

Town of Greenville, New Hampshire
Planning Board
Minutes
Thursday, October 10, 2019

The Greenville Planning Board met on Thursday, October 10, 2019 at 7:00 pm in the SAU 87 School Room at 16 School Street, Greenville, NH 03048.

In attendance were Chairman Edward White, BOS Ex-Officio Scott Tenney, Vice Chairman Michael Sadowski & Member Miles Horsley.

Also, in attendance were Town Administrator Tara Sousa & Town Attorney Biron Bedard.

CALLED TO ORDER: Chairman White called the meeting to order at 7:05 p.m.

MINUTES: S. Tenney motioned to approve the minutes of July 11, 2019 as written, M. Horsley 2nd. *Motion passed unanimously.* The minutes of September 12, 2019 were tabled to November.

BUSINESS:

**Butternut Hill Project Tax Map 1, Lot 16-1 – Review of Cluster Development Subdivision Plans-
Conceptual Discussion – Owner: Hermel Pelletier & Alexander Taft**

Present: David Orgaz, Realtor & Cathy Cambal-Haywood, Sales Director, Broker & residents Tracey Sadowski, 55 Livingston Road & Ray Faucher, 47 Livingston Road.

Discussion began concerning Mr. Orgaz's membership with the Greenville Zoning Board. In response to a question from Vice Chairman M. Sadowski, Town Administrator Tara Sousa confirmed that Mr. Orgaz is currently an Alternate on the Greenville Zoning Board. Discussion occurred whether this would be a conflict of interest issue. Town Attorney clarified that as a realtor, Mr. Orgaz can participate as a member of the Zoning Board if an application is presented to them, however, if he represents a client that comes before the board, he will need to step down from the board. Attorney Bedard added that if the project being discussed tonight was substantially completed, it is protected from changes to the zoning ordinance.

Chairman White introduced members of the board and other town officials to the applicant. Chairman White began the discussion by stating that the board would like to definitively outline what the process will be so the project may go forward. He stated that he invited town counsel to be present in order to guide the board.

41 Mr. Orgaz introduced himself and provided some historic information. He stated that back in 2006, he
42 came across some land available and rode out to the area and scoped the property. He said the owners
43 were interested to see what could be done with the land. He stated that Landmark Planning and
44 Development came up with a design for 40+ lots on property that spans 80 acres and became known
45 as Butternut Hill. Because the housing market was in a downturn during that time, they began looking
46 at affordable housing and the potential for reasonably priced single-family homes. He stated the
47 proposed cluster development would be constructed in phases. Mr. Orgaz reported that percolation
48 tests were done, drainage calculations were done and drawings were created with mylars signed and
49 recorded at the Registry of Deeds. He provided copies of the subdivision plan to board members and
50 into the record. Mr. Orgaz stated that public hearings were conducted in 2006 with a resolution of
51 approval granted by the Greenville Planning Board on January 11, 2007 by a unanimous vote.

52
53 Mr. Orgaz stated that the project went dormant for a while due to the slow market, however, they are
54 now finding that the market has turned around and developers are "knocking" on their doors with
55 interest in the property. He stated that he is present tonight to see if they are in line to move forward
56 with this project with the approval they obtained in 2007.

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58 Chairman White opened the discussion for board members.

59
60 Vice Chairman Sadowski stated that he is aware that the property has been for sale for over a decade
61 at \$995K. Ms. Cambal-Hayward confirmed that was correct, however, there have been no buyers for
62 the land thus far.

63
64 Chairman White asked what has been done on this project and whether design work has only been
65 completed and no development has been done. Mr. Orgaz stated "yes" only design work.

66
67 Attorney Bedard stated that as he looks at the resolution of approval from January 2007, he stated that
68 the applicants actually agreed to the Planning Board as to what acts as substantial development and
69 what it was going to mean under the statute on whether this would be vested. He questioned whether
70 anything that was identified in that resolution ever got done, i.e. grading, paving, road improvements,
71 etc.? Mr. Orgaz stated "no". Absent that, Attorney Bedard advised the Planning Board that the
72 applicant would need to resubmit their entire application set and would need to be in compliance with
73 current zoning and site plan regulations. He stated the application must have another set of public
74 hearings and fresh input from the Planning Board. He said that if the applicant does not wish to reapply
75 and rely only on what they currently have as a matter of right, the applicant can then apply for a
76 building permit. Attorney Bedard said if the building inspector denies the application, the applicant
77 has the right to appeal the denial to the Zoning Board of Adjustment and that decision would affect
78 what would be needed to be done before the Planning Board. He stated that the denial would be
79 based on the fact that the previous approvals lapsed for the subdivision. Attorney Bedard felt that the
80 basic concept is still permitted under the current zoning ordinance though. He told the applicant that
81 they may want to have an engineer review the plans and that there are probably some code changes
82 that have happened that would affect this project.

84 Attorney Bedard commented on the length of the driveways being proposed and how narrow they
85 were going to be. He stated that those concerns may be more of an issue now than they were 13 years
86 ago. He stated that the current zoning requires 200-foot frontage and 2-acre minimum.

87 Discussion occurred regarding what was being proposed for sewage and water. Ms. Cambal-Haywood
88 stated that they are still proposing onsite septic and wells. Vice Chairman Sadowski stated that there
89 are lots of wetlands in that area. Chairman White questioned whether the road would be turned over
90 to the town. Attorney Bedard stated that if the road was proposed to be a town road, the applicant
91 should petition the town for acceptance.

92
93 Member Horsley spoke about the trails in the area and the proposed 50' road width. M. Horsley
94 questioned whether abutters would still need to be notified. Attorney Bedard stated "yes" and a
95 public hearing will be noticed and conducted.

96
97 S. Tenney stated that this was the first he has seen of the plan. He stated this his preliminary
98 observation is that the applicant will require an Alteration of Terrain permit from the Department of
99 Environmental Services. He also stated that he agreed with what Attorney Bedard spoke about in
100 regards to the driveways and added that shared driveways now need to be named. S. Tenney stated
101 that there were no scenic road designations.

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103 Chairman White opened discussion to members of the public.

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105 Ray Faucher, 47 Livingston Road – Mr. Faucher stated that he lives where Butternut Road and
106 Livingston Road come together and abuts that strip. He asked what the plan was to get to Livingston
107 Road and how long that was going to take. Mr. Orgaz replied by stating he did not know at this time.
108 He stated it would go in phases beginning from the Route 124 end. Attorney Bedard stated it would be
109 impossible to answer that questions because the board doesn't have an approved project before them.
110 Mr. Faucher stated that he has issues with the road and it being a through road and that access was
111 literally through his driveway. Attorney Bedard encouraged Mr. Faucher to speak with the applicant
112 directly and find out what they can do to alleviate this and would be a constructive thing to do for both
113 parties.

114
115 Tracey Sadowski, 55 Livingston Road – Ms. Sadowski had questions concerning her stone walls and
116 possibly trucks running on her property. Mr. Orgaz stated that this was all premature at this point. She
117 stated that they would need to be knocked down in preparation of a road. She said the roads are
118 narrow. Mr. Orgaz stated they would construct a road that would be aesthetically pleasing but couldn't
119 answer Ms. Sadowski's question at this time.

120
121 Chairman White asked Attorney Bedard about the legality of moving a stone wall. Attorney Bedard
122 stated that the answer is that there is a historic road designation that can occur to prevent alterations
123 for our trees, stone walls, etc. He said there is a 50' right of way and it would still need to meet town
124 specifications.

Chairman White concluded the meeting with the applicant and reminded him that the purpose of the meeting tonight was to see what the applicant can do to pursue his project. He encouraged the applicant to come back before the board when they wish to proceed.

Attorney Bedard noted that he will be teaching a class on Thursday nights through December and if the board needed him to be present, it would need to be on a different night other than a Thursday.

ADJOURNMENT: M. Horsley motioned to adjourn at 7:55 pm, Vice Chairman Sadowski 2nd. *Motion passed unanimously.*

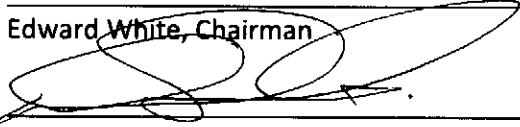
Next Planning Board meeting: Thursday, November 14, 2019 at 7:00 p.m.

Respectfully Submitted,
Debra A. Butcher

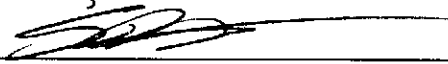
APPROVED BY:
Greenville Planning Board



Edward White, Chairman



Michael Sadowski, Vice Chairman



Scott Tenney, BOS Ex-Officio



Miles Horsley, Member

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