



PLANNING BOARD
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MINUTES OF THE PLANNING BOARD PUBLIC HEARING

Thursday, November 19, 2015 – 7:00 p.m. – Town Hall Conference Room

Members Present: Chair Stu Gerome, Scott Baker, Chip Hussey, David Moore, Rich Winsor, John McDevitt - Selectmen's Rep, Steve Gerrato - Alternate

Members Absent: Courtney Homer, Jamie Connelly – Alternate

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.

I. PUBLIC HEARING

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

Owner: Lynn Marsh Trust

Applicant: Michael Marsh

The owner and applicant are proposing to subdivide a 1.68 acre lot from the existing 6.6 acre parcel to create a single back lot.

Michael Marsh addressed the Board; also present was Lynn Marsh. The Marsh's own approximately six acres on Great Bay; M. Marsh described its location. When the property was originally purchased in 1999, they received a Variance allowing them to build a single family residence on the property; commercial use was not allowed.

They are now seeking to subdivide and sell a lot to their neighbor, giving him property on both sides of the tracks. The neighbor wants to purchase the land to preserve his view of the Bay. M. Marsh met with the ZBA in August, and was denied a Variance because there was no hardship. A backlot was suggested as an alternative by a member of the ZBA.

The lot they were proposing was basically the same, with the addition of a 20' strip for a potential driveway which would run adjacent to the railroad tracks. The land would be sold with restrictions that prohibit building a house or a driveway.

They have met with the Conservation Commission. The Conservation Commission requested an easement be put on the land that would restrict building of any kind as well as motor vehicle access. The Marsh's have met with Southeast Land Trust and NH Fish and Game. They want easements done with their conditions, which would be leaving the lot in its natural state.

S. Gerrato asked M. Marsh if he should recuse himself due to also being a member of the ZBA; the response was "no". M. Fougere noted that they didn't have State subdivision approval; the Marsh's

DRAFT – SUBJECT TO CHANGE

didn't want to apply for that if the Planning Board was not in favor of the waiver. A test pit will need to be done because the property is being subdivided.

M. Marsh stated they were willing to add the restriction that no residence could be built on the property. The Conservation Commission was concerned that if the lot was subdivided, it would become a buildable lot. M. Fougere stated that would be impossible because the stipulation on the original Variance runs with the land; that should be added to the plan.

MOTION: *R. Winsor moved to accept the application for the Subdivision of Land: 90 Depot Road [Map R13, Lot 8] as complete. Second – S. Gerrato; all in favor. MOTION CARRIED*

R. Winsor suggested that verbiage be added regarding no construction; M. Marsh agreed stating that once the lot is sold, they don't want anything built on the property. An easement may not be needed, but the no building restriction will have to be added to the plan. It was noted that the language with the property now will stay with property. M. Marsh added that they would restrict the property to no driveway; however, the potential buyer will have access to the boat dock. After showing the Board where the access would run, C. Hussey noted that there would need to be an easement giving the potential buyer permission to cut across the Marsh property. There will also be access to the property for maintenance purposes.

M. Fougere clarified that there is a 250' review area setback from the shoreline and 50' setback for structures from the shoreline. R. Winsor wanted to review the language regarding the no build restriction, adding he would waive the frontage requirement if there was no building allowed. M. Marsh responded that they had planned to restrict and limit the reason for access to a couple times a year.

MOTION: *S. Gerrato moved to grant the waiver to Subdivision Regulations Section IV - General Principles and Design and Construction Standards for Subdivisions, Section 4.4 – Design Standards, Subsection 4.4.1.1 (a 2): Prior to the subdivision, the existing lot shall have a minimum of 220' of frontage on a Town accepted road or State highway where a driveway access permit may be granted.*

DISCUSSION: R. Winsor stated he was willing to grant the waiver conditionally, on satisfactory restrictions on the lot. He felt the Board may be premature in granting the waiver. He further stated that the Board would like to review the deed restrictions before approval is granted. M. Fougere suggested the language be reviewed by the Town Attorney. R. Winsor suggested that if they wanted to build a gazebo on the property, the language would have to be crafted to allow that. J. McDevitt further suggested that the footprint could be restricted as well as not allowing a septic system on the property. S. Gerrato emphasized that the Marsh's needed to protect themselves. Although the Board was in support of the subdivision, and was likely to approve it, they were very clear it was not approved. M. Marsh will draft the language with his attorney, which will be forwarded for review by the Town Attorney. M. Fougere will do a complete review of the proposed plan with the Town Attorney. It was suggested their plan be revised to include the original waiver granted by the ZBA.

S. Gerrato rescinded his motion to grant the waiver. Chair Gerome opened the hearing to public comments. There being none, he closed the public hearing and returned to the Board. M. Fougere stated they would need to explore State subdivision approval. He also explained that the subdivision should happen quickly. The Board could approve the subdivision at the December meeting contingent upon receipt of State approval. It would be another 30 days before the plan would be signed and taken to the Registry because of the appeal period. M. Fougere further explained that there is a 250' shoreline review area and the setback from the shoreline is 50'. The difference between the two setbacks: there

DRAFT – SUBJECT TO CHANGE

is a 50' setback from the Bay; however, anything done within the 250' shoreline area could be reviewed by the State (tree cutting, disturbed land, location of septic system, etc.).

MOTION: C. Hussey moved to continue the Subdivision of Land: 90 Depot Road [Map R13, Lot 8] to the public hearing on Thursday, December 17, 2015. Second – J. McDevitt; all in favor. **MOTION CARRIED**

II. WORK SESSION

1. CIP Review

C. Hussey told the Board the CIP was not ready for review; he still has two groups to talk to. He stated that the only group he received no information from was the Recreation Committee. If they planned to bond the fields, it should be part of the CIP. J. McDevitt told the Board that the Selectmen planned to meet with the Fire Chief, Library Trustees, the Property Maintenance Supervisor, and Town Administrator regarding the Town Complex; the Fire Department will be a priority.

2. Topics for Work Session: Thursday, December 03, 2015

Topics for the work session on Thursday, December 03, 2015 were briefly reviewed.

3. Approval of Minutes: Thursday, November 05, 2015

MOTION: R. Winsor moved to approve the minutes of Thursday, November 05, 2015. Second – J. McDevitt; six in favor, one abstain (D. Moore). **MOTION CARRIED**

4. Other Business

Dave and Debra Luchsinger, 47 Park Avenue: Voiced their concerns about the Post Road entrance of the Age Restricted Housing development at Bramber Valley. They questioned a traffic light or pedestrian light at the Post Road entrance. The Board reviewed the crosswalk that was going to be installed at that entrance as well as the basic layout of the development.

M. Fougere updated the Board that he had spoken to Leah Savage at Division VI. The approved plan had the sidewalk on Cherry Hill Drive on the north side of the access road. When the sidewalk ended on Post Road, there was going to be a push button activated crosswalk sign that would flash. L. Savage looked into why the sign was denied by NHDOT. The crosswalk would be approved if the sidewalk was moved to the southern side of the Bramber Valley access, and a bump-out created between the subdivision's driveway and the adjacent residential drive. That area would position pedestrians so that they could be seen by thru-travelling traffic. M. Fougere noted that the sight distance is excellent from either side of the access road.

D. Luchsinger questioned no sidewalks along the school side of Post Road. J. McDevitt explained the reasoning behind the decision for no sidewalks along Post Road. M. Fougere explained that the development would be gated, and there would not be any through traffic to the Portsmouth Avenue side. M. Fougere also described the type of pedestrian light that would be used.

The Board preferred the pedestrian crossing remain in its approved location. M. Fougere was asked to contact Division VI.

DRAFT – SUBJECT TO CHANGE

5. Review: Zoning Ordinance Amendments

NOTE: All zoning amendments moved to public hearing on Thursday, December 03, 2015, were moved to the public hearing on Thursday, December 17, 2015. The change in dates was necessary due to the required posting period.

- Amend Article III – Establishment of Districts and Uses, Section 3.7 – Supplemental Use Provisions, Subsection 3.7.3 – Auto Trailer, Tourist Camp, Park Sites and Mobile Homes: delete Subsections 3.7.3.2. “Mobile home” will be deleted and RV added to now read: “No trailer, house trailer or recreational vehicle may be installed, placed or stored on any lot in any district by the owner of said lot....”.

MOTION: *R. Winsor moved to forward the proposed Zoning Ordinance update to public hearing on Thursday, December 17, 2015. Second – J. McDevitt; all in favor. MOTION CARRIED*

- The proposed Residential Development Phasing Ordinance, in place of the Growth Management Ordinance, was discussed at length. It mirrors “Phasing” in the Subdivision Regulations; the Board needed to decide at what point it would be implemented. In addition, M. Fougere added 8 lots (Section 12.3 – Phasing of Developments). The Board didn’t want the number of lots in the Zoning Ordinance but preferred a case-to-case basis. There was concern among some Board members about deleting the Growth Management Ordinance in its entirety. M. Fougere will review the Phasing Ordinance with the Town Attorney for the next meeting.

MOTION: *C. Hussey moved to forward the proposed Zoning Ordinance update to public hearing on Thursday, December 17, 2015. Second – D. Moore; all in favor. MOTION CARRIED*

- Amend Article III – Establishment of Districts and Uses, Section 3.7 – Supplemental Use Provisions, Subsection 3.7.9 – Open Storage and Sale of Vehicles and Other Means of Transportation: revisions to ‘A’ and ‘B’. After a very lengthy discussion about how restrictive the changes would make this section, the Board opted not to make any revisions to ‘A’ or ‘B’.
- Add to Article VI – Signs, Section 6.5 – Exceptions and Signs Not Requiring a Permit, Subsection 6.5.21 – **Help Wanted:** Businesses seeking to hire employees; maximum sign area shall not exceed 3 sq. ft.

MOTION: *J. McDevitt moved to forward the proposed Zoning Ordinance update to public hearing on Thursday, December 17, 2015. Second – S. Baker; all in favor. MOTION CARRIED*

6. Approval of Invoices

The \$500 requested was used to fund the Escrow Account and taken from the Town’s Planning Board Consultant line. There is enough in the Escrow Account to return the start-up money to the Town.

MOTION: *R. Winsor moved to approve the payment of \$500 to the Town of Greenland. Second – J. McDevitt; all in favor. MOTION CARRIED*

7. Other Business

S. Gerrato updated the Board on the RPC meeting held on Wednesday evening, November 18, 2015. The subject was climate change and sea surge. RPC will be mapping out low lying areas in Greenland

DRAFT – SUBJECT TO CHANGE

and it will be added to Zoning. S. Gerrato added that foundations will have to be raised if building is done in the low areas.

8. Adjournment

MOTION: *R. Winsor moved to adjourn at 8:15 p.m. Second – C. Hussey; all in favor. MOTION CARRIED*

NEXT MEETING

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

Respectfully Submitted: Charlotte Hussey, Secretary to the Boards

Approved: 