



# PLANNING BOARD

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## MINUTES OF THE PLANNING BOARD PUBLIC HEARING

Thursday, August 20, 2015 – 7:00 p.m. – Town Hall Conference Room

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

*Members Absent:* Scott Baker

*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. Subdivision of Land: 90 Depot Road [Map R13, 8]

Owner: Lynn G. Marsh Trust

Applicant: Michael Marsh

*The owner and applicant are proposing to subdivide approximately 1.7 acres from the existing 6.6 acre lot without providing any frontage on a Class V or better highway. The Zoning Ordinance requires a lot to have a minimum of 200' of frontage on a Class V or better highway; a Variance is being requested through the ZBA.*

M. Fougere stated that the applicant had withdrawn his application. He was denied his Request for a Variance by the Zoning Board of Adjustment.

2. 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 and deferred to Vice Chair Winsor.*

At the request of Vice Chair Winsor, M. Fougere updated the Board on the status of 75 Bramber Valley Drive. GZA and Truslow Resource Consulting reached an agreement; Truslow has signed off on the groundwater study. Plans have been updated to address July's comments from the Town Engineer; an August letter was issued with minor comments. The biggest change: the applicant is advocating the Board reconsidering Bramber Valley Road becoming a public road. They have been working with the property owner and are asking the Board to reconsider. The latest plans show a public road. M. Fougere's staff report indicated a few minor issues that needed to be addressed. The NHDOT permit has not been received, nor has State subdivision; the Police Chief has submitted a review and would like

to make a minor change to landscaping at the Police Department. Covenants and restrictions should also be reviewed.

Joe Coronati, Jones & Beach Engineers and representing the applicant, addressed the Board. Also present were Rick Green, Michael Green, Jennifer Green, John O'Neill, Attorney John Springer (Springer Law), and Jim Wieck (GZA). J. Coronati stated some redesign had been done on the road. They have gone back to the first portion of Bramber Valley Road being public. A right-of-way onto the road has been added from Portsmouth Avenue; the entire piece will be turned over to the Town as a right-of-way. A 50' right-of-way will start behind the Police Department, following the existing road to Vernita. A sidewalk will be located in that right-of-way, down to Portsmouth Avenue. The connection to Vernita, a public road, was indicated on the plans. The gate will be located on the private road (Bramber Valley Drive), just after the parking lot for the clubhouse. The parking lot was redesigned, eliminating a four way stop; the entrance was moved closer to the clubhouse.

J. Coronati further explained that Bramber Valley Road would need to be raised 4.5' to make the connection to Vernita. A new Plan & Profile for that road was included in the plan set as well as a plan profile of the Vernita connection. J. Coronati met with the Town Engineer on the site earlier in the day. After seeing the design, he agrees with it more than is stated in his letter. The Town Engineer will recommend a three way intersection on the Holly Lane/Vernita Drive side (a stop sign on each leg). Currently there is no stop sign from Vernita onto Holly. There will also be a stop sign at the bottom of the Vernita connection to Bramber Valley Road.

J. McDevitt asked J. Coronati to clarify the road becoming public. There had been a lengthy discussion at the July meeting about the road becoming public vs. staying private. J. Coronati explained that there was a situation with the owner that necessitated the change; the owner felt the road should be public and didn't want to be on a private road. John Springer, Attorney, Springer Law, further explained they had been in extensive discussions with the owner's attorney. They had an obligation convey Lot 1. After the ZBA denied the Request for a Variance, they approached the owner with several options, which he rejected. By making the road public, they were hoping to avoid litigation. Attorney Springer continued that Green and Company tried to accommodate the owner. Asked by Vice Chair Winsor who would be maintaining the road, R. Green responded that they would maintain the road.

The Town Engineer's review was discussed (copy on file).

- (1) The landscape buffer for bonding purposes would be \$109,000 which includes street trees and buffer, but not trees and shrubs at houses.
- (2) The applicant will sign a Site Review Agreement. State approvals will be listed on the plan prior to recording. They have received the AOT permit, but are still waiting for State subdivision and NHDOT approvals.
- (11) Page 16 in the condo docs addresses road salt usage, impervious pavement maintenance, and landscaping chemical use; the language was agreed on with D. Truslow.
- (18) Post Road side of the development: a retaining wall will be built to avoid grading on the abutting property. The road was raised to reduce the height of the wall; it's a little steeper but still comes down to a 2% platform. J. Coronati met with the Town Engineer, and he is agreeable to the "k" values because vehicles will be coming into a stop sign.
- (20) The landscape architect will update her plans; plantings will not change.
- (23) They are not in conflict with a utility pole. The light pole was moved slightly to get it off the sidewalk. A cut off light will be included on the back side so it does not emit any light to the abutters lot.
- (25) Included in the condo docs and approved by D. Truslow.

(28) J. Coronati discussed this item with the Town Engineer; the existing sign, in its current location, will be used for marketing purposes. The sign will be relocated near the club house once the road has top course and is deeded to the Town. M. Fougere added that once the road was paved, trucks would be prohibited from the Portsmouth Avenue entrance. R. Green stated they try not to put the finish coat on until all the heavy work is done, and they would not look for the Town to accept the road until it was complete. He continued that the Town Engineer would be inspecting the pavement and let them know if the final course was needed. Vice Chair Winsor suggested adding a note that the Town Engineer must accept the base coat prior to final approval. M. Fougere added that there would be an inspection before paving and any issues would be noted.

J. McDevitt suggested moving the gate more towards the Vernita connection. J. Coronati explained that where the gate is located allows visitors to use the parking lot without blocking the road. J. McDevitt also stated that the addresses must be 911 compliant.

(29) The association will maintain the road and the lights. They would like to keep the lights where they are and assume the maintenance. The Board was in agreement as long as it was clearly stated who was responsible for maintenance.

(30) J. Coronati will discuss this item further with the Town Engineer. Approximately 500' of road will need to be built higher.

(32) The pedestrian access to the club house parking lot will be added back onto the plan.

(33) There will be a pedestrian crossing sign with push button activation on both sides of Post Road. M. Fougere suggested adding a note on D2 (Detail Sheet) to clarify. J. McDevitt added that that Board of Selectmen approved the sidewalk through Remembrance Park; however, they preferred it be concrete rather than asphalt. He also suggested that the curbing be discussed with the Property Maintenance Supervisor (ease of cutting the grass). J. Coronati added it would be flush to the ground.

(34) Refers to the "k" values at the Vernita Drive side of the connection. They were anticipating this to be a three way stop. J. Coronati reviewed this with the Town Engineer during their site walk, and it was acceptable.

(2) The public portion of the road will be bonded. There was a lengthy discussion about bonding the private portion of the road. The applicant didn't feel one was needed on that portion, adding that the Town would not be obligated to complete the road if the project was abandoned. M. Fougere told the Board that a Site Restoration Bond would be an alternative: if the project was abandoned, the site could be stabilized. J. McDevitt wanted to be sure the road was built to Town standards. M. Fougere explained that a restoration bond would be for the site itself, not the road. If the Board wanted protection, M. Fougere suggested a percentage. If the concern was that the road be built to Town specs, the Town Engineer could inspect the private road. R. Green agreed that the Town Engineer could inspect the private road at their expense. S. Gerrato stated that page 46 of the Subdivision Regulations indicates that a private road must be bonded. M. Green added that many towns want a bond on the road prior to issuing the first occupancy permit. He assured the Board that the road would be bonded before the first occupancy permit. The Board was in agreement.

J. Wieck addressed the hydro study. D. Truslow had asked that an additional 12 units be converted from three bedrooms to two bedrooms, or the advance treatment systems be added to those sites. By collaborative effort of all parties, it was agreed that eight three bedroom units would be converted to two bedroom units with conventional treatment systems. An additional unit in the area of the detention pond was also converted based on her concern about the nitrate level. S. Gerrato stated he would have preferred all units have the advance treatment systems. J. Wieck responded that they do comply with the nitrate requirements. In addition, D. Truslow was in agreement with the changes. J. Wieck stated that 47 units will have advance treatment systems and 26 will have conventional systems.

C. Hussey stated that the Conservation Commission would like the ponds to be aerated to avoid stagnation; the applicant agreed. In addition, the wet meadow should be mowed at least once a year to keep the invasive species down. S. Gerrato noted that the condo docs stated 67 rather than 66 2/3, and could be an issue when voting as an association. He felt it should be changed to 66 2/3. He also noted that maintenance of the advance treatment systems needed to be clarified in the condo documents. The applicant noted that the homeowner would be responsible and it would be included in the Purchase and Sale agreement.

Vice Chair Winsor opened the hearing to public comments. Steve Hobbs, 112 Post Road: Asked about the road on the Post Road side. J. Coronati explained that the road would be 22' wide and the gate had been moved to the Portsmouth Avenue end. It will be a two way road. The buffer between the road and the adjacent property: there is a 40' right-of-way, and the road is lower than the land. There will be a sidewalk on that side and 6' of greenspace. There will also be a retaining wall on the property line below grade. This portion of the road will be privately maintained by the association. There was also a discussion about snow removal; a snow removal company will be hired by the association. The applicant was aware of potential problems and assured S. Hobbs that snow removal would not be an issue.

Tally Westerberg, 15 Holly Lane: Was happy with the Vernita connection and supportive of the proposed three way stop. She was also in agreement with S. Gerrato about the advanced treatment systems.

There being no further comments, Vice Chair Winsor closed the public hearing and returned to the Board.

**MOTION:** C. Hussey moved to approve the request for site plan approval for 75 Bramber Valley Drive [Map U7, 10], in accordance with the plan by Jones & Beach Engineers, revised plan set issued 08.07.15, with the following conditions. Second – D. Moore; all in favor. **MOTION CARRIED**

**In addition to the Site Plan Application Checklist and Unique to the Site Plan Application**

- All outstanding comments from the Town Engineer must be addressed.
- The Police Chief's landscaping concern, letter dated August 17, 2015, must be addressed.
- Deed restrictions and covenant documents must be submitted and reviewed by the Town Attorney. Limits on fertilizer use, salt and other recommendations as outlined by Truslow Resource Consulting. Easements for emergency access and relief from liability shall be given to the Town in a form acceptable to the Board of Selectmen.
- The proposed pedestrian crosswalk sign shall be activated from both sides of Post Road.
- Deeds to Units 35 & 36 shall note that a portion of their Limited Common Area extends into the project's landscape buffer and mandate that the area must be maintained as a buffer and that the removal of vegetation is prohibited.
- Gate keys: 5 – Police Department; 5 – Fire Department
- All public sidewalks within the Town/State right-of-way on Bramber Valley Drive, the Vernita connection and Remembrance Park shall be concrete.
- A three way stop sign intersection shall be created at the new Vernita connection (Vernita Drive and Holly Lane); public road stops signs require an ordinance adoption by the BOS.
- The condo association will maintain the public road portion of the Vernita connection, Bramber Valley Road and street lights.
- The existing site entrance sign located at Portsmouth Avenue and Bramber Valley Road shall remain for marketing purposes; the sign will be removed when the road is turned over to the Town.
- All home addresses within the project and on Bramber Valley Road shall be 911 compliant.

- When 75% (55 units) of the units have been sold, the Town's engineering inspector shall make a determination as to if the public portions of the proposed roads (Bramber & Vernita) should be completed with a final coat of pavement. If the final coat of pavement is installed, all construction related vehicles shall enter from the Post Road side.
- The Town's inspection engineer shall inspect all roads, public and private.
- The wet meadow near the project entrance (former driving range) shall be mowed at least once a year. In addition, the isolated site ponds shall be aerated.
- The homeowners of units with enviro septic systems shall be informed of all required maintenance requirements for these systems at the time of closing.

#### **Bonds & Escrow**

- Public and private road bond required.
- No Certificate of Occupancy shall be issued until a road bond has been established; it is the intent of the developer to construct the road to include a base course of pavement and then bond any remaining road work that is required.
- Landscape bond required.
- Escrow account must be maintained until all road work is completed and accepted by the Town Engineer.

#### **Permits**

- 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.

#### **Financial**

- Any and all fees due the Town of Greenland and its consultants must be paid before the condo 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.

#### **Reviews, Inspections and Certifications**

- 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.
- Boundary Monumentation must be included in the cost estimates.
- A stamped Certificate of Monumentation must be received before the mylar is signed and recorded.

#### **General**

- The applicant must submit two final plan sets (22"x34") and an 11"x17" plan copy as part of the Planning Board file.
- The applicant must submit a digital copy (CD Rom, thumb drive or PDF) of the final full plan set as part of the Planning Board file.

Chair Gerome joined the meeting.

### **3. Topics for Work Session: Thursday, September 03, 2015**

- Growth Management Ordinance: M. Fougere told the Board he has an appointment with the Town Attorney on Thursday, September 03, to review the Growth Management Ordinance. M. Fougere was able to get a copy of Londonderry's GMO.
- Stormwater Management: M. Fougere has spoken to PREP, and will have an update available at the work session.
- October Work Session: The October work session has been moved to Tuesday, September 29. The Building Inspector will be at that meeting to review his Zoning Ordinance concerns. There will not be a work session on Thursday, October 01, 2015.

- Road Construction: S. Gerrato suggested discussion on low areas and wetland crossings (page 49 – Subdivision Regulations).
- Duplexes: S. Gerrato also suggested discussion regarding duplexes (Zoning Ordinance Article 3.7.12.1).
- Work Force Housing: M. Fougere told the Board that after reviewing numbers, the issue would have to be addressed.
- 911 Compliance: J. McDevitt requested adding to the Subdivision Regulations that all street numbers and names in new developments must be 911 compliant.
- Budget: The 2016 budget will need to be approved at the meeting on Thursday, September 03, 2015.
- Bonding of Roads: J. Connelly suggested that bonding of private roads (page 46 - Subdivision Regulations) may need clarification.

4. Approval of Minutes: Thursday, August 06, 2015

**MOTION:** R. Winsor moved to approve the minutes of Thursday, August 06, 2015. Second – C. Hussey; all in favor. **MOTION CARRIED**

5. Approval of Invoices (if any)

There were no invoices to approve.

6. Other Business

- a. Seavey Way - Extension of Approval: Christian Smith, Beals Associates, requested an extension of one year for the development at 410 Breakfast Hill Road (Seavey Way).

**MOTION:** C. Hussey moved to grant a one year extension for the development at 410 Breakfast Hill Road (Seavey Way).

DISCUSSION: They are aware they must return to the Board because there will be City water rather than wells. Chair Gerome stated that the extension can be approved pending the Town Engineer's review of the revised site plan.

**MOTION:** C. Hussey moved to grant a one year extension for the development at 410 Breakfast Hill Road (Seavey Way). Second – S. Gerrato; all in favor. **MOTION CARRIED**

- b. Lowe's: M. Fougere reminded the Board that changes were made to the Lowe's site plan relative to snow removal. New England Development, the landlord, was concerned about the hours of operation for snow removal. The stipulation should apply to the entire parcel and not just Lowe's. M. Fougere has spoken to New England Development and they plan to be at the September meeting to discuss a snow removal plan for the entire center. At that meeting, Lowe's would like that stipulation removed from their site plan; they will then have the mylar signed and recorded for the outdoor storage. The Board agreed the snow removal plan needs to be for the entire site.
- c. City of Portsmouth: May be at the September meeting regarding the wells.
- d. 1533 Greenland Road: May also be at the September meeting. The building for the coffee shop is going to increase in size, approximately 200 sq. ft.

- e. Debbie Beck, 1039 Portsmouth Avenue: Told the Board there is still a drainage issue on her property. C. Hussey suggested she submit a letter of complaint to the Building Inspector, copying it to DES in Concord. D. Beck stated that there was a site plan approved with agricultural vistas. It was discussed at the site walk that the area should be allowed to go back to its natural state, but the drainage needs to be finished. That should have been done by the State of New Hampshire and the Board should have made them follow through. C. Hussey felt that the Conservation Commission may be able to help once a letter of complaint was filed.

7. Adjournment

**MOTION:** *R. Winsor moved to adjourn at 8:40 p.m. Second – D. Moore; all in favor. MOTION CARRIED*

NEXT MEETING
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Thursday, September 03, 2015 – 7:00 p.m., Work Session, Town Hall Conference Room

Respectfully Submitted: Charlotte Hussey, Secretary to the Boards

Approved: Thursday, October 15, 2015