

**Brentwood Planning Board  
Minutes  
April 18, 2019**

Members Present:

Bruce Stevens, Chairman	Mark Kennedy
Ken Christiansen, BOS rep	Lorraine Wells, Alternate
Matt Bergeron	
Steve Hamilton	David Menter, Alternate
Kevin Johnston	Town Planner Glenn Greenwood

**Open**

Chairman Stevens opened the meeting at 7:00 pm.

Motion made by Hamilton, 2<sup>nd</sup> by Bergeron to give Wells voting rights: All were in favor. Motion carried.

**7:00 Public Hearings**

**7:00 pm: Amendment to a previously approved site plan:** Applicant Gerald Gagnon of J. G. Gagnon & Sons Excavation, LLC proposes to lease the property owned by Roland Burke of Benco Realty Trust at 72 Rte. 125 referenced by tax map 217.023 to house heavy equipment and stock pile materials such as gravel, loam etc. **Applicant requested an extension to May 16th, 2019.**

Motion made by Bergeron, 2<sup>nd</sup> by Hamilton, to grant a continuation to May 16<sup>th</sup>, 2019 at 7 p.m. All were in favor. Motion carried.

Stevens asked Greenwood to review the site plan on file regarding the Burke property and allowed areas for storage on site.

**7:00 pm: Amendment to a previously approved site plan:** Applicant Conquer Self Defense, LLC proposes to open a self-defense and Brazilian Jiu Jitsu academy using space at 313 Rte. 125, referenced by tax map 209.066 in the com/ind zone; previously Consign to Sell. Property is currently owned by R&D Commercial LLC.

Present: Applicants Tony Matias and Tom Labatte of Conquer Self Defense.

Motion made by Kennedy, 2<sup>nd</sup> by Wells, to accept the application. All were in favor. Motion carried.

Matias gave an overview. They are proposing to operate their Conquer Self Defense Academy at 313 Route 125, the old Brentwood Machine site. They currently operate in the Carriage Town Plaza in Kingston but have rapidly outgrown the space. They offer self-defense classes for kids and adults with Brazilian Jiu Jitsu and cardio style boxing classes. The main floor of the building at 313 Route 125 in Brentwood would give them more room to grow, visibility and a chance to bring more communities together.

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Matias addressed the 4 comments in Glenn Greenwood's (*Town Planner*) letter:

- 1) *What are the hours of operation for this activity?* Matias said we start at 6 am; about 8 people, up to 10-15 people for early morning adult classes. Labatte added classes start up again at 5 pm and run to about 8 pm. Mix of adult and child classes; plenty of parking.
- 2) *How many employees are typically on-site?* Matias replied 3-4 employees. Usually one or two classes running so maybe 2-3 employees on site at a time.
- 3) *What is the greatest expected number of employees and clients on site at any one time?* Our largest class is our kid's class; 20-25 kids at a time.
- 4) *Has the Fire Department signed-off on the expected occupancy numbers for the proposal?* We asked Jason to come by and give us a plan on what we needed in order to get a sign off. We put that in the contract to have the owner bring the building up to code before we took occupancy. Once we get a go ahead, we can put mats down but we're waiting on the owner, he said by May 30<sup>th</sup> he'd have everything complete. We don't expect to do anything until after that.

Stevens referenced the email from Jason Grant, Fire Inspector; it's dated April 18<sup>th</sup>, 2019 and it says that last week he asked for a floor plan that shows where the partition walls are going. *This is after I did a walk through with the potential owner. Last week I asked for a floor plan that shows where the partition walls are going; after my understanding (at the walk-through) there was none. I have not seen this plan yet. I have concerns that partition walls may obscure and lengthen travel distances to exits and visual and audible fire alarm devices.* Stevens said it looks like it can be overcome, just another step. Matias said he mentioned emergency and exit lighting and we have an electrician ready to go.

Stevens suggested they talk to Jason again and have him come back and review their diagram. Matias agreed. Kennedy asked about maximum occupancy. Greenwood responded that there will be an occupancy number from the Fire Department. Matias said he mentioned it's rated for 100 to 150 people.

Motion made by Kennedy, 2<sup>nd</sup> by Wells, to grant a 120-day conditional approval contingent upon the Planning Board receiving a final sign off letter from the Fire Department with their approval. All were in favor. Motion carried.

**7:00 pm: Subdivision Application:** Applicant Scott Boudreau proposes to subdivide one existing lot into 3 lots on property located at 90 Prescott Road, referenced by tax map 207.002 in the res/agr zone; property owners; Roger & Linda Rousseau.

Present: Scott Boudreau of Boudreau Land Surveying; hired by the Rousseau's to present a subdivision plan of their lot.

Motion made by Kennedy, 2<sup>nd</sup> by Bergeron, to accept the application. All were in favor. Motion carried.

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Boudreau gave an overview of the proposal. It's about a 6-acre parcel. The Rousseau's are proposing two additional lots off of their lot to create a 3-lot subdivision.

Boudreau addressed Glenn Greenwood's comments:

- 1) *On sheet C2 the notation to see note 14 that is placed to the left of test pit 5 should be removed. There is no note 14 on sheet C2.* Boudreau confirmed there is no note 14; to be deleted.
- 2) *The proposed plan requires state subdivision approval for lots less than five acres in size.* Boudreau commented it's the next step if this gets approved. Subdivision approval is pending approval of that subdivision; that will need to be for all 3 lots and find the existing septic for existing house.
- 3) *The plan proposes a driveway for lot C that requires an NHDES Dredge and fill permit. This same crossing requires a conditional use permit issued by the Planning Board for access ways in wetlands or wetlands buffers.*

Boudreau said there's about 108' of wetland, that's also pending a wet-lands fill permit from NHDES. Pending Town approval of this. Buildable area in the back. Test pits have been dug. That wetland crossing is pending state approval. A lot of approvals with this if it's accepted by the Town. Part of this, according to FEMA is in a flood zone. Across the street, 99 Prescott Road, had a LOMA (letter of map amendment) done, which got their house out of the flood zone. Their base flood elevations (*question #5 below*) is 110-1/2 according to the LOMA that's across the street. It's the same flood source. I haven't done the LOMA yet but I want to use that same flood source to remove the areas hatched in pink to make them buildable and outside the flood zone. Boudreau said I submit the LOMA online but the Town will probably be notified. It's a 30 to 60-day process.

Kennedy asked is it only the pink areas in the flood plain. Boudreau said it will be more because I only showed 112-1/2 in the pink areas but the actual base elevation is 110-1/2. Kennedy asked about the soils; Hydric A and B, poorly and very poorly? Greenwood clarified the 553 BH's would be closer to hydric B and the NE 600's would be hydric A's and he's showing all 500's, hydric B; he doesn't show any 600's. Wetlands are different than the floodplain. HISS mapping, the soils information here that ends with an H is indicating that it's been done to those standards.

- 4) *On sheets C-2 C-3 and C-4, Rousseau is spelled incorrectly.* Boudreau will correct.
- 5) *Please describe the note indicating that certain areas are going to be removed from flood designation. Are you preparing a Letter of Map Revision to FEMA on behalf of the Rousseau's?* Explained in the above FEMA conversation.
- 6) *Does the Board want to take a site walk for this application?* Board declined.
- 7) *The northern property line of lot C needs an iron pin for any expanse longer than 200 feet.* Boudreau agreed.
- 8) *The applicant shall provide a PDF and DWG/DXF format file of the final plan set.*

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Greenwood said Steve Cummings caught this (*Comment #5*) 199.7 for frontage on lot C. Stevens said the Town requires 200' of frontage and one was 199.7. Boudreau said I caught that after I submitted the plans. There is room to shift that over. Greenwood agreed; it has to be fixed. Corner bounds in granite. Anything over 200' is iron pins. Boudreau asked about driveway permits. Greenwood said you would work with Steve Cummings, the engineer, on that.

Kennedy commented it's a Scenic Road, I don't know if there are any trees that would affect that but keep that in mind when you do the driveways. Steven's said the Scenic Road governs trees within the Town right of way. Kennedy agreed. Steven's commented there's great line of site there.

Boudreau summarized what is still needed:

1. Subsurface approval for septic
2. Approval from Rockingham County Conservation District (RCCD)
3. Approval for subdivision
4. Wetlands approval

Boudreau commented on Cummings comment about a shared driveway but he doesn't want to do that, separate driveways per lot. Lot B, there's a clearing in the trees, best spot there for a driveway to avoid the wetland. (*Comment # 6*)

Greenwood recommended that the Board do a conditional use permit tonight. Steven's said that conditional use permit is what the Board can vote on to give authorization to cross a wetland but it still has to go to the state, DES, to get approval to cross. But the state allows a wetland crossing if you have good buildable soils on the other side of a wetland. Brentwood has a rule you can't cross more than 250 lineal feet; this is 108'.

Stevens read: *A Conditional Use Permit may be granted by the Planning Board (RSA 674:21 II) for the construction, in areas within the Wetland Conservation District and associated setbacks and buffers, (3/12/2002) of roads and other access ways, and for pipelines, power lines, other transmission lines, and buildings for senior housing, but in no case closer than 25 feet of wetlands with poorly drained soils or vernal pools and 50 feet of wetlands with very poorly drained soils or prime wetlands, provided that all of the following conditions are found to exist: (3/2016)*

- A. *The proposed construction is essential to the productive use of land not within the Wetlands Conservation District. All agreed and were in favor.*
- B. *Design and construction and maintenance methods will be such as to minimize detrimental impact upon the wetland and will include restoration of the site as nearly as possible to its original grade and condition. All agreed and were in favor.*

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- C. *No alternative route which does not cross a wetland or has less detrimental impact on the wetland is feasible.* Boudreau said I can move it if necessary. Stevens said see what DES says about that. All agreed and were in favor.
- D. *Stream and wetland crossings shall be avoided whenever possible. When necessary, no wetland crossing shall exceed a length of 250 lineal feet and crossings shall comply with state recommended design standards to minimize impacts to flow and animal passage (UNH Stream Crossing Guidelines; Env-Wt 900).* **(3/2016)** Stevens said this is 108' so this one doesn't need to be considered.
- E. *Wetland boundary markers of a type approved by the Planning Board will be set in order to visually delineate the furthest extent of the wetland.* **(3/2016)** Use wetland disks. All agreed and were in favor.

Motion made by Stevens, 2<sup>nd</sup> by Johnston, to grant the Conditional Use Permit as all the criteria have been met. All were in favor. Motion carried.

The Board continued reviewing Cummings comments. Boudreau read and commented:

- 7) *Does the existing house on lot "A" have a state approved septic system?* That's something I'll have to look into.
- 8) *The wetland crossing should show proposed silt fence/sock on either side of the driveway.* We should add that for the DES permit.

An audience member asked about how is a wetland crossing done. Boudreau said it's built up but there is a 12" culvert which allows flow.

Motion made by Bergeron, 2<sup>nd</sup> by Hamilton, to grant a 120-day conditional approval upon satisfying Glenn Greenwood's (planner) and Steve Cumming's, (engineer) comments. All were in favor. Motion carried. Stevens reiterated conditions met within 120 days.

7:00 pm: Consideration of adding 9.20 to the Brentwood Site Plan Review Regulations under Section 9 – Specific Plan Requirements; regarding final plan submissions on PDF and DWG/SXF format file/electronic media.

Greenwood explained it's already in the subdivision regulations but not in our site plan regulations. The site plan regulations do say "all appropriate regulations in subdivision apply" but if you aren't doing a subdivision, you wouldn't look there so we'd like to add that in to site plan regs and make it a requirement; this was noticed in the paper.

Motion made by Bergeron, 2<sup>nd</sup> by Hamilton, to add section 9.20 regarding final plan submissions to the site plan regulations. All were in favor. Motion carried.

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**Board Business**

Sign Manifest

1. Anthony & Jenn Daviduk are interested in renting the old Toss and Sauce space at 313 Rte. 125. Amend to Site Plan necessary? They won't be a full-service restaurant, more coffee shop, smoothies, sandwiches. Previously a 20-seat restaurant. Greenwood said they came in yesterday asking about the Toss and Sauce space: Since it was approved as a restaurant, it wouldn't have to come back before the board. I was concerned with enough parking and there seems to be plenty. Toss and Sauce took all the ovens, hoods; they took everything so it would have to be inspected by the Fire Department before they could get occupancy but the use was approved years ago. Stevens asked so we just need a letter for the file. Greenwood agreed, a change in tenancy. The Building Inspector would let them know that he wouldn't grant an occupancy permit without the Fire Department approval.
  
2. DOS Division of Motor Vehicles for Brickhouse Motors retail registration form to approve and sign. Greenwood explained that there would be no outside storage or display of vehicles per his letter; office/Internet sales; just need an address. In his letter he acknowledges that he would have to come to the Planning Board for approval if he wants to display vehicles. Tax map 208.027.000, corner of North Rd. and Rte. 125.

Motion made by Hamilton, 2<sup>nd</sup> by Johnston, to approve the DOS retail registration for Brickhouse Motors as there will be no vehicles on display. All were in favor. Motion carried. Stevens signed the form for submittal.

**Approval of Minutes:**

Motion made by Bergeron, 2<sup>nd</sup> by Hamilton, to approve the Planning Board minutes from April 4<sup>th</sup>, 2019 as presented. All were in favor with Wells abstaining. Motion carried.

Stevens suggested a possible site walk for the Burke property. Greenwood would review previous site plans first.

Motion made by Hamilton, 2<sup>nd</sup> by Bergeron, to adjourn at approximately 7:55 p.m. All were in favor. Motion carried.

Respectfully submitted,

Andrea Bickum  
Administrative Assistant,  
Brentwood Planning Board