



PLANNING BOARD
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MINUTES OF THE PLANNING BOARD MEETING

Thursday, February 21, 2019 – 7:00 p.m. – Town Hall Conference Room

Members Present: Stu Gerome, John McDevitt, Steve Gerrato (Alternate), Paul Sanderson (Selectmen's Rep)

Members Absent: Frank Catapano, James Connelly, David Moore, Rich Winsor, Catie Medeiros (Alternate)

Staff Absent: Mark Fougere, Planner

Chair Gerome opened the Planning Board public hearing at 7:20 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 to discuss.

2. Lot Line Adjustment: 280 & 292 Bayside Road [Map R16, 28 & R16,27]

Owners/Applicant – 280 Bayside Road: Joseph Adamaitis

Owner/Applicant – 292 Bayside Road: Heidi Choate

The driveway at 280 Bayside Road encroaches on 292 Bayside Road; a lot line adjustment has been agreed upon by both owners.

MOTION: P. Sanderson moved to accept the application for a lot line adjustment at 280 Bayside Road and 292 Bayside Road as complete. Second – S. Gerrato; all in favor. MOTION CARRIED

J. McDevitt noted that he is an abutter to the property. The applicant didn't have a problem with him sitting for this case. S. Gerrato also stated that the applicant was at the Zoning Board recently. The applicant didn't have a problem with him sitting for this case.

Attorney Monica Kieser, Hoefle, Phoenix, Gormley & Roberts, PA, addressed the Board. There is an existing diagonal property line. Mr. Adamaitis purchased the property at 280 Bayside Road within the last couple of years. His driveway encroaches on 292 Bayside Road. The property owners agreed to "swap" and slightly rotate the diagonal line. To correct the encroachment, Mr. Adamaitis would gain land in front and Ms. Choate would gain land in the back. Both parcels will stay basically the same size.

The frontage at 292 Bayside is currently 175.5' and will decrease to 157.49'; 280 Bayside Road's frontage is currently 164.94' and will increase to 182.94'. In January they went before the Zoning Board and were granted a Variance for frontage. There will be no visual impacts; site lines will remain the same.

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S. Gerrato asked if they had reviewed the deed; was the deed or plan wrong? Attorney Kieser stated that the lot line to be abandoned was plotted by the surveyor on the new plan. The old plot plan was reviewed and noted as a reference plan. P. Sanderson stated that neither was wrong. In 1965 the conforming standards were different; they were conforming lots at the time. There was more of a diagonal property line on these lots than some of the others. Attorney Kieser felt that over time, people didn't realize where the line was located. There is an existing fence noted on the plan. A survey pin is located in the middle of the driveway. The deed will be redone to indicate the new lot line. Both property owners will speak to their respective mortgage companies. The property size isn't changing.

There were no comments from the Board. Chair Gerome opened the hearing to public comments. There being none, he closed the public hearing and returned to the Board.

Chair Gerome noted that the Variance granted by the Zoning Board should be added to the plan. M. Fougere's review was discussed. There was a question regarding Item 3 under Staff Recommendations. Attorney Kieser will contact M. Fougere for clarification. *(Note: The plan M. Fougere based his review on is different from the one in the packet. "Zoning" was spelled incorrectly on the plan M. Fougere reviewed.)*

MOTION: P. Sanderson moved to approve the applicant's request for a lot line adjustment to Map 16, 28 (280 Bayside Road) and Map R16, 27 (292 Bayside Road) in accordance with the plan by Atlantic Survey Co., LLC, dated November 2018, Project No. 17145. Any and all fees due the Town of Greenland and its consultants must be paid before the mylar is signed and recorded; new monumentation must be set and certified with a Certificate of Monumentation received for the file before the mylar is signed and recorded; the applicant must submit a full plan set (22"x34") and 11"x17" plan copy as part of the Planning Board file; the applicant must submit a digital copy of the final full plan set as part of the Planning Board file. The applicant will resolve the Planner's comment with respect to recording of the Variance prior to recording. Second – S. Gerrato; all in favor. MOTION CARRIED

3. Approval of Invoices

MOTION: P. Sanderson moved to approve the following invoices: from the Planning Board Town Budget – Fougere Planning & Development in the amount of \$1,127.61; Vanasse & Associates (traffic engineering peer review, Lonza Biologics) in the amount of \$1,532.74. Second – J. McDevitt; all in favor. MOTION CARRIED

4. Approval of Minutes

J. McDevitt corrected the following: Top of page 5, change "advocate" to "abdicate".

MOTION: P. Sanderson moved to approve the minutes of Thursday, February 07, 2019 as amended. Second – S. Gerrato; all in favor. MOTION CARRIED

5. Other Business

PDA Letter: Vaughan Morgan, Board of Selectmen Chairman, gave Board members a letter for approval regarding development at Pease. The Board was in agreement the letter was fine as written.

Library: P. Sanderson updated the Board on the cy pres petition draft from Attorney Loughlin. In paragraphs 16 and 17 the history of deeds that were found is mentioned. Record title appears to be in the name of Caroline A. Weeks rather than the Town. The next allegation was that no deed to the Town

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has ever been found. P. Sanderson contacted Attorney Loughlin and asked for a copy of the will for Caroline Weeks. Property can transfer by deed, will, or intestacy. The Town hasn't received a copy of the will at this time. It's possible that if it's not mentioned in the will, the Town wouldn't have a title to the real estate or it might have been given to someone else. Probate records are not on line. The Town records from 1898 only mention the Town building and not the land. There's also a possibility it was never intended to be given to the Town. Until there is clarification, there's no proof the Town has title to the land. All the Selectmen are aware of that issue. D. Rugg had suggested adverse possession; P. Sanderson stated there is no adverse possession. It's being used as a Library and not contrary to the intent of the donor. In response to a question from Chair Gerome, P. Sanderson stated there is no indication that a title search has been done. It wasn't done by Bond Council; they were relying on the full faith and credit of the Town. In effect, the cy pres petition has become a title search.

Chair Gerome noted that the Planning Board needs to formulate a response to the Board of Selectmen. S. Gerrato stated that nothing should be progressing without an easement. Chair Gerome agreed, adding it should be done when the entire Board was present. He will contact M. Fougere to start formulating a response to be reviewed at the meeting on Thursday, March 07, 2019. J. McDevitt stated his issue has always been the safety. The building could be engineered to be safe; he had concerns with parking and fire. Chair Gerome commented that it may be accurate that they don't need to get a certain size fire truck in there because of fire suppression in the building, but it's not wise. Chief Laurent wants 360; that's not a bizarre request in this day and age. P. Sanderson added that was a public building that could hold as many as 200 people.

J. McDevitt asked if the Selectmen had discussed Chief Laurent's concern with the parking in the front of the Library. He has spoken to District 6; they are looking for notification from the Selectmen and Police Chief. When they receive that, the apron can be removed. P. Sanderson responded it hasn't been on the agenda since the last meeting of the Planning Board. J. McDevitt stated that the new Board of Selectmen will have to deal with the issue.

Candidates Night: The Greenland Women's Club is sponsoring a Candidates Night on Tuesday, March 05, 2019 at Greenland School at 7 p.m.

Road Width: S. Gerrato has proposed that road width requirements be increased from 24' to 26' of hot top. Going back 10 years, the ground froze and stayed frozen during storms. As time went by, the ground didn't freeze during storms and the plow was riding on unfrozen ground. Frozen ground prevented the hot top from cracking along the edges. This year, there's frost in the ground but the top 4" to 6" are "soupy". The edges could crack open with "soupy" conditions. He proposed that the hot top be 26' wide to prepare for the future. Specs require 24'; the Board has been allowing 22'. Chair Gerome didn't disagree and stated there are some issues. He felt it was more related to the road not being delineated and how it's plowed. S. Gerrato stated he would like it in the minutes: 26' wide hot top to protect ourselves for the future. Chair Gerome pointed out that if it's not marked correctly, it's still going to get chewed up; delineation must be done. P. Sanderson suggested checking with the Planning Board's Engineer to see what other town are doing.

6. Topics for Work Session: Thursday, March 07, 2019

Topics to be discussed/reviewed include the Master Plan and Survey as well as the Planning Board recommendations to the Selectmen regarding the Library. J. McDevitt suggested a letter from the Planning Board Engineer summarizing his opinion.

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M. Fougere’s homework assignment: review the Master Plan Survey (emailed to all members) for discussion at the Board meeting on Thursday, March 07, 2019.

7. Adjournment

MOTION: J. McDevitt moved to adjourn at 7:51 p.m. Second – S. Gerrato; all in favor. MOTION CARRIED

NEXT MEETING

Thursday, March 07, 2019 – 7 p.m., Town Hall Conference Room

Respectfully Submitted – Charlotte Hussey, Secretary to the Boards

Approved: 