

**Brentwood Planning Board
Minutes – June 17, 2010**

Members Present:	Bruce Stevens, Chairman	John Kennedy, Vice- Chair
	Charlie Pratt	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 Kennedy, 2nd by Stevens to give Wofchuck, Prina and St. Hilaire voting rights: the motion carried.

At the board’s request, Dan Musso was present to discuss non-compliant issues with his site, referenced by tax map 217.002. Musso said that Harriet Cady, who was also present, would represent him tonight. Cady said she has power of attorney and a paralegal background.

Cady requested under RSA 91:A that they be furnished with the minutes of the site plan hearings for Musso. Stevens said those records are in the PB office and told Cady that the PB office is open 4 days a week, and that the files are public information and she is welcome to review the files for those minutes and make copies. She said she would also like a copy of the decision. This site plan review took place in 1997.

Stevens said they have asked Musso to come to talk about his previously approved site plan, to work with him to keep it compliant with what is shown on the plat. Stevens said the storage container that is on the site is not shown on the approved plan. The board is concerned about vehicles parked along the right-of-way that are associated with the business. The shed on the property does not conform to the location shown on the plan. He said what is shown on the plan is what Musso agreed to, is what the PB approved, and there is a procedure to follow to amend the site plan, if they wish to make other uses of the property. He said all the PB is asking for is compliance. Cady said the storage container is there temporarily, and is not a fixed structure, stating “therefore, it would not be in a site plan”. She stated that she has asked the selectmen to furnish her with the layout of the road whether it is a 2 rod, or 3 rod road, and they have not done this to date. Cady said her research on this with the state archives show it in some places as a 3 rod, and other as a 2 rod. Stevens said Musso’s plans depict the road as a 3 rod road. Cady said there is no title done to prove the road width. Stevens said Musso submitted the plan showing it as a 3 rod road and that the right-of-way begins where Musso’s property ends, and that is shown on the plan that was recorded at the registry of deeds. Stevens said the surveyor (Paul Nichols) was an agent of Musso, and his stamp is on the plan. Cady said that was “neither here nor there; there is no law that says, you haven’t had *no parking* signs put up anywheres along Crawley Falls Road in that area to say people cannot park there in the right-of way”. Stevens said there are *no parking* signs and a selectmen’s ordinance. He said there is one diagonally across from the fire house, and Cady said they don’t depict Musso’s property.

Stevens said there is a surveyed plan, plotted by the surveyor and has his stamp, and Cady asked Stevens to show here on the plan where the surveyor said there is no parking there. Stevens asked Greenwood where the point of where the road begins and the property owner’s land is and Greenwood said from the town’s perspective, that the land on the other side (east) of the property line be designated as ownership by Musso.

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He said that if Cady said there is no deed for that road, he would agree: there may not be deeds for many historical deeds in town. Cady said there has to be a “researcher of deeds” to prove where the road actually lays. Kennedy said Musso submitted this drawing (the approved site plan) and he (Musso) said that is where the road is, and that is the end of it. Musso said the road has gotten wider since the plan was drawn, and Stevens said Musso’s surveyor plotted the property lines, and Cady said there is no layout to this road, and even a 3 rod road under state law, they have to have 50 clear feet to build a bridge. Stevens said they are not here to talk about the bridge. Cady said the point of it all is that there is parking along the side of the road unless the selectmen put up a sign that says no parking between here and there. She continued by saying that if the PB is telling the citizens of Brentwood that they cannot park alongside the road, she said some citizens who use the garage for repairs will be angry that they cannot park there. She said that vehicles that continue to be parked are not a part of the site plan anyway, and Greenwood said it actually is; the parking for commercial activity was an approved agreement that is shown on that plan. He said there are designated parking spaces on the plan for the commercial activity associated with that plan. Greenwood said at no time is there any indication on that plan, and he reminded Cady that this plan is the plan proposed by Mr. Musso, and not the proposal from the town. Cady said there is no statement on the plan that says you cannot park alongside the road. Greenwood stated that the plan states that the customer parking for this business will be in the spaces indicated on the plan. Cady said the plan does not say they are the only parking spaces the customer can use, and Greenwood that actually it does, because the business has no right to use property they don’t own. Cady said she disagreed. She told Greenwood he had to prove that there are vehicles being parked that have no right to be parked.

Kennedy asked when the storage container would be removed from the property and Cady said she didn’t know. Kennedy said it needs to be on the site plan and Cady disagreed. Stevens said it is considered a structure and is governed by site plan regulations. Cady said they are simply saying it is not a structure, it is temporary.

Cady asked about the location of the shed, and Greenwood said that it appears that the shed is not shown in the same location as is on the plan. Stevens said it is the board’s intent to work with them to show them the deficiencies that exist between what is on the property and what the plat allows. Musso said that “way back” we had a question about the location of the shed, and that the building inspector was sent out to check its location and we should have that information. Cady said the BI approved building at that location. Stevens asked Cady to research that and provide the PB with a copy of the permit.

Stevens asked about the loam pile and silt fence along the river and Musso asked if it was against the law to put silt fencing along the river and Stevens said no, and Musso said to strike the question. Greenwood said his concerns are “the precarious nature of having the excavator and an uncovered loam pile that close to the Shoreland”. He said that until a violation occurs, it is something to watch. Cady said they are aware of the Shoreland Protection.

Stevens told Musso he is welcome to come back if he wants to amend his site plan. Cady asked why would Musso amend his site plan for a “temporary structure” if he wants to move that structure off at some point. Stevens said any structure needs to be shown on the plan. Stevens said the PB is just asking that the plan be complied with, that they are asking no more or less than of other property owners. There are procedures for

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any changes they may want to make. He said they could meet with Greenwood when he is in Brentwood to answer any questions. Stevens told Musso and Cady that they should be aware that there is a procedure for having a hearing process where a site plan can be revoked. He said that is an action that the PB can take if an applicant isn't willing to abide by the rules and regulations. Cady said they understand that, and she will be looking into some other legal factors that have been happening to Musso, that haven't been happening to other people. Stevens said the PB is here for help and assistance. Cady said she will meet with Greenwood when he is in Brentwood. Musso and Cady thanked the board.

Board Business

Motion made by Kennedy, 2nd by Stevens to approve the June 3rd minutes with a few grammatical corrections: all were in favor.

Continued Hearing: Amendment to a previously approved site plan: Bailey – tax map 223.070

Applicant has requested a continuance to July 1st.

Motion made by Pratt, 2nd by Kennedy to continue this hearing to July 1st at 7:15: all were in favor.

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

Respectfully Submitted,

Kathy St. Hilaire
Administrative Assistant,
Brentwood Planning Board