



PLANNING BOARD
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MINUTES OF THE PLANNING BOARD PUBLIC HEARING

Thursday, August 21, 2014 – 7:00 p.m. – Town Hall Conference Room

Members Present: Steve Gerrato, Chip Hussey, Selectmen's Rep Mo Sodini, Rich Winsor

Members Absent: Chair Stu Gerome, David Moore, Paul Sanderson

Vice Chair Winsor opened the Planning Board meeting at 7:00 p.m. A roll call was taken by the Vice Chair; he announced a quorum was present and the meeting was being recorded. Vice Chair Winsor told those present that there would not be a full Board, and they would have the option of continuing to the September public hearing or they could be heard; it would be at their discretion.

1. Subdivision of Land: 655-657 Post Road [Map R3, 3]
Owner and Applicant: Dorothy Ferrari Revocable Trust
The owner is proposing the conversion of a residential duplex to condominiums.

Chris Mulligan, attorney and representing the applicant, addressed the Board; also present was Tom Ferrari, a Trustee of the trust. The site plan was modified based on the Planning Board discussion from the meeting on Thursday, July 17, 2014. Attorney Mulligan also told the Board that the Town Attorney had signed off on the condo documents. He continued that the Town Attorney had confirmed the legal point that a conversion is permitted under State law, by right, even though the subdivision process had to be followed at the Town level.

Vice Chair Winsor pointed out that there was not a notation on the site plan for a water supply, as noted by the Circuit Rider. Attorney Mulligan responded that it was not a requirement of site plans under the Condominium Act. He recommended that the Board approve the subdivision of land, adding the water supply to the recordable plan as a condition of approval.

S. Gerrato felt the property should remain a duplex and not be condominiumized: if there's a problem and it's a condo, it comes back on the Town; a duplex would be the owner's responsibility. He continued that there was no topo noted on the plan. Other concerns included: was the well higher or lower than the septic tank; parking and setbacks; there's not much useable open space for Unit 1; septic failure and well location. Well locations were pointed out by T. Ferrari. Attorney Mulligan addressed S. Gerrato's concerns, reminding him that those were the conditions of the property whether it's a duplex or not. They were entitled to condominiumize the property regardless of the physical characteristics. He added that the condominiumization of legally existing units could not be denied.

Vice Chair Winsor opened the meeting to public comments. There being none, he closed the public hearing and returned to the Board for discussion.

MOTION: M. Sodini moved to approve the condo conversion and Subdivision of Land at 655-657 Post Road [Map R3, 3] with the following conditions: the well radii must be annotated on the plan and the

septic capacity must be added to the plan. Second – C. Hussey; three in favor, one opposed (S. Gerrato).
MOTION CARRIED

2. Site Plan Review, Conditional Use Permit: 1533 Greenland Road [Map R21, 55 & 55A]

Owner: Clan Murphy Limited Partnership

Applicant: Richard Landry, Thurloe Kensington Development

The owner and applicant are proposing construction of approximately 29,800 sq. ft. of commercial space, including retail space and drive-thru restaurant. The proposed project will disturb approximately 8 acres.

Joe Persechino, Tighe and Bond Engineering and representing the applicant, addressed the Board and distributed a revised colored plan of the project. Comments from the Town Engineer, dated August 13, 2014, were reviewed (copy on file).

- (9) Easement language will be forwarded to the Town Attorney for review. More detail regarding the maintenance requirements and costs was requested by the Town Engineer. R. Landry stated that the Town Engineer's main concern was over access to the access drive where the lot line is in the middle. The maintenance of that access drive will be the responsibility of the owner of Lot 1; it's also reflected in the lease with Tractor Supply. They will owe a specific amount each year to that owner for maintenance. The easement language has been sent to Tractor Supply for their review; any comments will be forwarded to the Town Attorney. Asked what recourse Tractor Supply had if the owner of Lot 1 didn't uphold the maintenance agreement, R. Landry responded they would be able to target that owner.
- (18) The total number of parking spaces on both lots has been included in the 14 paper spaces. Vice Chair Winsor stated that he would like to see the spaces for Tractor Supply on their lot; they can be on paper in order to be compliant. R. Landry added that for the use, the amount of spaces being built was the appropriate number. A change in use may require a change in the number of parking spaces; the fenced-in area will yield 45 additional spaces. R. Landry continued that in adding the extra paper spaces, it would become complex: the utility company could look at the plan and question the effect on the utilities; it could create more complexity than necessary. He felt there would be more spaces than would be used. J. Persechino suggested showing parking spaces in the outdoor area, making it a condition of approval and giving the Town the authority to raise the issue of additional parking spaces if necessary. It would give the Building Inspector/Code Enforcement official the power to make sure the site plan was being followed. M. Sodini stated he didn't have a problem with the parking, adding it was a challenging site. He continued that he felt they met the spirit of the Ordinance by doing what they've done. He agreed with C. Hussey that a change in use would make it necessary to return to the Planning Board.
- (29) Vehicle stacking for the reader board to the drive up window was discussed. The site can accommodate one car at the window and three cars behind (total of four cars) at the drive up window. There is a tremendous amount of parking proposed for the coffee shop; eight vehicles can be in line without impacting traffic. The proposed drive aisle is also much wider than normal.
- (31) Business hours were discussed. Hours will need to be adjusted prior to approval; 5:00 a.m. to 11:00 p.m. was suggested. Lighting was discussed; Tractor Supply requires lights be on one hour post-closing. Dimming lights are planned. The Board requested lighting details, hours of lighting and hours of operation be added to the plan.
- (56) Shade trees were discussed. Due to the number of trees proposed, flowering pear trees were suggested to prevent a possible "screen" in front of the buildings that may be created by a shade tree with a broader expanse.
- (66) Approval from the gas company has been received. R. Landry explained that the Town Engineer was concerned there may need to be deep reinforcing on the wall. Tighe and Bond had their geo-

tech department look at it and contact the manufacturer; it was their feeling that would not have to be done. Vice Chair Winsor stated that if the wall had to be redesigned, the applicant would need to return to the Planning Board; this will be included as a condition of approval.

- (71) Truck turning was reviewed. The general consensus of the Board was that there was not a problem with truck turning.
- (83) Two leach beds are proposed. J. Persechino told the Board that NHDES allows a 50% reduction in the 4' separation of the seasonal high water table for up to 50% of the leach bed. He pointed out a corner of the leach bed, which is approximately 12%, and will be less than 4'. The remaining 88% will be greater than 4'. They have requested a waiver from the Building Inspector, who has indicated it will not be an issue. Vice Chair Winsor stated that the waiver must be noted on the plan. The design should also indicate where they are not in compliance; J. Persechino agreed. S. Gerrato commented on the gas line. R. Landry told the Board that there are two gas lines on the lot; one is new and there is ample coverage. The gas company was unsure of the material and depth of the other line. The applicant has agreed to have the gas company on site while excavating. If the pipe is too shallow, the applicant will install a section of higher grade pipe.
- (102) C. Hussey suggested that the maintenance logs be kept on site for the Building Inspector to review when the annual inspection is done.

The Circuit Rider comments (on file) were addressed when reviewing the Town Engineer's comments. Conditional Use criteria were not addressed.

Architectural guidelines were discussed. Tractor Supply has agreed to change the CMU block on the upper portion of the building to clapboard. There will also be clapboard down the side. R. Landry stated he would like to do a trimmed out pilaster treatment down the sides to break it up; Tractor Supply has given him permission to side the sides of the building. The Board suggested he break up the siding every 40', if possible. The aluminum fence will not be continued around to the side due to Tractor Supply requirements. Vice Chair Winsor stated he would like to see something done with the fencing and suggested chain link. Height of outside storage for Tractor Supply was discussed. Storage cannot be visible outside of that area and will be a condition on the plan. R. Landry stated he may return to the Planning Board when the tenant for the fast food restaurant is finalized; the building may be smaller. The consensus of the Board was that they were pleased with the architectural designs presented. Signage was briefly discussed. R. Landry added that once construction started he may return to the Board to make the sign slightly higher than the regulations require for visibility.

Vice Chair Winsor stated that from his perspective he would like to see the elevations back in order to grant approval. He continued that he didn't feel comfortable moving them to approval until that was done; many of the outstanding items had been addressed.

Vice Chair Winsor stated he would like to see the parking spaces as previously discussed done on paper. Waivers were reviewed.

- **MOTION:** M. Sodini moved to grant a waiver from SPR Regulations Section 5.3 – Landscaping and Screening: 5.3(e)(1), 5.3 (e)(2) and 5.3(e)(3): Trees. Second – S. Gerrato

DISCUSSION: After reviewing the regulation, it was decided the waiver should have been from Section 5.3(e)(1) only.

MOTION: M. Sodini moved to rescind the motion to grant a waiver from SPR Regulations Section 5.3 – Landscaping and Screening: 5.3(e)(1), 5.3 (e)(2) and 5.3(e)(3): Trees. Second – S. Gerrato; all in favor.
MOTION CARRIED

MOTION: M. Sodini moved to grant a waiver from SPR Regulations Section 5.3 – Landscaping and Screening: 5.3(e)(1), Trees—Formulas: One tree, either credited or new, shall be provided for every 500 sq. ft. of disturbed area. In lieu of 20 trees required to be planted along the frontage of the property, 11 trees are proposed due to an existing wetland located along the front property line. Second – S. Gerrato; all in favor. MOTION CARRIED

- **MOTION:** M. Sodini moved to grant a waiver from SPR Regulations Section 5.11 – Parking Requirements: Section 5.11.2, Required Spaces. The total number of parking spaces provided (156) is greater than required (155). The waiver is requested due to the fact that the proposed Tractor Supply would have 11 fewer than the required number of spaces should the proposed subdivision application be approved. The proposed northern lot would have 12 spaces in excess of the required amount for that lots use. The use of these excess spaces would be conveyed to the Tractor Supply lot through an access easement. Second – C. Hussey

DISCUSSION: Vice Chair Winsor asked the Board if they would prefer to table the parking requirement until the applicant had an opportunity to review paper spaces. C. Hussey stated he didn't agree with paper spaces, and seconded the motion. As stated earlier, M. Sodini told the Board it was a challenging lot. The spirit was met by providing the 11 spaces via the easement from the other lot. A change of use would require them to come back to the Planning Board, the outside storage area would be gone and additional spaces would be gained.

MOTION: M. Sodini moved to grant a waiver from SPR Regulations Section 5.11 – Parking Requirements: Section 5.11.2, Required Spaces. The total number of parking spaces provided (156) is greater than required (155). The waiver is requested due to the fact that the proposed Tractor Supply would have 11 fewer than the required number of spaces should the proposed subdivision application be approved. The proposed northern lot would have 12 spaces in excess of the required amount for that lots use. The use of these excess spaces would be conveyed to the Tractor Supply lot through an access easement. Second – C. Hussey; three in favor, one opposed (Vice Chair Winsor). MOTION CARRIED

- **MOTION:** M. Sodini moved to grant a waiver from SPR Regulations Section 5.11 – Parking Requirements: Section 5.11.3.1, Parking Specifications—Size: Each required parking space shall be not less than 10' wide and shall have a minimum area of 200 sq. ft., exclusive of drives or aisles. The proposed project includes parking spaces that are 9'x18' in lieu of the required 10'x20'. Second – C. Hussey

DISCUSSION: More spaces, 10'x20', have been added since the original plan at the request of the Planning Board. S. Gerrato pointed out that people going to Tractor Supply normally drive larger vehicles. R. Landry agreed, adding that Tractor Supply has been fine with the larger spaces in front of the store and the rest of the site 9'x18'.

MOTION: M. Sodini moved to grant a waiver from SPR Regulations Section 5.11 – Parking Requirements: Section 5.11.3.1, Parking Specifications—Size: Each required parking space shall be not less than 10' wide and shall have a minimum area of 200 sq. ft., exclusive of drives or aisles. The proposed project includes parking spaces that are 9'x18' in lieu of the required 10'x20'. Second – C. Hussey; all in favor. MOTION CARRIED

- **MOTION:** M. Sodini moved to grant a waiver from SPR Regulations Section 5.11 – Parking Requirements: Section 5.11.4(f), Parking Specifications—Size, Aisle Widths: Minimum aisle widths in parking lots shall be 18' for one-way aisles, and 24' for two-way aisles. Each of the drive thru lanes

are proposed to be 15' wide in lieu of the required 18' wide. The drive-thru and by-pass lane together are 30' wide. Vehicle turning with this current configuration has been provided as has vehicle stacking in the drive thru area. Second – C. Hussey

DISCUSSION: The Town Engineer's concern was trucks being able to get around the building with cars there; the Board saw no effect on stacking.

MODIFIED MOTION: M. Sodini moved to grant a waiver from SPR Regulations Section 5.11 – Parking Requirements: Section 5.11.4(f), Parking Specifications—Size, Aisle Widths: Minimum aisle widths in parking lots shall be 18' for one-way aisles, and 24' for two-way aisles. Each of the drive thru lanes are proposed to be 15' wide in lieu of the required 18' wide. The drive-thru and by-pass lane together are 30' wide. Second – C. Hussey; all in favor. MOTION CARRIED

- **MOTION:** M. Sodini moved to grant a waiver from SPR Regulations Section 5.11 – Parking Requirements: Section 5.11.4(g), Parking Specifications – Traffic Control Islands: In any parking lot, no more than two aisles, double or single, may run generally parallel to one another without separation by a raised, curbed traffic control island which runs parallel to, and the full length of the aisles. Traffic control islands shall be a minimum of 12' in width. At the ends of each traffic control island there shall be 12' wide raised islands which shall extend (on both sides, if parking rows are double) the full length of the parking stalls. The Board may require additional traffic control islands to prevent or correct traffic safety problems. Curbing shall be granite. The raised island shown in the parking area for the proposed 19,100 sq. ft. retail building is 10' wide in lieu of the required 12' wide. In addition, the ends of the raised island are 8' wide in lieu of the 12' required. Second – C. Hussey; three in favor, one opposed (Vice Chair Winsor). MOTION CARRIED

Vice Chair Winsor opened the meeting to public comments. There being none, he closed the public hearing and returned to the Board. R. Landry, applicant, agreed to continue the application until the public hearing on Thursday, September 18, 2014. Requests from the Board: show the architectural design on the sides of the building, septic system waiver area, hours of operation, detail for double catch basins, all waivers and variances, parking lot size, separate properties and hours of operation for each lot, lighting plan is to include when lights will be on and off, screening of all outside storage, nothing visible over the fence within reason (applicant to provide wording), no non-merchandise items (trash, card board boxes, etc.) outside the fenced in area, no outside retail operation (no outside registers), no outside food vending.

3. Subdivision of Land: 1533 Greenland Road [Map R21, 55 & 55A]
Owner: Clan Murphy Limited Partnership
Applicant: Richard Landry, Thurloe Kensington Development
The owner and applicant are proposing to subdivide the existing parcel into two lots. The parcel is located in the Commercial C Zone along Route 33 and consists of approximately 34.2 acres. Proposed Lot 1 will be approximately 29 acres; Lot 2 will be approximately 5.2 acres.

Vice Chair Winsor asked the applicant to continue the subdivision application to the meeting on Thursday, September 18, 2014, stating he would like to have the Circuit Rider present. J. Persechino responded the Town Engineer commented that both applications should be approved at the same time. They were hoping for final approval at the September public hearing, and didn't want to encounter unexpected problems with the subdivision application. Vice Chair Winsor agreed.

MOTION: M. Sodini moved to accept the application for the Subdivision of Land at 1533 Greenland Road [Map R21, 55 & 55A] as complete. Second – C. Hussey; all in favor. MOTION CARRIED

Comments from the Town Engineer and Circuit Rider were reviewed (copy on file). Comments were considered housekeeping issues. Waiver requests will be submitted for the September public hearing.

Vice Chair Winsor stated there should not be a problem and this was a simple lot line adjustment. He asked if septic system information/ownership was included in the easement language; both R. Landry and J. Persechino assured him it was.

Vice Chair Winsor opened the meeting to public comment. There being none, he closed the public hearing and returned to the Board.

MOTION: *M. Sodini moved to continue the Subdivision of Land at 1533 Greenland Road [Map R21, 55 & 55A] to the meeting on Thursday, September 18, 2014. Second – S. Gerrato; all in favor. MOTION CARRIED*

4. Site Plan Review: 780 Portsmouth Avenue [Map R17, 2]

Owner: Peter Tupper, Seacoast Subs RE Holdings LLC

Applicant: Timothy J. Winings, TJW Survey

The owner and applicant are proposing a change of use for one of the four units from an antique store to a day spa. No physical changes to the structure or site are proposed.

Tim Winings, surveyor and representing the applicant, addressed the Board. As requested at the June public hearing, parking, lighting, soils, hours of operation, etc. have been added to the site plan. Four waivers have been submitted. Vice Chair Winsor reminded T. Winings that the application had not been accepted as complete because the site was not in compliance; there was an encroachment on an adjacent property. T. Winings responded that the abutters had agreed to an easement; a copy was given to Board members. The easement was unsigned and not recorded, and references a plan done by a surveyor ten years ago; a recordable mylar should be done within the next week.

MOTION: *C. Hussey moved to accept the Site Plan Review for 780 Portsmouth Avenue [May R12,2] as complete, with the additional note that the easement has not been recorded. Second – M. Sodini; all in favor. MOTION CARRIED*

The Board requested the easement be forwarded to the Town Attorney for review. A note regarding the easement must be included on the recorded plan. All waivers must be included on the plan. Lighting on the plan was discussed; the Board requested specific lighting details be included.

Waivers were reviewed.

- **MOTION:** *M. Sodini moved to grant the waiver request to SPR Regulations Section 4.3 – Data Required, 4.3.1(k): Soil maps showing all soil types and delineating any poorly or very poorly drained soils. Order 3 mapping from the NRCS Rockingham County Soil Survey has been shown and certification has been made that there are no wetland soils within 75' of the septic disposal area. Second – C. Hussey; all in favor. MOTION CARRIED*
- **MOTION:** *M. Sodini moved to grant the waiver request to SPR Regulations Section 4.3 – Data Required, 4.3.2 (f, l) requiring a storm drainage plan. No exterior changes to the site are proposed and drainage flows well in the existing conditions; such a plan would seem superfluous. Second – C. Hussey; all in favor. MOTION CARRIED*

- **MOTION:** M. Sodini moved to deny the waiver request from SPR Regulations Section 4.3 – Data Required, 4.3.2(h) requiring showing the location, type and design of outdoor lighting. The location and type of existing lighting is shown. As no changes are proposed and the existing lighting appears adequate and unobtrusive, further study and detail would seem unnecessary. Second – C. Hussey

DISCUSSION: T. Winings suggested changing this to require a specific study. Vice Chair Winsor requested they have some specific verbiage for that waiver when they return.

MOTION: M. Sodini moved to deny the waiver request from SPR Regulations Section 4.3 – Data Required, 4.3.2(h) requiring showing the location, type and design of outdoor lighting. The location and type of existing lighting is shown. As no changes are proposed and the existing lighting appears adequate and unobtrusive, further study and detail would seem unnecessary. Second – C. Hussey; all in favor. MOTION CARRIED

- **MOTION:** M. Sodini moved to grant the waiver request from SPR Regulations Section 4.3 – Data Required, 4.3.2(m) requiring a traffic impact analysis. The proposed uses are of low traffic impact and will affect existing patterns and volume minimally if at all. Second – S. Gerrato; all in favor. MOTION CARRIED

Septic was briefly discussed. The existing septic is more than adequate for the proposed usage.

Vice Chair Winsor opened the meeting the public comments. Peter Tupper, owner, asked the Board what needed to be done to be granted conditional approval. Vice Chair Winsor stated the Town Attorney must review the deed and easement language, and the easement must be recorded. Lighting notes need to be added to the plan. T. Winings requested to submit an additional lighting waiver; the Board agreed. He further requested a conditional approval be granted at this meeting. Lighting is shielded and downward facing.

- **MOTION:** M. Sodini moved to grant the waiver request from SPR Regulations Section 5.10 – Lighting, 5.10(f)(3 & 4) requiring photometric lighting data and plan. Second – C. Hussey; all in favor. MOTION CARRIED
- **MOTION:** C. Hussey moved to approve the site plan for 780 Portsmouth Avenue [Map R17, 2] for a change of use in one of the four units from an antique store to a day spa; no physical changes to the structure or site are proposed. Conditions of approval follow. Second – M. Sodini; all in favor. MOTION CARRIED
 - Review and approval of the easement by the Town Attorney.
 - Recording of the easement at Rockingham County must be shown on the site plan.
 - Approval is for a day spa.
 - Hours of operation are shown on the plan.
 - Any and all State and/or federal permits shall be obtained and made part of the file.
 - No occupancy permit shall be issued until such time as the requirements of the fire protection system have been installed, tested and accepted in accordance with the Site Plan Review Regulations.
 - The applicant must submit a final full plan set (22"x34") and an 11"x17" plan copy as part of the Planning Board file.
 - The applicant must submit a digital copy (CD Rom or thumb drive) of the final full plan set as part of the Planning Board file.

5. Site Plan Review: 01 Bayside Road [Map R17, 3]

Owner: MMC Greenland, LLC

Applicant: MJS Engineering, PC

The owner and applicant are proposing to construct an additional 30' x 140' self-storage building adjacent to the existing storage buildings.

Mike Schlosser, MJS Engineering and representing the owner, addressed the Board. The last time they were before the Board, they were asked to provide additional stormwater treatment for runoff. Two swales have been added: both will collect at a stone berm level spreader which will disburse the stormwater as sheet flow and allow it to filtrate through stone to remove sediment. They had discussed removing some of the closed drainage structures between the buildings due to disrepair and being full of silt; however, that will not be done based on the recommendations from Underwood Engineers. The review from Underwood Engineers included six recommendations they have implemented.

The comments from Underwood Engineers were reviewed (copy on file). There are a few exposed pipes along the face of some of the buildings that are in disrepair and will be removed. Three new lines will be replaced at the end of each catch basin; an infiltration trench will be installed (pipe wrapped in stone) to help with infiltration. Construction sequencing and erosion control has been updated.

The revised plans have not been reviewed by Underwood Engineers; recommendations were implemented based on the comments dated July 29, 2014. Vice Chair Winsor stated that the revisions should be reviewed by Underwood Engineers.

Along the side of the building there are 20' plantings, similar to arborvitaes, for screening. In order to plant additional screening, the growth would have to be thinned out. The follow-through on the original site plan was not executed, making the site non-compliant. The applicant responded that screening wasn't made a requirement and it's very overgrown now. After further discussion, the applicant was willing to thin out the overgrown area and add some additional screening.

Snow storage in the wetlands buffer was discussed. Snow storage has historically been in one location. It could potentially be spread out along the edge of the gravel; as it melts it would go into the proposed swale. Wetland buffers were not demarcated on the plan, and should be noted.

Underwood Engineers will need to review modifications to the plan. M. Schlosser told the Board there are not design changes that were made; Vice Chair Winsor stated it was the execution that needed to be signed off by Underwood Engineers.

Vice Chair Winsor stated the following issues needed to be dealt with: screening, snow storage, drainage, and wetlands stamp needed to be added as well as the hours of operation. In addition, lighting on the plaza needed to be added to the plans. There are currently no lights in the storage area; however, they are planning to add security lights. Self-dimming lights were suggested by the Vice Chair and need to be on the plan. A photometric plan does not need to be done for the plaza. The drainage maintenance records need to be maintained, kept on site and reviewed annually. Snow storage is allowed along the upper edge of the property, but not within the wetland buffers (which were not delineated on the plan). The screening should be non-shedding. Bringing the site plan up-to-date should also include the plaza, the type of use for each unit, the hours of operation for each unit (if available) and square footage of each unit. Septic load calculations, if readily available, should be included on the plan. Signs, including those on the buildings, need to be detailed on the plan. The wetlands scientist stamp will be a condition of approval.

MOTION: *M. Sodini moved to continue the Site Plan Review for 01 Bayside Road [Map R17, 3] to the meeting on Thursday, September 18, 2014. Second – S. Gerrato; all in favor. MOTION CARRIED*

7. Topics for Work Session: Thursday, September 04, 2014

8. Approval of Minutes: Thursday: June 19, 2014; July 17, 2014; August 07, 2014

Approval of minutes was continued to the work session on Thursday, September 04, 2014.

9. Other Business

10. Adjournment

MOTION: *Vice Chair Winsor moved to adjourn at 10:10 p.m. Second – S. Gerrato; all in favor. MOTION CARRIED*

NEXT MEETING

Thursday, September 04, 2014 – 7:00 p.m., Work Session, Town Hall Conference Room

Respectfully Submitted – Charlotte Hussey, Recording Secretary

Approved: September 04, 2014