



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

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Thursday, November 07, 2019 – 7:00 p.m. – Town Hall Conference Room

*Members Present:* Frank Catapano, Stu Gerome, Steve Gerrato, John McDevitt, David Moore, Rich Winsor, Catie Medeiros (Alternate)

*Members Absent:* Vaughan Morgan (Alternate), Bob Dion (Alternate), Steve Smith (Selectmen's Rep)

*Staff:* Mark Fougere – Consultant

*Also Present:* Maria Emory – School Board Chairman

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Chair Winsor opened the Planning Board meeting 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. Bramber Valley Drive

M. Fougere updated the Board of recent developments with the road maintenance on the public road portion of Bramber Valley Drive. This issue has been discussed with the Town Attorney on several occasions. The Board of Selectmen recently accepted the road as meeting Town specs, etc.

The Town Attorney had been contacted regarding several stipulations regarding the roads when the age restricted housing development was approved by the Planning Board. He was confident that the private road would remain private; however, the portion of the road taken over by the Town is public. Although it was a condition of approval from the Planning Board that the condominium association maintain that section, the Town Attorney did not feel that would stand up to scrutiny. It would be the Town's responsibility to maintain that portion of the road. The Selectmen will need to amend their motion to accept the road which had a stipulation that the condominium association would maintain it due to the condition of approval from the Planning Board.

Responding to S. Gerome, M. Fougere stated the Board could get another opinion. J. McDevitt expressed his concerns about accepting maintenance of Bramber Valley Drive. Chair Winsor reminded the Board that from Portsmouth Avenue, onto Bramber Valley Drive, and up through the Vernita Connection was always going to be public. The stipulation was that it would be maintained by the condominium association. It was reiterated that everything beyond the gate was private. Chair Winsor stated they could seek a second opinion, but it would be an added cost. J. McDevitt agreed, adding that a second opinion could be contrary to the first.

The Board was in agreement that this type of stipulation could not be allowed in the future; public was public. M. Fougere stated that no Board action was required. It was on the record and all information would be kept in the Bramber file.

2. CIP Final Review

M. Fougere reviewed the rankings as determined by the Board at the meeting on October 17, 2019 (copy on file). An extensive discussion took place regarding the CIP, with the focus mainly on the School. M. Emory told the Board they had made an error when submitting the CIP amount for the roof on the 2004 section of the School; it should be \$360,000 not \$36,000. Chair Winsor asked if they had anyone with expertise dealing with the quotes or if they were just randomly being submitted. M. Emory responded that John Balboni, School Board member, was the liaison; he has a background in construction and construction management. The Planning Board was concerned about the cost; if \$360,000 was allocated for the roof and it came in lower, it would be taxpayer money that could have gone to another project.

J. McDevitt stated he would like to ask the liaison the questions; he wanted to feel comfortable that the numbers the Planning Board was getting were accurate. Chair Winsor suggested they talk to Eric Weinrieb, Altus Engineering. Chair Winsor continued that with projects he's worked on similar to this, they would discuss it with a local engineering company to assess the job and manage the RFP's. Bids would be bonded to ensure it was a "real" bid. M. Emory noted that repairs would be needed on the roof this year, stating "clearly the money would have to be raised gradually".

M. Emory stated that an additional sixth grade teacher would be needed next year. The classroom was needed and she was concerned about the "deferrable" ranking. The proposed location of the classroom is due to grouping of grades; currently, the first grade classes are not near each other. By adding the wall in the Media Center, it would allow the first grade classrooms to be together and the daily flow would be much better. There would also be a positive effect on the teachers working side by side. M. Emory explained that because the wall will be in the Media Center, there are outlets on the floor that will need to be removed. The Board was concerned about the price point. J. McDevitt's concern: who was accepting the bids and do they have the ability and knowledge to really look at them and understand what they are getting into. He would like to meet the School Board member who was the liaison and receiving the bids. M. Emory stated that at the School Board's summer retreat in July, a five year facilities plan and staffing plan was done. A teacher needs to be added next year and the wall needs to be built to create an additional classroom. C. Medeiros suggested that the bids be sent to the Planning Board for review.

Chair Winsor asked how many classroom teachers had been hired over the last several years; M. Emory responded that five teachers had been hired. The student/teacher ratio was discussed. Chair Winsor noted that in the last 10 years the enrollment has grown by 60 students and they've added five teachers. The ratio is approximately 12 students per teacher and they're adding another.

Bond payments were reviewed. The school bond will be paid in 2023; the road bond for Caswell/Dearborn will be paid in 2024. S. Gerome stated, from a fiscal standpoint what was being proposed was ridiculous. The debt in 2019 is \$708,748; in 2020 the debt increases to \$1.4 million if the proposed CIP projects move forward. S. Gerome stated it was fiscally irresponsible for a town; Chair Winsor agreed. Chair Winsor continued that as a town, we're spending more than we have. The school is "sucking up" this town and roads can't be repaired. D. Moore noted that based on the revised cost of the school roof (from \$36,000 to \$360,000), the numbers were wrong. The correct amount for 2020, if the proposed CIP projects move forward, would be approximately \$1.5 million.

There was further discussion regarding the roof repair at the school. M. Emory stated it didn't need to be done next year, but three years would be great; hopefully, it wouldn't be that much. F. Catapano stated that it is hard to get "real" numbers when budgeting out three years. M. Emory noted that when

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J. Balboni, Warren Ducharme and the project manager from EEI went up on the roof, a foot went through. There are also some leaks. Chair Winsor recommended they find an independent engineer who would go out on their behalf with their best interests in mind; let them do it, let them look at it and assess it. The engineer may be able to suggest repairs that would get them through a couple of years. That would give the Town longer to plan and lower the yearly payment into a “bucket”, having less impact on the taxpayer. We have to get creative in the Town and find a way to stop spending money. A \$3.5 million Library was just approved, roads are falling apart; something has to be done, we can’t keep doing this.

S. Gerrato suggested that FEMA funds may be available to replace the culvert on Bayside Road. It would take time to get the funds. If the road has been washed out because of the culvert, the Town could apply for FEMA funds. Laura Byergo, 16 Caswell Drive, stated the studies on the culverts have found they are not sufficient to allow aquatic life to go through them; they are undersized and perched. She thought there may be one or two culverts on Bayside Road that may qualify for ARM funding, which is mitigation funding from around the State. L. Byergo noted that in 2020-2021 they would be coming back to the seacoast. They would be open bottom box culverts; they will be more ambitious because it is in area for potential salt marsh migration and higher flooding. If culverts are showing signs of being blocked or no letting aquatic migration through, that would be justification for the ARM funds. S. Gerrato asked that the Town Administrator look into that funding. L. Byergo will forward information.

Chair Winsor noted that the elephant in the room was the roads, adding it was the Town paying for its irresponsibility for many, many years. F. Catapano stated that the capital improvement process was to properly plan for the future. The Planning Board had to determine the best way to be financially responsible. After discussing budgeting of the proposed projects, the following recommendations were made (revised copy on file):

- Road Capital Reserve: \$165,000 over five years
- Public Works Building Capital Reserve: \$15,000 over three years
- Replace Town Hall AC: \$7,500 over four years
- School Replace 8 Classroom Vanities: \$4,500 over four years
- School Roof Replacement: \$100,000 over three years
- School Roof Vent Repairs: \$8,000 over three years

### 3. Bramber Valley Drive

Chuck Murphy, President – Bramber Green Condominiums, thanked the Board for bringing up the responsibility for the two roads. He asked if a decision had been made; M. Fougere responded it was an informative discussion for the Board. The final decision will be made by the Board of Selectmen; they will need to amend their motion at the meeting on Tuesday, November 12, 2019.

F. Catapano clarified that the Town Attorney felt the public portion of the road should be maintained by the Town; now it has to go to the Selectmen. There was an agreement with the developer that the public portion would be maintained by the HOA; however, the Town Attorney felt it was not going to work. M. Fougere further explained when the Selectmen approved the road, there was a stipulation that it was to be maintained by Bramber. S. Gerome noted there was not a discussion about the sidewalks.

Chair Winsor stated this was a learning process for the Planning Board; agreements could not be made with developers/builders. F. Catapano felt an agreement was made that was not legal. J. McDevitt stated it was a private road at the time. The Board did its due diligence and everyone was in agreement,

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the project was built and then the homeowners did not like the agreement. He found it frustrating. C. Murphy stated that not one of their homes exist on Bramber Valley Drive or on Vernita. Chair Winsor explained the reason C. Murphy's house exists was because there were gives and takes from a builder to the Town. J. McDevitt stated that when the residents of Bramber Green bought their homes, they knew the stipulation; C. Murphy agreed. C. Murphy noted two more homes were built on Bramber Valley Drive and now there is talk about tearing down the commercial building to build more houses. The Board noted that lot where the homes were built was an existing lot.

J. McDevitt stated the Selectmen would take care of it so it was a moot point. F. Catapano explained the Planning Board was expressing frustration because they had an agreement that gave concessions; in the end there was nothing for the concessions. The Board understood C. Murphy's point of view that it was a public road and they did not want to maintain a public road. It was a learning curve for the Board; in the future it will not be allowed to be a public road. M. Fougere explained the majority of the Board decided to connect to Vernita. Then the public was allowed to drive through a private road; that's where it changed. Vernita was opened to improve circulation in the neighborhood. F. Catapano stated that in all fairness he did not think a private entity should be maintaining a public road.

Chair Winsor reiterated that the reason those homes could be built, why they exist and why they can live there in that house is because of the concession from the builder: yes, that will forever travel with that land. Essentially it was a burden on their land and part of their contractual agreement. The Board agreed that they would not make those concessions in the future. L. Byergo asked if they could split the difference: the Town maintains the road but the community maintains the sidewalks. That was not possible because the sidewalks are within the public right-of-way.

#### 4. Master Plan Vision Statement

Board members received the first draft of the Population and Housing chapter to be included in the Master Plan. Residents over the age of 65 has increased 44% since 2000; 2017 figures were used. Board members voiced concern that the housing numbers were incorrect; M. Fougere will research further. The Master Plan Vision Statement was continued to the meeting on Thursday, November 21, 2019.

#### 5. Residential-Commercial-Industrial Mixed Use Overlay District

F. Catapano thought the Planning Board's vision was in that area, which he liked. He also thought water and sewer would be needed in some of the area; septic would not support a 100 unit housing complex with commercial on the first floor. Requiring water and sewer would help. M. Fougere stated the whole premise was to use the economic engine to help bring funding to the Town. It won't work if there isn't enough capital.

Encourage the expansion of Greenland's village: M. Fougere explained the original discussion was to expand the district to the village. The Board agreed it should be removed.

Fiscal impact analysis: Revenue generated by the project would be reviewed as well as the impact on the municipal services—police, fire, schools.

Chair Winsor explained the purpose of the overlay district was mixed use not necessarily for condos, apartments, etc. The vision was bigger than that: can you have commercial property with a small restaurant on the first floor and maybe some residences above. The concept was to maximize the use of the lot. There was a possibility of work force housing and bring an economic engine to Town. Packard is a site that could take advantage of this type of overlay district. The vision is to add flexibility; that's why

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the economic analysis is critical. Developers must show a benefit to the Town. The point was to bring more tax revenue into Town. M. Fougere stated requiring sewer and water could be added as a stipulation.

Chair Winsor agreed with S. Gerome's concerns; this proposed ordinance is very flexible. C. Medeiros stated there should be exceptions; there are some uses that will never work: car washes, auto related uses, etc. M. Fougere requested a list of uses not to be allowed from the Board, adding they might be allowed in the underlying zone but not with this ordinance.

Chair Winsor suggested at the work session on Thursday, December 05, 2019 the Board review the Table of Uses, allowing a lot of time. M. Fougere recommended not limiting themselves to the Table of Uses. Chair Winsor advised members to do their homework before the meeting. C. Medeiros stated the Board should have a vision of what they want. Chair Winsor asked members to review the Table of Uses, thinking about what they wanted it to be, how does it need to be refined, and should it be restricted or wide open.

### 6. Approval of Minutes

J. McDevitt amended the following: Page 6, Other Business, "J. McDevitt would like to see something ~~for~~ regarding the issue of satellite parking".

MOTION: J. McDevitt moved to approve the minutes of Thursday, October 17, 2019, as amended. Second – F. Catapano; seven in favor, one abstain (C. Medeiros). MOTION CARRIED

### 7. Approval of Invoices

MOTION: F. Catapano moved to approve payment of the following invoice the Planning Board Town Budget: Fougere Planning & Development in the amount of \$1,468.89. Second – J. McDevitt; all in favor. MOTION CARRIED

### 8. Items for the Next Meeting

The meeting on Thursday, November 21, 2019 will include a subdivision of the Gill property and items continued from this meeting. An application was received for the subdivision of March Farm Way; it will be heard at the public hearing on Thursday, December 19, 2019.

### 9. Other Business

Chair Winsor asked if there was a way for a town to have something in place stating that any road donated to a town must meet all town standards. M. Fougere has spoken to the Town Attorney about this issue: any condominium anywhere in the State has the constitutional right to petition the Board of Aldermen at Town Meeting to take over their road. If Town Meeting votes "yes", it becomes a town road regardless of its condition. S. Gerrato stated any roads should go to the Town for a vote; that's the procedure that should be followed for the future. C. Medeiros suggested the developer be required to put money into escrow account for long term maintenance (example: five years); if they don't want to, they would not be given any concessions. Using Bramber Valley Drive as an example, M. Fougere stated that could have been required.

C. Medeiros told the Board there is land under contract in Rye that abuts Town land; 40 residential units and a 20,000 sq. ft. commercial building are proposed. Greenland does not have any frontage on Rt. 1 in

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this location; it could be a great opportunity to discuss with the developer a plan to develop the entire area. Greenland's access is off Breakfast Hill Road and behind the church.

### 10. Adjournment

MOTION: F. Catapano moved to adjourn at 8:52 p.m. Second – D. Moore; all in favor. MOTION CARRIED

NEXT MEETING
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Thursday, November 21, 2019 – 7:00 p.m., Public Hearing, Town Hall Conference Room

Respectfully Submitted: Charlotte Hussey, Administrative Assistant

Approved: \_\_\_\_\_