

**Brentwood Planning Board
Minutes – December 20, 2012**

Members Present: Bruce Stevens, Chairman Doug Brenner, Secretary
 Rob Wofchuck Steve Hamilton
 Mark Kennedy, alternate Mike Hubbard, BOS rep
 Glenn Greenwood, Circuit Rider Planner

Also present was town engineer Steve Cummings

Minutes – Mail – Board Business

Chairman Stevens called the meeting to order at 7:00.

Motion made by Wofchuck, 2nd by Hubbard to give Kennedy voting rights: all were in favor.

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

Greenwood said that the Board spoke with Kevin Johnston, the owner of 25 Pine Road, LLC, regarding a lot line adjustment and zoning change on property located off Pine Road. Julie Stevens was in to answer any questions of the Board regarding this piece. Greenwood said that Johnston purchased a 10 acre lot that adjoins his commercial lot, and that the 10 acre piece is zoned residential, and he is coming before the Board in January for a lot line adjustment between the two parcels. The area of the adjustment is 0.87 acres, and Julie Stevens said he would like this portion re-zoned to commercial, to allow expansion of his site. Greenwood said that the land abutting the north side is already zoned, the east side is all wetland so there is no potential for any development and beyond that eastern property line the land is also zoned for commercial. He said that in order to meet the required statutory deadlines, the legal notice for holding a public hearing to discuss this change had to be posted to be held on January 17th. Bruce Stevens said that the existing commercial lot is small and constrained, and this small change would allow room for expansion. It was the consensus of the Board that there didn't appear to be another good option that would have included other properties in the rezoning. Members considered the area as a whole including surrounding properties.

Motion made by Stevens, 2nd by Brenner to hold a public hearing on January 17 for consideration of amending the zoning as discussed this evening: all were in favor. Julie Stevens thanked the Board.

Public Hearings

Continued Hearing: Site Plan Review – Trendezza, LLC work force housing development tax map 224.084

Christian Smith of Beals Associates spoke on behalf of the applicant this evening. Also present was John Lariviere and several abutters.

A revised plan and profile sheet, construction detail sheet and fire truck plan were provided. Smith said they changed the pipe to RCP. He said they will add the geometry and metes and bounds to the limited common areas, as requested by Cummings. Smith said the plan will have to be recorded with the state. He said they were contacted by Jon True of the BFD, who asked for some fitting changes in materials for the cistern detail, and asked that they look at a ladder truck being able to make the turn in the cul-de-sac

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because there is a remote possibility that if one of the units were fully involved and mutual aid was called, a ladder truck might be sent. Smith provided a detail sheet that shows that a ladder truck can make the turn. Hubbard said he met with the highway department, and they asked that the cul-de-sac be entirely paved, for ease of plowing. Stevens said he personally could not live next to that. Smith said that they propose a rain garden within the cul-de-sac and that the circle will be marked for one way traffic. Cummings said a small 16 "or 18" inch depression in the circle will prevent water runoff onto the road. The consensus of the Board was to have the center be a rain garden, and not fully paved. Smith said they will satisfy any outstanding issues of Cummings letter.

Smith provided house plans that show a two bedroom house and a 3 bedroom home. He said they will add language to the plan set regarding the landscape and the plantings. They are proposing 24 trees along the area that abuts the Zvodar residence, and offered to put some plantings on their property if they like. They will be meeting with the CC regarding the wetlands crossing, and submitting all their state permit applications.

Lariviere said that the condo documents will state that until all the units are sold, he will be responsible for any shortfall in the association. He said if there is not enough money in the association fund to cover some unexpected cost, the developer will make up the difference.

Lariviere said if they build two non workforce houses, he agreed not to build a third until one of the workforce houses is built. Smith said it was discussed before, and the minutes will be checked. A note to that ratio will be put on the plan. Abutters asked several minor questions.

Stevens said that the Board of Selectmen had earlier declared that the next road built in town would be named Kennedy Circle, in honor of John Kennedy who served on the Planning Board for more than 30 years. There were no further questions from the abutters.

Motion made by Wofchuck, 2nd by Hamilton to grant a conditional approval to April 18, 2013, contingent upon the following:

1. Receipt of all legal documents, for both the condominiums and the workforce housing, approved by town counsel
2. Receipt of all state permits
3. Receipt of the construction bond, approved by Steve Cummings.
4. Satisfy any outstanding concerns of Greenwood, Cummings and fire consultant SFC Engineering
5. Revise detail sheet to show 30,000 gallons for the cistern
6. Add a note to the plan regarding the building ratio, that for every 2 conventional homes built, one workforce housing home will be built before a third permit can be granted for a conventional home.
7. Show the underground utilities to be outside of the right-of-way
8. Change the street name to Kennedy Circle

Wofchuck asked if the Board could review the workforce documents, relative to the one year covenant on not restricting the income limit after one year on the workforce units. Greenwood noted that our legal

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representative would be reviewing the documents as part of the conditional approval, and it is perfectly appropriate for the Board to consult with their attorney as part of that process.

Smith and Lariviere thanked the Board for their time this evening.

Continued Hearing: Lot Line Adjustment – Luger – tax maps 224.001.004 & 224.001.005

Present were property owner Reggie Moreau, surveyor Steve Luger and wetland scientist Michael Seriakas. There were no abutters present for this hearing. Luger said that at the site walk held on the 15th, he was asked to draw plans showing a fully permitted driveway that would comply, and another minimizing the wetland buffer impact. Copies of both plans were viewed by the Board. One shows the as-built driveway and the 1230 sq buffer impact and a mitigated driveway that shows 378 sq impact into the buffer. Brenner said it needs to be made clear as to what the limits are, and maybe put a marker along the wetland buffer. Stevens said a new driveway permit will need to be issued, but that only covers the land within the ROW. Hamilton said even after this is approved, what is to prevent someone from expanding the area on their own? He said this is already a tight area for a large vehicle. Moreau said that this is one of the smallest homes in the project, that they had to increase the footprint to meet the minimum requirement, and that the garage is small and a large vehicle will not fit into it. Hamilton said the garage has no bearing on expansion of it or the type of vehicle a homeowner will have, there is no control of that. Moreau said suggests that, in order to inform the homeowner, that the plan be recorded. He also suggested adding vegetation to the area, as a screen to prevent any expansion into the buffer, and said the retaining wall shown will be reshaped to allow a better turning radius. Seriakas recommends planting along the edge of the driveway some native shrubs, a conservation mix and seed and mulch to stabilize the area and designated it a no maintenance zone. He recommends plantings that grow ten to twelve feet with an earthen berm, and also planting down towards the treatment swale and this will improve the wetland function.

Hamilton said that there was a permit for a driveway, and once the foundation was poured, they totally ignored the permitted driveway, because of the garage underneath. Stevens said they are not happy with the way this happened and the Board is upset with Moreau for doing this. He said they are also Planning Board members who have take into consideration the town resident who will be living in this home, and he said the mitigated plan is the best compromise. Brenner said that when the permitting process is ignored and there is value in holding the line in saying while not ideal, the permitted location will work. He continued by saying that it is not just Moreau on the line, but also punishes the person who will be living in the house with a mistake Moreau made. He went on by saying that he likes the mitigated proposal. Moreau said he has learned from his mistake, and said that when they come in the future with plans, they will show where the driveway is going. Cummings said in this subdivision he has a set of the subdivision plans and when he receives a "sketch" of the proposed driveway, he compares it to the plan to make sure it is compliant. Stevens said the BOS have improved how the building permits are issued. A two part system is that a permit is issued for a foundation, and the location certified. This certification must accompany the application for the building permit for the house. He said that the driveway permit application may need to be updated, and said with Cummings help it could be a more detailed process. Hamilton wants wording on the deed for this lot that there cannot be any expansion within the buffer. Brenner asked that a bond be in place for the plantings, and Cummings said that \$2,000 will cover the

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plantings. Seriakas is willing to draw plans showing the plantings and bring them to Cummings office for review on Friday so they can go forward right away. Cummings said the lot line adjustment plan can show the plantings, and reference the wetland ordinance relating to the buffer, and the deed will reference this plan. Greenwood said the final lot line plan can show the mitigated driveway, the berm and the plantings, and a note referencing the wetland buffer regulation.

The recordable plan for the lot line adjustment will show the as-built mitigated driveway location. Stevens said they need to get the ground work done, and Brenner agreed, saying that they can come to the next meeting showing an as-built of everything done, and if Cummings and the CC are satisfied, they can finalize the plan. Stevens advised that any work done at this point is at their own risk.

Motion made by Brenner, 2nd by Wofchuck to grant a Conditional Use Permit in accordance with RSA 674:21.II and Brentwood's Land Use Document, Article 700.002.009.001, contingent upon the following:

1. The plan showing the remediation to the buffer
2. \$2,000 bond for the plantings
3. The LLA showing the mitigated driveway, and the no disturb zone
4. Language on the plan that references the no disturb zone and the wetland ordinance
5. Deed will reference the no disturb area
6. Plan to be reviewed by town engineer, engineering costs to be paid by the developer

That this meets criteria A: all in favor.

That this meets criteria B: all in favor.

That this meets criteria C: all in favor.

That this meets criteria D: all in favor.

That this meets criteria E: not applicable.

Motion to grant the Conditional Use Permit was passed by unanimous vote.

Stevens said that the Lot Line Adjustment is separate from the driveway issue, that it complies with regulations, but the Board will not vote tonight for a conditional approval on the LLA because all of the above is going on the final plan.

Motion made by Stevens, 2nd by Hubbard to continue this hearing to January 3: all were in favor.

Stevens told Cummings they would like to see more detail on driveway applications that would show more than just the town ROW, and asked if he could help in creating a new permit application. Cummings said one of the problems is Brentwood had three different people involved in the lot improvements: RCCD for the septic, himself for the driveway and the building inspector for the home, and they don't always see the same plan, and it would be nice if a single plan was used for all parties. St. Hilaire said most new construction has subdivision plans available, and those plans could be used for all of the above. Cummings left at this time.

Continued Hearing: Consideration of amending the Brentwood Zoning and Land Use Document and the Master Plan with the following:

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Planning Board will vote to adopt the 2012-2017 Capital Improvements Program and the Open Space Chapter of the Master Plan.

Greenwood provided an updated Capital Improvements Plan, prepared by Greenwood from the information provided by town departments.

Motion made by Wofchuck, 2nd by Hubbard to adopt the 6 year Capital Improvements Plan: all were in favor. This will be forwarded to the Selectmen and Budget Committee for their files.

Greenwood handed out the completed Open Space Chapter of the Master Plan that includes language about trails and the inclusion of recommendation that says that the town should consider improving the trail network when looking at development proposals. Greenwood said that he needs to add the finalized list of all the parcels that are in conservation easement.

Motion made by Stevens, 2nd by St. Hilaire to adopt the Open Space Chapter: all were in favor.

Motion made by Wofchuck, 2nd by Brenner to approve the December 6 minutes with the following addendum to the page 4, third paragraph: *Members had discussed at previous meetings the fact that statistics show that Brentwood meets the criteria mandated by the state to offer workforce housing without special zoning requirements. Currently there are approximately 1315 homes, of which 45% meets the requirement.* The motion carried with Kennedy and Hubbard abstaining as they were not present.

Motion made by Brenner, 2nd by Hamilton to approve the minutes of the December 15 site walk with the following correction: change the fourth paragraph to read as follows: *The board asked Moreau to come back to the PB with plans that show two options: one with the driveway being fully compliant and the other being a solution that will work for the property owner while minimizing the impact on the wetland buffer. Moreau was reminded that any change in the location of the driveway will require a new driveway permit.*

The motion carried with Wofchuck and Kennedy abstaining as they were not present.

The mylar was signed for the Deer Hill subdivision and lot line adjustment.

Motion made by Wofchuck, 2nd by Hamilton to adjourn at 9:55: all were in favor.

Respectfully Submitted,

Kathy St. Hilaire,
Administrative Assistant,
Brentwood Planning Board