

**Brentwood Planning Board
Minutes – February 7, 2013**

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| Members Present: | Bruce Stevens, Chairman | Kevin Johnston |
| | Bob Magnusson | Rob Wofchuck |
| | Steve Hamilton | Jane Byrne, BOS Rep |
| | Mark Kennedy, alternate | Glenn Greenwood, Circuit Rider Planner |

Minutes – Mail – Board Business

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

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

The Manifest was signed.

7:00 Public Hearings:

Continued Hearing: Site Plan Review – Countryside B.I.S tax map 216.027

Charlie Zilch of S.E.C. Associates and applicant Nancy Orlando were present for this hearing. There were no abutters present. Zilch had provided revised plans that show added parking, bathrooms and additional changes that were discussed at their previous hearings. Zilch said that the NHDES restricts parking within 50 feet of the wellhead, so they now show 39 parking spaces, which is still above the minimum requirement.

The January 23 letter from Nick Cricenti of SFC Engineering was discussed. SFC reviews plans with regards to fire suppression compliance. Cricenti states that all of his previous items have been addressed except for the water source supply for the fire department. His letter states that this will be discussed between the PB and the applicant. Zilch said sprinklers are not required by NFPA because of the small size of the buildings. Stevens said a note could be put on the plan that this will meet all NFPA requirements and members agreed.

All but three of the 13 comments by Greenwood have been addressed. They are waiting for their state driveway permit, and once they have that, they can finalize the amended plan that abuts them, where the shared access exists. Town engineer Steve Cummings January 24 letter was discussed, and plans were updated from his earlier letter. Zilch provided the PB with a copy of the NHDES well location approval. The Board reaffirmed that this site, as shown, does not require a landscape plan with regards to the parking areas. Zilch will remove the note on the plan regarding a waiver for this. Greenwood will determine which pages are to be recorded.

Motion made by Johnston, 2nd by Magnusson to grant a conditional approval to June 6, 2013, contingent upon the following:

1. Satisfy any outstanding issues of Greenwood, Cummings and SFC.
2. Receipt of State permits : driveway and subsurface
3. Receipt of a copy of the plan on electronic disc
4. Receipt of the bond, approved by the town engineer

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5. Final Planning Board approval for the abutting parcel, tax map 216.028 for the access way
6. Add a note to the plan that the site will meet NFPA requirements with regards to fire suppression.
This language will be provided by the PB

Motion carried with Byrne abstaining as she was not present during the earlier hearings. Zilch and Orlando thanked the Board for their time this evening.

Continued Hearing: Site Plan Review- Hayward Realty Investments tax map 217.017

Present were Denis Hamel of Cammett Engineering and property owner Dennis Hayward. There were no abutters present. Hamel said the intent is to remediate some alterations done in the 50 foot wetland buffer zone and receive approvals for some minor modifications to the previously approved site plans. They will reclaim the area out back, re-slope and seed to bring it back to its original condition. They will also install a guardrail along this area, and also 10 tree plantings at the base of the slope.

Cummings February 6 letter was reviewed at this time. Hamel will contact Cummings to discuss the NOI application, to see if it is required by the EPA for the size of the work being done here. Stevens asked for a letter from Cummings that addresses their conversation. Hamel said there is an operation and maintenance plan from the original site. The Board asked that any maintenance notes that are on the original plan be carried over and added to this one. They will satisfy Cummings comments.

Hamel went over his Jan 23rd letter, that discussed the work that had been previously approved and completed, the work approved but not yet done, and then listed the work done that was not approved in 2006. They are requesting that the 20' wide paved access drive installed along the south side of the building remain and be approved. Also, along the south side they cleared an area for storage of equipment and vehicles being worked on by tenants. This has not been paved or regraded and they asked to have this remain. They will install a post and rail fence around the perimeter, outside the wetland buffer. The two topsoil piles are temporary and will be used for topsoil as needed as the construction continues. The piles will be protected with perimeter erosion control where ever the stockpiles are placed, and will not be within the wetland buffer. Greenwood said they will record the grading sheet 1.

Magnusson would like future site plans brought before the Board to include a requirement for a set of as-built plans.

Wofchuck mentioned the number of signs that are currently on site, and Hayward said while he felt that he was being singled out, he would speak with his tenants.

Motion made by Johnston, 2nd by Hamilton to grant a conditional approval to June 6, 2013, contingent upon the following:

1. Satisfy Cummings comments
2. Receipt of the bond, approved by the town engineer
3. Add maintenance plan notes to the plan
4. Add an erosion control note to the plan regarding the loam piles

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5. Add a note that existing loam stockpiles will be removed before a certificate of occupancy is issued for building 2

The motion carried with Byrne abstaining as she was not present during the previous hearing. Hamel and Hayward thanked the Board for their time this evening.

Magnusson said that he wants to set aside time in the near future for discussing the stormwater O & M requirements.

New Hearing: 2 Lot Subdivision – Buckley tax map 222.053

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

Motion made by Magnusson, 2nd by Byrne to accept the application.

Joe Nichols of Beals Associates spoke on behalf of the applicant this evening. There were several abutters present. Nichols said that one lot will have 2.05 acres and the second lot, where the existing house is will have 5.38 acres. They submitted a letter (on file) requesting the following 3 waivers from the subdivision regulations:

1. Waiver request to subdivision regulation Section 8.21.3 to not require High Intensity Soils Mapping for the remaining lot of record, as the 5.38 acre parcel has an approved septic system.
2. Waiver request from subdivision regulation section 8.15 to not require at least 2 test pits and 1 percolation test, and 4,000 sq ft reserve area for the remaining lot of record being 5.38 acres, as this is a lot of record with an approved septic system.
3. Waiver request from subdivision regulation section 6.24 to not require topographic survey in areas of wetlands, and the remaining lot of record being 5.38 acres. This parcel has an approved septic system and is great that 5 acres in size.

Nichols said they have received their state subdivision approval for septic design. Greenwood's letter was reviewed at this time. Greenwood said that the frontage measurement of the 5 acre lot states the frontage to be 200 feet, plus or minus. He said that they need to confirm that there is at least 200 feet, saying if it is less than 200 feet, it does not meet the zoning requirement and the PB cannot approve this. Nichols said the property line goes through a stream channel. He said the tie point of 179.43 is an upland area and they will stake a monument there. He said the 200 feet goes to the middle of the river. Greenwood asked that this be resolved. They will satisfy any issues in Greenwood's letter.

Abutter Bruce Phillips said he has no issue with the proposal as shown, but wanted the PB to be aware that they are in litigation with regards to eastern property line. Stevens said that is a civil matter and that the Planning Board takes the word of licensed surveyor or engineer on plans presented.

Motion made by Byrne, 2nd by Kennedy to grant waiver request number 1: all were in favor.

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Motion made by Byrne, 2nd by Kennedy to grant waiver request number 2: all were in favor.

Motion made by Byrne, 2nd by Kennedy to grant waiver request number 3: all were in favor.

The granting of the waivers is based upon the town engineer's recommendation.

Stevens asked that the plan clearly states which lot the waivers pertain to.

Greenwood asks that a soil scientist from RCCD verify that the 2 acre lot meets Town requirements.

Motion made by Wofchuck, 2nd by Magnusson to have RCCD verify that the 2 acre parcel will meet Town requirements: all were in favor.

Nichols explained to abutter Faria that the proposed house location on the 2 acre lot is closer to the front of the lot, due to wetlands in the back.

Motion made by Johnston, 2nd by Hamilton to continue to February 21 at 7 pm: all were in favor. Nichols thanked the Board.

New Hearing: 2 Lot Conservation Subdivision – Mitchell tax map 214.064

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

Motion made by Wofchuck, 2nd by Byrne to accept jurisdiction: all were in favor. Magnusson stepped down from this hearing, as he is an abutter. There were several abutters present.

Chris Hickey of Mitchell and Associates spoke on behalf of the property owner (Thomas Nesbit) this evening. Also present were Brian Hart of the Southeast Land Trust of NH. Hickey said they are proposing a two lot subdivision of the 46 acre parcel. One will be 4 acres with the existing house, and the remaining 42 acres will have a wetland reserve conservation easement under the US Department of Agriculture and will not be for building purposes. Southeast Land Trust of NH will take final ownership of this piece. Hickey stated that this subdivision creates no new building lots. The parcel has approximately 1700 of frontage along the Exeter River.

Greenwood's comments were reviewed at this time and Hickey said they will take care of any of his concerns. A copy of the conservation easement will be sent to the PB.

Hickey submitted a waiver request (on file) for the following subdivision regulations:

1. Waiver request to section 6.12 and 8.15, which require test pits on all lots. The 4 acre lot has an existing house and approved septic, and the second lot cannot be built on under the proposed conservation easement.

Motion made by Byrne, 2nd by Wofchuck to grant the waiver request, based upon the above information: all were in favor.

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2. Waiver request to section 6.1 that requires iron pins every 200 feet. Hickey said the lot lines affected are already monumented by the tree line with wire, the Exeter River or the stream on the NW area of the lot.

Motion made by Byrne, 2nd by Kennedy to grant the waiver request, based on the above information: all were in favor.

3. Waiver request to section 8.1 and 8.21 which requires soil type lot sizing. The proposed 4 acre parcel has an existing house with an approved septic system and the proposed lot is almost twice the required size. The 42 acre lot will not be built on because of the proposed conservation easement.

Motion made by Byrne, 2nd by Johnston to grant the waiver request, based upon the above information: all were in favor.

4. Waiver request to section 8.2 which requires all subdivisions to be on a Class V road or better. The existing house was built under a recorded agreement at the Rockingham County Registry of Deeds, and the remainder lot will not be built upon because of the proposed conservation easement.

Motion made by Johnston, 2nd by Byrne to grant the waiver request, based upon the above information: all were in favor.

5. Waiver request to section 8.6 to not require that existing natural features including topography be shown on the remainder 42 acre lot whereas it cannot be built upon because of the proposed conservation easement.

Motion made by Byrne, 2nd by Johnston to grant the waiver request, based on the above information: all were in favor.

It was the consensus of the Board that this plan did not need to be reviewed by the town engineer, because there would be no further development.

Motion made by Byrne, 2nd by Wofchuck to grant a conditional approval to June 6, 2013, contingent upon the following:

- Change the bounds on the corners to be either concrete or granite
- Add an iron pin on the east side of the house, at the 200 foot mark, as the line exceeds 400 feet.

Hart said they will send a copy of the conservation easement once they receive it. He said they cannot provide a copy until after this plan is finalized and recorded because the easement is contingent upon this subdivision. There was concern about creating this subdivision on a Class VI road, if the conservation easement does not go through. Greenwood said that town ordinances allow the PB to create a lot that does not meet minimum requirements if it is for open space or recreation. He said if the CE does not go through, the subdivision plan cannot hold up because everything was contingent upon the CE. The subdivision could be revoked if this happens.

The motion carried by unanimous vote.

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Board Business

The Board is in receipt of a letter from the Department of Safety, asking if G & J Transportation can hold a transporter dealer license at the St. Armand property on Rte 125, tax map 224.101.

Motion made by Johnston, 2nd by Byrne that this is an allowed use, and to authorize Stevens to sign the letter: all were in favor,

Motion made by Wofchuck, 2nd by Johnston to approve the minutes of January 17: the motion carried with Magnusson and Byrne abstaining as they were not present.

Motion made by Johnston, 2nd by Stevens to adjourn at 9:25: all were in favor.

Respectfully Submitted,

Kathy St. Hilaire
Administrative Assistant,
Brentwood Planning Board