

Brentwood Planning Board
Minutes – November 17, 2011

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

Chairman Stevens opened the meeting at 7:00

Minutes – Mail – Board Business

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

The Board is in receipt of a recommendation from town engineer Steve Cummings to release \$38,722.67 from the Letter of Credit being held for the Fire Fly development, as requested by the developer. This will leave a balance of \$71,023.12, of which \$22,702.62 is a 5% contingency. The original LOC carried a 10% contingency. Stevens said the PB does not normally go below the 10%, but they have the recommendation of the town engineer and Stevens supports this because all of the work had been completed except the final paving. Kennedy said the remaining work to be done is \$48,320.50, and the balance of the LOC after this request will be \$71,023.12. He said the original 10 % is based on the cost of the entire project, and this request is to reduce the original amount of the contingency, not to reduce the contingency to 5% of the balance of the work.

Motion made by Kennedy, 2nd by Stevens to approve the release of \$38,722.67: all were in favor.

Motion made by Kennedy, 2nd by Magnusson to grant a 60 day extension to the Brentwood Distribution LLA, to allow time to record this at the registry. The conditions of approval for this have been met, and Greenwood recommends signing and recording the mylar. All were in favor.

The PB received a letter from Steve Cummings; the intent of the letter is to clarify the inspections of the filtration basins for the Fire Fly project. In part it states that the builder was not aware of the NHDES Alteration of Terrain Permit requirement for infiltration basins to be constructed at Units J – R (9 total). Project engineer Beals Associates has since made both the builder and developer aware of this, and Cummings is asking the Board to support his inspections of these systems as part of the subdivision requirement. He recommends that no building permits be issued for these lots until they have been reviewed by the town engineer. The cost of the review is to be paid for by the developer, as part of the subdivision process.

Motion made by Kennedy, 2nd by Magnusson to approve Cummings request for inspections of lots J through R, as stated in his November 14th letter, and to notify the Building Inspector, Selectmen, the developer and the builder that no building permits be issued until after Cummings inspection and recommendation to issue: all were in favor.

7:00 pm – Amendment to a Previously Approved Site Plan –K.L. Properties, LLC (Gates Business Park)
tax map map 209.017.000.

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

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

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Christopher Berry of Berry Surveying and Engineering was present, representing the applicant this evening. He said that K. L. Properties, LLC is requesting that the Planning Board vote to approve the release of the construction bond currently being held for their site at 323 Rte 125. There is approximately \$187,000.00 being held in the Letter of Credit. He said the site has had very little construction activity and they are not intending to conduct further construction in the near future. He said this is a private commercial site and there is no liability that the town can be put in. Berry was not the project engineer, and has not seen the site. He is here upon the request of the applicant.

Kennedy wants to be sure the site is protected from any erosion issues, and wants one current culvert fixed. Magnusson confirmed that the project was previously approved and work had begun by clearing and roughed in the roadway and began drainage and put in erosion control. Kennedy said the road is almost to sub-grade by Rte 125. Kennedy wants a culvert installed with headwalls and redo the silt-fencing, and he feels that a portion of the bond needs to remain, to take care of future erosion control. Stevens said it would be breaking precedent to release the bond and have the site plan remain in place. He said he feels that if the bond goes away, so does the project. His concern is if there is construction work that has been done that does not meet DES requirement, the bond money should not be released until the minimum has been done to satisfy the phase of the work done. Berry said that his client asked him, that if the Board is not inclined to release the bond and leave the permits in place that the plan be removed from the table from any further consideration. Kennedy said that cannot happen until the site is stable. Stevens suggested this hearing be continued to allow Berry time to do an inspection of the site to determine if the site meets the requirements of the DES permit. Stevens said they town cannot “walk away” from a project that has been started. Berry said, in the event, after inspection, they rectify any stabilization that may need to be done, they will still want their surety back in the event that this board feels those issues have been addressed, and if so, is it the Board’s inclination that the plan will cease to exist if the surety was gone, and Kennedy said yes, and Hubbard agreed. Berry asked that this hearing be continued for a month, to allow them to discuss this.

Motion made by Kennedy, 2nd by Hubbard to continue this hearing to December 1st at 7:00 pm: all were in favor. Berry thanked the Board for their time this evening.

7:00 pm – Condominium Subdivision –M & T Commercial Holdings, tax map 205.006.000

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

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

Mike Schlosser of MJS Engineering was present to speak on behalf of the applicant. Also present was Bob Zickell of M & T. Schlosser said that the intent of this application is to divide the parcel into condominium units to allow for future development of the site. This was before the board in 2010, but denied by the PB, without prejudice. A copy of the condo documents will be sent to town counsel, and they will be asked to contact Greenwood. Schlosser will send a copy electronically to the PB office, to be forwarded to Attorney Mitchell’s office. He said they already have state approval for the septic, which will limit the number of employees at the site to about 30. Greenwood’s comment letter (on file) was reviewed at this time, and Schlosser will take care of all his concerns. Town engineer Steve Cummings comments were also reviewed and Schlosser will take care of any concerns. He asked that they be able to use the same datum that has been used on past plans approved by the PB. Schlosser

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said the condo documents address the easement to the hydrant and fire pond. He said the plans show the access to the rear unit, but they might remove them because any access will depend on the location of any new buildings. Kennedy said he will not go along with that. He said the trailer boxes are all over the place and a fire truck will not have access. Greenwood said they need to focus on access for all three lots through this subdivision process. Stevens recommends a site walk, to include Steve Cummings and Glenn Greenwood. Members agreed to hold a site walk on December 3rd, beginning at 9:00am.

Motion made by Stevens, 2nd by Magnusson to continue this hearing to December 15th at 7:00 pm: all were in favor.

Board Business Continued

The Board is in receipt of a construction bond for the Brentwood Distribution site, referenced by tax maps 205.019 & 205.019.001. The Board voted at their September 15 meeting to not release the SAT 33 LLC bond for lot 205.019.001 until it was replaced with a bond from Brentwood Distribution.

Motion made by Kennedy, 2nd by Magnusson to release the cash bond being held in the name of SAT 33 LLC: all were in favor.

Motion made by Kennedy, 2nd by Magnusson to approve the Nov 3 minutes: the motion carried with Magnusson and Hubbard abstaining as they were not present.

Motion made by Hubbard, 2nd by Magnusson to adjourn at 8:35: all were in favor.

Respectfully Submitted,

Kathy St. Hilaire,
Administrative Assistant
Brentwood Planning Board