



PLANNING BOARD
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MINUTES OF THE PLANNING BOARD PUBLIC HEARING

Thursday, January 18, 2018 – 7:00 p.m. – Town Hall Conference Room

Members Present: Scott Baker, Stu Gerome, John McDevitt, David Moore, Rich Winsor, Steve Gerrato (Alternate), Catie Medeiros (Alternate), Paul Sanderson (Selectmen's Rep)

Members Absent: Courtney Homer, James Connelly (Alternate)

Staff Present: Mark Fougere - Consultant

Chair Gerome opened the Planning Board public hearing 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. Projects of Regional Impact

There were no projects of regional impact. However, there was a project that was split by a town line and the applicant has gone to the Portsmouth Planning Board. Chair Gerome noted it was the next agenda item.

2. Conditional Use Permit: 1407 Greenland Road [Map R21, 45]

Owner: National Propane LP

Applicant: Robert Shummrick, Utilil Corporation

This project involves the installation of above ground piping that will facilitate the installation and retrieval of cleaning/inspection devices that are inserted into the natural gas mains.

Owens McCullough, Civil Engineer with Sebago Technics, addressed the Board. Also present was Robert Shummrick, Utilil Corporation. The project is located along Rt. 33 on property owned by National Propane; Utilil has a gas transmission main on the property. The facility is a launch and retriever (L&R) facility. It brings the pipeline up to the surface, allowing access to insert a "pig" (a device that goes into the pipeline to inspect its condition and ensure its operating correctly). There is a requirement under federal guidelines and laws to have the facilities throughout their system.

The property is situated between two developed areas for National Propane and the septic system. It's a relatively small area with a pocket of wetlands; approximately 7,070 sq. ft. of wetlands will be impacted. The wetland was reviewed and mapped, and is mainly invasive species. They have met with the Greenland Conservation Commission and received their approval.

The construction will involve a crushed stone pad approximately 110' in length by 24' wide; there is a small concrete pad. They will connect into the existing gas transmission line and will come up to grade for access to the inspection ports. The travel access into the site is through the existing curb cut into National Propane; a small gravel access drive will be constructed for equipment and vehicles.

A fence is proposed around the site. The fence will be similar to the one at Tractor Supply: 2x2 stone columns with a black wrought iron fence along the front and side. There will be a black screening material inside the fence. The back will be traditional chain link fence. Plantings will be done along the culvert to better treat the stormwater discharge.

It's a straightforward project; they're hoping to address some of the safety needs for accessing the transmission line. R. Shummrick added the site is protected by an existing guard rail at the DOT right-of-way and along the site.

Chair Gerome thanked them for the improvement to the fence. R. Winsor noted that in the detail referencing the fence on pages 6 and 7 there was no mention of the mesh behind the fence or the location of the fence. O. McCullough will have the note added; the mesh will be along the entire length of the fence. The Greenland Planning Board will accommodate the two items recommended by the Portsmouth Conservation Commission if they are in Greenland. C. Medeiros also thanked them for the improvements to the fence.

MOTION: P. Sanderson moved to approve the site plans of Sebago Technics, a seven sheet set dated January 08, 2018, subject to the following conditions: receipt of NHDES Dredge and Fill Permit; they must comply with the conditions from the City of Portsmouth Conservation Commission and Planning Board; and plans must be amended to clarify the presentation of the fence and mesh. Second – R. Winsor; all in favor. MOTION CARRIED

3. Subdivision of Land: 2 Bayridge Road [Map R12, 26F]

Owners/Applicants: Anthony and Mildred Brackett

The owners and applicants are proposing a two lot subdivision. The parent parcel consists of 20 acres; the subdivided lot will be 2 acres, leaving the parent lot with 18 acres.

Christopher Berry, Berry Surveying & Engineering, addressed the Board. Also present were Joseph Berry, Berry Surveying & Engineering and Project Manager, and Anthony Brackett, applicant. Based on the suggestion from the December meeting, the 20' neck was enlarged to a full 50' to allow for appropriate development in the future. C. Berry stated that the regulations for a back lot require a maximum of 20'; his client has agreed to 50' because it doesn't impact their estate planning. They wanted to clarify for the future that the change was made at the Planning Board's request. They didn't want the prohibition of a back lot put on the plans because of the 50'. C. Berry continued that they didn't want the actions of the sitting Board to be accidentally construed as limiting that type of subdivision in the future. The rear line of the smaller parcel has been moved back 1.5' to 2' to make up the area difference. It was noted that there would need to be a small driveway access easement when the land was actually transferred to the daughter and son-in-law.

P. Sanderson thanked A. Brackett, adding he felt it would be definitely in his interest in the future. He would be happy to add the condition requested, and the Board was in no way trying to penalize them but instead thinking of the future.

C. Berry stated they forgot to pull the 4,000 sq. ft. leaching area on the larger lot away from the abutting well for the abutter's peace of mind. They were willing to make that change for the final condition of approval. The top edge of the 4,000 sq. ft. will be pulled down to Test Pit 3 on the plans; it will probably be placed in the rear yard.

Chair Gerome opened the hearing to public comments. There being no comments, he closed the public hearing and returned to the Board.

Julie Hayes, 4 Bayridge: Questioned if there were any conditions on the road being paved, gravel or not paved. R. Winsor responded there would be no condition. Chair Gerome added that if it was used as a Town road, it would need to be built and paved to Town standards to be accepted. At this point, it is not a Town road; it's a gravel driveway. P. Sanderson clarified it was the Board's intent for there to be a reserve area where it could happen, not that it was to be dedicated at this point. J. McDevitt added that the Town has an easement to the 400' gravel driveway to his back lot; it doesn't have to be paved if it's a driveway. Chair Gerome added if a subdivision were built, it would have to be a road. J. Hayes also asked if there were any restrictions on the distance of the road from a well. The response was "no".

MOTION: R. Winsor moved to approve the waiver request from Subdivision Regulations Section 4.3 – Determination of Soil Type, which requires a High Intensity Soil Survey (HISS) Map of the parcel. Second – J. McDevitt; all in favor. MOTION CARRIED

MOTION: R. Winsor moved approve the waiver request from Subdivision Regulations Section 3.3.1(b) and Section 3.3.1(c) which require a sketch of the site showing existing natural features and contours, respectively. Second – P. Sanderson; all in favor. MOTION CARRIED

MOTION: R. Winsor moved to approve the subdivision of Map R12, 26F into a total of 2 lots in accordance with the subdivision plan by Berry Surveying dated 01.04.18, Revision #1, Project No. DB 2017-051. The subdivided lot will be 2 acres, leaving the parent lot with 18 acres. The following conditions apply: NHDES subdivision approval; all lot corners must be set prior to recording; Wetland Scientist stamp shall be added to the plan; the first two sheets of the plan set shall be recorded; the limited cut 75' wetland buffer shall, prior to any lot clearing, be clearly noted in the field; waivers must be listed on the plan; a final full plan set (22"x34") and an 11"x17" plan copy must be submitted as part of the Planning Board file; a digital copy of the final full plan set must be submitted as part of the Planning Board file; the 4K area in the northern section on pages 2 and 3 must be moved down so the northern corner is as close to test pit 3 as possible; to be added to the plan: the designation of the 50' width of the driveway was at the request of the Planning Board and not intended to forestall the use of Lot 2 as a back lot. Further, the proposed driveway easement should be cross-hatched on sheets 2 and 3, but not included on the recorded plan. Second – S. Gerrato; all in favor. MOTION CARRIED

4. 45 & 47 Alden Avenue – Maps R20, 58 & R20, 59 - Commercial B Zone

Site Plan Review

Owner/Applicant: Jason Battistelli, Battistelli Properties, LLC

A site plan review has been requested for a change of use from a pet crematorium to auto service and repair; there will be no fueling. The applicant abuts the existing commercial condominium units; there will be no changes to the site.

S. Gerrato stated he sat in on this case at the ZBA level for a different reason. He asked if the applicant had any objections, which he did not.

Chris Ratte, Attorney and representing the owner, addressed the Board. Also present was Jason Battistelli, owner and applicant. Before the Board was a change of use application for units at the Autumn Pond Park commercial condominiums. There will be no changes to the site. The units in question were the former pet crematorium; they will now be used in conjunction with the existing business (Mirror Image) which is on the site, and abuts Units 45 and 47. A Variance was approved by the Zoning Board on Tuesday, January 16, 2018. As part of the Variance approval no fueling on site, no car washing, no unregistered vehicles on site for longer than 30 days, no unreparable vehicles on site for longer than 45 days (these were stipulations of the ZBA approval).

Responding to a question from P. Sanderson, Attorney Ratte explained that cars would be washed off site, but may be wiped down. There are no floor drains in the units. The Fire Chief has not reviewed the plans; however, there will be no changes to the buildings themselves. A pass door may be added between the units, but the wall will stay. The existing business is very cramped; the additional units will allow storage of parts, office space, an employee break room and waiting area. The paint booth and other equipment will remain in the existing unit.

MOTION: R. Winsor moved to accept the plan as complete. Second – D. Moore; all in favor. MOTION CARRIED

R. Winsor was in agreement the site should be reviewed by the Fire Department to ensure safe handling of any hazardous materials. Any of their stipulations and/or requirements must be keyed to the plan. P. Sanderson added the Fire Department liked to inspect any change of use for those things so they were aware of what they may find on a call to that location.

Chair Gerome opened the hearing to public comments. There being none, he closed the public hearing and returned to the Board. Chair Gerome stated that the Building Inspector noted that the septic system design limits occupancy and the applicant should note the number of employees as well as number of parking spaces on the plan. Attorney Ratte stated the condo documents allow two spaces per unit in the front and back, or four spaces per unit. J. Battistelli will own four units; the parking spaces will be eight in the front and eight in the back, for a total of 16 parking spaces.

MOTION: P. Sanderson moved to approve the applicant's request for a minor site plan, Maps R20, 58 & R20, 59, in accordance with the plan submitted by the applicant, for property located at 45 and 47 Alden Avenue, with the following conditions: parking is limited to eight spaces for these units (a total of 16 spaces for the four units that will thereafter be owned by the applicant); the proposal be reviewed by the Fire Chief prior to issuance of the occupancy permit; and the applicant will comply with the conditions imposed by the Greenland Zoning Board of Adjustment in its approval dated January 16, 2018 for the use of the premises; Zoning Board of Adjustment conditions must be listed on the plan. Second – R. Winsor; all in favor. MOTION CARRIED

5. Approval of Minutes

MOTION: R. Winsor moved to approve the minutes of Thursday, January 11, 2018. Second – S. Gerrato; six in favor, two abstain (S. Gerome, D. Moore). MOTION CARRIED

6. Approval of Invoices

MOTION: C. Medeiros moved to approve payment of the following invoices from the Planning Board Escrow Account: Altus Engineering, \$424.47; Underwood Engineering, \$149.54. Second – J. McDevitt; all in favor. MOTION CARRIED

7. Other Business

David Hagner, Great Bay Drive West: P. Sanderson introduced David Hagner to the Board. D. Hagner had contacted P. Sanderson, who invited him to attend a Planning Board meeting as well as speak to M. Fougere, the Planning Board Consultant. P. Sanderson further suggested to D. Hagner that he meet with the Brackett's in an effort to move forward and reach a resolution; D. Hagner responded he had spoken with them. D. Hagner suggested the Board close the meeting; members responded it couldn't be

closed. P. Sanderson stated it was appropriate for anyone who might have business in front of the Board to talk conceptually.

D. Hagner gave the Board the history of Great Bay Drive West, stating there was Board of Selectmen action in 1993 accepting the road. There was also the warrant article from 2010 that came before the Town putting acceptance of the road before the Planning Board as a stipulation. D. Hagner felt the Board of Selectmen had shown good will in commissioning a plan by Underwood Engineers. He was reassured that P. Sanderson wanted to see it through. D. Hagner had met with the Brackett's earlier in the day and was confident there was a solution. They discussed road width, and D. Hagner felt 50' was unrealistic.

The road was last paved in 2001 and residents were asked to deed their portions; the Town had said they couldn't maintain something they didn't own. D. Hagner deeded his 100' of road for 30'. Underwood has done a design; it was his understanding that to reconstruct the road the cost would be \$240,000. More pavement would cost approximately \$60,000.

There have been enough indications from the Town that they have taken a posture and acknowledged, at least in actions, the road is theirs. To build a road that provides the best value for the Town requires cooperation or deeded land from the Brackett's. After speaking with the Brackett's, D. Hagner felt they were pretty close and 18' of pavement was within the realm of possibility.

R. Winsor asked D. Hagner what the Planning Board could do to help him. R. Winsor explained that the Board had a set of guidelines that had to be followed; beyond that, they could go to the ZBA. He was hopeful and optimistic there would be a road for the Planning Board to review. There was a brief discussion regarding waivers to the Subdivision Regulations.

P. Sanderson stated that as a result of a Quitclaim Deed from the Brackett's, an 18' strip of land has been conveyed to the Town; the Brackett's own everything else on both sides. D. Hagner reiterated that the Brackett's appear to be ready to see it happen. P. Sanderson added that there had been funding available in 2017; however, it's not continuing through to 2018. If an agreement is reached, it can't be built this year; it could be budgeted for another year.

J. McDevitt stated that the Planning Board represented all the taxpayers with its decisions. S. Gerrato voiced concern about an 18' wide Town road. R. Winsor agreed with his concern and that the Board spoke for all the taxpayers. R. Winsor added until there was a plan for review, discussions were only conceptual. D. Hagner felt it was long overdue for the Planning Board's involvement; the road was accepted in 1993 by the Selectmen and then maintained for a number of years by the Town, and there were culverts. He felt it was strange being before the Planning Board asking them to approve a road that was already in existence, owned by the Town, and for decades maintained by the Town.

J. McDevitt noted that the approved warrant article was to come before the Board, and they never did. There was discussion about how the Selectmen accepted the road and how they get involved accepting roads. P. Sanderson stated the only time Selectmen can get involved accepting roads is after the Planning Board has reviewed and approved it as a subdivision plan; that never happened because this is an ancient road. The six homes in that area were built before zoning existed in the Town. He continued that Selectmen alone don't have the authority to accept a road in perpetuity.

D. Hagner felt the Town owned the road. P. Sanderson responded that the long and sorted history as well as the legal uncertainty would definitely be factors that the Board would have to consider when hearing the request for a waiver. P. Sanderson stated it was a good conceptual discussion and the

Board would hear a waiver request from the Subdivision Regulations. R. Winsor explained that a plan for a road would be needed first; then they could request a waiver. A good starting place was the plan from Underwood Engineers and discussions with them about sensitive areas that would yield some modification. M. Fougere added that if negotiations with the owner continue to be fruitful for a wider right-of-way, the base plan by Underwood Engineers would be perfect.

P. Sanderson noted that if they continue their ownership as is, it was fine; however, the Board couldn't bind anyone in the future if they changed their mind and came back for a subdivision. The Boards could not bind the future. M. Fougere added that State and local requirements change. P. Sanderson commented the Board of Selectmen doesn't want to make the owners do anything now regarding their plans for the future; it's their property. They can do what they want when they want, in accordance with the regulations that apply at the time.

P. Sanderson recommended they start with the plans from Underwood Engineers and meet with the Board of Selectmen when they were ready. They would then be happy to refer it to the Planning Board. Responding to a question from R. Winsor regarding who the applicant would be, P. Sanderson stated they were really trying to complete the requirements of a warrant article passed by the Town in 2010 to determine the status of a public way. J. McDevitt reiterated that was what the people of this Town voted on, and what they told the Town officials and Boards to do. The Planning Board needed to comply with that and it needed to go before the Board.

The Board determined they didn't need to be review the plans; Underwood Engineers was hired by the Town. D. Hagner felt the plan "as is" may be acceptable to the Brackett's. The question was where the temporary construction easement would be located; M. Fougere responded that with extra right-of-way, an easement wouldn't be needed. P. Sanderson added that if the right-of-way was changed so there was an easement over the top of the land, they would still own what was underneath; the Town would have an easement for transportation purposes, utilities, etc.

R. Winsor stated that when the plan was submitted, an overlay of the proposed road and ownership boundaries would be helpful. The plans from Underwood Engineering are very detailed.

8. Adjournment

MOTION: S. Gerrato moved to adjourn at 8:08 p.m. Second – R. Winsor; all in favor. MOTION CARRIED

NEXT MEETING

Thursday, February 01, 2018 – 7:00 p.m., Work Session, Town Hall Conference Room

Respectfully Submitted: Charlotte Hussey, Secretary to the Boards

Approved: Thursday, February 01, 2018