



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

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

Members Present: Bob Dion, Steve Gerrato, John McDevitt, David Moore, Richard Winsor (Selectmen's Rep)

Members Absent: Stu Gerome, Catie Medeiros, Phil Dion (Alternate)

Late Arrival: 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 informed the Board that a notice was received from the Town of Rye regarding the condominiums proposed off Rt. 1. A presentation was made to the Planning Board from a group who considered bringing that project into Greenland. The development will start in Rye and possibly expand into Greenland.

2. 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.

Christian Smith, Beals and Associates, addressed the Board. Also present was Joe Falzone, developer; Attorney Tim Phoenix, Hoefle, Phoenix, Gormley & Roberts; Frank Manter, representing Greenland Congregational Church; Paul Sanderson, property owner; and Bob Casoni, property owner.

C. Smith updated the Board on his recent meeting with Eric Weinrieb, Altus Engineering. Many of the outstanding comments have been revised. E. Weinrieb felt the comments were adequately addressed and clarified. E. Weinrieb recommended two waiver requests: hand auger soil borings and post development peak flow rate.

C. Smith noted there were a few outstanding items remaining. E. Weinrieb was comfortable resolving those issues after conditional approval was granted by the Board. One item was a lag pump: E.

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Weinrieb wanted a lag switch in case the water was rising high enough that both pumps turned on. All septic questions were covered; the landscape plans were updated and reviewed by C. Smith with the Board: in the area near Units 2, 3 and 4 gaps in the trees and existing vegetation were found. A note will be included that if other gaps are found, the planting plan will be continued in areas where additional screening may be needed.

M. Fougere noted that open items were either a Condition of Approval (COA) or part of the Traffic Management Plan. Example: traffic calming is included in the Traffic Mitigation Plan as well as a recommended stipulation. The possible degradation of the roadway was a concern and is outlined in the Construction Management Plan. The stipulation was written by E. Weinrieb and needs to be discussed by the Board. There has been a discussion regarding possible further damage to the road, which is old and not in the best condition and what is fair to both parties.

M. Fougere and E. Weinrieb have discussed the open items. E. Weinrieb feels they are 'clean up' issues. He is comfortable with the Board granting a Conditional Approval; he will work with the applicant's engineer to finalize the open items. Responding to a question from D. Moore, M. Fougere clarified that the items were either a Condition of Approval, in the condo documents, or in the Traffic Management Plan. Truslow Resource Consulting had several recommendations over the months she reviewed the plans. M. Fougere included on his list of stipulations: 'Environmental recommendations from Truslow Resource Consulting shall be incorporated into the plan/management documents as appropriate'. M. Fougere requested a list of those recommendations from Truslow Resource Consulting.

J. McDevitt reviewed several outstanding items.

Item 3--Mailboxes: The Post Office will establish the mailbox location.

Item 20—Private ROW/Electric Easement: C. Smith noted the location on the plan. Attorney Phoenix and E. Weinrieb have discussed this item. Attorney Phoenix has documentation and will forward it to M. Fougere.

Item 23—Existing Culvert Near the Intersection of Magnolia Lane Pitching in the Wrong Direction: C. Smith stated they proposed the actual constructed inverts be double-checked; E. Weinrieb wanted it resolved as part of the design process rather than at the end. They have updated their plans noting it is to be installed in the proper flow direction, etc.

Item 30—Hand Auger Soil Borings: A waiver has been submitted.

Item 32—Spot Grades for Handicap Accessible Parking Spaces: This has been corrected.

Item 35 – Courts Will Have Lighting for Evening Play: A note will be included on the plan that the courts may be lit in the future for evening play. R. Winsor noted that the HOA will need to return to the Planning Board for an approved lighting plan.

New Comments – Item B, Page 4, Town Portion of Road Designed with Closed Drainage: Located back towards the intersection of Magnolia Lane and new road. The curb will be cut and possibly clip the sidewalk. They may also install leaching catch basins. R. Winsor questioned if they were confident the house on the corner would not have more water on their lot. C. Smith stated there is a swale in that area.

Item 48 – Basements Not Recommended for Units 28 through 40: Altus Engineering recommended that for units with proposed stone drip edges (C. Smith pointed out the affected units on the plan) and seasonal high-water tables, the units be on a slab on grade. They will loop a 6-inch infiltration basin behind those units. They have been working with Alteration of Terrain on those types of stormwater infiltration features.

Item 51 – Fire Suppression Systems: Notes will be added to the plan.

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New Comments – Item A, Page 5, Garbage Disposals Not Permissible: Will be included in the condo documents. Because of the E1 pump chambers, there is double the capacity of the tanks. They have met the NHDES requirement.

Item 56 – Pump Chamber Detail: A switch will be added.

Item 63 – Vegetated Buffer Along Magnolia Drive Does Not Provide Screening from the Development: The Landscape Architect will add a note stating if there are other areas where the existing vegetation is too sparse, they will continue the planting plan in those locations along the ridge.

M. Fougere had additional stipulations for approval (copy on file). M. Fougere noted there was recognition from the Town that it was an old road and not in good condition. Construction vehicles will possibly degrade the road significantly. M. Fougere stated there should be fair and equitable mitigation for any further damage to the road. Altus Engineering suggested a geo-tech engineer do the initial inspection as well as after construction. M. Fougere noted that the way the management plan is written, it will go to the Selectmen.

R. Winsor noted the question of ‘fair share’ would be difficult based on the condition today and in the future. It could possibly be a 50/50 share and deferred to Paul Sanderson, Town Administrator and involved party. P. Sanderson responded that the road was originally a gravel pit, and primarily sand and gravel. The question would be: will there be a degradation to the base with this type of construction and weight? He felt the condition of the base may be E. Weinrieb’s concern. If the base was inadequate, it was not the applicant’s fault. The actual condition of the road would be a fair way to start. From that, the degradation and repair would be the consideration. The base course and wearing course would have to be fixed before putting the road back. Damage to the wearing course, not to the base course, would probably be due to construction.

Responding to R. Winsor, P. Sanderson stated that the traditional method would be to figure out a value and have it bonded. The Town must include in the Capital Improvement Plan (CIP) that it will be done at the end of the construction period; the two would work in tandem so the road is restored. B. Dion asked if the weight of construction vehicles would compact the base under the pavement. P. Sanderson responded that could cause damage to the base. If it were inadequate in material and thickness, that could cause the ultimate degradation of the road.

There was a discussion about ‘fair share’. Attorney Phoenix stated the road should be evaluated on current conditions and then after. A video of the road was suggested. M. Fougere stated that a geo-tech company will want to dig holes to see what is there. It was clarified that the developer would pay for geo-tech. GZA GeoEnvironmental was suggested as the geo-tech company. M. Fougere noted they will do a report prior to the start of the project and at the end. The analysis will give an idea of the condition of the base. If there is bad material, it would be the Town’s responsibility.

J. McDevitt questioned the hours of operation. M. Fougere noted the Board had briefly discussed limiting the construction hours and hours for deliveries: that remained an open issue. Construction is typically 7 am to 5 pm. The applicant will work around school buses; the hours are included in the Construction Traffic Management Plan. M. Fougere received the school bus hours from Chief Laurent. Construction hours will be 7 am to 5 pm, Monday through Saturday (no Sunday’s). M. Fougere noted that 7 am meant 7 am. Inside the house would be different as long as there was no outside disturbance (example: compressor).

C. Smith stated that E. Weinrieb had suggested some additional conditions of approval specific to topcoat pavement and club house construction: the club house does not have to be available and

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accessible until the development reaches 50% occupancy; the topcoat should not be applied until 90% occupancy. M. Fougere stated that the roads must be bonded as well as site improvements, landscaping is 20%. Inspections will be done, and bonds released at specific times. Signage is included in the Traffic Management Plan.

S. Gerrato questioned the well testing. He stated that at a recent Board of Selectmen meeting, TA Sanderson commented that the Coakley Landfill plume was travelling northwest to the Greenland wells and contains PFAS. He noted that it passes right across the proposed development. J. Falzone responded they tested for that, and there is no PFAS. M. Fougere noted that as a community well, they are under a different regulatory environment than someone on their own well; testing is done on an annual basis. The applicant has received approval.

The Planning Board Attorney is reviewing the condo docs.

D. Moore opened the hearing to public comments. There being no public comments, D. Moore closed the public hearing and returned to the Board.

MOTION: R. Winsor moved to grant the waiver request from Subdivision Regulations, Addendum A – Road Design and Construction Specifications, Item II – First Public Hearing: Final Design of Project/Subdivision, Letter ‘P’, requiring hand auger soil borings along the centerline (100 ft. stations) of roadway to denote depth to solid ground. The contractor will provide excavated ledge probes at 50 ft. stations in advance of construction. Second – B. Dion; all in favor. MOTION CARRIED

MOTION: J. McDevitt moved to grant the waiver request from Subdivision Regulations, Section V – Erosion and Sedimentation Control Standards, Subsection 5.6.1 – Stormwater Management: New Development, Item ‘i’, requiring the post development peak flow rate not to exceed that of the pre-development condition. Second – R. Winsor; all in favor. MOTION CARRIED

MOTION: R. Winsor moved to approve the Site Plan Review, Boundary Line Adjustment, and Voluntary Merger for Off Tower Place/Magnolia Drive (Map R7, 3 – Zones: Residential, Wetlands Conservation, Aquifer Protection), according to the plan submitted by Beals Associates, revised 11.29.2022, Job No. 1360, with the following conditions: (1) Receipt of all required State approvals including: AOT Site Specific, NHDES Subdivision Approval, NH Water Supply Approval; (2) Address all outstanding/open issues noted in Altus Engineering letter dated December 8, 2022, to the satisfaction of the Planning Board Engineer; (3) The Construction Traffic Management Plan shall be followed (included); (4) The planned traffic calming improvements proposed on Magnolia Lane shall be installed prior to the start of onsite construction; (5) Environmental recommendations from Truslow Resource Consulting shall be incorporated into the plan/management documents as appropriate (included); (6) The plan shall note details to “bridge” across two wetland areas so residents may access the recreational island located on the site: said island is located east of the northern cell tower and north of proposed community well; (7) A road bond shall be in place for both on and off-site road construction; (8) A landscaping bond shall be required; (9) The applicant shall pay for all required site inspections related to the proposed development; (10) All wetland area buffers shall be properly marked with placards, no less than 50 feet apart along the area of the proposed housing development; (11) HOA to use Green SnowPro trained contractor at all times; (12) The Landscape Architect will add a note stating if there are other areas where the existing vegetation is too sparse, they will continue the planting plan in those locations along the ridge; (13) A berm or sloped curve shall be installed to define the edge of the proposed traffic calming chokepoint. In addition, an object marker sign will be placed at the edge of the chokepoint; (14) Construction hours will be 7 am to 5 pm, Monday through Saturday (no Sunday’s); (15) Hours of

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operation and deliveries of construction materials shall be according to the Construction Traffic Management Plan; (16) A geo-technical analysis shall be performed to establish a baseline of road conditions and subsequent post-construction analysis to determine any damage or degradation and a report shall be provided to the Board of Selectmen and Planning Board Engineer prior to the start of the project and at the end; (17) During that period, the contractor shall be responsible for the development between the original condition and degraded condition: cost shall be borne by the applicant; (18) The club house shall be accessible and available when occupancy reaches 50%; (19) Top coat shall not be completed prior to the site being 90% occupied; (20) Any changes to onsite lighting shall require the HOA to return to the Planning Board for an approved lighting plan and must be consistent with the Town's Site Plan Review Regulations and Zoning Ordinance; (21) Approval of condo docs by Planning Board Attorney for those areas that address Planning Board stipulations; (22) Prior to any construction activity, the applicant shall have a pre-construction meeting with the Planning Board staff, site contractor, Police Department, Fire Prevention/Code Enforcement, and others as may be necessary; (23) All waivers shall be listed on the plan; (24) The applicant shall submit a digital file along with two full sets of hard copies of the plan; (25) The applicant shall provide a copy of the recording mylar with the Registry number included; (26) All outstanding fees shall be paid prior to plan signature. This plan is consistent with the Town's Site Plan Regulations and Zoning Ordinance. Second – J. McDevitt; all in favor. MOTION CARRIED

Attorney Phoenix noted that the State is behind with State permitting. They will need a year to complete all State permitting. M. Fougere stated that the project was conditionally approved and does not expire.

3. 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.

Paige Libbey, Jones and Beach Engineering and representing the owner, addressed the Board. Also present were Sarah Greenshields, owner of Little Tree Education; Rebecca Brown, Greenman-Pedersen, Inc. (GPI); and Nick Jewett, Jewett Construction Company. P. Libbey updated the Board on their progress since the November meeting. They recently received a comment letter from Altus Engineering. Remaining concerns may be addressed with Altus Engineering and include bonding and Portsmouth Water Department. P. Libbey continued that over the last month Portsmouth Water Department was able to determine the location of the water main and will be extending the main over to their side of Rt. 33. River Tweed Properties will be responsible from that point. The plans have been updated and sent to the Portsmouth Water Department for their approval. M. Fougere clarified that Portsmouth Water will be responsible for the water line from Tide Mill Road (on the Portsmouth Avenue side) and under Rt. 33; the work is scheduled for the spring of 2023. The permit for the traffic island on Tide Mill Road has been submitted to NHDOT.

M. Fougere noted that a waiver for parking had been submitted. At the November meeting, the applicant was asked to show some phantom spaces to indicate they could be added to the site, if needed. A crosshatch area was indicated on the plan to show that parking could be added. P. Libbey stated that they are well below their impervious area calculation; the additional spaces would not put them over the impervious area calculation. As mentioned at the last meeting, structures cannot be built on the 'paper' parking spaces.

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B. Dion questioned the code difference between IBC and IRC. P. Libbey responded that the architect could answer that question better and she was not at the meeting. P. Libbey stated that the IRC was the residential code for single family homes and duplexes; three units or more is covered by the building code (IBC). B. Dion also commented that one does not have to meet the ADA requirements. P. Libbey noted E. Weinrieb was concerned about the ADA accessibility of the parking. In the new layout, the parking spaces in front of the duplexes would be assigned to those units. A handicapped individual living in one of the units or visiting could use that space and it would be handicap accessible.

P. Libbey explained the fire truck turnaround on the plan at the request of D. Moore. M. Fougere noted that Chief Cresta was fine with the turnaround. M. Fougere stated that the items in the Altus Engineering letter were very minor.

Responding to a question from R. Winsor, P. Libbey stated there was not an elevation plan for the 'no left turn' island but it has been added to the site plan. R. Winsor asked for the finish and the height. R. Brown stated that based on the last meeting, they discussed a 3-inch-high reveal, sloped so emergency vehicles will have access over it. R. Winsor requested detailed elevation be included.

J. McDevitt questioned the comment from Altus Engineering regarding: Drainage Analysis (page 2), Item 'c', the modest increase in runoff towards the Weeks Road right-of-way. P. Libbey stated they had just received the letter and have been working on that issue. Altus Engineering thought it was an increase in runoff towards that road; the swale going down Weeks Road would be able to manage the runoff. That has been addressed in the drainage model and sent to Altus Engineering.

M. Fougere stated that at the last meeting the Board was concerned about large events being held at the school. S. Greenshields has stated they do not have big gatherings; events are held by classroom. A note will be added to the plan that events will be limited to 75 people.

B. Dion noted that there was no mention of Item 42 regarding retaining walls. P. Libbey explained that when an issue was addressed satisfactorily, Altus Engineering removed it from their letter. M. Fougere clarified that if Altus Engineering was not happy, the item remained on the list. Responding the B. Dion, S. Greenshields explained the projected traffic flow when dropping off and picking up. There is flexibility in their plan if there is a problem.

R. Winsor questioned fire suppression. S. Greenshields stated that they would be doing fire suppression now that the water issue has been resolved. P. Libbey stated that the fire service is shown on the plan. M. Fougere added that it would be included in the building permit phase. When the applicant first approached the City of Portsmouth, they were told she owned the entire cost of upgrading the line, including boring under the highway.

D. Moore opened the hearing to public comments. There being none, he closed the public hearing and returned to the Board.

MOTION: R. Winsor moved to grant the waiver from Section V: Design and Construction Requirements, Subsection 5.11 – Parking Requirements, requiring 59 parking spaces of which 42 are proposed, a reduction of 29%. Second – S. Gerrato; all in favor. MOTION CARRIED

MOTION: R. Winsor moved to approve the Conditional Use Permit allowing residential use on the property as well as the Conditional Use Permit allowing a minor disturbance in the buffer. Second – J. McDevitt; all in favor. MOTION CARRIED



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M. Fougere noted that the applicant has been to the Conservation Commission; they recommended the Planning Board approve the Conditional Use Permit for a minor disturbance in the buffer.

MOTION: R. Winsor moved to approve the Site Plan Review and two Conditional Use Permits: 69 Tide Mill Road (Map R17, 65 – Commercial District A) according to the plan submitted by Jones & Beach Engineers, Inc., Revised 12.01.2022, Project No. 22058, with the following conditions: (1) All costs for off-site improvements will be borne by the applicant; (2) The school shall be licensed for up to 126 students; events on the property shall be limited to 75 people; (3) NHDOT permit required; (4) All outstanding issues noted by Altus Engineering in their letter of December 09, 2022 shall be addressed; (5) The 'no left turn' traffic island shall be 3 inches in height and mounted on a textured surface; (6) Detail of the traffic island shall be added to the plan set; (7) The applicant has agreed to include full fire suppression for the school; (8) No structures will be built on the 'paper' parking spaces; (9) All waivers and Conditional Use Permits will be included on the plan; (10) Prior to any construction activity, the applicant shall have a pre-construction meeting with the Planning Board staff and onsite inspector (Altus Engineering); (11) Proper bonding shall be in place for landscaping, erosion control and site stabilization; (12) The applicant shall submit a digital file along with two full sets of hard copies of the plan; (13) All fees shall be paid. (14) This plan is consistent with the Town's Site Plan Regulations and Zoning Ordinance. Second – B. Dion; five in favor, one abstained (F. Catapano). MOTION CARRIED

#### 4. 2023 Zoning Amendment

M. Fougere reviewed the changes to Article XIX: Age Restricted (Senior) Housing Ordinance (copy on file). The version before the Board had been reviewed and updated by the Planning Board Attorney. There was a lengthy discussion on the number of ARH units to be allowed in Town. Including the ARH development approved earlier, there will be 7.2%. If capped at 12%, only 78 additional ARH units can be built. The Board opted to leave the cap at 12% and possibly reconsider next year.

D. Moore opened the hearing to public comments. PJ Strebel, 48 Sunnyside Drive: Questioned the timing of this after one that will not be complementary to the current neighborhood was approved. It is basically saying that we are getting to the cap of what we really want. He felt Tower Place was too condensed and congested. From PJ Strebel's perspective, as a resident of Sunnyside who will be directly impacted by what the Board was doing, the Board was where they wanted to be and were going to change the restrictions and what was going to be done next year. The people in the community who are not the developers are saying they did not want any of it in the first place.

J. McDevitt told PJ Strebel that in order for an Ordinance to be in effect, it goes to the Town for a vote; people voted for it. PJ Strebel noted he was not a resident when that Ordinance was voted on. F. Catapano explained the Board thought they had a fairly good ARH Ordinance. The recent project pushed the envelope of what the Board expected. PJ Strebel stated that one entrance was very beneficial. He understood why the Board was tightening things up now. R. Winsor noted that the Board was volunteer and doing the best they can. The Board welcomes as much feedback as possible. They take the feedback and try to adapt it as best they can. With this amendment, the Board is trying to respond to the feedback from residents in that area. J. McDevitt added that the Board is restricting the roads where ARH developments can be built. There was a discussion about age restricted housing vs. 'regular' residences. F. Catapano noted that ARH developments are cash positive for towns and very little services are required.

D. Moore closed the public hearing and returned to the Board.

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MOTION: R. Winsor moved to forward Article XIX: Age Restricted (Senior) Housing Ordinance to ballot for the March 2023 Town Meeting. Second – F. Catapano; all in favor. MOTION CARRIED

### 5. Approval of Minutes

MOTION: R. Winsor moved to approve the minutes of Thursday, November 17, 2022. Second – S. Gerrato; five in favor, one abstained (F. Catapano). MOTION CARRIED

### 6. Consent Agenda

#### • Invoices

- Town Budget - Donahue, Tucker & Ciandella: **\$203.50** (Various)
- PB Escrow Account – Altus Engineering: **\$3,834**
  - Founders Square (FKA 410 Portsmouth Avenue): \$1,745
  - 69 Tide Mill Road (Montessori School): \$2,089
- Town Budget – Fougere Planning and Development: **\$1,942.65**
- PB Escrow Account – Fougere Planning and Development: **\$330**
  - Tower Place: \$220
  - Little Tree (Montessori School): \$110

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

### 7. Other Business

F. Catapano recused himself from the Board. He informed the Board that he would not be constructing the building at 597 and 603 Portsmouth Avenue as proposed. He will be back before the Board in January for a mixed-use proposal with five residential units above the retail on the first floor. The bank that will be in one of the units has given F. Catapano a deadline of December 12, 2023; they will be utilizing approximately 50% of the first floor. The location will not change and there will be less pervious soils due to decreased parking. Traffic counts will be down because there will not be any drive-throughs (the bank will be using an ITM). The entrance and exit will not change. M. Fougere noted there will be less impervious. M. Fougere will do the reviews of the project. F. Catapano briefly reviewed his proposal.

### 8. Topics for Work Session: Thursday, December 01, 2022

MOTION: R. Winsor moved to cancel the work session on Thursday, January 05, 2023. Second – J. McDevitt; all in favor. MOTION CARRIED

### 9. Adjournment

MOTION: R. Winsor moved to adjourn at 8:17 p.m. Second – S. Gerrato; all in favor. MOTION CARRIED

### NEXT MEETING

Thursday, January 19, 2022 – 6:30 p.m., Town Hall Conference Room

Submitted By: Charlotte Hussey, Administrative Assistant