



PLANNING BOARD
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MINUTES OF THE PLANNING BOARD PUBLIC HEARING

Thursday, June 21, 2018 – 7:00 p.m. – Town Hall Conference Room

Members Present: James Connelly, John McDevitt, David Moore, Rich Winsor, Paul Sanderson (Selectmen's Rep), Steve Gerrato (Alternate),

Members Absent: Frank Catapano, Stu Gerome, Catie Medeiros (Alternate)

Staff Present: Mark Fougere - Consultant

Vice Chair Winsor opened the Planning Board public hearing 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. Subdivision of Land: 475 Great Bay Road [Map R12, 33 – Residential Zone]

Owner/Applicant: OWLS Legacy Group, LLC

Proposed minor subdivision of an existing two family into a two unit condominium.

Tim Wilkinson, owner/applicant, addressed the Board; he is converting a single family home into a two unit condo. He has received State approvals for the septic and subdivision. There will be a fire separation wall between the units. The septic will be new; the septic and well will be common.

M. Fougere stated there is no real construction and it's an existing structure. A stormwater management plan will be needed; a silt fence should be installed around the septic system due to the proximity to the wetland.

MOTION: D. Moore moved to accept the application for the Subdivision of Land, 475 Great Bay Road, as complete. Second – S. Gerrato; all in favor. MOTION CARRIED

T. Wilkinson will provide copies of the State approvals for the Planning Board file. The septic system will be mounded due to the high water table. Responding to a question from P. Sanderson regarding drainage, T. Wilkinson stated the property is very flat; the septic system will be located in the middle of the property. Drainage should not be affected.

T. Wilkinson noted his property abuts railroad property. P. Sanderson responded that the right-of-way with the railroad is usually complicated, and asked if his surveyor has located the actual railroad right-of-way as opposed to an assumed right-of-way. T. Wilkinson reported that the front bounds are marked but was unsure if the rear bounds were marked. P. Sanderson stated that the property line and the edge of the railroad right-of-way can be completely different. New Hampshire railroad plans cannot be

found at the Registry, but at NHDOT or the railroad. P. Sanderson questioned if the surveyor had located the plans and had proper setbacks from those lines. The right-of-way at the depot across the street may be wider than normal.

Priscilla Bourassa, Great Bay Road: A surveyor had recently been in the area looking for markers. Her property was the only record they could locate. That plan showed the driveway on railroad property. T. Wilkinson clarified that his property acquired a second parcel (approximately 1/3 acre) from the railroad in 1987. The right driveway was B&M property at one time. He stated the line would be clearly defined. There is a culvert that is completely covered; the storm basin it drains into is on railroad property. When not maintained, the railroad tracks flood. The railroad cleaned up 90% of the problem. He was unsure of culvert maintenance.

D. Moore requested that the railroad line and the applicant's property line be added to the plan. M. Fougere stated that the bounds must be set and on the plan. D. Moore noted the railroad right-of-way could be different; T. Wilkinson agreed it could be on his property. Vice Chair Winsor stated it would be to the applicant's benefit. If the septic system was in the setback with the railroad, they could make him move it.

J. McDevitt questioned the waiver request which was not included in the Board packet. A waiver was not submitted with this application.

Vice Chair Winsor opened the hearing to public comment. Deborah Beck, Great Bay Road: Drainage will be a major issue. It was not maintained by the three previous owners. The Executor of the Estate dumped gravel in the culvert on Great Bay Road and pushed it in with a loader; the culvert may need to be replaced. D. Beck's goal is to deal with the drainage on the other side. D. Beck requested a maintenance schedule that the Building Inspector could inspect due to the amount of water going through the culvert. The culvert is on State-owned road. When wetland mapping was done, that was the most valued wetland in Greenland. D. Beck would like to see something on the plan referring to the way the water flows. The Planning Board Engineer should have documentation on the culvert and the way the water flows. Maintenance is important. There was a lengthy discussion about drainage.

P. Sanderson clarified that the real outlet was under Great Bay Road and continued down the railroad right-of-way over to where the railroad crosses again. D. Beck added it goes down the swale and down to the corner of Meloon, then out to the Bay. She continued that it was technically a State culvert. T. Wilkinson pointed out the culvert location. P. Sanderson stated the Board wanted to work with the applicant to solve the problem. It would require the surveyor working with the railroad to determine ownership. There should be something in writing regarding the culvert. A note regarding maintenance could be added to the plan. Or someone could be given permission to access the property to maintain the culvert.

Vice Chair Winsor stated if the culvert was owned by the railroad, maintenance was their responsibility. The applicant couldn't replace it because much of it was on railroad property. A note could be made on the plan it was owned by the railroad and must be maintained. P. Sanderson stated the Board would refer T. Wilkinson back to his surveyor and attorney regarding documents and having future owners deal with the problem.

Test pits were done to determine the mean high water; the septic system will be 6' above. It will not be close to the area that floods. The existing leach field is 20' from the wetlands and will be abandoned; the tank will be backfilled after it's evacuated. D. Beck's concern was that a future homeowner would not maintain the culvert; they would all have problems if that happened.

Vice Chair Winsor closed the public hearing and returned to the Board. The Board was in agreement that clarification was needed regarding who was responsible for maintenance, and the location of the easement and setback. D. Beck added that a drainage easement was needed. Vice Chair Winsor added that ownership needed to be established. Ownership, the right-of-way and access for maintenance should be clearly noted on the plan. D. Moore noted that if culvert maintenance is the responsibility of the railroad and someone other than the railroad maintains it, whoever did the work will be responsible if something happens.

J. McDevitt summarized that the Board needed to see clarification on the culvert in regards to the railroad and the right of access with a specific purpose on the culvert by the State.

MOTION: P. Sanderson moved to continue the Subdivision of Land at 475 Great Bay Road to the public hearing on Thursday, July 19, 2018. Second – J. McDevitt; all in favor. MOTION CARRIED

<p>3. Subdivision of Land: 11-13 March Farm Way [Map R21, 55 – Commercial C] Owner: Thurken IV, LLC Applicant: Richard Landry, Thurloe Kensington Development Convert existing parcel into condominium form of ownership with two land units.</p>

Brenda Kolbow, TF Moran Engineers and representing the applicant, addressed the Board. The property is located adjacent to Tractor Supply, Aroma Joe's and the retail building. They are proposing to convert the ownership of the lot into a condominium form of ownership. There are two land units, with the remaining land being common area. The access will be through March Farm Way for both land units. There are a number of easements on the property for the access and utilities. The easement plan was an update for one that was previously recorded. There are no changes to the easement dimensions. There are no new utilities proposed; they were established and installed when the original subdivision was developed. The public water supply is existing and the septic system, located in the common area, is shared. The subdivision application has been submitted to the State and is under review; they don't expect any problems. Three waivers are being requested.

MOTION: J. McDevitt moved to accept the application for Subdivision of Land at 11-13 March Farm Way, Map R21, 55, owner Thurken IV LLC, as complete. Second – D. Moore; all in favor. MOTION CARRIED

B. Kolbow pointed out the access and utility easement to the Board as well as the location of Land Unit B and the common area. P. Sanderson clarified that the condominium will consist of Land Units A, B and the common area. He questioned if the Board had received a complete condominium package. B. Kolbow explained the "floor" plan of the land units. Stormwater management plans were not needed; there is no development on Land Unit B at this time. Vice Chair Winsor asked if it would be prudent to incorporate the stormwater from the prior development into this plan. M. Fougere responded it was on record and everything was built. When Land Unit B comes back to the Board, they'll have to demonstrate how they plan to deal with water.

MOTION: D. Moore moved to approve the waiver request for 11-13 March Farm Way from Subdivision Regulations Section 3.3.3, Construction Plan. Second – J. McDevitt; all in favor. MOTION CARRIED

MOTION: D. Moore moved to approve the waiver request for 11-13 March Farm Way from Subdivision Regulations Section 4.3B, Determination of Soil Type. Second – J. McDevitt; all in favor. MOTION CARRIED

MOTION: D. Moore moved to approve the waiver request for 11-13 March Farm Way from Subdivision Regulations Section 5.2.1, Stormwater Management Report and Plans. Second – J. McDevitt; all in favor. MOTION CARRIED

Vice Chair Winsor opened the hearing to public comment. There being none, he closed the public hearing and returned to the Board.

MOTION: P. Sanderson, referring to the application from Thurken IV, LLC – Rich Landry, Thurken Development, moved to approve the subdivision of Map 21, Lot 55 into two lots in accordance with the condominium plan by MSC Engineers dated May 30, 2018, File No. 47100, subject to the following conditions: NHDES Subdivision Approval; all missing lot bounds must be set prior to recording; the applicant must submit a final full plan set (22"x34") and an 11"x17" plan copy as part of the Planning Board File; and 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. Second – D. Moore; all in favor. MOTION CARRIED

4. Site Plan Review: 63 Ocean Road [Map R21, 43 – Commercial C]
Owner: The Napoli Group, LLC
Applicant: McDonald's USA, LLC
Proposed redesign of drive-thru configuration, accessibility upgrades, and interior/exterior building remodel.

Bill Lucas, Bohler Engineering, addressed the Board. Also present was Francis Essien, Construction Manager and Architect. B. Lucas updated the Board on the remodeling proposed at the McDonald's located at 63 Ocean Road. Interior and exterior renovations are planned including rebranding by McDonald's for a more modern look. Interior renovations will be made to the kitchen, bathrooms, and ADA compliance items. Exterior remodeling is primarily ADA compliant driven: new parking spaces, crosswalk sidewalk system, and to replace all deficient elements on the facility. Exterior improvements will include a small area on the front and side of the building. Utilities will not be changing. Parking is only reduced by one stall (from 60 spaces to 59). Circulation into and out of the site will remain the same. Landscaping will see very minimal changes because they are reducing the impervious coverage on the site, which the owner/operator may have to reinstall due to the demolition and construction. They do not anticipate changing the existing lighting; the poles are roughly 25' in height, shoebox elements that are 400 watt metal halide with cut-offs. There will be some lighting on the building; it's primarily accent lighting (down lit on the surface of the building). Minor signage changes on the building will be made. The quantity will remain the same; the footprint area of the signs will be reduced (the "McDonald's" sign on the front of the building will be reduced to the letter "M").

B. Lucas presented a plan to the Board at the May meeting, which was McDonald's prototypical building. The brand wall has a tile finish; the building has a contemporary look. M. Fougere had told them that the building needed some New England architectural features. B. Lucas went back to McDonald's and the request was reviewed internally. They tried to incorporate some the colonial New England style features with the contemporary look that was presented. The roof line is consistent with the roof line on the building today with its length and limits on the perimeter of the building. B. Lucas stressed the building is a remodel only; they don't have the ability to put a full roof structure on the building due to the style building constructed. There are HVAC units on the roof. Tearing down the whole building was not anticipated for this site. B. Lucas stated this is a national rebranding for McDonald's and heavy investments are being made nationally.

After reviewing Section 5.18 of the Site Plan Review Regulations, they looked at the surrounding buildings near the Ocean Road site for consistency. In McDonald's opinion, their proposed

improvement would fit in with the area; there are buildings that are a mixture of contemporary with colonial or New England style elements. The buildings with full roofs were probably built from the ground up and constructed that way.

J. McDevitt stated that B. Lucas did an excellent presenting the company's position. M. Fougere agreed with the applicant that the majority of the changes on the site are very minor. If it was just those changes, there would be no further discussion. The Board needed to digest the façade; there have been numerous discussions about that aspect.

MOTION: D. Moore moved to accept the Site Plan Review application of 63 Ocean Road as complete. Second – P. Sanderson; all in favor. MOTION CARRIED

P. Sanderson stated this has been the third iteration of McDonald's on that site; McDonald's has been a good neighbor and a good business in Town. He felt they were working hard to meet the Board's concerns. D. Moore's concern was the straight roof line. The color was discussed at this point. B. Lucas noted that the architectural plan didn't do it justice; it was more of a taupe color rather than dark gray. He showed the Board photos of the proposed color on a constructed McDonald's. He felt McDonald's would be open to negotiating the color.

J. McDevitt showed B. Lucas a picture of the McDonald's in Alton Bay and questioned why that couldn't be done at this site. F. Essien responded it was a ground up building. The Greenland site was a different construction program for an existing building. Vice Chair Winsor asked what prevented them from doing something similar. F. Essien stated it was the scope and cost. Vice Chair Winsor asked what was structurally preventing a more colonial look. F. Essien stated "structurally, nothing". In terms of the business investment program, it meant loss of money; it was operator owned and not company owned. Additional elements may be needed for support. Vice Chair Winsor stated that they were asking the Town to allow a really substantial vertical branding wall on the building and repaint the exterior. F. Essien explained this was a program to do away with the Mansard roof, not necessarily a program to introduce other elements into the building.

J. McDevitt stated the company had a right to brand itself with a particular architectural style. The Town also had a right to enforce its guidelines. He didn't expect the owners to spend an exorbitant amount of money to meet unrealistic expectations. He added that McDonald's could do a little better than what they presented; the load on the roof wouldn't be too bad and they could still hide the HVAC units.

J. Connelly felt the design could be a little better; it didn't scream Greenland and what the Board was trying to accomplish. S. Gerrato liked the existing building better. He suggested keeping the existing building and doing the ADA remodeling. P. Sanderson stated McDonald's wanted to do a remodel, remove a garish red roof, remove the word "McDonald's" from the building, and create the vertical branding wall with the letter "M" (there would be less in the way of signage). J. McDevitt stated the Board has kept applicants to the letter of the Regulations, and the roof doesn't meet the intent of that section.

Vice Chair Winsor asked if the elevation of the rooftop changed. F. Essien responded the elevation was 4'6" taller than the existing; B. Lucas stated it was approximately 3'. Vice Chair Winsor noted there would be more flat roof. B. Lucas stated it's 17' to the top of the roof; the brand wall is 18'4". Hardiplank and wainscoating were also discussed.

Vice Chair Winsor asked about the lighting design. F. Essien stated that the exterior lights will not change. Vice Chair Winsor stated they will need to update the lighting on the plan. The menu boards

were discussed. M. Fougere clarified for the Board that they were not approving signage. Signs are reviewed and approved according to the Sign Ordinance; a permit would need to be submitted to the Building Inspector. The sign package would be reviewed as a separate process. Board approval of the application was not tied to the signs. This is an existing grandfathered lot and it will all have to be looked at; it's an updated menu board but can't be read from the street.

There was further discussion about the roof. S. Gerrato felt there was structural support to build off of with the existing roof. P. Sanderson noted that a Mansard roof was New England. J. McDevitt stated the existing roof is more in line with the Regulations.

B. Lucas told the Board the proposed menu board is approximately 20 sq. ft. or half the size of the existing board. There is a preview board in front of the menu board, which is 10 sq. ft. Both are LED digital boards. Based on square footage, the two combined are less than the existing. There will be a volume adjustable speaker. The boards face the street away from residences; there should not be a noise complaint.

Vice Chair Winsor asked that the plan contain only what's applicable to the site. M. Fougere stated everything in the package is happening on the site. The signs could be removed; however, there is a lot going on and is detailed on the sheets.

Vice Chair Winsor opened the hearing to public comment. There being none, he closed the public hearing and returned to the Board. D. Moore questioned the aisle width. It's a 24' drive aisle, which is code compliant.

Vice Chair Winsor gave the applicant the option of a decision from the Board or continuance to the July meeting. F. Essien told the Board that the project was budgeted to be completed by the end of the year. He was unsure what McDonald's would want to do; they would like to invest in the area. The Board agreed McDonald's was a good neighbor. Architecture was a concern for the Board. The discussion returned to the roof line, with B. Lucas noting the Section 5.18 - Roofs stated "all new buildings". It's an existing building not new. The proposed roof line matches the existing roof. B. Lucas continued that he would hate to go back to McDonald's and present the possible resolution from this meeting. They may decide to not do the remodeling, and continue with the existing until the next rebranding or decide to do something else.

D. Moore suggested a pitched roof, similar to the existing, in the same color and adding the accent wall. It would be an alternative to the straight wall and would add character. P. Sanderson stated he would like to see a refreshed facility that is consistent with McDonald's refreshed facilities in earth tones, and the interior made better for employees and customers. B. Lucas felt they were in compliance with Section 5.18 of the Site Plan Regulations. J. McDevitt was willing to compromise; however, the Planning Board had an obligation to the people of this Town. As the owner of the building, they had an obligation to the Town. If McDonald's was saying it was their way or not, he considered that a threat, and would rather keep the existing building.

F. Essien stated the issue was it wasn't a brand new building and they have veered away from their original intent. It was not a matter of "it's McDonald's way or not". J. McDevitt stated they've met the other aspects and it's not a new construction. Putting some of the additional roof line on it is practical and can be done without costing a lot. The Site Plan Regulations mention the long high walls; they were making them even taller and straight, and are actually going against one of the designs they don't like. F. Essien stated the height could be reduced. The roof height is to hide the HVAC.

P. Sanderson felt the refreshed look with the branding wall was positive. D. Moore liked the color and branding wall; he didn't like the flat, vertical wall. The wall at the back of the building wasn't a concern. Vice Chair Winsor liked the color and the hardiplank; the wall was a concern and needed to be broken up. J. Connelly also liked color but had a problem with the pitch. S. Gerrato liked the color but would take "McDonald's" off the building and cut the branded wall into the front of the existing building; he would paint the red roof a different color.

MOTION: J. McDevitt moved to continue the Site Plan application for 63 Ocean Road to the public hearing on Thursday, July 19, 2018. Second – J. Connelly; all in favor. MOTION CARRIED

5. Approval of Minutes

MOTION: D. Moore moved to approve the minutes of Thursday, June 07, 2018. Second – J. McDevitt; four in favor, two abstain (J. Connelly, P. Sanderson). MOTION CARRIED

6. Approval of Invoices

There were no invoices to approve.

7. Other Business

M. Fougere updated the Board on Lonza. The Technical Review Committee (Portsmouth) was going to review the Lonza building on June 05, 2018. It was tabled to July 03, 2018. M. Fougere spoke to the Planning Director (Portsmouth) about the letter the Board of Selectmen sent to the City of Portsmouth. She really didn't see a benefit to making a decision for regional impact and felt it would be a waste of time. The Town of Greenland gets notified of public hearings and didn't seem to accomplish anything. M. Fougere told her a project of regional impact would trigger a review by the RPC and traffic would be discussed. Her response was that the traffic issue was on a State road and they couldn't force the State to do anything to fix it; it was outside of their purview. M. Fougere reminded her that Planning Boards can require off-site improvements to mitigate traffic issues on State highways. She asked if anyone would be attending the meeting on July 03, 2018. M. Fougere encouraged someone from the Planning Board to attend.

P. Sanderson updated the Board on the water line. The engineering work is well underway. Portsmouth has stated they will not be paying anything towards the water line. It won't be painless and free for residents to connect, which could cost \$14,000 per house plus the monthly cost of water.

There is a great deal of regional impact with future development. The Planning Board will need to come to a conclusion and advise the Selectmen and residents about the future of the Master Plan in the Town. The Town may not sustain with development on both sides of Town. The Town has nothing to gain with 1,000 jobs at Lonza and everything to lose. There is nothing to gain with a \$14 million water line extension.

J. McDevitt suggested the Library Trustees meet with the Planning Board and take advantage of their experience and expertise to help move the project along. They would be doing themselves and the taxpayers a favor by availing themselves of the collective expertise of the Planning Board. P. Sanderson noted that the current plan doesn't meet any site plan criteria. They aren't bound by law to comply with zoning, but aren't bound by law to ignore the performance characteristics that were put into the Ordinance for a reason.

8. Topics for Work Session: Thursday, July 05, 2018

There will not be a meeting on Thursday, July 05, 2018.

9. Adjournment

MOTION: J. McDevitt moved to adjourn at 9:13 p.m. Second – D. Moore; all in favor. MOTION CARRIED

NEXT MEETING

Thursday, July 19, 2018 – 7 p.m., Public Hearing, Town Hall Conference Room

Respectfully Submitted: Charlotte Hussey, Secretary to the Board

Approved: Thursday, August 02, 2018