

**Brentwood Planning Board
Minutes – April 19, 2012**

Members Present: Bruce Stevens, Chairman John Kennedy, Vice-Chair
 Doug Brenner, Secretary Kevin Johnston
 Rob Wofchuck Steve Hamilton, Alternate
 Glenn Greenwood, Circuit Rider Planner

Minutes – Mail – Board Business

Chairman Stevens called the meeting to order at 7:00.

Motion made by Kennedy, 2nd by Stevens to give Hamilton and St. Hilaire voting rights: all were in favor.

Motion made by Kennedy, 2nd by Wofchuck to approve the minutes of April 5th: the motion carried with Hamilton abstaining as he was not present.

The Board is in receipt of a letter from Vasilka Nicolova regarding the construction of her driveway, located off Spruce Ridge Drive. Members agreed that the town’s responsibility ends at the right-of-way, and will check with town engineer Steve Cummings to make sure the portion within the ROW is compliant.

Greenwood confirmed that Laurel Bistany from REDC will be at the May 3rd meeting.

Continued Hearing: Amendment to a Previously Approved Site Plan: Daniel E. Musso - tax map 217.002

Hamilton stepped down from this hearing only, as he is an abutter.

Harriet Cady spoke on behalf of the applicant this evening. The office received an e mail from surveyor Paul Nichols, stating that he just received information from Musso yesterday, and will not have time to provide revised plans for tonight. Cady said because of the cost of drawing plans, etc, they want to get the PB approval on what they are intending to do, and then the plans will be drawn. They will remove the “existing and pre-existing overflow parking” that is currently shown beside the house. She said they will park their private vehicles there, but not customers. Cady said Musso’s deed says the property line is the “embankment of the river”, so they will have the property line on the embankment on the side towards the store; she said it goes to the northerly embankment of the river, she said it states in his deed. She said “we are just going to leave it, what the deed says”. Stevens said that at the last hearing Cady colored a property line that went through the center of the river. Cady said if the PB wants the line left where it is, they will add a note that his deed says he “owns to the embankment”, and they are not seceding any property rights. Stevens said she drew the property line down the center of the river, as the surveyor had done. She said they will remove the line drawn that goes across the river and along Middle Road. At the last meeting she marked a plan set that showed what they would remove (on file). On that same plan at the previous meeting Cady highlighted the property line, as drawn by surveyor Nichols where it goes through the center of the river. She said that Don Wilson, a land boundary consultant, has shown that Musso’s property line goes to the northerly embankment of the river. Stevens asked if that went right to the roadway and Cady said they don’t know, because the road was built in 1836 or ’38 (Rte 111A) and before that it was the Dalton Road, she said there was no 111A. She said someone from the state historical came down and they went over the site, and she said they said there was an historical interest in it for the mills. She said she has a map from the state from 1941 when the bridge was built, that shows mill rights. Stevens said the PB is more interested in what the licensed land surveyor will put on the final plan. Cady said Nichols and Wilson have talked about the northerly embankment, not saying

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“up on the road” but to the embankment, at the high water mark. She said that until two deeds are found, which she said they have not been able to find, they can only go by the deeds that go back to the 1700’s.

Cady said on the plans to be revised, they will remove the roadway that says existing access way used for overflow parking.

Kennedy said with regards to the deed wording, he would rather see a note on the plan and not get confused about where the line is. He said the State owns all the water ways. Greenwood said that when the Board sees the revised plan, done by Nichols, that Nichols will show the property line located in a way he(Nichols) can justify because he is putting his stamp on the plan. Cady said that after the current plan was drawn, Wilson and Nichols got together, and Wilson explained a couple of deeds to Nichols. She said Nichols did not have that information. She said that if Nichols puts the property line in the river, they will have a note put on the plan that the applicant certifies this is a fair and accurate plan based on information known today.

Cady said, so that the PB knows what they are going to do for the Board to approve, they are taking out the line that goes across the bridge and down along Rte 111a, removing the overflow parking currently shown in front of the house, remove the “Existing Access way as claimed and described by owner and overflow parking”, along with the hash marks that delineate this access way that goes down the southern portion of the lot, around the house on the east side, and up towards the road. They will add parking spaces in front of the repair shop on the Crawley Falls side, but on Musso’s land. The parking spaces delineated numbers 1 through 10 will stay. Brenner said it is good that they are doing this so that there is a common understanding, but if there is any misunderstanding, it will be small enough that the PB could hopefully give a conditional approval. Stevens said they want to be very clear that the intent of the Board is to have all the commercial parking within the bounds of the property, just like all commercial properties in town.

Motion made by Kennedy, 2nd by Stevens to continue this hearing to May 17th at 7:00. Cady said if the PB agrees with what she has said tonight, they will tell Nichols to change the plan. Cady asked that a copy of the minutes be sent to her. Cady was told that revised plans need to be in the PB office by May 15th. Stevens suggested they remove the word “temporary” from the storage unit, to avoid any future “hassle”. Wofchuck asked if this unit could be put this close to the river, with regards to the setbacks, and Greenwood said this is not permanently fixed. Kennedy said this container has been in the same proximity for more than 10 years, across the street. The motion was granted to continue the hearing. Cady thanked the Board

New Hearing – Conditional Use Permit: Highland Hardwoods (Family First of Brentwood Corp) tax map 208.031

Stevens stepped down as he represents the applicant this evening and Kennedy led this hearing.

Paperwork is in order and abutters notified from the list provided by the applicant. Motion make by Kennedy, 2nd by Wofchuck to accept the application: all were in favor.

Stevens said the intent of this hearing is to show the location of the second sign, as allowed under Article 400.003.004.004. He provided copies of the previously approved plans and showed the location of the second sign, stating that it conforms to town regulations.

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In accordance with RSA 672:21, II, Kennedy read the criteria for the conditional use permit to allow a second sign:

1. The site must have an approved site plan for all activity occurring on the property: all agree that this meets the criteria.
2. The subject parcel must have frontage of 350 feet or more to qualify for a second free standing sign: all agree that this meets the criteria
3. The design and placement of all signs must be designated on a site plan or the location must be described in a recordable instrument: an affidavit will be filed at the registry.
4. The free standing signs must be separated by at least seventy (75) to insure that they are viewable from the abutting roadway: all agree that this meets the criteria.
5. Both signs must conform to all other requirements of the Town of Brentwood sign ordinance: all agree that this meets the criteria.

Motion made by Brenner, 2nd by Kennedy to grant a Conditional Use Permit in accordance with RSA 674:21.II and Brentwood's Land Use Document, Article 400.003.004.004, based on the above, contingent upon an affidavit being recorded at the registry of deeds within 120 days: all were in favor. Stevens thanked the Board.

Motion to adjourn at 7:50 made by Kennedy, 2nd by Wofchuck: all were in favor.

Respectfully Submitted,

Kathy St. Hilaire,
Administrative Assistant,
Brentwood Planning Board