

**Brentwood Planning Board  
Minutes – September 22, 2011**

Members Present:     Bruce Stevens, Chairman                     John Kennedy, Vice Chair  
                                 Doug Brenner, Secretary                     Mike Hubbard, BOS rep  
                                 Kevin Johnston                                     Bob Magnusson  
                                 Glenn Greenwood, Circuit Rider Planner

Chairman Stevens opened the meeting at 7:05

**Minutes – Mail – Board Business**

Motion made by Kennedy, 2<sup>nd</sup> by Brenner to approve the Sept 15 minutes with the following addendums:

1. Page 5, paragraph 4, after the first sentence add **Brenner stated that Cady said the structure was temporary and for sale. He said if that is something that will be gone shortly, then it would be different. He said he didn't hear that and would be curious to know what the plan is for the structure, whether they can make a commitment. Stevens said that was implicit in holding this hearing and noticing the non-compliance and we didn't hear evidence to the contrary. Johnston said it should be removed, not sold, but taken away, and sell it somewhere else. Brenner asked if that is something they might be willing to do? Stevens said they have had that discussion.**
2. Page 6, after the first paragraph add **Brenner said the PB has been very specific about what they have to hear, that the structure is going to be gone, and before the voting he would like to know if they have anything else to say.**
3. Page 6, rewrite the second paragraph to read as follows: Stevens signed the Notice of Decision for the Revocation of the above mentioned site plan. **The Notice of Decision was presented to Musso, who would not take it, but indicated it be given to Cady by pointing his finger towards her, so it was given to Cady and a copy kept on file.**

The motion carried by unanimous vote.

The Board received a letter from the DMV, asking if Gus' Auto LLC can hold an inspection station at 67C Rte 27 (map 204.003). This is the building where Fast Track Sign is, and the PB has previously approved the same use for one of their tenants.

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

The Board is in receipt of a letter from Primax Properties that confirms the terms and conditions required by the Town. Greenwood said he read the letter and it reiterates the Town's policy with regards to holding the bond, and any releases of the bond. He said Primax wants this for their files so that whoever gets involved with the construction, knows what the protocol is. He said there are many contractors involved in this project, and this way everyone knows what is expected. Hubbard and Magnusson do not feel this is something the PB needs to sign. Stevens said this does not give them anymore rights or latitude.

Motion made by Johnston, 2<sup>nd</sup> by Kennedy to authorize Stevens to sign the letter: the motion carried with Hubbard and Magnusson voting no.

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**Continued Hearing: Site Plan Review Brentwood Distribution tax maps 205.019 & 205.019.001**

Present were applicant Marco Carrier and Erik Saari of Altus Engineering. There were no abutters present.

Two Request for Proposals for a safety study of the intersection of Pine Rd and Rte 27 were reviewed by the Board during the past week. One was from Vanasse, Hangen, Brustlin, Inc, (VHB) and the other from Stephen G. Pernaw & Company, Inc. These were delivered to the PB office last Thursday, and members and Greenwood were asked to review them for tonight's meeting. Greenwood said they are both capable firms. Both provide boundary surveys, and members and Saari agreed that a topographical survey will need to be included in this.

Stevens said that this is because the Town of Exeter was going to post this end of the road, and Brentwood supports their businesses in town, and felt that if this study was done, it may diffuse Exeter's ability to post the road. Kennedy said the intent of this is to be able to present it to the State of NH, to improve the intersection. Johnston said this intersection is in Exeter, and that Exeter should be responsible for any study to show the safety of the intersection. Hubbard said there is a business in Brentwood that is increasing their lot line and their business that may increase traffic, and it is not unreasonable for the PB to ask that applicant to do a safety study. Saari said this study does not look at the impact of this business on the intersection; that if this site plan were not before the Board, the scope would not change. Carrier said that he has not yet agreed to pay for this study. Stevens said if Carrier agreed to pay for this study, in terms of getting this approval, he felt that the PB would not ask him to make further investment. Stevens said that a short term solution to the intersection would be to have all truck traffic turn left (westerly).

Motion made by Kennedy, 2<sup>nd</sup> by Stevens, to grant a conditional approval, contingent upon the applicant paying for the safety study, to be done by Stephen Pernaw & Company Inc., and posting a bond for the study, and any other outstanding issues from Greenwood and town engineer Steve Cummings. Hubbard does not agree with approving the site plan until they have the study. Stevens said that if the safety study said that short term mitigation could be to make the traffic go west off Pine Rd, that could be a condition that a note could be put on the plan. He said there could be certain things as a result of the study that could be put on the plan. Kennedy said that means that Brentwood Distribution cannot go forward with their construction because the frost will be in the ground. Brenner said that there could be a conditional approval, based on doing the study and noting on the plan anything that may come from it. Stevens asked that Greenwood and Magnusson prepare the contract for the study. St. Hilaire asked if the conditional approval meant getting the completed study. Greenwood said that the scope of work allowed 45 days for the study to be completed, from date of contract. Stevens said that when the study comes back, if there are some recommendations that could be requested of the applicant, like turning left onto Rte 27, they could be added to the plan. Greenwood said that in order to do a conditional approval on something that is not administrative, the final approval can't happen until there is a conditional approval meeting; the statute is very clear on this. He said this study falls under that category. He said there could be input from the study and he is uncomfortable with granting a conditional approval on something that they don't know the outcome of. He said there is a separate procedure if the Board is going to do a condition of approval that entails something like that. The procedure is to hold a second hearing at the end, when the new information comes in, to see how the PB is going to act on the information. He is not sure if the applicant can proceed with the project without that, or if there is a way to craft the approvals that would allow the activity associated with the site review, that the Board would like to review as very separate from the information the PB would be gathering from the safety study. Greenwood asked that the motion be withdrawn and to continue the hearing to the next PB meeting,

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and asked that the Board authorize him to speak with town counsel about a way to deal with this issue of a conditional approval that is going to require an additional compliance hearing at some point in the future, but would allow the PB to record the site plan. Brenner suggested that the Board not ask the applicant to do a study, but require them to put \$10,000 as part of their conditional approval, and not tie it to the study, but to the site plan. Greenwood said that might work. Greenwood again asked that the motion be withdrawn and move to continue, because he thinks they can make a conditional approval before they have the results of the safety study.

Stevens said that the contract for the study needs to be ready to sign at the October 6<sup>th</sup> meeting.

Motion made by Hubbard, 2<sup>nd</sup> by Kennedy that if Brentwood Distribution agrees to pay for the safety study, as the specifications in the RFP show, that the PB get the study going tomorrow. Kennedy withdrew his motion. Carrier said he will pay for the study as long as he can get a conditional approval. Hubbard withdrew his motion.

Motion made by Magnusson, 2<sup>nd</sup> by Johnston to continue this hearing to October 6<sup>th</sup>: all were in favor. Greenwood will let PB know Tuesday the outcome of his conversation with town counsel so the members and applicant can be notified.

Kennedy asked that the Board reconsider releasing the bond for SAT33. He said the Boundary Line Adjustment was approved for this site and the bond should be released to the previous owner. Stevens said as when the new approval comes in, they get their money back, the Board does not leave anything outstanding. He said there are two foundations in the ground and approval to build buildings. Kennedy said they do not, that that was a condo approval, and that is gone with the Lot Line adjustment. Saari said that the LLA has not been recorded yet, and will not happen until they get their site plan approval. Greenwood said the best way to protect the Town is to make sure there is an extension of the money that is in hand now. It was the consensus of the Board that they will stand by their vote of last week.

Motion made by Magnusson, 2<sup>nd</sup> by Kennedy to adjourn at 8:25 pm: all were in favor.

Respectfully Submitted,

Kathy St. Hilaire,  
Administrative Assistant  
Brentwood Planning Board