



**PLANNING BOARD**  
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**MINUTES OF THE PLANNING BOARD WORK SESSION**

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Thursday, November 01, 2018 – 7:00 p.m. – Town Hall Conference Room

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

*Members Absent:* Frank Catapano, Jamie Connelly, Catie Medeiros (Alternate)

*Late Arrival:* Paul Sanderson (Selectmen's Rep)

*Staff:* Mark Fougere - Consultant

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Chair Gerome 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. CIP Update

The School has done an engineering study that will be included in their CIP, which has not been received. The Town submitted sidewalk repairs on Post Road and Portsmouth Avenue for improved pedestrian safety as well as two electric lateral files. The Police Department submitted a roof for 2021.

CIP forms were not received from Rec or the Cemetery Trustees. The Cemetery Trustees are looking at land to purchase; it hasn't been discussed with the Board of Selectmen.

2. Ordinance Revisions

CIP: Chair Gerome asked if an Ordinance could be written that would not allow money to be spent in a department that doesn't participate in the CIP. M. Fougere pointed out that the statute requires schools and departments to participate in the CIP. Chair Gerome asked if there was any recourse. M. Fougere responded at the public hearing it could be announced that the school/department/board refused to participate in the CIP even though they are required by statute. It cannot be included on the ballot, but could be in the Voter's Guide: not supported by the Planning Board and the reason. Residents need to be aware that the school/department/board is not participating in the Town process.

R. Winsor asked why the Selectmen aren't mandating participation in the CIP. It comes down to accountability. Until the Select Board enforces accountability, enforcing it is not the role of the Planning Board. M. Fougere read RSA 674:7(II) into the record:

"Whenever the planning board or the capital improvement program committee is authorized and directed to prepare a capital improvements program, every municipal department, authority or agency, and every affected school district board, department or agency, shall, upon request of the planning board or the capital improvement program committee, transmit to the board or committee a statement of all capital projects it proposes to undertake during the term of the program."

## DRAFT: SUBJECT TO CHANGE

It was suggested that RSA 674:7(II) should be distributed to every department by the Select Board. The Planning Board will highly recommend not expending any money for the school/department/board if there is no participation in CIP. M. Fougere summarized that the Planning Board Chairman would like to see a communication to the Board of Selectmen conveying the Planning Board's disdain for the current situation, quoting the paragraph from RSA 674:7(II).

Accessory Dwelling Unit: The submission received by the Building Inspector for a long heated hallway between the main house and a proposed ADU was discussed. The Ordinance states:

"An interior door shall be provided between the principle dwelling unit and the accessory dwelling unit."

The definition of an ADU as stated in the Ordinance: "A residential living unit that is appurtenant to a single family dwelling and that provides independent living facilities for one or more persons, including provisions for sleeping, eating, cooking and sanitation on the same parcel of land as the principle dwelling unit it accompanies, per RSA 674:67 as amended." *Appurtenant* pertains to something that attaches. In real property law, it's described as "any right or restriction which goes with the property...".

The Building Inspector stated the Ordinance didn't prohibit an ADU. M. Fougere noted that the purpose of the ADU Ordinance is "to provide increased flexibility in housing alternatives, allowing autonomy, usability and affordability for all owners and residents while maintaining the health, safety, aesthetic and historic quality of the Town's streetscapes".

The Planning Board was adamant that the proposed ADU did not meet the intent or spirit of the Ordinance. The Ordinance was crafted solely to prevent what the proposed ADU would create. The Building Inspector would like the Ordinance amended to make it "crystal clear" that it couldn't be done.

### 3. Topics for Public Hearing: Thursday, November 15, 2018

Library: M. Fougere emailed the engineer for the Library earlier in the day. The architect is responding to the list of concerns from the Planning Board Engineer. M. Fougere will reach out to the architect requesting the Planning Board receive their response prior to the meeting on November 15, 2018.

Chair Gerome would like a direct response from the Planning Board as an editorial or mailer to residents about the Board's concerns. J. McDevitt stated the Selectmen have asked for the Board's opinion. Depending on how those concerns are addressed by the architect, the Selectmen can be notified that the Planning Board didn't feel the project should go forward. There was a discussion about the turning radius for a fire truck in the back of the building. The Police Chief's letter was also paramount; she had many concerns about safety. Chair Gerome suggested an informational packet be mailed to all residents and include the Police Chief and Fire Chief's letters.

M. Fougere suggested waiting until after the meeting on Thursday, November 15, 2018. The Planning Board's recommendations are just recommendations. However, information can be posted on the website or a mass mailing could be done. The bond signing was also discussed. R. Winsor stated that the Selectmen who signed the bond listened to the people; the people voted. Chair Gerome responded that the people were ill-informed; R. Winsor stated that the Selectmen listened to the ballot box and the ballot box is what rules. D. Moore commented that they should not have signed the bond until the Planning Board had the opportunity to address their concerns. R. Winsor noted that the bond has been signed but doesn't mean any money has been spent.

4. Approval of Minutes

Approval of minutes was continued to the next meeting.

5. Payment of Invoices

MOTION: D. Moore moved to approve payment of the following invoices: from the Planning Board Town Budget - \$4,055.63 (Fougere Planning & Development - \$1,727.61; Altus Engineering - \$2,328.02); from the Planning Board Escrow Account - \$5,913.27 (Underwood Engineers - \$222.04; Altus Engineering - \$5,691.23). Second – R. Winsor; all in favor. MOTION CARRIED

6. Other Business

Vaughan Morgan, Board of Selectmen Chairman, and Paul Sanderson, Selectmen's Rep to the Planning Board, asked the Planning Board to review and comment on the article in The Portsmouth Herald on Sunday, October 28, 2018, noting the comments by the Town Attorney. V. Morgan has also written a letter to the Stratham Board of Selectmen in response to their comments regarding the joint meeting on Thursday, October 04, 2018, and has asked the Planning Board to review. M. Fougere explained that Mr. O'Sullivan, Stratham Selectman, was concerned there was an "anti-development" movement developing and they didn't agree with the tone of the forum or want to participate. V. Morgan wrote the letter to the Stratham Selectmen because he was upset with the quote being a mischaracterization of the joint meeting. J. McDevitt suggested a few minor revisions. The Planning Board was in agreement that "it couldn't further than the truth" it was meant as anti-development. M. Fougere added that the correspondence sent to the City of Portsmouth and the PDA specifically mentioned the Board of Selectmen and Planning Board supported development at Pease.

The Board felt the article in The Portsmouth Herald was politically motivated and out of control. J. McDevitt, for the record, stated Mr. Mullen is citing the State as receiving \$16 million in business profits tax; the City of Portsmouth receives \$6.6 million, and wondered why there was a complaint out there. J. McDevitt continued the Town of Greenland isn't receiving anything as far as he is aware. Mr. Mullen needs to understand that Greenland isn't being paid a penny. Referring to some of the comments in the article, J. McDevitt stated Renee Plummer (Vice President of Two International Group) was very condescending in her comments. She encouraged people concerned about traffic or affordable housing to "look at this from 5,000 feet." J. McDevitt suggested that she get her body to the intersection of Rt. 151 and Rt. 33 during peak hours; instead of 5,000 feet she can be looking at a problem from 1 foot. J. McDevitt also discussed Peter Loughlin, who he has a lot of respect for. He found his comments a little disconcerting and felt the Selectmen should have a conversation with Mr. Loughlin as he is the Town Attorney.

There was a discussion about affordable housing mentioned in The Portsmouth Herald article. The Greenland Planning Board has not discussed that issue. Chair Gerome commented the PDA is looking for a charter change; it's not allowed in the charter.

M. Fougere distributed a list of projects approved at Pease since 1996. The total is 2,219,053 sq. ft., an assessed value of \$424,793,800, and the Portsmouth tax revenue is \$3,088,251. J. McDevitt commented that they're getting revenue and dealing with buildout. They're improving the roads within their boundary and ignoring the fact that traffic is now exiting there and traveling through Greenland. They're just pushing the problem off to someone else.

## DRAFT: SUBJECT TO CHANGE

M. Fougere will attend a meeting on Monday, November 05, 2018, hosted by the Rockingham Planning Commission to discuss the regional impact. Lonza will make a presentation; M. Fougere will express the Town's concerns and what the Town would like to see done. Hopefully, a recommendation will be made to the City. Lonza is scheduled at the Portsmouth Planning Board on Thursday, November 15, 2018; M. Fougere will attend that meeting rather than the Greenland Planning Board meeting. The Planning Board Attorney and Vanasse will also attend that meeting. M. Fougere delivered and emailed Vanasse's peer review of the traffic study to the director of the Portsmouth Planning Board.

S. Gerrato reported that Greenland will be in competition with Stratham at the Bunker Hill Road intersection; they are trying to get on the 10 year plan. S. Gerrato stated that information needed to be presented to Dave Walker, RPC, by December 01, 2018 to get on the 10 year plan; S. Gerrato prepared everything that was needed and distributed copies to the Board. After reviewing, M. Fougere commented this was why the Town didn't want to get involved in the 10 year highway plan; it should be the last resort for that problem. S. Gerrato attended the TAC meeting last week. He also distributed a list of projects now and projects not to be scored (Greenland is on that list: address capacity issues on NH 33 between Bayside Road and NH 151). S. Gerrato explained that "not to be scored" meant they were not 'weighting' it for the 10 year plan. The list for TIFF projects and completed projects was also distributed.

*P. Sanderson arrived.* S. Gerrato updated P. Sanderson. He commented that no matter what happens in the future, we were not going to build bridges or roads because of DOT; that was the reason Greenland needed to be on the 10 year plan—DOT has to be involved. The Feds do give project money to different states. If they don't complete or start the project, the Feds take the money back. New Hampshire is ranked 50<sup>th</sup> to receive any money.

P. Sanderson stated that the last improvement done at the Winnicut River bridge was done under a special safety program that still exists. Chief Laurent's help would be needed to see if there was enough accident information available for Greenland to be added to the safety program. J. McDevitt commented that the PDA needed to be involved. Chair Gerome noted that the only improvements to Rt. 33 were done by Target/Lowe's. The same thing has to happen with the PDA. R. Winsor stated there have been 2.2 million sq. ft. in improvements to Pease; Packard Development stepped up to plate with their 'tiny' development (Target/Lowe's).

S. Gerrato reviewed his list of projects for the 10 year plan to be sent to Dave Walker (copy on file). P. Sanderson noted the projects were car related and asked S. Gerrato if there were any bus related. As an example, he suggested using the empty pad next to Target for parking to bus people to Pease to alleviate some of the problem. P. Sanderson suggested another possibility of light rail into Pease; he would like to see light rail over the old General Sullivan Bridge; parking could be in Rochester and people could commute to Pease by light rail. S. Gerrato added a DOT engineer would need to be part of that plan.

S. Gerrato reiterated that the Board of Selectmen must send information to Dave Walker by December 01, 2018; he offered to hand deliver it to RPC. He recommended submitting more than one project and phasing it; some could be eliminated after the engineer's study was done. J. McDevitt asked if the figures included any acquisition of land; S. Gerrato responded they were estimates only. If the project comes up, the Town would have to have all its cards in a row, including right-of-ways, etc.

## DRAFT: SUBJECT TO CHANGE

Library Trustees, Church Trustees, Board of Selectmen Meeting: P. Sanderson reported that it was a good meeting. The Town Attorney had recommended that revocable licenses be granted between the Church and the Town. P. Sanderson took exception to that because DES rules state that when there are two lots together and are considered together for septic, permanent deeded easements are required. There is something in writing from DES that states they are willing to go with a revocable license by means of a waiver. DES also required a lot loading easement. That would mean the Church would be unable to do anything else on their property with regard to increasing the septic load. Tom Bates was there on behalf of the Church, was unsure how long they would keep the property and stated they may be looking at other uses. He brought forward the idea that maybe the Town would want to purchase the property. P. Sanderson thought the idea should be explored. Why would we want to build a meeting room for 100 people within 50' of an existing meeting room for 100 people (Parish House)? There would could be a way to put the two buildings together, achieve all of their objectives and possibly save \$1 million by not having to build a second story. The McLaughlin's, on behalf of the Library Trustees, expressed no interest. The Church Council will meet and get back to the Town with any questions.

Chair Gerome updated P. Sanderson on the Board discussion earlier in the meeting. Whatever recommendations the Planning Board made to the Selectmen, they would like to take directly to the residents in the form of a mailer, editorial, etc. Included would be recommendations and/or issues from the Planning Board, the Building Inspector, Police Chief and Fire Chief. Every resident needs to know there are concerns. J. McDevitt added that it was predicated on the Library's response to the Building Inspector's and Planning Board Engineer's concerns at the meeting on Thursday, November 15, 2018. Chair Gerome felt it was the Planning Board's duty to make residents aware.

### 7. Adjournment

MOTION: R. Winsor moved to adjourn at 8:03 p.m. Second – S. Gerrato; all in favor. MOTION CARRIED

NEXT MEETING
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Thursday, November 15, 2018 – 7:00 p.m., Town Hall Conference Room

Respectfully Submitted: Charlotte Hussey, Secretary to the Boards

Approved: