

**Brentwood Planning Board
Minutes – August 5, 2010**

Members Present:	Bruce Stevens, Chairman	John Kennedy, Vice- Chair
	Doug Brenner, Secretary	Kevin Johnston, BOS Rep
	Alison Lambert	Rob Wofchuck, Alternate
	Alan Prina, Alternate	Glenn Greenwood, Circuit Rider Planner

Minutes – Mail – Board Business

Chairman Stevens opened the meeting at 7:00.

Motion made by Stevens, 2nd by Johnston to give Wofchuck and Prina voting rights: all were in favor.

Motion made by Kennedy, 2nd by Johnston to approve the July 15 minutes: the motion carried with Wofchuck abstaining as he was not present.

Greenwood told the Board that he met with Steve Burke regarding his property on Rte 125 (Burke's Trucks – tax map 217.023). Burke would like to have auto auctions at this site and Greenwood feels that this is not a change of use, as this site is approved to sell and repair motor vehicles. He said Burke would have to follow the approved site plan, including parking and display areas. The Board feels this is not a change of use and requires no action from the board, but would like the customer parking during the auctions to be to the rear of the property. Greenwood will notify Burke of the Board's discussion.

A letter will be sent to Fire Chief Kevin Lemoine and Deputy Chief Gary Raymond regarding the town's ordinance that prohibits electronic reader-board signs and electronic changeable copy signs. A copy of the ordinance will be included in the letter.

The Board is in receipt of a letter from Porter Holdings, Inc regarding a non-conforming culvert installed at their property in the Barnett Woods subdivision, referenced by lot B, tax map 220.019.016. It is an ADS pipe and the town requires RCP. The letter states, in part, that the culvert was installed before they purchased the property and that they could find no record of any violation in the town's files when, in fact, the files have a copy of a letter sent in 2008 to the previous owner that listed this culvert as being non-compliant and needed to be replaced.

Motion made by Kennedy, 2nd by Johnston to deny the request: all were in favor. The PB recommends that the Board of Selectmen do not issue a certificate of occupancy until this is resolved.

7:15 PM New Hearing - 4-Lot Subdivision. Newbury North Development – tax map 224.001 – South Road.

Paperwork is in order and abutters legally notified from the list provided by the applicant. Abutter Liponis was present and said she did not receive an abutter's notice. Stevens showed the receipt that was stamped by the post office, verifying that it was mailed on July 24th.

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

**Brentwood Planning Board
Minutes – August 5, 2010**

Bill Doucet of Doucet Survey spoke on behalf of the applicant this evening. Also present were Joe Falzone and Frank Catapano of Newbury North, as well as several abutters.

Doucet said they are proposing to subdivide this 31 + acre parcel into 4 separate lots, three being approximately 2+ acres each, and the remaining lot being approximately 25 acres. All lots will be serviced by on-site wells and septic.

Greenwood's comments were reviewed at this time. Doucet provided a copy of their state subdivision approval. An electronic file will be provided with the final plan. Doucet will reposition the front measuring lines on lot B, and verify the footage. The High Intensity Soil Survey (HISS) for the three lots was done by soil/wetland scientist Jamie Long. Doucet said there are future plans for the remaining land that have not been submitted.

The soil disturbance for these three lots will be less than 30,000 sf and Doucet said Brentwood's threshold for the requirement of a stormwater management plan is 40,000 sf. Wofchuck said this application is part of a further, phased development, and the three lots need to be considered for the stormwater management plan.

The applicant submitted a waiver request for HISS mapping of the 25 acre lot, with supporting evidence for this request. Brenner arrived at this time.

Motion made by Kennedy, 2nd by Stevens to grant the waiver request: all were in favor.

Town engineer Steve Cummings comments were reviewed at this time. It is understood that driveway permits for the lots are to be issued by the town. Cummings stated the plans would be easier to read if the scale was 1"=50'. The PB had no comment on this. Doucet will verify that the frontage for lot B is in excess of 200 feet. The applicant will provide a 10 foot easement behind the right-of-way to accomplish the proper site distance.

Kennedy asked that the test pit logs be added to the plan set on a separate sheet.

Regarding stormwater management, Stevens said that best management practices need to apply to the three front lots. Falzone said they can add a note to the plans stating that the calculations of the three lots can be included with the further development on the 25 remaining acres.

Motion made by Kennedy, 2nd by Stevens, that this plan does not meet the town's requirement for a stormwater plan: the motion carried with Wofchuck voting no and Brenner abstaining as he was not present for all of the discussion.

Greenwood asked Doucet to confirm the footage on the frontage of the lots.

Motion made by Kennedy, 2nd by Johnston to grant a conditional approval for 120 days, contingent upon the following:

1. Test pit logs will be added to the plan set

**Brentwood Planning Board
Minutes – August 5, 2010**

2. Add a note that the development of the remaining 25+ acres shall include the calculations of these three lots for the stormwater management plan.
3. Add a note to the plans that an easement will be provided for the frontage relative to accomplishing the proper site distance for the driveways.

The motion carried with Wofchuck voting no, and Brenner abstaining as he was not present for the beginning of the discussion.

A letter from abutters Culligan was entered into the record; their questions having been answered during the discussion.

The applicant thanked the Board for their time this evening.

New Hearing – Amendment to a previously approved subdivision. Nicolova – tax maps 220.009, 220.009.001 through 220.009.019.

Paperwork is in order and abutters legally notified from the list provided by the applicant. The Board is in receipt of a letter from abutter Equine Properties (aka Tuck Realty Corp), asking if the hearing should be continued and abutters be re-noticed to make the notice more clear. Lambert said she read the notice and feels it is clear what the intent is. The Board agreed.

Motion made by Stevens, 2nd by Kennedy to accept the application, and there is no need to re-notice the abutters: all were in favor.

Applicant/owner Vasilka Nicolova was present, along with several abutters. Nicolova is proposing to amend her previously approved subdivision plan to incorporate a note that will state that fire suppression will be provided by either a cistern as detailed in the plan or through the installation of individual sprinkler systems. She said it is not her intent to change anything that is on the subdivision plan, but wants to give the opportunity for someone to put in sprinklers. It is her intent to sell the entire parcel, and it is her understanding that developers prefer cisterns over sprinklers, but if someone wants to buy several lots, and not the entire piece, they will want to install a sprinkler system. There is one house within the subdivision that is nearly completed, and the cistern has not been installed. Stevens asked Greenwood how the town is absolved of any financial responsibility or peril if this is approved and Greenwood said the town has a bond in place for covering the cistern installation. Greenwood said Nicolova is trying to expand the possibility for the provision for fire suppression. Stevens said the bond will not be released until there is fire protection.

Motion made by Stevens, 2nd by Lambert, to add a note to the plan that states that fire suppression will be provided by either a cistern as detailed in the plan or through the installation of individual sprinkler systems. Brenner made a motion, 2nd by Kennedy, to amend the motion by adding to the above statement that no future building permits shall be issued until existing home (tax map 220.019.016) has fire protection: the motion carried as amended.

Greenwood will prepare an affidavit to be signed by the Board and recorded at the RCRD. Nicolova thanked the Board.

**Brentwood Planning Board
Minutes – August 5, 2010**

7:15 PM – Condominium Subdivision. M & T Holdings, Inc – tax map 205.006.

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

Motion made by Kennedy, 2nd by Johnston to accept the application: all were in favor.

Mike Schlosser of MJS Engineering spoke on behalf of the applicant this evening. Bob Zickell from M & T Holdings was also present. There were no abutters for this hearing.

They are proposing to divide the 15 + acre parcel into a three lot condominium. This proposal establishes the existing building and associated land area used for this building as the submitted land and unit #1 of the condominium. The two other areas shown as convertible land areas 1 & 2 establish the other units where additional buildings can be built. The remaining area is common area and each “lot” has a percentage stake in that area based on the size of the building each unit puts up. Lambert asked about the layout and, if they are going to have one unit made up of just the building and other units are just land – why not make the land one unit with buildings, why differentiate, and Schlosser said he is not exactly sure. Greenwood said he has concerns because the PB is being asked to create a “lot” with inadequate frontage, and he would like guidance from town counsel. He said the state requires towns to treat this like a subdivision. The Board asked Greenwood to contact town counsel and perhaps have a work session with them.

Kennedy recommends a site walk because the parcel is a mess, with no ability for fire trucks to get to the dry hydrant. They have been asked in the past to clean up the yard. He said there is no road layout, and there are trailers, etc parked everywhere, and the shingles are not under cover, as required.

A site walk will be held on Tuesday, August 10th at 5:30.

Motion made by Stevens, 2nd by Kennedy to continue this hearing to September 2, 2010: all were in favor.

Stevens reminded members that the next meeting is September 2nd.

Motion made by Wofchuck, 2nd by Johnston to adjourn at 9:50: all were in favor.

Respectfully Submitted,

Kathy St. Hilaire
Administrative Assistant,
Brentwood Planning Board