



PLANNING BOARD
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MINUTES OF THE PLANNING BOARD

Thursday, December 05, 2019 – 7:00 p.m. – Town Hall Conference Room

Members Present: Frank Catapano, Stu Gerome, Steve Gerrato, John McDevitt, Rich Winsor, Bob Dion (Alternate), Steve Smith (Selectmen’s Rep)

Members Absent: David Moore, Catie Medeiros (Alternate), Vaughan Morgan (Alternate)

Staff: Mark Fougere – Consultant

Also Present: Bill Bilodeau, Joe Fedora, Joe Russell – Conservation Commission

Chair Winsor 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.

1. Residential-Commercial-Industrial Mixed Use Overlay District

The Board received Draft III of the RCIM Overlay District as well as a flood plain/wetlands map for the Mixed Use – North area. Additional language was included on page 3 of the proposed Ordinance (copy on file). Also included were uses that will be strictly prohibited under this provision; they may be allowed under normal provisions. The Town has existing flood plain and wetlands ordinances in place.

The Board discussed if the proposed Ordinance was too restrictive. M. Fougere noted that Section 18.6 (Conditional Uses) allowed uses in the wetland areas, wetland buffers and wetland setback if the Board granted a Conditional Use Permit. He clarified that would stay in place and nothing changes. It gives the Board great latitude regarding density, setbacks, and all other provisions with the exception of the wetland buffer. The wetland buffer requirements are still in place.

Chair Winsor was comfortable with Zoning; he wanted the overlay district to align with Zoning. He suggested: no further ability to adjust beyond Zoning regulations. M. Fougere stated everything that is currently allowed will continue to be allowed. If the Board wanted flexibility to alter the Limited-Cut Buffer Area (Section 18.8.2), it needed to be added.

Joe Fedora, 23 Van Etten Drive and member of the Conservation Commission: Stated for the record that the Conservation Commission would rather not see flexibility and preferred the statement as written. Their concern was that things become bargaining chips. The greater good could be achieved, but it was a slippery slope.

F. Catapano felt the Board did not need to go further than what was in Zoning. Chair Winsor was not inclined to; he thought it was more limited. M. Fougere did not list wetlands in the exceptions; it should be in writing so it is clear the Board does not have that authority. The provisions the Board has authority to waive are listed; wetland buffers were not included. It is a dimensional requirement that can be waived under “Innovative Land Use”.

DRAFT: SUBJECT TO CHANGE

S. Gerome noted they are all sensitive areas. He wanted to have the latitude with a caveat; if there was going to be encroachment, there had to be double safety on the other end. B. Dion felt modifying it may open the door to attempts to do something and it would be better not to make any changes. M. Fougere stated that currently they would have to go to the ZBA. Chair Winsor suggested not making any changes; it can be amended if there are problems.

There are no tidal wetlands in the Target/Lowe's area. The buffers are 50 ft. from the wetlands and 75 ft. from surface waters for structures. The limited cut for wetlands is 25 ft. to 50 ft.; surface waters is 25 ft. to 75 ft. M. Fougere stated flexibility should be applied to those areas.

M. Fougere noted that the Conservation Commission's opinion is advisory; a provision could be added that it's mandatory. J. McDevitt was uncomfortable with that type of provision. He would like to see some type of remediation with the setback. M. Fougere suggested using a percentage; B. Dion was opposed. He felt there may be a mistake that could go over it. M. Fougere stated that residential buffers were more difficult to deal with than commercial. B. Dion added that the more that is written, the more that has to be interpreted and it is opened up to multiple people with multiple interpretations. Stating there is a maximum percentage allowed by the Board opens the door for people to think about what percentage they could get or need.

F. Catapano suggested if the Board couldn't resolve it, they should leave it. Chair Winsor suggested revisiting the Ordinance next year. S. Gerome stated the advantage was it was innovative land use and should be utilized.

MOTION: S. Smith moved to forward the Residential-Commercial-Industrial Mixed Use Overlay District to public hearing on Thursday, January 02, 2020. Second – S. Gerrato; all in favor. MOTION CARRIED

2. Zoning Updates

Off-Site Parking: A definition for off-site parking was submitted for review (copy on file). M. Fougere recommended 500 ft. or less from a business; further away will require a Conditional Use Permit. A 90-day maximum period that can be extended gives the Board latitude.

MOTION: S. Gerome moved to forward the definition of Off-Site Parking to public hearing on Thursday, January 02, 2020. Second – F. Catapano; all in favor. MOTION CARRIED

Building Inspector Zoning Requests: The Building Inspector submitted several Zoning amendments for review by the Planning Board.

- Section 3.7.5 – Storage within Truck Bodies, Trailer Vans or Cargo Vehicles: S. Gerome had no objections with the Building Inspector granting the permit rather than the Board of Selectmen. It has not been addressed by the Board of Selectmen. S. Smith noted that the Building Inspector was trying to monitor who had storage units on their property.
- Dumpsters: The Board did not want to address the issue of dumpsters.

MOTION: S. Gerome moved to forward the amendment to Section 3.7.5 - Storage within Truck Bodies, Trailer Vans or Cargo Vehicles, allowing the Building Inspector to grant the permit rather than the Board of Selectmen to the public hearing on Thursday, January 02, 2020, contingent upon approval from the Board of Selectmen. Second – J. McDevitt; all in favor. MOTION CARRIED

DRAFT: SUBJECT TO CHANGE

- Article II: Definitions – Manufactured Housing/Mobile Homes: Amend the definition to 600 square feet rather than 320 square feet to align with Building Regulations Section 2 – Building Permit Requirements, Item E-8 (Minimum Building Area). This item was continued to the work session on Thursday, January 02, 2020. The Board would like additional information from the Building Inspector.
- Article II: Definitions – Structure: Amend the definition to include “...attachment to something on the ground **that is used for storage or occupation**”. The Board discussed this at length. They would like more information.

3. Approval of Minutes

MOTION: S. Gerome moved to approve the minutes of Thursday, November 21, 2019. Second – B. Dion; six in favor, one abstain (F. Catapano). MOTION CARRIED

4. Approval of Invoices

MOTION: F. Catapano moved to approve payment of the following invoices from the Planning Board Town Budget to Fougere Planning & Development in the amount of \$1,831.39, and from the Planning Board Escrow Account to Altus Engineering in the amount of \$2,335.74. Second – J. McDevitt; all in favor. MOTION CARRIED

5. Items for the Next Meeting

Item for the public hearing on Thursday, December 19, 2019 will be the subdivision of land on Moulton Avenue and Stearns Way as well as 11-13 March Farm Way.

6. Other Business

J. McDevitt questioned if the CIP had been reviewed. The Board of Selectmen had not seen the CIP; it was in their informational packets for the Selectmen’s meeting on Monday, December 09, 2019.

7. Adjournment

MOTION: S. Gerome moved to adjourn at 8:01 p.m. Second – J. McDevitt; all in favor. MOTION CARRIED

NEXT MEETING

Thursday, December 19, 2019 – 7 p.m., Public Hearing, Town Hall Conference Room

Submitted By: Charlotte Hussey, Administrative Assistant