

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

Members Present:	Bruce Stevens, Chairman	John Kennedy, Vice-Chair
	Mike Hubbard, BOS Rep	Bob Magnusson
	Rob Wofchuck	Glenn Greenwood, Circuit Rider Planner

Minutes – Mail – Board Business

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

The manifest was signed.

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

Motion made by Kennedy, 2nd by Hubbard to release the bond being held for the traffic safety study for Brentwood Distribution. The bond has a balance of \$5,100 plus interest. All were in favor.

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

Continued Hearing: Condominium Subdivision –M & T Commercial Holdings, tax map 205.006.000

Mike Sievert of MJS Engineering and applicant Bob Zickell were present for this hearing. There were no abutters present.

Sievert said that revised plan shows two development sites as opposed to the original plan's three sites. Plans show the access to the dry hydrants. The Declaration of Condominium documents have been submitted, and will need to be reviewed and approved by town counsel. Greenwood said that the plans need to be stamped by a wetlands scientist and the plans need to indicate how the boundaries between the convertible land areas are to be monumented.

Motion made by Kennedy, 2nd by Magnusson to grant a conditional approval to May 17, 2012, contingent upon the following:

1. Town Counsel's approval of the condominium documents
2. The plans being stamped by a wetlands scientist
3. Plans to indicate how the boundaries between the convertible land areas are to be monumented.

The motion carried by unanimous vote. Sievert and Zickell thanked the Board

Continued Hearing: Amendment to a previously approved site plan: K.L Properties Gates Business Park 209.017.000

Property owner Larry Kelly was present to speak with the Board this evening. His approved site plan included a 45,000 sf building that they have decided not to build. He said his taxes have increased on the site, based on the site plan approvals and he wants to rescind his site plan to release the bond being held (approximately \$174,818) and have his taxes reduced. Kelly would like to leave \$50,000 in the bond and would like to meet with the town engineer, Steve Cummings to verify that the site is stable. Stevens said that if they have a bond in place, they have an approval, that they can't hold a bond without an approval. He said Kelly could amend the current plan, and any bonding could apply to that amendment. He said it might be better to have the approved plan rescinded and release all of the bond, provided that the DES requirements have been met for

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

erosion control. Kelly said he wants the ability to come to the Board with a new idea, and not be locked into anything. Stevens said that Cummings would need to inspect the site, to recommend any release of the bond. Greenwood said if this is withdrawn an affidavit is attached to the plan at the registry. St. Hilaire will have Cummings contact Kelly. Kelly thanked the Board for their time this evening.

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

Paper work is in order and abutters legally notified from the list provided by the applicant.

A copy of Greenwood's comment letter was given to Harriet Cady, who represents Musso, who was also present. Stevens said the Board needs to consider accepting the application. Cady said she saw the plan for the first time yesterday, and there are some mistakes, and she asked for a continuance, for those to be corrected. She said Musso's deed clearly states that he owns both sides of the river. Stevens said he wants to see on the plan itself what they are stating are the property boundaries. Cady said that is why she is asking for the continuance. She said the land was deeded to Musso through his buying of the Morrill property that was dam rights. She said there are dam rights in two places that are not depicted on the plan that she said Musso owns. Stevens said the PB relies on the expertise of a professional engineer/surveyor, but before the Board can take jurisdiction of the plan, they need to know the boundaries of what they are dealing with. He said they can grant her request for a continuance.

Motion made by Kennedy, 2nd by Hubbard to continue this hearing to February 16th, at 7:00. Stevens recommends that the surveyor attend the meeting. Cady asked about Greenwood's comments regarding the boundaries, the parking and grading, and Stevens said the Board is not in a position to talk about the plan in detail until they accept jurisdiction. He said the legend on the plan should show what the notation is for the boundary markers, to be very clear. Cady said Greenwood has a question on the shoreland protection, and she said Musso's former plan depicts the wetland. Stevens said people have to abide by the shoreland protection act, and Cady said Musso is grandfathered on that. Kennedy said the state shoreland protection ordinance has "been gutted". Cady said Musso is not doing anything within the shoreline. Motion to continue was granted by unanimous vote. Cady thanked the Board.

Proposed Zoning Amendments: Consideration of Planning Board and Citizen's petition proposed amendments to the Brentwood Zoning Ordinance dealing with the following:

1. Discussion as to the Planning Board's position on a Citizen's petition filed at the town office, which will remove Article 300.001.003, District Boundaries, and Article 300.003.004 Establishment of District Uses for the Town Center District 1.

Residents attending in support of this petition were Phyllis Thompson, Jane Byrne, Steve & Paula Hamilton, Brian West, Jim Johnson and Dan Musso. Thompson said that she gets complaints about the zoning in this district, that it has taken away people's property rights. She said a town center should be a focal point, and in Brentwood that is the Community Center. Wofchuck clarified that the district is more restrictive than commercial zoning, and less restrictive than residential. Lots that were previously zoned commercial have some limitations on their use, while lots that were previously zoned residential now have expanded opportunities. Stevens read from the ordinance what was not allowed.

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

Thompson and Steve Hamilton said this all began because one resident in that area did not want a garage across from their property. Hamilton said he lost two offers on his property, one being a donut shop and the other a drug store. Stevens said they are both allowed within this district. Hamilton said it is incredibly restrictive, all because of the overreaction of a number of people who no longer live in town. He asked what benefit this has brought to the town, and Stevens replied that this is a template, a plan for the future. Hamilton said the fact that no outside display is allowed for retail is too restrictive, and Stevens agreed that there could be changes made within the ordinance without throwing the whole ordinance out; that is something that the PB could work on for next year.

Wofchuck said if it is rescinded, the people who have residential properties will lose the ability to do what is currently allowed. Hubbard likes the intent of the district, but said to attract people to this area it needs to be less restrictive. St. Hilaire said that of the 45 parcels located within the Town Center District only 6 were represented on the petition. Greenwood said this will be on the voting ballot, with a statement whether the PB recommends this change, or does not recommend. Hubbard said it would be nice if that could include how many voted for and how many voted against.

Stevens asked Steve Hamilton to serve on the PB as an alternate member, and work with the board to amend the ordinance. Hamilton agreed to serve.

Motion made by Stevens, 2nd by Hubbard to appoint Hamilton as an alternate member: all were in favor.

Motion made by Kennedy, 2nd by Stevens to disapprove the citizen's petition: the motion carried with Hubbard voting no.

2. Amend article 300.002.001.005A by changing the front yard setback to be 50 feet from the edge of right of way on properties located on the commercial/industrial portion of Pine Road.

Motion made by Kennedy, 2nd by Stevens to put on the March 2012 ballot the following zoning amendment:

300.02.01.05 Front, Side and Rear Yards:

- A. Each building or structure shall be set back at least 125 feet from the edge of the pavement, except any such building or structure with frontage on an internal road within a subdivision or industrial park shall be set back at least 75 feet from the centerline **(3/11/2003)** of such internal road. **Properties located on the commercial/industrial portion of Pine Road shall maintain a 50 foot front yard setback from edge of right-of-way.**

All were in favor.

3. Amend article 400.003.004.004 to allow greater flexibility in the number of signs within the commercial/industrial zone.

Motion made by Kennedy, 2nd by Stevens to put the following on the March 2012 ballot:

400.003.004.004 Conditional Use Permit for Additional Free Standing Signs.

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

Each property shall be allowed a maximum of 1 wall sign per tenant, and 1 free-standing or monument sign. A second free standing sign may be granted through this conditional use permit if the following conditions are met:

1. The site must have an approved site plan for all activity occurring on the property.
2. The subject parcel must have frontage of 350 feet or more to qualify for a second free standing sign.
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.
4. The free standing signs must be separated by at least seventy (75) to insure that they are viewable from the abutting roadway.
5. Both signs must conform to all other requirements of the Town of Brentwood sign ordinance.

The motion carried by unanimous vote.

Board Business Continued

Motion made by Wofchuck, 2nd by Kennedy to authorize Stevens to sign the 2012 Rockingham Planning Commission contract: all were in favor.

The affidavit for the Giroux site was signed by the Board.

The mylars for Brentwood Distribution were signed by the Board.

Wofchuck said that members of the Conservation Commission have attended seminars on the water quality testing, and are now suggesting that the testing not be done. He said it makes more sense to wait, that it will be years before there is any implementation.

Greenwood said he would have the Open Space chapter of the Master Plan done by the end of the month.

Wofchuck asked about any updates on the fluvial erosion overlay maps, and Greenwood said he was told that there is no funding for this, that there was an issue with the methodology of the report done for Brentwood and was asked to put it on hold for now.

Greenwood will draft a letter for Kennedy to send to the legislature regarding bills before them that may affect Planning Boards and Conservation Commissions.

Motion to adjourn at 9:10 made by Wofchuck, 2nd by Hubbard: all were in favor.

Respectfully Submitted,

Kathy St. Hilaire,
Administrative Assistant
Brentwood Planning Board