



**PLANNING BOARD**  
**Town of Greenland • Greenland, NH 03840**  
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**MINUTES OF THE PLANNING BOARD MEETING**

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Thursday, September 19, 2019 – 7:00 p.m. – Town Hall Conference Room

Members Present: Frank Catapano, Stu Gerome, Steve Gerrato, David Moore, Rich Winsor, Bob Dion (Alternate), Steve Smith (Selectmen's Rep)

Members Absent: John McDevitt, Catie Medeiros (Alternate), Vaughan Morgan (Alternate)

Staff Present: Mark Fougere - Consultant

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Chair Winsor 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.

2. Conditional Use Permit: 19 Birch Point [Map R14, 4 – Residential Zone]  
Owner/Applicant: Porat Family Trust – Thomas Porat, Trustee  
Demolish a portion of the existing single family home and build an addition within 100' of the upland tidal buffer zone and Town wetland setback. A reinforced sea wall will also be constructed.

The applicant requested a continuance to the October meeting.

MOTION: S. Gerome moved to continue the Conditional Use Permit for 19 Birch Point to the meeting on Thursday, October 17, 2019. Second – S. Gerrato; all in favor. MOTION CARRIED

3. Site Plan Review: 1440 Greenland Road [Map R21, 44A]  
Owner/Applicant: Lowe's Home Centers, LLC  
The owner/applicant is requesting a reduction of 83 parking spaces. Section V – Design and Construction Requirements, Subsection 5.11.2 – Require Spaces, of the Site Plan Review Regulations requires one space per 200 sq. ft. of gross floor area. The additional spaces will be used for outdoor storage.

Joe Roman, Store Manager, addressed the Board. They have made a site plan adjustment to focus mainly on one side of the building, eliminating some storage area. They would like a temporary or conditional site plan adjustment to work out some of the logistics with their supply chain. They have shut off many of the items that would impact the outside storage area. Lowe's would like to continue the application to a later date.

Last year they brought in over \$1 million in inventory in the spring. They've looked at several different alternatives including having shipments from other stores as needed. J. Roman stated he's trying to get

## DRAFT – SUBJECT TO CHANGE

the Greenland store compliant throughout the winter. They're also trying to clear the area between Lowe's and Target. Proposed changes to the site plan will leave enough clearance for emergency vehicles to access the rear of the building.

Chair Winsor clarified they're trying to eliminate the area between Lowe's and Target, moving it over to the left. Chair Winsor suggested a deadline of April 01, 2020; J. Roman stated it would help them tremendously, giving them time to work on alternatives. M. Fougere stated a conditional approval could be granted with the stipulation the applicant must provide the Board with an update by April.

Snow removal was discussed. There is a corner of the Lowe's lot used for snow storage; the empty pad next to Target is used for snow storage for the whole parking lot. D. Moore noted the snow out front was real slow getting moved this past winter. The high banks cause horrible visibility. J. Roman will talk to the property manager about snow removal. Chair Winsor stated they are in violation of the site plan. When it was originally developed, it was mandated that the snow was removed from site, not to the empty pad. Revisions have been made to snow removal hours within the last few years. It was suggested that J. Roman look at the original site plan for time limits to remove snow from the site.

Chair Winsor asked what could be used as a stipulation to prevent the site from looking like the area between Lowe's and Target as it pertains to storage and a temporary conditional approval. J. Roman will discuss the issue with his regional manager to come up with a plan to maintain the area. Much of it will be the store's responsibility to clean up the area and store materials in all the available space inside; they plan to do a much better job this year when product is delivered to the store.

S. Smith asked if they were planning any covered storage; his concern was run-off due to the nearby waterway. J. Roman stated there are no plans to do a structure in that area. Wood pallets are the majority of the material stored on the right side of the building that will be moved to the left. They're also working on keeping the pressure treated lumber out of the area due to the creek. J. Roman stated he did not have a great answer right now for fertilizer storage. Currently, most of it is inside the building.

M. Fougere noted a plan and waiver were submitted. The new waiver is for 67 parking spaces rather than 80 on the original waiver. B. Dion noted there was no date on the submitted plan; there needs to be a date for reference. J. Roman will return to the Planning Board at the next public hearing with a plan.

MOTION: B. Dion moved to continue the Site Plan Review for 1440 Greenland Road to the meeting on Thursday, October 17, 2019. Second – S. Gerrato; all in favor. MOTION CARRIED

#### 4. Subdivision of Land: 705 Post Road [Map R3, 7]

Owners: Richard and Ronald Henderson

Applicant: Ambit Engineering, Inc.

The owners and applicant are proposing to subdivide one lot into two lots based on existing frontage, creating a backlot. A waiver is requested from Subdivision Regulations Section 4.4.1 (B) – Backlot Subdivisions in the Residential Zone.

Steve Riker, Ambit Engineering, addressed the Board. Also present was Charles Adams, surveyor in training with Ambit Engineering. S. Riker reviewed the revisions made to the plans. Special notes were added to the Subdivision Plan at the request of the Board (see Special Notes on the DD Cook Builders Subdivision Plan, submitted September 13, 2019; copy on file). The Existing Conditions Plan (Sheet C1) was updated with the Letter of Map Amendment, special flood hazard area line. The only change on

## DRAFT – SUBJECT TO CHANGE

Sheet C2 was the proposed lot in relation to the flood hazard area line as well as the septic location; a wetland was also added. No revisions were made to Sheet C3 (High Intensity Soil Survey). Sheet C4 is the FEMA LOMA plan which was approved by FEMA and shows the area taken out of the Special Flood Hazard area (shaded). Sheet C5 is the Sight Distance Plan from the driveway. The proposed shared driveway easement was added to the plan (shaded area). The Conceptual Site Plan is located on Sheet C6 and shows the duplexes slightly offset as requested by the Board. One of the buildings has been rotated so the back is not seen from the street; grading had to be adjusted to make the location work. The LOMA special flood hazard line has been added as have the clearing limits. Test pit logs can be found on Sheet D1. Architectural elevations can be found at the back of the plan set.

M. Fougere noted that a joint maintenance access agreement will be needed and must be recorded with the plan; lot corner pins shall be set; the existing home on Lot 1 will have to be demolished prior to the construction of the duplex. Drafts of any agreements included in the Board packets must be executed and recorded with the plan. S. Gerome added that the buildings will be offset according to the plan on Sheet C6. B. Dion stated that there was a lengthy discussion about the safety of the driveway location at the last meeting; he clarified that the DOT approval was the document needed.

Chair Winsor opened the meeting to public comments. There being none, he closed the public hearing and returned to the Board.

MOTION: S. Gerome moved to grant the waiver from Section 4.4 – Design Standards, Subsection 4.4.1.1, Item C of the Subdivision Regulations, requiring a maximum access width of 20 ft. to allow 50 ft. The waiver is granted with the understanding it is to increase site distance and preserve the walls and trees. Second – D. Moore; all in favor. MOTION CARRIED

MOTION: S. Gerome moved to grant the subdivision of Map R3, 7 into two lots in accordance with the plan set submitted by Ambit Engineering dated 13 September 2019, File No. 3055, (1) all lot corner pins shall be set prior to plan recording; (2) NHDES State Subdivision approval shall be obtained prior to plan recording; (3) NHDOT driveway permit shall be obtained; (4) a note shall be added to the plan and shown on Sheet C2 noting that a fence and/or barrier shall be installed along the wetland buffer prior to any lot disturbance; (5) dimensional requirements of 90,000 sq. ft. shall be noted with 60,000 sq. ft. being required as contiguous; (6) proper assessing lot numbers will be assigned by Town officials; (7) a joint maintenance and access easement agreement shall be executed and recorded with the plan; (8) a note shall be added and detailed on the plan showing the limit of tree removal and the preservation of the stone wall; (9) the duplex on Lot 1 shall be turned towards the road so the back of the unit is facing the road; (10) new duplex elevation drawings shall be submitted, depicting a “marked” change in design in the units than what presently exists in the neighborhood; (11) the home on Lot 1 shall be demolished prior to construction of the duplex; (12) duplexes shall be constructed as shown on Sheet C6 in the plan set; (13) all waivers must be noted on the plan; (14) the applicant shall submit a digital file along with three hard copies of the plan and a copy of recording mylar. Second – F. Catapano; all in favor. MOTION CARRIED

5. Subdivision of Land/Conditional Use Permit: 21 Willowbrook Avenue [Map R11, 1]  
Owner/Applicant: Frank Catapano – One Home Builders II, LLC  
The owner/applicant is proposing a five lot open space subdivision with frontage on Willowbrook Avenue.

F. Catapano recused himself from the Board. Christian Smith, Beals Associates and representing One Home Builders, addressed the Board. The original contemplation for the property was to add a driveway with very minor wetland impacts, creating four duplexes. The applicant would prefer to do a

## DRAFT – SUBJECT TO CHANGE

conservation subdivision with four additional lots off Willowbrook Avenue, leaving a larger parcel for the existing house. There will be no impact on the wetlands, no encroachment into the flood plain, and preserves approximately 98% of the environmental resources on the property. Five waivers are being requested; no new roads are being proposed and the open space subdivision ordinance does not provide for that.

There will be a common drive with the existing lot and Lot 4; there are a lot of nice ornamental deciduous trees that line the driveway to the existing house. F. Catapano would like to preserve those trees. The lot is oversized for a single family and has slightly reduced frontage; a waiver is being requested. The existing lot will be accessed over proposed Lot 4.

MOTION: S. Gerrato moved to accept the application as complete. Second – S. Gerome; all in favor. MOTION CARRIED

The frontage on the existing lot is 52.5 ft.; a backlot will be created. M. Fougere noted all the other lots have 100 ft. of frontage. There will be a driveway easement on Lots 4 and 5. M. Fougere stated that the backlot will be accessed with the same driveway as is there today. There will be a shared access point for Lots 4 and 5.

Each lot will have its own well and septic. B. Dion clarified that the existing driveway will stay in place and go through Lot 4. B. Dion noted there was a driveway going through Lot 5 to another parcel. C. Smith responded that driveway has a legal easement with the adjoining lot.

C. Smith reviewed the five waiver requests. Waiver 1: not require drainage analysis—no new roads are being constructed. Not proposing a road is beneficial to the Town; it won't create any additional maintenance costs for a public road in the future. The Conservation Subdivision Ordinance does not provide for that. F. Catapano typically, and customarily, puts stone drip edges under the eaves of all his new homes; going through a drainage evaluation for this property would be an exercise in futility. Waiver 2: High Intensity Soil Mapping would be included in the previous waiver. NRCS soils are fine; test pits have been reviewed with the soil scientist who did the wetlands delineation. Waiver 3: Conditional Use Permit criteria requires 85% of the required open space to be upland soils (10.8 acres); 6.4 acres are provided. This will allow the subdivision to be constructed with four frontage lots on an existing road. 70% of the parcel is under a proposed conservation easement; seven extra acres are included. Waiver 4: Conditional Use Permit criteria requires 100 ft. of frontage on an interior; there is not one being proposed. Waiver 5: This is specific to the Conditional Use Permit criteria. It requires each lot to have a 50 ft. all season natural buffer from existing roads, which would prohibit driveways and parking areas. They are proposing a 25 ft. exterior parcel boundary setback; there is no interior road.

Driveways will be located within the safest site distance for each lot. Town trees do not need to be relocated or removed. There are some wetlands on the back of the lots. Septics will be located on the front of the lots in order to keep them as far away from the wetlands as possible.

Chair Winsor opened the hearing to public comments. A resident on Thompson Brook Circle asked about the frontage requirement on open space subdivisions. M. Fougere noted all lots have 100 ft. of frontage, with the exception of the backlot with the existing home. There is a waiver request to reduce the vegetated buffer zone between the road and house from 50 ft. to 25 ft. Chair Winsor explained the interior road requirement of the Conservation Subdivision Ordinance. He further explained that there is a Conditional Use Permit and waiver process that allows the Planning Board to adapt the zoning to accommodate that requirement. It will still create a conservation subdivision, which is important.

## DRAFT – SUBJECT TO CHANGE

The resident on Thompson Brook Circle asked the Board to be cautious granting five waivers. Chair Winsor stated the Conservation Subdivision portion of the site plan was created with the idea of an internal road. There is also a good deal of flexibility allowed with the waiver process. The Board has to consider if the Town would rather have a new road and pavement that has to be maintained. F. Catapano pointed out what could be done without any waivers, which would be four duplexes (eight units) coming off of Portsmouth Avenue. Having the houses on Willowbrook Avenue and keeping the field as it is seems to be the right thing to do rather than developing the whole site. C. Smith reviewed the lot frontages - Lot 1: 100 ft.; Lot 2: 100.16 ft.; Lot 3: 100 ft.; Lot 4: 100.9 ft.; Lot 5: 52.5 ft. (backlot).

Kevin Lucey, 62 Meadow Lane: He appreciates conserving the scenic vistas and conservation valuations; but it really is providing wetland benefits to the Town and 4.5 acres less than is required. The benefit has a value and the Town is not getting the value back out of it with the waivers. His perspective was to have conservation subdivisions among the hierarchy of decisions and provide no benefit to developers as an incentive. Conservation values would not have to be traded. Board members explained that the incentives were removed from the Conservation Subdivision Ordinance several years ago; all the bonuses were removed. M. Fougere stated it was important to note there is no increased density. K. Lucey was also concerned about the future homeowners wanting waivers to fill the wetlands on the back of the property, sheds, etc. S. Gerrato stated they would have to go to the ZBA. It was noted these lots are bigger than some of the other conservation subdivisions in Town. Chair Winsor stated filling the wetland is illegal; waivers on wetlands are not granted. C. Smith noted the square footage of the lots: Lot 1 – 64,456 (1.43 acres); Lot 2 – 41,915 (.96 acre); Lot 3 – 40,190 (.92 acre); Lot 4 – 43,972 (1.01 acres); Lot 5 – 149,360 (3.43 acres).

There was a lengthy discussion with residents about the safety and speed on Willowbrook Avenue since the road has been rebuilt and paved. Traffic on Rt. 33 was mentioned several times as a problem. Chair Winsor encouraged residents to address that issue with their State Representative. Residents were also concerned about landscapers parking on the side of the road, which is narrow. Vehicles have to go around landscaping vans and trucks, which is dangerous. Also of concern was vehicles on the side of the road when driveways are being plowed. A stipulation in the approval of the proposed development is that lots must have a turn-around so they are not backing out onto Willowbrook Avenue. In addition, site distances must be maximized from those driveways to increase safety as much as possible. Chief Laurent will be informed of residents concerns. S. Gerrato mentioned that the GACIT hearings would be starting soon. He encouraged residents to attend the meetings and voice their opinions.

There being no other comments, Chair Winsor closed the public hearing and returned to the Board. M. Fougere noted that from a procedural standpoint for the Conditional Use Permit, from Item “D” forward in Article XXVI – Residential Open Space-Conservation Subdivision Development of the Zoning Ordinance, Article 26.1.10 – Standards for Approval, all standards “must be met or impacts mitigated to the satisfaction of the Planning Board prior to the granting of a Conditional Use Permit.” (1) N/A – Single family homes proposed; (2) transportation; (3) protection of natural resources; (4) protection of cultural resources; (5) undue municipal expense; (6) the development will be compatible with the spirit and intent of the Greenland Master Plan and Zoning Ordinance; (7) capacity of existing or planned community facilities and services (including streets and highways) will not be adversely impacted; (8) the general welfare of the Town will be protected. *Refer to Article XXVI in the Zoning Ordinance.*

MOTION: D. Moore moved to grant the waiver from Section V – Erosion and Sedimentation Control Standards, Subsection 5.2 – Applicability, of the Subdivision Regulations requiring a drainage analysis. Second – S. Gerome; all in favor. MOTION CARRIED.

## DRAFT – SUBJECT TO CHANGE

MOTION: D. Moore moved to grant the waiver from Section IV – General Principles and Design and Construction Standards for Subdivisions, Subsection 4.3 – Determination of Soil Type, of the Subdivision Regulations requiring HISS mapping. Second – S. Gerome; all in favor. MOTION CARRIED

MOTION: D. Moore moved to grant the waiver from Section XXVI – Residential Open Space Conservation Subdivision Development, Subsection 26.3.2 – Minimum Open Space Requirements, of the Zoning Ordinance requiring 85% of the required open-space to be upland soils. Second – B. Dion; all in favor. MOTION CARRIED

MOTION: D. Moore moved to grant the waiver from Section XXVI – Residential Open Space Conservation Subdivision Development, Subsection 26.4.2.B.1 – Setbacks and Other Dimensions, of the Zoning Ordinance requiring 100 ft. of frontage on interior roads and to allow a 52.5 ft. backlot access point. Second – S. Gerome; all in favor. MOTION CARRIED

MOTION: D. Moore moved to grant the waiver from Section XXVI – Residential Open Space Conservation Subdivision Development, Subsection 26.4.2.E – Frontage on Roads, of the Zoning Ordinance requiring at least a 50 ft. four season natural buffer to minimize potential impacts on abutting properties and the street to allow 25 ft. Second – S. Smith; all in favor. MOTION CARRIED

F. Catapano has made arrangements to have the open space field mowed twice a year. The open space will be put into an easement document and submitted. The maintenance requirement of the open space will be included in that document. F. Catapano's attorney will prepare the conservation easement and driveway easement. The Homeowner's Association will maintain the open space.

MOTION: S. Gerome moved to approve the subdivision of Map R11, 1 into six lots in accordance with the plan set by Beals Associates dated 08.27.2019, Project No. NH-1212, with the following conditions: (1) all lot corner pins shall be set prior to plan recording; (2) a note shall be added to the plan stating that **a fence and/or barrier shall be installed along all wetland buffer areas prior to any lot disturbance or tree cutting. Said barriers shall be inspected by the Building Inspector prior to construction;** (3) a driveway maintenance and access agreement shall be drafted and recorded with plan; (4) proper assessing lot numbers shall be assigned to the new lots by Town officials; (5) all new homes shall be provided with driveway turn arounds; (6) the proposed driveways shall be installed to maximize safe site distance; (7) existing trees along Willowbrook Avenue shall be protected during construction; if any trees have to be removed, they shall be replanted in kind as to size, species and quality; (8) a maintenance plan shall be developed for the open space to ensure the existing fields are mowed at least twice during the growing season along with the submittal of an easement document; (9) NHDES State Subdivision approval shall be obtained prior to plan recording; (10) all waivers shall be noted on the plan; (11) the applicant shall submit a digital file along with three (3) hard copies of the plan and recording mylar. Second – B. Dion; all in favor. MOTION CARRIED

### 6. Approval of Minutes

MOTION: F. Catapano moved to approve the minutes of Thursday, September 05, 2019. Second – D. Moore; five in favor, one abstain (S. Gerome). MOTION CARRIED

### 7. Approval of Invoices

MOTION: F. Catapano moved to approve payment of the Altus Engineering invoice from the Planning Board Escrow Account in the amount of \$622.56. Second – D. Moore; all in favor. MOTION CARRIED



8. Other Business

The Planning Board budget for 2020 was reviewed. It was noted that the encumbered Master Plan funds needed to be expended by the end of the year; M. Fougere will submit an invoice. The consensus of the Board was to keep the budget level.

MOTION: S. Gerrato moved to keep the 2020 Planning Board budget the same as last year. Second – F. Catapano; all in favor. MOTION CARRIED

F. Catapano discussed the Altus review of Sofia Way bio-retention pond. The review indicated there was “stuff” growing in the bio-retention pond. They were unsure if the original plants are still there and have asked F. Catapano to amend his application to allow mowed grass in the bio-retention pond. From the Altus review of September 03, 2019: “The bioretention area has become overrun with weeds and woody growth. It is impossible to determine if any of the original plantings have survived. It is suggested that the developer apply for an amendment to the site plan to replace the proposed plantings with a mowable grass bioretention area so as to facilitate regular maintenance.” There was a similar problem on Hickory Lane and the site plan wasn’t required to be amended. It is no longer a State requirement to have wetlands plants in them because the bio-retention pond may only have water in it for a week or two. F. Catapano continued that there is plenty of growth in the bio-retention pond on Sofia Way absorbing the water. He was unsure if it should be left as is and mow what’s there. Chair Winsor asked if the approved plan stipulated the plantings. F. Catapano acknowledged it was on the plan; at the time it was a State requirement. Chair Winsor noted the plan was filed and questioned if specific plants were stipulated or just plants. F. Catapano stated normally there’s an explanation on the back page that indicates the plants. M. Fougere suggested F. Catapano get a letter from the Planning Board engineer stating the State no longer requires plants. S. Gerome added there needs to be something in the file that indicates it is no longer a State requirement; an email trail would be acceptable. This will be added to the work session agenda for Thursday, October 03, 2019.

At the Board of Selectmen meeting on Monday, September 30, 2019, Green and Company will be requesting a bond reduction on the Bramber Green development and turning Bramber Valley Drive over to the Town. As a condition of approval, the HOA will be still be required to maintain that portion of the road even though it will be turned over to the Town.

9. Adjournment

MOTION: S. Gerrato moved to adjourn at 8:32 p.m. Second – F. Catapano; all in favor. MOTION CARRIED

NEXT MEETING
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Thursday, October 03, 2019 – 7 p.m., Work Session, Town Hall Conference Room

Respectfully Submitted – Charlotte Hussey, Administrative Assistant

Approved: