



CONSERVATION COMMISSION
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MINUTES OF THE CONSERVATION COMMISSION

Wednesday, July 09, 2014 – 7:00 p.m. – Town Hall Conference Room

Members Present: Chair Chip Hussey, Bill Bilodeau, Laura Byergo, Joe Fredericks, Kevin Lucey

Chair Hussey opened the Conservation Commission meeting at 7:07 p.m. A roll call was taken by the Chair; he announced a quorum was present and the meeting was being recorded.

1. Planning Board and ZBA Applications: Review

- a. Applications for a Variance: 1533 Greenland Road [Map R21, 55 & 55A]
Owner: Clan Murphy Limited Partnership
Applicant: Richard Landry, Thurloe Kensington Development
The owner and applicant are seeking two variances: (1) Lighting - Foot-candles on the side and front property lines range from .03 to 5.4; Article XXIV, Section 24.2, Subsection 24.2.1 of the Greenland Zoning Ordinance allows 0.2 foot-candles at the property line in the commercial district. (2) Truck Service Facility – According to Section II of the Greenland Zoning Ordinance, the proposed truck service facility meets the definition of a truck stop. Article III, Section 3.6, Subsection L4 CA of the Greenland Zoning Ordinance does not allow truck stops in the Commercial CA Zone.
- b. Subdivision of Land: 1533 Greenland Road [Map R21, 55 & 55A]
Owner: Clan Murphy Limited Partnership
Applicant: Richard Landry, Thurloe Kensington Development
The owner and applicant are proposing to subdivide the existing parcel into two lots. The parcel is located in the Commercial C Zone along Route 33 and consists of approximately 34.2 acres. Proposed Lot 1 will be approximately 29 acres; Lot 2 will be approximately 5.2 acres.

Note: The Conservation Commission reviewed the Variance request for the Truck Service Facility.

Ken Mavrogeorge, Tighe and Bond and representing the applicant, addressed the Commission. K. Mavrogeorge distributed revised copies of the proposed plan going to the ZBA on Tuesday, July 15, 2014. He briefly described the proposed project that is before the Planning Board.

K. Mavrogeorge explained that the proposed truck service facility is a non-permitted use in the Commercial CA Zone. He continued that this is an effort by the applicant to bring public sewer to the Town. There is a tentative “agreement in principle” with Travel America to provide access to their sewer pump station which is connected to the City of Portsmouth waste water system. The applicant will be providing Travel America with a truck service facility. In an effort to clear up some of the congestion on the current site, Travel America will be given an area to service trucks rather than have a wrecker tow them. There is no connection between the truck service facility located at the rear of the

lot and the larger lot on 1533 Greenland Road. They are not seeking a subdivision of land or lot line adjustment for the truck service facility at this time.

J. Fredericks asked for clarification regarding the pump station agreement between Travel America and the applicant. K. Mavrogeorge responded that there is an agreement in principle; if a Variance is granted for the truck service facility, it would allow the applicant to tie in his development as well as an additional pump station along Route 33. The intent is to tie into the system on the Travel America property, and connect to a communal pump station allowing access to those along Route 33. K. Mavrogeorge explained that due to elevations at the rear of the site, a secondary pump station would be needed to tie into the existing pump station.

K. Mavrogeorge explained that Travel America would be given the land where the proposed truck service facility will be located, in exchange for the use of the public sewer. A septic system has been designed for the three buildings proposed at the front of the site, and will be submitted to the State for approval. K. Mavrogeorge further explained the easements on the property and that the septic system was designed with those in mind. The proposed truck service facility will be located a significant distance from the wetlands and will not impact any buffers.

After a brief discussion regarding the pumping station, K. Mavrogeorge summarized: the intent was to build the truck service facility and the land would be swapped in exchange for the pump station. As stated by J. Fredericks, potentially 30 properties along Route 33 would be able to tie into Portsmouth sewer. Responding to a question from L. Byergo, K. Mavrogeorge explained that pump stations have to be designed for the proposed use. The capacity of the Travel America pump station is 64,000 gallons per day. Chair Hussey asked how the Town of Greenland would be insured of the second pump station if the Variance were granted. L. Byergo questioned the size of the pump station that would need to be built to service those properties along Route 33, and if the pump station at Travel America could handle those needs. Chair Hussey clarified: would the pumps be changed if the usage increases. K. Mavrogeorge responded more details would be available as the process continues. Chair Hussey asked about the center of Town connecting and if the system would be able to handle the additional use. He continued that he wanted the infrastructure in place. J. Fredericks added that from a conservation standpoint, it would be advantageous that a well-crafted agreement be made. Discussions from a Town standpoint need to encompass the construction details, and will the line be large enough for potential expansion along Route 33. Also to be considered is the size of the pumping stations. Arrangements between developers can save towns significant costs; however, it must be planned and projected so that the "carrot" is enough and takes into account the preliminary study that was done.

K. Mavrogeorge stated the three proposed buildings on the front portion of the parcel are sitting lower than the septic system. The applicant is designing two pump stations because there will be two lots. At this time, there's only one pump station; however, there is the potential for two. J. Fredericks encouraged him to review the 2012 Master Plan and identify to the Town the portions of the Master Plan that were going to be utilized and completed in exchange for the Variance.

Responding to a question by L. Byergo regarding the proposed subdivision of the lot, K. Mavrogeorge told members that The Tractor Supply store preferred to have their own lot. The initial plan for the development was two separate septic systems: one for Tractor Supply, the other for the remaining buildings. After doing test pits, they found it wasn't ideal for a stand-alone system. The design was modified for all three buildings into one collective system in the rear of the lot. A time frame is difficult to pinpoint due to all the factors involved.

Chair Hussey added that he would recommend granting the Variance be contingent upon the project being done as sewer and the pumping station must be built to Town accepted specifications. J. Fredericks felt that by giving Travel America additional space, they could be encouraged to improve their frontage on Route 33. Chair Hussey suggested that even though the proposed entrance to the rear of the property was on Route 33, the applicant may want to include more upland and bring the entrance over to Ocean Road; it would help clean up the frontage and be aesthetically pleasing. K. Mavrogeorge responded it may not be possible because the site is very challenging.

Lot 1 has a significant amount of footage on Packard Brook, which is an important feeder into Great Bay. J. Fredericks asked if the applicant had considered placing conservation easements on those wetlands to protect the watershed; it hasn't been specifically discussed. L. Byergo added it's important to have a portion of the uplands as habitat for wildlife.

Chair Hussey stated that they would be looking very closely at the stormwater management plan. They would like to see a cleaner runoff. K. Mavrogeorge stated that a variance for impacts in the buffer was granted from the ZBA. Since that meeting, they have further reduced the impacts in the buffer area by over 25%. There is a gravel wetland, located primarily in the buffer, as well as three rain gardens.

J. Fredericks stated that if all aspects of the project were done correctly, including a conservation easement along Packard Brook, it would be great. K. Lucey suggested a wide buffer on I-95 would be appropriate if the Variance is granted for the truck repair facility.

2. Sale of Town Land – 560 Breakfast Hill Road: Comments

Chair Hussey told Commission members that Sanctuary Care owns an abutting piece of property in Rye and would like to purchase the land to build residences. Water will be provided by the Rye Water District. He also stated that he would present the Selectmen with a petition for the sale of land to be voted on at Town Meeting in March. His concerns include the fact it's a Superfund site and that the meter will be located in Rye but provide water to select residents of Greenland. The Rye Water District refused to extend their line to the new subdivision on Seavey Way. For the record, he wanted to know why those politically connected could get water from Rye when no one else could.

L. Byergo stated that it was more than who provided water and had nothing to do with the actual conditions on the land. She added that it was the headwater of Berry Brook, as well as habitat areas; it doesn't need to be developed.

The majority of members felt more information was needed, but were in agreement that the property should not be sold. L. Byergo suggested that Seacoast Land Trust be contacted before selling the land to Sanctuary Care. There was a discussion regarding the wildlife and vegetation on the west side. J. Fredericks supported the sale of the property; however, as a condition of the sale there were conservation issues that should be addressed (including granting easements and subdividing the lot so fragile land and the wildlife habitats around Berry Brook are protected). He continued that the potential of bringing revenue into the Town and increasing the tax revenue after it's developed is too attractive to ignore. K. Lucey felt there was a responsibility by the Town to look out for the greater good, and that means being precautionary in selling land that is potentially contaminated. Chair Hussey was concerned about basements in contaminated soil.

The majority of the Conservation Commission (three - no; two - yes) was not in favor of moving forward with the sale of the property as presented. Those in favor would be looking for serious conservation restrictions.

3. Trail Update

L. Byergo told Conservation Commission members that she had received a phone call from Fields Pond. They received a large number of competitive grant applications for built trails, and made the decision not to support applications for planning only. L. Byergo contacted the Rockingham Conservation District; they can no longer provide funding to municipalities to do wetland restoration/invasive species control. Funding can only be provided for privately owned land. For a fee, RCD would be able to do an herbicide application.

Rockingham Planning Commission produced a map showing how the trails would connect to a larger set of regional maps. RPC has submitted as part of their working plan \$5,000 to \$8,000 to help with the initial planning stages. L. Byergo distributed a packet outlining the challenges, that a grant was denied, and a recommendation to move ahead with the project using the Town funds that have been set aside. She added that they should speak with the Board of Selectmen about using the funds to start the process. Chair Hussey stated that the restriction is for matching funds. If the RPC funding becomes available, that would be considered a match. J. Fredericks noted that the RPC funding would be for the greater Winnicut trail plan and not just the Greenland portion; he suggested that L. Byergo contact RPC for clarification.

4. Other Business

- Winnicut River Watershed: Chair Hussey asked for water test results. L. Byergo stated they are getting ready to do this year's testing. She added that data is available on the V-Rap website. Jean Eno presented a rough draft to the Town Administrator last year, but hasn't done anything for the Conservation Commission. J. Fredericks added that the Conservation Commission is the grantee and J. Eno should be presenting to them rather than the Town Administrator. Chair Hussey stated it was a stipulation of the grant that the Conservation Commission receive the rough data. J. Fredericks continued that as the body that made the grant, results should be coming back to them. L. Byergo reminded members that this is a three year project; last year was the first and they will be doing testing next week. Chair Hussey stated again that it was a condition of the grant for the Commission to receive testing results.
- Rockingham Planning Commission: As part of the Southeast Watershed Alliance, they are doing stormwater management workshops for towns and residents. They are willing to do a workshop in Greenland, and need someone to host them. L. Byergo felt the Conservation Commission could host as an educational outreach to the community. L. Byergo will speak with RPC about a date in September and report back to the Commission.
- Workshop for Reading Plans: Chair Hussey asked if there was interest in a workshop for reading plans. He will contact the Town Engineer and report back to the Commission.
- Board of Selectmen/Planning Board Joint Work Session: Chair Hussey reported that the Selectmen felt all the Boards and Commissions should meet jointly no less than once a year to discuss concerns and/or differences of opinion. The Planning Board's concerns were site plan follow-ups, which is not in the Building Inspector's job description. Creating a Town planner position was discussed at the work session. J. Fredericks felt that a position similar to an Assistant Town Manager, skilled in the areas of planning and project management, may be needed as the Town grows.
- Trails: L. Byergo reminded Chair Hussey that he was going to contact the developer of Cushman Way. Chair Hussey responded that they have been "playing phone tag". L. Byergo reported that she has walked the land with someone from the USDA to look at the invasives. The site manager told them that the home buyers were aware of the easement and were moving ahead with landscaping.

Chair Hussey noted that the property hasn't been turned over to the Town. Chair Hussey requested that the Board Secretary contact the developer regarding the easements.

- Property: Chair Hussey updated the Commission that he is still in contact with the prospective property owner regarding the purchase of land.

5. Approval of Minutes: Tuesday, May 06, 2014 and Tuesday, June 10, 2014

MOTION: Chair Hussey moved to approve the minutes of Tuesday, May 06, 2014. Second – L. Byergo; all in favor. **MOTION CARRIED**

MOTION: J. Fredericks moved to approve the minutes of Tuesday, June 10, 2014. Second – Chair Hussey; all in favor. **MOTION CARRIED**

ADJOURNMENT

MOTION: B. Bilodeau moved to adjourn at 8:51 p.m. Second – J. Fredericks; all in favor. **MOTION CARRIED**

NEXT MEETING

Wednesday, August 13, 2014 – Town Hall Conference Room, 7:00 p.m.

Respectfully Submitted: Charlotte Hussey, Board Secretary

Approved: Tuesday August 05, 2014