



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

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Thursday, September 15, 2022 – 6:30 p.m. – Town Hall Conference Room

Members Present: Steve Gerrato, John McDevitt, Catie Medeiros, David Moore, Richard Winsor (Selectmen's Rep), Phil Dion (Alternate)

Members Absent: Bob Dion, Stu Gerome, Frank Catapano (Alternate)

Staff Present: Mark Fougere

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D. Moore 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

M. Fougere reported there were no projects of regional impact. J. McDevitt noted there was a DOT meeting Wednesday night, October 14, 2022, regarding Rt. 33. He asked that the Planning Board receive a summary of that meeting if one was available. R. Winsor commented on the proposed Sig Sauer expansion at Pease. A large expansion is planned with a lot of truck movement coming out of there. Was there any indication it would qualify as a project of regional impact? M. Fougere responded it should qualify as a project of regional impact. Greenland's PDA representative should advocate that it be considered a project of regional impact when submitted. R. Winsor stated there have been discussions by the Selectmen; anything done by the Planning Board would also have an impact. M. Fougere added that he has spoken to the Newington Town Planner and requested it be considered a project of regional impact when it comes before them. Responding to J. McDevitt, M. Fougere stated nothing has been heard about the proposed project at the former Community College in Stratham.

2. Consent Agenda: Approval of Invoices

- From the Planning Board Escrow Account: Altus Engineering
  - **\$1,578.25** – Founders Square
  - **\$280** - 309 Portsmouth Avenue
  - **\$1,004.68** – 529 Portsmouth Avenue
  - **\$1,003.51** – 597/603 Portsmouth Avenue
  - **\$5,687.20** – Tower Place
- From the Planning Board Escrow Account: Vanasse & Associates
  - **\$256.90** – Tower Place
  - **\$250** – Tower Place
- From the Planning Board Escrow Account: Fougere Planning & Development
  - **\$275** – Tower Place

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- From the Planning Board Town Budget: Fougere Planning & Development
  - **\$1,708.90**

MOTION: R. Winsor moved to approve the consent agenda as presented. Second – J. McDevitt; all in favor. MOTION CARRIED

### 3. Approval of Minutes

MOTION: R. Winsor moved to approve the minutes from Thursday, August 18, 2022. Second – J. McDevitt; five in favor, one abstained (C. Medeiros). 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.

Attorney Tim Phoenix – Hoefle, Phoenix, Gormley and Roberts, and representing the applicant, addressed the Board. Also present were Joe Falzone – applicant; John Kuzinevich, Co-Counsel; Scott Cole – Beals Associates; Steve Shope – Exeter Environmental; and Tower Place property owners.

Attorney Phoenix, J. Falzone and S. Cole have met with Eric Weinrieb, Altus Engineering, for preliminary comments on their latest plan. Danna Truslow, Truslow Resource Consulting, and S. Shope were present to discuss environmental concerns; Jeff Dirk, Vanasse & Associates, would be addressing traffic concerns. The construction management plan would be discussed at this meeting.

M. Fougere has spoken to E. Weinrieb regarding the updated plan. At the last meeting, the Board agreed to a density of 40 units. The updated plan shows 40 units and one access point. The plan has been submitted to E. Weinrieb; he has not finished his review although he felt significant progress has been made. E. Weinrieb was concerned about drainage onto Magnolia Lane and will look at that thoroughly. Due to the age of the road and its current condition, E. Weinrieb will make specific recommendations for what should be done prior to construction to protect the Town's interest in case of damage. J. Dirk was present to discuss traffic calming as well as construction timing when the project is underway: when trucks should be coming and going, the construction route, etc. M. Fougere recommended the specifications be sent to the Police Chief.

**Traffic:** Jeffrey Dirk, Vanasse & Associates, addressed the Board (his report of September 15, 2022, is on file). He explained that typically the contractor inspects the road daily during construction. As they drive into the site, they make sure pavement conditions and signs/pavement markings are reviewed and addressed; things that are missing should be out there. There should be a good condition when starting. In the July letter from Vanasse & Associates, they recommended that the applicant look at signs and pavement markings and upgrading where necessary before construction; the applicant agreed.

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Construction Hours: Trucks should not be driving on Magnolia Lane or other roadways when school children are present. There should be a condition included in the construction management plan stating specific hours of construction.

Construction Management Plan: The applicant has agreed to draft a detailed construction management plan to be reviewed by the Board. The safety of pedestrians and school children should be addressed as part of the plan as well as hours of trucking activities and conditions of the road. Traffic control devices should be maintained in a safe manner the duration of construction.

R. Winsor clarified that traffic could be limited while school age children are present during construction. He noted that the applicant would want to continue construction when there was no school; the scope may have to be expanded beyond that because there is a portion of the year it cannot be controlled. R. Winsor looked at it in two facets: the large construction vehicles moving equipment, etc. R. Winsor's greater concern was contractors entering and leaving the site and may be rushing from job site to job site. He considers that a bigger risk than some of the large trucks that tend to have the more professional drivers and are more cautious. He wanted to account for that and mitigate any potential risks. J. Dirk responded that temporary traffic controlling measures (speed bumps) could be used. The hours could also be controlled by stating the hours (example: one to two hours in the morning). Temporary traffic control devices might be a good way to slow traffic. R. Winsor stated he would like to do something to mitigate the safety risk while allowing contractors to get the job done. J. Dirk stated that could be worked through. In addition, the applicant should be able to help quantify that for the duration of the construction.

Traffic calming measures and chokepoints: J. McDevitt's question referred to Sunnyside Drive. What was their traffic analysis with one access and did they anticipate a large increase in traffic on Sunnyside Drive? J. Dirk responded that the presumption with only one access was that traffic would be primarily turning right onto Magnolia Lane, through the traffic calming device and out to Breakfast Hill Road. They did not expect much traffic to go left out of the development and loop around: it would be a longer travel distance. The traffic calming device is mid-way between Tower Place and where the stop sign is located. M. Fougere added that from the neck down will be between 26 and 29 Magnolia Lane. The pavement will be reduced in that area. J. McDevitt questioned if the homeowners in that area would have an issue backing out of their driveways. J. Dirk stated it has been positioned so that it will not interfere. Traffic will be pushed away from the driveways, and they will gain approximately 2 feet to back out. Responding to a question from R. Winsor, the distance after exiting the choke point to the next corner is approximately 600 feet. J. Dirk felt one choke point should be enough. They would be going from a stop position to approximately 400 feet to 500 feet to the choke point, slow going through the choke point and then up to the stop sign. He did not feel there would be a great rate of speed, especially with the curb.

J. Dirk stated they would need a berm or sloped curve to define the edge of the area. An object marker sign will be placed at the edge of the choke point. J. Dirk further explained that the tapers have been lengthened so that as a driver approaches the choke point, it will be gradual. He recommended the choke point be built prior to construction. Temporary speed control bumps could be put on either side of the choke point. Responding to a question from R. Winsor, J. Dirk recommended there be a stipulation for a construction traffic route. He also suggested a temporary 'No Trucks' sign could be put up.

P. Dion questioned how debris from trucks would be handled. J. Dirk stated that could be worked into the traffic management plan. J. Falzone, responding to M. Fougere, stated that Severino had a

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construction manager on site. J. Falzone added that equipment is moved at night. M Fougere stated the construction manager on site would be responsible for checking the streets for debris or anything that may have fallen onto the street. D. Moore noted that moving equipment at night may affect the surrounding neighborhoods because of the noise. J. Falzone stated that could be specified. J. Dirk noted that the on-site manager's phone number would be provided if there were any issues. J. Falzone added that normally, before the road is started, there is a spreadsheet indicating what will be done, including material to be delivered.

J. Dirk will put together a list of items discussed at this meeting and email them to M. Fougere, the Board and the applicant.

**Environmental:** Danna Truslow, Truslow Resource Consulting, updated the Board. She reviewed her comments of September 13, 2022 (copy on file). D. Truslow stated that based on a conversation with M. Fougere, the Conditional Use section probably does not apply because it is not considered multi-family residential. D. Truslow noted the project, with the exception of a small portion, was within the Aquifer Protection District. Additional hydrogeological studies have been done to provide more information on subsurface flow as well as the understanding of nitrogen loading to the process.

The Conditional Use section was not reviewed. D. Truslow noted that it covered a lot of the changes that were made to have less impact on the environment: the dog park has been changed to a location north of the septic system; 50 units have been decreased to 40 units; the discharge for the septic system will be less than what was modeled in the nitrate loading study. *Refer to the Truslow Resource Consulting letter dated September 13, 2022.*

Responding to D. Moore's question, M. Fougere stated that Altus Engineering would be looking at the runoff flowing towards Magnolia Lane. Waste treatment will stay the same for 40 units as it was for 50 units. R. Winsor noted the point about snow removal and questioned how they defined a lot of snow. S. Cole explained that it would be determined by the HOA and on-site manager if there was enough room for adequate snow storage. If not, it will be removed off-site. M. Fougere added that snow removal will need to be included in the condo docs. J. McDevitt requested that snow removal be added to the best management practices and defined; he does not want 'should be included' but rather 'will be included'. C. Smith had previously told D. Truslow there would be no snow storage on site.

S. Gerrato: What was the highest point entering the development? S. Cole pointed it out on the plan, stating that it was 85 vertical feet. The entrance way was 75. The lowest point in the development was 69. S. Gerrato asked what they were doing at the entrance about the water. S. Cole responded that they needed to prove water flowing in that direction currently would not increase. The access road currently runs into a roadside swale, into an existing culvert, and then out. They have made a notation on the plan about a specific culvert: the culvert may have settled over the years. If that is the case, it will be removed and replaced to ensure the drainage is functioning properly. They need to quantify the amount of water flowing to it during peak period.

M. Fougere requested an update on the permitting status. J. Falzone stated that final well citing approval has been received; the conservation plan has been approved; the pump house is being designed and will be reviewed by the State.

D. Moore opened the hearing to public comments. Deborah Beck, Bayside Road: Asked if there was a backup plan (reserve area) for the septic if there was an issue with the proposed. S. Cole responded that there was not a backup area. It has been designed as a two-phase septic: there are actually two

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separate systems. The pump is timed so that when it is pumped to one, the other rests; the time switches and is pumped to the other. It has a built-in safety feature on its own. It is also an oversized system. D. Beck clarified that if one pump failed the other would be able to accommodate the whole system. S. Cole stated that there is an emergency backup system as part of the requirement. D. Beck questioned the choke point and snow removal and where the snow would go. S. Cole explained there would be a simple lip so a regular commuter car could not go over it; there will be a sloped granite curb. Plows are engineered to plow over a granite curb. M. Fougere added it would be a sloped curb, not a berm. It was clarified that there will not be a choke point on Maple Drive. There was a very discussion regarding salt on the neighboring roads. D. Beck felt it was unreasonable not to have snow storage. There needed to be snow storage and they needed to be reasonable about salt. D. Beck also asked how many houses there would be with a conventional subdivision. J. Falzone noted this was not a cluster residential subdivision and there was not a yield plan. He estimated a conventional subdivision would yield between 15 and 20 homes. J. McDevitt noted this was an allowed use in that area and they did not have to present a conventional yield plan. D. Beck was concerned about the precedent this was setting and the mechanicals of it.

Kathleen Reardon, 48 Sunnyside Drive: R. Winsor stated that traffic calming would be used during construction and become permanent. During construction there will be additional measures (example: portable speed bumps). He explained the choke point was permanent and it would narrow to 20 feet to naturally slow the traffic down. They felt the likelihood of traffic going up Maple Drive was low; K. Reardon disagreed. She was concerned there would not be traffic calming on Maple Drive and there are a number of children in that area. R. Winsor stated they may see some traffic, but it would not be great enough to warrant a choke point. He noted that the big change was that there are no longer two entrances and changes the dynamic vastly.

S. Gerrato asked what was being done to stop people from jumping the choke point. M. Fougere explained there would be reflectors. C. Medeiros stated she wished there were sidewalks. There will be sidewalks in the new development.

There being no further comments, D. Moore closed public comments and returned to the Board. Comments from Altus Engineering should be available at the October meeting. S. Cole noted that engineering items are getting to be lower case. Based on their conversations with Altus Engineering, Beals Associates would like to correspond directly with them; the Board agreed. There was also a discussion about printed plans. Beals Associates would like to submit a digital copy of any changes of the plan until they were closer to finalizing revisions.

Attorney Phoenix requested, and the Board granted, a 65-day extension. Saturday, November 19<sup>th</sup> will be 65 days; the Planning Board public hearing will be on Thursday, November 17<sup>th</sup>.

MOTION: J. McDevitt moved to continue the Site Plan Review for Off Tower Place/Maple Drive to the public hearing on Thursday, October 20, 2022. Second – R. Winsor; all in favor. MOTION CARRIED

5. Subdivision of Land: 529 Portsmouth Avenue (Map U5, 9 – Commercial District A)  
Owner/Applicant: Granite State Pioneer Group, LLC  
The owner/applicant is proposing to convert the existing duplex into a two-unit building (new construction).

Jeff Apsey, Granite State Pioneer Group, addressed the Board. This application was before the Planning Board on August 19, 2021 and continued to September 16, 2021. Continuances were requested for the

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October, November, and December 2021 meetings. At the December meeting, the Board requested the application be withdrawn. M. Fougere explained that the applicant has hired a new engineer and was restarting a process that had been started a year ago.

J. Apsey explained that the State did not like the old septic system. The septic system has been moved closer to the front of the proposed duplex; it has been approved by the State. To move the septic system, the garages had to be removed. Drainage is still the same and has been engineered. They are staying within the wetland delineation. There was an existing curb cut and a driveway has been added. The driveway is over the septic tank and partially over the field (concrete chamber). The septic has been designed to handle the weight of vehicles. The leach field has been moved further away from the wet area.

At J. McDevitt's request, the drainage issue was reviewed. J. Apsey explained that Altus Engineering needed specs on what was going to be done. The existing 36-inch concrete pipe will remain because the leach field has been moved. They will not have to disturb Cemetery Lane and Portsmouth Avenue with any work; all construction will stay inside the site. A headwall and new culvert will be installed on the property. M. Fougere added when the water reaches 63, there will be an outlet; it currently does not have an outlet. D. Moore commented on the problem with water not flowing across Portsmouth Avenue; J. Apsey has tested the new configuration and water will flow. The headwall creates the level point where, when the swamp gets to that point, it will flow through the culvert, hit the existing culvert and flow out. When J. Apsey tested it, the water level dropped in the neighbor's yard.

The project was reviewed by Altus Engineering in August. The applicant's engineer responded to the comments and questions; however, it was not sent to Altus Engineering. M. Fougere felt Altus Engineering's concerns could be cleaned up quickly. J. Apsey noted that he is very limited with what can be done on that site. All setbacks comply except for the front, which is getting better.

Responding to a question from S. Gerrato, J. Apsey explained how the water flowed into the concrete drain. There is a screen on the headwall. When water gets up to a certain level, it will flow into the headwall, through the pipe and straight out. No pumps will be used.

Building plans were reviewed. The garage has been removed. There will be a small front porch. Parking is on both sides of the duplex and will be paved. Altus Engineering did not like the parking areas; however, the curb cuts were there and the only place the driveways could go. The sidewalk would not have to be disturbed. The house does not have the required setbacks. Vehicles will not overhang onto the sidewalk.

MOTION: R. Winsor moved to accept the application for the Subdivision of Land at 529 Portsmouth Avenue (Map U5, 9) as complete. Second – S. Gerrato; all in favor. MOTION CARRIED

D. Moore opened the hearing to public comments. There being none, he closed the public hearing and returned to the Board. Responding to a question from R. Winsor regarding wetland setbacks, M. Fougere stated they were all pre-existing and it is a lot of record. R. Winsor questioned if any waivers needed to be created regarding setbacks. M. Fougere responded 'no' because it was a pre-existing lot of record. R. Winsor noted more square footage was being created and there was more encroachment on the wetlands than before. M. Fougere stated they were making it better: currently there was no way for the water to drain. He did not think the Board needed to address those issues: it was a lot of record, and it will be an improvement.



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M. Fougere noted the applicant will be making the duplex into a condominium. There will be a plan showing the unit divided in half. A condominium has always been the applicant's intent. The condo plan will be recorded. J. Apsey stated that the new construction will match his building across the street.

MOTION: R. Winsor moved to continue the Subdivision of Land, 529 Portsmouth Avenue (Map U5, 9) to the public hearing on Thursday, October 20, 2022. Second – J. McDevitt; all in favor. MOTION CARRIED

6. Site Plan Review, Conditional Use Permit: 480 Breakfast Hill Road (Map R1, 9 – Residential-Commercial-Industrial Mixed-Use Overlay District)  
Owner/Applicant: Seacoast Family Promise  
The owner/applicant is proposing a 3,507 square foot addition to the existing group home. The building will be renovated to be a total of 12 bedrooms (10 guest rooms and 2 staff rooms).

M. Fougere clarified this was not an overlay project. The overlay district has very specific goals and criteria must be met. This will be a Site Plan Review and expansion of an existing use. Seacoast Family Promise received a Variance from the ZBA in June.

Tim Phoenix, Attorney – Hoefle, Phoenix, Gormley & Roberts, and representing Seacoast Family Promise, addressed the Board. Also present were Paige Libbey, Jones and Beach Engineers; Pati Frew-Waters, Seacoast Family Promise Executive Director, and members of the Seacoast Family Promise Board of Directors. S. Gerrato noted that he is on the ZBA and would recuse himself if the applicant preferred; they were not concerned about him being on the ZBA and Planning Board.

Paige Libbey addressed the Board. The building is an existing 1850 farmhouse with five bedrooms. It has been owned by Bethany Church and was used as a group home for many years for families in need. Seacoast Family Promise purchased the property in 2020 and it is a group home. They received a Variance to expand a non-conforming use. They plan to expand the building to the back and side of the structure. The existing building is five bedrooms; they are proposing to expand the building to 12 bedrooms; 10 will be use for guests of Seacoast Family Promise and two rooms will be for staff.

Seacoast Family Promise is a non-profit organization that helps homeless families on a transitional basis. Families would stay until they are able to move out and be on their own again. The typical length of stay is 84 days; there is a day center in Exeter that families can go to during the day if not at school or work. They leave the property at 7:00 am and return at 5:00 pm.

A new septic system is proposed as required by the State and a condition of approval from the ZBA. There is a water service from the Church property through the Town of Rye Water District and administered by the City Portsmouth Water Department. The ZBA also included in their condition of approval a shed for storage of toys and trash bins (shown on plan), buffer plantings along the property line of the closest abutter: arborvitaes will be planted (there is an existing wooded buffer; the ZBA wanted more evergreen plantings).

A summary of the building design was given by P. Libbey. The proposed addition was designed to fit in with the existing 1850 architecture of the existing structure and the barn that was no longer on the property.

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MOTION: S. Gerrato moved to accept the application for Site Plan Review, Conditional Use Permit: 480 Breakfast Hill Road (Map R1, 9 – Residential Zone) as complete. Second – R. Winsor; all in favor. MOTION CARRIED

R. Winsor noted that trash removal and storage detail should be included on the plan, it should also be shielded; a lighting plan will be needed. M. Fougere stated that the Fire Department will review the plans and the building would have to be sprinkled. P. Frew-Waters noted that the existing building is sprinkled. R. Winsor advised against arborvitaes. D. Moore mentioned parking: P. Libbey stated that normally there are only 12 cars. A group home is not defined in the Ordinance or in the parking calculations. The hotel scenario was used in calculating parking: it matched with the number of expected families. M. Fougere noted there is additional parking at the Church.

S. Gerrato stated when this case came before the ZBA, he was very much in favor it. It is something that is needed. There is nothing in the Ordinance to control this and the reason they went to the ZBA. S. Gerrato felt it was a great thing and was in favor of it.

R. Winsor questioned if the detail on the building interfered with the Town's height restriction. M. Fougere noted the cupolas are exempt. C. Medeiros commented that she liked the design of the house. M. Fougere explained that trash will be in storage bins. P. Libbey added that currently Waste Management picks up trash. P. Frew-Waters stated that Waste Management will not be enough, and they may do a dumpster. They will enclose the trash. D. Moore noted that a dumpster should be shown on the plan.

D. Moore opened the hearing to public comments. Steven Beattie, 48 Seavey Way and direct abutter, addressed the Board with his concerns. He was concerned about the dumpster pick up: there is a dumpster at the facility across the street and every Thursday morning at 4:00, the dumpster is emptied. D. Moore responded that the Board could stipulate pick up hours on the plan. S. Beattie noted there are six new additional windows that will be directly facing his house. His house was built to be shielded from the existing structure. S. Beattie felt the windows would allow a view into his house. He was also concerned about the buffer, especially during the winter; he would prefer to see mature plantings or mitigation around where the windows are placed. M. Fougere stated the landscaping needed more detail. P. Libbey noted there were two different versions of the plan submitted to the ZBA: they rotated the position of the expansion so there would be less windows facing in that direction. M. Fougere stated the buffer should be at least 6 feet tall. P. Libbey added they try to plant something that is fast-growing and matures quickly. S. Beattie was also concerned that the septic system would be closer to his property and digging the bed bottom near trees would disturb the roots. He wanted to make sure it was zoned properly for the number of people in terms of the septic system. R. Winsor assured S. Beattie that the septic would have to meet State design criteria and be approved at the State level. S. Beattie's other concern was traffic on Breakfast Hill Road. He also requested a designated smoking area on the property not close to his house. P. Frew-Waters stated they allow smoking, and each person is responsible for their smoking materials and picking up; they do not have a designated area. There is approximately 100 feet between the residence at 480 Breakfast Hill Road and the residence at 48 Seavey Way. S. Beattie wanted proper precautions to be taken during construction from an environmental standpoint.

There being no further comments, D. Moore closed the public hearing and returned to the Board. P. Frew-Waters told the Board they met with the residents of Seavey Way and listened to their concerns. As a result, they turned the building 90° and decreased the number of windows.



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M. Fougere summarized what will be needed for the next meeting: landscape buffer updated with a different fast-growing evergreen species, not arborvitae; dumpster to be enclosed and stipulations on pick up time; exterior lighting should be noted; exterior lighting should be downlit; lighting should be of a residential nature; parking lot lighting and floodlights will require a lighting plan. M. Fougere noted NHDOT may ask for an amended driveway permit; he submitted it to District 6 (today). It was also noted that this is an expansion but not a change of use. J. McDevitt asked them to consider a designated smoking area as a responsible neighbor.

MOTION: R. Winsor moved to continue the Site Plan Review, Conditional Use Permit: 480 Breakfast Hill Road (Map R1, 9 – Residential-Commercial-Industrial Mixed-Use Overlay District) to the public hearing on Thursday, October 20, 2022. Second – C. Medeiros; all in favor. MOTION CARRIED

7. Site Plan Review, Conditional Use Permit: 69 Tide Mill Road (Map R17, 65 – Commercial District A)  
Owner: River Tweed Properties, LLC  
Applicant: Sarah Greenshields, Little Tree Education  
The owner and applicant are proposing a mixed-use site to include the existing building as an office with studio apartments above. Also proposed is a 4,226 square foot, two-story school and two 1,200 square foot multi-family buildings.

MOTION: R. Winsor moved to accept the application for Site Plan Review, Conditional Use Permit: 69 Tide Mill Road (Map R17, 65 – Commercial District) as complete. Second – S. Gerrato; all in favor. MOTION CARRIED

Paige Libbey - Jones and Beach Engineers, addressed the Board. Also present were Sarah Greenshields - Little Tree Education, and Dan Ray and Nick Jewett – Jewett Construction. Jewett Construction will be managing the construction on the site. The Board has seen the project on a conceptual basis with Ambient Engineering (previously worked on the project). At the time, they had a site plan and were working with DOT on a driveway permit. Jones and Beach Engineers have taken the project over and has a complete design that includes grading, drainage, utilities, etc. Some minor adjustments were made to the site plan: a bump-out has been added to the building, adding more space to the first floor as well as a deck on the second floor of the school. They have flip-flopped the building with the parking area, giving them more flexibility with grading on site as well as septic and drainage.

Storm Management: There are a series of catch basins throughout the parking lot and several yard drains in the courtyard area between the existing building (office space and apartments above as well as the school). The catch basins will outlet into a bioretention system on the low side of the site and along the wetland buffer. That will treat and detain the stormwater before outletting into the brook.

There are some wetland buffer impacts. Almost all the wetland buffer impacts are for grading and stormwater. They are all within the previously disturbed field area; they are not cutting any trees to construct the stormwater management. This may require them to go to the Conservation Commission for comments on the Conditional Use Permit. The impact to the buffer will be approximately 30 feet. The impervious area is approximately 7 square feet. Most of the impact area will be grading. They tried to keep the impervious area out of the buffer.

They have met with Eversource on site and have a utility plan. The water line and septic are noted on the plan. More detailed septic plans were included in the plan set. The two multi-family structures share one septic system located under the parking lot. A second septic system will be in the courtyard area that will serve the school as well as the existing structure that will be offices and apartments.

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They have met with the City of Portsmouth Water Department. There is an existing water line that ends at the end of Tide Mill Road. The building at 69 Tide Mill Road is serviced by that water line. The Portsmouth Water Department does not have any knowledge how it is serviced. There is a 2-inch service that comes across Rt. 33 to Little Tree Education and the Dance Center. The Portsmouth Water Department would like Little Tree Education to replace the entire water line up Tide Mill Road to Portsmouth Avenue, which is approximately 900-feet of water line. The infrastructure is very old and close to failing. S. Greenshields added there is a 2-inch water line that is estimated to be between 1-inch and 1 ½-inches wide serving eight buildings. It is not on the Water Department's list to repair. P. Libbey has looked for shorter alternate routes but has been unable to locate one that would work. They have also looked at putting in a well; the radius is an issue because they will lose lot loading area for septic. If they do a well, there would not be enough lot loading to do the project. M. Fougere suggested they talk to the owner of the dance studio. S. Greenshields stated that the well buffer area restricts the other landowner. P. Libbey added it would be a non-transient non-community water system.

R. Winsor questioned how they were going to support sprinklers. P. Libbey stated their understanding was that they did not need sprinklers based on the fire code; Jewett Construction found that in their research. P. Libbey noted they have not received a sign-off from the Fire Chief. C. Medeiros stated the Building Inspector did not agree with that. A representative from Jewett Construction commented they were under the square foot threshold requirement. They would need an approach with the building code analysis to consider it a single-story application because it is split level egress at the lower end of the upper floor. They are looking to avoid it because of the water. R. Winsor commented it did not make him feel warm and fuzzy because it was a school. C. Medeiros pointed out it was not just a school; people would be sleeping there. S. Greenshields stated the house was a separate building. There would be a significant fire rating between the two structures. Responding to S. Gerrato, S. Greenshields stated the house is not sprinkled. The only thing they have that could be a potential fire hazard is a toaster. There will not be a kitchen, there may be a microwave. There will be no children in the existing four-bedroom. C. Medeiros stated that when there are children and people sleeping there, it was a matter of life safety and that should be a priority. S. Greenshields, responding to S. Gerrato, stated there would be smoke detectors. S. Greenshields noted the building was under 10,000 square feet and there were two means of egress from every single classroom and vestibule. Fire drills will be done. M. Fougere noted that the plans will be reviewed by the Fire Chief. It is a building code issue, and they will have to comply with that.

C. Medeiros questioned if the building code was their interpretation or the Town's Fire Chief and Building Inspector. M. Fougere stated their architect will make an interpretation of the code and that will be reviewed by the Building Inspector and Fire Chief. There is an appeal process with the State Fire Marshal's Office. The Jewett Construction representative stated they have been coordinating this with Fire Chief Cresta, Paul St. Cyr (Fire Department), and the Code Enforcement Officer. He continued that it was very black and white in the fire code and IBC that it is not required at this threshold.

J. McDevitt: His major concern was traffic. He did not agree with a lot of their statements or those of Police Chief Laurent. This will be a very serious concern for him: Rt. 33 is a mess and a very dangerous road. P. Libbey noted they have not received comments from DOT. S. Greenshields stated they will need a signature from the Planning Board on the application. It does not give permission for the project rather gives DOT permission to move forward with processing the driveway permit.

M. Fougere: Unfortunately, District 6 processing is a little upside down. The permit can be sent to DOT to start the traffic study. An application will need to be signed by the Selectmen because Tide Mill is a Town road connecting to Rt. 33. Now that a formal application is before the Planning Board, any road

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improvements can be stipulated by the Board that it is the applicant's responsibility and not the Town's. M. Fougere clarified that the Planning Board was not approving anything. With the Selectmen's signature, DOT will start their review.

D. Moore: They want to be able to do a left turn. M. Fougere noted this has been discussed for a year. DOT has gone back and forth with the Police Chief several times about the design and striping. It is still under review. DOT will not formally review until the permit is sent. D. Moore commented that for Dance Innovations, the Board made that a right turn only, which is still the safest way. S. Greenshields stated the right turn only is on a State road it is actually not valid sign.

J. McDevitt: DOT can state a left-hand turn, and the Board can say they do not want that. S. Greenshields stated they would do whatever operational changes recommended by the Police Chief. She added they cannot enforce that as police officers. They can tell parents when they leave the school, they are asked to take a right-hand turn. They can make that part of their operational procedures. S. Greenshields could not guarantee it would be followed.

R. Winsor: It may take behavior conditioning, which works most of the time. The road design will be important. S. Greenshields noted that is where there will be conflicts with DOT. It may kill the project from a financial perspective. R. Winsor assured her the Board would do everything they could to make it work.

S. Greenshields stated the Police Chief has reviewed the traffic study and agrees with that study. She is okay with the proposed changes. J. McDevitt disagreed, stating he would review it again. S. Greenshields assured the Board they are working very closely with the Fire and Police.

D. Moore opened the hearing to public comments. Anne Nelson, 18 Tide Mill Road, explained how the water line was installed. There being no further comments, D. Moore closed public comments and returned to the Board.

J. McDevitt: In 2021, Chief Laurent did not agree with the left-hand turn. S. Greenshields stated Chief Laurent issued a memorandum after the traffic study was completed with her changes. J. McDevitt stated he was not trying to kill the project but had majors concerns about traffic on Rt. 33.

R. Winsor: The project needs to be reviewed by Altus Engineering. P. Libbey stated they do have the plan but has not reviewed.

R. Winsor was not keen on a left-turn. M. Fougere stated it is in the works and has not been decided. D. Moore noted the Board had the same conversation with Dance Innovations. M. Fougere commented that DOT did not like the sign.

The driveway permit will be added to the Board of Selectmen's agenda on Monday, September 26<sup>th</sup> and will be addressed by R. Winsor. The discussion at that meeting will be signing the driveway permit without the Town being responsible for anything.

MOTION: R. Winsor moved to continue the Site Plan Review, Conditional Use Permit: 69 Tide Mill Road (Map R17, 65 – Commercial District A) to the public hearing on Thursday, October 20, 2022. Second – S. Gerrato; all in favor. MOTION CARRIED

8. Other Business

Budget: The budget was briefly discussed. The legal line is over-expended and should be increased in the next budget. The Planning Board Attorney has been consulted on various projects before the Board as well as planning and zoning issues. Further discussion was continued to the work session on Thursday, October 06<sup>th</sup>.

Subdivision Regulations Public Hearing: The public hearing for approving the changes to the Subdivisions Regulations has been moved to the work session on Thursday, October 06<sup>th</sup>.

9. Topics for Work Session: Thursday, October 06, 2022

Topics will include any zoning amendments and the public hearing for the Subdivision Regulations.

10. Adjournment

MOTION: J. McDevitt moved to adjourn at 9:00 p.m. Second – R. Winsor; all in favor. MOTION CARRIED

NEXT MEETING
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Thursday, October 06, 2022 – 6:30 p.m., Town Hall Conference Room

Submitted By: Charlotte Hussey, Administrative Assistant