



ZONING BOARD OF ADJUSTMENT

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MINUTES OF THE BOARD OF ADJUSTMENT PUBLIC HEARING

Tuesday, June 15, 2021 – 6:30 p.m. – Town Hall Conference Room

Members Present: Steve Gerrato, Ron Gross (Remote), David Sandmann, Leonard Schwab

Staff Present: Jack Shephard – Building Inspector (Remote)

Chair Sandman opened the Board of Adjustment meeting at 6:35 p.m. and a roll call was taken. He stated this was a Zoom meeting and was being recorded.

Roll call attendance: S. Gerrato – present, R. Gross – present, C. Hussey – present, D. Sandmann – present, L. Schwab – present.

1. 333 Portsmouth Avenue – Commercial C (Map R21, 65A)

Application: Special Exception

Owner: SKA Properties, LLC

Applicant: SKA Properties 11, LLC

The owner and applicant are proposing to construct a parking and vehicle display area for the existing Mercedes Benz dealership. Article 18.10.1 of the Greenland Zoning Ordinance allows a Special Exception to be granted for new structures on vacant approved building lots of record or the expansion of an existing structure located within the Jurisdictional Wetlands, buffer zones or setbacks provided all criteria are met.

Joshua Lanzetta, Attorney – Bruton & Berube, LLC and representing the owner and applicant, addressed the Board. Also present were Sheree Kaplan - SKA Properties, Steve Haight - CivilWorks New England, and Brendan Quigley - Gove Environmental Services.

They were before the Board to permit a parking area at 333 Portsmouth Avenue, which directly abuts the Mercedes-Benz dealership at 309 Portsmouth Avenue. Attorney Lanzetta showed several slides of the property and surrounding area. The impetus of the project was to display vehicles on Rt. 33. The Commercial C Zone is to provide high visibility for businesses along the Rt. 33 corridor. The parking lot will be accessed through a new curb cut.

S. Haight presented an overview of the project. There will be an entrance into the site and access way across from the existing Mercedes dealership. The plan had been approved approximately a decade ago and is essentially the same footprint; the previous approvals have lapsed. Topo and wetlands have been redone and are current within the last six months. Site design: the parking area will be facing Rt. 33 and grades away from Portsmouth Avenue. Everything on the site is collected on the site itself in an underground detention system and gets treated before it is released. Stormwater control, stormwater management, landscaping and lighting requirements met on the previous plans apply to this project.

Wetlands have migrated minimally. They have tried to be consistent with the overall impact and the previously approved plans.

L. Schwab: Will the pavement be porous or non-porous? S. Haight: Non-porous. Everything will be captured in a catch basin or similar and directed into an underground detention system for treatment. Attorney Lanzetta noted that there is continuity in S. Haight's design that lapsed. The design was approved by the ZBA and Planning Board as well as NHDES in 2010. This is not a new proposal.

The entrance as well as the entire site will be paved. There will also be landscaped islands in the display area. There is an extensive landscaping plan. Customers will be able to access the display area from the main building by an access way; customers will not have to go onto Portsmouth Avenue.

Attorney Lanzetta reviewed the application with the Board. They addressed the wetland criteria and have spoken to the Planning Board Consultant. Attorney Lanzetta noted that they had met all the criteria for a Special Exception. He stated that if an applicant meets the criteria, the Board must grant the Special Exception.

S. Gerrato: Noted that the person doing the wetland analysis was very good; he had not seen anything as good come before the Board. S. Gerrato continued that Greenland was a very small town with a lot of wetlands. Whenever possible, the water should be cleaned. Cars leaking oil was not addressed. S. Haight noted that was not the ZBA's purview. Everything on the site would be captured in the underground detention system. S. Haight explained the detention system. The discharge will go through uplands before going to the wetlands. The field where the lot will be located has been mowed for over 20 years. The discharge will flow to the upland grass areas before going into the wet meadow. B. Quigley added there is limited connectivity to other areas and that impedes the functionality that would be attributed to wetlands and a wet field. It is not as clearly identifiable as a swale or flow path.

S. Gerrato asked if they agreed the wetlands were a huge filter and had a huge impact on clean water. B. Quigley agreed 'generally, yes'. S. Gerrato asked how many square feet were being taken away from the 'filter'. Once all the hot top was put down the filter was gone. S. Haight pointed out the green area on the plan, which was 9,400 sq. ft. S. Gerrato stated 'so again we're losing wetland space that we need to clean our water'. B. Quigley responded that what was typically done for these type of projects is for stormwater management to compensate for that. When the wetland is of limited value (such as this property) the stormwater management would do a good job compensating for what may be lost. It is more difficult with higher value wetlands that are closer to receiving waters.

D. Sandmann: What happens to the sludge that is filtered in the tank? S. Haight responded there is a stormwater management plan that accompanies this project. The applicant must clean and maintain the tank. Stormwater management plans must be reviewed by a professional on an annual basis.

S. Gerrato: The area should be hot topped and pitched to a filtering system. Wetlands will be lost that stormwater will compensate for. S. Gerrato was not convinced.

D. Sandmann opened the meeting to public comments. Bob Dell Isola, 33 Post Road: Questioned the low value of the wetlands on the property. S. Haight explained it had low functional values with Rt. 33 and Portsmouth Avenue; it is a moat field and the water is not connected to another wetland. L. Schwab: Questioned the water being drained into the wetland and what happens to the abutter on the other side of the stonewall. S. Haight explained the same amount would flow into the stormwater management system as it does today.

Kathleen Anania, 316 Portsmouth Avenue: Her concern was that the drainage would flow into her septic unit. She was also concerned with the additional cars, the big trucks that drop off at all hours of the night, the lighting, and the wetlands. An approval would affect the people living across the street. They are worried about the drainage coming from the extra cars and trucks. C. Hussey responded that was not the ZBA's purview; that would be the Planning Board. He encouraged K. Anania to bring her concerns to the Planning Board. C. Hussey continued that the ZBA could make sure there was enough room for drainage; the ZBA had no control over the Planning Board.

J. Shepard did the test pits with the civil engineer. The test pits were high and dry and done on the uplands. He walked the embankment on the property; the wetlands are not as pervious as they appear. He liked the stormwater situation and has seen it in action before. Maintenance is the key.

John McRae, 336 Portsmouth Avenue and HOA President, Greenwood Condo Association: Questioned the location of the second curb cut off Portsmouth Avenue. Attorney Lanzetta pointed out the second curb cut on the plan which was across from the Wellness Center. The main entrance does not change.

There being no further comments, D. Sandmann closed the public hearing and returned to the Board for discussion. L. Schwab stated he would abstain from the vote due to his business relationship with the Mercedes dealership.

MOTION: C. Hussey moved to grant the Special Exception for 333 Portsmouth Avenue to construct a parking and vehicle display area for the existing Mercedes-Benz dealership in accordance with the plan submitted by CivilWorks New England, dated May 26, 2021, Project No. 1606. Second – R. Gross

Discussion: There will be no hazard to the public or adjacent property; there will be no detriment to property values or change in essential characteristics of the residential neighborhood; no creation of a traffic safety hazard or substantial increase in level of traffic congestions; no excessive demand on municipal services; and no significant increase of stormwater runoff on adjacent property or schools.

MOTION: C. Hussey moved to grant the Special Exception for 333 Portsmouth Avenue to construct a parking and vehicle display area for the existing Mercedes-Benz dealership in accordance with the plan submitted by CivilWorks New England, dated May 26, 2021, Project No. 1606. Second – R. Gross; roll call vote: S. Gerrato – no, R. Gross – yes, L. Schwab – abstain, C. Hussey – yes, D. Sandmann – yes. Three in favor, one against (S. Gerrato), one abstained (L. Schwab). MOTION CARRIED

2. Approval of Minutes

MOTION: R. Gross moved to approve the minutes of Tuesday, January 20, 2021. Second – S. Gerrato; roll call vote: S. Gerrato – yes, R. Gross – yes, C. Hussey – yes, L. Schwab – abstain, D. Sandmann – yes. Four in favor, one abstained (L. Schwab). MOTION CARRIED

MOTION: S. Gerrato moved to approve the minutes of Tuesday, April 20, 2021. Second – L. Schwab; roll call vote: S. Gerrato – yes, R. Gross – yes, C. Hussey – abstain, L. Schwab – yes, D. Sandmann – yes. Four in favor, one abstained (C. Hussey). MOTION CARRIED

3. Other Business

Alternate: D. Sandmann introduced Bob Dell Isola, 33 Post Road, to the Board. He was interested in serving as an alternate.

DRAFT: SUBJECT TO CHANGE

MOTION: S. Gerrato moved to appoint Bob Dell Isola as an alternate on the Zoning Board of Adjustment, term to expire March 2021. Second – L. Schwab; roll call vote: S. Gerrato – yes, R. Gross – abstain, L. Schwab – yes, C. Hussey – yes, D. Sandmann – yes. Four in favor, one abstained (R. Gross). MOTION CARRIED

B. Dell Isola will need to be sworn in by the Town Clerk before the next meeting. Members explained the role of an alternate.

Zoom and Live Streamed Meetings: C. Hussey wanted to continue with hybrid meetings, realizing that a quorum must be physically present in the building. In addition, C. Hussey wanted meetings to be live streamed on Town Hall Streams (townhallstreams.com). Zoom meetings will be in compliance.

MOTION: C. Hussey moved to continue with hybrid meetings utilizing Zoom. Second – S. Gerrato; roll call vote: S. Gerrato – yes, R. Gross – yes, C. Hussey – yes, L. Schwab – yes, D. Sandmann – yes. All in favor. MOTION CARRIED

C. Hussey explained that Town Hall Streams would be live streamed and the meeting could be watched at any time on townhallstreams.com. Comments cannot be made on Town Hall Streams.

MOTION: C. Hussey moved that ZBA meetings be live streamed on Town Hall Streams. Second – L. Schwab; roll call vote: S. Gerrato – no, R. Gross – yes, C. Hussey – yes, L. Schwab – yes, D. Sandmann – yes. Four in favor, one against (S. Gerrato). MOTION CARRIED

4. Adjournment

MOTION: S. Gerrato moved to adjourn at 7:10 p.m. Second – C. Hussey; roll call vote: S. Gerrato – yes, R. Gross – yes, C. Hussey – yes, L. Schwab – yes, D. Sandmann – yes. All in favor. MOTION CARRIED

NEXT MEETING

Tuesday, July 20, 2021 – 6:30 p.m., Virtual via Zoom

Respectfully Submitted: Charlotte Hussey, Administrative Assistant