



**Brentwood Planning Board  
Minutes – October 6, 2011**

**New Hearing: Amendment to a Previously Approved Site Plan – Giroux, tax map 204.026**

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

Motion made by Brenner, 2<sup>nd</sup> by Kennedy to accept the application: all were in favor.

Present for this hearing were property owner Carl Hussey and applicant Lisa and David Giroux. There was one abutter present.

Greenwood said the applicant met with the PB previously, to discuss using this property for a used vehicle sales location. Since this was a change of use, it was determined at that time that a site plan review process needed to take place, by way of an amendment to the previously approved plan. They will use the existing parking and building.

Dave Giroux showed the parking along the west side of the property, which is 185 feet long and they want to put 25 cars there, and three cars on display to the right of the driveway. They also propose one car at the entrance, but the PB said this is in the right-of-way and they cannot put a car there. Kennedy said that 25 cars are too many for the 185 foot length, and Greenwood said the standard is a 9 x 20 foot space per car. The 2 story building is used as a residence, and the front will be the office for this business, with a separate entrance. Wofchuck asked how many cars should go on the site that would be cars for sale, employee cars, customer cars and resident's cars. Giroux said they will not be repairing on the site. Kennedy said perhaps determine how many cars can be on the lot that are for sale, and limit the residential cars on the lot to 5. Hussey said there is room to park 8 vehicles behind the house, and along the side of the house by the driveway, there is room for 3 cars. He said the garage in the back holds 6 vehicles, and in the winter they park their cars in the garage. Hubbard asked if it was right to limit the number of residential cars. Stevens said they should go by the number of parking spaces, they should show as many spaces as they want, and use those spaces. Brenner said there is good reason to say, for example, 23 cars for sale, but it does not make sense to limit the residential use. Wofchuck suggested they show a total number of spaces, and let them figure out how to use them. Greenwood recommended that they come to a conclusion on the number of vehicles that are going to be associated with the business, they will be okay. He said if the PB holds them to 23-25 cars, then the business grows, they can come back and request more space, because the site would allow that expansion. Kennedy said the display vehicle shown at the entrance of the driveway is in the ROW, and needs to be removed. Wofchuck wants the drawing to show residential parking spaces.

Motion made by Kennedy, 2<sup>nd</sup> by Hubbard to grant a 120 day conditional approval, contingent upon the following: provide an updated sketch, to be placed on file, that shows a maximum of 23 spaces for cars for sale, 20 spaces along the west side of the driveway, and three spaces along the west side of the driveway in the front. The motion carried with Wofchuck voting no, as he wants all parking delineated. Greenwood will prepare an affidavit to be recorded at the registry once the conditions have been met. The Giroux's thanked the Board.

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**New Hearing: Lot Line Adjustment – Berry & Bailey tax map 210.033) and tax map 210.032.001**

Paperwork is in order, including Letters of Authorization, and abutters were legally notified from the list provided by the applicant. Present were Ed Berry and Tim Lavelle of Lavelle Associates, representing the applicants. There were no abutters present.

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

Lavelle said this LLA represents a 12,144 square foot change from the Bailey property to the Berry property. As a result of this LLA, the Bailey parcel will have 2.98 acres, and the Berry parcel will have 3.20 acres. He said this adjustment will not affect the 4K septic reserve area on the Bailey property. Kennedy asked that the plan show what type of bounds are, either concrete or granite, and that the plans show that they are set. There were no comments from abutter Gorski.

Motion made by Kennedy, 2<sup>nd</sup> by Hubbard to grant a 120 day (to the closest PB meeting) conditional approval, contingent upon the following:

1. Plans to show whether the bounds are concrete or granite
2. Show the bounds as set.
3. Remove the errant boundary directional note on the Berry site
4. Receipt of a draft of the deeds for the lots that show the new bounds

The motion carried by unanimous vote.

The Lavelle and Berry thanked the Board for their time this evening.

**Board Business Continued**

The Mylar for M & T Holdings was signed for recording.

The Board is in receipt of a letter from KL Properties, LLC requesting that the Letter of Credit being held for their property, known as Gates Business Park (tax map 209.017) be suspended, as they will not be going forward with the project until the market improves. They ask if this request be granted with the condition that the bond be reinstated prior to the commencement of work on the site. Greenwood said the bond is part of the approval and their only option is to revoke the site plan. He said if the owner revokes the plan, they can get their bond released, but the site plan goes away.

Motion made by Kennedy, 2<sup>nd</sup> by Hubbard to not release the bond because this has never been done before and there is no legal precedent to allow it, that it is the surety for the town that was agreed to with the development: all were in favor.

Members had discussion on the current sign ordinance, and each was given a copy of the tax maps that show the lots and owners along Rte 125. This is a result of both the ZBA and the BOS asking that the PB discuss the allowance of a second free standing sign on a property. Brenner said if they are not going to do the whole ordinance, he would like to end the discussion until

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they can decide on enforcement mechanisms. Hubbard thought the intent was to improve the current ordinance. Kennedy said it is evident that allowing two signs on a site needs to be addressed. Stevens said there is some precedent where this is allowed, as the BOS permitted two signs on one parcel along Rte 125, where Goody Coles is and Zee's store. Kennedy suggested that two signs be allowed on sites with frontage greater than 300 feet. Wofchuck feels the ordinance should stay as it is. There was much discussion on this ordinance by Board members.

Motion made by Wofchuck, 2<sup>nd</sup> by Brenner to leave the ordinance as is: Stevens, Kennedy, Johnston, Hubbard, St. Hilaire and Brenner voted no. The motion failed.

Wofchuck asked if there was a way that the ZBA can grant an exception and Brenner said that there needs to be some flexibility with this. Greenwood said this can be accomplished by way of a Special Exception, where the applicant can go to the Zoning Board of Adjustment.

Members agreed to further discuss allowing a second sign on a lot with greater than 300 feet of frontage, by way of a Special Exception, that may be granted by the ZBA. Greenwood will prepare a draft of the criteria for a Special Exception for the board to discuss.

St. Hilaire was asked to see if the driveway for the original lot on Spruce Ridge has been relocated from Pickpocket Rd to Spruce Ridge Drive.

Motion made by Wofchuck, 2<sup>nd</sup> by Kennedy to adjourn at 9:10: all were in favor.

Respectfully Submitted,

Kathy St. Hilaire,  
Administrative Assistant  
Brentwood Planning Board