

Brentwood Planning Board

Minutes

February 7, 2019

Members Present:

Bruce Stevens, Chairman	Jon Morgan
Mark Kennedy	Steve Hamilton
Kevin Johnston	Brian West, Alternate
David Menter, BOS rep	
Town Planner Glenn Greenwood	Lorraine Wells, Alternate

Open

Chairman Stevens opened the meeting at 7:00 pm.

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

Present: Doug Finan; Ken Christiansen

7:00 Public Hearings

Continued Hearing: Amendment to a previously approved site plan: Bob Bent (ECS) tax map 209.011 – Extension requested for February 21, 2019 at 7:00 pm.

Motion made by Hamilton, 2nd by West to grant the extension request to February 21, 2019 at 7:00 pm. All were in favor. Motion carried.

7:00 pm – New Hearing: Amendment to a previously approved site plan: Applicant Justin Prokocimer proposes to open an auto repair shop using approximately 2250 square feet at 313 Rte. 125, referenced by tax map 209.066 in the com/ind zone. Property is currently owned by R&D Commercial LLC.

Present: Applicant Justin Prokocimer and his wife, Meggan.

Motion made by West to accept the application, 2nd by Hamilton. All were in favor. Motion carried.

Justin Prokocimer explained the proposed business. The site is the former Brentwood Machine/ Toss & Sauce. Renovations have started; new insulation, LED lights. The original access for a vehicle to get in there is off of Scrabble Road and there's a new door there now. The driveway was already there but the driveway was re-done. The business is mostly metal work; metal fabrication on air cooled Volkswagens and Porsches; vintage market with some newer vehicles for income as well. Prokocimer stressed the cleanliness of the facility.

West asked if that would be the primary access (*off of Scrabble Rd*) for moving vehicles into the building. Prokocimer agreed stating there would be a part time mechanic as well and they would be the only ones to use that access. A good percentage of the vehicles would be there long term, a week or two so the access won't be used as much. The newer cars that come in for something quick; brake job or something would come in and be moved out through that door.

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It's the only door at the present time. The Police Chief came by to observe traffic on Scrabble Road and was okay with that access from Scrabble Road.

West asked how much distance there was between the door and the edge of Scrabble Rd. Prokocimer said about 15' or 20'. West asked if cars would be delivered by ramp truck and Prokocimer said no, he can pick them up and pull them into the building with the trailer. There was discussion about if the property line was to the edge of pavement or the center of Scrabble Road. Greenwood commented that the engineered drawing didn't reflect a property line going down the center of the road.

Stevens was concerned as to whether there was an approved driveway permit for that location and that it should have a Town approved driveway permit if it does not already. Prokocimer said there was a previous driveway there and wasn't sure if there was a driveway permit pulled before. Stevens said it's important that the use of the property meet Town rules and regulations.

Stevens was opposed to using the entrance on Scrabble Road because there have been problems before and NO PARKING signs were put there for Toss & Sauce. Prokocimer stated that no cars would be parked there. Stevens said the approval would run with the property not just with Prokocimer so if the Planning Board allows that to be used as an access point or a driveway to bring vehicles in and out of there, that would run with the property. Prokocimer may be low usage but the next person may not. Stevens commented about snow banks on the road. It's plowed almost to the edge of the building and there's no space at all. Potential customers could pull up there and park and it's dangerous. Prokocimer agreed but said there would be NO PARKING signs posted and a yellow plastic chain across it. There's a front entrance; they took out the loading docks out front and put in two big windows and they'll be a sign above those two windows so people will enter there.

Stevens reiterated from a Planning Board standpoint it's really unsafe. The Board has to think about future traffic and with snow, there's zero space. The Planning Board has no issue with the use; only with that Scrabble Road entry from a safety standpoint. It was suggested that the rear loading dock could be utilized for an entrance by building a ramp.

Discussion ensued regarding parking, no parking signs, a driveway permit and the pre-existing door. The Planning Board reiterated that once that grant of approval is given, that would run not only with Prokocimer but with any new tenant that went in there; it runs with the property.

The owner of the property could re-configure the space slightly to have a ramp going out the back. Kennedy asked about utilizing the loading docks but Prokocimer said they are 5 feet high. Stevens added that Prokocimer should have come to the Town first and gone through this process prior to investing the work and money to making improvements when there wasn't an approval.

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There was more discussion about the building, loading docks, doorways etc. Prokocimer's main concern was that by not using the Scrabble Road side door, it limits the amount of usable space and square footage in the shop.

Hamilton reiterated the problem is the next person that takes this, it might not be you. I live on Scrabble Road and I don't see it as an issue moving VW's in and out but if you leave and go to a bigger facility and someone else takes it over; we're in a mess. Stevens gave an example of a Midas Shop going in there saying once the Board gives approval for this type of operation, Midas could move in and then 5 or 6 cars an hour are coming in and out of there.

Johnston asked if a door could go in by the chimney. Prokocimer replied yes, it will cost about \$10k. It needs a driveway, a ramp, cut through the cement and it takes about 1,000 sq. ft. away from the work area; I'd be paying for 2,200 sq. ft. and only use 1,000 sq. ft. I understand your concerns, Glenn made that clear as it was his concern as well but I would make it more than it needed to be for safety.

Stevens said the Board supports your endeavor. You could ask for a formal vote tonight or you could continue this hearing until a later time and pursue putting your other door in. We could give an approval for the business predicated on that access door not be used for vehicular access and you would then have your vehicle entrance off of the parking lot and up to one of those loading doors. Prokocimer asked if he could bring his own private cars in there. Stevens said no, it's not an approved use; no vehicular traffic there; it's not an allowed use.

Prokocimer asked if there was an approved driveway would it make a difference? Hamilton said it would change his mind. Stevens added but there's a change of use too. When the use changes it negates the access issue even if there was a driveway permit.

Kennedy asked if the door was ever part of an approved on a site plan so it would be hard to say there's an approved driveway permit. Board discussed. Stevens reiterated that you want to get approvals first. Johnston suggested that maybe the landlord would help with the renovations. Prokocimer replied that he has to pay for a door. And now a ramp. Metal ramps were suggested. Prokocimer disagreed, stating they aren't safe and reiterated the main problem is losing a lot of work space.

Greenwood suggested the Board grant an approval that says the access is from the back. Stevens said then Prokocimer wouldn't have to come back; just move the door. Kennedy added if you put a door out back it's not an issue.

Stevens said so the verbiage would be the Planning Board approves the use of the property, the space, with the condition that the vehicular access would be from the parking lot and there will be no vehicular access from Scrabble Road.

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Motion made by Hamilton, 2nd by Wells to approve the use of the space with the condition that the vehicular access would be from the parking lot and there will be no vehicular access from Scrabble Road. All were in favor. Motion carried.

Board Business

The Board reviewed a letter from Jeff Bubelnyk re: opening a tattoo studio in town. He had met with Glenn on 2-6-19. Glenn commented that he expected a letter when he got approval from the owner to be at Creative Storage but now it sounds like the location might change. He did not expect Bubelnyk in person.

Present: Jeff Bubelnyk

Bubelnyk gave a brief history of his background in tattoo work; 8 years and licensed since 2014. He was fully approved in Epping and then the landlord denied his rental agreement. Creative Storage has office space and he's also considering the Castles. Greenwood commented that it's an allowed use in town in any of the commercial/industrial zones. Bubelnyk asked about zoning changes or bylaws in the future saying the state goes by one set of rules and every Town has to follow those rules first and then can create their own bylaws, if you haven't had a tattoo shop before. A bylaw stating no more than 10 people in a shop or a shop needs to offer medical camouflage for example.

Greenwood had anticipated he would have one site that was agreed upon. But either of the two sites he's looking at are sites that allow professional offices. Greenwood would put a tattoo parlor in the framework of a professional office and that type of activity wouldn't require a change of use site plan review by the Planning Board. Just acceptance of a letter for the file stating the use, number of employees and hours of operation.

Bubelnyk stated that the fire department & code enforcement would come inspect it. He asked about an occupancy permit. Greenwood replied said the Town doesn't have a business occupancy permit process. Greenwood advised Bubelnyk that the Fire Department's state requirement is that they do one inspection at every non-residential site so when you get the site with your lease, call the Fire Department and they'll do their required annual inspection.

Finan asked what is a tattoo shop's volume & hours. Bubelnyk replied the hours are 11 am to 7 pm. Volume depends on advertising, word of mouth. Bubelnyk has his private clientele but needs walk-ins. Finan asked the age. Bubelnyk said 18 minimum, I.D. photocopied. He'd have one additional artist as an employee.

Conclusion: Once a rental agreement is obtained with either of those sites, see Glenn to make sure it's a recorded site plan, what the hours are on site plan and what next steps (letter for file) are needed.

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Update fees on Applications: Greenwood said we haven't made a change in a long time. Stevens commented that these are reasonable fees to cover the cost of professional inspections, processing applications and time involved. No public hearing is needed, just a vote.

Motion made by Hamilton, 2nd by Stevens to increase the application & secretarial fee and the Town Planner fee from \$100 to \$200 on applications. Morgan was opposed. The remaining Board members were in favor. Motion carried.

Approval of Minutes:

Motion made by Menter, 2nd by Hamilton to approve the minutes from January 17, 2019. All were in favor. Motion carried.

Motion made by Stevens, 2nd by Menter, to approve the site walk minutes from January 26, 2019. West and Kennedy were in favor. Hamilton, Morgan & Johnston abstained as they weren't present. Motion carried.

Motion made by Hamilton, 2nd by Morgan to adjourn at approximately 7:50 pm. All were in favor. Motion carried.

Respectfully submitted,

Andrea Bickum
Administrative Assistant,
Brentwood Planning Board