



PLANNING BOARD
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MINUTES OF THE PLANNING BOARD MEETING

Thursday, July 18, 2019 – 7:00 p.m. – Town Hall Conference Room

Members Present: Stu Gerome, Steve Gerrato, Rich Winsor, Catie Medeiros (Alternate), Vaughan Morgan (Alternate), Bob Dion (Alternate)

Members Absent: Frank Catapano, John McDevitt, David Moore, Steve Smith

Staff Present: Mark Fougere - Consultant

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.

1. Projects of Regional Impact

There were no projects of regional impact to discuss.

2. Request for Continuance - Conditional Use Permit: 19 Birch Point [Map R14, 4 – Residential Zone]
Owner/Applicant: Porat Family Trust – Thomas Porat, Trustee
Demolish a portion of the existing single family home and build an addition within 100' of the upland tidal buffer zone and Town wetland setback. A reinforced sea wall will also be constructed.

MOTION: S. Gerrato moved continue the application for a Conditional Use Permit, 19 Birch Point (Map R14, 4 – Residential Zone) to the meeting on Thursday, August 15, 2019. Second – B. Dion; all in favor.
MOTION CARRIED

3. Preliminary Conceptual Consultation: 680 & 688 Portsmouth Avenue [Map R17, 62 & 62A]
Owner: Lang & Sons LLC
Applicant: Lucinda Lang, Lang & Sons LLC
The owner and applicant would like to re-subdivide their lot, returning it to the original two lots. They plan to build a residential home on the back lot.

Eric Salovitch, TF Moran and representing the applicant, addressed the Board. Also present were the property owners Lucinda and Walter Lang, Lang & Sons LLC, and Brenda Kolbow, TF Moran. The property has approximately 300 ft. of frontage on Rt. 33, 610 ft. of frontage on the Winnicut River and is approximately 4.87 acres. Two lots were created in 1988; the Lang's purchased the property in 2000. They used the front portion of the lot for 11 years; the Town's Building Inspector recommended they consolidate the lots (voluntary lot merger).

The Lang's would like to reestablish the back lot by resubdividing the property into two lots. They plan to construct a residential home on the back lot. They have spoken to M. Fougere; he recommended they come before the Board to discuss a possible waiver from Subdivision Regulations 4.4.1.1, requiring

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a minimum of 5 acres and 220 ft. of frontage. The lot will be shy of the 5 acres. Chair Winsor clarified that this was a conceptual review and the Board did not have a plan to review; at this point, it was a little ambiguous.

The property was consolidated when Bob Cushman was the Building Inspector for tax purposes. W. Lang stated they wanted to go back to the original two lots because residential real estate lots are getting scarce in Greenland. It is a beautifully wooded lot; there would be no advantage to it being commercial. The value of the commercial property in front would not be affected. The back lot would be a very easy piece of property to build a house on. The Board was shown pictures of the residential lot they would like to re-establish. E. Salovitch explained the proposed lot line.

S. Gerome stated he would like to see the buildable area. Conceptually, the lot was fine; however, he would like to see the envelope. B. Dion clarified that the 20 ft. strip would become part of the back lot. The current deed still refers to the property as two tracks and the original subdivision plan. The frontage requirement for a backlot is 20 ft. The right-of-way is located between Lang's and Country View Restaurant. Chair Winsor felt that conceptually it was straight-forward; however, would also like to see the building envelope to include the setbacks and buffer zones. E. Salovitch, responding to a question from S. Gerome, did not think the commercial/residential line was accurate; the entire lot is within the Commercial A zone. The Commercial A zone permits a back lot and a single family residence. K. Medeiros was concerned there was not the required 5 acres; Chair Winsor noted they would be asking for that be waived. The general consensus of the Board was relatively positive.

4. Site Plan Review: 1440 Greenland Road [Map R21, 44A]

Owner/Applicant: Lowe's Home Centers, LLC

The owner/applicant is requesting a reduction of 83 parking spaces. Section V – Design and Construction Requirements, Subsection 5.11.2 – Require Spaces, of the Site Plan Review Regulations requires one space per 200 sq. ft. of gross floor area. The additional spaces will be used for outdoor storage.

Todd Simmons, Freeland & Kauffman, addressed the Board. Also present was Joe Roman, Store Manager – Greenland Lowe's. They were retained by Lowe's to assist with the application submittal for outdoor sales, storage and display. The submitted plan was an amendment to the original approved plan for outdoor sales, storage and display. There were a few additions to the outdoor area to enable Lowe's to operate the store and make sure that goods are on hand for customers.

J. Roman did a site walk with the Building Inspector and Fire Chief. J. Roman explained what they were proposing for outdoor storage. They are proposing to minimize the outdoor storage containers. They would like to store bag goods on the furthest side of the building as well as treated lumber. The lumber will be tarped due to concerns with runoff (suggested by the Building Inspector). Location 3 will be the quick load area for pro customers; there will be some treated lumber in that area. Location 4 is the proposed trailer area; the corral that is currently being used was previously approved for 12 spaces (6 on each side). Small highway trailers (similar to what can be towed by a pick-up truck) will be stored in Location 4. Previously approved in Location 5 are sheds and a playset.

Chair Winsor stated that the entire left hand side of the building will now be occupied with lumber and pallet goods. The right side of the building is currently pallet goods. J. Roman stated there was no previously approved area for trailers; there was an area that was approved for displaying plants. B. Dion asked why the trailers in Location 4 were on two sides of an aisle rather than on the same side. J. Roman explained it was to allow customer parking in that area; it's on the pro side and not used as much. The parking spaces could be consolidated. T. Simmons added that by splitting the parking it

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maintains the drive aisle and allows more spaces for customer parking closer to the building. Chair Winsor suggested the same aisle, back to back vs. down one aisle; J. Roman agreed that could be done.

MOTION: S. Gerome moved to accept the Site Plan Review application for 1440 Greenland Road, Lowe's Home Centers, as complete. Second – V. Morgan; all in favor. MOTION CARRIED

Chair Winsor voiced his concerns about outdoor storage. He challenged them to find a way to prevent the area from becoming a hindrance to traffic. It was suggested that they reconfigure the lot to shelter items so that disparate storage areas were not created. Chair Winsor asked for a cohesive plan as opposed to swallowing up parking spaces. A great deal of effort went into creating the site. Storing treated lumber outside was a very valid point given the sensitivity and runoff of the site; that should really be addressed. Chair Winsor was concerned about the runoff from wet lumber into a very ecologically sensitive site. He suggested they work with their engineers on this issue.

S. Gerome asked if there were any residential sight lines in the area. J. Roman stated there was more of a wetland on the left side and along the back; there's a wooded area and wall that was built. S. Gerrato stated that going back to the beginning, sitting here was something they tried to avoid.

S. Gerome stated that fencing was required for screening on another site in Town for outdoor storage, and suggested they look at the storage area for Tractor Supply. It was further suggested they designate an area, possibly on the left side and take more of the parking lot, and screen it. J. Roman clarified screening would be for keeping the debris behind the line of sight and not the pressure treated lumber. M. Fougere stated that the Building Inspector suggested keeping a tarp over the lumber. Chair Winsor stated that containment underneath was the concern. The lumber could also be moved. J. Roman acknowledged that behind the lumber storage area on the left was a wetland.

There is impervious pavement in the back of the building. Impervious pavement is cleaned on a regular basis by the property owner.

S. Gerome stated he would like to see a regroup; 80 parking spaces was a lot. He felt they did a good job; it was just the nature of what they store. The Board did not find it pleasing to have items/material stored around the building. Responding to a question from M. Fougere, J. Roman stated that the material stored on the left side of the building would be bulk storage. T. Simmons questioned which sight line the Board had concerns about. Chair Winsor stated it was the lot in aggregate; they were getting into spots everywhere and expanding their storage with the exception of the trailers and sheds. If an outdoor storage area was going to be created, they needed to do it appropriately in an esthetically pleasing way so a wonderful site wasn't ruined. He recommended they look at it as a cohesive site. J. Roman stated they've been trying to utilize what was approved with the original site plan, which is the right side; due to growth, they've had to expand.

J. Roman was concerned that with the limited amount of space, it would all be on one side of the building or the back. He was trying to avoid using more spaces. S. Gerome suggested they could use the first row of double parking and make that screening. Create a storage area that works. Chair Winsor suggested a vertical system against the left side of the building. A façade could be installed so it didn't look like a pallet rack. Materials on the right side by the garden center could be moved to the left side. They could also go vertical in the back of the building and optimize their storage area. The garden center area is utilized for trailer storage during the winter. K. Medeiros stated it would be more esthetically pleasing to utilize the back of the building for storage.

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J. Roman clarified they needed to keep the look of the site. Chair Winsor stated the Board wanted to mitigate the number of parking spaces they were surrendering as well as making the site esthetically pleasing. T. Simmons noted that the plan showed 451 parking spaces available; they wouldn't want that many spaces if the store was being built today. They would want 420; all their studies have indicated that 300 would be the max parking spaces.

T. Simmons, looking for direction, asked if the most critical area was the garden center on the right side. Chair Winsor responded they needed to look at everything in aggregate and have a cohesive plan. He continued that it wasn't one location; materials were spread over the entire site.

Chair Winsor opened the hearing to public comment. Laura Byergo, 16 Caswell Drive, asked for clarification on the pervious and impervious sections of the parking lot, which J. Roman pointed out on the plan. He was unsure of the remainder of the site. Chair Winsor stated it runs in a band toward the Rt. 33 side; it infiltrates on the front section. She noted that storage should be on the impervious portion. M. Fougere stated that was where storage would be located, away from the pervious sections, with the exception of the trailers. The Board was unsure if the wetland was part of the site construction; M. Fougere thought those wetlands were in the front of the property. J. Roman noted the treatment used was copper based. There being no further comments, Chair Winsor closed the public hearing and returned to the Board.

MOTION: S. Gerome moved to continue the application for 1440 Greenland Road to the public hearing on Thursday, August 15, 2019. Second – S. Gerrato; all in favor. MOTION CARRIED

5. Other Business

S. Gerome questioned if the concerns of Joe Coronati, Jones and Beach Engineering, regarding 19 Birch Point had been addressed. Chair Winsor had asked for specifics on septic, runoff and buffer; J. Coronati was notified.

6. Subdivision of Land: 705 Post Road [Map R3, 7]

Owners: Richard and Ronald Henderson

Applicant: Ambit Engineering, Inc.

The owners and applicant are proposing to subdivide one lot into two lots based on existing frontage, creating a backlot. A waiver is requested from Subdivision Regulations Section 4.4.1 (B) – Backlot Subdivisions in the Residential Zone.

Don Cook, DD Cook Builders, addressed the Board, and has a purchase and sale agreement on the property. Also present was Paul Dobberstein, Ambit Engineering. The lot is approximately 6 acres; frontage is 385 ft., which is shy of the required 400 ft. for two traditional lots. D. Cook will be subdividing the property into two conforming duplex lots.

The existing driveway is very unsafe; the driveway will be relocated. D. Cook has met with a representative from NHDOT; he would like one common driveway created and recommended a location on top of a knoll; the line of sight will be much better. Referring to a letter from Wally Berg, abutter, D. Cook stated that the design concept was to relocate the driveway and create a much safer situation. D. Cook stated he may get the needed approvals and sell the property to another builder. If he built the proposed duplexes, there would be a one car garage for each side.

P. Dobberstein stated they are proposing a back lot subdivision, and described the property location. The soil survey was submitted to the Board. There will be a 50 ft. wide strip to access the back lot.

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There is a large stand of mature trees on one side of the stone wall. Moving the driveway closer to the stone wall would allow the trees to remain; that would maintain a natural screen with the Maya Way subdivision. P. Dobberstein indicated on the plan the best location for sight distance. They have not submitted to NHDOT for the driveway permit. DOT requires 400 ft. all season safe sight distance, which is 2 ft. off the ground so the line of sight won't be obstructed. P. Dobberstein pointed out the proposed driveway location on the plan. It will be a bit lower than the existing grade; there is ledge which will be removed, allowing a better sight distance. The existing driveway will be abandoned. DOT standards will be achieved.

P. Dobberstein noted there has been a slight change in the wetlands from the plan previously submitted. Their wetland scientist had delineated the wetlands in winter conditions. The soils also make the site challenging. A Letter of Map Amendment has been submitted to FEMA.

Chair Winsor clarified that the plan was for a duplex on each lot; D. Cook agreed. Elevations were not available; buildings for the site were not specifically designed because D. Cook was not certain he wanted to build on the property. The Board would like to review a site plan, where the duplexes would be located and what they were building. Chair Winsor was concerned about the flood zone and asked if the engineering was that far ahead. Any requests the Planning Board may make would add costs. He didn't want to add costs to a plan that could be hinging on a flood plain map that was well outside of the Board's purview. P. Dobberstein responded that the LOMA request has been submitted and engineering done. Chair Winsor requested a copy of the approval letter when received. P. Dobberstein stated that part of the delay was that DOT had concerns with the culvert and the 100 year event. The engineer considered it to be a conservative determination of the base flood elevation; he was confident it would stand up to the scrutiny.

MOTION: S. Gerrato moved to accept the application for 705 Post Road as complete. Second – B. Dion; all in favor. MOTION CARRIED

Chair Winsor stated the Board did not want to add any undo engineering and efforts if something fell through. He didn't want them investing money. D. Cook stated they would continue. M. Fougere added that the issue was that the federal agency may say the house is in the flood plain. If the Board approved the plan, a note will need to be added that a building permit could not be issued until a LOMA was received. It would have to be a condition of approval, a note on the plan and the plan would have to be recorded. The lot is considered in the flood zone. M. Fougere continued that the back lot is fine; a building permit for the front lot could not be issued. D. Cook stated the exact location of the duplexes has not been determined. However, the duplex on the back lot would be facing the new driveway, not Post Road. There will be a minimum of 40 ft. separating the duplex on the front lot and the one on the back lot.

Chair Winsor opened the hearing to public comments. Wally Berg, 683 Post Road and direct abutter, presented the Board with a letter stating his concerns (copy on file). S. Gerrato mentioned the gridlock on Post Road, making the traffic situation in that area worse. There being no other comments, Chair Winsor closed the public hearing and returned to the Board.

Chair Winsor stated there were several outstanding issues. The Board could do a heavily conditioned approval on the flood plain; however, they would need a site plan before they could go much further. This would be predicated by acceptance from DOT—they would be looking at the sight lines. W. Berg added he has spoken to Division 6.

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Chair Winsor polled the Board regarding the waiver. The Ordinance allows a 20 ft. right-of-way to the back lot. The Board has been asked to waive the 20 ft. and allow 50 ft. for more frontage on the road in order to save the tree line and the stone walls as well as move the driveway to a safer location. S. Gerrato added it would be much safer with 50 ft. W. Berg stated he didn't care what was done with the lot, it was not safe.

M. Fougere pointed out this was a new process for the Board regarding duplexes. The Board has a lot of input and commentaries possible on the design of the elevations. It's not just adding the elevations to the drawing; it's also reviewing the elevations and determining if they meet the intent. The sooner the elevations are submitted, the sooner the Board can review them. S. Gerome noted if they planned to condo the duplexes that could be done during the approval process: limited common area, site plan, common areas, etc. It will need to be a separate application. Condos can be done after the approval, but they would have to come back to the Planning Board.

MOTION: S. Gerome moved to continue the application for 705 Post Road to the public hearing on Thursday, August 15, 2019. Second – K. Medeiros; all in favor. MOTION CARRIED

7. Approval of Minutes

MOTION: V. Morgan moved to approve the minutes of Thursday, June 20, 2019. Second – S. Gerome; all in favor. MOTION CARRIED

8. Approval of Invoices

MOTION: K. Medeiros moved to approve payment to Fougere Planning and Development in the amount of \$1,512.57. Second – V. Morgan; all in favor. MOTION CARRIED

9. Other Business

There was no other business to discuss.

10. Topics for Work Session: Thursday, August 01, 2019

Topics for the work session were reviewed. The commercial zone and Breakfast Hill Road will be priorities. M. Fougere noted that multi-family density is obscure and should be clarified.

11. Adjournment

MOTION: S. Gerome moved to adjourn at 8:33 p.m. Second – S. Gerrato; all in favor. MOTION CARRIED

NEXT MEETING

Thursday, August 01, 2019 – 7 p.m., Work Session, Town Hall Conference Room

Respectfully Submitted – Charlotte Hussey, Administrative Assistant

Approved: _____