



**PLANNING BOARD**  
**Town of Greenland • Greenland, NH 03840**  
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**MINUTES OF THE PLANNING BOARD**

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

Members Present: Frank Catapano, Stu Gerome, Steve Gerrato, John McDevitt, Catie Medeiros

Members Absent: David Moore, Bob Dion (Alternate)

Late Arrival: Steve Smith (Selectmen's Rep)

Staff: Mark Fougere – Consultant

Also Present: Laura Byergo, Chairman – Conservation Commission

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Co-Chair Gerrato opened the Planning Board public hearing at 6:34 p.m. A roll call was taken by S. Gerrato; 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: F. Catapano – present, J. McDevitt – present; C. Medeiros – present; S. Gerome – present; S. Gerrato – present.

1. Zoning Amendment Discussion: Article XXVI – Residential Open Space-Conservation Subdivision Development

Laura Byergo, Conservation Commission Chairman, sent an email to the Planning Board following their public hearing. She was concerned the request of the Conservation Commission may not have been seen by all the Planning Board members and there may have been some confusion.

In an email to the Planning Board, L. Byergo stated 'the Conservation Commission requested "wildlife corridors" be specifically included in the "Applicability" section of Article XII, Section 1.A. in the new language section the Open Space Conservation Subdivision ordinance. At the last Public Hearing, December 17, the Planning Board said they accepted our request, but it appears there may have been some confusion about exactly what was agreed.' L. Byergo further stated that the Conservation Commission has formally requested that the Planning Board add to that section "site contains, or is adjacent to, an identified wildlife corridor as per NH Granite View as a criteria under Section 26, 1.A – Applicability".

J. McDevitt responded to L. Byergo that she may have misunderstood his statement at the end of the discussion at the previous meeting. His words were very specific that 'wildlife' was added prior to the word 'habitat' (Section 26.1 – Purpose, Item 'E') as requested by the Conservation Commission.

F. Catapano stated this was not the time to make changes to an ordinance until the Planning Board has the opportunity to meet with the Conservation Commission. He continued that it is about talking, discussing, and coming to a consensus; that is how the Planning Board has always operated. It is not

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being told they need to add something because another Board feels they should. He commented the Board should either drop changing the ordinance or moved forward with what was proposed.

J. McDevitt stated he valued wildlife corridors. There was no process currently in place to ensure that wildlife corridors are going to be protected. Property owners in Greenland have not been contacted that there is a wildlife corridor on their land. SB 376-FN is not legally binding on a property. The property owner does not have to comply with the intent of that law. The Planning Board was being asked to institute a zoning ordinance that could restrict an adjoining property owner to what they can do with their land. J. McDevitt added it could put the Board in a legal argument regarding a constructive taking of land. He valued wildlife corridors and was willing to listen but wanted more detail.

S. Gerome was happy with what the Planning Board moved forward and would not jeopardize that right now. He was open to further discussions with Peter Steckler (The Nature Conservancy and Connect the Coast) and the Conservation Commission for comprehensive details to improve the ordinance. The Planning Board had made it better; he suggested leaving it as proposed.

S. Gerrato suggested leaving it as proposed and submit it, adding that the Conservation Commission could rewrite the ordinance for review by the Planning Board.

C. Medeiros agreed with Board members; however, wanted more details to understand what the Conservation Commission was requesting. She felt the ordinance was good to move forward and then meet with the Conservation Commission for further discussion.

Joe Fedora, 23 Van Etten Drive and Conservation Commission member: Stated there is a line in the applicability section "The Planning Board shall have the authority to require". If wording were inserted in that section referencing wildlife corridors it would not be immediately imposing something on a property owner. The Board would be giving themselves the right to pursue that avenue. J. Fedora did not see the downside and agreed with L. Byergo it was important. J. McDevitt responded he would want to address the property owners whose property had been identified as a wildlife corridor and work with them first; they were the priority. J. McDevitt continued he still had a problem with including it: a Board could put a restriction on a property that has not been identified as vital as a wildlife corridor and the property owner with that wildlife corridor developed the property. He would like to work with property owners whose property had been valued first. Once that was achieved, he would have no problem moving forward to discuss what could be done with abutting property owners.

M. Fougere stated that he has seen posts on social media that are unsettling. The purpose of the changes was to initially address an issue dealt with by the Board the past year; the ordinance has been revised based on M. Fougere's recommendations. The amendment also gave the Board the authority to require an open-space development; currently, it is an option. The posts are uninformed commentary with no basis of fact and a disappointment.

L. Byergo briefly addressed M. Fougere's comments. She was willing to drop "or adjacent to" from the Conservation Commission's request, stating it was too broad. Discussion continued on Article XXVI.

There was a discussion about the Conservation Commission minutes from the December 2020 meeting. L. Byergo uses the 40-minute free version of Zoom for Conservation Commission meetings. They needed three sessions for the December meeting; only two were sent to the Administrative Assistant. J. McDevitt stated they needed to be cognizant of RSA 91. S. Smith noted that the Town has set up an account for general meetings that will be used by the Conservation Commission going forward.

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There was continued discussion about adding 'wildlife corridors'. L. Byergo stated the relationship between the Conservation Commission and the Planning Board can be beneficial and positive. She added that the Conservation Commission's role was to 'stand up for the natural resources in Town'. She continued that she has appreciated the time the Planning Board has given the Conservation Commission. L. Byergo retracted their request and will go back to the Conservation Commission, mentioning the Planning Board's concerns. She felt this was a very important new development for the State of New Hampshire and a way to protect critical areas.

J. McDevitt stated he would love the Conservation Commission to return to the Planning Board after they have discussed with property owners that their land has been identified as a wildlife corridor. He suggested it should be a person to person discussion so the property owner is aware of the classification and has been educated on its importance. L. Byergo stated it was partially the responsibility of DES and Fish & Game; they worked with the Nature Conservancy to create the report "Connect the Coast" and the website. They have huge education budgets. S. Gerome added the Planning Board would like to meet with the Conservation Commission and P. Steckler to create a better ordinance. The Planning Board has made some good changes this year.

### 2. 2021 Master Plan Draft

The Planning Board reviewed the Master Plan draft. M. Fougere explained that the maps are not included; he has asked the Rockingham Planning Commission to do the maps. One map will be for public utilities: M. Fougere will give them the sewer plan and the City of Portsmouth water map for Greenland. He will also have RPC sketch out the future land use recommendations in a conceptual 'bubble' type manner. Once the maps are available, the Board will review and forward to public hearing for adoption.

### 3. Approval of Minutes

MOTION: S. Gerome moved to approve the minutes of Thursday, December 17, 2020. Second – J. McDevitt; roll call vote: F. Catapano – yes, J. McDevitt – yes, C. Medeiros – abstain, S. Smith – abstain, S. Gerome – yes, S. Gerrato – yes; four in favor, two abstained (C. Medeiros, S. Smith). MOTION CARRIED

### 4. Approval of Invoices

MOTION: F. Catapano moved to approve the payment to Fougere Planning & Development in the amount of \$1,020 from the Planning Board Town Budget. Second – C. Medeiros; roll call vote: F. Catapano – yes, J. McDevitt – yes, C. Medeiros – yes, S. Smith – yes, S. Gerome – yes, S. Gerrato – yes. All in favor. MOTION CARRIED

### 5. Other Business

S. Gerrato mentioned that the Rt. 33/Winnicut Road project is moving slowly. If a meeting is called, the Board may have to appoint a different representative unless it is a Zoom meeting.

There was a brief discussion regarding communications with Packard Development and the empty lot beside Target. M. Fougere contacted New England Development after the RCIM District passed at the 2020 Town Meeting. He will contact them again.

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### 6. Topics for Public Hearing: Thursday, January 21, 2021

Topics include:

- Lot Line Adjustment – 278 Ocean Road
- Preliminary Conceptual – 69 Tide Mill Road

### 7. Adjournment

MOTION: S. Gerome moved to adjourn at 7:33 p.m. Second – J. McDevitt; roll call vote: F. Catapano – yes, J. McDevitt – yes, C. Medeiros – yes, S. Smith – yes, S. Gerome – yes, S. Gerrato – yes. All in favor.  
MOTION CARRIED

NEXT MEETING
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Thursday, January 21, 2021 – 6:30 p.m., Zoom

Submitted By: Charlotte Hussey, Administrative Assistant