



PLANNING BOARD
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MINUTES OF THE PLANNING BOARD PUBLIC HEARING AND WORK SESSION

Thursday, December 15, 2016 – 7:00 p.m. – Town Hall Conference Room

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

Members Absent: Courtney Homer,

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. Projects of Regional Impact

There were no projects of regional impact.

2. Site Plan Review: 64 Tide Mill Road [Map R18, 42]

Owner: 64 Tide Mill Realty Trust

Applicant: Kathrin Fitzpatrick, Dance Innovation Dance Center

The owner and applicant are proposing to add to the existing building, convert it into a dance instruction studio, increase the surface parking, and expand the septic system to accommodate the anticipated sewage flows.

Dana Lynch, Civilworks New England and representing the applicant, addressed the Board. Also present were Kathrin Fitzpatrick, owner of Dance Innovation Dance Center, and Mike Hignett. The current location of Dance Innovation Dance Center is 1 Bayside Road. D. Lynch used a modified layout, a result of an informal meeting with the Planning Board Engineer, for the review.

The building located at 64 Tide Mill Road is a one story commercial facility. There are offices and a five bay garage within the building as well as parking in a side parking lot for six vehicles. Golf and Ski abuts the property to the north and Living Innovations to the south. D. Lynch noted that Tide Mill Road is a variable width and a Town road to a certain point.

The applicant is proposing to remodel the existing garage by constructing an addition, providing two rooms within the garage and a larger room. There will also be a parent drop off in a loop at the front of the building in addition to four parking spaces and a handicap accessible space. A 16 space gravel parking lot is proposed in the back of the building with a paved walkway to the front.

The site has an existing 300 gallon septic system; research has been done into flow rates for a dance studio. The system is sufficient for 60 students per day. A reserve area is shown for a replacement

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system. Test pits have been done throughout the site (copy on file). There is a ¾" water service to the site. Underground utilities are in place; they will work with Eversource if modifications are required. Cable TV and any other utilities will be brought in underground as needed.

By regulations, 17 parking spaces are required. They are proposing four spaces in front and 16 spaces in the rear; total of 20 spaces. A traffic study was done by Stephen Pernaw and Company. Currently, the busiest hour for the dance studio is between 3:30 p.m. and 4:30 p.m., with 25 vehicles in and out of the site. The peak hour on Rt. 33 is between 4:45 p.m. and 5:45 p.m., which doesn't coincide with the dance studio peak hour. During the Rt. 33 peak hour, there are approximately six arrivals and five departures from the dance studio. Existing traffic on Tide Mill Road is relatively light; there were only four departures during the time of the study. The Police Chief recommended that the Town approve and install a "no left turn" restriction at the intersection to Tide Mill Road; Mr. Pernaw noted the same restriction in his study.

Drainage has been designed for the site. The Planning Board's Engineer informal review included drainage; they are prepared to make necessary changes to the drainage.

Site lighting: currently there is pole mounted lighting in the front of the building. The pole mounted flood light will remain and be supplemented with building mounted lights at the entrances and perhaps along the back of the building to provide adequate lighting to the parking lot.

A dumpster will not be needed for solid waste; everything will be contained internally. A photo and footprint of the existing building was included in the Board information. The addition will blend into the existing building. They are proposing to plant trees along the rear; waivers will be requested regarding the location and number of trees to be planted.

The modified plan provides the same access for student drop off as the original; however, it will come off Tide Mill Road sooner. It will wrap around the front of the building, and there will be a sidewalk. The three proposed parking spaces in the front will be accessed from the uphill side of the site. The intersection of Tide Mill Road will work at a right angle.

They will be working with Altus Engineering on the drainage as well as eliminating a long swale that was initially proposed. They will try to remove that and reduce the amount of land and tree disturbance on Tide Mill Road. Landscaping is planned in front of the building and other areas around the building.

Referring to comments from the Fire Department, D. Lynch stated that the access will accommodate an ambulance, but not a fire truck. He will meet with the Fire Chief for further discussion. The Building Inspector provided comments regarding the abandoned building on the property. They will not be grading the swale along the road and will not be within 25' of the building. The applicant would like to eventually remove the building. Due to budget constraints, it's not in the immediate plans. They would like permission from the Board to leave the building for a period of time.

K. Fitzpatrick addressed the Board. The dance studio has been in Town for 13 years. Leases in the current location will not be renewed; this location is the only option.

C. Hussey stated lighting must be dark sky compliant to meet code. He also voiced concern about having mechanical barriers around the propane tank in the area of the parking lot. M. Hignett noted it was an underground tank. C. Hussey responded there is a riser on the tank that is approximately 1' off the ground that needs to be protected (valves are within the riser), and suggested three 6" bollards be added around the tank.

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J. Connelly questioned stacking into the front parking lot. There may be five or six vehicles dropping at the same time; double stacking for seven to eight vehicles would be possible. It was noted that arrivals and departures over an hour are 11 to 12 vehicles; not all arrive at the same time. R. Winsor questioned if the parking lot to the back would be an extension of the road; he'd like the Planning Board Engineer's to review for any possible impact. There will be no events at the studio, they are held at the Stratham Cooperative School. R. Winsor stated he would like elevations included on the plans. He also asked for architectural plans; he would like them to meet with the Fire Chief regarding his concerns.

The abandoned building was a concern mentioned by several Board members. S. Baker mentioned there are towns that use vacant buildings for fire and police drills, and suggested they check with those departments.

J. McDevitt noted that Tide Mill Road is a Class VI road. Because the back parking lot will be built, there will be another access onto a Class VI road. They would need to go the Board of Selectmen for approval. There was a discussion about where the Class VI road starts. J. McDevitt stated he wanted a plan for the abandoned building; it would have to be taken down at some point. He was also concerned about traffic and wanted that to be addressed. D. Lynch stated that people may have to turn right onto Portsmouth Avenue, continue to the light at Rt. 33 and Portsmouth Avenue, and then turn left onto Rt. 33. There was further discussion about traffic concerns. S. Gerrato mentioned frontage on a Class V road; an addition could require more frontage.

M. Fougere noted that the Planning Board Engineer felt his concerns could be easily addressed. M. Fougere had a concern with the grading on the original plan, but that has since been removed. The Board's requirement for landscaping is extensive, and there may be a waiver for trees; there are some large maples that will be preserved. The abandoned building needs to be secured so it can't be accessed, and a time frame should be established to address the issue.

MOTION: R. Winsor moved to accept the application for Site Plan Review of 64 Tide Mill Road [Map R18, 42] as complete. Second – C. Hussey; all in favor. MOTION CARRIED

Chair Gerome opened the hearing to public comment. Maureen Fabiano, 98 Ridgecrest Drive: Was excited that the dance studio was going to stay in Greenland, and asked the Board to approve. There being no other comments, Chair Gerome closed the public hearing and returned to the Board for comments.

The plans should go to the Planning Board Engineer for an official review. Concerns for the Board included, but are not limited to: fire apparatus, lighting, left turn onto Tide Mill Road, Class VI access and if they will need Board of Selectmen approval, and the abandoned building. There was a discussion about access for fire apparatus; the Board was concerned about turn radius of fire equipment.

D. Lynch stated that waivers for architectural, trees and lighting may be submitted. The Board has requested architectural renderings and sign information. Even though the material will remain the same on the building, the Board would like to see the proposed color.

MOTION: C. Hussey moved to continue the Site Plan Review for 64 Tide Mill Road [Map R18, 42] to the public hearing on Thursday, January 19, 2017. Second – R. Winsor; all in favor. MOTION CARRIED

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3. Zoning Amendments

Chair Gerome opened the public hearing for the 2017 Zoning Amendments at 7:48 p.m. After review by the Board and no public comments, all amendments were forwarded to ballot without any further revisions (copy on file).

MOTION: R. Winsor moved to forward Item 1A (Article II, Definitions – Ambulatory Surgical Center) and 1B (Article 3.6 - Table of Uses, Medical Services) to ballot. Second – D. Moore; all in favor. MOTION CARRIED

MOTION: C. Hussey moved to forward Item 2 (Rezoning 29 Cemetery Lane) to ballot. Second – R. Winsor; all in favor. MOTION CARRIED

MOTION: J. Connelly moved to forward Item 3A (Article 3.7.11 – Definition of Accessory Dwelling Units), Item 3B (Article 3.7.11.2 – Accessory Dwelling Units, adding “conditioned space”) and Item 3C (Article 3.7.11.3 – Accessory Dwelling Units, to include interior door) to ballot. Second – D. Moore; all in favor. MOTION CARRIED

MOTION: R. Winsor moved to forward Item 4 (Article VI – Signs; repeal and replace in its entirety) to ballot. Second – S. Baker; all in favor. MOTION CARRIED

MOTION: J. McDevitt moved to forward Item 5 (Article 15.2 – Lot Merging; repeal in its entirety) to ballot. Second – S. Baker; all in favor. MOTION CARRIED

Chair Gerome closed the public hearing at 8:05 p.m.

II. WORK SESSION

1. Zoning Amendments

Additional zoning amendments to be moved to the next public hearing were reviewed (copy on file). Due to the timeframe for public hearings on zoning amendments, a public hearing will be held during the work session on Thursday, January 05, 2017.

- New duplexes located in the Residential and Commercial A zones: increasing the lot area minimum to 90,000 sq. ft. with 60,000 sq. ft. contiguous non-wetland soil; Workforce Housing may be allowed on 60,000 sq. ft. lots with 45,000 sq. ft. of contiguous non-wetland soil. - A restrictive covenant would be added to the deed that “affordable requirements shall remain in place for a minimum of 40 years”. The Board was in agreement that there was a good diversity of stock in Town. There has been a growth in single family homes, but reduction in duplexes in the last five years. The Workforce Housing clause was discussed. R. Winsor noted that the Board could adopt a Workforce Housing amendment; however, the area was market-driven. M. Fougere added that the test is the percentage of housing stock that meets the definition.

MOTION: C. Hussey moved to forward the amendment to public hearing on Thursday, January 05, 2017. Second – S. Gerrato; all in favor. MOTION CARRIED

- Cottage Industry: There is not a clear definition of Cottage Industry. M. Fougere suggested deleting “Any use that is not specifically permitted in the Table of Uses is prohibited”; that prohibits any use.

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Amended statement includes “retail uses” shall not qualify as a Cottage Industry. Cottage Industry will be further defined during 2017.

MOTION: R. Winsor moved to forward the amendment to public hearing on Thursday, January 05, 2017. Second – C. Hussey; all in favor. MOTION CARRIED

- Amending the definition of “Structure”: wells shall not be considered a Structure. After a brief discussion, the Board agreed that wells and associated appurtenance will be allowed in the buffer/setback areas by Conditional Use Permit; the definition of Structure will not be amended. Article 18.6.1 will include “Item G – Wells and associated appurtenance allowed by Conditional Use Permit in a jurisdictional wetland or wetland setback”.

MOTION: Chair Gerome moved to include in Article 18.6.1 “Item G – Wells and associated appurtenance allowed by Conditional Use Permit in a jurisdictional wetland or wetland setback”, and forward the amendment to public hearing on Thursday, January 05, 2017. Second – J. McDevitt; all in favor. MOTION CARRIED

- Regulating duplexes aesthetically: the proposed change removes it from a permitted use and allows it by Conditional Use Permit (CUP). In addition, Article 3.7.12 will include CUP criteria for duplexes.

MOTION: C. Hussey moved to forward the amendment to public hearing on Thursday, January 05, 2017. Second – J. McDevitt; all in favor. MOTION CARRIED

2. Approval of Minutes

MOTION: C. Hussey moved to approve the minutes of Thursday, December 01, 2016. Second – S. Baker; six in favor, two abstain (J. McDevitt, R. Winsor). MOTION CARRIED

3. Approval of Invoices

MOTION: R. Winsor moved to pay invoices in the amount of \$1,597.21 from the Planning Board Escrow Account and \$1,990.45 from the Town budget. Second – J. McDevitt; all in favor. MOTION CARRIED

4. Topics for Work Session: Thursday, January 05, 2017

Topics for the work session were reviewed.

5. Other Business

- The Board Secretary requested permission to purchase Adobe Pro DC through the Planning Board Town budget.

MOTION: S. Gerrato moved to purchase the Adobe program through the Planning Board Town budget not to exceed \$499. Second – Chair Gerome; all in favor. MOTION CARRIED

- S. Gerrato felt there were too many wetland crossings in Town, and it needed to stop. C. Hussey responded that it wouldn’t work, and the Town would lose in court. He added that crossings needed to be looked at closely. S. Gerrato was looking for a way to protect water in Town. Road reconstruction and wetland crossings were briefly discussed. R. Winsor noted that the Board could only act on the information they have now. As much as they would like Greenland to stay the way it

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is, they couldn't stop growth—people own property and have rights; the Town was going to grow. The Board has made many positive changes in the last ten years.

- S. Baker gave a brief overview of the Coakley Landfill portion of the Selectmen's meeting. He asked that the Planning Board continue to support the community by attending some of the meetings. There is a Facebook page that is updated almost daily as well as a massive outreach in Town with letter to the editor. He encouraged members to attend the Portsmouth City Council meeting on December 19th. S. Baker added there is a misconception about the power of the Planning Board. He suggested that a letter be written on behalf of the Planning Board to the paper in support of the Selectmen and their efforts, and would like the City of Portsmouth to consider extending water on Breakfast Hill Road. J. McDevitt stated that the Selectmen are reaching out to DES and the EPA, and getting the best advice they can. He added that the Planning Board plans; it was the Selectmen who would have to pursue this issue. It wasn't within the purview of the Planning Board to negotiate anything that may happen in the future. The Selectmen were in the process of writing a letter to the Coakley Group, representatives on the State and federal level, and the City of Portsmouth. He assured members that the Selectmen were on top of the situation; however, there wasn't much they could do at this point.

6. Adjournment

MOTION: C. Hussey moved to adjourn at 8:52 p.m. Second – S. Baker; all in favor. MOTION CARRIED

NEXT MEETING

Thursday, January 05, 2017 – 7:00 p.m., Town Hall Conference Room, Public Hearing and Work Session

Respectfully Submitted – Charlotte Hussey, Secretary to the Boards

Approved: _____