

Brentwood Planning Board
Minutes
July 16th, 2020

Members	Bruce Stevens, Chairman	Ward Byrne
Present:	Ken Christiansen, BOS rep	Mark Kennedy
	Steve Hamilton	Doug Finan

Town Planner Glenn Greenwood

Open

Chairman Stevens opened the meeting at 7:00 pm and the Board introduced themselves. Stevens opened the public hearing.

7:00 pm: 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 representing Walter & Bonnie Porter (who were not present); Abutter Russell Lafayette; Warren Barker and a few others who did not have any comments.

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

Boudreau gave an overview of the project. There is one pocket of wet and a soil scientist came out and did a High Intensity Soil Survey (HISS). Abutter Lafayette disagreed with the assessment of a “pocket of wet”. Boudreau continued, the intent is to create 2 new lots with 200’ of frontage; a 2-acre lot (lot A) with the existing house (Porter Residence) with 244.78’ of frontage and another 2-acre lot (lot C) with 200’. Essentially leaving the remaining 11.2 acres (lot B) between the two new lots with 208’ of frontage for the Porters to retain; they also own the two lots out behind; 220.037 & 220.036. Lots B and C show 4000 sq. ft. areas for septic and the state requires that another 4K area for leach field be shown as a backup in case of failure (shown). The current system (lot A) is in working order. The Porters will retain this piece (B) to build for themselves and the surveyed area is 15.3 acres, back to this line, a tie line connecting this side of the property to this side of the property, it’s not a boundary line. It continues back here; I didn’t survey it but if you add the tax reference it’s 30+ acres. The grass runway will remain on the Porter’s land. With the two new lots of 2 acres each, you are left with a surveyed area of 11.2 acres.

The surveyed area doesn’t represent the entire parcel. If you add the tax parcels they own, it’s over 30 acres and that created some confusion so I’ll review that.

Boudreau reviewed the Town Planner’s comment letter (on file)

- 1) *On the first and second plan sheets there are several abutters incorrectly labelled. These should be corrected. **Boudreau will fix the tax maps that are incorrect.***
- 2) *The second sheet of the plan set offers surveyed areas for the subject lot to be subdivided. The information provided is not even close to the information shown on our tax maps. This should be clarified. This questionable information appears on sheet C2 and sheet C3 in note 2 as well. **Boudreau said the overall lot size is +/- 31 acres, but I’m showing this as subdivision of tax map 213.025.000, which is one parcel of their 3 tracts; 3 tax parcels. Greenwood commented***

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for the actual subdivision plan, we need a plan note that shows the actual surveyed areas of the 2 new lots and the remaining land so when our tax map people see it, they can revise the tax maps with the exact numbers for the new lots and the remaining lot. On the lot themselves or in the plan notes. All three lots have to have exact dimensions; Boudreau's stamping the plan and he needs to establish what the remaining lot size is; the regulations require that it show in acres and square feet, the sizes of the lots created by subdivision. Stevens reiterated it's necessary for the updates to the tax maps. That middle lot they're retaining, someday could have a road and a future subdivision could go in for example; with a new application and notification. Greenwood added a new deed will be created for that middle property and that deed has to reflect the size of the property. Stevens reiterated that's what the ordinance requires. Boudreau will survey the entire perimeter.

- 3) *On sheets C2 and C3 the plan details the boundary line adjustment approved in 1994. Is there a reason to call this out? It makes it seem as if this plan proposal includes a boundary line adjustment which is not the case. Boudreau will remove the note.*
- 4) *Sheets C2 and C3 display soils information; the stamp of the soils professional responsible for this information needs to be on the sheets. Boudreau will address stamps once they get final approval.*
- 5) *Note 11 on sheet C3 indicates intrusions on the Porter property by the abutter to the north. Is an easement going to be granted for these incursions or is it expected that these be removed? This should be resolved prior to final Planning Board action. If an easement is granted this is required to be shown on a separate plan sheet. This easement is very small. A waiver might be an acceptable resolution if an easement is to be granted. Boudreau said the neighbors are willing to work with the Porters once they know where the property line is and they will move it. Greenwood said add a note to final plan that there is an agreement that incursions will be removed or if it's taken care of ahead of time, you can remove it.*
- 6) *Is the volleyball court going to be removed? Boudreau said it will be removed. Greenwood said either don't show it or explain the intent.*
- 7) *The note found at section 8.17 of the subdivision regulations needs to be added to the plan set. Boudreau has done this on the revised plan.*
- 8) *The plan requires NH DES subdivision approval. Boudreau has received the approval.*
- 9) *The applicant needs to submit an electronic version of the plan before final approval is given. Boudreau will submit a thumb drive of final plans.*

Boudreau reviewed the Town Engineer's comment letter (on file).

A. *NHDES Subdivision Approvals for the two proposed lots less than 5 acres. Boudreau has the approval.*

B. *A driveway permit for access to Pickpocket Road. Stevens added this is during the building permit stage.*

1) *Is the tie line a property line? If not then the remainder of the lot should be shown. If it is the lot line then proper bounds should be set and with an intermediate bound since the distance exceeds 400'. Also, the northern lot line of proposed lot "C" should have an intermediate bound. As per Subdivision Regulations Section 6.21 which requires intermediate pins unless the Board grants a waiver. Boudreau will add the boundary iron rods every 200' and bounds at the corners.*

2) *There are no test logs shown on the plans for the 4K areas. Boudreau submitted separately but will add to cover sheet of plans. Test pits were witnessed by Rockingham County Conservation District (RCCD).*

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- 3) Put proposed dwellings, wells and 4K area on sheet 2 of 3 in order to insure compliance. **Boudreau was confused by this comment as it would mean it would be shown on the existing conditions plan, not the subdivision plan where it is now. Greenwood agreed with Boudreau (leave as is).**
- 4) The plans show a proposed septic area for the existing dwelling Lot "A". A copy of the new system should be submitted or a statement certifying the existing system is working properly and meets NHDES Standards. **Boudreau can re-label that that is shows just 4K area, not proposed.**
- 5) Notes #12 & #13 reference soil standards etc. A certified soil and wetland plan should be provided stamped by the Soil Scientist (Mr. Jacobs). **Boudreau will have Jacobs stamp the final plan.**
- 6) A benchmark should be added to the plan and referenced to the USGS Datum. **Boudreau will add.**
- 7) An electronic disk showing approved final drawings will be required. **Boudreau will submit once finalized.**

Abutter Warren Barker confirmed that the airstrip will remain. Stevens said yes, there's no change to that. No other abutter comments. Stevens commented that Boudreau needs to get the survey work done (a full survey of the property) so let's continue this for a month.

Motion made by Hamilton, 2nd by Finan, to continue the hearing for the Boudreau/Porter 3-lot subdivision hearing to **August 20th, 2020 at 7:00 pm**. All were in favor. Motion carried. Hearing closed.

7:00 pm: Preliminary Conceptual Consultation: Bruce Scammon with Emanuel Engineering representing the owners, Scott & Brenda Barthelemy of Brookvale Pine Farms, LLC for a Farm Stand operation at 470 Rte. 125, Brentwood, NH; tax map 201.008.000; 23.9 +/- acres in the commercial/industrial zone.

Present: JJ McBride, Engineer from Emanuel Engineering in for Bruce Scammon; Scott Barthelemy of Brookvale Pine Farms, LLC.

McBride gave an overview. Mr. Barthelemy has purchased the property, a 23-acre parcel on the West side of Rte. 125, between 101 and North Road. Current lot has an old barn that used to be an antique store and a 3-bedroom home, 2 story garage, 2 greenhouses, chicken coop. Barthelemy added it's next to n Starkey Welding. Stevens said a semi-pro ballpark and a hotel was proposed years ago. Barthelemy owns the 300 acres behind this parcel in Fremont and they'd like to do a farm stand and rent out the house here.

McBride said the intent is to move the current barn further away from the house and refurbish it and add a 12' addition on the South side and an 8' wrap-around porch. Barthelemy wants to add a half refrigeration & half freezer room inside. Currently his animals are processed at a Federally inspected slaughter house, which they still will have to do, but they could bring it back in halves and quarters and sell fresh. Currently it's all frozen so it could be a fresh meat store etc. with year-round operation. The 2nd floor would be an office area. The building is 36 x 48' and with a 12' addition, plus the porch. McBride said the leach field is to be done with a NHDES permit. A farm stand sign by the road/driveway, utility pole and underground utilities. Proposed parking lot will need NHDOT approval/driveway permit.

Greenwood commented that this is in the commercial/industrial zone so if it was not an agricultural farm stand, it would require site plan review. Zoning was adopted a few years ago that says the PB will determine the extent of site plan review required for agricultural endeavors. Brentwood is a pro agricultural community. What is the Board's expectation for site plan for this activity?

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Kennedy was only concerned about any wetlands and distance. Barthelemy commented it meets all the setbacks.

Hamilton asked if a road would connect to his farm in Fremont through the woods. Barthelemy said not at this time, there's a path that comes out on the edge of the hayfield. Stevens suggested that a wetlands crossing would probably have to be done and maybe that's a future consideration, not at this time.

Board discussed. Steven's only concern was that if the business matures and grows, would it go from a farm stand to become a business that is not agricultural in nature. Sell horse trailers for example, etc. so if the store takes on other lines of products not agricultural and it's commercial, people could say that isn't what you were approved for and you'd have to come back in for a site plan. Greenwood wants the Board to be comfortable with that, otherwise it would require an engineered site plan. Stevens added an approval runs with the land, not just current owner (Barthelemy) and asked if there was a way to have a statement recorded that this would be an agricultural enterprise and what that means; possibly with an affidavit.

Greenwood suggested the Board hold a Design Review hearing, a non-binding public hearing, and abutters would know that at the end of it, there would be an affidavit recorded with the registry. Board was in agreement on this process; design review application with abutter's noticed for a public hearing and an affidavit recording process.

7:00 pm: Planning Board and Conservation Commission: Review of the Brentwood Water Quality Committee's recommendations and next steps for water quality testing in Brentwood with regards to Great Bay nitrogen loading.

Present: Residents Bill Brown; Bob Stephens.

Brown gave an overview from the BWQC (Brentwood Water Quality Committee) – a sub-committee formed in 2019 to review the Truslow Consulting water sampling program from 2016–2019 and make recommendations regarding Brentwood's role in the nitrogen overload of watersheds to Great Bay. Members included Steve Hamilton, Doug Finan, Bill Brown, Bob Stephens, Rob Wofchuck. Brown referenced the memo from February 11, 2020 (on file).

Great Bay nitrogen issues: Brentwood is one of 52 communities in the watershed contributing to the nitrogen overload in Great Bay as a result of human activity which is creating environmental impacts. The largest source is air pollution; 2nd largest contributor is septic systems including the treatment plant at the County Complex; fertilizer (lawns and agricultural use) and animal waste (pets and farm animals). These are the major sources that add nitrogen to the watershed. In the big picture, Brentwood is about 1% of the Great Bay problem and 9% of the contribution of nitrogen to the Exeter sub-watershed to Great Bay. These percentages are from a NHDES computer model with these estimates. Why is it a problem? Too much nitrogen causes algae in Great Bay which makes it cloudy so less sunlight gets to the bottom causing eel grass to die off which endangers the aquatic life and fish habitats. Great Bay is in non-compliance with state and federal standard and the US EPA and NHDES are bound by law to do something about it. For 10+ years they've been working with the 12 largest communities, those with wastewater treatment plants and licensed stormwater discharge systems. These communities have a contractual relationship with EPA, who can open those permits and impose more stringent standards, a

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pipeline they don't have with Brentwood. Those towns have spent 200+ million to improve Great Bay. It's helped but not enough. The EPA is looking for a 45% reduction in non-point sources to Great Bay. This is massive, unheard of. Stevens added the County Complex has a treatment facility and they must have a permit? Brown agreed and was surprised they didn't get sucked in with the other 12 communities as the County Complex dumps into Dudley Brook. The EPA regulates in State of NH point discharge of surface water. State of NH regulates discharges to the land. They have 2 separate discharge permits. Brown continued those 12 communities are spending 200-300 million and estimate several hundred million more to comply with non-point source of nitrogen. Eleven out of the 12 communities are fighting back and EPA will come up with plan B. Brentwood is a long way from being at the top of EPA's list but eventually it will be a Brentwood issue. The Town commissioned the water sampling in 2016 to position the Town should requirements come. Last December, the water quality committee got together to review the following:

1. Comment on the sampling – should it continue or not.
 - a. Recommendation is to discontinue the water sampling program as there is better use of Town resources.
2. Identify action items Town can take to advance a negotiating position down the road.
 - a. There are several low-cost and no-cost initiatives.
3. Comment on water quality data and any issues identified from the sampling program.

Initiatives to better position Brentwood for when EPA comes to Town. With a small staff, need to be realistic with what can be implemented. Take 1 or 2 on the list, high priority, implement those before starting on the others (on file in memo).

Immediate Action Items:

1. *Public education campaign (newsletter articles and Town web page resources).* On general education on Great Bay Nitrogen challenges and BMP (best management practices) on stormwater, lawn care, septic system maintenance and agricultural BMP. Brown to write articles. Example lawn care articles on reducing fertilizer etc. It will help in the eyes of the EPA. Stephens added they could post docs on the website.

2. *Enhance Town development ordinances*

a. *Compare Town's stormwater ordinance with the Southeast Watershed Alliance (SWA) Model Ordinance to determine if Town should upgrade requirements;* Greenwood to review the model ordinance SEWA (Southeast Watershed Alliance), compare to Brentwood's ordinance and see what impact it would make if applied residentially vs. just commercially. Brown added is there something in the model ordinance that isn't in our ordinance and is it nitrogen beneficial or not? Minimize nitrogen footprint but not make development in Town burdensome; no cost, minimal cost and impact. Waiver for MS4 expires in 3 years, renewed 2 years ago.

3. *Investigate Brentwood's municipal stormwater system (culvert data compiled etc.), document/map the extent of publicly owned stormwater systems and best management practice opportunities, particularly in the area potentially subject to MS4 regulations.* Brown suggested if this is not available, public works should document this. Maybe a 5-year plan. Pathway into to Town for the EPA is via permits. If you have stormwater permits, EPA can come after you. Brentwood has a waiver on stormwater and you want to keep that waiver; less than 2% of the Town is subject to a stormwater permit and there's a waiver on it currently. Keep that waiver every 5 years. Stevens said that waiver is for the area at intersection of Crawley Falls Road and 111A. Greenwood said it's the only area of Town that qualifies based on density. Brown added you don't want to allow a permit; keep the waiver and documenting this is important. Highway Department should review all the culverts etc. and document.

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Greenwood said RPC did a GPS identified culvert survey assessment 4 years ago. They did all crosslines. BOS never got the report. Greenwood to contact RPC to inquire about Brentwood's report.

7. *Track and document all we have done and will do in the future relative to nitrogen reduction.* Brown suggested a folder or binder/book in the Planning Office to keep everything; documenting all of this.

Brown continued the water sampling did provide information that Dudley Brook is low in oxygen but not where it's coming from. Board members said the County Home is causing it. EPA could be made aware of that. Stephens mentioned the PFAS issue and settlement up there. Brown mentioned Dudley Brook most likely has PFAS. Brown and Board discussed the County Complex and the need to research this more.

Byrne and Christiansen and possibly Wayne Robinson to attend the next and or other future BWQC meetings. Start work on this and touch base with the PB in maybe a year. Other interested parties and volunteers are welcome to attend these meetings.

Board Business

- The Board signed the manifest.
- Cell Tower notice for Rochester, NH relayed to the Board.
- Board's recommendation on Carl Rullo's property 324 Rte. 125, Tax Map 209.010. Letter from Steve Cummings (on file). Greenwood hasn't had a chance to talk to Steve Cummings about it. Cummings and Stevens think wetlands are involved and Stevens would like to encourage the owner do a soils survey; maybe write a letter? Greenwood suggested reaching out to them via phone call to have them come in to see him.

Motion by Stevens, 2nd by Kennedy, to have Greenwood contact the property owner of 324 Rte. 125 (209.010) to discuss the wetlands on the site and encourage a soils survey. All were in favor. Motion carried.

- Greenwood to follow up with Mike Sanborn re: 216.035 (1 Smith Rd). Greenwood sent a letter and Sanborn did call and speak with Greenwood. Sanborn was to write a letter to the Board regarding the reclaimed asphalt he put in. Stevens said he's brought in material and graded that equals site plan.

Approval of Minutes: June 18th, 2020 minutes (*no meeting July 2nd*).

Amend the minutes of June 18th, 2020:

1. Change **45.44** to **35.44** in Paragraph 1, sentence 3: (Re: peak hours) *"for the restaurant is **35.44**".*
2. Change 18,000 to **17,000** in Paragraph 1, sentence 12: *"in Kingston, Rte. 125 is **17,000**."*

Motion made by Kennedy, 2nd by Finan, to approve the minutes of June 18th, 2020 as amended. All were in favor. Motion carried.

Motion made by Hamilton, 2nd by Finan, to adjourn at approximately 9:15 pm. All were in favor. Motion carried.

Respectfully submitted,

Andrea Bickum
Administrative Assistant,
Brentwood Planning Board