



PLANNING BOARD
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MINUTES OF THE PLANNING BOARD PUBLIC HEARING

Thursday, January 19, 2017 – 7:00 p.m. – Town Hall Conference Room

Members Present: Chair Stu Gerome, Scott Baker, Chip Hussey, John McDevitt - Selectmen's Rep, David Moore, James Connelly – Alternate, Steve Gerrato - Alternate

Members Absent: Courtney Homer, Rich Winsor

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.

1. Projects of Regional Impact

There were no projects of regional impact to discuss.

2. Site Plan Review: 64 Tide Mill Road [Map R18, 42]

Owner: 64 Tide Mill Realty Trust

Applicant: Kathrin Fitzpatrick, Dance Innovation Dance Center

The owner and applicant are proposing to add to the existing building, convert it into a dance instruction studio, increase the surface parking, and expand the septic system to accommodate the anticipated sewage flows.

Steve Haight, Civilworks New England and representing the applicant, addressed the Board. They were at the Board meeting on Thursday, December 19, 2016; revisions were made to the plans based on comments from the Planning Board Engineer.

S. Haight reviewed the comments from the Planning Board Engineer (copy on file). The site plan will be recorded at the Registry. The applicant will demolish the abandoned building on the property; there was a discussion that a bond needed to be in place to ensure the building was removed. It will be boarded up so no one can get in and made safe until it's demolished. They have spoken to the Fire Department about using the building for training; however, the building would need to be cleaned out first. At that point, it would be ready to be demolished. A letter is on file from the applicant explaining her intent to remove the building within the next five years. Notes will be added to the plan.

Based on a conversation with Altus Engineering and a traffic engineer, they plan to widen a portion of Tide Mill Road to approximately 20'. Altus Engineering suggested widening the road up to the Rt. 33 intersection; the Police Chief liked the narrowness of the road because of possible double stacking. There will be a sign at the intersection of Rt. 33 and Tide Mill Road indicating "no left turn". They plan to keep the entrance narrower so there will be one vehicle in and one vehicle out, preventing double stacking.

Landscaping: Although they planned to add quite a few trees, they requested credit for the trees remaining on site. They plan to minimize, as much as possible, the number of trees that are removed. They will also minimize the slopes near the abandoned house and not remove those two trees. There will be a note added to the plan about tree removal. A waiver for trees was submitted.

They will “saw cut” to make a clean edge along Tide Mill Road. The Police Chief has spoken to DOT; the Town has the authority to post/enforce a “right turn only” at the intersection of Rt. 33. It has been included as part of the site plan.

S. Haight discussed the grading plan with the Board. The Fire Department has indicated that they would stay on Tide Mill Road in the event of an emergency. The only people accessing the actual site itself will be parents dropping off their children or students attending dance class.

A waiver was requested for the depth of the parking spaces, which are typically 10' x 20'. The applicant is requesting 10' x 18'. That will allow for less impact on the site. There will be a full 24' aisle behind the spaces.

Run-off from the site will be directed to a small detention pond, outletting it across and heading it down. The flows are very minimal: for a 100 year storm, it's less than 1 cfs. The water will go to a spreader swale and not have a point source. The size of the pipe has been reduced from 12" to 8". They've attempted to reduce the volume and velocity as much as possible. The flat roof will remain; run-off will be captured by a roof drain leader and directed to the detention basin.

All the work in the right-of-way on Tide Mill Road will be the full depth for a Town road. The City of Portsmouth provides water to the site. There will not be an increase in water usage for the dance studio. The septic system is designed for 300 gallons per day; there will be less than that used per day.

Minimum/maximum parking lot requirements for lighting have been met. All lighting is LED dark sky compliant. There is an existing Eversource floodlight on a pole near the road. They will talk to Eversource about shielding the light. It shines directly onto their site as well as Rt. 33. Traffic evaluation: The Police Chief is fine with the plans, however, is recommending a right turn only.

S. Haight reviewed comments from the Planning Board Consultant (copy on file). The maple tree along the roadway will not be removed. It is located in the Town right-of-way; a note will be added to the plan it will not be removed. The trees near the abandoned building will also not be removed unless necessary; a note will be added to the site plan, grading plan and landscaping plan. A note will also be added to the plan that trees highlighted as credits shall not be removed or cut down. An additional note will be made on the plan that the paved section of Tide Mill Road is a Class V road, and the gravel section is Grade VI. The Town maintains the paved portion of the road. The front parking lot of the building will be paved; they are proposing to keep the rear parking area as gravel.

S. Gerrato voiced concerns about the slope of the hill and how they planned to hold it back. S. Haight responded they are putting underdrains in the parking lot. The side slope is 3:1, and is more than adequate. They plan to loam and seed as well as add an erosion control blanket.

There was a discussion about removing the abandoned building on the property. The Board will require a bond as security. In addition, the Building Inspector will complete an initial safety inspection of the building, and continue to inspect it on an annual basis until it's removed. The Planner will work on the bond amount.

S. Gerrato again mentioned his concern with the slope washing out during a heavy storm. Chair Jerome explained the water would be directed to the road and not the parking lot. S. Haight assured S. Gerrato that any erosion would be taken care of; however, he didn't see a problem. M. Fougere added that the 3:1 slope is gentle, and an erosion control blanket would create a shield on the property.

J. McDevitt asked if the Planning Board Engineer had reviewed the final drainage revisions and signed off on the 8" pipe. S. Haight stated that they have spoken, but he hasn't received an official letter. M. Fougere added that the grading has changed significantly since the December meeting. There will be a pole mounted LED light in the rear parking lot as well as wall mounted LED lighting along the edge. J. McDevitt was also concerned about the width of the road. S. Haight stated that the front entrance of the road was over 50' to 60' wide. He offered to extend the road an additional 30'. Based on the traffic study, the existing entrance was adequate.

There was additional discussion regarding the abandoned house. M. Fougere will work on the bond amount; the Building Inspector will inspect the house for safety on an annual basis. A note will be made on the plan that the house will be removed within five years and inspected annually. A note will also be added about the no cut zone for trees. C. Hussey mentioned that Golf and Ski may need an easement to continue to mow the back portion of the property; S. Haight stated they had permission but wasn't sure if it was written.

M. Fougere stated that his comments had been addressed. He noted that the Planning Board Engineer had asked the Board for clarity on several items: the widening of the road and were they comfortable with the grade of the driveways. S. Baker felt there would be stacking and people would ignore the sign if the road were widened. S. Haight agreed that traffic would find its own level—a "no left turn" sign would be put up; however, if they wanted to take a left, they would. K. Fitzpatrick will notice all her employees, parents and students about the no left turn onto Rt. 33.

The 3:1 slope ratio is from the ditch up and is considered a gentle slope; a 1:1 slope is a 45° angle. The parking lot grade is different from the slope. The run-off will come down the slope and go into the swale. The run-off from the parking lot will flow across the parking lot. The slope is higher than the parking lot. It's mitigated with swales and a gentle slope; there are underdrains in the lot. The building will be repainted but the color scheme will stay the same as the current building.

Chair Jerome opened the meeting to public comments. There being none, he closed the public hearing and returned to the Board for comments. An escrow account will be established.

MOTION: D. Moore moved to grant the waiver from Site Plan Review Regulations, Article 5.11 – Parking Requirements, Section 5.11.3 – Parking Specifications, Subsection 5.11.3.1 – Size: 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. Second – S. Gerrato; all in favor. MOTION CARRIED

The waiver requested is to allow parking spaces 18' in length. The shorter length will create less impervious area on the proposed site, and provide room in the site entrance and drop-off area without relocating the parking spaces. The parking will be for employees and patrons creating non-transient parking through the site.

MOTION: D. Moore moved to grant the waiver from Site Plan Review Regulations, Article 5.3 – Landscaping and Screening, Section 5.3 (E) – Trees, Subsection 5.3 (E) (1) – Formulas: One tree, either credited or new, shall be provided for every 500 sq. ft. of disturbed area. Along the public right-of-way,

one tree shall be required to be planted every 40' along the right-of-way, located within 15' of the right-of-way. Second – J. McDevitt; all in favor. MOTION CARRIED

The waiver request is to allow credit for the 64 trees that are 6" and larger within the 31,980 sq. ft. of tree area to remain, with four new trees proposed to fulfill the tree count required where a total of 57 trees are required. Chair Gerome added the area of credit trees that will not be cut must be noted on the mylar.

After a brief discussion, the Board was in agreement not to widen the entrance to Tide Mill Road. Grading of the driveway was acceptable to the Board. Chair Gerome stated if the owner changed and there was a change of use, a heavier use would be a concern. However, a change in use would need to come before the Planning Board. It was noted that the Town plows the paved portion of the road.

MOTION: C. Hussey moved to approve the applicant's request for site plan modification for Map R18, Lot 42, in accordance with the plan by Civilworks Engineers, revised plan set dated January 04, 2017, Project Number 1667, for property located at 64 Tide Mill Road, with the following conditions. Second – J. McDevitt; all in favor. MOTION CARRIED

- Contingent upon final review by the Planning Board Engineer;
- Bond established to ensure the removal of the existing abandoned home on the site within five years;
- Note added to the plan that the abandoned home will be demolished and removed in its entirety within five years (February 01, 2022);
- Note on the plan that the Building Inspector will inspect the abandoned home on an annual basis for safety and security;
- No building permit shall be issued until security is posted and an agreement is signed;
- The applicant must post financial security (bond and escrow) before the mylar is signed; applicant is to submit a cost estimate to be verified by the Town Engineer;
- Notes will be added to the plan relative to trees, including the area of credit trees that will not be cut;
- Sign prohibiting a left hand turn/right turn only onto Rt. 33 from Tide Mill Road will be installed at the intersection according to the Police Chief's requirements;
- A note will be made on the plan that the paved section of Tide Mill Road is a Class V road, and the gravel section is Grade VI; the Town maintains the paved section of the road;
- Any and all state and/or federal permits shall be obtained and made part of the file;
- All approved waivers must be listed on the plans;
- A pre-construction meeting must be held with the Building Inspector prior to any building permits being issued;
- Boundary monumentation must be included in construction cost estimates;
- A stamped Certificate of Monumentation must be received before the mylar is signed and recorded;
- The applicant must submit a final full plan set (22"x34") 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 full plan set as part of the Planning Board file.

3. Approval of Minutes

MOTION: S. Baker moved to approve the minutes of Thursday, January 05, 2017. Second – J. McDevitt; five in favor, two abstain (Chair Gerome, D. Moore). MOTION CARRIED

4. Approval of Invoices

There were no invoices to be approved.

5. Topics for Work Session: Thursday, February 02, 2017

Goals for 2017 were reviewed. The waiver criteria in the Site Plan Review and Subdivision Regulations will need to be amended due to a change in the statute. The Conditional Use Permit (Section 18.6.1) was explained by C. Hussey: when a Wetland Application comes before the Wetlands Board, consideration is no longer given to abutters across the street because it's direct impingement on the property. A Conditional Use Permit could require abutters to be notified. Zoning Ordinance – Mandatory Cluster: a subdivision of “x” number of houses must meet the requirements for cluster zoning which would minimize the amount of road, create open space, etc.; also known as Mandatory Open Space. C-RiSe was also discussed and will be done in 2017. Wetland crossings will be added to the goals. The RPC Transportation Project will be discussed at the work session on Thursday, February 02, 2017. 125 Ocean Road should be at the public hearing on Thursday, February 16, 2017.

6. Other Business

C. Hussey addressed the Board regarding his property at 437 Portsmouth Avenue. Chipco Realty has been having difficulty with NHDOT and their driveway permit. C. Hussey reviewed changes NHDOT has requested, which are different than approved by the Planning Board. He requested Board approval to move forward signing the mylar with the condition that an occupancy permit could not be issued without the driveway permit. NHDOT has issued a permit number but they want a different application filed.

Chair Gerome stated the job of the Planning Board was done. C. Hussey noted that the Planning Board Engineer had to review the plan, and required a driveway permit as part of the approval process. C. Hussey continued that the driveway permit won't be in-hand when the mylar is signed. Chair Gerome stated that the mylar must be recorded because there was financing involved. M. Fougere added that a condition of approval was reviewed by Altus Engineering. There were four issues in his recent letter to the Board: tying the driveway permit to an occupancy permit would meet the condition of approval; the proposed sign at the entrance was a concern but that can be looked at before the CO is issued; also of concern was the striping in the parking lot and landscaping. All of that will have to be reviewed before the CO is issued. Chair Gerome stated it was his understanding that the Building Inspector would not issue a building permit without the driveway permit. C. Hussey responded that the Planning Board didn't require the permit; it was the Engineer's opinion. Chair Gerome reiterated that the Building Inspector stated he would not issue a building permit if any permits were missing; C. Hussey would need to clarify that with the Building Inspector. M. Fougere added that the driveway permit wasn't a stipulation for approval, but was definitely needed. Chair Gerome added the plan could be recorded without the permit but would be considered an incomplete recording. C. Hussey asked the Board if they would agree with the plan being recorded and the CO being withheld until the driveway permit was issued. The Board was in agreement that it was the Building Inspector's choice.

7. Adjournment

MOTION: S. Baker moved to adjourn at 8:18 p.m. Second – D. Moore; all in favor. MOTION CARRIED

NEXT MEETING

Thursday, February 02, 2017 – 7:00 p.m., Work Session, Town Hall Conference Room

Respectfully Submitted: Charlotte Hussey, Secretary to the Boards

Approved: Thursday, February 02, 2017