



PLANNING BOARD
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MINUTES OF THE PLANNING BOARD PUBLIC HEARING

Thursday, April 19, 2018 – 7:00 p.m. – Town Hall Conference Room

Members Present: Frank Catapano, James Connelly, John McDevitt, David Moore, Rich Winsor, Steve Gerrato (Alternate), Chip Hussey (Alternate, Selectmen's Rep)

Members Absent: Stu Gerome, Catie Medeiros (Alternate), Paul Sanderson (Selectmen's Rep)

Staff Present: Mark Fougere - Consultant

Vice Chair Winsor 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. S. Gerrato sat as a member at this meeting.

1. Projects of Regional Impact

There were no projects of regional impact to discuss.

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| 2. Subdivision of Land: 6, 8, 18, 20 Haines Brook Farm Lane [Map U2, 15A-D – Residential Zone]
Owners/Applicants: Denoncour, Eckstein, Gerkin, Savo
Proposed minor subdivision of an existing two family into a two unit condominium. |
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Paul Haberstein, Ambit Engineering and representing the applicants and Condominium Association, addressed the Board. Also present were David Savo and Robert Gerkin, homeowners. They were before the Planning Board to correct errors that were inadvertently made in the past. There was no attempt to defraud the Town or take away the Planning Board's right to review.

In January 2004, DES approved a three lot subdivision for single family homes. In June 2004, the Planning Board approved the three lot subdivision, and it was recorded. In April 2005 a new developer purchased the two vacant lots from the original subdivider, Harrison Scarponi. He came to the Board requesting duplexes on the property; that was approved by the Board. However, it wasn't approved by DES for the increased flow—900 gallons per day per lot rather than 600 gallons per day for a single family home. DES approved the four septic systems on the two properties under the old subdivision number in May 2005. Ambit Engineering received a request from the developer's attorney to prepare condominium documents, site plan and floor plans for the two duplexes in order for them to become condominiums. Ambit prepared the documents and provided them to the attorney; they were recorded and a copy was sent to the Town as required by the State statute.

Late 2017/early 2018, a septic system was in failure. When the owners tried to get septic approval, they were told by the State that they didn't have subdivision approval for the duplex situation. Ambit Engineering made the necessary application to the State, and received subdivision approval for the duplexes in late March 2017. Copies of the approval are on file.

The properties have been assessed by the Town as condominiums and have been conveyed as condominiums, and there is a condominium association. They are trying to get approval for the condominiums that were recorded after the fact. The homeowners are being impacted. The developers are long retired, as is the attorney; Ambit Engineering is trying to make amends.

Vice Chair Winsor clarified that 6, 8, 18 and 20 were the two buildings on Haines Brook Farm Lane, a private way. It was noted that they were Post Road addresses prior to the E-911 changes.

MOTION: C. Hussey moved to accept the application for the Subdivision of Land at 6, 8, 18 and 20 Haines Brook Farm Lane as complete. Second – D. Moore; all in favor. MOTION CARRIED

M. Fougere had spoken to a key principal at Ambit Engineering earlier in the day. They would like to submit an affidavit outlining the history of the property and reference the plan. The affidavit would be recorded. M. Fougere has spoken with the Town Attorney and reviewed the details of the case. The Town Attorney didn't have a problem with the affidavit; however, it must be detailed enough to explain the history, mentions the approvals, etc. M. Fougere continued that the problem with submitting a new plan, dated today, would involve amending the condominium documents and deeds, and mortgages could be impacted. The original plan was recorded; there are two pages missing from the set. The missing pages were provided by P. Habenstein. M. Fougere told the Board the affidavit would be reviewed by the Town Attorney before recording. The Town will receive a copy of the State subdivision approval.

Vice Chair Winsor stated that the key points were it needed to be approved by the Town Attorney, submittal of floor plans to the Town, and receipt of State subdivision approval by the Town. C. Hussey stated that the Town would have no responsibility with condo documents or conflicts between owners; it would become a civil matter. The owners present were in agreement, adding they had Memos of Understanding.

Vice Chair Winsor opened the meeting to public comment. Bob Gerkin, 18 Haines Brook Farm Lane, asked about the longevity of septic systems and if the Town approved them. The response from the Board was the Town didn't approve septic systems. A discussion of various septic systems and their longevity followed.

Vice Chair Winsor closed the public hearing and returned to the Board for discussion. There was no further discussion.

MOTION: C. Hussey, amended by J. McDevitt, moved to approve the subdivision of Map U2, Lots 15A-D into 2 unit condominiums in accordance with the condominium plan by Ambit Engineering dated September 2005, Project No. 1449, with the following conditions: (1) Receipt of floor plans and NHDES Subdivision Approval. (2) The applicants shall submit a detailed affidavit summarizing the history of the project including dates and any NHDES approvals. (3) The affidavit shall be reviewed and approved by the Town Attorney, and recorded. (4) The applicant shall pay for all appropriate recording fees. Second – S. Gerrato; all in favor. MOTION CARRIED

3. Adoption of the Coastal Hazards and Adaptation Chapter for the Town of Greenland Master Plan

The Coastal Hazards and Adaptation Chapter for the Master Plan was briefly reviewed. Vice Chair Winsor opened the meeting to public comment. There being none, he closed the public hearing and returned to the Board.

MOTION: J. McDevitt moved to adopt the Coastal Hazards and Adaptation Chapter for the Town of Greenland Master Plan. Second – S. Gerrato; all in favor. MOTION CARRIED

4. Approval of Minutes

Approval of the minutes from the meeting on Thursday, April 05, 2018, was continued to the next meeting.

5. Approval of Invoices

There were no invoices to approve.

6. Other Business

M. Fougere updated the Board that an email was received from McDonald's. They will be updating the interior and exterior of the Greenland McDonald's that includes a major façade upgrade. He suggested to the representative of McDonald's the façade upgrade wouldn't be acceptable. M. Fougere will forward a copy of the façade.

Cole Haan: The Building Inspector submitted an update as requested at the Board at their last meeting (copy on file). M. Fougere stated the original site plan was done 1979. The area in question was not on that plan; however, there was a gate. There has been no further action.

7. Topics for Work Session: Thursday, May 03, 2018

Work session topics were briefly discussed. M. Fougere will work on the draft of the Site Plan Review Regulations and Subdivision Regulations to be updated.

8. Adjournment

MOTION: D. Moore moved to adjourn at 7:25 p.m. Second – F. Catapano; all in favor. MOTION CARRIED

NEXT MEETING

Thursday, May 03, 2018 – 7:00 p.m., Work Session, Town Hall Conference Room

Respectfully Submitted: Charlotte Hussey, Secretary to the Boards

Approved: Thursday, May 03, 2018