sodini; all in favor. MOTION CARRIED

- Any and all state and/or federal permits shall be obtained and made part of the file.
 - No occupancy permit shall be issued until such time as the requirements of the fire protection system have been installed, tested and accepted in accordance with the Site Plan Review Regulations.
- NOTE: A letter from the Fire Chief is on file indicating that current fire protection is adequate.

- *No occupancy permit shall be issued until the landscaping is inspected by the Building Inspector; landscaping shall be completed according to the plan.*
- *Any and all fees due the Town of Greenland and its consultants must be paid before the mylar is signed and recorded.*
- *A pre-construction meeting must be held with the Building Inspector prior to any building permits being issued.*
- *A post-construction meeting must be held with the Building Inspection prior to any occupancy permits being issued.*
- *Any variances or waivers granted must be keyed to the final plan.*
- *No changes to the approved plan can be made without appearing before the Planning Board.**
- *Erosion control measures must be in place and maintained throughout the duration of the project construction.*
- *The applicant must submit a final full plan set (22"x24") and plan copy (11"x17") as part of the Planning Board file.*
- *The applicant must submit a digital copy (CD ROM or thumb drive) of the final full plan set as part of the Planning Board file.*
- *Signage may not be increased beyond the levels permitted in the Zoning Ordinance, Article VI - Signs, Section 6.3.7(B): 48 sq. ft., per side, in the Commercial District for a single business on a lot. For multiple businesses on a lot, 60 sq. ft. is allowed.**
- *Add to Note 10 on the plan: waste storage will be provided within the garage structure.**
- *Identify on the plan: species, number, and location of shrubbery buffers to be installed.*
- *Signature block to be included on the plan.*
- *Additional parking to be identified on the plan as "proposed future parking".*
- *Building lighting to be identified on the plan by make and model on the elevations.*

*Must be included as notes on the plan.

3. Site Plan Review, Conditional Use Permit: 1533 Greenland Road [Map R21, 55 & 55A]
 Owner: Clan Murphy Limited Partnership
 Applicant: Richard Landry, Thurloe Kensington Development
The owner and applicant are proposing construction of approximately 29,800 sq. ft. of commercial space, including retail space and drive-thru restaurant. The proposed project will disturb approximately 8 acres.

Ken Mavrogeorge, Tighe & Bond and representing the applicant, addressed the Board reminding them their application was accepted as complete on May 15, 2014. The applicant was also present. They have met with the Town Engineer, but not received any comments from him or the traffic consultants. Based on comments from the gas company and PSNH, notable changes have been made to the site plan: the parking area behind the proposed Tractor Supply building has been revised and reduces the impacts to the wetland buffer by almost 27%; waste water will be collected and brought to the rear of the site, into one large septic system. The Town Engineer was concerned with garbage trucks accessing the dumpster at the rear of the building; that has been addressed. Lighting has been added at the rear of the site for security and in the outdoor storage area. They will be applying for a Variance and waiver for lighting. A subdivision application has been submitted for the July meeting.

K. Mavrogeorge gave a brief overview of the project. It's located in the Commercial C zone adjacent to the Travel Center, and consists of approximately 29,800 sq. ft. of commercial space; a Conditional Use Permit is being requested as well as site plan approval. An application has been submitted to NHDOT, and is under review. The traffic study has been reviewed and accepted, methodology has also been accepted by NHDOT; it's currently under review for the conceptual layout.

G. Greenwood told the Board his approach was to review D. Smith's comments; he did not do a review of the project. D. Smith had several concerns, one of which was the 65 day time period. DOT has not provided comments on the traffic impacts; comments have not been received from the consulting firm doing the review for the Town. Half way through the 65 day period, none of the engineering details have been discussed; the time frame only allows one more scheduled hearing.

R. Landry told the Board they met with D. Smith three times; K. Mavrogeorge met with Altus; all information was submitted two months ago; no communication has been received. K. Mavrogeorge met with Altus after the May meeting: the Town Engineer's comment was "this was the first time he was opening the plans". R. Landry added that in all the Planning Board meetings he's attended, he's never seen any type of delay from a town's review engineer. It was his thought that no one had heard from the traffic consultant. He continued that although the comments have been no one's had time to review the project, the Town Engineer has done absolutely nothing.

Members of the Board and G. Greenwood were concerned with the lack of review. G. Greenwood added that there were numerous issues to be discussed, and something should be done sooner rather than later. R. Landry further commented that the next submission date for the meeting on Thursday, July 17 would be Tuesday, July 08; receiving a review on July 03 would be an issue. Discussing time frames, the applicant commented that plans had been submitted on April 25, and they met with the Town Engineer on May 20, after the Planning Board meeting. K. Mavrogeorge stated they reviewed D. Smith's comments and the plans page by page at that meeting. The Town Engineer made minor mark ups and suggestions; no formal comments were received and were going to be done after plans were resubmitted. The traffic consultants contacted K. Mavrogeorge for permission to start the review, which is normally done through Town.

Board members agreed this was unusual for the Town Engineer. C. Hussey stated that he wanted an official explanation as to what happened. There will be a follow-up with the Town Engineer.

K. Mavrogeorge reviewed comments from D. Smith (copy on file). A subdivision application will be on the July agenda. The Town received preliminary FEMA flood zone maps prior to the first submission of materials. The zone has changed to more closely follow the contours of the site, and now the development is outside the flood hazard zone. A variance for lighting will be submitted to the ZBA, and a waiver from the Planning Board has been requested. The green space requirement has been added and met. For clarification purposes, hatching of the easement landscaping shows planting of trees will not be beneficial to overhead power lines or underground gas lines. Additional vegetation is being provided through gravel wetlands and rain gardens. An AOT permit will be submitted to the State. UNH has done numerous studies on gravel wetlands and rain gardens, and they are effective in treating stormwater. Part of the Conditional Use Permit is for the construction of the stormwater gravel wetland in the buffer, which is an ideal location due to the slope. The Fire Chief has not reviewed the plans; Tractor Supply and the retail space have been proposed to be sprinkled, the drive-thru restaurant would not be sprinkled.

The Board agreed they needed to see comments from the Town Engineer. The proposed subdivision was discussed briefly. The plans submitted in April showed the subdivision line; the application has since been submitted and is on the July agenda. If the subdivision is approved, a non-compliant lighting situation will be created and a variance will be needed. P. Sanderson suggested a joint meeting with the ZBA at their July 15th meeting; everyone would be looking at the same plan at the same time. He continued that compelling information has been heard that the Town may have "dropped the ball" and may have added to the time crunch; there needed to be some flexibility with time. His concern was it may appear the Planning Board was approving things before the ZBA reviewed items. He continued that

the ZBA may approve something under one configuration while the Planning Board reviewed it under a different configuration, and then it may go back to the ZBA with revisions. K. Mavrogeorge explained the variance would allow over .2' candles to cross the property line, which is exceeded at the front of the property. A waiver will be needed regardless if the subdivision is approved; lighting spills over the property line in the front. P. Sanderson stated it was important for the two boards to work together to avoid confusion on what was or was not done.

Traffic was a major concern for Board members. P. Sanderson asked if the intersection at Portsmouth Avenue and Rt. 33 by the Post Office was part of the methodology. He continued that it was very similar with the stop sign and left hand turn onto Rt. 33 into traffic. He felt it would be helpful as part of the submission as to how the left hand turn would be made.

There will be a joint septic system in the rear of the lot for the three buildings. S. Gerrato was concerned about grease being pumped to the back of the property and potential failure; there are wetlands and Packer Brook in that area. He requested the applicant research potential grease problems and solutions. R. Winsor asked if a subdivision and shared septic may be within regulations for community septic.

Detail for the remote sign at the rear of the property has not been provided. Also discussed was the architecture. Signage was addressed on the architectural renderings that were submitted. Architecturally, Tractor Supply must be submitted as close to their protocol as possible. There have been very minor changes made, including to material.

Chair Gerome opened the meeting to public comments. There being none, he closed public comments and returned to the Board for discussion. Waiver requests were briefly discussed, but not voted on. There were no requests viewed as inherently unreasonable. The Board needed to keep in mind how much of the site was vegetated and would remain that way. It's a challenged site, the Board should be flexible. It was further suggested that vegetation not be added that would create sight line problems in the future that may affect safety. Subject to solving some of the technical issues, the applicant has done the best they could with a very challenging site, and was one of the better proposals submitted.

M. Sodini told the Board that under RSA 676:2, it was the applicant's responsibility to request a joint meeting. P. Sanderson added that the goal was for both boards to see the same submission at the same time and discuss coordination, reducing the opportunity for conflicts and difficulty. R. Landry stated the need to go to the ZBA was driven by the Town Engineer requesting more lighting on the entrance drive and at the intersection. G. Greenwood commented that although a joint meeting could be very effective, but the Board was in a time crunch; everyone should be noticed appropriately.

MOTION: *P. Sanderson moved to continue 1533 Greenland Road [Map R21, 55 & 55A] to a joint meeting with the Zoning Board of Adjustment on Tuesday, July 15, 2014 and the regular Planning Board Public Hearing on Thursday, July 17, 2014. Second – R. Winsor; all in favor. MOTION CARRIED*

R. Landry requested that the joint meeting include the subdivision application. G. Greenwood stated that the Planning Board portion would have to be re-noticed. P. Sanderson didn't feel it would be necessary, and could be done at the meeting on July 17, 2014.

4. Site Plan Review: 55 Ocean Road [Map R21, Lots 42 & 43]

Owner: Carol Hughes

Applicant: Dan Hughes

The owner and applicant are proposing a 32 x 36 commercial building with associated site improvements, construction of an asphalt driveway with parking area and septic system, and minor site grading to accommodate the site improvements.

Joe Mulledy, Ambit Engineering and representing the owner and applicant, addressed the Board. Also present was Don Cook, DD Cook Builders. J. Mulledy briefly reviewed the plan and driveway for the Board. There is an existing driveway off Ocean Road that will be improved and extended to the building site. The structure will be a barn-style commercial building, and have no impact on the wetlands. There is a private well on site. The driveway will be graded so runoff is to the west; it will be treated by the vegetation along the west bank. Town and State subdivision approval have been received. A lot line adjustment was approved by the Planning Board on February 20, 2014.

The septic system will be Enviro-Septic; the leach field is to the west. Silt socks will be placed around the perimeter for erosion control. Four waivers were being requested, and were reviewed by J. Mulledy.

M. Sodini mentioned to the Board that he had spoken to the Building Inspector earlier in the day, and referred to the email included in the packets from the Town Attorney to the Building Inspector. Article IV of the Zoning Ordinance, Dimensional Requirements, Section 4.3.3 states “no appurtenances to commercial or industrial developments (e.g. parking areas, sewerage, etc.) shall be located within the Residential District”; the Town Attorney agreed it does exist on this property. D. Cook was unaware of the appurtenance; P. Sanderson explained the impact of the email: the Building Inspector asked the Town Attorney if the driveway from the residential zone into the commercial zone an appurtenance. D. Cook stated that it had not been discussed. They were at the ZBA on Tuesday, June 17, 2014, and were granted a modification to a 1996 variance. Relief was granted based on the same plan before the Planning Board, and understood the only way to access the proposed building was by the driveway on the plan; the use was approved by the ZBA. It was noted for the record that the Planning Board was looking at the same plan the ZBA reviewed at their meeting; they understood the building and point of access, and the Building Inspector did not make a ruling or administrative decision that additional relief was required; he was present at the ZBA meeting.

Public Service and gas company approval is pending, contingent on site plan approval. Asked by Chair Gerome if the Board could approve something with a known violation, P. Sanderson stated it doesn't have a known building violation because the Building Inspector did not declare it a known violation. He continued that the ZBA approved the use, and NHDOT approved the driveway permit. G. Greenwood commented that it was a fatal from his perspective until he learned of the ZBA decision. If they were looking at the same plan and approved the commercial use, it would have been impossible for them to have not seen the driveway configuration. Chair Gerome added they weren't made aware of the violation, to which G. Greenwood responded that seasoned ZBA members should have noticed the driveway configuration to access the property. They provided the relief that was required.

G. Greenwood continued that the site plan was very confusing with the number of sheets that had to be reviewed; there is not a site plan for a site plan review. All the required information is there to do a review and it's a low impact proposal; however, it's not a recordable plan. Signature block, waivers and variances must be included on the final plan.

MOTION: *M. Sodini moved to approve the waiver from Site Plan Review Regulations Section IV – Application Procedures and Requirements, Section 4.3 – Data Required, Subsection 4.3.1(k) – Soils Map,*

to allow a previous HISS map to be used when a soils map showing all soil types and delineating any poorly or very poorly drained soils is required. Second – P. Sanderson; all in favor. MOTION CARRIED

MOTION: M. Sodini moved to approve the waiver from Site Plan Review Regulations Section IV – Application Procedures and Requirements, Section 4.3 – Data Required, Subsection 4.3.2(f) – Storm Drainage Plan, requiring a storm drainage plan, performed by a Registered Professional Engineer, including a plan for the retention and slow release of stormwater where necessary, together with supporting calculations. The proposed structure does not warrant a full drainage study on a property of over 5.7 acres. The driveway will be designed to drain runoff to the West to a depressed area on the property that will allow runoff to percolate into the soil and not leave the site. There will be no negative impact in stormwater runoff as the existing topography will contain runoff within the parcel. Second – S. Gerrato; all in favor. MOTION CARRIED

R. Winsor requested that the outdoor lighting be keyed to the plan, and should include the make and type of fixture which should be dark sky compliant. This should be done on the elevations for the barn.

MOTION: M. Sodini moved to deny the waiver from Site Plan Review Regulations Section IV – Application Procedures and Requirements, Section 4.3 – Data Required, Subsection 4.3.2(i) – Outdoor Lighting, requiring the location, type and design of outdoor lighting. Second – R. Winsor; all in favor. MOTION CARRIED

MOTION: M. Sodini moved to approve the waiver from Site Plan Review Regulations Section IV – Application Procedures and Requirements, Section 4.3 – Data Required, Subsection 4.3.2(m) – Traffic Impact Analysis. It is expected that the proposed business will have less than 10 vehicles entering and exiting the driveway each day. The anticipated amount of traffic does not warrant a traffic impact analysis and will not have a negative impact on traffic on Ocean Road. Second – P. Sanderson; all in favor. MOTION CARRIED

MOTION: P. Sanderson moved to grant conditional approval to the site plan for 55 Ocean Road [Map R21, Lots 42 & 43], subject the conditions listed. Second – M. Sodini; all in favor. MOTION CARRIED

- The applicant must submit a recordable site plan of the entire premises;
- Subject to the provision of appropriate DES permits;
- Subject to the provision of the appropriate DOT driveway permit;
- Subject to provision of appropriate approvals from PSNH and Maritime Gas Company;
- Subject to three granted waivers.

5. Conditional Use Permit: 75 Tuttle Lane [Map R9, 1A]

Owners: Robin & Dorothy Hughes

Applicants: Bob & Barbara Dion

The owners and applicants are proposing the construction of a single family dwelling that will include a driveway and walkway to be built partially in the wetlands setback.

Bob Dion addressed the Board, briefly explaining their proposed project. They are requesting a Conditional Use Permit to allow the driveway and walkway to be built partially in the wetlands setback. They were granted a Special Exception from the ZBA at their meeting in May, allowing them to build a portion of the deck and stairs, and porch and stairs in the wetland setbacks; the shed was denied.

It's a difficult site, with a small building envelope. C. Hussey commented that the Conservation Commission had reviewed the application. Without elevations noted on the plan, they were unable to

tell which direction the water flowed away from the site. B. Dion further explained the location of the house on the property, pointing out how the property slopes and noting the wetlands.

G. Greenwood commented that the Planning Board had the authority to grant the driveway and walkway incursions, and the Conditional Use Permit has been put in place to allow this. The shed will either be moved or not built. The driveway will be gravel and built up slightly; it's approximately 3' down from the existing grade from the road. G. Greenwood clarified that there will not be any activity in the wetlands, it's all in the wetlands buffer.

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

R. Winsor reviewed the Conditional Use Permit requirements as listed in Article XVIII – Wetlands Protection Ordinance of the Greenland Zoning Ordinance, Section 18.6.1 – Conditional Uses and 18.6.2 - Conditions.

- A. That the proposed use is permitted in the underlying zoning district: **YES**
- B. That the use for which the permit is sought cannot feasibly be carried out on a portion or portions of the lot which are outside the Jurisdictional Wetland Area, buffer or setback: **YES**
- C. That the design, construction and maintenance of the proposed use will, to the extent feasible, minimize detrimental impact on the Jurisdictional Wetland Area, buffer or setback and that no alternative design which does not impact a Jurisdictional Wetland Area, buffer or setback or which has less detrimental impact on the Jurisdictional Wetland Area, buffer or setback is feasible: **YES**
- D. In cases where the proposed use is temporary or where construction activity disturbs areas adjacent to the immediate use, that the landowner agrees to restore the site as nearly as possible to its original grade, surface condition, and vegetative condition following construction: **No disturbance other than permanent grading; trench for underground water line or other utility must be backfilled and revegetated (NOTE MUST BE MADE ON PLAN)**
- E. That the proposed use will not create a hazard to individual or public health, safety and welfare due to the loss of the Jurisdictional Wetland Area, contamination of the Jurisdictional Wetland Area and/or groundwater, or other reasons: **YES**
- F. There will be no adverse impact on the Jurisdictional Wetland Areas functional values of the site or surrounding properties as it relates to water quality, flood storage capacity and wildlife habitat: **Not approaching the wetland resource, only touching the buffer.**
- G. That all required permits shall be obtained from the New Hampshire Department of Environmental Services Water Supply and Pollution Control Division under New Hampshire RSA §485-A: 17, the New Hampshire Wetlands Board under New Hampshire RSA §483-A, and the United States Army Corps of Engineers under Section 404 of the Clean Water Act: **Not in the wetlands.**
- H. The applicant develop a stormwater management plan meeting the requirements of the Town's Stormwater Management regulations to document that no adverse impacts will occur unless this requirement is waived by the Planning Board for good cause shown: **Waived (see motion); it's the intention of the applicant not to have a sump pump.**

MOTION: R. Winsor moved to waive Section 18.6.2(h) of the Greenland Zoning Ordinance, with the exception that any discharge water not be within the setbacks. Second – P. Sanderson; all in favor.
MOTION CARRIED

- I. That the impact is not contrary to the public interest (an example might be the construction of utility services and that no reasonable alternative exists): **YES**
- J. That economic considerations alone are not sufficient reasons for granting a permit: **YES**

- K. The proposed construction is essential to the productive use of land not within the jurisdictional wetland area, buffer or setback: **YES**
- L. The proposed construction permits the unobstructed flow of water and preserves the functionality of the jurisdictional wetland: **YES**

MOTION: R. Winsor moved to grant the Conditional Use Permit as requested for 75 Tuttle Lane [Map 9, 1A], meeting the requirements as listed in Article XVIII – Wetlands Protection Ordinance of the Greenland Zoning Ordinance, Section 18.6.1 – Conditional Uses and 18.6.2 - Conditions. The applicant must comply with Section 18.6.2(e). Second – M. Sodini; all in favor. **MOTION CARRIED**

6. Site Plan Review: 780 Portsmouth Avenue [Map R17, 2]
Owner: Peter Tupper, Seacoast Subs RE Holdings LLC
Applicant: Timothy J. Winings, TJW Survey
The owner and applicant are proposing a change of use for one of the four units from an antique store to a day spa. No physical changes to the structure or site are proposed.

Timothy Winings, TJW Survey and representing the owner, addressed the Board. There is no approved site plan on file. Exterior changes to the site are not planned. There is an existing septic system with more than enough capacity for the proposed change of use. Parking should also be ample. There is currently an ice cream shop on site, Subway with a seating capacity of 36, and a small office space on the second floor. The proposed change is from an antique store to a day spa. Soil mapping was not done, nor were drainage and lighting plans.

An increased use in septic is not anticipated; the septic was originally designed for a 44 seat restaurant. P. Sanderson stated that with both properties at the Planning Board (01 Bayside and 780 Portsmouth Ave.), the encroachment and setback issues should be resolved. T. Winings told the Board there was a variance granted for the 0-foot setback (*NOTE: Equitable Waiver for Dimensional Requirement granted June 21, 2005*). Parking in the front of the property was questioned; it appears to be encroaching on the 100' setback from the center line of Rt. 33. It may be on land owned by the applicant, but subject to the right-of-way on Rt. 33.

The Board requested additional information regarding the proposed day spa to help determine water usage. The use of chemicals was also questioned. G. Greenwood added that in the Table of Uses, personal services are an allowed use; there is no direct reference to a day spa.

Asked the allowed use, T. Winings responded there was no approved site plan but what was allowed by building. C. Hussey added it goes back to the Bayside Deli; a restaurant has always been the allowed use. P. Sanderson stated it's always been a single use until purchased by the current owner when it was broken into the ice cream shop, Subway, and antique store. The current owner never finished site review.

Concerns of the Board were the septic system and addition of a day spa. They would like to have an approved site plan on file. The Board also suggested a lot line adjustment or easement so there is no encroachment. The location of the septic system and tank was briefly discussed. Any variances need to be keyed to the plan as well as appropriate notes and existing conditions. Also to be included on the site plan: outdoor lighting, signage, parking spaces and sizes, uses of the buildings, hours of operation, any conditions the property may be subject to, septic calculations for the three uses, etc.

G. Greenwood stated that the application was not complete due to the amount of information that is missing.

MOTION: P. Sanderson moved to continue the Site Plan Review for 780 Portsmouth Avenue [Map R17, 2] to the public hearing on Thursday, July 17, 2014. Second – S. Gerrato; all in favor. MOTION CARRIED

7. Approval of Minutes: Thursday, May 01, 2014 and Thursday, June 05, 2014

MOTION: M. Sodini moved to approve the minutes of Thursday, May 01, 2014. Second – R. Winsor; all in favor. MOTION CARRIED

MOTION: M. Sodini moved to approve the minutes of Thursday, June 05, 2014. Second – P. Sanderson; all in favor. MOTION CARRIED

8. Joint Work Session with Board of Selectmen: Roles and Responsibilities in Land Use

The joint work session will be held on Thursday, June 26, 2014 at 7:00 p.m.

9. Other Business

There was no other business to be discussed.

10. Adjournment

MOTION: R. Winsor moved to adjourn at 10:17 p.m. Second – M. Sodini; all in favor. MOTION CARRIED

FUTURE MEETINGS

Thursday, June 26, 2014 – 7:00 p.m., Town Hall Conference Room (Joint Work Session with Selectmen)

Thursday, July 03, 2014 – NO MEETING

Thursday, July 17, 2014 – 7:00 p.m., Town Hall Conference Room, Public Hearing

Respectfully Submitted: Charlotte Hussey, Secretary to the Boards

Approved: September 04, 2014