



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

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Thursday, February 17, 2022 – 6:30 p.m. – Town Hall Conference Room

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

Staff Absent: Mark Fougere

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Co-Chair Gerrato opened the Planning Board public hearing at 6:30 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. 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, March 17, 2022. There was a brief discussion about the number of times the application has been continued. J. McDevitt noted the applicant is still waiting for a wetland permit from DES and the application has been before the Board a period of time. J. McDevitt suggested the Board move to discontinue review until a response is received from DES.

MOTION: J. McDevitt moved to discontinue the Site Plan Review, Conditional Use Permit for 309 Portsmouth Avenue, until a response was received from DES. Second – S. Smith

Discussion: B. Dion stated that the Board needs to be consistent in its actions. He wanted to define at what point the application was sent back to the applicant and they were told to come back when ready. S. Smith stated that five times was quite a stretch. S. Gerrato noted there was no rule for this action. Further discussion was continued to a work session. D. Moore and J. McDevitt noted that each application was different and had its own set of circumstances.

MOTION: J. McDevitt moved to discontinue the Site Plan Review, Conditional Use Permit, 309 Portsmouth Avenue (Map R21, 65 – RCIM Mixed-Use District). Second – D. Moore; all in favor. MOTION CARRIED

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### 3. Site Plan Review, Boundary Line Adjustment, Voluntary Merger, Conditional Use Permit

**Address:** Off Tower Place/Maple Drive; Vicinity of Magnolia Lane, Sunnyside Drive  
(R7, 3 – Zones: Residential, Wetlands Conservation, Aquifer Protection)

**Owners:** Community Congregational Church (R7, 3), Homewood Farm Realty Trust (R8, 16), Philbrick-Vickery Tower (R8, 17), Elaine Grover (Easement - R7, 61), Margaret Bell (Easement -R7, 61), Linda McGurin (Easement - R7, 57), Rebecca Eastman (Easement – R7, 57)

**Applicant:** Joseph Falzone

The owners and applicant are proposing an age-restricted development: 47 units, club house, and approximately 3,100 ft. of new road.

F. Catapano and S. Gerome recused themselves from the discussion.

J. McDevitt noted that a response had been received from the Planning Board attorney, Sharon Somers, and that the applicant may have to apply to the ZBA. Timothy Phoenix, Attorney at Hoefle, Phoenix, Gormley & Roberts and representing the applicant, was present. Also present was Christian Smith, Beals Associates. Attorney Phoenix explained to the Board that M. Fougere found a potential problem with access and frontage. The Planning Board attorney was asked for her opinion; due to her schedule, there was further delay. Attorney Phoenix has had several discussions with Attorney Somers, explaining they would like to avoid going to the Zoning Board of Adjustment for a Variance and do not want to litigate. At the beginning of February, Attorney Somers made several suggestions to resolve the issue and Beals Associates is looking into them. Attorney Phoenix stated there has not been enough time to prepare adequately for this meeting and requested a continuance.

J. McDevitt stated if the Planning Board discontinued the application, they may resubmit and come back to the Board. Attorney Phoenix responded the applicant would have to start the process over. He continued, with respect, that they did not think there was an issue. Attorney Somers felt there was and recently made suggestions for a resolution. Attorney Phoenix stated they have been diligent and would like the opportunity to move forward. J. McDevitt clarified this would be the third continuance; Attorney Phoenix acknowledged it would be the third.

S. Gerrato opened the hearing to public comments. S. Gerome noted that if this issue was caught, they would not have been able to file. Attorney Phoenix did not agree; it was his opinion that they could apply. S. Gerome stated that M. Fougere would not have let them apply. Attorney Phoenix stated that no one caught it. Responding to a question from S. Gerome regarding timing, Attorney Phoenix stated that if he was referring to the 65-day clock, they will agree to continue. C. Smith stated that the clock would not start until the application has been accepted as complete by the Board, which it has not been.

S. Gerrato explained the problem with frontage to those present. Attorney Phoenix stated they think the issue has been resolved. There being no further public comments, S. Gerrato closed the public hearing and returned to the Board. Members of the Board did not have a problem with one more continuance. If it was not resolved by the next meeting, they would have to withdraw their application and resubmit when ready.

MOTION: B. Dion moved to continue the Site Plan Review, Boundary Line Adjustment, Voluntary Merger, and Conditional Use Permit for Off Tower Place/Maple Drive, Vicinity of Magnolia Lane, Sunnyside Drive to the public hearing on Thursday, March 17, 2022. Second – S. Smith; all in favor.  
MOTION CARRIED

F. Catapano and S. Gerome rejoined the Board.

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4. Site Plan Review – Minor Amended: 25 Dearborn Road (Map R11, 13 – Residential Zone)  
Owner/Applicant: Chong-Ye Arnold, Greenland United Methodist Church  
The intent of this application is to amend the 1997 approved site plan. The owner/applicant is proposing to build a parsonage on the site to be used as living quarters for the Church pastor and his family.

Paige Libbey, Jones and Beach Engineers and representing the Greenland United Methodist Church, addressed the Board. Also present were Chong-Ye Arnold, Greenland United Methodist Church, as well as other representatives from the Church. P. Libbey described the 12-acre property located at the corner of Rt. 33 and Dearborn Road. They are proposing to build a parsonage for the pastor and his family. A site plan to add the parsonage was discussed and approved in 1997. The parsonage is proposed for the northern side of the Church. The driveway will be from a proposed parking lot that was part of the original approval but not constructed. The parsonage will tie into the existing septic system. They have contacted DES and will need to apply for a new approval for a collection system. The existing leach field can be used because of the small added flow. The septic system is designed to handle the flow. The existing well will also be used.

P. Libbey noted that part of the 1997 approval was that the area between Foss Brook and Rt. 33 was precluded from future development. After reviewing minutes from 1997, the property owners thought that area was wetlands. P. Libbey has had a wetland scientist delineate the wetlands as part of their project; that area is upland and the field behind is wetland. It was their hope that as part of the amended site plan that condition would be removed. The Church would like to do something with that land in the future.

B. Dion questioned how it was determined that the wetland area was not wetlands. P. Libbey was unsure if it was delineated as wetlands originally; it was not shown on the plan. It was discussed in the minutes from the 1997 meetings.

MOTION: J. McDevitt moved to accept the application for 25 Dearborn Road (Map R11, 13 – Residential Zone) as complete. Second – D. Moore; all in favor. MOTION CARRIED

S. Smith was on the Planning Board in 1997. He noted the biggest issue was that the wetland area drains into a pond that is a dry hydrant for the fire department. It is one of the best dry hydrants in Town that is not maintained; it is a natural spring dry hydrant. S. Smith thought the main reason the parking lot was not extended further was due to the water flow towards Rt. 33. The Planning Board at the time did not want that small amount of uplands to be contiguous with the rest of the property and interfere with the dry hydrant because of its significance. S. Smith noted it was still one of the best hydrants in Town for the lack of water on that side of Greenland.

J. McDevitt stated removing that condition from the 1997 plan could be discussed at another time. Responding to a question from F. Catapano, P. Libbey explained that the removing that note from the plan would allow the Church to subdivide off a couple of lots to sell to members that are affected by the housing shortage.

The grade elevations of the lot were discussed. Much of the grade change is on the north side of the Church and then it drops down towards the Church; the parking lot is a flat area with the wetland. S. Gerome asked if the grade changed and was interrupted, would it affect the fire pond. S. Smith did not think it would affect the uplands drainage. P. Libbey stated there should not be too much of a grading change adding the parsonage. S. Gerome's concern was a future subdivision of land may affect drainage. P. Libbey stated drainage would be looked at if the property was subdivided.

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S. Smith stated that the grading for the proposed parking lot and the parsonage would not be a concern. P. Libbey noted the parking lot was included in the 1997 approval. The parsonage is being added off the parking lot due to a condition of approval from DOT for two curb cuts. The proposed parsonage is approximately 1,800 square feet.

Access to a lot subdivided close to the intersection of Rt. 33 and Dearborn Road was discussed. F. Catapano did not, personally, have a problem with the parsonage and felt it fit well with the area. He continued it may be premature to remove the note if they were not ready to subdivide. S. Gerrato suggested amending the note. S. Gerome agreed, stating that the note should not be removed until the Board can review a proposal. F. Catapano was concerned with adding traffic close to an already dangerous intersection.

S. Gerrato opened the hearing to public comments. There being none, he closed the public hearing and returned to the Board. B. Dion questioned Note 17 regarding an easement from New England Telephone and Telegraph that could not be located. He was concerned that if the Board approved the parsonage, and it was in the easement, at some point in the future New England Telephone and Telegraph heirs and successors found the note and decided to put something in that location. P. Libbey explained that the surveyor added that note and has been researching it. He does know the easement is not in the area of the proposed parsonage; it is near the upper northern corner of the property. The surveyor has been unable to find any information on the easement. It was noted on one document but has not been found anywhere else. They will continue to research and may have an update.

Referring to the note on the 1997 approved plan that precluded further development, S. Gerome stated it applies to the area between the Church and Rt. 33. S. Smith clarified there two separate issues. The consensus of the Board was to amend the 1997 site plan; removing or amending the note could be discussed if they came back with a subdivision of land.

MOTION: S. Gerome moved to approve the Minor Amended Site Plan Review for 25 Dearborn Road (Map R11, 13), according to the plan from Jones & Beach Engineering, Project No. 21224, dated 01.26.2022, with no conditions. Second – B. Dion; all in favor. MOTION CARRIED

5. Preliminary Conceptual Consultation: 69 Tide Mill Road (R17, 65 – Commercial A Zone)  
Owner: River Tweed Properties, LLC  
Applicant: Little Tree Education  
The owner and applicant are proposing the redevelopment of 69 Tide Mill Road to a Montessori School for infant to first grade, with some supportive residential housing.

Samantha Montgomery, Little Tree Education, addressed the Board. Also present was Rebecca Brown, Greenman-Pedersen Engineering and traffic engineer for the project. They are proposing to construct a new 7,500 square foot Montessori School that would accommodate approximately 126 students. This will be a new building located next to the existing building. The existing building will be office space on the first floor and two apartments on the second floor that could be used for teachers (or guests) living far away and staying for an extended period of time. At the rear of the property there will be a dormitory-style residence that could be rented out to teachers at the school who may be looking for affordable housing. Access onto the site will be from Tide Mill Road.

The main reason for meeting with the Planning Board was to discuss access onto Rt. 33 from Tide Mill Road. The entry drive to the Montessori School is aligned with the dance studio on Tide Mill Road for safety. They met with DOT in April 2021 to scope out traffic impact and access study to be prepared for

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the project; several members of the Town were present at that meeting. Improvements that may be required along Rt. 33 were discussed at that time. Because they would be accessing off a Town road, which functions like a driveway onto a State road, they would need the Town to be the applicant to DOT for access onto Rt. 33 and any improvements to Rt. 33 that may be needed to accommodate the traffic.

They have prepared a traffic study to assess the impact of the development. A conceptual improvement plan has also been developed for Rt. 33 to help with traffic flow. They recently met with Chief Laurent and discussed her concerns relating to traffic.

A brief overview of the traffic study and proposed improvements to the roadway was given to the Board. They requested the Planning Board recommend that the Board of Selectmen sign a DOT application for the improvements to be implemented. They would like to start the review process of the traffic study and data with DOT as soon as possible. Improvements can still be made over time; however, they would like to start the application and review process with DOT.

The traffic study included the intersections of Portsmouth Avenue and Rt. 33, Tide Mill Road and Rt. 33, and Rt. 151 and Rt. 33. The majority of information for the traffic impact study was collected pre-COVID. Adjustments were made for 'worse traffic conditions'. Through their study, they found that traffic counts have been decreasing approximately 2% per year. Traffic impacts for this location were based on two other Little Tree locations (Dover and Madbury). At the proposed location on Tide Mill Road, there will be specific times for drop off and pick up. It is estimated there will be 155 trips during the morning peak hours and 120 trips during the afternoon peak hour. A vehicle trip is one vehicle either entering or exiting; every vehicle going to the site is making two trips. It would be approximately 60 vehicles accessing and exiting the site for the afternoon peak hour.

They found there are long delays out of Portsmouth Avenue taking the left onto Rt. 33 during the morning and afternoon peak hours. As a result of queuing at the Winnicut Road intersection back beyond Tide Mill Road, there were long delays for vehicles coming out of Tide Mill Road during the afternoon peak hour. Currently there is a left turn restriction out of Tide Mill Road onto Rt. 33, which was implemented when the dance studio was approved. The left turn restriction was implemented due to Chief Laurent's concern over site lines along Rt. 33. With the turn restriction in place, vehicles that want to turn in the other direction will turn right then left, adding more conflicting traffic, and increasing delays.

They looked at options for allowing the left turn at that location. Allowing the left turn may increase the back up on Tide Mill Road. A two-way left turn lane was discussed. That would convert an exclusive turning lane onto Tide Mill Road in either direction into a lane vehicles could use to turn onto or out of Tide Mill Road. A two-stage turning movement would be allowed. They would first yield to traffic travelling west bound and pull into the two-way left turn lane, stopping to be able to see oncoming traffic headed east bound, and merge with traffic when there was a gap. That will allow for more use of traffic gaps along Rt. 33 as well as alleviating concerns during the evening peak period when queues from the Winnicut Road intersection are backing all the way up.

Courtesy crashes were discussed. Courtesy crashes occur when traffic is backed up and a vehicle may stop and wave someone out. If the vehicle turning out cannot see, they pull out and get hit. The two-way left turn lane gives the driver coming out of the side street the opportunity to pull into the middle lane and stop before merging into oncoming traffic. There is a safety benefit by allowing people to have a refuge area to see oncoming traffic before merging.

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The two-way left turn lane option was discussed with Chief Laurent. They felt she was in favor of that option as a potential solution. Chief Laurent had concerns with the weekday evening peak hour. They also considered a time of day left turn restriction. Left turns coming out of Tide Mill Road would be allowed between 4:00 p.m. and 6:00 p.m. when the queues are the heaviest. Chief Laurent's next step was to contact Bill Lambert, DOT Traffic, to determine if the time-of-day restriction was a possibility. Based on feedback from Chief Laurent, there may be a solution; they need to determine the best solution.

F. Catapano: His personal feeling was that a left turn only time of day restriction may be safer. The Board's biggest concern was safety. S. Gerome: Agreed with F. Catapano, adding the Board was concerned overall with traffic. The Board was going to look for any innovations that may help. He was in favor of filing for the permit knowing it would change as the project moved forward. B. Dion: Found it hard to believe that traffic is decreasing 2% per year on Rt. 33. R. Brown noted that all of the count stations were not on Rt. 33 but in the surrounding area, adding it was over the 10-year period before COVID (2009 to 2019). B. Dion questioned why the intersection of Tuttle Lane and Rt. 33 was excluded from the study. R. Brown responded they were not asked by Town representatives or DOT to include that intersection. Traffic from that intersection would be captured in the Portsmouth Avenue/Rt. 33 intersection. B. Dion's concern was that a solution may be implemented that did not include the Tuttle Lane/Rt. 33 intersection; it had to be included. He noted that 1.2 million square feet of air cargo facilities were going to be built at Pease and would add to the traffic; that was not included in the traffic study. The safety of two-way left turn lanes was discussed.

S. Greenshields stated they understood Rt. 33 was a challenge and their goal was not to make it worse. If it meant asking parents to make the right turn at the end of the day vs. making a left turn, parents would comply.

B. Dion: It was a difficult situation but liked what they were trying to do. NHDOT is somewhat slow to react and there needed to be a good solution. The Planning Board wanted to work with them. J. McDevitt: Rt. 33 is a huge problem and the State needs to do something to help the Town. C. Medeiros: Safety is the biggest concern. S. Smith: Has reservations about the two-way left turn lanes. Restricting the left turn lane would be the easiest solution. S. Gerome: Suggested a west bound exit only.

Drop off and pick up at the Montessori School was reviewed. F. Catapano stated traffic seemed to be the worst between 7:30 a.m. and 9:00 a.m. He also clarified that the residences on the site would be strictly for school use. S. Montgomery stated it would be for school employees only and would be a rental.

S. Gerrato opened the hearing to public comments. Barbara Wilson, 11 Tuttle Lane: Asked the age of children for the Montessori School. Response from S. Montgomery: six weeks through six years old. B. Wilson voiced her concerns about traffic. Laura Byergo, Caswell Drive and Conservation Commission: Noted the land around the proposed project was in conservation. There was also a river and stream. Their project was putting more full-time pressure on the land in that area. Was concerned about the impact of increased traffic. Suggested they minimize, rather than maximize, the impact on the land. S. Montgomery responded they were proposing a reduced option: they could subdivide and have another 10,000 square foot building on the back of the property. This proposal is a much smaller use and supports the operations of the school because there will be dwelling units for staff members. L. Byergo mentioned several concerns, including hunters using the land.

There being no further public comments, S. Gerrato closed the public hearing and returned to the Board. R. Brown stated they would like to start the DOT process. She asked if the Planning Board would

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make a recommendation to the Board of Selectmen so the application process could be started. S. Gerrato stated he did not feel enough information about Pease was included in the traffic study. Development at Pease and its potential traffic impact was briefly discussed. A traffic study for the buildout at Pease has not been done by the PDA.

B. Dion stated he would like to hear from Chief Laurent about her conversation with DOT and the two-way left turn lane. R. Brown clarified that Chief Laurent was not discussing the two-way left turn lane; she would be discussing the time-of-day restriction for a left turn. S. Montgomery stated they would be happy to have their families make a right turn only. Even if DOT stated it was not necessary, it would be something they could ask their parents to do. They were amenable to any of the three options. If Chief Laurent wanted to keep the left turn restriction, they would be fine with that. Their intent with the two-way left turn lane was to alleviate some of the traffic on Portsmouth Avenue. From their perspective, the cheapest option was to leave it as it currently is with a right turn only when exiting.

A roll call was taken to support notifying the Board of Selectmen that the Planning Board would like them to endorse the DOT permit. S. Smith – yes, C. Medeiros – yes, D. Moore – yes, B. Dion – yes, J. McDevitt – yes, F. Catapano – yes, S. Gerrato – yes, S. Gerome – yes. It was noted that the Planning Board was voting to notify the Board of Selectmen to approve starting the DOT process and they were not endorsing any traffic plan.

*The Board took a short break.*

6. 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 (total 13,000 sq. ft.) with associated parking, underground utilities, municipal water, and on-site septic disposal.

S. Gerome and F. Catapano recused themselves.

Christian Smith, Beals and Associates and representing the owner and applicant, addressed the Board. C. Smith reviewed the changes that were made to the plan based on Planning Board and Altus Engineering comments. Architectural plans were included for Board review. The height of the building was discussed.

J. McDevitt had spoken with M. Fougere. M. Fougere was fine with the Board approving the project if they were comfortable with the condition of a final approval letter from Altus Engineering.

C. Medeiros was concerned about the two drive-throughs: one for the coffee/bagel shop and the bank. She was assured that the hours would be different and there would not be a problem. The coffee shop would do most of its business before 9:00 a.m. and close at 2:00 p.m.; the bank did not open until 9:00 a.m. C. Smith explained the traffic pattern for entering and exiting as well as around the building.

S. Gerrato opened the hearing to public comments. Barbara Wilson, Tuttle Lane: F. Catapano explained the entrance would be on Portsmouth Avenue and the exit on Bramber Valley Drive. B. Wilson was concerned about traffic and the proposed septic system affecting her pool. Lighting was discussed; outdoor lights will be downcast. Tom Clark, Bramber Valley Drive: F. Catapano has been discussing trees with him. Once the lot is staked, they will have further discussions about tree types and buffering.

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There being no further public comments, S. Gerrato closed the public hearing and returned to the Board.

MOTION: J. McDevitt moved to approve the Site Plan Review for 597 & 603 Portsmouth Avenue (U6, 1 & U6, 3 – Commercial A Zone), according to the plan from Beals Associates, dated 02.10.22, Project No. NH-772.4, with the following conditions: (1) Final review and approval by the Planning Board Engineer; (2) Comment #28: Should the coffee tenant change, the site owner shall return to the Planning Board to review, including the addition of a reader board/intercom system; (3) A landscaping estimate shall be submitted for review; a bond equaling 20% of the estimated cost shall be held for two years per Site Plan Regulations; (4) The applicant shall work with the rear abutter to come to an agreement on the installation of a fence along the common boundary relative to type, size and location; (5) All waivers must appear on the plan; (6) Any and all state and/or federal permits shall be obtained and made part of the file; (7) A pre-construction meeting must be held with the Building Inspector prior to any building permits being issued; (8) Boundary monumentation must be included in construction cost estimates; (9) A stamped Certificate of Monumentation must be received before the mylar is signed and recorded; (10) The applicant must submit a final full plan set (22"x34") and an 11"x17" plan copy as part of the Planning Board file; (11) The applicant must submit a digital copy (CD ROM or thumb drive) of the final full plan set as part of the Planning Board file. Second – S. Smith; all in favor. MOTION CARRIED

S. Gerome and F. Catapano rejoined the meeting.

### 7. Approval of Minutes

MOTION: S. Gerome moved to approve the minutes of Thursday, February 03, 2022. Second – D. Moore; all in favor. MOTION CARRIED

### 8. Approval of Invoices

MOTION: S. Gerome moved to approve the payment of the invoice from Donahue, Tucker and Ciandella in the amount of \$2,958.04 from the Planning Board budget. Second – J. McDevitt; all in favor. MOTION CARRIED

### 9. Other Business

S. Gerrato requested that Rt. 33 and the Winnicut River Bridge be added to every agenda. He attended the RPC/MPO meeting on February 09<sup>th</sup> in Stratham; there was no mention of Rt. 33 or the Winnicut River Bridge. S. Gerrato wanted to invite Michael Kane and his colleagues to a Planning Board work session to discuss traffic concerns at the Winnicut Road/Rt. 33 intersection. Further discussion was continued to the work session.

Executive Councilor Janet Stevens would like to attend the next work session and bring two individuals from DOT. She was unable to attend the work session the February work session due to illness.

Town and School voting/elections will be held on Tuesday, March 08<sup>th</sup>, at Greenland School. Polls are open 8 a.m. to 7 p.m.

### 10. Topics for Work Session: Thursday, March 03, 2022

MOTION: S. Gerome moved to cancel the work session on Thursday, March 03, 2022. Second – D. Moore; all in favor. MOTION CARRIED

**DRAFT: SUBJECT TO CHANGE**

11. Adjournment

MOTION: J. McDevitt moved to adjourn at 8:52 p.m. Second – S. Jerome; all in favor. MOTION CARRIED

NEXT MEETING

Thursday, March 17, 2022 – 6:30 p.m., Location to be Announced

Submitted By: Charlotte Hussey, Administrative Assistant