



PLANNING BOARD
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MINUTES OF THE PLANNING BOARD PUBLIC HEARING

Thursday, November 17, 2016 – 7:00 p.m. – Town Hall Conference Room

Members Present: Chair Stu Gerome, Scott Baker, Courtney Homer, Chip Hussey, John McDevitt - Selectmen's Rep, Rich Winsor, Jamie Connelly – Alternate, Steve Gerrato - Alternate

Members Absent: David Moore

Staff Present: Mark Fougere - 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.

I. PUBLIC HEARING

1. Projects of Regional Impact

There were no projects of regional impact to discuss.

2. Site Plan Amendment – Subdivision of Land: 410 Breakfast Hill Road [Map R1, 10]

Owner: Breakfast Hill Road Trust I, II & III

Applicant: Chinburg Properties

The owner and applicant are proposing to amend the approved subdivision plan to include the addition of a public water supply.

Christian Smith, Beals Associates and representing the applicant, addressed the Board. Also present were Paul Kerrigan, Chinburg Builders, and Stephen and Mary Ann Sewall, property owners. The Planning Board approved an extension for the subdivision last month, which gave them an additional year to continue working on the four party agreement for City water. Altus reviewed the revised plan and the Fire Chief submitted a letter citing hydrant location. Beals Associates received correspondence from the City of Portsmouth stating they approve of the general layout of the water main. It was C. Smith's understanding that the four party agreement had been signed: Rye committed to providing the water volume to the subdivision.

C. Smith stated for the record that Chinburg Properties has been working approximately 36 months on the project, at great expense, negotiating with the Rye Water District. The water will come from the tower on the Rye Water District property; once it leaves that property, the City of Portsmouth will own, serve and maintain the water (they will be buying bulk water from the Rye Water District and selling it to residents in the new subdivision). C. Smith added that they have worked with the City of Portsmouth as well as Greenland officials so that there will be stubs at the right-of-way on Breakfast Hill Road for possible future connection through Post Road. The Town Engineer had suggested teeing the lines along the right-of way at Breakfast Hill Road. The City of Portsmouth felt it wasn't necessary; if the extension

goes forward from Post Road, they don't know which side of Breakfast Hill Road the main would be located.

R. Winsor asked how the agreement worked with Rye supplying water to the subdivision. C. Smith explained that the water is in the tower and there will be a meter that will show how much water is going to the Church and how much is going to the subdivision. The water going to the subdivision will be billed to the City of Portsmouth. There were no upper limits to the water specified. C. Smith explained that he did pressure and flow tests with Ken Aspen of the Rye Water District on the hydrant located near the Church's Youth Center. They got approximately 44 psi of static pressure; when the hydrant was flowing full, it was 1,100 gallons (+/-) per minute; it dropped the pressure down to 42 psi. Based on their calculations, they are expecting 51 psi of static pressure in the main in the subdivision. The 12" pipe can carry approximately 4,700 gallons per minute. DES projections for water and sewer flow is 150 gallons per day per bedroom; 10 four bedroom houses would be approximately 6,000 gallons (600 gallons per home). M. Fougere added that actual water usage will probably be half. S. Gerrato suggested adding a tee at Stone Meadow Way for future expansion. C. Smith responded that they didn't have that authority.

M. Fougere reviewed conditions for approval of the revised plan: final review from the Town Engineer has been completed; sign off from Portsmouth Water; clarification of the drainage easements that are on the property (they run along two property lines); easements documents will be needed; update on the driveway permit from DOT. At a meeting earlier in the day, there was interest in a water stub to the Town-owned property behind the Church; the status of the easement documents with the Church (there will be an easement across the Church property); the possibility of creating an easement plan to be recorded with the revised subdivision plan, clearly noting the location of the water line and whose property will be impacted; a recommendation was made that a note be added to the plan and deed that no wells can be drilled on the lots.

J. McDevitt noted that the Town has a 50 acre lot behind the Church with a right-of-way easement through their property. The Board of Selectmen would like a stub to the Town property for future use. C. Smith responded that he would ask the Portsmouth Water Division. It was delineated on the plans by the surveyor and researched. If Portsmouth doesn't want it there because Rye hasn't signed off on the capacity to serve that area, they are tying in existing fire and domestic service to the Church. It shouldn't be a problem; however, they have no control. J. McDevitt stated that if there were any questions, the Board of Selectmen should be contacted. C. Hussey stated, for the record, that he had concerns with the Town selling property to be developed because of growth in Greenland. J. McDevitt responded that the Coakley is responsible for the issue and Town would like to be able to do something with the property at some point. If water was being provided to the subdivision, they wanted the ability of water to the Town parcel. He asked it be reiterated that this was a major concern for the Town. C. Smith stated that they are working with Jim Tow, Water Distribution foreman with the Portsmouth DPW, looking at final fittings, locations for shut offs, etc., and will bring the request to his attention.

Chair Gerome clarified that what's been promised from Rye through Portsmouth Water is enough supply for the 10 lot subdivision. Nothing has been promised beyond that; the Board of Selectmen will have to negotiate anything further.

Chair Gerome opened the meeting to public comments. Maria Emory, 4 Stone Meadow Way: Was concerned about water being extended, stating it appeared the Board was planning for the future of the Town and leaving the rest behind. R. Winsor responded that there were two things happening: the subdivision and the transition into a discussion with the Selectmen; they must look into extending the water further down. This opens the door for that discussion. J. McDevitt added that the Town

Administrator has been very proactive and the door has been opened with the EPA and DES. The Board of Selectmen was keeping the residents, particularly those along Breakfast Hill Road, on the forefront. The Town was waiting for the results of the most recent EPA test; the Town was asked not to go forward with their own testing. He assured her that the Board of Selectmen was moving as fast as they could. S. Baker added that the residents are first and foremost from a Planning Board perspective. The Board of Selectmen has taken a very proactive and aggressive stance.

Judy Rivais, 3 Berry Lane: Stated her concerns about the location of the water line and her neighborhood. Chair Gerome assured her that it was being watched carefully and monitored. In addition, the pipe would be close to that neighborhood and accessible. R. Winsor added that much of this was future discussion and it wasn't the Planning Board's purview. The goal of the Town was to make sure everyone was taken care of, and they couldn't stress enough that the Town has taken an active stance.

Dennis Malloy, Van Etten Drive: Stated he was heartened by the discussion taking place. He praised the Board of Selectmen for being proactive with their statement in the newspaper. Reassuring residents, regardless of where they live in the area, that water is accessible was important; they wouldn't be living in the wrong area and not get water. He understood that the Board couldn't make any promises; however, it was reassuring to hear. He asked for clarity on the location of the pipe and the Town's 50 acre parcel. J. McDevitt responded that the pipe would not be run across the Town's property, but crossing over the Town's easement used to access that parcel.

Mary Ann Sewall, 346 Breakfast Hill Road: Was very complimentary to the Planning Board and Chinburg Properties for the work they've done in bringing this issue forward.

There being no further comments, Chair Gerome closed the public hearing and returned to the Board for discussion.

MOTION: C. Hussey moved to accept the application as complete for the Site Plan Amendment – Subdivision of Land: 410 Breakfast Hill Road [Map R1, 10]. Second – R. Winsor; all in favor. **MOTION CARRIED**

MOTION: C. Hussey moved to approve the request for site plan modification, Owner - Breakfast Hill Trust I, II & III, Applicant - Chinburg Properties, May R1 Lot 10, in accordance with the plan by Beals Associates, revised plan set dated April 16, 2016, Job Number 3482, for property located at 410 Breakfast Hill Road, with the following conditions. Second – R. Winsor

- Sign off by Portsmouth Water Department;
- Clarify drainage easements and easement documents;
- Provide easement plan for water extension and easement documents;
- Renew NHDOT driveway permit;
- Add water stub to the Town-owned land;
- Add water easement area to Lot 7 of the subdivision;
- Add a note on the plan and in the deeds that no wells shall be installed on any lots;
- No building permit shall be issued until security is posted and an agreement is signed;
- Any and all State and/or federal permits shall be obtained and made part of the file;
- Any and all fees due to the Town of Greenland and its consultants must be paid before the mylar is signed and recorded;
- The applicant must post financial security before the mylar is signed. Applicant is to submit a cost estimate to be verified by the Town Engineer;

- 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 Inspector prior to any occupancy permits being issued;
- Boundary Monumentation must be included in the construction cost estimates;
- A stamped Certificate of Monumentation must be received before the mylar is signed and recorded;
- The applicant must submit a two full page sets of the final plans (22"x24") and an 11"x17" plan copy as part of the Planning Board file;
- The applicant must submit a digital copy (CD Rom or thumb drive) of the final plan set as part of the Planning Board file.

DISCUSSION: C. Smith noted that when the initial water testing was done in 2013, a well was drilled on Lot 1. The Coakley Group has asked it be left as a monitoring well.

AMENDED MOTION: The motion was amended by R. Winsor, seconded by J. McDevitt, to include that a note must be on the plan that the well existing on Lot 1 shall be used for monitoring purposes only by the appropriate officials. All in favor. MOTION CARRIED

II. WORK SESSION

1. Zoning Ordinance Revisions

- Zoning changes submitted by M. Fougere were discussed (copy on file). Included were Accessory Dwelling Units, Map U5 Lot 10 from Residential to Commercial, deleting Lot Merging, revisions to Article III – Table of Uses. Revisions to the Table of Uses include medical offices and outpatient clinics, and ambulatory surgical center in the Commercial C District being allowed by Conditional Use Permit. Article II will be amended to include the definition of Ambulatory Surgery Center.

MOTION: R. Winsor moved to forward Zoning Ordinance changes submitted at the meeting on Thursday, November 17, 2016, to public hearing on Thursday, December 15, 2016. Second – S. Baker; all in favor. MOTION CARRIED

Chair Gerome requested it be clarified that any ambulatory surgery center was to be used as a non-emergency center. Even though it is stated that the center was to be known as an outpatient surgery center or same day surgery center, it should include “non-emergency environment”.

- Sign Ordinance: Draft 8 of the Sign Ordinance was briefly discussed. It was clarified that wall signs on a building will be larger; a corner lot may have two pylons. C. Hussey pointed out that the Planning Board may not have any control over the size of political signs according to the RSA; he was waiting for clarification from Chief Laurent. *Note: The Building Inspector spoke with Chief Laurent on Friday, November 18, 2016, regarding political signs. She was in agreement with the revision in the draft dated 11.04.16 (page 11).* M. Fougere will submit the revised Sign Ordinance to the Town Attorney for review.

MOTION: R. Winsor moved to forward the revised Sign Ordinance to public hearing on Thursday, December 15, 2016. Second – C. Hussey; all in favor. MOTION CARRIED

2. Topics for Work Session: Thursday, December 01, 2016

Topics for the work session were reviewed. Stormwater will be discussed beginning with the January work session. Roof pitches and open display areas will be part of a Site Plan Review Regulation discussion and update.

J. McDevitt suggested increasing septic requirements rather than increasing lot sizes. M. Fougere updated the Board on his discussion with the Town Engineer regarding septic. The Town Engineer felt the regulations currently in place are working. There is currently a 4' soil placement that must be in place above seasonal high, which is restrictive. Even though the minimum lot size is 60,000 sq. ft., it's rare there are enough good soils.

Duplexes and phasing will be reviewed during the work session on Thursday, December 01, 2016. C. Hussey suggested mandatory cluster developments over a certain number of houses. S. Gerrato suggested increasing frontage for duplexes to 300'.

3. Approval of Minutes: Thursday, October 20, 2016 and Thursday, November 03, 2016

MOTION: C. Hussey moved to approve the minutes of Thursday, October 20, 2016. Second – S. Baker; six in favor, two abstain (R. Winsor, J. McDevitt). MOTION CARRIED

MOTION: R. Winsor moved to approve the minutes of Thursday, November 03, 2016. Second – C. Homer; seven in favor, one abstain (S. Baker). MOTION CARRIED

4. Approval of Invoices

MOTION: C. Hussey moved to approve payment to Altus Engineers in the amount of \$373.94 from the Planning Board Escrow Account. Second – R. Winsor; all in favor. MOTION CARRIED

5. Other Business

- M. Fougere reviewed the Town Attorney's letter regarding monumentation on Van Etten Drive. He recommended a solution close to that of the surveyor. Making them move the electrical cabinets out of the right-of-way would be challenging. The Town Attorney also didn't feel the current locations would be a liability. The surveyor suggested a 10' offset along the common property line; the Town Attorney suggested it also be along the front property line forming a "T". Granite bounds will be required. R. Winsor stated he would like the Town road crew's opinion. M. Fougere stated the cabinets are 1' to 1 1/2' into the right-of-way, but a good distance from the road. A hold harmless agreement was also suggested. The cabinets are 23' from the center of the road.

MOTION: C. Hussey moved to follow the Town Attorney's recommendation that there be granite bounds along the front property line and 10' off the common property line (three pins rather than one—two in front and one on the common boundary). Second – C. Homer; all in favor. MOTION CARRIED

- Zoning changes must be complete in January 2017. Mandatory clusters would be a zoning change; it will be looked at again next year.
- J. McDevitt briefly discussed the road improvement plan recently received by the Board of Selectmen.

- Work force housing was discussed. Chair Gerome explained that if the Town doesn't reach a fair number of work force housing and someone comes in with a project for inexpensive housing, it could supersede zoning.
- Chair Gerome asked if the square footage of a duplex could be limited. M. Fougere will discuss architectural guidelines for duplexes with the Town Attorney.

6. Adjournment

MOTION: R. Winsor moved to adjourn at 8:13 p.m. Second – C. Homer; all in favor. MOTION CARRIED

NEXT MEETING

Thursday, December 01, 2016 – 7:00 p.m., Town Hall Conference Room, Work Session

Respectfully Submitted – Charlotte Hussey, Recording Secretary

Approved: Thursday, December 01, 2016