



PLANNING BOARD
Town of Greenland • Greenland, NH 03840
11 Town Square • PO Box 100
Phone: 603.380.7372 • Fax: 603.430.3761
Website: greenland-nh.com

MINUTES OF THE PLANNING BOARD

Thursday, January 02, 2020 – 7:00 p.m. – Town Hall Conference Room

Members Present: Stu Gerome, Steve Gerrato, John McDevitt, Rich Winsor

Members Absent: Frank Catapano, David Moore, Catie Medeiros (Alternate), Vaughan Morgan (Alternate), Bob Dion (Alternate), Steve Smith (Selectmen's Rep)

Staff: Mark Fougere - Consultant

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.

I. PUBLIC HEARING

1. Projects of Regional Impact

There were no projects of regional impact.

2. Zoning Amendments

The Residential-Commercial-Industrial Mixed-Use Overlay District for areas along Rt. 33 and Rt. 1 and its possible adoption as a Zoning Ordinance was discussed at length (copy on file). Chair Winsor explained the Planning Board considered it innovative zoning with many opportunities for the Town. It would provide relief and the ability for the Town to achieve and align itself with some of the State regulations relating to work force housing and density requirements. The Town of Greenland lies dangerously on a precipice relating to work force housing availability. M. Fougere stated the median cost of a home in Greenland last year was well over \$400,000. Chair Winsor continued that it was imperative, and mandated by the State, that there be zoning within the Town for work force housing.

Chair Winsor stated there were two options: work force housing could be ignored (the Town could be sued by a developer) or it could be done by the Town's fruition. The other key part of the zoning proposal was the ability to leverage development to potentially bring services (water and sewer) into Town.

At J. McDevitt's request, M. Fougere reviewed the Conservation Commission's concerns (copy on file). Laura Byergo, Conservation Commission Chairperson, stated that in drafting the Conditional Use Permit, the Board is asking the people of Greenland to vote on and accept reducing the restrictions that have been voted on in the past to protect development in Town. They were being asked to allow the Board, in the Rt. 33 area, to waive a series of restrictions. She felt it was stating "mixed-use development is welcome in this part of Greenland". The Conservation Commission felt it should be up to the residents of Greenland to decide. L. Byergo continued that the Conservation Commission wanted the Planning

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Board to indicate to developers when considering the Conditional Use Permit they were expected to maintain the integrity of the natural resources in that area. Those natural resources are important and the integrity needs to be maintained, they connect the bogs (The Great Bog, Packer Bog) which are important to water quality and connect Great Bay. They are wildlife corridors and areas that refuges for wildlife as more develop is seen.

Chair Winsor responded that the Planning Board had a long discussion about the Conservation Commission's concerns at their last meeting. The Board agreed it was critical that the buffers be maintained and protected. They were careful not exclude any waivers; the Board does not have that authority and it was a very sensitive area. L. Byergo has spoken to RPC; they felt a statement should be included under "Purpose and Intent". Chair Winsor assured her the Planning Board was not changing the underlying rule set; the Board has stated they cannot change "local".

L. Byergo had two concerns: making sure the Zoning Board had the right tools (natural resources are important and should be protected) when reviewing a Conditional Use Permit. Her major concern was the ARM Grant, which provides developers the ability to pay a fine if they violate the development regulations for protection of wetlands and rivers. L. Byergo wanted the Town to put people on notice that they would not be looked upon favorably if a proposal was in violation and the developer was allowed to pay a fine and mitigate.

Chair Winsor assured L. Byergo that the Planning Board was on the "same page" and completely supported her concerns. The language was redundant; the Board did not have the authority, were not trying to take that authority, and do not want that authority. They do not want to loosen the restriction in that area from an environmental prospective and it was not the Board's intention.

L. Byergo stated the language was not sufficient and wanted it included in 'A. Purpose and Intent'. They also wanted additional criteria in 'C. Conditional Use Permit (CUP)': *Applicant's development proposals must abide by all provisions of local, state and federal wetland, water quality and wildlife laws and regulations. (Note: Wetland buffers, MS4 permit, and SB200).* Jean Eno, Shore Drive, explained that SB200 was a State law protecting habitats and wildlife corridors. Chair Winsor responded, speaking for himself, he was hesitant to be specific when drafting articles relating to State and federal law. The Board would be limiting itself: if a law is referenced and later changed, zoning would be affected.

S. Gerome was troubled by their mission to try and eliminate the ZBA's role and their function. He felt they were trying to out-guide them from their role in this Town. The Board considers that in everything they write. If the ZBA decides to grant a Variance to an applicant, the Planning Board respects that; it is their function. The ZBA is a Board of relief. The Planning Board's mission is not to step around or supersede, etc. L. Byergo stated the Planning Board was highlighting their intent and felt they were taking away the ZBA's ability to say 'no'. If the Town approves this, they were giving the Planning Board the ability to say 'yes'. She was asking the Board to highlight they were not encouraging them to say 'yes'. M. Fougere stated the proposed ordinance takes nothing away from the ZBA.

J. McDevitt stated there were many reasons the Board was doing this; for him, personally, it was work force housing. The Planning Board was trying to find areas in Town that were appropriate for that type of development. L. Byergo felt there were other areas that were more appropriate. Chair Winsor stated the location had to be economically viable.

A lengthy discussion continued; several members of the audience addressed the Board. There were concerns about LID practices being excluded. Chair Winsor stated they would still be held to the water quality standards as well as drainage. Innovative zoning would be used to optimize the site using those

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techniques. M. Fougere noted 'best management practices' was included in the Wetlands Ordinance purpose statement (Article 18.1 – Purpose, Item 8).

There was a discussion regarding work force housing. S. Gerome stated the purpose of the proposed ordinance was not to bring in work force housing; it was innovative zoning that would allow that as well other things. Chair Winsor noted that just because it exists does not mean it would happen.

When asked if the proposed ordinance would satisfy the requirement for work force housing, M. Fougere responded that under State statute, the Town needed to provide areas within the community, in the largest zoning area, the ability to have work force housing; the Town currently does not do that. Also required is an area for multi-family zoning, at least five units per building; the Town does not have that right now. The proposed ordinance will satisfy the multi-family requirement mandated by State statute. M. Fougere continued that multi-family is challenging because soils in Town are varied. Multi-family should be on sewer; the proposed area is the best location for sewer. Nothing has to be built, but the area should be zoned for it to meet the requirements.

If the changes being made at this meeting are not substantial and the Planning Board passes the proposed ordinance, it will be moved to the ballot to be voted on at Town Meeting. M. Fougere, with the assistance of another consultant, wrote the proposed RCIM Overlay District ordinance. Mixed-use zoning can be found throughout the State; Dover and Merrimack's mixed-use ordinances were reviewed when writing the ordinance. Greenland's ordinance is unique.

Kevin Lucey, 62 Meadow Lane: He felt development in the Lowe's/Target was a good thing. The problem was the Town's underlying ordinances regarding stormwater, buffers and wetland protection were inadequate to accommodate this type of relief, particularly with climate change, sea level rise, and the increase, frequency and intensity of storms. K. Lucey felt it was far too premature to bring to vote. He supported density and development in that area; however, he had not heard a good reason to relieve all of the Town's zoning achievements.

Chair Winsor responded that the RCIM Overlay District ordinance has been in the process for almost a year. As citizens of the Town it was their responsibility to be engaged. He was on the Planning Board because he felt it was his civic duty to be engaged in the Town. A discussion on meeting notifications followed. The Planning Board requested that agendas and links to public hearing notices be posted on the Town's Facebook page.

It was clarified that once an ordinance is posted, technically it is in effect. The RCIM District is an overlay zone and the underlying zoning is not changing; landowner's rights are not affected. This is considered "interim law" until Town Meeting. Chair Winsor assured those present that applications for the overlay district would not be accepted by the Planning Board until after Town Meeting. If it does not pass Town Meeting vote, it will no longer be in effect.

Satellite Parking: Satellite Parking will be added to Article II – Definitions as well as the Table of Uses. M. Fougere reviewed the proposed amendment to the Zoning Ordinance.

Chair Winsor closed the public hearing and returned to the Board for comments. M. Fougere reviewed the changes to the proposed RCIM Overlay District. The RCIM Overlay District on Rt. 33 will be moved to ballot with the suggested changes from the Conservation Commission.

It was noted that the Board of Selectmen had concerns about the proposed RCIM Overlay District on Rt. 1. Discussion regarding the overlay district on Rt. 1 was continued to the meeting on Thursday, January

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16, 2020; the Planning Board would like a member of the Board of Selectmen present for that discussion.

MOTION: J. McDevitt moved to accept the proposed changes to Question 1, Item A – Purpose and Intent and Item C – Conditional Use Permit: Residential-Commercial-Industrial Mixed-Use District as discussed and forwarded to ballot. Second – S. Gerrato; all in favor. MOTION CARRIED

MOTION: J. McDevitt moved to continue the discussion of the Residential-Commercial-Industrial Mixed-Use District East (Rt. 1) to the meeting on Thursday, January 16, 2020. Second – S. Gerome; all in favor. MOTION CARRIED

MOTION: S. Gerome moved to forward Question 2, Off-Site Parking Lot, to ballot. Second – J. McDevitt; all in favor. MOTION CARRIED

II. WORK SESSION

1. Approval of Minutes

S. Gerrato requested an amendment to the minutes of Thursday, December 19, 2019, to include the discussion about boundary markers.

MOTION: S. Gerome moved to approve the minutes of Thursday, December 19, 2019, as amended. Second – J. McDevitt; all in favor. MOTION CARRIED

2. Approval of Invoices

MOTION: S. Gerome moved to approve payment of the invoice to Fougere Planning and Development from the Town Budget in the amount of \$2,090.14. Second – J. McDevitt; all in favor. MOTION CARRIED

3. Other Business

There was no other business to discuss.

4. Topics for Public Hearing: Thursday, January 16, 2020

Topics for the public hearing include the continuation of March Farm Way and the RCIM District East.

5. Adjournment

MOTION: J. McDevitt moved to adjourn at 9:18 p.m. Second – S. Gerome; all in favor. MOTION CARRIED

NEXT MEETING

Thursday, January 16, 2020 – 7 p.m., Public Hearing, Town Hall Conference Room

Submitted By: Charlotte Hussey, Administrative Assistant

Approved _____