



**PLANNING BOARD**  
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**MINUTES OF THE PLANNING BOARD**

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Thursday, March 07, 2024 – 6:30 p.m. – Town Hall Conference Room

Members Present: Bob Dion, John McDevitt, Dave Moore, Stephan Toth, Steve Smith (Selectmen’s Rep), Frank Catapano (Alternate)

Members Absent: Phil Dion, Steve Gerrato, Catie Medeiros (Alternate), Stu Gerome (Alternate), Richard Winsor (Alternate)

Staff Absent: Mark Fougere – Consultant

Also Present: Paul Sanderson, Town Administrator

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B. Dion opened the Planning Board meeting at 6:30 p.m. A roll call was taken, and it was announced a quorum was present and the meeting was being recorded.

MOTION: J. McDevitt moved to appoint F. Catapano as a voting member. Second – S. Toth; all in favor.  
MOTION CARRIED

1. Post Construction Stormwater Management Ordinance

TA Sanderson informed the Board that the revisions made to the Stormwater Management Ordinance were good, but they were not there yet. He read portions of the letter received from the US EPA (copy on file). The Town must enact a post-construction stormwater management plan by June 30, 2024. In addition, the Town must notify EPA Region 1, within seven days of the effective date.

TA Sanderson read Sections C and D from the 2017 NH Small MS-4 General Permit (copy on file). It is evaluated in accordance with Stormwater Best Management Practices and Performance Analysis, which is from the rules provided by US EPA Region 1. He explained that what the Board has done to this point has dealt with the best management practices. It deals with Subdivision Regulations as well as Site Plan Review Regulations. Existing properties and new subdivisions must be included. Some of the drafting must be improved. The Site Plan Review Regulations say to see the Subdivision Regulations. In order to be effective, it has to be incorporated by reference. The Site Plan Review Regulations have to be redrafted to remove the “see” statement and incorporate Subdivision Regulations in their totality. The two will have to mesh together so changes will need to be made to both.

TA Sanderson continued that because the EPA is stating that things must be done in accordance with Volume 2 of the NH Stormwater Manual, the Stormwater Manual should be incorporated by reference. Some of the things in the Site Review and Subdivision Regulations are not covered and the techniques are not incorporated by reference. By incorporating the Stormwater Manual by reference, all the techniques are reviewed in detail. The Board would not have to define it; DES has defined it already. The Stormwater Manual has been in place since 2008 and has not changed.

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Waivers are noted in the Site Plan and Subdivision Regulations; there is no criteria for granting a waiver. There is not enough specificity or criteria in the waiver language; this should be done. That requirement is not part of the direct order and does not have to be done by June 30<sup>th</sup>. The Board should do this to improve their regulations. TA Sanderson noted that 'hardship' has a very specific and technical meaning to the ZBA. "Hardship" in the case of the Planning Board indicates the Board is looking for a change so there is better performance overall.

The EPA language indicates they want the ability to narrow down roads and not have them to be paved as far. The standard width is 24 feet; waivers have been requested for 22 feet. There may be less for specific locations. Pervious pavement may be wanted in certain locations which will not provide performance standards. There are locations where pervious pavement may improve performance. Pavement standards may be relaxed to receive performance. TA Sanderson noted there is a lot of work to be done on the Regulations overall due to the gaping holes.

Responding to J. McDevitt, TA Sanderson stated he has not met with M. Fougere and E. Weinrieb; he likes a lot of what has been done. The ordinance must be expanded before the EPA would be happy. TA Sanderson must make sure things are incorporated into Site Review by reference and fix the drafting. E. Weinrieb incorporated it directly from the AOT (Alteration of Terrain) rules and knows exactly what they need. TA Sanderson reviewed it as a lawyer. J. McDevitt noted that the solution would be to work with M. Fougere and E. Weinrieb. TA Sanderson stated they used information from the DES AOT rule book; every change made by E. Weinrieb was directly in accordance with the AOT rules and what the EPA wants to see.

TA Sanderson, responding to B. Dion's question about how extensive the changes would be, stated the draft was a start on the Subdivision Regulations. The Site Plan Review Regulations needed to be revised and could be done quickly by specifically incorporating the Subdivision Regulations into those regulations, which is a change of language. There will also need to be criteria for waivers: the applicant should be able to show the Board that the waiver will improve the performance of the project in accordance with the regulations. 'Hardship' would be removed and there would be criteria as to why the requested waiver makes the project work better.

J. McDevitt felt that three months would be plenty of time to get the work done. TA Sanderson agreed, stating the regulations were not fundamentally flawed; specifications were needed. S. Toth clarified the time frame over the next several meetings. TA Sanderson noted the EPA orders were "by June 30<sup>th</sup> the Town shall". The Board's procedural rules may have to be suspended to get the job done. TA Sanderson hoped to work with M. Fougere over the next two weeks and send a draft to the EPA for review to make sure it was what they were requesting. If the draft is accepted, the Board can adopt it within the EPA time frame. Responding to F. Catapano's question, TA Sanderson stated that he would be working with M. Fougere. TA Sanderson added that as soon as this was done, he expected more work from the EPA.

TA Sanderson stated that Greenland is woefully behind on the MS-4. Towns that are in the beginning stages of compliance don't have this part done. Greenland has been involved with the MS4 for many years, and many things were ignored. TA Sanderson noted that one of the top ten pollution hot spots is the Town's salt shed; it should not exist in its current condition. This year has been better than in the past; the amount of chloride going into the drainage system is much less than in the past. The Town does not have the resources available. TA Sanderson noted that Greenland was fortunate that Piscataqua Landscaping is the Town's maintenance provider. Piscataqua Landscaping is involved state-wide and is a leader in State compliance with Green Snow Pro; salt usage has decreased significantly this year.

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There are six Minimum Control Measures with the MS-4 Permit; the Town is currently working on Minimum Control Measure five. The Town is not in compliance with any of the MCM's. B. Dion asked the status on Minimum Control Measures one through four; TA Sanderson responded that was where he expected the next orders. F. Catapano offered his help wherever it was needed, suggesting that they try to get ahead of the next orders. TA Sanderson stated that more information could be included on the website and getting information out to the public. There is also a chloride reduction plan that will be given to Piscataqua Landscaping. D. Moore asked if information from other towns could be 'borrowed'. TA Sanderson stated that some could be borrowed, but a lot is the result of outreach to citizens.

TA Sanderson noted this was a direct unfunded mandate from the EPA. The municipality will have to fund any changes as the permittee. Permit conditions will be getting tougher every year. Responding to S. Toth's question, TA Sanderson stated that his work on the ordinance was very helpful; many necessary changes were made. It will have to be duplicated for the Site Review Regulations; the Stormwater Manual will also have to be incorporated. If the Board is comfortable with the next draft, TA Sanderson will send it to the EPA as the initial submission for compliance review. TA Sanderson may have a draft available for the meeting on Thursday, March 21<sup>st</sup>. If the EPA receives a timely response from the Town, there will probably not be any fines; they may come back with changes.

MOTION: J. McDevitt moved to continue further discussion of Section V - Erosion, Sedimentation and Stormwater Control Standards to the work session on Thursday, April 04, 2024. Second – F. Catapano; all in favor. MOTION CARRIED

It was noted that the Board may be able to continue discussion at the meeting on Thursday, March 21<sup>st</sup>; there were only two cases on the agenda.

TA Sanderson informed the Board there were many questions about facilities. As soon as the elections are over and people were available to work on things, facilities will be discussed. Information has been collected for the Board to review at the CIP level. Further research of the septic and groundwater heights will be needed.

### 2. Electric Vehicle Charging Infrastructure

S. Toth found some of the comments made by the Principal Planner for the Strafford Regional Planning Commission helpful (comments on file). He reviewed the comments with the Board. J. McDevitt noted that the Board had agreed the EV Ordinance would be recommended and not required. He also recommended that M. Fougere and the Planning Board Attorney review the document. The Fire Department and Building Inspector will also be asked to review. S. Toth commented that Chief Cresta was fine with it as long as the chargers were not in the garage. F. Catapano recommended it not be mandated due to liability if the charger was in the garage and there was a fire.

A call was received from a BP representative regarding EV charging stations at the truck stop. Four stalls will be installed on the grass side, using eight spaces. A work order has been submitted to Eversource for the electrical work. F. Catapano noted that there was no Ordinance in effect and submitting to Eversource is the planning stages. It was recommended to the BP representative that she contact the group installing the underground storage tank and come to the Planning Board at the same time.

B. Dion asked S. Toth if he had enough clarity regarding what the Board preferred, which he did. J. McDevitt suggested that M. Fougere review the proposed Ordinance first. There was discussion about Article 5.20.6 – General Station Accessibility Requirements. J. McDevitt suggested including the maximum number allowed on a site. A designated location will also be removed. Landscaping would be included in

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a Site Plan Review. Handicap accessibility was also discussed. S. Toth will provide an updated version of the Electric Vehicle Charging Infrastructure for Board Review.

MOTION: S. Smith moved to continue further discussion to the meeting on Thursday, April 04, 2024. Second – D. Moore; all in favor. MOTION CARRIED

### 3. Approval of Minutes

MOTION: D. Moore moved to approve the minutes of Thursday, February 15, 2024. Second – J. McDevitt; five in favor; one abstained (F. Catapano). MOTION CARRIED

### 4. Consent Agenda

- Town Budget – Fougere Planning & Development: **\$1,680.15**
- Escrow – Fougere Planning & Development: **\$233**
  - 1419 Greenland Road (Cell Tower) - \$233
- Escrow – Altus Engineering: **\$3,498.75**
  - 603 Portsmouth Avenue - \$72.75
  - Summerwind (Tower Place) - \$1,230
  - 24 Winnicut Road (REP) - \$2,196

MOTION: D. Moore moved to approve the Consent Agenda as presented. Second – S. Smith; all in favor. MOTION CARRIED

### 5. Topics for the Public Hearing

#### - **Continued**

Subdivision of Land, Conditional Use Permit

125 Dearborn Road (Map R12, 12: Residential Zone)

**Owner/Applicant:** Jay Lajeunesse - Dearborn Woods, LLC

The owner/applicant proposes to subdivide approximately 22.12 acres into a 13-lot residential subdivision. This will be a conventional subdivision with 11 single family homes and two duplex lots. The proposed road will be off Dearborn Road.

#### - **New**

Wetlands Conditional Use Permit

141 Ocean Road (Map R21, 52: Industrial District)

**Owner:** Eversource Energy

**Applicant:** GZA GeoEnvironmental, Inc.

The proposed project includes the removal of transmission lines, the installation of a distribution line, replacement structures, and the retirement of the Resistance Substation. The proposed project requires approximately 27,925 square feet of temporary wetland impact for equipment access and work pad placement. There will also be 1,535 square feet of temporary buffer impact in the uplands for access and work pad placement.

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## 6. Other Business

- B. Dion will not be at the meeting on Thursday, March 21<sup>st</sup>. D. Moore will be acting Chairman.
- 1088 Portsmouth Avenue (Mac Properties Greenside Up): S. Smith updated the Board on using 1088 Portsmouth Avenue as a lay down yard by the City of Portsmouth. The Town's Code Enforcement Officer sent an email to Mac Metals and his attorney requesting information. A copy of that email and the response from the attorney are on file. The property is not now nor is it intended to be used as a lay down yard for the Portsmouth sewer project. They are aware of the Variances on the property. The Board also discussed the second driveway on Rt. 33; they would like the Town Administrator to follow up on that.
- S. Toth was appointed to the Seacoast Drinking Water Commission by the NH State Senate. He updated the Board on the recent meeting he attended. There is currently a UNH Groundwater Elevation Study that is an ongoing contract and may be completed by the end of the year. Greenland will not be included in that study; they were focusing on Portsmouth. The Navy is considering building a desalination plant in Newington to address water issues; expected completion would be 2030. New national PFAS standards are under review at the White House.
- J. McDevitt noted that at Candidates Night there were many questions about the expansion of the Commercial Zone and keeping Greenland rural.
- 529 Portsmouth Avenue may be returning to the Planning Board due to a change in the plan.
- 69 Tide Mill Road: Renovations will be starting on the existing building.

## 7. Adjournment

MOTION: J. McDevitt moved to adjourn at 7:52 p.m. Second – F. Catapano; all in favor. MOTION CARRIED

NEXT MEETING
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Thursday, March 21, 2024 – 6:30 p.m., Town Hall Conference Room

Submitted By: Charlotte Hussey, Administrative Assistant