



PLANNING BOARD
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MINUTES OF THE PLANNING BOARD MEETING

Thursday, December 17, 2020 – 6:30 p.m., Virtual via Zoom

Members Present: Frank Catapano, Stu Gerome, Steve Gerrato, John McDevitt, David Moore, Bob Dion (Alternate)

Members Absent: Catie Medeiros, Steve Smith (Selectmen’s Rep)

Staff Absent: Mark Fougere – Consultant

Also Present: Peter Steckler – The Nature Conservancy, Laura Byergo – Conservation Commission Chairman

Co-Chair Gerrato opened the Planning Board meeting at 6:30 p.m. A roll call was taken by the Co-Chair; he announced a quorum was present and the meeting was being held virtually through Zoom and recorded by audio. A checklist to ensure meetings are compliant with the Right-to-Know Law during the State of Emergency was read into the record by Co-Chair Gerrato.

Attendance of Planning Board members was taken by roll call: Frank Catapano - present, Stu Gerome - present, Steve Gerrato - present, John McDevitt - present, David Moore - present, Bob Dion – present.

1. Amending: Article XXVI – Residential Open Space-Conservation Subdivision Development Ordinance

Peter Steckler, GIS and Conservation Project Manager - The Nature Conservancy (NH) and the Project Lead for Connect the Coast, addressed the Board regarding wildlife corridors. Connect the Coast is an effort to protect landscape connections for wildlife across New Hampshire’s coastal watershed. Their vision is that wildlife will freely move through a network of connected and protected corridors across the region to meet their various short and long term needs to access food, water, breeding and over wintering habitat and support population dynamics associated with genetic exchange and dispersal. P. Steckler gave a history of Connect the Coast. Wildlife corridors and maps were shown.

S. Gerrato mentioned the bridges that were built over busy roads for wildlife. P. Steckler stated it has not happened often in New Hampshire that a bridge is built to enhance wildlife passage. There is a functional bridge on Rt. 101. They are working to install more of those types of structures including culverts with wildlife shelves built into them. They are trying to identify the key places so more can be invested in under road wildlife passage where its needed most.

B. Dion asked the definition of ‘wildlife shelf’. P. Steckler explained, using the example of a 5 ft. by 7 ft. concrete culvert under the road: a little sidewalk ledge built from larger boulders and filled in with sediment, creating a safe passage route for wildlife to move through without getting their feet wet. F. Catapano requested specs showing the types of wildlife structures that might assist the Board.

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J. McDevitt stated he reviewed Senate Bill 276, which discusses entering into voluntary mechanisms with property owners (example: easements) to address the issue of maintaining the property. He asked what options were pursued when a property owner, whose property has been identified under Fish and Game as a wildlife corridor, does not want to participate in the voluntary mechanisms to connect their property. P. Steckler responded that at the State level there are no protections built into the wildlife corridors unless it is associated with a resource that has a regulated buffer. J. McDevitt asked if incentive funding options were available to property owners to convince them of the value of protecting wildlife. P. Steckler responded that the incentives were doing a protection project, an easement or a fee sale; he did not know of anything less official. There are funders who prioritize the protection of the wildlife corridors based on the Connect the Coast Project.

Responding to a request from Laura Byergo, P. Steckler stated that the Town of Barrington worked with the Strafford Regional Planning Commission to have their Natural Resource Inventory and Master Plan updated. They incorporated the corridors into their municipal planning documents. P. Steckler stated that currently there are only two wildlife corridor planning projects that have been completed in New Hampshire. The Connect the Coast Project final report and map data is available on the coastal viewer.

S. Gerome stated he had spent time on the Connect the Coast website. They have done a great job. The Town may want to work with them on where Greenland's other critical corridors might be located. S. Gerome continued, stating he had read on different media that the Planning Board was making it easier for developers to 'get away with stuff': if they read the changes being made to this Ordinance, that is not the case. The changes being made by the Planning Board will make it more difficult by putting the hammer into Planning Board hands by requiring it to be done. Right now, it is a suggestion; the new changes make it a requirement. The Planning Board and the Conservation Commission would be working together on the development of a project. S. Gerome commented that the changes are good; he would move forward with the suggested changes then meet with the Conservation Commission and P. Steckler.

J. McDevitt stated that what the Board had worked on is moving forward. He had received some letters and was concerned that people were not drilling down and reading what was being proposed. The power was being put back in the hands of the Planning Board; they will have more say in what will occur. Restrictions are not being relaxed; the Planning Board added restrictions. He thanked P. Steckler for meeting with the Board. J. McDevitt's concerns about protecting the wildlife corridors was not at the Planning Board level; at the State level they needed to pursue avenues to convince landowners that protecting the land the wildlife corridors passed through was in their best interest and incentive them.

D. Moore stated the Board could work with developers if they were going to have a large project with conservation land to guide them through where the corridors were. The proposed amendments give a lot of power to the Planning Board to push that kind of agenda.

B. Dion stated that wildlife corridors should be referenced definitively and the source of the reference. He preferred to focus on the real, important corridors that are vital to animal movement. He continued that specific documents or places should be referenced in the phrasing to prevent misinterpretation.

A PDF report is available at <https://www.nature.org/content/dam/tnc/nature/en/documents/nh-connect-the-coast-report.pdf>. Links to the maps for each community can be found in Appendix B. NH Coastal Viewer can also be used.

S. Gerrato opened the meeting the public comments. There being no public comments, S. Gerrato closed the public hearing and returned to the Board. J. McDevitt noted that 'wildlife habitat' was added

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to Section 26.1 – Purpose, Item E. L. Byergo stated that was the main thing the Conservation Commission was going to ask. She has sent the draft ordinance out as well as information on the mapper and NH State level regulations that had been passed. The key thing the Conservation Commission would like the Planning Board to add is wildlife corridors as a criteria. Having the Town's Boards and Ordinances state it is important to this Town makes a huge difference for those developers and private property owners.

L. Byergo discussed the ARM (Aquatic Resource Mitigation) Grant with the Board. In 2021, the grant will be focused on the seacoast; \$2 million will be available for culverts, wetland buffer restoration, etc. Notification will be sent in February; a pre-proposal needs to be submitted in March. Great Bay Road has several culverts that have been documented as no aquatic species (including turtles) can make it through.

MOTION: S. Gerome moved to approve the amendments to Article XXVI- Residential Open Space-Conservation Subdivision Development Ordinance and forward to ballot. Second – D. Moore; roll call vote: Frank Catapano - yes, Stu Gerome - yes, Steve Gerrato - yes, John McDevitt - yes, David Moore - yes, Bob Dion – yes. All in favor. MOTION CARRIED

J. McDevitt stated he looked forward to working with L. Byergo in the upcoming year to address some of her concerns. The Board thanked P. Steckler for his time and presentation.

2. Tower Place

F. Catapano noted the Planning Board does not have an application for Tower Place. There have been inquiries in the Building Department; nothing has come through the Building Department. S. Gerome stated the Board cannot address Tower Place; there was nothing in front of the Board. Zoning in that area could be discussed under 'Other Business' and what could possibly be done. The Board could not speculate on a potential applicant.

3. Amending: Article XIX – Age Restricted Housing Ordinance

S. Gerome, addressing residents of Bramber Green, stated the amendments to this article had no effect on their present ordinance, home-owners association, etc. Their documents exist as they are and will stay as they are unless they change them. What the Board does at this meeting going forward will have no effect. Only changes deemed necessary by the Board for future 55 and older developments is relevant.

S. Gerrato opened the meeting to public comments. Several residents from Bramber Green voiced their concerns. Chuck Murphy, 73 Boxwood Path: If their documents remained the same, they would be perfectly happy. S. Gerome stated the changes were made based on public feedback. Tricia Keene, 33 Cherry Hill Drive, stated they had requested to meet with the Planning Board before the amendments were moved to ballot. They wanted to understand the intent, impact, and wording of the proposed amendments. They understood the current documents at Bramber Green would be grandfathered and requested something in writing that qualifies it further due to the changes that have taken place at Bramber Green. S. Gerome noted that the Planning Board was down to the end of the legislative calendar. There was nothing in the proposed amendments that would affect Bramber.

Paul Julien, 59 Cherry Hill Drive and President of the HOA: referring to a situation that occurred over the summer at Bramber Green, asked why the Planning Board did not discuss the issue with the HOA. J. McDevitt responded that the Planning Board discussed issues that could occur in similar developments;

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a number of different scenarios were discussed. S. Gerome stated the Board was trying to improve Greenland's Ordinance. P. Julien asked what the Board would recommend if a similar situation were to happen again. S. Gerome responded that the Planning Board is no longer involved with Bramber Green. F. Catapano added that the HOA could make itself more restrictive than the Town's Ordinance. Once the HOA is in effect, they can make changes to be more restrictive.

Paul Leyden, 8 Boxwood: Responding to his question, S. Gerome stated that M. Fougere had a discussion with legal counsel; the changes do not apply to Bramber Green. C. Murphy commented they were told by their attorney that the HOA would have to follow any changes made by the Planning Board. Responding to T. Keene, the Planning Board believed that the HOA documents would take precedence over the Town's Ordinance. It was not the Planning Board's intent to enforce the amended Ordinance on Bramber Green. S. Gerome added there is no verbiage that makes it retroactive. Members of the Planning Board stated that the HOA could not loosen their requirements and be less restrictive than the guidelines set by the original or amended Ordinances; that will be researched for the next meeting. Susan Lefebvre, 67 Cherry Hill Drive: pointed out the restrictions in the HOA declaration regarding amendments.

There being no further public comments, S. Gerrato closed the public hearing.

MOTION: S. Gerome moved to approve the amendments to Article XIX – Age Restricted Housing Ordinance and forward to ballot. Second – F. Catapano; roll call vote: Frank Catapano - yes, Stu Gerome - yes, Steve Gerrato - yes, John McDevitt - yes, David Moore - yes, Bob Dion – yes. All in favor. MOTION CARRIED

4. Amending: Article IV – Dimensional Requirements Ordinance

Section 4.3 – Explanatory Notes, add Item 9: determines how many units can be on a site in the CA Zone based on soil types as opposed to stating a specific number of units per acre. NH DES standards will determine the number of bedrooms on that site.

S. Gerrato opened the meeting to public comments. There being no public comments, S. Gerrato closed the public hearing.

MOTION: S. Gerome moved to approve the amendments to Article IV – Dimensional Requirements Ordinance, Section 4.1.3 and Section 4.3 - Item 9, and forward to ballot. Second – J. McDevitt; roll call vote: Frank Catapano - yes, Stu Gerome - yes, Steve Gerrato - yes, John McDevitt - yes, David Moore - yes, Bob Dion – yes. All in favor. MOTION CARRIED

5. Adoption: Article XXIX – Workforce Housing Ordinance

J. McDevitt noted for those listening that all NH municipalities were required by State law to provide realistic and reasonable opportunities for workforce housing in their town.

S. Gerrato opened the meeting to public comments. Rick Semerjian, Magnolia Lane: asked where to locate information regarding workforce housing. J. McDevitt stated it was RSA 674:58-61 and could be found online. There being no further public comment, S. Gerrato closed the public hearing.

MOTION: S. Gerome moved to approve the adoption of Article XXIX – Workforce Housing Ordinance and forward to ballot. Second – F. Catapano; roll call vote: Frank Catapano - yes, Stu Gerome - yes, Steve Gerrato - yes, John McDevitt - yes, David Moore - yes, Bob Dion – yes. All in favor. MOTION CARRIED

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6. Approval of Minutes

MOTION: S. Gerome moved approve the minutes of Thursday, November 19, 2020. Second – D. Moore; roll call vote: Frank Catapano - yes, Stu Gerome - yes, Steve Gerrato - yes, John McDevitt - yes, David Moore - yes, Bob Dion – abstain. Five in favor, one abstain (B. Dion). MOTION CARRIED

MOTION: J. McDevitt moved to approve the minutes of Thursday, December 03, 2020. Second – S. Gerome; roll call vote: Frank Catapano – abstain, Stu Gerome - yes, Steve Gerrato - yes, John McDevitt - yes, David Moore - yes, Bob Dion – yes. Five in favor, one abstain (F. Catapano). MOTION CARRIED

7. Approval of Invoices

MOTION: F. Catapano moved to approve the payment to Altus Engineering in the amount of \$2,838.03 from the Planning Board Escrow Account. Second – J. McDevitt; roll call vote: Frank Catapano - yes, Stu Gerome - yes, Steve Gerrato - yes, John McDevitt - yes, David Moore - yes, Bob Dion – yes. All in favor. MOTION CARRIED

8. Other Business

The Board of Selectmen was waiting for information from the Planning Board before moving forward on warrant articles. The Planning Board did not discuss the CIP this year. There was a discussion about the need for a fire station.

MOTION: S. Gerome moved to recommend to the Board of Selectmen \$165,000 in the Road Capital Reserve Fund and \$75,000 in the Fire Station Capital Reserve Fund. Second – F. Catapano; roll call vote: Frank Catapano - yes, Stu Gerome - yes, Steve Gerrato - yes, John McDevitt - yes, David Moore - yes, Bob Dion – yes. All in favor. MOTION CARRIED

9. Topics for Work Session: Thursday, January 07, 2021

A possible topic for discussion was the adoption of the FEMA maps.

10. Adjournment

MOTION: S. Gerome moved to adjourn at 8:00 p.m. Second – D. Moore; roll call vote: Frank Catapano - yes, Stu Gerome - yes, Steve Gerrato - yes, John McDevitt - yes, David Moore - yes, Bob Dion – yes. All in favor. MOTION CARRIED

NEXT MEETING

Thursday, January 07, 2021 – 6:30 p.m., Virtual via Zoom

Submitted By: Charlotte Hussey, Administrative Assistant