

**Brentwood Planning Board**

**Minutes**

**December 6, 2018**

Members Present: Bruce Stevens, Chairman Mark Kennedy  
Jon Morgan David Menter, BOS rep  
Lorraine Wells, Alternate Brian West, alternate  
Town Planner Glenn Greenwood

**Open**

Chairman Stevens opened the meeting at 7:00 pm.

Motion made by Kennedy, 2<sup>nd</sup> by Morgan to give West and Wells voting rights: all were in favor.

**Public Hearings**

**7:00 pm New Hearing:** Site Plan Review - Gravel Pit Restoration: Southeast Land Trust - tax map 218.002.

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

Motion made by Kennedy, 2<sup>nd</sup> by Morgan to accept jurisdiction: all were in favor.

Phil Auger from SELT and Rick Lundborn, PE of Fuss and O'Neil were present, representing SELT. Also present were abutters Phyllis Thompson, Butch Whitehouse, Dexter Swasey, Bob Glowacky and Jesse Hamilton.

Auger said the SELT owns about 6,000 acres in New Hampshire that is in permanent conservation easement and never to be developed. He said there will be no motorized unauthorized vehicles allowed on this site, but it will be open to the public. He said their primary focus is the wildlife, saying this a perfect habitat for the Blanding's turtle, which was an endangered species. He said the SELT's primary concern is the wildlife and understands that the public safety is important, and this restoration plan addresses both safety and habitat features.

Lundborn said they will restore the banks by using material from the floor of the pit. They hope the hole that is created will go vernal. They will spread the existing loam onto the banks and seed with oak. The excavated areas will be put back to a 3 to 1 slope.

Town engineer Steve Cummings comment letter was reviewed at this time. They have applied for their AoT permit. Lundborn said no stormwater will leave the site, therefore they are not required to file a Notice of Intent from the EPA. They will take care of any concerns in the letter. Cummings recommends bonding for the work. Auger said they could possibly get the work done this winter and seed in April or May. The pit activity is about 9 acres, and the work area is about 5 acres.

Greenwood's comments were reviewed. He would like documentation of the materials to be moved on site and where they will be located. He stated that one of the priorities for the land owner is the establishment of appropriate turtle breeding areas on site. Greenwood asked that

**Brentwood Planning Board**

**Minutes**

**December 6, 2018**

they provide additional information that supports leaving a large area of un-stabilized slopes (1+ acres).

Auger said that turtles need loose soil and Blanding's turtle will climb and put their nests higher than any other turtle, to protect them, and said there aren't many Blanding's around and it takes them 30 years to reproduce. He said that is why they want the banking left un-stabilized.

Auger said they will access the road from the Crawley Falls side. Abutter Phyllis Thompson asked about the heavy equipment traveling Ole Gordon Road, as it is a Class 6 road and is privately plowed and maintained. Auger said the equipment will go on site and stay there until done and will not be travelling back and forth. They hope the project will only take about two weeks. He said they want to address the safety concerns of the site.

Abutter Whitehouse said the owner has an obligation to comply with state and local ordinances. He read a prepared statement (on file) that says (in part) that the owner needs to comply with the requirement of RSA 155-E and local zoning. He asked that the PB apply the law as written without regard that the current owner is the Southeast Land Trust. Whitehouse said that the pit road has created a dam from what was the original natural drainage of the property and that the topography should be restored as part of any reclamation. He believes that damage and rutting of Ole Gordon Road is happening because the drainage pattern for this entire area was impacted by the construction of the pit road and the pit, and that a stockpile of loam has further blocked drainage. Whitehouse said the applicant filed an Alteration of Terrain application with the state before even coming to the PB, and said this was presumptuous of them to assume this would be acceptable to the Board. Whitehouse said the plan presented does not address the wetland crossing or the pit road at all.

Kennedy asked what would make Whitehouse happy, and he replied that he wants the wetland crossing eliminated and restored to what it was before the pit existed. He said that the construction of the pit road and the installation of a culvert on Ole Gordon Road (done by the town) back in the 1986 had changed the flow of the water. Whitehouse would like the metal culvert under the pit road removed and a stone ford way put in its place. He asked that the water drain the way it was before the pit was there. He said water ponds up behind that culvert and does not flow naturally.

Stevens said the Planning Board authority relates to the pit restoration, that this is a 100 plus acre piece of property and the pit operation is about 5 acres, and said the PB jurisdiction is with the pit. Whitehouse said his contention is that the pit road is an essential part of the pit, and Stevens said the PB jurisdiction is over the pit site, and what Whitehouse is talking about is a civil action. Whitehouse said there never was a culvert on Ole Gordon Road, and when the pit road was created, the town installed a culvert on Ole Gordon because of water issues that he said, are a result of the pit road, and the culvert put in on the pit road.

**Brentwood Planning Board**

**Minutes**

**December 6, 2018**

Auger said they need to complete this project by the end of October, or they may lose funding. He should have his cost estimate within the next couple weeks.

Whitehouse asked if the Board has the authority to waive the zoning requirement that bans excavation within 6 feet of seasonal high water table, and the state statues about seeding.

Greenwood said the does not think RSA 155 E applies here because they are not excavating material off the site. He said 155 E allows minor topographical changes on the parcel by any property owner, if they are not excavating material for commercial purposes off the site. He said he does not see this as any intrusion on RSA 155 E. Greenwood said our regulations say that as part of that reclamation there is protection of the groundwater, so he is concerned how their end case would impact the groundwater. He said in his review of this plan, they are not going into the groundwater for turtle habitat.

Stevens said the Town's concern is the safety factor and recommended a site walk. The Board agreed to hold a site walk Saturday, December 8 at 9 am. Stevens told the abutters they are welcome to come.

Motion made by Kennedy, 2<sup>nd</sup> by Morgan to continue this hearing to January 3 at 7:00 pm: all were in favor. Auger thanked the Board for their time this evening.

**7:00 pm Design Review:** 3 Ponds, LLC condominium age restricted –tax map 207.022

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

Motion made by Kennedy, 2<sup>nd</sup> by Morgan to accept the application: all were in favor.

Christian Smith of Beals Associates spoke on behalf of the applicant this evening. Applicant Joe Falzone was also present, along with abutters Frank & Lois Northrup.

Smith said this is a rough draft only of the concept for the final phase of the development. He said this will consist of 30-unit single family detached dwellings and 2-four units multi-family dwellings, condominium. Greenwood said this phase shows it to be impacted by wetlands and said the access road will require zoning relief as it is shown to intrude into the 25 foot no-build portion. Smith asked if they could continue this Design Review hearing to June, and Greenwood said they don't usually continue Design Review, and did not recommend doing so. He said this plan is vested for one year from any zoning changes that may take place. Having no questions from the Board, Stevens declared the hearing closed at 8:40. Smith and Falzone thanked the Board for their time this evening.

**Board Business**

**Brentwood Planning Board**

**Minutes**

**December 6, 2018**

Have a request for a 6 month extension to the conditional approval for the Jesse Elliot 2 lot subdivision, tax map 213.031.

Motion made by Kennedy, 2<sup>nd</sup> by West to grant the extension to June 6, 2019: the motion carried with Wells abstaining as she was unfamiliar with the application.

Motion made by Morgan, 2<sup>nd</sup> by Stevens to approve the minutes of November 1, 2018: all were in favor.

With no public hearings scheduled for December 20 and with several members who will not be able to attend, the Board agreed to not hold a meeting on the 20<sup>th</sup>. The next scheduled Planning Board meeting is January 3, 2019.

Motion made by West, 2<sup>nd</sup> by Wells to not meet on December 20: all were in favor.

The Callahan-Bouchard conditional approval will expire at our next meeting. The original approval goes back to 2014, and members feel that they should not grant another extension. St. Hilaire will notify the applicant that at their January 3 meeting, any extension request will be denied.

Member Matt Bergeron has been taking an EMT course that has prevented him from attending meetings. Those classes will be done early in 2019 and he will be back. Jon Morgan said the state legislative sessions are held Monday thru Thursday, and begin on January 2nd and go into April and said there may be Planning Board meetings that he will not be able to attend during that time. The Board currently has 3 alternate members who regularly attend and will be able to fill those spots.

Motion made by Stevens, 2<sup>nd</sup> by Wells to adjourn at 8:55 pm: all were in favor.

Respectfully submitted,

Kathy St. Hilaire  
Administrative Assistant,  
Brentwood Planning Board