



**PLANNING BOARD**  
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**MINUTES OF THE PLANNING BOARD**

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Thursday, October 21, 2021 – 6:30 p.m. – Town Hall Conference Room

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

Staff Present: Mark Fougere

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Co-Chair Gerrato opened the Planning Board public hearing at 6:38 p.m. He announced a quorum was present and the meeting was being recorded.

1. Projects of Regional Impact

There were no projects of regional impact to discuss.

2. Subdivision of Land: 529 Portsmouth Avenue (Map U5, 9 – Commercial A Zone)  
Owner/Applicant: Granite State Pioneer Group, LLC  
The owner/applicant is proposing to convert the existing duplex into a condex.

The applicant requested a continuance to the meeting on Thursday, November 18, 2021.

MOTION: J. McDevitt moved to continue the Subdivision of Land, 529 Portsmouth Avenue, to the public hearing on Thursday, November 18, 2021. Second – S. Smith; all in favor. MOTION CARRIED

3. Site Plan Review, Conditional Use Permit: 309 Portsmouth Avenue (Map R21, 65 – RCIM Mixed-Use District)  
Owner/Applicant: SKA Properties 11, LLC – Sheree K. Allen  
The owner/applicant is proposing to add a parking display area ancillary to the existing automobile dealership.

The applicant requested a continuance to the meeting on Thursday, November 18, 2021.

MOTION: J. McDevitt moved to continue the Site Plan Review, Conditional Use Permit, 309 Portsmouth Avenue, to the public hearing on Thursday, November 18, 2021. Second – B. Dion; all in favor. MOTION CARRIED

4. Site Plan Review: 597 & 603 Portsmouth Avenue (U6, 1 & U6, 3 – Commercial A Zone)  
Owner: 603 Seacoast Residential and Commercial Development  
Applicant: One Home Builders LLC  
The owner and applicant are proposing a 6,500 square foot two story commercial building with associated parking, underground utilities, municipal water, and on-site septic disposal.

S. Gerome and F. Catapano recused themselves from this portion of the meeting.

MOTION: D. Moore moved to accept the application for 597 & 603 Portsmouth Avenue (Maps U6, 1 & U6, 3) as complete. Second – S. Smith; all in favor. MOTION CARRIED

Christian Smith, Beals Associates and representing the owner and applicant, addressed the Board describing the location and layout of the property. The property is the two lots adjacent to the Post Office on Portsmouth Avenue. There are no wetlands on the site. The houses on the lots have been razed; the driveways remain. C. Smith reviewed the parking and paving plan. They have worked with Steve Pernaw, Traffic Engineer, on the plan; his report was included with the application.

The proposed building is 6,500 square feet, two stories. Upstairs will be office space. On one end of the first floor will be an approximately 1,300 square foot paper service coffee shop; on the other end will be a bank (approximately 1,300 square feet). Each unit will have a drive-thru lane as well as a bypass lane. The drive-thru windows have been staggered on opposite sides of the building. S. Pernaw's report suggested that one entrance be 'entrance only'. The exit would be out onto Bramber Valley Drive, which would be a safer traffic pattern. There is an existing curb cut that is paved and a break in the sidewalk and curbing on Bramber Valley Drive that will be widened. S. Pernaw's recommendation was to have a minimum of 30-foot-wide entrance and exits drives. Two handicapped parking spaces will be provided. The property is served by municipal water. The location of the proposed leach field in the rear was noted. The location of the dumpster was pointed out.

Stormwater will be conveyed into a sediment forebay and then into a bio-retention pond with a proposal to connect a pipe into the existing catch basin. There is a tree and several signs that will need to be relocated. The sidewalks shown on the plan were reconnected where the former curb cuts were located. C. Smith stated the site drains rather well; there were no steep slopes. Erosion controls will be implemented during construction.

There is existing street lighting; entrance lighting will not be necessary. Building mounted lighting is proposed. The septic system design was provided. Altus Engineering provided a review. C. Smith stated that approximately 85% of the comments were administrative and they will meet with Altus Engineering to review. C. Smith noted that the property is not in the Aquifer Protection Zone.

Responding to B. Dion, C. Smith stated that on the 2015 Aquifer Map from the Town and on The Granite, the land is almost dead center on Tuttle Lane. B. Dion asked how they were going to resolve the movement of the 'bump' so they know who has corresponding agreements. C. Smith responded the information from The Granite and the 2015 Town map were basically the same and should resolve the issue. J. McDevitt requested independent verification from Altus Engineering.

B. Dion asked if anyone had looked at the exit onto Bramber Valley Drive; it was narrow. He was concerned it was not wide enough for people making a left-hand turn. C. Smith stated it was 24 feet wide, which is regulation. J. McDevitt noted it was a Town road. The process for relocating a tree was reviewed by C. Smith.

## DRAFT: SUBJECT TO CHANGE

C. Medeiros: Questioned the tree line at the rear of the property. C. Smith pointed out the trees that would not be cut. The existing tree line would be trimmed to accommodate the installation of the septic system. There is some area within the 25-foot buffer that does not have existing vegetation. C. Medeiros had some concerns with the two drive-throughs and where the cars would go if there was traffic. C. Smith explained they worked with S. Pernaw on that concern. Eight vehicles could be stacked at the coffee drive-through; there is a pass-by island planned for the bank drive-through; there is an additional area that could hold 10 to 12 cars. There is substantial stacking ability.

J. McDevitt: Questioned the different versions of S. Pernaw's letter. C. Smith explained that the project was at the Zoning Board of Adjustment for a Special Exception. The upper floor was proposed as five residential units; the bottom floor was planned for commercial office space. The application was withdrawn without prejudice. J. McDevitt stated that plan would have fit in nicely with the Village District. The cobblestone pad in front of the entrance was discussed. J. McDevitt asked if there were safety concerns with people coming south on Portsmouth Avenue. C. Smith stated they field located that at the request of S. Pernaw. That was one of the reasons S. Pernaw recommended that location be 'entrance only'. J. McDevitt stated that he would like to have an independent review of the Aquifer Protection Zone.

D. Moore: Questioned the screening to the adjoining property. C. Smith responded it was pretty thick and there were some good trees. They were willing to work with the abutter on screening. D. Moore noted 'it was too bad they couldn't get rid of the cobblestone thing'. F. Catapano stated that he would more than happy to rip it out if that was what the Board wanted.

S. Smith: Agreed the cobblestones should be removed; they added to the confusion of the front entrance. He was unsure if the Planning Board could make that decision. It was a hindrance to the entrance. S. Smith was concerned about traffic exiting onto Bramber Valley Drive; it would add more traffic to that intersection. F. Catapano explained that S. Pernaw's concern was having two exits close to each other. It was his feeling that was the safest alternative. S. Smith stated he had nothing against the plan at this time.

S. Gerrato: Was glad they had an entrance and exit; that was not on the plan presented to the ZBA. This would be the first magnificent building in Town. He would like them to consider brick. F. Catapano noted the Town was looking for colonial style buildings. The building he submitted was a preliminary design. He did not want to go to final design until he knew the direction the Board was going. S. Gerrato stated 'it was very good'.

S. Gerrato opened the meeting to public comments. Tom Clark, 2 Bramber Valley Drive: The original plan submitted to the ZBA was briefly discussed. The septic is now out of the parking lot area but would not affect his location. T. Clark questioned if the second floor would be used for townhouses in the future; F. Catapano stated the project would be permitted as commercial. T. Clark stated that the trees in the buffer zone were dying. F. Catapano will work with T. Clark on tree removal and screening. T. Clark noted that underneath the pines was a really low spot and asked about snow storage. C. Smith pointed out the proposed snow storage area; the intent was to push the majority of snow to the left side.

T. Clark noted there was a lot of foot traffic with the Vernita Drive connection open. He mentioned it could be a safety issue with cars exiting onto Bramber Valley Drive. C. Smith noted that the Planning Board Engineer requested the sidewalks be extended at the entrance and exit. Crosswalks will be added to each.

## DRAFT: SUBJECT TO CHANGE

Paul Leyden, 8 Boxwood Path: Questioned the number of parking spaces (44) and the number of units upstairs (F. Catapano responded it was a configurable office space). F. Catapano stated he was in discussions with Holy Rosary Credit Union for the left-hand end spot; the owner of the coffee shop did not want her name released. Another spot in the building is reserved for Edward Jones. The cobblestone warning sign will be relocated.

Joe Fedora, 23 Van Etten Drive: Questioned the number of cars that could be in the queue for the coffee shop from Portsmouth Avenue to the window. C. Smith stated that in the stacking lane it would be approximately eight vehicles. Additional vehicles would have drive around or park and wait their turn. F. Catapano stated it was an order ahead coffee shop; ordering would be done on a phone and a pickup time would be given. F. Catapano noted the hours in the current location are 7:00 a.m. to 2:00 p.m.

F. Catapano stated there would not be a giant light up sign. The sign would include the list of businesses; they would follow the Town ordinance. Lights on the back of the building will meet Town regulations.

There being no further comments, S. Gerrato closed the public hearing and returned to the Board for discussion. Responding to J. McDevitt, F. Catapano stated their goal was to meet with Altus Engineering before the next meeting. Referring to the Altus Engineering review, M. Fougere stated he did not believe there was a wetland buffer impacting the site. It is a wetland, but manmade; manmade wetlands do not have a buffer. Also included in the review are details relative to the buffer on the rear of the property; a buffer is required under 'Landscaping Requirements'. One tree is required for every 500 square feet of disturbance; this would equal 109 trees. The plan being reviewed did not include the number of existing trees (credit is given for those). A better inventory of the existing trees is needed. Every existing tree above 6 inches is worth two trees. M. Fougere noted there are a lot of trees on that site that are over 6 inches. He recommended a waiver for the number of required trees. M. Fougere further stated the parking calculations needed to be clarified. Calculations submitted with the plan were for one use; there are four uses on the site. A detailed lighting plan will be needed.

MOTION: J. McDevitt moved to continue the Site Plan Review for 597 & 603 Portsmouth Avenue (U6, 1 & U6, 3 – Commercial A Zone) to the public hearing on Thursday, November 18, 2021. Second – S. Smith; all in favor. MOTION CARRIED

<p>5. Preliminary Conceptual Consultation: 150 Bayside Road (R17, 21 – Residential Zone) Owner/Applicant: Peter Endres, Claudia Bartolini The owner/applicant is proposing a farm and cidery operation.</p>
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F. Catapano and S. Gerome rejoined the meeting.

Peter Endres, owner and applicant, addressed the Board. Also present was Claudia Bartolini, owner and applicant. They purchased the property two years ago with the goal of running an apple orchard. They would like to incorporate cider production into their farm business. In addition to renovations on the house, they have been renovating the old dairy barn on the property. The dairy barn will house the planned cider production facility as well as the eventual tap room, tasting room and sales area.

P. Endres stated he has been making cider for six years. He is fully licensed through his company with the federal TTB and also the New Hampshire Liquor Commission. He has a Wine Manufacturers License with the State of New Hampshire. Because it is a fermented fruit, both federal and State consider cider under the broad wine umbrella. P. Endres anticipates selling cider locally. A key part of his business will be on-premises retail sales.

## DRAFT: SUBJECT TO CHANGE

P. Endres stated the tap room will take another year or longer to complete. With the goal of selling cider sooner, there will be a phased approach. Phase I will include a retail space of approximately 100 square feet. Bottled cider will be sold by appointment only, one or two cars at a time. Parking will be on the gravel lot in front of the barn. Phase II will be the full tasting room build out, with regular hours of operation. P. Endres noted that he is limited to two-ounce pours per label or one five-ounce tasting total; if food or snacks are served, he can do two five-ounce tastings. This will be strictly limited to tasting and is not a bar. He will be following State regulations.

P. Endres and his wife live on the property and are keenly interested in being good neighbors. Their goal is to develop the business as an attraction within Greenland and the greater community. Board members were invited to do a site walk.

M. Fougere updated the Board that he has been talking with P. Endres for a couple of years regarding this project. New Hampshire is a pro-farm state. Farm and agriculture use are allowed in all zones and this type of use fits. M. Fougere noted Greenland allows 'Cottage Industry'; P. Endres will be coming in for that approval initially. There are some apple trees on the property currently. The goal in the spring is to plant 525 trees. Until the trees mature enough to produce the quantity and quality needed, apples will be brought in from the family orchard in New York. M. Fougere clarified that under the Cottage Industry provision, product can be brought in which is allowed under the agricultural standards in the statute. Once the farm is running, it will be strictly an agricultural use. The initial approval that will include a plan will be for a Cottage Industry with the goal of being self-sustaining and not having to bring in apples. The goal is to have the majority of the apples produced on site.

M. Fougere stated Cottage Industry requires a full site plan and was looking for feedback from the Board on the level of detail they would like. There is ample room for parking on the property. J. McDevitt noted Cottage Industry is pretty restrictive. This project is not classified as a brewery by the State. M. Fougere noted that eventually the use will be agriculture. Initially, it will be a Cottage Industry which is allowed by a Conditional Use Permit through the Planning Board. The definition of Cottage Industry can be found in the Zoning Ordinance, Article II – Definitions, and in Article III – Establishment of Districts and Uses, Section 3.7.1 – Supplemental Use Provisions. M. Fougere noted it would be a temporary provision until the trees are viable.

Responding to a question from D. Moore, P. Endres stated that Phase I will be done by appointment only. His main purpose was the ability to sell something from the property. The New Hampshire license can extend to that but Town approval is a prerequisite. M. Fougere explained that under the Cottage Industry provision, retail sales are allowed. The agricultural statute is very broad and allows this type of use.

S. Gerome questioned the process for granting the Cottage Industry: is it granted for a year, then renewed when the trees are ready? When is the Site Plan Review done? S. Gerome did not want to grant a blanket approval that is temporary. M. Fougere explained that the application for approval will be for a Cottage Industry. Once P. Endres is ready to transfer into an agricultural use, they will have to come back to the Board and it will switch over and the Cottage Industry will be gone. When they come back for the agricultural use, the tasting room will be for more than two people.

D. Moore questioned bathroom facilities. P. Endres stated there is no bathroom in the barn; port-a-potties will be the bridge. There will be facilities added in the barn eventually. S. Gerrato told P. Endres his biggest problem would be the deer.

## DRAFT: SUBJECT TO CHANGE

M. Fougere asked the Board what level of detail they would like to see. F. Catapano felt a Site Plan Review would not be necessary if only two people were allowed in the tasting room. When the larger facility was complete and functional, the Board would need site plans, parking, lighting, etc. Members agreed with F. Catapano.

Questioned about the cemetery at the back of the property, P. Endres stated it was his understanding it was a Weeks Family cemetery maintained by the Cemetery Trustees. He has been maintaining the cemetery, which was overgrown. P. Endres stated it was a wonderful highlight of the property.

It was clarified that juice, not apples, would be brought in from New York. S. Smith was concerned with the trucks travelling over Bayside Road which is undergoing repairs. P. Endres responded that concentrated juice would be transported by box trucks once a year.

### 6. Approval of Minutes

J. McDevitt requested the minutes of Thursday, October 07, 2021, be amended on Page 2, last paragraph to read: *J. McDevitt noted that he did not have a problem preserving wetlands but would like to be educated on S. Gerrato's specific concerns.*

MOTION: J. McDevitt move to approve the minutes of Thursday, October 07, 2021, as amended. Second – C. Medeiros. Six in favor, two abstain (D. Moore, F. Catapano). MOTION CARRIED

### 7. Approval of Invoices

There were no invoices to approve.

### 8. Other Business

11 Sunnyside: Jack Shephard, Building Inspector, provided the Board with a letter to the homeowner.

Wetlands: S. Gerrato has requested that Jennifer Rowden, Rockingham Planning Commission, make a presentation to the Planning Board about the importance of wetlands. She was unavailable for the November work session. S. Gerrato stated that the wetlands are like a big filter. Wetlands are part of the 1976 Clean Water Act.

### 9. Topics for Work Session: Thursday, November 04, 2021

Topics to be discussed at the work session on Thursday, November 04, 2021, include the CIP, Zoning Ordinance work, Site Plan Regulation updates (trees, grades) and a Village Zone update.

Sewer: Greenland has an intermunicipal agreement with Portsmouth for sewer. The first phase will cost \$10 million to \$15 million. M. Fougere will bring the phasing map to the work session.

Age Restricted Housing: The Board discussed capping the number of age restricted housing units in Town based on a percentage. M. Fougere will research other towns for restrictions on the number of age restricted developments allowed.

10. Adjournment

MOTION: F. Catapano moved to adjourn at 7:55 p.m. Second – S. Smith; all in favor. MOTION CARRIED

NEXT MEETING
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Thursday, October 07, 2021 – 6:30 p.m., Town Hall Conference Room

Submitted By: Charlotte Hussey, Administrative Assistant