

Brentwood Planning Board Meeting Minutes 1/5/23

Present: Kristin Aldred- Chairperson

Bruce Stevens- Vice Chair

~~Doug Finan~~

Ned Matson

Jon Morgan-SB rep

Stefanie Kizza

Paul Kleinman

Brian West

Mark Kennedy

Kate Locke-Parks

Town Planner: Glenn Greenwood

Meeting held at Brentwood Town Hall

Open Public Hearing

Aldred opened the meeting.

Stevens motions to have West fill in for Finan, Morgan seconds, all in favor, motion carries.

7:00 pm: Public Hearing for Proposed Zoning Amendment- The Planning Board will consider a zoning amendment proposal to change the language in the conditional use permit section of the aquifer protection ordinance article VII section 700 to refine the criteria associated with the conditional use permit criteria.

The Board discussed the wording of the Conditional Use Permit. At their meeting on 12.15.22 the Board had agreed to make A and B parallel, to read as follows:

- a. the proposed use will not, **as supported by the evidence developed during Planning Board project review, cause detriment to the quality of the groundwater contained in the aquifer by directly contributing to unacceptable levels of pollution.**
- b. the proposed use will not, **as supported by the evidence developed during Planning Board project review, cause unacceptable reduction in either the short or long term volume of water contained in the aquifer or in the storage capacity of the aquifer.**

Kleinman discussed standards of proof, “preponderance,” “without a reasonable doubt,” and stated that “clear and convinincing” is a mid-tier standard that he feels comfortable adding to the CUP language.

Kleinman motions to replace the word “the” with “clear and convincing” to both A and B of the Conditional Use Permit. Kizza seconds, all in favor, motion carries.

Morgan motions to accept the language change to the Conditional Use Permit, A and B, to read as follows:

- a. the proposed use will not, **as supported by clear and convincing evidence developed during Planning Board project review, cause detriment to the quality of the groundwater contained in the aquifer by directly contributing to unacceptable levels of pollution.**
- b. the proposed use will not, **as supported by clear and convincing evidence developed during Planning Board project review, cause unacceptable reduction in either the short or long term volume of water contained in the aquifer or in the storage capacity of the aquifer.**

Stevens seconds Morgan’s motion, all in favor, motion carries.

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There were several representatives of 25 Commercial Drive, Units 6, 7, 8, and 9, present to discuss the complaints received by Kip Kaiser, Building Inspector. Lloyd Bell, property owner, states Kaiser and Jason Grant, Fire Inspector, did an inspection of the building on 12.13.22. Greenwood explained that the reason he wanted representatives present was because there were some safety issues identified during the inspection and to make sure the Board was comfortable that there had not been a change of use. While on inspection Kaiser noted some activities that he was unsure if they aligned with the approved use. The approved use is for commercial uses and a very small but significant allowance for retail operation. Greenwood states his main concern was that there was manufacturing going on which is not an approved use. Greenwood states that after speaking with Bell, he believes that what is occurring is not manufacturing so much as assembly or light industrial which would be approved uses. Greenwood also states that he had originally requested a letter stating that there was no manufacturing going on. Bell states that Unit 6 representative, Michael Bentwood was present to explain the "manufacturing." Bell states that he and all unit tenants are working with Kaiser and Grant to address all safety concerns. Bentwood states that he does not do any manufacturing, he does metal art which includes coatings on metal components for a multitude of businesses. Greenwood believes this is an industrial use. The Board concluded that there is no need for additional site review.

Greenwood will work on a paragraph to explain the proposed warrant articles and will have that ready for the Board to review at their next meeting 1.19.23. West asked if property owners could be exempt from the proposed zoning changes. Greenwood explained that that was part of the public hearing process which took place on 12.5.22, several property owners were in attendance to ask how this would affect their property. Greenwood spoke with each property owner at that meeting, their property was identified on the tax maps and Greenwood explained that their properties would now be all within the commercial/industrial zone rather than being split zoned. All who were present were satisfied that they would not be negatively affected by this zoning change. Stevens asks Morgan if the Economic Development Committee would be willing to write a letter of support. Benedix will add this to the Economic Development Committee agenda. Greenwood will have a synopsis ready so that it can be posted on the Town website and Facebook page.

The Board was given the email attachments from Sarah Tatarczuk, including the HOP Grant application draft. Board members were asked to review the application and email Greenwood with any comments and/or suggestions by 1.11.23. Aldred is concerned that the application calls for a survey, the Town conducted 2 surveys last year and Morgan states they will likely put out another within the next 6 months. In place of another survey, a focus group was mentioned, as well as substituting the surveys we already have.

Greenwood went out to the property located at 388 Rt 125 and noted that the outdoor lighting which is supposed to be downcast is not, he has reached out to the property owner via email but has not heard back as of yet.

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The property located at 313 Rt 125 was discussed. The tenants have some complaints and concerns. Both Kaiser and Mantegari, the Health Inspector have been out to this location. It doesn't appear that there are any Planning Board issues at hand, Greenwood will send copies of the affidavits to Kaiser and Mantegari.

The Board discussed Town Planner, Glenn Greenwood's contract. Stevens motions to accept the contract as is, Morgan seconds, all in favor, motion carries.

Aldred signed the Town Planner 2023 contract.

The manifest was signed.

The minutes of December 15, 2022 were reviewed.

Morgan motions to accept the minutes with 2 edits, Stevens seconds, all in favor.

Morgan motions to adjourn, Matson seconds, all in favor.

Respectfully Submitted,
Jillian Benedix
Administrative Assistant
Brentwood Planning Board