



PLANNING BOARD
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MINUTES OF THE PLANNING BOARD PUBLIC HEARING

Thursday, November 16, 2017 – 7:00 p.m. – Town Hall Conference Room

Members Present: Scott Baker, Stu Gerome, John McDevitt, Rich Winsor, Steve Gerrato (Alternate), Catie Medeiros (Alternate), Paul Sanderson (Selectmen's Rep)

Members Absent: Courtney Homer, David Moore, Jamie Connelly (Alternate)

Staff Present: Mark Fougere - Consultant

Chair Gerome 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. Site Plan Review

28 Bramber Valley Drive – Commercial A Zone (Map U7, Lot 10A)

Owner: Jade Realty Corporation

Applicant: William Cottonham, Door to Door Detailing LLC

The applicant, William Cottonham, was not present. A letter from the Building Inspector was included in the Board's informational packet, updating the situation with the property owner. The property owner believes it's a non-violation; the issues in question have been ongoing for many years. He is currently in Florida and doesn't plan to return to this area until the spring. The Building Inspector provided options for the Board to possibly pursue.

Chair Gerome clarified there were two separate issues: an occupancy permit for Door-to-Door Detailing and a site plan review. P. Sanderson stated the site plan review was the first jurisdictional issue. The owner has functionally subdivided the property without a site review. While there was no problem with the tenant, P. Sanderson's concern was that the property owner had not been before the Board for the site review process. He didn't want to take any action against the tenant; however, he didn't want to reward the property owner. P. Sanderson recommended tabling the matter and the Building Inspector refer it to the Selectmen for further discussion. He didn't believe the Board could do anything for the tenant because the property hasn't been dealt with on a site review.

MOTION: P. Sanderson moved to table the matter and the Building Inspector refer it to the Selectmen for further discussion and possible action.

DISCUSSION: R. Winsor agreed there was nothing the Board could do; the property owner is in violation and hasn't been in for site review. M. Fougere stated that there was an application from the tenant and

the Board was satisfied with his plan. He continued that the property owner has an issue next door on the site. P. Sanderson stated he didn't want to deny the tenant; if he was denied, he couldn't return to the Board unless the plan was substantially different. He didn't feel negative action against the tenant was warranted; the Board was in agreement.

Chair Gerome's concern was the inside of the building and was it subdivided correctly; it was never inspected. He questioned if people were at code or life risk. P. Sanderson responded that the Building Inspector and Fire Chief would answer the life safety questions. M. Fougere stated that the Building Inspector has been inside the detailing business, and may have been on the other side; he may not have gone in the other building. The Planning Board would need to discuss any possible code violations with the Building Inspector. Chair Gerome stated the reason for a site plan review was to address life safety and any other possible code violations; the Fire Chief and Police Chief would need to review the plan.

MOTION: P. Sanderson moved to table the matter and the Building Inspector refer it to the Selectmen for further discussion and possible action. Second – R. Winsor; all in favor. MOTION CARRIED

3. Zoning Ordinance Amendments

Required Well Water Testing: M. Fougere amended the Building Regulations by adding a new section regarding water testing. The Board wanted to provide flexibility when reviewing a large subdivision. The amendment would provide the waiver option to test every well. P. Sanderson noted the amendment doesn't have to be voted on by residents as a Zoning Ordinance amendment. Test kits are being given to residents upon request; the test cost to the resident is approximately \$300.

Required Well Water Testing: All potable water obtained from a well shall be tested, in addition to the standard water quality tests required by N. H. Department of Environmental Services, for per fluorinated compounds (PFC's), volatile organic compounds (VOC's) and 1,4-dioxane. All water tests results shall be submitted to the Building Inspector's Office. **The Planning Board, while reviewing a subdivision application, may waive the requirement that each new well on each new lot have an expanded water test performed. The Board shall take into consideration the number of new lots proposed, the lot sizes and the dispersion of lots.**

J. McDevitt stated the amendment is doing what the Board suggested, but felt it could be interpreted as not having to test any wells. M. Fougere responded that the State requires the basic minimum; Chair Gerome added that the Board had the option to waive the expansion. The basic tests will be further defined; "may waive the requirement..." will be changed to "may reduce the number...". M. Fougere will make the changes for the work session on Thursday 12.07.2017.

S. Gerrato suggested the Board consider requiring the well be dug and tested before building the structure. P. Sanderson explained that the well is normally one of the last steps of new home construction; the builder could get a bad test result. M. Fougere further explained that the proposed test is for information purposes; if it came back positive, the Board wasn't telling them to do anything. If it exceeded EPA standards, conditions would have to be addressed. The genesis of the section was information for the public; it wouldn't prevent an occupancy permit. S. Gerrato explained that the State has stated that "all NH ground water shall be suitable as a source of drinking water", adding the tests have to come back as drinkable. Chair Gerome noted that was currently the requirement.

There was a brief discussion about adding arsenic as a required test. J. McDevitt had an issue with due diligence on the buyer's part. Arsenic is prevalent in this area due to granite and a long history in

Greenland of apple orchards (chemicals used contained arsenic). The Board was in agreement to add “arsenic” as part of an expanded test.

Wetlands Protection Ordinance:

M. Fougere explained there is a phrase in the current chart for setbacks that’s confusing. “Inland Jurisdictional Wetland Areas / Contiguous to Surface Waters” can be found in two places. He suggested removing the words “contiguous” and “wetlands”, and use “surface waters” to clarify the sentence. There will be tidal wetlands, wetlands and surface waters; all are State defined. Setbacks are not changing.

Amend Article XVIII, Wetlands Protection Ordinance, Section 18.7.2 - Structure Setback Requirements by amending the Table by deleting the first two criteria related to the 75-foot setback requirement, “Inland Jurisdictional Wetland Areas & Contiguous with surface waters” and replace it with the term “Surface Water” under the column entitled Jurisdictional Wetland Area. In addition, delete the column entitled “Size, relationship to Surface Perennial Streams”. In addition, amend Section 18.8 - Wetland Buffers, Subsection 18.8.2 – Table, by replacing the terms “Inland Jurisdictional Wetland Areas Contiguous with Surface Waters” with the term “Surface Waters”.

MOTION: R. Winsor moved to forward the amendment to Article XVIII, Wetlands Protection Ordinance, Section 18.7.2 – Structure Setback Requirements, to public hearing. Second – P. Sanderson; all in favor. MOTION CARRIED

4. Approval of Minutes

MOTION: J. McDevitt moved to approve the minutes of Thursday, November 02, 2017. Second – R. Winsor; six in favor, one abstain (S. Baker). MOTION CARRIED

5. Approval of Invoices

MOTION: R. Winsor moved to approve the payment of the invoice to Underwood Engineering from the Planning Board Escrow Account in the amount of \$538.80. Second – J. McDevitt; all in favor. MOTION CARRIED

6. Other Business

CIP: P. Sanderson discussed the CIP process with the Board. He will try to have information available for the next meeting.

Library Expansion: P. Sanderson asked the Board if they would like to provide the Library Building Committee with any feedback regarding their presentation. The Board had given them feedback on parking, safety, access, etc. during their presentation S. Gerrato suggested the septic system could go in front of the existing Library; P. Sanderson stated that was their initial plan and will be sized for up to 120 people. P. Sanderson added they need to consider a reserve septic area in the proposed parking lot adjacent to the School. There are some significant issues that haven’t been resolved with the School; the area they want to use for parking is subject to a bond. They will need a partial release from that bond.

Chair Gerome stated it would be a tight fit. The lot issue and safety would be a concern. Plans call for a lot of building on no lot. S. Gerrato stated that Greenland is a little town, trying to do everything by itself. J. McDevitt's concern was the site due to the slopes, septic system and other issues. If the warrant article does pass, he hoped they would come before the Planning Board for review and insight. Chair Gerome pointed out that the Board didn't have a site plan and one hadn't been engineered; he didn't feel the Town could approve anything that wasn't engineered; it should be engineered before it's approved. Chair Gerome stated the Planning Board could not recommend the expansion without an engineered plan. R. Winsor questioned how they would deal with stormwater. J. McDevitt added that the building was close to the property line was a huge concern.

Legislative Forum Report: S. Gerrato reported on the Legislative Forum he attended. He felt he was on track with his wetland concerns. He was concerned about how the Town would make all the well water drinkable. He recommended that roads not be built over wetlands. Septic systems must also be removed from the wetlands.

P. Sanderson attended the recent Coakley meeting and stated that the wells surrounding Coakley are not in bedrock; the perimeter wells are in bedrock. They are trying to drill down deep into the bedrock to determine how far down contaminants have gone, and if they're deeper than normal. In December, they are going to start Packer tests inside an unused well for residential or other production purposes. They have the ability to go down with cameras to determine the location of fissures. A blocker area is inserted below and 6' above; water is taken from that 6' of fissures. They can get a specific sample to see at what depth there are contaminants. The Packer tests will be done around the edges to find the depth and location, trying to map the flow better. S. Gerrato stated that at the Legislative Forum it was discussed that contaminants are in the air and find their way into wells.

P. Sanderson added that in the Master Plan there is a chapter pertaining to water. Theresa Walker, RPC, would be reviewing that chapter because of sea rise and climate change. The Planning Board could request the RPC give the Board updates on the entire issue of water from their perspective. It could then be looked at as a Master Plan issue.

7. Topics for Work Session: Thursday, December 07, 2017

Topics were reviewed but not discussed.

8. Adjournment

MOTION: R. Winsor moved to adjourn at 7:37 p.m. Second – J. McDevitt; all in favor. MOTION CARRIED

NEXT MEETING

Thursday, December 07, 2017 – 7:00 p.m., Work Session, Town Hall Conference Room

Respectfully Submitted – Charlotte Hussey, Secretary to the Boards

Approved: Thursday, December 07, 2017