



## **ZONING BOARD OF ADJUSTMENT**

**Town of Greenland • Greenland, NH 03840**

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### **MINUTES OF THE BOARD OF ADJUSTMENT PUBLIC HEARING**

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Wednesday, April 20, 2021 – 6:30 p.m. – Virtual via Zoom

Members Present: Steve Gerrato, Ron Gross, David Sandmann, Leonard Schwab

Staff Present: Jack Shephard – Building Inspector

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Chair Gross opened the Board of Adjustment meeting at 6:35 p.m. and a roll call was taken. A checklist to ensure meetings are compliant with the Right-to-Know Law during the State of Emergency was read into the record by Chair Gross. He stated this was a Zoom meeting and was being recorded.

Roll call attendance: S. Gerrato – present, D. Sandmann – present, L. Schwab – present, R. Gross – present.

It was noted that Chip Hussey's appointment as an alternate expired in March 2021. R. Gross announced that Lindsey Franck had resigned from the Board for personal reasons.

#### **1. Reorganization of the Board**

MOTION: R. Gross moved to appoint Chip Hussey as a member of the Zoning Board of Adjustment, term to expire in March 2022. Second – S. Gerrato; roll call vote: S. Gerrato – yes, R. Gross – yes, L. Schwab – yes, D. Sandmann – yes. All in favor. MOTION CARRIED

R. Gross noted that in order for C. Hussey to vote, he had to be sworn in by the Town Clerk. There would still be four members of the ZBA voting at this meeting.

MOTION: R. Gross moved to nominate C. Hussey as Vice Chairman of the Zoning Board of Adjustment when sworn in. Second – L. Schwab; roll call vote: S. Gerrato – yes, R. Gross – yes, L. Schwab – yes, D. Sandmann – yes. All in favor. MOTION CARRIED

MOTION: S. Gerrato moved to nominate D. Sandmann as Chairman of the Zoning Board of Adjustment. Second – L. Schwab; roll call vote: S. Gerrato – yes, R. Gross – no, L. Schwab – yes, D. Sandmann – yes. Three in favor, one against (R. Gross). MOTION CARRIED

R. Gross turned the meeting over the Chair Sandmann. There was a discussion as to whether or not the candidate had the option of move forward with four members present. A tie would not allow the project to move forward; the applicant must have majority vote to be granted a Special Exception. The applicant opted to move forward.

2. 597 and 603 Portsmouth Avenue – Commercial A (Map U6, Lots 1 & 3)

Application: Special Exception

Owner: 603 Seacoast Residential and Commercial Development

Applicant: One Home Builders II, LLC

The owner and applicant are proposing a 6,500 sq. ft. building with commercial space on the first floor and five residential units on the second floor. Greenland Zoning Ordinance, Article III – Establishment of Districts and Uses, Section 3.6 – Table of Uses, Subsection ‘A – Residential Uses’, Item 10 – Multi-Family, requires a Special Exception.

Christian Smith, Beals Associates and representing the owner and applicant, addressed the Board. Also present were Stu Gerome, owner, and Frank Catapano, applicant. C. Smith clarified that F. Catapano, an alternate on the Planning Board, and Stu Gerome, Co-Chairman of the Planning Board, would recuse themselves if this project goes to the Planning Board. Also present was Kathryn Morin, Attorney for the applicant.

C. Smith stated that the proposal before the Board was to allow multi-family housing in the CA Zone. There will be a 6,500 sq. ft. building; the ground floor will be office space and top floor is proposed for five townhouse, upscale condo units. The townhouse units will be sold and a condominium association established. F. Catapano will not retain ownership of the residential condominiums but will retain ownership of the commercial space. F. Catapano is working with a bank and an investment company to occupy two of the commercial spaces. This mixed-use proposal is in keeping with the Planning Board’s vision of a downtown area with mixed residential and commercial uses.

C. Smith reviewed the criteria for a Special Exception (copy on file). (1) There will be no hazard to adjacent property or the general public. (2) No detriment to property values would be anticipated from the proposed development. (3) No traffic safety hazard will be created; the project proposes to use two existing curb cuts on Portsmouth Avenue; there is an existing sidewalk on Portsmouth Avenue and Bramber Valley Drive. (4) The proposed development should not result in excessive demand on municipal services. (5) There will be no increase of stormwater on abutting properties; on-site stormwater mitigation and treatment will be designed for Planning Board Site Plan Review as well as review by the Planning Board’s Engineer.

In response to S. Gerrato’s question, four test pits have been done. The site was mapped by Gove Environmental as an Eldridge Soil, which is not a wetland soil (Group C soil). There were no wetlands found on the site. S. Gerrato asked about the density change if there were sewage in that area for residential. C. Smith responded more density may be allowed. Looking at the site plan, there is not a lot of room for expansion with what is being proposed (due in part to the proposed parking).

L. Schwab: Questioned the box with four squares on the top right of the plan; F. Catapano responded it was the proposed dumpster location; it may move to the other side of the lot. F. Catapano added that a Post Office box location will be added to the plan. There was a brief discussion about the contours. L. Schwab questioned how the one-way traffic would be enforced. C. Smith responded it would be one-way only signs and pavement markings. L. Schwab’s concern was safety: a resident backing out may not be able to see oncoming traffic due to the height of the building. C. Smith stated that the residents living in the townhouses would adhere to the driving and travel patterns within the development. For commercial, vehicles can go either way. The entrances to Lots 1 and 3 will be maintained. C. Smith pointed out the inbound entrance leading to the one-way in and the inbound entrance to the commercial parking lot on the north side. F. Catapano noted they would have to the Planning Board for further review and discussion. This was a discussion about the use; there is still Site Plan Review and there will be changes to the site plan. Planning Board discussion will include parking and direction of

travel. They are open to one-way traffic with signage for residents only and pavement markings. They have not finalized those plans; they will try to separate the residential traffic from the commercial traffic. At this time, the entrance closest to the Post Office will be inbound. The egress closest to Bramber Valley Drive will be incoming and outgoing.

R. Gross: People come off Rt. 33 onto Portsmouth Avenue very quickly. The island does not slow people down and the entrance to the site is close to that circle. F. Catapano stated that during Site Plan Review, the Planning Board may recommend another location for the entrance. R. Gross responded the Zoning Board also has the right to provide contingencies.

D. Sandmann: One concern of the Zoning Board would be the traffic flow. F. Catapano noted it would also be a concern for the Planning Board.

L Schwab: Questioned the three circles near the curbing on Portsmouth Avenue at the top of the plan. C. Smith stated existing trees are indicated by the circles; some will be removed.

R. Gross asked about the leach field under the residential parking lot. C. Smith stated it was not uncommon and there are specific cover requirements and separation for water table. F. Catapano added they are structural chambered boxes and can handle cars and trucks driving/parking over them. He reiterated the commercial units would be retail and office only.

R. Gross questioned the traffic loading: how many in's and out's daily. F. Catapano stated one unit is anticipated to be a bank and another an investment company. Units are approximately 1,500 sq. ft. The smaller of the two leach fields in the rear of property will be for the commercial units. C. Smith added that DES flow calculations for commercial office/retail space are based on square footage. R. Gross was concerned about the amount of traffic in and out daily and commercial occupancy was unknown. F. Catapano reiterated it could only be office or retail; it could not be a restaurant. R. Gross perceived this as a dangerous location due to traffic coming off Rt. 33. F. Catapano noted the site was commercially zoned and allowed. The voters wanted a village district downtown and mixed-use buildings; this area needs more commercial in Town. He could not provide information for traffic flows because the building was not approved and could not be marketed for tenants. F. Catapano's goal was to keep this location strictly office and retail. There will be five commercial units, 1,500 sq. ft. each; the bank will not have a drive thru, but there will be an inside branch and walk-up ATM inside the bank's entrance.

Residential units: there will be one three-bedroom unit and four two-bedroom units. They are limited to 11 bedrooms due to septic loading. The plan for the residential units was being redone. R. Gross asked if the two-bedroom units were 'fixed' at two bedrooms. F. Catapano stated it was due to the limitations on septic loading. Responding to R. Gross, F. Catapano stated he could not control what people did illegally once the units were sold; they could convert a room into a bedroom without a permit. The criteria for residential parking spaces (14) was met: two spaces per unit and four guest spaces.

C. Smith noted the location of the snow storage, which will be off the back edge. There are no wetlands on the property. Snow will be trucked off-site if there is a heavy snow year to maintain the drive aisles and parking areas. It would be difficult for water from snow storage to drain across the road to the wetlands on the other side of Bramber Valley Drive. They are outside the nitrate setback; stormwater mitigation will be created along the sides. L. Schwab noted that there is an abutter at the rear of the property who will not be happy if snow storage is pushed back where the grade slopes significantly. C. Smith explained the contours along that edge of the property. There is also a swale that would prevent snow melt from draining across Bramber Valley Road.

S. Gerrato stated that the Planning Board was moving forward with the Village District concept. This development would fit into that vision. When this plan goes to the Planning Board, it will need to meet their specifications.

L. Schwab questioned how this project fit into Greenland's Master Plan. S. Gerome noted that based on the Planning Board survey results as well as workshops, residents wanted a downtown Village District that was walkable and exciting. He continued that the Planning Board has asked the applicant for 410 Portsmouth Avenue to include a length of sidewalks, which they will be doing. The location of the proposed development before the ZBA tonight will be an entrance to the Village District. Portsmouth Avenue and up Post Road will be zoned accordingly so places can be converted, under close scrutiny, into the Village District area.

D. Sandmann opened the meeting to public comments. Eileen Bishoff, 12 Sage Lane: Asked the square footage of the residential units. F. Catapano stated they average 2,300 sq. ft. to 2,500 sq. ft. per unit. The first floor will be the master bedroom, plus one or two bedrooms upstairs as well as a living area. The residential units will be three stories; from the rear it will look like two stories. Everyone will have a portico entrance and porch. Elevation drawings are being redone.

Chuck Cobb, 62 Boxwood Path: Stated it looked like a lot of congestion to try fit five residential units and five commercial units onto this property. He questioned if other alternatives were considered that were not as congested. F. Catapano responded that it was not a congested site; the building is well-designed and fits the property. C. Smith noted that the combined lot size is over 1.5 acres.

Donna Waldron, 12 Boxwood Path: Questioned if families with children could purchase one of the townhouses, what facilities would be available to children and were the schools aware that enrollment may increase. F. Catapano responded that townhouses very rarely sell to people with children. There could be children but amenities will not be available. The units will be geared to retirees and empty nesters. Responding to a question from D. Waldron, F. Catapano stated the residential units will have an HOA and be self-managed. Most of the HOA budget will be for landscaping and snow removal. The commercial units, which F. Catapano will retain, will share in the cost of snow removal, parking lot upgrades and building maintenance. Residential and commercial septic systems are separate. D. Waldron also asked about the dollars that would be brought to the Town. F. Catapano stated it would depend on the tax rate at the time and assessment of the residential and commercial units.

Donna Cobb, 62 Boxwood Path: Asked if the residential parking spaces would be enclosed or covered. There will not be any garages or covered parking.

Chuck Murphy, 73 Boxwood Path: Questioned if there would be a change to the traffic pattern at Portsmouth Avenue and Rt. 33. They are not anticipating a change. C. Murphy noted it was a problem between 4:00 p.m. and 5:00 p.m. during the week and on weekends. F. Catapano stated the amount of traffic generated would not warrant a traffic pattern change or traffic light.

Chip Hussey, 207 Winnicut Road, noted that Bramber Valley Drive is a Town road.

There being no further comments, D. Sandmann closed the public hearing and returned to the Board for further discussion. Responding to R. Gross, F. Catapano clarified the residential units will be approximately 2,250 sq. ft. per unit, adding the plans were not finalized. R. Gross was concerned the office space in the residential units could be turned into a bedroom. F. Catapano stated office space converted to a bedroom would not be a legal room. There was further discussion of R. Gross' concern of converting residential office space to a bedroom.

S. Gerrato stated that he is impressed with F. Catapano's work and he builds a superb building. F. Catapano noted that both he and S. Gerome live in Town. They wanted to do what was best for the Town, bring in good tax revenue, construct quality buildings and keep Greenland on its trajectory of being a nice town in seacoast New Hampshire. S. Gerome commented they wanted to have an entrance to the Village District, and this development would do that. They do not expect a problem with the traffic.

MOTION: S. Gerrato moved to grant the Special Exception for 597 and 603 Portsmouth Avenue to construct a 6,500 sq. ft. building with commercial space on the first floor and five residential units on the second floor, in accordance with the plan from Beals Associates, dated 03.26.2021, Job Number 21-017. Second – there was no second.

MOTION: S. Gerrato move to table the application for a Special Exception at 597 and 603 Portsmouth Avenue to the next meeting. Second – there was no second.

R. Gross was concerned the extra loading on the residential section is too close to the small traffic circle on Portsmouth Avenue and was a traffic hazard. L. Schwab noted that in the Table of Uses (Zoning Ordinance), a single-family dwelling was permitted and a two-family dwelling was allowed by a Conditional Use Permit. There were alternatives available to the applicant.

The applicant withdrew his application without prejudice.

### 3. Approval of Minutes

MOTION: R. Gross moved to approve the minutes of Tuesday, November 17, 2020 as written and amended. Second – S. Gerrato; roll call vote: S. Gerrato – yes, R. Gross – yes, L. Schwab – yes, D. Sandmann – yes. All in favor. MOTION CARRIED

MOTION: R. Gross moved to approve the minutes of Tuesday, December 15, 2020 as written and amended. Second – S. Gerrato; roll call vote: S. Gerrato – yes, R. Gross – yes, L. Schwab – yes, D. Sandmann – yes. All in favor. MOTION CARRIED

Approval of minutes from the meeting of Wednesday, January 20, 2021 was continued to the next meeting.

### 4. Other Business

There was no other business to discuss.

### 5. Adjournment

MOTION: S. Gerrato moved to adjourn at 8:00 p.m. Second – R. Gross; roll call vote: S. Gerrato – yes, R. Gross – yes, L. Schwab – yes, D. Sandmann – yes. All in favor. MOTION CARRIED

### NEXT MEETING

Tuesday, May 18, 2021 – 6:30 p.m., Virtual via Zoom

Respectfully Submitted: Charlotte Hussey, Administrative Assistant