



PLANNING BOARD
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MINUTES OF THE PLANNING BOARD

Thursday, November 16, 2023 – 6:30 p.m. – Town Hall Conference Room

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

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

Staff Present: Mark Fougere

B. Dion opened the Planning Board public hearing at 6:30 pm. He announced a quorum was present and the meeting was being recorded.

1. Projects of Regional Impact

There were no projects of regional impact.

2. 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.

Paige Libbey, Jones and Beach Engineers, addressed the Board. Also present was Jay Lajeunesse, River Birch Builders/Dearborn Woods. This was the formal application for 125 Dearborn Road. The plans were the same as those that were submitted for the Design Review in October. Additional test pits have been done; the plans will be updated based on the test pits, and comments from the Board and Eric Weinrieb, Altus Engineering. A site walk will be scheduled. Before the December meeting, new plans will be submitted that encompass all the changes to date. At the October meeting, the Board requested more information on drainage and mentioned the possibility of requiring a traffic study.

P. Libbey did a quick overview of the drainage. Most of the proposed road slopes down away from Dearborn Road towards the end of the cul-de-sac. There is a small section at the front of the road that slopes towards Dearborn Road. There is a low point off Dearborn Road on the proposed road to collect any runoff from Dearborn Road and the proposed road, flowing to a small bioretention system which was pointed out by P. Libbey. There is a larger bioretention system in the back, and are the rain gardens that were mentioned at a previous meeting. P. Libbey explained that rain gardens are not a depression in the ground; there is a filter course underneath the bottom of the rain garden that treats the stormwater. Below is a stone reservoir that stores and helps infiltrate the stormwater. The Town has certain treatment requirements; bioretention systems allow that amount of treatment. The Town

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requires over 50% reduction of nitrogen and phosphorus; bioretention systems provide 65% reduction for nitrogen and phosphorus.

M. Fougere noted that accepting the application as complete starts the 65-day clock. If the Board still had questions at the end of 65 days, the applicant would be asked to extend the time period. If the applicant refuses, the Board will have to make a decision to approve or deny the project. The applicant normally would extend the review if the Board was moving forward.

It was noted that Frank Catapano would be voting at this meeting; S. Gerrato was absent.

MOTION: S. Smith moved to accept the application for 125 Dearborn Road (Map R12, 12: Residential Zone) as complete. Second – D. Moore; all in favor. MOTION CARRIED

F. Catapano: There were no changes on the plan, and he did not have any comments; he will wait for the revised set of plans. The real request at this meeting was to schedule a site walk. **P. Dion:** Agreed with F. Catapano. **J. McDevitt:** Questioned if E. Weinrieb had reviewed the drainage plan. M. Fougere noted that the plans were being updated based on the test pits they did recently; they will be given to Altus Engineering in the near future. P. Libbey stated that E. Weinrieb has done a site walk with her. He will review drainage when more information was provided. More test pits were done based on his questions. J. McDevitt mentioned a traffic study and setting the date for a site walk sooner rather than later.

S. Toth: Had made comments regarding low impact development at the October meeting and questioned if any changes had been made. P. Libbey responded that bioretention was a type of low impact development. S. Toth did not feel there was enough done and suggested having a small rain garden per lot due to the number of comments at the October meeting regarding drainage. That may help prevent the amount of runoff flowing down the road into the bigger bioretention pond and reduce the amount of overall runoff. S. Toth was also unhappy with the proposed road coming off Dearborn Road and preferred it off Stratham Lane. Turning left there is a steep grade and there will be an accident; vehicles cannot be seen going up the hill. In addition, there is a business directly across the road; the window will be directly in the line of sight for cars exiting the road, shining a bright light into the business during working hours. S. Toth continued that if they did not want to move the road to Stratham Lane, they should shift it slightly so it does not shine directly into the business.

B. Dion: Questioned if the bioretention ponds had filtration layers. P. Libbey explained that the detailed cross section is included in the plan set. She pointed out the ponding area on the plan; there is a filter course and below that is a stone reservoir to help detain and infiltrate. The filter course is a mixture of loam, mulch, and sand. P. Libbey continued it has been designed and studied by UNH in detail at the Stormwater Center over many years. A document is published with any updates to the mixtures. It will filter out 65% of the nitrogen and phosphorus. Ongoing maintenance is required; they will work on an ongoing basis as long as they are maintained. Maintenance includes a sediment forebay or other type of pre-treatment. That will allow the sediment to settle in the forebay before entering the rain garden. The only other maintenance required would be to make sure nothing enters the rain garden section and the filter course. An operation and maintenance manual is provided to the Homeowners Association; they are responsible for maintenance. An annual report from the HOA is required by some towns. It is normally included in the HOA bylaws.

B. Dion asked the Board if there was a history of HOA's doing anything similar. M. Fougere stated that the Town owned the rain gardens on Van Etten Drive. He added that when the Town takes over the

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public road, the Town assumes all maintenance responsibilities. F. Catapano disagreed; most towns require the HOA to maintain the rain gardens. The Town did not want to maintain the rain gardens; it would be a burden for the Town. Responding to a question from D. Moore, P. Libbey stated that the rain gardens are on one of the lots; there are easements. M. Fougere noted there had to be good legal documents filed with the plan creating an association. P. Libbey added that the HOA would not be responsible for the road but would be for the rain gardens. Responding to D. Moore, M. Fougere stated that the Town will own the cistern. Creating a homeowner's association will be a Condition of Approval. A covenant will be created and reviewed by the Planning Board attorney. F. Catapano noted a forebay starting to overflow with sediment is noticeable and will need to be cleaned; it takes years fill a sediment forebay. Bioretention ponds do not require plantings, grass does the same thing. D. Moore stated that as part of the approval an annual report had to be submitted. P. Libbey added that there provisions in the operations and maintenance manual that the homeowners can make sure the culvert is not clogged after a storm, etc. There are additional provisions that are more detailed that an engineer should check on an annual basis.

P. Libbey told the Board that they modeled a proposed house, driveway, and lawn on each lot with stormwater flowing to the rain garden. Additional runoff has been accounted for in their design. **B. Dion** questioned if the design showed the two bioretention ponds capturing all the runoff. P. Libbey stated they meet the standards. The Town regulations state that runoff cannot be increased to any type of analysis point. There are a couple of analysis points on the property. Their calculations indicate that they are decreasing the runoff from the existing condition to the proposed condition at both analysis points. That is a Town requirement that Altus Engineering will be checking.

S. Toth noted that the Town requirements also state that low impact development should be done to the maximum extent practical. The driveways need to be permeable asphalt which will help decrease the total surface area of the permeable surface area. S. Toth wanted the driveways off the new road and not Dearborn Road. **J. McDevitt** did not think permeable asphalt in the driveways was needed. They are very hard to maintain, erode very quickly, and the return would not be sufficient enough to warrant a permeable surface. P. Libbey added that with a high-water table, they did not work on every lot. There was continued discussion about permeable asphalt driveways. **F. Catapano** noted permeable driveways are more expensive, do not hold up well in New England, and must be maintained on a regular basis. **S. Toth** stated he disagreed with **F. Catapano's** assessment and pointed to the Target/Lowe's parking lot in Greenland as a successful large-scale implementation of permeable asphalt in Town. M. Fougere stated that they could talk to Altus Engineering for their recommendations.

D. Moore questioned the distance from the brook that goes to Great Bay. P. Libbey will check and report back to the Board. The Board may request that only environmentally safe fertilizers be used due to its proximity to the Bay.

Before opening the meeting to public comments, B. Dion announced that there would be a time limit of three minutes and comments must be pertinent to the case being discussed. B. Dion opened the meeting to public comments.

Frank Manter, Dearborn Road: Was opposed to the access road being on Dearborn Road; Stratham Lane should be a viable option. Doreen Crisp, Dearborn Road: Owns the salon on Dearborn Road. The corner is tough. Lights from cars will shine through her window and be very bright. Would prefer access on Stratham Lane. Karen Johnson, Great Bay Road: Supports access from Stratham Lane. Dearborn Road is too busy, and traffic moves too fast. Dave Kayarian, Dearborn Road: Agreed access

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should be on Stratham Lane. Questioned why it was not an option. P. Libbey explained the layout was changed after the Design Reviews in May and October due to the layout of the lots. The revised layout allows for more lots to have driveways off the new road rather than on Dearborn Road and Stratham Lane. Accessing off Stratham Lane would have more lots along Dearborn Road and no frontage on the new road. They felt it made more sense to have the road off Dearborn Road and more driveways on the new road rather than having driveways on Dearborn Road. It will also allow for privacy. P. Libbey described the current layout: the proposed road would come off Dearborn Road and all driveways with the exception of one shared driveway on Dearborn Road will be on the new road; there will be driveways on Stratham Lane.

B. Dion closed public comments and returned to the Board. Dates for the site walk were discussed. There will be a site walk on Thursday, December 07, 2023, at 2:30 pm. The Board would like to see the following: center line of the road, drainage ponds, property line with Stratham, vernal pool on the abutting property, driveway locations on Stratham Lane and Dearborn Road, and stonewalls.

An email was received from a resident who was concerned about the drainage culvert at the corner of Stratham Lane and Dearborn Road. P. Libbey stated it would be shown on the new plans. There is a low point clearly shown on the plans that there is a culvert; it was an analysis point with the drainage and will not impact the drainage. It takes water from a section of the 125 Dearborn Road property. S. Smith noted it flows under Great Bay Road and Dearborn Road. P. Libbey stated that part of their obligation with their design is to make sure they are not increasing the runoff.

MOTION: S. Smith moved to continue the Subdivision of Land, Conditional Use Permit for 125 Dearborn Road (Map R12, 12: Residential Zone) to the public hearing on Thursday, December 21, 2023. Second – S. Toth; all in favor. MOTION CARRIED

M. Fougere informed the abutters that they would not receive another notice in the mail.

3. Conditional Use Permit

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

Applicant: Conor Madison – GZA GeoEnvironmental, Inc.

Owner: Eversource Energy

Proposed project includes the removal and replacement of transmission line, distribution lines and structures as well as the retirement of the Resistance Substation. Temporary wetland impact is approximately 27,925 square feet and 1,535 square feet of temporary buffer impact for equipment access and work pad placement.

MOTION: J. McDevitt moved to continue the application for Eversource Energy, 141 Ocean Road (Map R21, 52) to the meeting on Thursday, January 18, 2024. Second – S. Smith; all in favor. MOTION CARRIED

4. Approval of Minutes

MOTION: D. Moore moved to approve the minutes of Thursday, October 26, 2023. Second – J. McDevitt; all in favor. MOTION CARRIED

MOTION: S. Smith moved to approve the minutes of Thursday, November 02, 2023. Second – F. Catapano; six in favor, one abstain (P. Dion). MOTION CARRIED

5. Consent Agenda

There were no items for the Consent Agenda.

6. Other Business

Montessori School: M. Fougere was notified Little Tree Education received their NHDOT Driveway Permit. The permit was approved in two phases: the two duplexes can be built, and they can occupy the office without doing the off-site improvements for traffic; improvements are required to be in place before they can receive an occupancy permit for the day care. P. Libbey added that as part of the permitting process with NHDOT, Little Tree Education must widen Rt. 33 by 18 inches to allow a vehicle to pull over to the side of the road; it will be repaved. Little Tree Education requested the phasing due to the expense.

S. Smith commented that there has been some concern with the end of Weeks Road which runs along the front of the Little Tree building. That road has not been maintained very well by the Town in the past. Maintenance was asked to be discontinued at one time, but it has not been done. S. Smith suggested working together on the maintenance of the road and the triangle portion of the intersection. P. Libbey suggested the Selectmen may want to consider closing off the triangle; Little Tree is open to discussion.

Tower Place: The project has been sold to Chinburg Builders. An email was received from the forester: as part of the open space on the north side, there are two islands surrounded by wetlands. The forester would like to thin out 25% of the trees because there is good timber on the islands. F. Catapano commented that it was better to leave the wetlands undisturbed. M. Fougere has reviewed the request with Altus Engineering. F. Catapano preferred the forester did not run any big machines or step foot across the wetlands because it is a sensitive area. M. Fougere will notify the forester that the Board does not want that area touched.

They would also like to construct an earthen berm behind homes parallel to the highway. The berm will be 8 feet to 10 feet high, and 4 feet wide. It would be basically 1:1 straight up to help soften the sound. P. Dion noted there was a berm going down into Maple Drive and it should just keep going. M. Fougere has requested a plan and will bring that to the Board for review.

Bond Release: Dance Innovations Dance Center, 64 Tide Mill Road, has requested the release of their landscaping and erosion control/vegetation bond. The bond has been held in escrow since December 2020 in the amount of \$9,364.39 plus interest.

MOTION: F. Catapano moved to release the landscaping and erosion control/vegetation bond for Dance Innovations Dance Center, 64 Tide Mill Road, in the amount of \$9,364.39 plus interest. Second – S. Toth; all in favor. MOTION CARRIED

Housekeeping: S. Toth noted out that NHMA recommended an ordinance to update the numbering, spelling, and grammar in the Zoning Ordinance, as long as the content did not change, without a vote at Town Meeting. B. Dion stated S. Toth could present it to the Board, but it may not be voted on at the work session on December 07, 2023.

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7. Work Session: Thursday, December 07, 2023

Public Hearing – Zoning Ordinance: Accessory Dwelling Units; Public Hearing – Subdivision Regulations Amendment: Performance and Maintenance Security; Zoning Ordinance Amendments: Recommendations from the Conservation Commission; Site Plan Review Regulations: EV Charging Stations.

8. Adjournment

MOTION: S. Smith moved to adjourn at 7:24 p.m. Second – D. Moore; all in favor. MOTION CARRIED

NEXT MEETING

Thursday, December 07, 2023 – 6:30 p.m., Town Hall Conference Room

Submitted By: Charlotte Hussey, Administrative Assistant