

**Brentwood Planning Board
Minutes
August 20th, 2020**

Members Bruce Stevens, Chairman Alternate, Brian West
Present: Ken Christiansen, BOS rep
Steve Hamilton Town Planner Glenn Greenwood
Mark Kennedy
Doug Finan

Open:
Chairman Stevens opened the public hearing at 7:00 pm.

Motion made by Hamilton, 2nd by Finan, to give alternate West voting rights. All were in favor. Motion carried.

7:00 pm: Continued Site Plan Review Application: Applicant & Owner: Brian C. Kenerson, II & Jessica C. Kenerson, Trustees of D&H Realty Trust and owners of BCK Excavation, LLC. Property is located at 388 Rte. 125, Brentwood, NH in the commercial/industrial zone referenced by tax map 208.016.000. Intent is to amend a previously approved site plan with a 4,256 sq. ft. office/retail building and existing driveway alteration along with associated improvements.

Present: Bruce Scammon from Emanuel Engineering; Applicant Jessica Kenerson of D&H Realty, BCK Excavation. No abutters were present.

Scammon, representing D&H Realty, Brian and Jessica Kenerson, gave an overview of the project. The property is at 388 Route 125, located at the corner of Rte. 125 and North Road; the former site of the Army-Navy store. Our office had an approved site plan in 1998 for this site. This hearing was continued from June 4, 2020 to allow time to go to the Zoning Board for the necessary variances. The ZBA has granted the eight (8) variances (on file - August 10, 2020 ZBA hearing).

Scammon is proposing an identical building to what was previously approved with the same footprint but with the addition of porous pavement to the site for storm water treatment. There is traditional pavement in the front due to the leach field being underneath it. A Conditional Use Permit from the Planning Board is requested due to the change in the regulations; the very poorly drained has a 100' setback so some of the structure and parking would be within the wetlands buffer. Scammon is also requesting a waiver from the 50' setback buffer from residential to commercial. There is 30' to 40' of pavement within that setback so they're proposing a double row of Arborvitaes to help buffer that visual barrier because of the proximity of that pavement to the abutter. A large vegetative buffer of trees will still remain; the abutter's house is approximately 250' to 260' away. Stevens pointed out that the State has no wetland buffer. Scammon said the NHDOT driveway permit has been received and they are waiting on NHDES to approve the septic plan.

Kennedy asked about the CUP permit. Scammon replied the 8 variances were received but the CUP is a way for the PB to allow relief; this is poorly drained soil and a few parking spaces are within it. To protect the wetlands, they're adding porous pavement around the site so there is a gravel filter below the pavement and storm water goes down through the pavement, through the gravel layer and through a sand filter layer, so it's treated. A retaining wall will also be installed to give added buffer and strength to protect that wetland. The driveway needs to go all the way around for fire protection and it's designed to not have a direct wetlands impact.

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West asked about the seasonal high-water table. Scammon explained that all wetlands have water that reaches the surface; poorly drained, the water is at the surface for 14 days; very poorly, 21 days.

Scammon explained the porous pavement; stone with extra sticky asphalt 76 vs. a 64 and instead of sand in the mix to fill the voids, its left out so water can flow through it. There's 5" of pavement, a reservoir layer of about 6" is below that. The water that drops through the pavement goes into the stone and down through a foot of sand; a sand filter. The water takes about 5 hours to go through that. Bacteria grows in the sand to digest any hydrocarbons on the water and the water comes out clean on the bottom. There is stone below the sand and it slow it down giving some detention time and then it infiltrates into the ground or on larger storm events, there are overflow areas; 4" to 6" in diameter. The top 6" of stone can hold about 33% void space or 2 inches of rain. The drainage study has a maintenance plan within it (on file). Stevens commented this is an improvement as there was zero treatment here.

Finan asked about the retaining wall. Scammon replied it will be a block retaining wall, designed by a PE. It will be above grade to about 30" and act as a guardrail with a small fence on top. West asked about snow storage. Scammon replied it's over the retaining wall and another at the front-right corner of the site.

Stevens read the CUP criteria regarding construction within the Wetland Conservation District and associated setbacks and buffers: (Zoning Ordinance p. 80-81) (Applicant's CUP Letter on file):

- A. The proposed construction is essential to the productive use of land not within the Wetlands Conservation District. **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. **All in favor.**
- C. No alternative route which does not cross a wetland or has less detrimental impact on the wetland is feasible. **All 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) Not Applicable.**
- 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) Stevens asked that wetland delineator posts be added as it calls attention to workers or tenants on the site that it's a wetland. Maybe half a dozen emblems on posts. Scammon confirmed to post on the edges of the site so you know where that boundary is. **All in favor.**

Motion made by West, 2nd by Hamilton, to grant a Conditional Use Permit in accordance with RSA 674:21.II and Brentwood's Zoning and Land Use Document, Article 700.002.009.001, with wetland boundary markers to be installed. All were in favor. The motion carried. *Glenn will forward an example of previously used ones to Scammon.*

Stevens read the waiver request: (on file) Section 9.14.A Buffer Areas: regarding 50' buffer separating a commercial lot from a residential lot and with regard to no parking in the buffer. Stevens commented they've had the discussion earlier regarding the Arborvitaes, it's about 15' short of that requirement. Scammon replied 40.81 sq. ft. about 5 x 8. Stevens added the mitigation aspect is to plant the trees.

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Motion made by Christiansen, 2nd by West, to approve the waiver under 9.14.A for mitigation by adding the Arborvitaes. All were in favor. Motion carried.

Stevens went through the conditions for a 120-day conditional approval.

- All comments and recommendations from Greenwood, SFC and Steve Cummings are satisfied.
- All state permits need to be obtained (NHDES subsurface).
- Bound markers for the wetlands.
- Construction Bond/Surety Bond - approved and put in place prior to the mylar being signed and any construction being done.
- Include a landscaping bond for the Arborvitaes.
- Receipt of \$2,000, replenished as necessary, for an escrow account to be used for future inspections & engineering fees.

Motion made by Hamilton, 2nd by West, to grant a 120-day conditional approval of the site plan proposal for a 4,256 sq. ft. office/retail building for D&H Realty; Brian and Jessica Kenerson; with the conditions stated above, to December 18, 2020. All were in favor. Motion carried.

Greenwood commented that the impact fee assessment would be for this one lot based on 4,256 sq. ft. x .67 = \$2,851.52 for the building.

7:00 pm: Continued Subdivision Plan Application: Applicant Scott Boudreau representing the owners, Walter & Bonnie Porter. Property is located at 166 Pickpocket Road, Brentwood, NH in the in the Residential/Agricultural zone and Aquifer Protection district; referenced by tax map 213.025.000. Intent is to subdivide their lot into 3 lots.

Present: Scott Boudreau of Boudreau Land Surveying; Applicants, Walter and Bonnie Porter. No abutters were present.

Boudreau, representing the Porters, gave an overview. The revisions from the last meeting were made. The test pits are on the cover sheet now. This lot line was shown as a tie line. The boundary for tax map 213.025 is now shown with the revised area for the lots A, B and C. W. Porter confirmed that the abutter had moved their items off of their property.

Greenwood's comments (on file): The soils scientist stamp is needed along with a final electronic copy of the plan set. Boudreau was concerned about Cummings comment #1, *the remainder of Lot B should be shown*. Greenwood said it's been accomplished. Boudreau said Cummings comment #2 *lines exceeding 400' should have an intermediate bound*. Boudreau said pins have been set and stone bounds are set at the corners. Stevens added those are shown on the plan.

Stevens went through the conditions for a 120-day conditional approval.

- All comments from Greenwood and Steve Cummings are satisfied.
- Bounds are installed and certificate of monumentation submitted.
- Electronic copy of the plan set.
- Add impact fee amount of \$9,386 per lot to the two new lots (excluding existing house-lot A) for the mylar.

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Motion made by Hamilton, 2nd by West, to grant a 120-day conditional approval of the Porter Subdivision on 166 Pickpocket Road, with the conditions stated above, to December 18, 2020. All were in favor. Motion carried.

Stevens commented that no scenic road hearing was required for the Porters and Greenwood explained. There's an RSA for any changes to the stone wall on that boundary line; you can't make changes to it unless there is agreement between the abutters of the properties. In this case, there are no opposing abutters as it's the boundary line for the Porters that abuts the right of way. They aren't changing the bearings of the stone wall but are removing stones for the driveway access. The scenic guidelines don't prohibit them from doing that because it's on their property so there's no need for a scenic road hearing. Kennedy said but the Town of Brentwood is the abutter. Greenwood agreed but there's no change in the boundary line; RSA 472, the boundary line requirement, is accessible online. Stevens added it should never preclude people from using their property.

7:00 pm: Design Review Application: Applicant & Owner: Scott & Brenda Barthelemy of Brookvale Pines Farm, LLC. Property is located at 470 Route 125, Brentwood, NH in the in the commercial/industrial zone, referenced by tax map 201.008.000. Intent is to re-locate the existing barn, adding a 12' x 36' addition and an 8' wrap around porch to it, to be used as a farm stand.

Present: Bruce Scammon of Emanuel Engineering; Scott Barthelemy. Abutters Present: Bob Martin and his wife.

Motion made by Kennedy, 2nd by Hamilton, to invoke jurisdiction and accept the application. All were in favor. Motion carried.

Scammon, representing Barthelemy, gave an overview of the Brookvale Pines Farm, LLC proposal for a year-round farm stand. The site is located at 470 Rte. 125. Heading South, you go past Burger King, go over the river/culvert, pass 2 residences and then there is a large parcel with an existing home, a garage, a barn in the front that used to be antique sales, and other smaller structures. The intent is to move the existing barn laterally away from the existing home for more separation for the two uses. The existing home will remain as a residence and the farm stand would be adjacent. Brookvale Pines Farm is a large farm in Fremont and they have beef cows and chickens and would like to sell their products. The barn would have a 12' addition and a wrap around porch. The driveway access would be separate from the existing home so a new paved driveway for the farm stand and a small paved parking area. An overflow gravel parking area and a gravel drive that runs behind it to the rear, for loading/unloading farm products. There is no parking within the buffer. A Topo survey was done on site today and we'll work with District 6 for a NHDOT permit for the driveway, which will be moved 200' away from the closest residential abutter. It will also require a NHDES Septic (subsurface), a full septic design for bathrooms and additionally, food handling prep work, for a traditional butcher. They may add a fence to use some of this property for beef production as well.

Greenwood will prepare an affidavit to record for the agricultural use as it's the Planning Board who determines when an agricultural operation reaches a threshold which requires further review. Stevens added just apply for a building permit. Stevens closed the design review meeting.

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7:00 pm: Affidavit of Amendment to a Previously Recorded Site Plan Application: Applicant: N. Granese & Sons, Inc. Owner: Daniel St. Armand. Property is located at 62 Route 125, Brentwood, NH in the commercial/industrial zone, referenced by tax map 224.100.000. Intent is to use the property as a contractor laydown yard including delivery and pick up of utility construction materials, trailers and/or equipment.

Present: Stephen Haight from Civilworks New England; Applicant N. Granese and Sons; Steve Granese; Steve, Brian and Tom from Granese Construction. Abutters Present: Deb LaRoche of Crawley Falls Road; Lynn Austin of Crawley Falls Road.

Motion made by Kennedy, 2nd by Finan, to invoke jurisdiction and accept the application. All were in favor. Motion carried.

Haight, representing N. Granese & Sons, gave an overview. N. Granese & Sons do site utility work in NH & MA and are looking for an area to stockpile materials and get to the job sites. They are moving out of Salem, MA to here. They need a centralized location to store materials; water pipe, conduit, equipment and stockpiling of materials. They are seeking a change in use as it's currently being used as a fire wood facility. That will be gone and they'll purchase the property and utilize the area that's there now for their business. They'll come back at a later date with more robust plans for any potential future development.

S. Granese said they are working in Newcastle, Newburyport, Haverhill and throughout NH. Exeter, Salem, Keene, Jaffrey; work has moved North so looking to relocate. Haight continued St. Armand currently owns lot 62, about 5 acres and Lot 66 is 10 acres. Granese is looking at lot 62, the 5-acre lot; the more Southerly lot. There are shared curb cuts on both of those lots so there are no new curb cuts for what they want to do now. Haight's reached out to NHDOT and hasn't heard back yet regarding if an amended driveway permit is necessary. The property has been surveyed and the wetlands have been delineated so setbacks are defined so there's no encroachment.

Kennedy asked what type of materials? Granese replied steel pipe, steel sheeting, bracing, steel piles; not a gravel site. They do underground construction, steel trench boxes, jersey barriers, temporary water lines, wood matts, excavators, loaders, equipment stored when not in use. Hamilton asked about fencing it in and security. Granese said the intent would be to fence it in but they weren't concerned. Our primary facility is in Salem, MA, this is secondary storage.

Abutters were concerned about 1) hours of operation, 2) noise, 3) stuff from equipment storage leaching into the water system, 4) having it look like a junk yard, 5) if gravel would be on site affecting a culvert, 6) light pollution and 7) could it be enclosed or have some type of buffer so it's not exposed to Rte. 125.

Responses to abutter's concerns: 1 & 2) Granese responded normal operations are 7 am to 3 pm Monday through Friday. Haight commented that they could pick up at 5 am but it's not an operational site with equipment running all day long. There will be the picking up of material and then returning at the end of the day to drop stuff off. Granese added there are no full-time employees here, it's a secondary storage area where we put things when we're not working on projects. Haight explained they are a site utility contractor so if there's a broken main, they may have to come by at 4 or 5 am to pick up equipment but that's not their standard operation. They wouldn't be there at 5 am every morning, every day. It might happen once a month or once a year. It may happen but it's not their normal course

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of operation. 3) Haight continued every contractor has a spill prevention plan as part of their safety program. 5) Granese replied a minimal amount of dirt coming in and off the site and we're required to manage runoff with proper erosion control measures. 6) Granese said our facilities have minimal amount of security lighting. Haight added if lighting were needed it would be the LED, down shielded type required in the regulations. 4 & 7) Haight said the site is exposed to Rte. 125 but there could be a 6' fence around it for security purposes. Granese wasn't worried about security as the equipment is so heavy, it sits outside, on the ground.

Greenwood and Stevens said Brentwood doesn't require a fence. The intent of this is to do an amended site plan to move in there and use the space. LaRoche commented business is good for everyone, for Brentwood, but was concerned about it being visible from the highway and again asked if a fence could be put up as a sound barrier and for aesthetics. Haight agreed to work with the Planner on either a fence or a vegetative buffer. Stevens commented a vegetative buffer would be nicer, maybe 6' or 7' tall trees. Haight said it's not an issue. Stevens said however, you don't have to do anything. This is an amendment to an existing site plan to allow for a laydown area and it will be an improvement over what's there now.

Motion by Hamilton, 2nd by West, to approve the change in use to allow for a laydown area for construction materials and equipment in preparation of an affidavit of amendment to describe the activity at 62 Rte. 125, to be recorded. All were in favor. Motion carried.

7:00 pm: Site Plan Review Application: Applicant & Owner: Dennis Hayward of Hayward Realty Investments, LLC. Property is located at 106 Route 125, Brentwood, NH in the commercial/industrial zone, referenced by tax map 217.026.000. Intent is to add a 60' x 60' storage shed.

Present: Denis Hamel of GM2 Cammett; Applicant Dennis Hayward of Hayward Investments, LLC. No abutters were present.

Motion made by Finan, 2nd by West, to invoke jurisdiction and accept the application. All were in favor. Motion carried.

Hamel, representing Hayward, gave an overview. Back in 2005 Mr. Hayward came in with a two-phase project to construct 2 buildings. In 2014 he came in with a revision to that to make the 2nd building a little larger. In 2018 the lot was subdivided into two parcels, one residential where his son lives and this is the remaining commercial piece. Today he's here to add a 3,600 sq. ft. storage shed. No additional parking is necessary. The roof will be connected with the gutters and tied to the existing storm drain system. The calculations comply with the runoff for pre and post condition runoff and infiltration systems. He is adding a bathroom so that requires a separate septic tank tied into the existing leach field. That is in the review process with RCCD and then it will be sent to the State. The building is for storage with little effect on traffic flow. Hamilton asked about wetlands impact. Hamel pointed out the shaded areas on the plan that are very poorly drained soils with buffers. It's less than 10' into the 100' setback buffer for very poorly drained soils at the corner and there is no building in that area. There is zero wetland impact. Stevens said it was reasonable.

Cummings comments (on file): Hamel agrees with most of the comments except for comment B that an amended AOT permit is required. The AOT permit was granted in 2014 and has expired. A new AOT

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permit doesn't apply as not more than 100,000 square feet will be disturbed; only 4,000 to 5,000 sq. ft. of operations. Greenwood agreed that an AOT permit would not be necessary.

Motion made by Kennedy, 2nd by Finan, to strike the AOT requirement. All were in favor. Motion carried.

Hamel continued that Cummings mentions the CUP permit from the Shoreland buffer but clarified that it's the Aquifer Protection District. There is an intermittent stream that was determined in 2014. Cummings also mentions a bond for the drainage and erosion; RCCD to review the site with regard to the amended septic plans (in progress); need to add benchmarks to the plan; the boundary on the South side is over 400' requiring additional bounds (will add one bound); and an electronic disk showing approved final drawing required; and drainage is consistent with Town regulations.

Greenwood's comments (on file): (#1) site is in the Aquifer Protection District and a CUP is required. CUP letter (on file): Steven's read the CUP criteria regarding construction within the Aquifer Protection District and associated setbacks and buffers.

700.003.004.006.002 The Planning Board may grant a Conditional Use Permit for those uses listed above only after written findings of fact are made that all of the following conditions are met:

- A. The proposed use will not detrimentally affect the quality of the groundwater contained in the aquifer by directly contributing to pollution or by increasing the long-term susceptibility of the aquifer to potential pollutants; **All in favor.**
- B. The proposed use will not cause a significant reduction in either the short or long-term volume of water contained in the aquifer or in the storage capacity of the aquifer; (3/1998) **All in favor.**
- C. The proposed use will discharge no waste water on site in excess of one thousand (1,000) gallons per day, and will not involve on-site storage or disposal of regulated substances as herein defined; **All in favor.**
- D. A hydro-geologic study shall be submitted as required in Section 700.003.003.001 of this Article. (3/1998) Stevens said a hydrologic study is not required due to project size and type. Greenwood added it's only for a subdivision with more than 10 lots that have wastewater treatment facilities that exceed 2400 GPD and uses more than 25K per day and it doesn't reach those thresholds. **Not Applicable.**
- E. Other site-specific conditions as determined by the Planning Board. (3/2016) – Applicant's response: The proposed use complies with all other applicable sections of this article. **All in favor.**

Motion made by Kennedy, 2nd by Hamilton, to grant a Conditional Use Permit in accordance with RSA 674:21.II and Brentwood's Zoning and Land Use Document, Article 700.003.004.006.002 (Aquifer Protection). All were in favor. Motion carried.

Hamel will address Greenwood's comments and request a waiver (#9) from the buffer requirement. Hamel said there is 50' of natural vegetation, the stream and then a 25' area of no disturb so 80' to 90' of wooded area between the property line and the structure. Greenwood said the buffer is sufficient but for the record, a waiver is necessary. Greenwood suggested a line from Mr. Hayward requesting a waiver of the required 50' buffer between commercial use and residential use and add a 2nd line stating there is extensive natural landscaping between the two uses presently (which is shown on the plan). Hamel said they still need the NHDES septic design and he wrote a letter to NHDOT (regarding the driveway) about no increase in traffic and are waiting to hear back.

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Motion made by Hamilton, 2nd by West, to continue the hearing for Hayward Realty Investments, LLC site plan application to September 17th, 2020 at 7:00 pm. All were in favor. Motion carried.

Board Business

- The Board signed the manifest.
- Letter recd. 8/17/2020 re: Cell Tower ZBA hearing for Town of Hooksett Londonderry Turnpike.
- Glenn asked the Board if there are transportation projects not listed in RPC's 10-year plan and were there any other projects to add in the next 10-year plan. Christiansen suggested Pickpocket but Stevens said it's about traffic counts and relocating utilities. Board discussed. No projects.
- Hamilton asked about Mike Sanborn's property on Smith Road that had been paved. Greenwood replied that he tried to sell it and put the responsibility of an amended permit for the activity on the new person, who's stepped away. He spoke with the potential buyers about it and he hasn't heard back from Sanborn.

Approval of Minutes: August 6th, 2020 and Site Walk Minutes from August 17th, 2020

Motion made by Hamilton, 2nd by Mark, to approve the minutes of August 6th, 2020 as presented. All were in favor. Motion carried.

Motion made by Finan, 2nd by West, to approve the Wilson Way Site Walk minutes of August 17th, 2020 as presented. All were in favor. Motion carried.

Motion made by Hamilton, 2nd by Finan, to adjourn at approximately 9:05 pm. All were in favor. Motion carried.

Respectfully submitted,

Andrea Bickum
Administrative Assistant,
Brentwood Planning Board