

Brentwood Planning Board

Minutes

August 1, 2019

Members Present:

Bruce Stevens, Chairman	Brian West, Alternate
Ken Christiansen, BOS rep	Lorraine Wells, Alternate
Mark Kennedy	Town Planner Glenn Greenwood
Kevin Johnston	

Open

Chairman Stevens opened the meeting at 7:00 pm.

Motion made by Stevens, 2nd by Christiansen, to give Wells and West voting rights. All were in favor. Motion carried.

7:00 Public Hearings

7:00 pm – Continued Site Plan Review Applicant: Trident Project Advantage Group; Owner: Emma Brentwood Realty, LLC; Tax Map 223 Lot 063; 316 South Road; Site plan application for a new two-story building, approximately 48,400 sq. ft. +/- with associated sitework; utilities, signage, parking and landscaping. The uses will include an educational facility, approximately 34,000 sq. ft. +/- and commercial office/retail space(s), approximately 14,400 sq. ft. +/- in the comm/ind zone. On July 17, 2019, the applicant requested a continuation to August 1, 2019.

Present: Frank Montero, Civil Engineer with MHF Design Consultants, design consultant on the project representing the owner and developer; Traffic Consultant, Heather Monacup with GPR; Kathy Harris of Seacoast Learning Collaborative (SLC); Patrice Chandler of SLC; Residents Brett Ramsdell; Barbara Zvodar of Diane McCain Drive; Tobias O'Brien; Christy Horn; and Jennifer Lachoney of Autumn Lane. No abutters were present.

Montero updated the Planning Board on the status of the proposal. Last meeting was on June 20th and we received input from the Board and abutters. Heather Monacup, Steve Pernaw and Greenwood had a phone conference and agreed upon the scope of the traffic study. The traffic study is in progress, being performed August 1st through August 3rd. That study should be done within the next couple of weeks and it will be sent to Steve Pernaw to do the peer review and hopefully have his comments for the next meeting in September.

On July 17, 2019, the applicant met with the Police Chief to go over her concerns and the request for two resource officers. SLC, Greenwood and Stevens were in attendance. There was a preliminary agreement put in place that SLC will fund one safety resource officer and they will prepare a memorandum of understanding which will outline the criteria. SLC (*all responses from Harris or Chandler from SLC will be addressed as SLC as they did not identify themselves when speaking*) confirmed that the memorandum of understanding was submitted to their attorney requesting it be reviewed ASAP.

The wetlands were flagged by Jim Gove's office. There's a 25' no disturb area; a 50' buffer area as well. No work in the 25' non-disturb area, except in the existing mulch storage area with concrete bins. The bins will be removed and it will be resorted with a New England wet mix to rejuvenate that buffer. Any pavement within the 50' is being treated. A DES AOT permit is required.

Montero addressed the comments from Greenwood, Cummings and Murphy from SFC (*letters on file*). Outstanding items from Greenwood's comment letter dated July 31, 2019:

Brentwood Planning Board

Minutes

August 1, 2019

- 1) *CUP permit for wetland buffer work needed*; Montero said a letter was submitted responding to the CUP criteria on July 26, 2019.
- 4) *NHDES AOT permit is required*; That's been submitted and to the Heritage Bureau.
- 5) *Driveway access on South Road*; DOT will review it.
- 13) *A construction bond for the on-site work will need to be posted*; At the end of the approval process we will quantify that bond amount and the applicant will post that bond as a condition of approval.
- 18) *The applicant will supply an electronic version of the final plan set*; That will be done once the approval is granted.
- 19) *The final set of plans will incorporate a note providing information regarding the appropriate use, occupancy and type of building rating as prescribed by the International Building Code (IBC)*; To review with Glenn as to how much needs to be in the note.

Conditional Use Permit: Greenwood summarized when development is contemplating a direct impact to wetland resources through their construction, the project would then require a CUP; 80% of commercial developments require them as the remaining land has wetlands on them. Stevens added in this case, they are working within the bounds of the wetland to restore the wetland, making an improvement to the site.

Montero addressed the Conditional Use Permit criteria in the applicant's letter dated July 26, 2019 (*letter on file*) and then the Board reviewed the five (5) CUP criteria again, voting on each individually. Stevens read the CUP permit criteria from page 80 in the zoning ordinance: *700.002.009.001 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, of road and other access ways, and for pipelines, power lines, other transmission lines, and buildings for senior housing...*

- A. *The proposed construction is essential to the productive use of land not within the Wetlands Conservation District. Several factors make this lot unique and restrict development on this 7+ acre lot. Extensive wetland system connected to the DOT wetland system with an existing culvert. Culvert will be removed and re-routed around the new building. 125' pavement setback from the road restricts the building site. Our response addresses the existing use and encroachment and how we'll reclaim those. Board agreed this was satisfied and were all 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. No wetland impacts, restoration plan. Silt fence will be put in place. Stormwater system; 4 rain gardens proposed and a micro-pool retention pond so all of the surface runoff will be addressed with those systems. Board agreed this was satisfied and were all in favor.*
- C. *No alternative route which does not cross a wetland or has less detrimental impact on the wetland is feasible. Not applicable as no wetland impacts. Board agreed that this was not applicable and were all in favor.*

Brentwood Planning Board

Minutes

August 1, 2019

- D. *Stream and wetland crossings shall be avoided whenever possible. Again, no wetland impacts; no wetland crossings are proposed; not applicable. Board all agreed that this was not applicable and all were in favor.*

- E. *Wetland boundary markers of a type approved by the Planning Board will be set in order to visually delineate the furthers extent of the wetland. The applicant agreed to mark and install wetland boundary markers on site. Board all agreed and were all in favor.*

The CUP was granted by the Planning Board in conjunction with the evidence offered in the applicant's letter dated July 26th, 2019. All were in agreement.

Greenwood summarized that the Chief of Police asked to meet with SLC so that she could express her concerns with the development; reiterating her comments from the June 20th, 2019 public hearing. The SLC indicated that in this annual budget, they have set aside money for one resource officer. The memorandum of understanding would also incorporate the ability for any expenses that are incurred by the Police Department, over and above that one resource officer, would be recouped. If more than one resource officer is required, then that time would be billed and the Town reimbursed for those services. That's why the Chief's not holding to two resource officers. The Chief is now holding to one resource officer and anything above and beyond that would be reimbursed. If after a year there's more than one safety resource officer required, SLC will be responsible for an additional resource officer. The applicant will prepare that memorandum of understanding to be reviewed by Town counsel, Mitchell.

Stevens added this memorandum of understanding is part of the approval of the plan so if the school reneged on their agreement to pay for the officer the Town could pull their right to operate a school there on the site. The Chief may have more questions and we would want her to also meet with the Town attorney so that the details are such so that it's an ironclad agreement and in no way would policing costs be incurred by the Town of Brentwood. This is a condition of approval so the Town could rescind the site plan for non-compliance with the agreed upon conditions. Stevens suggested that Town counsel (Mitchell), Police Chief etc. come to a public meeting to make sure the Town is covered 100% for cost in that memorandum; protect the school and the Town and reviewed by counsel to take place at another meeting.

Montero updated the Board on Steve Cummings, Town Engineer's, revised letter dated July 30, 2019: Cumming's letter states what he reviewed for documents and states that his comments have been addressed and he outlines the following permits that are required:

- A. *NHDES subsurface approval for septic. We've submitted to RCCD to review and then to DES.*
- B. *NHDES water division approval for public water supply. Submitted several weeks ago, pending.*
- C. *NHDES Alteration of Terrain Bureau approval. Stormwater treatment and runoff.*
- D. *Driveway permit for South Road entrance roadway. 2 driveways, DOT will give input to the Town on the traffic study.*
- E. *Town of Brentwood Conditional Use Permit for work in the wetland buffers. We've already discussed.*

Montero updated the Board on SFC's revised comment letter dated July 29, 2019 regarding fire and life safety concerns. We responded to SFC's initial review letter and also spoke with the fire inspector, Jason Grant, relative to fire lanes and the size of the fire truck for circulation around the site. Grant asked us to

Brentwood Planning Board

Minutes

August 1, 2019

use the largest ladder truck in the area so we used the Town of Derry. We modified our truck turn plan to use the Derry truck size to show the turn radius. Mr. Grant was fine with the fire lanes on the plan.

Montero read through the SFC July 29, 2019 revised comments:

1. *Proposed building be equipped with an automatic sprinkler system.* There's no municipal water; it's a well. A storage tank and a pump to facilitate the sprinkler system will most likely be used. Montero to work with the architect on that for the best size and location on that. Possibly an underground 20K-30K gallon tank with fire department access/connections etc. Need to get into more of the building design for that.
2. *LP gas* – Final building design isn't done but if it exceeds 4,000 gallons of storage above ground, a fire and safety analysis is needed. The size now is limited to 4,000 but if more is needed, a fire and safety analysis will be required.
3. *Fire Lanes* – Drop off and pick up area. Coordinated with the fire inspector and we'll circle back to SFC on that.
4. *Building evacuation to not interfere with Fire Department operations* – Addressed with notes on the plans for fire department to identify that as part of the building permit process.
5. *Truck turning plan* – The size of the truck was modified and SFC has acknowledged that it's been adequately addressed.
6. *Fire apparatus dimensions* – Related to the truck turning plan that's been addressed.
7. *Fire code - The building design; constructed to provide adequate fire department communications; a bi-directional amplifier may be needed.* Notes will be added to the site plan to document that response.

Traffic Study Overview: Heather Monacup with GPR gave an overview of the traffic study. Since the June 20th meeting, she had a scoping conference call with Steve Pernaw and Glenn Greenwood. The scope includes when to do counts, how long to do the counts and how to seasonally adjust trip generation etc. and the scope of the study was agreed upon between all parties. The trip generation, Institute of Transportation (ITE) Trip Generation Manual, is a standard national data on certain land uses. We're using private school data plus the existing data from SLC in Gonic. It was submitted to Steve Pernaw to review and he agreed with the information, that it is similar to ITE. The traffic counts are being conducted today and Saturday, the ATR tubes are up on South Road collecting daily volumes. Once we have that data in next week, we'll move forward with more of the study. We also made a request to the Police Department about the local crash data and we should have that for the traffic study. The plan is to submit the study to the Town by August 22nd, about 2 weeks prior to the September 5th Planning Board meeting.

Resident Brett Ramsdell of South Road asked for a copy of the scope of work and was concerned about doing traffic counts in a high vacation, low traffic time of year with no school in session. How does the seasonal adjustment work to convey what will happen in September? Monacup replied NHDOT requirements for a traffic study require an adjustment to the highest month of the year. No matter what month we do our traffic counts in, it has to be adjusted to the peak month, always. It is peer reviewed as well. NHDOT issues this data; the existing data that's out there, and we'll adjust it, add more background traffic, our traffic. We look at existing, no build, opening year and 10 years plus. One of the developments we're adding is a potential large retail development in Kingston and we will add that as the no-build condition and this project will be the build condition. There is no way to accurately count the traffic from Gonic due to the area's businesses. The Gonic data from SLC regarding drop off times

Brentwood Planning Board

Minutes

August 1, 2019

etc. has been provided to Steve Pernaw and Glenn Greenwood. There will be traffic for 15 minutes when buses are dropping off.

A majority of the approximately 70 students are bused. SLC said our students do not drive themselves to school. Monacup and SLC outlined the hours of arrival and departure for the SLC:

IN:

7:15 am - 7:20 1st group of buses

8:00 am – 8:30 am staff arrive

8:45 am – 8:55 am elementary buses

9:00 am administration arrives

OUT:

1:40 pm High School out (5-10 minutes)

Quiet until 3:00 pm when other programs let out

3:30 pm staff leaves

5:00 pm administration leaves

Monacup will bump that number up a bit and use 75 students for the traffic study. Stevens commented that Steve Pernaw is a credentialed professional transportation engineer and the applicant will pay for that peer review. Pernaw will be asked to come in. Monacup said Pernaw asked for 13 hours of counts and turn movements. Typically, a count is 7 am to 9 am, 4 pm to 6 pm and 11 am to 2 pm on Saturday. This study is counting 6:30 am to 9 am; 2:15 pm or 2:30 pm at the site driveway and at the intersection of Rte. 125 and South Road, the counts are from 6:30 am to 7:45 pm (13 hours).

Ramsdell asked if he could see a copy of the Traffic study after the 22nd when it is in. Monacup replied she will supply a PDF to Greenwood.

Resident Barbara Zvodar of Diane McCain Drive asked what is the date of the historical data. Monacup replied the data is from hundreds of counts around the state from 2018. We look back 3 years and take the average and adjust the seasonal data. Any counts this weekend will count any development that has been approved but we've also included Kingston, even though it's not approved yet. Kennedy said they'll use the highest number. Monacup said if there are fewer cars on the road in January and in August there are 15% more, so 15% higher, the study numbers are adjusted up 15% to the higher number. In NH you have to adjust to the peak month.

Tobias O'Brien asked where the buses are housed. SLC said most bus drivers have them at home but 8-10 would be on-site at the school; parking spaces are available for the buses. Some drivers drive in to pick up the bus for their routes about 6:00 or 6:30 am, it depends on the route. Most are vans or small 32 passenger buses.

Christy Horn, a Brentwood resident since 2004 wasn't even aware that SLC was in Brentwood before and she worked at a residential treatment center. She's been at SLC since 2016. These are not aggressive, violent kids at this school. They are managed very well and the staff is very well trained. No homes broken into, no assaults from SLC students and they were here for 18 years. She wanted to calm people's fears about the rumors.

Christiansen offered the Police Chief had some statistics regarding some incidents and runaways previously. Johnston added it was also an industrial area over at the Castles. Stevens added at that time we also didn't have a resource officer on-site so police officers were called. A safety officer on-site should mitigate that. I had a son that went there 10-12 years ago. Stevens suggested some residents visit SLC in Gonic with permission. SLC said there are confidential regulations we have to follow; visitors have to sign a confidentiality agreement. Stevens said to let Andrea know if visitors can come. If not, we

Brentwood Planning Board

Minutes

August 1, 2019

can send someone from our Police Department up to check it out. SLC responded there's nothing to hide but we need to be respectful of the students' confidentiality.

Ramsdell commented our Police Chief was going to check with the Gonic Police Department. I think Brentwood had over 500 calls. We're not saying we don't want it but we just want to make sure the neighborhoods aren't impacted that would affect property values, safety of the neighborhood, traffic flow. I don't want to have to go a different way to work with the school adding to the backup. It's tough to get out onto Rte. 125 as it is.

Stevens added the Planning Board has statutes that it has to rule under and property owners have rights too. The Board can't just say it doesn't want that, go away. The Board can hire experts, paid for by the applicant, and have the Town Planner guide the Board through the process and it will be a school that comes in that won't cost the Town any money.

Resident Jennifer Lachoney of Autumn Lane commented that no one is saying they are aggressive kids but was concerned with any runaways heading into the neighborhood. She was also concerned with the traffic, including the school buses, taking a left onto South Road. SLC replied the runaways were a miniscule percentage. Stevens said they were talking about all incidents where the police were called. SLC said 12 reported runaways. One document says 17 years but Chief had said she looked at 5-6 years.

Stevens suggested that the Police Chief come to the meeting on the 5th to give us an update on the stats and the memorandum of understanding. The Board accepted jurisdiction on June 20, 2019 and Montero agreed with the Board to **continue this hearing to September 5th, 2019** thereby approving the 65-day clock extension.

Motion made by Johnston, 2nd by Kennedy, to continue the hearing to **September 5th, 2019**. All were in favor. Motion carried.

7:00 pm - Possible Expedited Site Plan OR Board to Recommend an Amendment to a previously recorded Site Plan Application: 3 Ponds, LLC; Location: North Road; Map 207.022.000. Addition of a community swimming pool and re-location of the community mailboxes to the club house area.

Greenwood's recommendation was an amendment to a previously recorded site plan application due to the size of the community pool and the pool apron envelope being too large for an expedited site plan review. The site plan regulations say there's an allowance for new construction if it doesn't exceed 1,500 square feet or exceed 7% of the building it's connected too. That premise is that expansion is to a building. In this case, the footprint of the pool area exceeds 1,500 square feet. That requirement is in our site plan review regulations, which can be waived by the Board at any time. It's part of the community's amenities and the Board can disagree with me.

The Board agreed to do an expedited site plan review, which does not require notice.

Greenwood suggested that the mailboxes will be moved to the community center/clubhouse area per the USPS. They were originally to be located near the entrance on North Road. There was a letter received by USPS in Kingston for new subdivisions; even all single-family houses, no more mailboxes; community mailbox centers going forward. Joe Falzone will need to coordinate the new mailbox location with the USPS.

**Brentwood Planning Board
Minutes
August 1, 2019**

Motion made by Johnston, 2nd by Stevens, to waive the site plan regulation requirement of 1,500 square feet for the pool and its associated apron thereby approving the expedited site plan review and granting the approval for the community pool. All were in favor. Motion carried.

Board Business:

Sign Manifest - Return unused escrow funds to 21 Boylston Street, LLC and Gato LLA.

Sign Affidavit of Amendment for Brentwood Power Equipment; owner David Flagg, approved in the July 18th, 2019 Planning Board meeting, to be recorded.

Bond Reduction: Rivers Edge Brentwood, LLC (212.034.000) 258 Pickpocket Road – Wilson Way. Reduce remaining bond letter of credit (LOC) of \$101,375.20 by \$65,903.83 leaving a new LOC balance of \$35,471.37. Per Steve Cummings letter and email, driveways were fixed and have been addressed.

Motion made by Kennedy, 2nd by Wells, to approve the recommended bond reduction for Rivers Edge Brentwood, LLC of \$65,903.83 thus leaving a remaining LOC balance of \$35,471.37.

Approval of Minutes: Motion made by Wells, 2nd by Johnston, to approve the minutes from July 18th, 2019 as presented. All were in favor with Christiansen and West abstaining as they hadn't been present.

Motion made by Johnston, 2nd by Wells to adjourn at approximately 8:29 pm. All were in favor. Motion carried.

Respectfully submitted,

Andrea Bickum
Administrative Assistant,
Brentwood Planning Board