

Brentwood Planning Board

Minutes – July 21, 2011

New Hearing: Lot Line Adjustment & Site Plan Review – Brentwood Distribution, tax maps 205.019, 205.019.001 thru 005.

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

Motion made by Kennedy, 2nd by Wofchuck to accept jurisdiction: all were in favor.

Present on behalf of Brentwood Distribution were Eric Saari of Altus Engineering and Marco Carrier, property owner.

Lot Line Adjustment

Saari explained that the applicant recently purchased lot 205 lot 019B (plan reference 77 Pine Rd) and proposes a lot line adjustment and site plan amendment to allow the expansion of their mulch and forest products operation to include bagged and palletized products. This includes a 10,000 sf storage building, paved storage and work areas, together with associated utilities and stormwater infrastructure. They plan to retain the currently leased existing building and surrounding site on lot 19B as a separate use, reusing the partially finished building as warehouse space, razing the existing foundation and connection the adjusted lots through full-access driveways. Additional pavement will be about 3.63 acres. There is a detention pond in the back that also serves as a fire pond. The lots will maintain the same frontage after the LLA.

Saari explained the drainage system, saying it was difficult because our new regulations are quite stringent. He said test pits were done and the distance to the water table was 4 feet, and our regulations require 3 feet of separation between the bottom of the pit and the seasonal high water table. They have submitted a Special Permit request, in accordance with Section 400.007.006 and 400.007.008. H.3.b

The utility plans were shown and they are proposing to run an underground conduit to the building. The building will not have any water, and will be open on one side, with 5 drive-in bays for loading. They will be requesting a Conditional Use Permit to impact the wetland buffer (700.002.006.002).

Motion made by Kennedy, 2nd by Johnston to conditionally approve the Lot Line Adjustment to November 17, 2011, contingent upon satisfying both Greenwood's and the town engineer's comments: all were in favor.

Site Plan Review

Greenwood's comments were reviewed at this time. They are proposing to include bagged and palletized products. Saari said the truck traffic will increase, spread over the year, about 50% (not peak time). He said the mulch operation is running at peak time, but the bagging operation is an all-year long process. The daily truck traffic average, based on one year, is about 25 trucks a day, and this will be increased to about 37 ½ trucks. This is outbound only. Two full time, and two-part time employees will be added. The impact fee note will be added to the plan. They are not proposing lighting for the new building.

With regards to the Special Permit request, Magnusson asked for more scientific information, a better explanation before acting on this request. Brenner asked that the PB be notified, as a courtesy, of any proposed tenants.

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SFC Engineering's comments were reviewed at this time. Saari said there are two dry hydrants on the site, one does not work (and was not part of the fire approval) and will be removed. Kennedy asked that they consider a regular hydrant with another connection by the pond, to pump out of the dry hydrant into the other one (put pumper truck between the two), like the one done at the new subdivision off South Rd.

At this time the Board opened discussion regarding the off-site impacts created by this business, as raised by the Town of Exeter. Exeter Selectman Frank Ferraro was present for this discussion.

The PB is in receipt of a letter from the BOS that states, in part, that they support the Town of Exeter's request for a traffic/engineering study of the intersection of Pine Rd and Rte 27. Selectman Jeff Bryan explained that the Brentwood BOS has been in discussion with the Exeter BOS and said that Exeter feels there is a serious safety concern regarding the intersection of Pine Road and Rte 27, with the amount of truck traffic that has evolved over the years. He said that through this site plan review process an engineering study should be done, to determine how to make it safer. Exeter's engineer would like to be part of any study done. Bryan said Brentwood is "on board" with this and is hoping the PB would support that. Stevens explained that with the current width of Pine Road at that intersection, trucks must cross over into the oncoming lane in order to make any turn. The shoulders are being broken up because of this. When asked why Exeter didn't make the road wider at the intersection when they re-did the road this spring, Bryan said they would have to take private property.

Ferraro told the Board that they are at the width of their ROW and that the gravel is actually on private property, along with the stop sign. He said the Exeter section of Pine Road is a residential area, and they paved it to handle the large trucks, but had no intentions of widening it. Johnston said that when Pine Road was full of gravel pits there were as many trucks going in and out, when Rte 27 was the old Rte 101, there was never an accident at that intersection. Ferraro disagreed, saying the Exeter fire chief told him of several. He said they have not had a fatal accident since the construction of the new Rte 101, but there were when it was the old Rte 101. Bryan said that Brentwood and Exeter want to work as a team to try to find a way to resolve this issue. Johnston said he is all for resolving this but not for the Town of Brentwood taking any financial position on Exeter's road. Ferraro said the other concern is the fact that the high school is located there now, and the safety with the kids getting out of school with the trucks making the wide turns into oncoming traffic. Johnston said that should have been taken into consideration when the high school was built there, where it always been an industrial road with heavy truck traffic. Ferraro said he didn't think anyone would disagree about the high school entrance and the problems with that, but are here today with that situation. He said they are trying to work with the Town of Brentwood to find a way to increase the safety of this intersection. He hopes they could have a traffic safety study done that would give them near term options and long term options. The long term option would be to work together to try to get the state to put that intersection on their 10 year plan, saying that is the real solution. The road is pitched at a bad angle for trucks coming out of Pine Rd, and is not wide enough for turning.

Bryan and Johnston feel a traffic study is a waste of money and would rather see an engineering study. Kennedy asked that the Rockingham Planning Commission put a traffic counter there next April, when the truck traffic is busy and school in session. Magnusson said they already know there is a problem, big trucks on a bad road. Greenwood said there are intersection analysis programs where you can input certain parameters and it will give you suggested pictures. Ferraro said they want some interim options as soon as possible, even before school starts, if possible.

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Stevens said the reason they are talking about this is because there are state statutes that give local land use boards the authority to require some off-site improvements to be paid by the applicant. He said this may be a partnership between the two towns, the state and perhaps the landowners, in part, that are contributing to the safety issues. Saari said one of his concerns is the ROW – they don't know exactly where it is, it is a major concern that the shoulder and stop sign are on private land. He asked if there are plans available from when the high school was built that would include the roadway. Ferraro would like Exeter included in any study. Saari is concerned with timing of any study and does not want to wait until next spring to get traffic counts. He said the count will be the basis for any geometry for the road work. Ferraro said if they can get early, accurate counts from the businesses for the truck traffic count, sizes, etc that will give an engineer an idea of what we are dealing with. He said they are not talking about spending money this year, or in April; what they are talking about is getting the study done with some interim fixes that probably won't be taking land, but will get us through until we can get a conceptual design that can go to the state, to get them involved to do a more permanent fix. Stevens recommended a meeting that would include Saari, our town engineer, someone from Exeter Highway and someone from Division 6 of the DOT, to get a rough scope of the activity to do.

Johnston said this all started because Exeter wanted Brentwood to pay for part of Exeter's road repair, to protect their investment, but in reality to protect their investment this should have been done when road was rebuilt. Ferraro said that while he is a new selectman, he never paid much attention to Pine Road when he was a private citizen and his interest then was getting the fourteen thousand dollars, which is now \$19,500, and even when he volunteered for this, his interest was getting the \$19,500 somehow, for the extra amount. He said that once he got involved in this, he now knows this is a terrible intersection. He thanked the Brentwood BOS and PB for the opportunity to discuss this. He does not care about the money; he cares about someone getting hurt. He has spoken with his highway superintendent and fire chief, and he is concerned about safety. He said the Exeter BOS is also concerned about the safety, and this isn't a money issue any longer.

Brenner supports a meeting as Stevens suggested, but stated it is very vague, and we have to be careful about asking the applicant to fund something vague. Stevens said that the applicant would pay for our town engineer's time for this meeting, saying this traffic issue is a concern of the Board's approval of the plan.

Property owner Marco Carrier said he is very uncomfortable with where this will end, and how much money or time can he spend for something that is about 1500 feet from his site, and in another town, and on a state road. He said he agrees there is a problem, but he can't swallow the costs. Stevens said they are not asking that, they just want to get information, to be able to make an informed decision, this is a starting point. He knows that one option that Exeter has, whether or not it would be successful in court, is to post the road with weight limits, to force traffic out the south end of Pine Road. Carrier said there needs to be gentleman-like conversation, and posting the road was not a gentleman's way to start this.

Kennedy said they are looking for basic road design at this point, and may be as simple as putting some pavement down on the private property since there is already gravel there. Johnston said Carrier should not be held responsible for all of this when there are plenty of businesses there, and he already has an approved plan.

Magnusson reiterated that for now they are looking for one meeting, to include pay for our town engineer, include Altus Engineering, Exeter and the DOT for a scoping session. Carrier is agreeable to this one meeting.

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Greenwood said the RPC may be able to leverage funds from the DOT for roadway studies and he will check on this.

Saari will contact the DOT and coordinate with Brentwood and Exeter for a meeting and Brentwood Distribution will pay the costs for this meeting. Beyond that they will not commit to anything until they have an outcome of that meeting and come back before the PB. Ferraro told Carrier that they have nothing against their operation, that this just came to a head, and he appreciates the opportunity to come before the PB and thanked them for their time.

Saari will check the entrance to lot 19.001 and add the same signage that is on the other lot.

Motion made by Stevens, 2nd by Johnston to grant a Conditional Use Permit in accordance with RSA 674:2.1.II and Brentwood's Land Use Document, Article 700.003.003.006 based on the following:

- That this meets criteria number 1: all in favor.
 - That this meets criteria number 2: all in favor.
 - That this meets criteria number 3: all in favor.
 - That this meets criteria number 4: all in favor.
 - That this meets criteria number 5: not applicable.
- The motion carried.

A site walk will be held Wednesday, August 3, beginning at 5:30.

Motion made by Kennedy, 2nd by Johnston to continue this hearing to August 18th, at 7:00: all were in favor.

Motion to adjourn at 9:30 made by Magnusson, 2nd by Kennedy: all were in favor.

Respectfully Submitted,

Kathy St. Hilaire
Administrative Assistant
Brentwood Planning Board