



PLANNING BOARD

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MINUTES OF THE PLANNING BOARD PUBLIC HEARING

Thursday, June 25, 2015 – 7:00 p.m. – Town Hall Conference Room

Members Present: Chair Stu Gerome, Scott Baker, Courtney Homer, Chip Hussey, Rich Winsor, John McDevitt - Selectmen's Rep, Jamie Connelly – Alternate, Steve Gerrato - Alternate

Members Absent: David Moore

Staff Present: Mark Fougere - Consultant

Chair Gerome opened the Planning Board meeting at 7:00 p.m. A roll call was taken by the Chair; he announced a quorum was present and the meeting was being recorded.

1. Site Plan Review, Conditional Use Permit: 75 Bramber Valley Drive [Map U7, 10]
Owner: Edward H. Fillmore, Jade Realty Corporation
Applicant: Richard Green, Green & Company
The owner and applicant are proposing an Age Restricted Housing project consisting of 73 single-family condominium units. All proposed roadways will be privately owned and maintained with access to Post Road, which will be gated.

Chair Gerome recused himself from this item, requesting S. Gerrato and J. Connelly participate and deferred to Vice Chair Winsor.

Vice Chair Winsor noted for the record that an email had been received from a resident who expressed concerns about traffic (copy on file). Joe Coronati, Jones and Beach Engineers and representing Green & Company and John O'Neill, updated the Board on the Age Restricted Housing project. He reminded the Board that they were not at the May meeting. They had a meeting with the Building Inspector, Town Engineer, Danna Truslow (hydrogeological reviewer), and GZA; J. Coronati stated they worked out many of the major items.

The last review from the Town Engineer includes detail items that need to be added to the plan. In addition, the Vernita Drive connection and outstanding waivers need to be resolved so they can move forward with the design and finalize the plans. Waivers include road width (based on discussions with the Town Engineer and Town Planner, they're requesting to reduce the road width from 24' to 22'); location of all existing trees over 6" in caliper; and existing structures on abutting properties within 200' of the site.

J. Coronati explained that there are sporadic trees on the Bramber Valley site. They have saved the majority of trees on the property, which he pointed out on the color rendering. J. Coronati also pointed out the patch of trees that may have to be removed. There will be very little clearing around the edges of the development; replanting will be done in the cleared areas. Vice Chair Winsor requested an overlay indicating the existing conditions that would include the trees.

J. Coronati discussed the Town Engineer's review. Item 2: The apartment in the existing clubhouse will be removed and noted on the plan. Item 6: The limited common area for Units 35 and 36 extends into the landscaped buffer. However, there is no construction proposed; there will be plantings. That area will be under the control of the unit owners rather than the association. It was suggested that a clause be included in the deed so the owner is aware of their responsibility. The consensus of the Board was it would not be a problem. Item 25: The road "jogs" into a portion of the landscaped buffer; a decision by the Board was needed before proceeding.

The decision by the ZBA to deny their request for a Variance to subdivide out the parcel where the maintenance building is located (due to lack of frontage) was discussed. J. Coronati stated that the issue has been resolved between the buyers and current owner. The owner has relinquished his request. He wanted his lot to be a separate lot of record; an agreement has been made that will allow them to move forward with the condo lot as originally proposed. The road will be private from Portsmouth Avenue through the development to Post Road; the lot will be a condo lot. Easements will be provided to the existing house as well as the vacant lot. The road can be gated and there is no need for a Variance. The Board of Selectmen, with input from the Planning Board, can grant a building permit on a private road.

The intention is to gate the road on the Post Road end. Although not finalized, they are planning on two gates (one on either side of the road) rather than one large gate. "Gate Ahead" signs will be posted on the Post Road side. A deceleration lane will be added; there is not room for a turnaround. All deliveries and visitors must enter through the Portsmouth Avenue side.

Item 25: M. Fougere explained that the Town only requires 50' of frontage and there is a 25' buffer. The Town Attorney stated that if there is a development of homes next to the property line (example: on the south side), the buffer would apply. In this case where there's an infraction, it's the road accessing the property; adjacent to the road doesn't need to meet the buffer. Although the Board was in agreement that Item 25 wasn't an issue, Vice Chair Winsor was concerned with the gated entrance on Post Road.

Item 38: J. Coronati stated that they were vested under the prior Site Plan Regulations of 24' road width and 1% grade. The Town Engineer strongly suggested they comply with a 2% grade due to closed drainage that would make the road susceptible to ponding along the curb line. He requested clarification from the Board; the road, as designed, was compliant with the previous regulations. He added it would be a huge burden to redesign the road. M. Fougere confirmed that they would be under the previous Site Plan Regulations; under the statutes, the design review where the project started vested the project. The clubhouse will be private.

Vernita Drive Connection: J. Coronati stated that the construction of the connection is very steep. C. Hussey commented that the Town Engineer didn't see that to be a major problem. He continued that it was an opportunity to join a road together and take care of a major problem with the Post Office being used as a right-of-way. He stood firm that the roads be connected to relieve the traffic at the Post Office. It was a safety concern and agreed with the Post Master that it has gone well beyond where it is useful. The road onto the site will be reconstructed: they plan on regrinding and paving the road. The asphalt currently in place will remain; they plan on regrinding and using that as the road base. After it's compacted, a new layer of asphalt will be added. It will basically be a stronger road and is expected to last as long as a new road. It should be up to current Town road design standards. The connection to Vernita would not be an easy fix, and would be very disruptive. The road would have to be brought up approximately 5' to meet the Town's requirements for intersection design. The Police Chief's comments (on file) included her concern for accidents at intersections with a significant grade. In addition, another access point may increase traffic in that area. S. Baker clarified that all home owners in the ARH

development would have access to the gated entrance on Post Road. The maximum road slope allowed: 8% for local residential road and 6% for residential feeder roads. The existing Vernita connection is 8%. Vice Chair Winsor stated that he would like to see some reconciliation between the plans presented and what the Town Engineer has; the Board agreed they would like more clarity from the Town Engineer. J. McDevitt wanted to hear from the Town Engineer if it could be re-engineered to work and if, in his opinion, it would be worth doing. J. Coronati stated that if they raised the road, they would have to raise the clubhouse parking lot. In addition, the road from the Portsmouth Avenue entrance to the Vernita connection would be a public road. C. Hussey stated he would like the Board of Selectmen's opinion on the Vernita connection.

Michael Green, Green & Company: There are people cutting through the Post Office now, which is infringing on a private situation; it would be transferred to another private situation burdening the residents of the ARH development. C. Hussey stated that the right-of-way was designed so it could eventually be used as a connector. M. Green countered that it was also designed to be a commercial development, which they are trying to maintain as residential not commercial. C. Hussey stated again that the Selectmen and the Town Engineer needed to weigh in on the connection. That section of Bramber Valley Drive would become a public road. The Board would like the Town Engineer to address the impact of making the connection.

Vice Chair Winsor opened the meeting to public comments. Glen Westerberg, 15 Holly Lane: He wasn't in favor of 73 new neighbors; however, felt the Vernita connection was very important. He stated that it would be safer for residents trying to access Rt. 33 as well as children riding bikes or walking to school. He added that would make it worth having 73 new neighbors.

There being no other comments, Vice Chair Winsor closed the public hearing and returned to the Board. J. Coronati pointed out the location of the sidewalks to the Board. G. Westerberg commented that his family would use the sidewalks if they connected to the existing on Portsmouth Avenue; they would also like to avoid the 50' of Rt. 33 in order to drive from Tuttle Lane to Portsmouth Avenue.

Waivers were reviewed and discussed. The waiver for trees over 6" in caliper (Site Plan Review Regulations Section 4.3.1(d)) was tabled until an overlay showing the impact, as requested by Vice Chair Winsor, was submitted.

MOTION: C. Hussey moved to approve the waiver request from Subdivision Regulations Table I (R 08.23.12) – Roadway Design Criteria - "Pavement Width = 24 feet". Due to the time of the initial submission of the project, the application is being reviewed under an older set of regulations (8.23.12). A waiver has been requested to allow the roadway width to be 22 feet, which is the current requirement under today's regulations. Second – J. McDevitt; all in favor. **MOTION CARRIED**

MOTION: C. Hussey moved to approve the waiver request from Site Plan Review Regulations Section 4.3.1(f) – Data Required – "The shape, size, height and location of existing structures on abutting properties and access roads within 200 feet of the site". Due to the size of the project and the large number of abutting structures to the project site, the applicant has requested a waiver be granted from this regulation. The Existing Conditions Plan for this project is based on an aerial survey which included most structures, roads and detail within 200' of the project site, except for those that may have been obscured by vegetation or outside the limit of mapping. The closest homes are shown on the plan, for example on Vernita, Eagle Curt and Post Road. Second – S. Baker; all in favor. **MOTION CARRIED**

Steve Pernaw, Stephen G. Pernaw & Company, addressed the Board regarding their concerns with traffic impacts. J. McDevitt commented that he needed more confidence that additional traffic calming or

construction wouldn't be needed at the Post Road entrance. There could possibly be over 100 cars exiting the development on a daily basis. He continued that the intersection between Post Road and Rt. 33 is 'F' rated, and was concerned with vehicles keying up at the flashing light by the Church. S. Pernaw stated traffic will not dramatically change with what exists now during the peak hours of 7:15 a.m. to 8:15 a.m. and 4:30 p.m. to 5:30 p.m. A lengthy discussion about the traffic impact and the gated entrance at Post Road followed.

S. Pernaw stated that there would not be a congestion problem if the project was approved. The Board discussed sending the traffic study out for an independent review. The ITE Trip Generation Manual, which is the industry standard, would be used as the basis for review; the consensus of the Board was to not send the traffic study out for an independent review. Vice Chair Winsor stated his biggest concern wasn't Portsmouth Avenue but rather the Post Road entrance and the traffic in the school area; he also felt the data was flawed. S. Pernaw suggested Vice Chair Winsor may feel the data is flawed because ITE has combined all ARH developments into one age category. The Board was in agreement that there needed to be some type of traffic calming on Post Road. They were also in agreement that a new traffic study wasn't necessary and that their traffic engineer did not need to return.

Chair Jerome noted that the intersection at the Post Road gated entrance will need some type of traffic calming; the Board was concerned with safety in the area of the school. He added that backing up and pulling out was a concern. M. Fougere reminded the Board and applicant that whatever the solution was, it would have to be approved by DOT; he will contact District VI to do a site walk and for their recommendations.

A DOT application has been submitted to District VI; the traffic report has also been submitted. In response, the engineer has been asked to provide a separate plan for the proposed drive onto Rte. 151 that would include topo, drainage, utilities, abutting driveways, details of the widened shoulder, driveway radii, and other development site features. District VI stated they would like the driveway widened to 30', which can't be done because of the 40' right-of-way. A traffic summary memo must also be provided explaining how the new traffic into the drive with the existing traffic on Rt. 151 will or will not acquire any upgrades to that road. The intersection is also within 100' of Park Avenue; turning templates must be provided showing larger vehicles. J. Coronati indicated he will be meeting with Jim Hewitt, District VI, regarding two issues in his review: no deliveries will be made through the Post Road entrance (a turning maneuver was done with a fire truck and it works); they are not prepared to widen the entrance to 30'. It will not be the main entrance, which is 24'. J. McDevitt stated that any recommendation from District VI regarding traffic calming would be welcome.

J. Coronati reported that GZA submitted back to Danna Truslow and addressed her concerns regarding the hydrogeological study. They are hoping the review will be ready for discussion at the July meeting. The Alteration of Terrain application has been submitted; they received a letter with five comments and will be resubmitting back to them. State subdivision has reviewed the plans and had a couple of comments. They hope to wrap up all State permits by the July meeting.

S. Gerrato stated that according to GZA the nitrates were 10 parts per million. He received a brochure from Aquarium; Hampton water was tested and the nitrate level was 10 parts per million. That was noted as no violation. He added that Bramber Valley should not have a problem with the nitrates. It was suggested that a condition be added to the maintenance section of the condo docs regarding fertilizer. J. Coronati suggested that the hydrogeologic engineer attend the July meeting.

When asked about talking to the Town Engineer and Board of Selectmen regarding the Vernita connection, Vice Chair Winsor responded they should discuss the feasibility with the Town Engineer.

MOTION: C. Hussey moved to continue the Site Plan Review and Conditional Use Permit for 75 Bramber Valley Drive to the meeting on Thursday, July 16, 2015. Second – J. McDevitt; all in favor. **MOTION CARRIED**

2. Site Plan Review, Conditional Use Permit: 40 Alden Avenue [Map R20, 14B]
Owners/Applicants: Fred & Debbie Ludington
The owners/applicants are proposing to construct a 6,000 sq. ft. industrial building within the Commercial B zone.

Chair Gerome rejoined the meeting; C. Hussey recused himself from this item.

Joe Mulledy, Ambit Engineering and representing the Ludington's, addressed the Board. Also in attendance were Fred and Debbie Ludington, John Chagnon (Ambit Engineering) and Butch Ricci. On June 10, they appeared before the Conservation Commission. At their request, highbush blueberries were added. Reviews were done by M. Fougere and the Town Engineer. Three Special Exceptions were granted by the ZBA at their meeting on Tuesday, June 16, 2015: general manufacturing, warehousing, and wholesale in the Commercial B zone. All technical comments have been addressed and a letter from the Fire Department with their approval has been received. Noted on the reviews from M. Fougere and the Town Engineer: work with the Department of Public Works regarding the water main extension, roadway improvements and bonding of the roadway construction and landscaping. J. Mulledy briefly reviewed the waiver requests.

M. Fougere commented that the site plan is almost set; the outstanding issues are the road, more details on the road extension, the water main, bonding, maintaining the escrow throughout the project and addressing the waivers.

Responding to a question by Chair Gerome, J. Mulledy stated that they met with the engineer and the issue is with the grade of the current design. The grade is too flat; the engineer would like to see the grade raised or an increase to the cross slope from 2% to 3%. J. Mulledy continued that they were going to increase the crown, which would be less disruptive to the overall existing road. Any unacceptable fill will be removed and replaced with acceptable. M. Fougere assured the Board that road construction would be inspected by the Town Engineer. The updated version of the road construction has not been completed by Ambit.

Drainage issues on the road referred to by the Town Engineer were closer to the Portsmouth Avenue side of Alden Avenue. J. Mulledy stated that the drainage comment was not part of the initial approval in 2006, and it's several hundred feet from the Sweet Grass Farm project. F. Ludington stated they would be building the new road. At a meeting on May 11, 2015, the Town Engineer stated that an "SK" drawing would be okay to address the crown issue; it will part of the new road design drawing. He added that it was standard road construction procedure and the Town Engineer wouldn't let that go without it being done.

F. Ludington continued that the drainage problem on the existing Alden Avenue had nothing to do with the extension. There is a drainage swale that goes toward Rt. 33 from the puddle and under the existing Alden Avenue. The drainage swale needs to be cleaned up so the water will flow into the drainage pipe. F. Ludington pointed out the location on the plan. There is a high spot in the drainage swale that traps the water when it rains.

MOTION: R. Winsor moved to accept the application for 40 Alden Avenue as complete. Second: S. Gerrato; all in favor. **MOTION CARRIED**

Waivers were reviewed by J. Mulledy. Referring to the waiver request to Site Plan Review Regulations Section 5.18, E (2) requiring building exteriors to be covered with traditional materials, S. Gerrato reminded the Board that in the past it has not been allowed. J. Mulledy stated that the waiver should be granted because the building is not visible from the street and is isolated from neighboring properties. S. Gerrato stated that it's a beautiful building but doesn't meet Town codes. He continued that the Board was trying to make buildings look more uniform and did not want butler buildings. F. Ludington commented that it's an extremely remote site, and they tried to meet the Town's codes. It's a dead end road and there are setback areas where there are large pine trees that will buffer it from Rt. 33. When the Alden Avenue subdivision was approved by the Board in 2005, one of the conditions was that Alden Avenue could not be extended. S. Gerrato was concerned it would be setting a precedent. J. McDevitt reminded the Board that Portsmouth Country Club was allowed to construct a metal building, adding that the Board does take the location of the building into consideration. Chair Gerome asked about the heavy buffering, stating that much of it is on the adjacent site. F. Ludington responded that there is a buffer zone from his edge of asphalt and the property boundary; it's a wooded 20'. Chair Gerome's concern was that the adjacent site could be cleared and the building would be visible. R. Winsor suggested they make the building a little more "cowbell" style. F. Ludington will contact the architect about the east and north faces of the building, and suggested something similar to Smuttynose Brewery.

MOTION: R. Winsor moved to grant the waiver request to Site Plan Review Regulations Section 4.2.2 (e) that requires a HISS map of the parcel: high intensity soils information with sewage disposal and lot size calculations. Second – S. Baker; all in favor. MOTION CARRIED

MOTION: R. Winsor moved to grant the waiver request to Site Plan Review Regulations Section 4.3.1 (d): existing trees over 6" in caliper at 4' above the existing ground elevation must be shown on the existing conditions plan and 4.3.2 (a): all elevations at the base of existing trees, which are over 6" in caliper at 4' above the existing ground level shall be shown. Second – S. Baker; all in favor. MOTION CARRIED

The waiver to Site Plan Review Regulations Section 5.3 (e) was discussed. J. McDevitt stated that this section was very extensive, asking the Board if they had any concerns. R. Winsor stated some protection should be left as opposed to carving out the entire site, excluding it from tree preservation. He asked it be clarified as a note.

MOTION: R. Winsor moved to grant the waiver request to Site Plan Review Regulations Section 5.3 (e): all Commercial and Industrial development shall preserve existing trees and plant new trees. The exception would be the edge of the preservation area as noted on C2. Second – S. Gerrato; all in favor. MOTION CARRIED

MOTION: R. Winsor moved to grant the waiver request to Site Plan Review Regulations Section 5.18, E (2): exterior surfaces of building shall be covered with traditional materials or products that simulate natural materials, including but not limited to clapboards, shingles, stone, brick or architectural CMU's. The Town Planner has the authority to approve the final architectural rendering prior to construction, with concern to the north and east side of the building. Second – J. McDevitt; all in favor. MOTION CARRIED

Conditional Use Permit: J. Mulledy stated that the impacts to the 75' wetlands setback are due to the slope of sections of the side detention pond and the slope on the rear detention pond.

MOTION: R. Winsor moved to grant the Conditional Use Permit to allow a total of 6,373 sq. ft. of impact within the 50' wetlands buffer. Impacts are due to the slope of sections of the side detention pond and the slope on the rear detention pond. Second – J. McDevitt; all in favor. MOTION CARRIED

Permission from the City of Portsmouth to extend the water main is pending. The existing off-site drainage issue was discussed. The Town Engineer is asking the applicant to fix the problem; the applicant states it's an existing problem. J. Chagnon told the Board that they met with the Town Engineer to discuss the road plans. He mentioned that the plans don't have a cross-section and the slope of the road profiles were a little slight; he wanted them to pick up the cross-slope 3%. Fixing the drainage issue was not discussed. The previously approved plan shows the drainage going north; Sweet Grass Farm's drainage will be going south. F. Ludington added that the Town Engineer helped with and signed off on the plan. He continued that there is build-up in the drainage swale that doesn't let the water flow. F. Ludington is willing to work with the Town Engineer if it's a simple fix. J. McDevitt asked for clarity from the Town Engineer regarding his concern about drainage; M. Fougere will contact him.

MOTION: R. Winsor moved to grant the applicant's request for site plan approval for Map R20 Lot 14B, in accordance with the plan by Ambit Engineering, revised plan set issued 06.04.2015, for property located on 40 Alden Avenue (Sweet Grass Farm building) with the following conditions. Second – S. Baker; all in favor. MOTION CARRIED

Unique to the Site Plan Application

- Road bond is required;
- Escrow account must be maintained through completion;
- Water line extension must be approved by the City of Portsmouth;
- Final road design must be approved by the Town Engineer prior to a building permit being issued (inclusive of the letter from the Town Engineer dated June 03, 2015);
- The plan needs to show that the disturbed area will be stabilized by loam and seed;

General Requirements

- No building permit shall be issued until security is posted and an agreement is signed;
- Any and all State and/or federal permits shall be obtained and made part of the file;
- Any and all fees due the Town of Greenland and its consultants must be paid before the mylar is signed and recorded;
- The applicant must post financial security before the mylar is signed; applicant is to submit a cost estimate to be verified by the Town Engineer;
- Boundary Monumentation must be included in construction cost estimates;
- A pre-construction meeting must be held with the Building Inspector prior to any building permits being issued;
- A post-construction meeting must be held with the Building Inspector prior to any occupancy permits being issued;
- A stamped Certificate of Monumentation must be received before the mylar is signed and recorded;
- 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.

3. No Work Session: Thursday, July 02, 2015

Reminder: there is no work session scheduled for Thursday, July 2, 2015.

4. Approval of Minutes: Monday, June 01, 2015

MOTION: J. McDevitt moved to approve the minutes of Monday, June 01, 2015. Second – C. Homer; five in favor, one abstain (R. Winsor). **MOTION CARRIED**

5. Other Business

- a. Approval of Invoices: There were no invoices to approve.
- b. Thibodeau Letter: R. Winsor stated the information was well outside the purview of the Board and suggested it be submitted to the Town Attorney.

MOTION: R. Winsor moved to submit the Thibodeau letter to the Town Attorney for his review and response. Second – S. Gerrato

DISCUSSION: R. Winsor felt the letter was offensive; the Board was attempting to help a resident with a problem. S. Gerrato added that with the recent rain, someone needed to check the problem.

MOTION: R. Winsor moved to submit the Thibodeau letter to the Town Attorney for his review and response. Second – S. Gerrato; four in favor, two abstain (Chair Jerome, J. McDevitt). **MOTION CARRIED**

M. Fougere will contact the Town Attorney. Chair Jerome stated that they would like to meet with the Town Attorney for feedback and the implications of the letter contents. If a response to the petitioner is warranted, the Town Attorney should draft the letter. The Board should receive some type of review from him.

6. Adjournment

MOTION: R. Winsor moved to adjourn at 10:05 p.m. Second – C. Homer; all in favor. **MOTION CARRIED**

NEXT MEETING

Thursday, July 16, 2015 – Public Hearing, 7:00 p.m., Town Hall Conference Room

Respectfully Submitted: Charlotte Hussey, Secretary to the Boards

Approved: Thursday, July 16, 2015