

**Town of Greenville  
Planning Board**

**Minutes – February 10, 2022**

Call to order at 7:00 p.m. in the Town Hall Meeting Room, 46 Main Street, Greenville, NH. Present: Chairman Michael Sadowski, Vice-chair Miles Horsley, Member Scott Tenney, and BOS Ex-officio Tara Sousa.

Chairman Sadowski thanked Scott Tenney for rejoining the Board, and introduced Town Attorney Biron Bedard. He reviewed the agenda, confirmed the applicant, Dan Hynes was present, and read the public notices for the completeness review and site plan review for 8 Dunster Ave, Map 8 Lot 37-b.

Chairman Sadowski announced the opening of the public hearing of the completeness review. He explained the process for presentation of the proposal and comments from abutters and the public. He asked who Sam Foisie was, as he was indicated as the agent on the application. Mr. Foisie, of Meridian Land Consultants, introduced himself. Chairman Sadowski noted that neither the applicant nor the agent had signed the declaration. Both Mr. Foisie and Mr. Hynes indicated such was an oversight, perhaps due to digital transfers of the paperwork, and offered to sign presently. Chairman Sadowski asked if there were any objections from the Board, and there were none. Mr. Hynes signed the declaration.

Chairman Sadowski reviewed the "Board Considerations" segment of checklist. Reviewing the proposed and allowed uses, the category under which the wedding venue would fit was discussed, and the Board expressed agreement that it could be considered a recreation facility. Chairman Sadowski asked Mr. Hynes how many apartments are proposed. Mr. Hynes explained that the apartment would not be available to the general public, but would be for a property manager. Atty. Bedard asked if this would be for year-round occupancy, or just when the property were in use for events. Mr. Hynes answered it would be year-round, for the property manager to be on-site primarily for the inn. Reviewing frontage, it was noted that the building is pre-existing. Regarding lot coverage area, Chairman Sadowski indicated that that would be part of the site plan review, and Mrs. Sousa questioned if the change of use triggered anything. Atty. Bedard asked Mr. Foisie if he had a calculation of greenspace and lot coverage area. Mr. Foisie answered that he does have the land use breakdown of building, pavement, gravel, and pervious, pointing to that table on page 2 of the plan, and noting that it only reflects the project area, but that the additional area of the lot would be open space. Mr. Foisie clarified that the additional area he was referring to was the unused portion of Map 3 Lot 2-6, which is bisected by a wetland and is not part of the land use summary table. Atty. Bedard asked if the applicant held title to the indicated lot (3-2-6). Mr. Hynes relayed that he had approached the Selectmen about leasing or buying the lot, and stated that they wanted him to go through this first because if it were denied, it would be moot. Atty. Bedard asked what it would look like without the unowned lot, and Mr. Foisie answered that they are not making any changes to land coverage (building, impervious, pervious), but that they are looking at the total project because the change of use has a lot to do with (3-2-6). Atty. Bedard asked if, from their perspective, they needed that lot. Mr. Hynes stated he would disagree with that. Mr. Foisie said that Mr. Hynes would be talking about the way the Zoning reads regarding parking calculations for the downtown district, and

that technically one doesn't need to meet a specific parking calculation, but that Mr. Hynes would like to have parking adjacent to his site, which is why the portion of that lot is included in the plan. Mr. Hynes referenced 2.7.4 of the zoning, in that some things are exempt from lot requirements. Atty. Bedard explained that his question was aimed at understanding what is currently there, and acknowledged that the property is an existing non-conforming lot. He indicated that the greenspace calculation is not on the plan for the existing lot (8-37-b). Mr. Foisie argued that the calculation was provided for the overall project.

Chairman Sadowski reviewed deed references on the plan. In reference to the checklist item of emergency services concerns, he noted that the Board had received 2 submissions which would be read during the site plan review.

Chairman Sadowski began review of the applicant checklist. Mrs. Sousa reviewed the certified mailing receipts, indicating 9 were mailed, including to the owner and engineer, but that only 5 were returned, with one of the missing being that of the owner. She noted recent issues with deliveries by USPS that were confirmed to have been delivered but failed to have the green card returned to the Town.

Chairman Sadowski asked if there were larger copies of the floor plans available. Mr. Foisie thought 11X17s had been submitted, and acknowledge the plans were difficult to read. Mrs. Sousa confirmed that the presented copies were the submitted size. Chairman Sadowski expressed that he couldn't make out what was happening in the basement, and Mr. Hynes answered "essentially nothing."

Regarding easements and deed restrictions, Mr. Foisie stated that if there were no deed restrictions reflected in the notes, none were found by their survey. He noted an undeeded easement (on 3-2-6). The Board noted the drainage reflected on 8-37-b. Chairman Sadowski asked Atty. Bedard if, in his history with this lot, he was aware of any deed restrictions, and Atty. Bedard answered that he was not aware of any.

Mrs. Sousa relayed that, in reviewing the certified return receipts, 2 of the missing cards were for the applicant, and the others were for P. O. Boxes.

Mr. Sadowski continued with the checklist review. To clarify the proposed area, Mr. Foisie answered that the total project was roughly 73,000 sq. ft., including the building lot and a portion of the adjacent lot. Mr. Foisie acknowledged the desired documentation of the existing lot separate from the project total.

Mr. Sadowski indicated he could not see the traffic flow. Mr. Hynes indicated that the access to the gravel lot is Nutting Lane. Mr. Foisie indicated that they could add in and out arrows. Chairman Sadowski expressed that it is better to improve on the existing condition, especially given the increase in traffic. Mr. Hynes discussed traffic movement, and noted that the lots are not connected due to the hill. It was noted that there is a stairway. Mr. Foisie stated it was "1 to 1." Atty. Bedard explained to Chairman Sadowski the location of the drop-off off Old Wilton Road, which he estimated to be 20 vertical feet. Chairman Sadowski asked about lighting. Mr. Foisie discussed that there is no lighting planned, other than potentially building mounted lights to illuminate the walkway, noting the plan indicates any lighting

will be downcast and shielded. He explained that the owner did not wish to put in the infrastructure on leased land. Mr. Hynes expressed that for safety, he would like the area lit, but acknowledged the issue of the potential property lease. He showed on the plan an area owned at the base of the slope, but indicated it was unknown if that would be sufficient for the other side (of the parking).

There was discussion about the Town not being reflected on the plan as an abutting owner. The proposed snow storage for the gravel parking area was discussed. Mr. Foisie clarified the location of storage for the impervious area on building parcel, explaining that snow movement would be as it is currently. Chairman Sadowski asked about fuel storage, and Mr. Foisie answered that there was no (new) fuel storage. Chairman Sadowski asked about signage. Mr. Hynes described non-illuminated wooden signage of the same size, and Mr. Foisie stated that the plan reflects that the existing square footage of signage would not be increased.

Addressing stormwater management, Mr. Foisie said that calculations do reflect an increase, but that the volume is minor, and that doing management causes more ground disturbance. He expressed that they were here to see if that explanation was sufficient, or if a stormwater management plan was necessary. Chairman Sadowski indicated that he would want to see a plan, given the addition of a large parking lot. Mr. Foisie acknowledged that it appeared large, but that there is existing impervious area and an existing gravel drive. He suggested that if the presented explanation was not sufficient, they could do pervious parking, which would decrease the impervious area, reducing volumes and rates, with the drive remaining gravel and the parking stalls being stabilized pervious area. Mrs. Sousa relayed her recollection from the conceptual that, because the lot would not be paved, and none of the impervious area around the building was changing, a stormwater plan might not be needed. Atty. Bedard recommended if the Board did not require such, that a waiver be submitted. Chairman Sadowski stated that issue would be tabled for now.

Mrs. Sousa confirmed that the fees for the application were received.

Chairman Sadowski asked for comment from abutters supporting the application completeness. Hearing none, he requested abutters opposed, which there were none, then opened the floor for any other comments. Marshall Buttrick, of 240 Adams Hill Road, questioned the reference plans, which Chairman Sadowski confirmed that 29374 and 37057 were reflected on the proposed plan. Mr. Buttrick discussed an easement related to a lot-line adjustment for access to the parking behind the "Depot", which did not appear to be reflected on the plan. He discussed the reflected drainage easement from the Depot to the northeast, expressing concern that there is no plan which shows what happens to the drainage from that (structure), indicated that he anticipated the Conservation Commission's concern about that issue. He discussed that the prescriptive easement associated with the Greener Living subdivision, where he said the Planning Board dealt with the potential of a landlocked piece, should also appear on the plans. Attorney Bedard asked Mr. Foisie if their survey picked up anything relative to the easement between the property and the Depot. Mr. Foisie answered that he had not personally performed the survey, but had only had discussions with the surveyor about the prescriptive easement. He said he had made note to follow up on that issue, and document on the plan if such easement exists. Chairman Sadowski noted that the former owner had discussed (said easement) at the Zoning hearing for the Depot, so he believed there was "something there". Mr. Hynes acknowledged his understanding that an easement

existed allowing access to the rear of the Depot. Tom Hawkins, who identified himself as associated with the Depot, stated that their deed, which is registered with the county reflects an easement over the paved area to access what was the former restaurant's parking area. Mr. Sadowski expressed unfamiliarity with the concept of prescriptive easement, and Atty. Bedard explained that is an easement that is created by the actions of the parties without ever being formalized in writing. Mr. Foisie referenced the attorney opinion regarding the prescriptive easement submitted as part of the application, and discussed the gravel drive accessing lot no #, which was indicated in the subdivision plan (of Greener Living), but was never deeded due to the tax-taking of the parcels. He explained that the prescriptive easement exists because lot no # has always accessed through the lot in question, but that that route can be adjusted as long as access is maintained. Mr. Buttrick expressed that the Planning Board needed to take note of what it had approved, reflected on Plan 37057, and the minutes of that meeting. He read note 11 from that plan, which referenced a 25' right-of-way granted in a deed from 1938. Mr. Tenney asked who had prepared that plan, and Mr. Buttrick answered Monadnock Survey. Mr. Foisie asked the date of the plan he referenced, and Mr. Buttrick answered was May 25, 2010.

Fire Chief Charles Buttrick, of Greenville Fire, asked if concerns regarding fire suppression needed to be addressed later in the proceeding, and Chairman Sadowski concurred. Chairman Sadowski asked if such was addressed his submitted materials, and Chief Buttrick said yes. Mr. Tenney noted that the referenced submission was an email from the District Chief of the Fire Marshall's office.

**Motion by Mr. Tenney, 2<sup>nd</sup> by Mr. Horsley, to close the public hearing.**

**Motion carried with 4 in favor, none opposed.**

Chairman Sadowski announced the closure of the hearing, and that the Board would deliberate.

Mr. Tenney expressed that the majority of the application was complete. He discussed the noted easement issue, suggesting that acceptance could be conditional on that being added to the plan. Mr. Horsley asked about the stormwater plan. Chairman Sadowski asked for Atty. Bedard's opinion on the stormwater plan issue. Atty. Bedard recommended the Board defer deciding that issue until the hearing on the merits, to see how it "shakes out", such as how people feel about it, and what the lot data looks like. He recommended a condition for updated lot data on the existing lot conditions. He also recommended the plan reflect traffic flows as envisioned, that the Town be identified as an abutter, and that the easement be updated relative to the issues raised in the hearing. He expressed that with those conditions met, the plan could be considered complete. He suggested that the Board consider whether the Board would send the application out for third-party review after the revisions have been submitted, so that the Board could have an opinion on the merits before the next hearing. Chairman Sadowski asked if the second public hearing would be postponed. Atty. Bedard agreed that the second public hearing would not be held that evening due to the unavailable information, particularly the lot data, and offered his opinion that, given the magnitude of the project, that Board should not make a decision without an independent engineering review. He noted that the proposal, in comparison to its prior use as a retail facility, would have a substantial increase in the public accessing the site with the proposed 160 seat venue and 8 room inn. He also noted that it would be mixed with residential use, and although the proposed apartment was not meant to be available to the general public, the owner can change his mind, unless that use is restricted by the Planning Board. Mrs. Sousa questioned if the

residential space would be ancillary to the inn, like a bed and breakfast. Atty. Bedard and members of the Board expressed their understanding that this would not be a bed and breakfast. Atty. Bedard expressed that the dramatically different use requires a host of considerations not reflected on the plan, and that a report would help the Board determine what needs to be there. He suggested Keach-Nordstrom or Granite Engineering. Mr. Tenney noted that the Board had used Keach in the past. Atty. Bedard gave procedural advice. Mrs. Sousa asked if the Board would act to establish an escrow. Mr. Foisie stated he believed Steve Keach would give an estimate to the Town, and that they would pay the estimate. Mrs. Sousa recalled that it had been the Selectmen in the past who established an escrow account once the proposed amount was determined.

**Motion by Mr. Tenney, 2<sup>nd</sup> by Mrs. Sousa, to accept the application as complete with the following conditions:**

1. That the plat include the prescriptive easement, the Depot parking easement, and easement(s) reflected on plan #37057 of 1938
2. That the plat show how the drainage easement impacts the Town's lot, Map 3 Lot 2-1
3. That the plat show traffic flow
4. That the Town be identified as an abutter
5. To include information on the existing lot alone in the land use summary (pervious/impervious calculation).

**Motion carried with 4 in favor, none opposed.**

**Motion by Mrs. Sousa, 2<sup>nd</sup> by Mr. Tenney, that the Planning Board seek a quote for third-party review from Keach-Nordstrom.**

**Motion carried with 4 in favor, none opposed.**

Atty. Bedard asked Mr. Foisie how quickly the updates to the plan could be made. Mr. Foisie that the easements may take some effort, but that the other items should be able to be turned around quickly. He asked if there was any way they could get the overall opinion of the Planning Board, or if anything needs to be changed, in order to expedite the review process. Chairman Sadowski expressed that the Board would be impacted by input from the public, and he did not want to give bad advice. Attorney Bedard suggested that the rescheduling be pushed out to the April meeting, given the timeline to get the revised plans and third-party review. Mrs. Sousa questioned if the revised plans could be distributed for the review without coming back to the Planning Board, and members agreed they could. She noted the implications of Town Meeting votes regarding selling of tax-deeded properties on this project, and that those decisions would be known for the April Planning Board meeting. Chairman Sadowski asked if Atty. Bedard was available for that date. Mr. Foisie commented on the benefit of having had the Town Attorney present. Chairman Sadowski expressed his preference to give correct answers and have the opportunity to learn, noting that Atty. Bedard brought up issues he would not have thought of. Mrs. Sousa noted the Board's awareness from the conceptual that this project was more complex than some others, particularly due to the property acquisition element. Mr. Horsley asked about the stormwater waiver. Atty. Bedard recommended that the Board not ask for that at this point, deferring that decision until the third-party review is received and abutters' comments are heard. Mr. Foisie expressed that he believed it was necessary to file a waiver. Atty. Bedard agreed that it needed to be filed, but could not yet be acted upon.

**Motion by Mrs. Sousa, 2<sup>nd</sup> by Mr. Tenney, to continue the application for site plan review for Map 8 Lot 37-b, to a date and time certain of April 14, 2022, at 7:00 p.m.**

**Motion carried with 4 in favor, none opposed.**

Chairman Sadowski noted it would be continued at the same location.

#### **Minutes**

**Motion by Mr. Horsley, 2<sup>nd</sup> by Mrs. Sousa, to accept the minutes of January 6, 2002 as presented.**

**Motion carried with 3 in favor, none opposed. Mr. Tenney abstained.**

#### **Other Business**

Chairman Sadowski asked if there was any other business, and there was none.

**Motion by Mr. Tenney, 2<sup>nd</sup> by Mr. Horsley, to adjourn at 8:17 p.m.**

**Motion carried with 4 in favor, none opposed.**

Respectfully submitted,

Tara Sousa, BOS Ex-officio

Approved by:

*Greenville Planning Board*



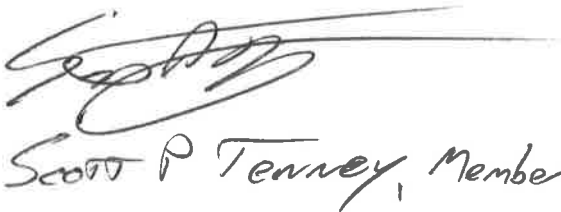
Michael Sadowski, Chairman



Miles Horsley, Vice Chair



Tara Sousa, BOS Ex-officio



Scott P. Tenney, Member