



PLANNING BOARD
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MINUTES OF THE PLANNING BOARD

Thursday, March 17, 2022 – 6:30 p.m. – Weeks Library

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

Staff Present: Mark Fougere

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. Reorganization of the Board

MOTION: S. Gerrato moved to nominate D. Moore as Chairman of the Planning Board. Second – S. Gerome; all in favor. MOTION CARRIED

MOTION: S. Gerome moved to nominate J. McDevitt as Vice Chairman of the Planning Board. Second – R. Winsor; all in favor. MOTION CARRIED

2. Projects of Regional Impact

There were no projects of regional impact to discuss. R. Winsor asked if the Planning Board was aware of commercial freight coming into Pease. M. Fougere responded that the Board was aware. Greenland's representative to the PDA gave a very detailed report to the Planning Board in February.

3. Boundary Line Adjustment: 776 Post Road (Tax Map R3, 12)

Owner: D and D Johnson Family Revocable Trust

Applicant: Deborah Johnson

The owner and applicant are proposing a lot line adjustment, conveying 3,709 square feet to 784 Post Road.

S. Gerrato stated that he would normally recuse himself because he is on the Zoning Board of Adjustment and they recently granted a Variance to the applicant. The applicant allowed him to remain on the Board for this application.

MOTION: B. Dion moved to accept the application for 776 Post road (Map R3, 12) as complete. Second – S. Gerrato; all in favor. MOTION CARRIED

Deborah Johnson, applicant, addressed the Board. D. Johnson explained that she and her neighbor both purchased their respective property in 2019. They did not know where the property lines were located; there were no markers and corners were not marked. D. Johnson had her property surveyed and

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pointed out on the plan her property line and that of her neighbor. D. Johnson also pointed out the area proposed to be conveyed.

The Zoning Board granted a Variance to address the frontage; D. Johnson will lose approximately 20 feet of frontage with the conveyance of property. The neighbor's driveway is on D. Johnson's property; the deck is approximately 2 feet from D. Johnson's property line. With the conveyance, the neighbor will have 20 feet from the side and rear of her house. An agreement has been reached with the neighbor.

S. Gerrato stated that this was a fairly simple lot line adjustment. Both houses were built in the mid-1950's and meet all the requirements. S. Gerrato recommended the Board approve the lot line adjustment. Responding to a question from J. McDevitt, S. Gerrato stated that the ZBA decision was unanimous.

D. Moore opened the hearing to public comments. There being none, he closed the public hearing and returned to the Board. D. Johnson responding to B. Dion's question about frontage, explained that she currently has 200 feet; when the lot line adjustment is made, her frontage will be 180 feet and become a non-conforming lot. J. McDevitt added that it will still be a non-conforming lot, just less non-conforming. S. Gerrato stated that both qualify for frontage of 125 feet and 150 feet due to when they were built.

M. Fougere noted there were some conditions to be included on the recorded plan: surveyor's stamp needed to be added to the plan, Variance and date granted, and pins should be set prior to recording. M. Fougere clarified that there is note on the plan that the pin on Post Road needed to be set.

MOTION: S. Gerrato moved to approve the Boundary Line Adjustment for 776 Post Road (Map R3, 12) according to the plan from Millennium Engineering, dated August 24, 2021, Project E202559, with the following conditions: surveyor's stamp on the plan, Variance and date granted by the Zoning Board of Adjustment added to the plan, and pins set prior to recording. Second – J. McDevitt; all in favor. MOTION CARRIED

4. 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 this portion of the meeting.

M. Fougere noted that the application was ready to be accepted as complete. He had worked with the applicant for a period of time on a zoning issue regarding access and adequacy of frontage. The applicant's attorney as well as the Planning Board attorney worked to resolve the issues. The applicant was able to obtain the necessary land to resolve the frontage issue.

MOTION: S. Gerrato moved to accept the application for Off Tower Place/Maple Drive; Vicinity of Magnolia Lane, Sunnyside Drive (R7, 3 – Zones: Residential, Wetlands Conservation, Aquifer Protection) as complete. Second – C. Medeiros; all in favor. MOTION CARRIED

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Tim Phoenix, Attorney with Hoefle, Phoenix, Gormley & Roberts and representing the applicant, addressed the Board. Also present were Joseph Falzone, applicant, and Christian Smith, Beals and Associates. J. Falzone intended to purchase three parcels of land for a 50-unit age restricted housing development. The three primary owners of the property J. Falzone planned to purchase were present; the properties will be merged for the development. Members of the overall team were also present: Beals Associates and Doucet Survey prepared the plans; Brendan Quigley - Gove Environmental Services, Steve Pernaw – Pernaw and Company, Steve Shope – Exeter Environmental, Jeff Hyland - Ironwood Landscape Architecture; not present were representatives from Seacoast Economics, Gove Group, Granite State Analytical, and Artform Home Plans.

Attorney Phoenix explained that they have requested a Site Plan Review and Lot Line Adjustment as well as a Conditional Use Permit for the ARH and wetlands. Attorney Phoenix noted at the public hearing on February 17th, two members of the Planning Board recused themselves; F. Catapano and S. Gerome recused themselves from this portion of the meeting.

Christian Smith, Beals Associates, reviewed the development plans. The frontage issue has been resolved with a lot line adjustment. They are proposing two roads: one off Maple Drive and the other off Magnolia Lane. There will be a large loop in the center of the project as well as a road to the club house and recreational facilities. The total parcel area with three lots combined is 67.5 acres; 28.7 acres is wetlands. They are proposing eight duplexes along the area abutting Magnolia Lane. The unit count, including duplexes, is 50: 34 will be single family units. Open space is 45 acres; 31.8 acres are required based on the calculations in the ARH Ordinance. C. Smith reviewed the proposed recreational areas, which include walking trails. They are proposing 3,160 linear feet of roadway. The proposed road will have granite curbing and sidewalk on one side. All drainage is collected through a closed drainage system that will flow to two bio-retention ponds (locations were pointed out on the plan). The retention ponds are not in the wetland buffers. There is an infiltration area in the center (noted on the plan), which is a low area.

Proposed water will be provided by two community wells (noted on the plan). Private septic systems are located north of the dog park and away from the units. Per the Greenland Fire Department, fire protection will be provided by two 30,000-gallon cisterns. There is one wetland impact area where the road crosses from Magnolia Lane onto the property. An 8-foot x 8-foot box culvert is proposed and is over capacity. The culvert is required to handle a 100-year storm event. C. Smith stated that extreme precipitation tables are used because an Alteration of Terrain permit will be needed. Because Greenland is a coastal community, extreme precipitation tables from Cornell University are used for each evaluated storm event, adding 15%.

Attorney Phoenix stated that originally there was one entrance. Board members were concerned there was only one means of egress and a second entrance was created over the small wetland crossing. He noted a lot of information would be reviewed and there were many professional experts present. J. McDevitt questioned why the developer wanted to do an age-restricted development rather than a conventional development or conservation subdivision. Attorney Phoenix responded there was a need for age restricted housing in Greenland. The numbers indicate there are a larger number of age restricted potential buyers than there are homes available. People are also downsizing with first floor living. As a business decision, J. Falzone felt this would be a successful project. J. Falzone added that area was zoned for this type of project.

R. Winsor: Questioned the frontage on lots R8, 16 and R8, 17 and if they were new lots. C. Smith responded they were not creating any new lots; both lots were existing. Lot line adjustments are for the neighboring property for the access points. The three lots will be consolidated. M. Fougere noted there

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was an access easement along the highway parallel to I-95 and is a dirt road to the cell towers. That easement will stay in place.

D. Moore: Questioned the location of the cisterns; C. Smith pointed out their locations on the plan.

Lot sizes for the condos was not known. It was clarified that there are no lots but rather limited common areas. J. Falzone stated the exclusive areas are approximately 20 feet.

B. Dion: Questioned how the cisterns would be maintained. C. Smith responded they would be maintained by the homeowner's association or they will pay the bill. He assumed the Fire Department would flow test and pressure test the cisterns prior to being put into service; the HOA may hire the Fire Department to do the work if maintenance is needed. B. Dion requested the maintenance be clarified in advance and a note included on the plan. C. Smith state that any financial burden for cistern maintenance would come from the HOA in their annual dues. C. Smith also stated there were no lots because these are condominiums. There will be limited common areas around the condos which are functionally lots but not fee lots. Individuals will own their homes but collectively everyone owns the land around their home. B. Dion asked about the center strip and how it was a low point in the water collection spot but not a pond--would it drain into one of the ponds. C. Smith responded that it would infiltrate at that point into the ground. A licensed soil scientist has done field infiltration testing in that area and is recognized by the Alteration of Terrain Bureau. They are not working with numbers published in the New England Soils Manual; they are actual field infiltration tests.

S. Gerrato: Stated that on March 07, 2018, the Town voted to 'see if the Town would vote not to allow any new roads to be built over the wetlands'. He commented that they are building a road over the wetlands. C. Smith reiterated that an 8-foot by 8-foot box culvert was proposed. There will be minor wetland impact to construct the road (under 3,000 square feet). S. Gerrato asked if they had received any comments from the State about the septic system. C. Smith responded they had not received any comments at this time. They had a preliminary meeting with M. Fougere and Altus Engineering; there was concern about the flow calculation and it has been addressed with DES. Responding to S. Gerrato's question about injector pumps in each unit, C. Smith stated they will not be in all houses. Some units will be at an elevation they can gravity into the collection main.

C. Medeiros: Responding to her question if the walking trails and dog park were in the wetlands, C. Smith stated everything was in the uplands. The only wetland impact being proposed is the roadway crossing. C. Medeiros asked if there would be a buffer between the development and the existing neighborhood for runoff. C. Smith explained plantings are planned. Ironwood Landscape Architecture has that area ringed with trees. A formal lighting plan has not been submitted at this time. Everything will be downcast and night sky compliant. Street lighting may only be at the intersection points of the roadway. There will be safety lighting on the garage and entryway of each unit.

R. Winsor: At R. Winsor's request, C. Smith noted the location of the proposed recreation areas and the access point. Surveyors could not locate any existing trails in the wetland areas. R. Winsor asked about the plans to address the noise issues for residents due to the trees that would be cut and the proximity to I-95. C. Smith responded there are plantings proposed along I-95; they will also be leaving 25 feet to 30 feet of the natural buffer to the existing residences as well. Some implanting is also planned for the area where the road enters from Maple Drive. R. Winsor was interested in the impact of sound from I-95 and how it could be mitigated.

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J. McDevitt: Was interested in the traffic impact analysis and asked for a second opinion. Traffic will be exiting into a residential neighborhood. J. McDevitt was also concerned about the density. C. Smith anticipated that all professional analysis would be subject to peer review.

D. Moore: Questioned the number of trees that would be removed and if they would be replaced. C. Smith stated that individual trees have not been tagged. That will be done if requested by the Board and included on the landscape plans.

Steve Pernaw, Pernaw and Company, was before the Board in June 2021 and presented a trip generation memo which quantified the amount of traffic the development could generate. They researched available traffic count data. The Board had asked them to use the Bramber Valley age-restricted development. S. Pernaw reviewed a full traffic study (copy on file), completed in August 2021, at length. S. Pernaw described the process when doing a traffic study. The process is started by documenting existing roadway and intersection conditions as well as traffic volume. They then look at the proposed development. A technical analysis will also be done. Morning peaks were done in two-hour periods and evening peaks were done in three-hour periods. Trip rates from the ITE Trip Generation Manual are used. Approximately 24 cars will be added to traffic during the morning peak hours and 28 in the evening. They are expecting most traffic to travel to and from Rt. 151.

The intersection of Rt. 151 and Breakfast Hill Road currently operates under capacity and will continue to operate under capacity with site traffic included. The intersection of Breakfast Hill Road and Maple Drive will have minor delays due to traffic impact; there were similar findings for Sunnyside Drive. Traffic impacts are expected to be similar to the current impacts; there will be a slight increase without affecting the level of service. Changes are not needed to the existing thru lanes for right and left turns off Breakfast Hill Road onto Maple Drive and Sunnyside Drive. Exit lanes from Maple Drive and Sunnyside Drive onto Breakfast Hill Road do not need to be changed. Site distance exiting Tower Place is good from both sides; the recommendation is not to put up signs or do any landscaping that might interfere with the site distance. Tower Place to Magnolia Lane should operate under stop sign control.

B. Dion: Asked that the increase in traffic on Magnolia Lane, Maple Drive, and Sunnyside Drive be summarized. S. Pernaw stated that 28 additional trips are expected, the majority would be coming down Maple Drive. Most traffic would take a right onto Breakfast Hill Road heading towards Rt. 151. PM peak hour increase: 8 to the east and 20 to the west. S. Pernaw noted that traffic can vary from day to day but will not change the traffic operations at the intersections.

S. Gerrato: Asked how many cars would pass by his house if he was sitting in his front yard. S. Pernaw responded that Sunnyside Drive, without the development, would see 5 to 15 cars during the evening peak hours; with the development, there would be an increase of 8 cars. On Maple Drive, the increase is expected to be 20 cars. These figures are based on the PM peak hours (3:00 p.m. to 6:00 p.m.).

C. Medeiros: Asked for clarification of peak hours. S. Pernaw stated that the traffic study was done during peak hours of 3:00 p.m. to 6:00 p.m. in 15-minute intervals. The figures indicate the highest one-hour period. S. Pernaw explained how the traffic growth was determined.

R. Winsor: S. Pernaw stated they collected data on Wednesday, June 23, 2021, and Thursday, June 24, 2021. The COVID adjustment factor for the study was 1.0. R. Winsor questioned how school traffic would have an impact and what can be done to mitigate that impact. S. Pernaw stated there were single digit increases on Rt. 151; that could not be mitigated. R. Winsor commented on the Town's analysis of road conditions. He suggested that the Town Engineer be contacted to see if the road has been evaluated and that they refer to the Underwood Engineer study for road conditions. R. Winsor

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also asked what could be done for traffic calming measures because it was a densely populated duplex area with a lot of children.

J. McDevitt: Questioned if they anticipated a significant change in the traffic count on a weekend compared to a weekday, noting children would be out on the weekend. S. Pernaw responded that 'in terms of trip generation, no'. He explained that the highest hour on Saturday would be close to the PM peak hour during the week. J. McDevitt noted for those in attendance that the traffic study would be peer reviewed. J. McDevitt was concerned about the construction vehicles in that area. He wanted to see the plan for safety during construction as well as the impact of construction vehicles on the road surface for Maple Drive, Magnolia Lane, and Sunnyside Drive. C. Smith explained there would be absolute control over that by the developer—when the trucks got, what trucks were there, for the quality of existing road, and the quality of the road post-construction of the proposed development. C. Smith did not think the developer would have a problem, as a condition of approval, with the road being recorded prior to development and upon completion.

R. Winsor: Had reservations with the dates of the traffic study (June 23, 2021, and June 24, 2021) because that was prior to the July 4th weekend. He was not sure that was a good sampling weekend. S. Pernaw responded traffic studies are done 12 months out of the year and seasonal adjustments are made.

D. Moore: S. Pernaw stated the Bramber ARH development (72 units) was not used as a comparison because trips were lower than the ITE report suggested. ITE numbers were used for Tower Place (50 units).

D. Moore opened the hearing to public comments. Many residents were present and voiced their concerns. A comment was made that in an over 55 development traffic is not the same as normal traffic—travel times vary throughout the day; have they seen a difference? S. Pernaw was not prepared to answer that question; that information may be available in the ITE database about off-peak times. The scope of the project was a concern and was this the right project for that neighborhood. It was noted that the water system being proposed would be considered a municipal water system in the State of New Hampshire; if there is a failure, is the Town responsible? A warming hut, similar to the one at Bramber Valley, was suggested. Also mentioned was a concern that the Town may be responsible if a \$20 million water line is put in on Breakfast Hill Road knowing it was a possibility when the approval was granted. There were many concerns voiced about the traffic impact and safety of children in the neighborhood as well as pedestrian traffic. The impact on people in that area was questioned; hard data for vehicles was being look at and not the quality-of-life data. The noise from I-95 was a concern due to the number of trees that may be cut down. Conservation and Packer Bog was a concern. A gate at one end of the development, similar to Falls Way, was suggested. Water usage was a concern.

Roads over wetlands were discussed briefly. M. Fougere explained that there was a question on the ballot several years ago asking how residents felt about impacts to wetlands; it was more of a survey. R. Winsor added that there was no zoning stating it could not be done. It was an ambiguously worded question on a ballot that was submitted as a petition by a citizen; it is non-binding.

F. Catapano, Sofia Way: Read Section 19.3 – General Standards, Item C, into the record. The scope of the project needed to be evaluated before it is approved. The Planning Board had the right not to approve the project if they felt the development was too big and would impact the existing neighborhood. F. Catapano noted that he was not anti-development and felt the parcel should be developed; the Planning Board needed to make sure it was the right project in the right location.

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R. Winsor thanked residents for attending, stating it was incredibly valuable to him to receive community input. He continued that understanding the process was important. He reassured residents that nothing would be approved at this meeting, adding it would be a months long journey. Input from residents will continue to be important to the Board. It was important they continue to attend the meetings. As mentioned earlier, studies will be peer reviewed. J. McDevitt added that the Board was an oversight Board. They ensure that any applicant before the Board met Greenland's building regulations and zoning ordinance. J. McDevitt noted that the zoning ordinance was not instituted by the Planning Board. The residents of the Town institute the zoning ordinance.

M. Fougere stated there are many studies to be reviewed. Numerous local and State permits will be required. The State agencies will be working together and looking at the entire property as well as the adjacent property because it is conservation land. Additional analysis may be needed from the applicant regarding the impact on existing wildlife in the area, etc. M. Fougere reiterated that there was a long way to go and a great deal of analysis to be done.

Rob Holt, 70 Magnolia: Questioned the notification process. The notification process was explained. R. Winsor explained that a 10-day notification is not sent for every meeting, only the first application. R. Holt suggested the Board review the Continuity of Notice process; he did not believe the Board followed the requirements.

J. McDevitt explained that the Planning Board meets the first and third Thursday of every month. The first Thursday is a work session; the third Thursday is a public hearing and applications are heard. R. Winsor explained how abutters are determined. D. Moore noted that meetings are on the Town website as well as the Town's Facebook page. It was also noted that people could subscribe to e-news on the Town website.

D. Moore closed the public hearing, adding there will be more meetings in the future. Steve Shope, Exeter Environmental, addressed the Board to discuss the hydrogeological study (copy on file). The southwest corner of the property is in the aquifer protection district. Anytime there is a development in the aquifer protection district, with a septic greater than 2,400 gallons per day, requires a hydrogeological investigation. There are three main objectives of the hydrogeological investigation and is driven by the fact that a portion of the property is in the aquifer protection district: borings must be done, the direction of the groundwater must be determined, nitrates in the groundwater must be looked at. Thirteen soil borings were done; 12 were set as groundwater monitoring wells. Groundwater was between 3 feet and 9 feet deep last fall. Groundwater is flowing towards the northeast and Packer Brook. Nitrate study: The septic designs were reviewed as well as the distance between the leach fields, which are located a distance away from Packer Bog (close to I-95).

S. Gerrato asked for the bottom line. S. Shope responded that it meets the standards in the ordinance. M. Fougere explained that by the time the leachate leaves the septic system and gets to the edge of the bog, nitrates will be 6 or below. B. Quigley stated the distance between the leach fields and edge of the bog was well over 1,000 feet.

R. Winsor questioned any possible PFOA issues considering the property location and the substantial water draw. How would they ensure there is not a migration of PFOA from the Coakley landfill? C. Smith stated the well reports and permits for the public water supply would be sent to DES Groundwater/Drinking Water Bureau for review.

D. Moore opened the hearing to public comments. There was a question and brief discussion about nitrates and lawn maintenance. A concern was voiced about the groundwater draw and migration from

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Coakley landfill. Several residents were concerned about the possible development at the end of Breakfast Hill Road and groundwater draw. J. McDevitt responded that was reason for the hydrogeological studies. S. Shope stated there was only one way to definitely know—test your well before and after. In New Hampshire, everyone has the right to drink the well water on their property. R. Winsor stated that the precedence had been set with Seavey Way when they were put on town water because of the ¼-dioxaine from Coakley. It was noted by a resident that the study was done in the fall and was concerned what would happen during a drought in the summer.

D. Moore closed the public hearing. The Board will use Vanasse and Associates for the traffic study review. Danna Truslow will be used the hydrogeological study review. Altus Engineering will be used for the site review.

MOTION: R. Winsor 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, April 21, 2022. Second – J. McDevitt; all in favor. MOTION CARRIED

F. Catapano and S. Gerome rejoined the Board.

5. Approval of Minutes

MOTION: J. McDevitt moved to approve the minutes of Thursday, February 17, 2022. Second – B. Dion; six in favor, one abstained (R. Winsor). MOTION CARRIED

6. Approval of Invoices

MOTION: R. Winsor moved to approve payment of the invoices from Altus Engineering from the Planning Board Escrow account in the amount of \$3,608. Second – J. McDevitt; all in favor. MOTION CARRIED

MOTION: R. Winsor moved to approve payment of the invoice from Fougere Planning and Development from the Planning Board Escrow account in the amount of \$550. Second – C. Medeiros; all in favor. MOTION CARRIED

MOTION: R. Winsor moved to approve payment of the invoices from Fougere Planning and Development from the Planning Board Town budget in the amount of \$1,163.32. Second – C. Medeiros; all in favor. MOTION CARRIED

7. Other Business

A cease-and-desist letter was sent to the Van Etten Drive Homeowner's Association as directed by the Board. The Board received a letter from the association responding to the cease and desist. M. Fougere told the Board it would be more efficient to have the homeowner's association attend the work session on Thursday, April 07th.

Executive Councilor Janet Stevens may also attend the work session on April 07th. She was unable to attend the work session the February work session due to illness.

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8. Topics for Work Session: Thursday, April 07, 2022

The attorney for the Van Etten Drive Homeowner's Association will be contacted as stated above. Goals will also be discussed.

9. Adjournment

MOTION: J. McDevitt moved to adjourn at 8:59 p.m. Second – R. Winsor; all in favor. MOTION CARRIED

NEXT MEETING

Thursday, April 07, 2022 – 6:30 p.m., Town Hall Conference Room

Submitted By: Charlotte Hussey, Administrative Assistant