



PLANNING BOARD
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MINUTES OF THE PLANNING BOARD MEETING

Thursday, January 16, 2020 – 7:00 p.m. – Town Hall Conference Room

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

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

Staff Present: Mark Fougere – Consultant

Also Present: Chip Hussey, Chairman – Board of Selectmen

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 was a discussion about the public hearing notice received from the City of Portsmouth regarding parking lot expansion at Lonza (101 International Drive, Pease). Chair Winsor questioned if it was the result of the new addition. M. Fougere stated it "was just the shell" and they did not have approval to occupy the building. M. Fougere will research what the drivers are for the expansion of the parking lots. He will contact the Planning Board's attorney, if necessary.

S. Gerrato noted that the RPC is making it difficult for Greenland. They have identified one area, if relieved, that would be a big help. Now they are looking at the whole strip, which will not happen. He recommended concentrating on the one area. M. Fougere stated one way to deal with the area was to meet with our Representatives and Senators about a special legislation bill outside the 10-year plan to fund the improvement as compensation to Greenland for the growth at Pease. It's a regional economic development engine for the State.

2. Subdivision of Land: 11-13 March Farm Way (R21, 55)

Owner/Applicant: Richard Landry, Thurken IV, LLC

The owner/applicant is proposing to amend the existing boundaries of the two condominium land units and common area. Land Unit 1 will be 2.554 acres and Land Unit 2 will be 24.66 acres; the common area will be 1.12 +/- acres.

Brenda Kolbow, TF Moran and representing the applicant, addressed the Board reminding them this project was continued from the meeting on Thursday, December 19, 2019. Plans have been reviewed by Altus Engineering as requested by the Board; members received a copy of his review (copy on file). M. Fougere clarified that zoning relief would not be needed; the Board could grant a Conditional Use Permit.

Joe Fedora, Van Etten Drive: Asked the intended use for the parcel. Chair Winsor responded the use was unknown; this was a lot line adjustment changing the shape of the lot. The Planning Board was not approving any plans. If the site is developed, the applicant will have to come back for site plan review.

DRAFT – SUBJECT TO CHANGE

B. Kolbow explained the lot line adjustment. M. Fougere would like added to the beginning of the note section on the plan: The purpose of this plan is to decrease the common area from 22.9 acres to 1.1 acres and increase Land Unit B from 2.8 acres to 24.6 acres. He added that on the plan notes there is no indication of what is happening. B. Kolbow stated it would be added to the purpose note.

MOTION: F. Catapano moved to grant the waiver from Section III – Data Required for Submission of a Subdivision, Subsection 3.3.3 – Construction Plan, to the plan presented by MSC – A Division of TF Moran, Inc. dated October 23, 2019, Project No. 47100.00. Second – D. Moore; all in favor. MOTION CARRIED

MOTION: F. Catapano moved to grant the waiver from Section IV – General Principles and Design and Construction Standards for Subdivisions, Subsection 4.3 – Determination of Soil Type, Item ‘B’ – HISS Mapping, to the plan presented by MSC – A Division of TF Moran, Inc. dated October 23, 2019, Project No. 47100.00. Second – D. Moore; all in favor. MOTION CARRIED

MOTION: F. Catapano moved to grant the waiver from Section V – Erosion and Sedimentation Control Standards, Subsection 5.2.1 – Stormwater Management Report and Plans, to the plan presented by MSC – A Division of TF Moran, Inc. dated October 23, 2019, Project No. 47100.00. Second – D. Moore; all in favor. MOTION CARRIED

MOTION: F. Catapano moved to approve the lot line adjustment for 11-13 March Farm Way according to the plan presented by MSC – A Division of TF Moran, Inc. dated October 23, 2019, Project No. 47100.00, with the following conditions: (1) To be added to the notes on the plan--The purpose of this plan is to decrease the common area from 22.9 acres to 1.1 acre and increase Land Unit B from 2.8 acres to 24.6 acres; (2) all waivers must be included on the plan; (3) the applicant shall submit a digital file with two hard copies of the plan and recording mylar. Second – S. Gerome; all in favor. MOTION CARRIED

3. Residential-Commercial-Industrial Mixed-Use District East

Chair Winsor stated that this involved zoning and does not mean anything will happen. In the event the Town wanted to do anything in that area, the potential was there. Chip Hussey, Board of Selectmen Chairman, was present to convey the Selectmen’s concerns to the Planning Board regarding the RCIM District East. Their biggest concern was the ledge in the area. The Town-owned property was located near a very large super fund site. Right now, the groundwater is moving slowly towards Greenland. The Selectmen would be very concerned if any type of activity (example: blasting) to remove ledge was done to change the course of the water. The cost to put in a water line would be approximately \$26 million. Any heavy duty change in geology would be a concern.

Chair Winsor asked how the two Boards could work together to mitigate the issue. C. Hussey responded the Selectmen definitely did not want to see any blasting in that area. Chair Winsor stated that the Planning Board’s goal was to have that area developable and used as leverage to get water through there if the Board of Selectmen ever decided to sell that property.

C. Hussey stated that the Selectmen were very enthusiastic with what was happening on the northern side. He noted that the Selectmen were submitting a warrant article for RSA 79-E which encourages revitalization through deferring property taxes for a period of time. Chair Winsor commented that the Planning Board was excited about the RCIM District and the innovative zoning it will allow.

Chair Winsor questioned if the Planning Board would be doing itself a disservice by including the East District on the ballot. M. Fougere suggested there were several ways to address the Selectmen’s concerns: the East District could be removed in its entirety and move only the Northern District to ballot; remove the Town property from the East District and move to ballot; or leave it as it is now and

DRAFT – SUBJECT TO CHANGE

move to ballot. It could also be a separate question on the ballot (the Northern District would be a separate question from the East District).

C. Hussey stated that the Selectmen plan to leave the Town property in the East District as it is now; he thought a portion was currently in conservation. The Selectmen's concern about development was changing the course of groundwater. A hydrogeologic study in that area has not been done. There is a risk when rock is fractured that the direction of groundwater could change. C. Hussey added he was not willing to take that chance as a Selectman. They could build whatever they wanted if they did not have to blast. Chair Winsor suggested a hydrogeologic study could be done; a decision could be made predicated on fact vs. what may be there. F. Catapano agreed, adding that fracking and drilling wells would definitely be running the risk of changing the water flow.

S. Gerome noted that once zoning was changed, that could be one of the more valuable pieces of property. F. Catapano added that the goal of the Planning Board was to make that a valuable piece to attract work force housing. S. Gerome stated the user should deal with the hydrologics.

Chair Winsor suggested separating the North from the East, adding a requirement for hydrogeologics in the East. C. Hussey felt that was reasonable and suggested two separate articles; Coakley was a big scare. The Planning Board agreed with Chair Winsor: two separate warrant articles, requiring a hydrogeologic study for the East. M. Fougere will review with the Town Attorney: was adding the requirement for hydro a substantial change? If it is a substantial change, there is no time for another public hearing. C. Hussey felt it would not pass as a single article because of Coakley. S. Gerome suggested the Selectmen make it a requirement when the Board sells the property.

J. Fedora asked if the property were sold, could the Town get an absolute waiver of liability for any future problems relating to contamination on that property. M. Fougere responded it would be part of a purchase and sales agreement and the Town would defer to the Town Attorney. F. Catapano added that part of the stipulation should be no wells drilled on the property, water must be from the City of Portsmouth, etc.

M. Fougere and Chair Winsor clarified that the questions would be separated into two ballot articles (North and East). The East side will be a conditional year: if the Town Attorney did not feel it was a substantive change, the hydrogeologic requirement would be added; if the Town Attorney felt it was a substantial change, the question will move to ballot as is and the hydrogeologic requirement will be added next year.

Chair Winsor opened the hearing to public comment. Griffin Guerra discussed the North District proposal with the Board; he had a client interested in the pad next to Target. J. Fedora asked the Board if the RCIM District passes Town vote and an area in the district is developed, would there be an opportunity for input from interested parties (example: Conservation Commission). Chair Winsor responded that as previously discussed with the Conservation Commission and based on the fact the ordinance is innovative zoning, input would be welcome.

MOTION: S. Gerome moved to forward the Residential-Commercial-Industrial Mixed-Use District, North and East, to ballot contingent upon any possible alterations. Second – F. Catapano; all in favor. MOTION CARRIED

Discussion: M. Fougere noted the RCIM District would be two separate questions. He will contact the Town Attorney about adding language relative to requiring a hydrogeologic study and would it be considered a substantive change. If not, the requirement will be part of the East District language; if it is, it will not be included and forwarded to ballot as described as a separate question.

DRAFT – SUBJECT TO CHANGE

4. Other Business

The Town has a 10-year inter-municipal sewer agreement with the City of Portsmouth that expires in 2023. Signed in 2013, Portsmouth is aware of the agreement; there were a lot of discussions within that time frame about sewer.

There was a brief discussion about the RCIM District and the Community Revitalization Tax Relief Incentive program (RSA 79-E). M. Fougere and Chair Winsor felt it was a good program that would fit well with the RCIM District.

S. Gerrato informed the Board that Governor Sununu has a committee researching the lack of housing/work force housing in New Hampshire. He is asking Planning and Zoning Boards to be more lenient. Governor Sununu will be proposing a bill for mandatory training for various boards. If members do not pass, they will be unable to vote on any items moving forward. S. Gerrato suggested using a program, Housing Champion, to bring sewer to Back Bay Terrace and declare it a work force housing area.

Chair Winsor asked members to think about goals they would like to accomplish this year.

5. Approval of Minutes

MOTION: S. Gerome moved to approve the minutes of Thursday, January 02, 2020. Second – J. McDevitt; four in favor, four abstain (F. Catapano, D. Moore, B. Dion, S. Smith). MOTION CARRIED

6. Approval of Invoices

There were no invoices to approve.

7. Topics for Work Session: Thursday, February 06, 2020

There will not be a work session on Thursday, February 06, 2020.

MOTION: F. Catapano moved to cancel the meeting on Thursday, February 06, 2020. Second – S. Smith; all in favor. MOTION CARRIED

8. Adjournment

MOTION: F. Catapano moved to adjourn at 7:47 p.m. Second – J. McDevitt; all in favor. MOTION CARRIED

NEXT MEETING

Thursday, February 20, 2020 – Public Hearing, 7:00 p.m., Town Hall Conference Room

Submitted By: Charlotte Hussey, Administrative Assistant

Approved: _____