

Brentwood Planning Board

Minutes

June 18th, 2020

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

Open

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

7:00 pm: Continued Site Plan Review Application: Applicant & Owner: Shane McKeen. Property is located at 154 Crawley Falls Road, Brentwood, NH in the in the Town center district, referenced by tax map 217.112.000. Intent is a 6,000 +/- sq. ft. commercial development.

Present: Wayne Morrill of Jones & Beach Engineering; co-applicant Rob Healey.

Abutters and residents Present: George Lagassa; Johnathan Frizzell; Furmer Lattime; Peter Tufts; Liz McConnell.

Stevens opened the public hearing.

Morrill first thanked the board and neighbors who attended the site walk, which provided them with a lot of input and feedback. Morrill gave an overview; an exit sign with direction to exit to 111A and a stop sign were added; the drive through pick up window is located on the Rte. 125 side of the building; the well was installed on Friday last week (June 12th); notes on the hours of operation (6 am to 11 pm) and the dumpster hours, with allowable pickup hours from 7 am to 7 pm were added to the plan; dumpster doors face Rte. 125; the uses are not known yet. Glenn had sent us revised comments (dated June 17, 2020) regarding the hours of operation and delivery trucks. WB 50 trucks can access around the back of the building; many of the deliveries will most likely be box trucks but if a WB 50 truck had to make a delivery, it can fit around the back, as will a fire truck. If a restaurant is in there and opens at 11 am, deliveries could be at 10 am. Originally, 24 hours was proposed as it could be a donut shop, pizza place, nail salon etc. Agreed to 6 am to 11 pm hours to provide flexibility to get the spaces leased with uses that would fit in the Town Center. Glenn's comment letter mentioned that Lindy's is open from 5 am to 8 pm. If the 6 am to 11 pm hours don't work for a lessee, they would need to come back to the Board.

Morrill said the conditions from Steve Cummings were to get the well in, state approved septic and a driveway permit from the Town. Glenn's comments were all addressed except for this last letter regarding truck deliveries. Deliveries will be done during off hours for whatever the use is but it doesn't mean they will be done outside of the hours of operation; not at 3 am, that's not off hours. Kennedy asked is that what the plan reflects? Morrill replied the plan says hours of operation 6 am to 11 pm. A note can be added to the plan that deliveries will take place during hours of operation. Kennedy asked that the note be added to the plan.

Morrill continued a professional licensed landscape architect developed the landscaping plan, plant species for screening; keeping the old well on the site to be used for irrigation. A sidewalk will come out to the edge of Crawley Falls from the site and be maintained by the property owner. They will confer with the Brentwood Highway Department to make sure that DPW is okay with the property owner maintaining their own sidewalk; clear it-shoveling, etc. Stevens added they just don't want snow from a private lot pushed into the public right-of-way.

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Morrill gave an overview of the traffic count trip generation memo (*on file*); data is from the ITE manual for different uses from a coffee shop to a shopping center, etc. Morrill gave the Board uses of a drive through restaurant, a restaurant and retail. The weekday pm peak hour trips generated 94.53 and for the restaurant is 35.44, 120 trips on a peak pm hour coming off this site. Residential house is 10 trips per day. If it's a donut shop, the peak hour would be the morning hour. It's broken out by am, pm and weekend peak hours; Saturday is a larger number. Greenwood said the peak hour is the busiest hour according to ITE for the uses, 1 peak hour is 204 trips. 111A up Crawley Falls with say 15 homes would generate 150 trips per day. Finan asked about the traffic count on Rte. 125. Greenwood said maybe 22,000 a day? NHDOT on Rte. 125, would consider this a small development and they wouldn't require a traffic study for this. Morrill confirmed that in Kingston, Rte. 125 is 17,000 a day but closer to Epping it's 26,000. Brickyard plaza, the peak was around 1,500 trips on a peak hour.

Morrill added there's no access to the state highway. No option to share the vet clinic driveway as NHDOT issued their permit based on their numbers. There's no de-acceleration lane; it's not feasible.

Lagassa supplied a 2nd memo to the Board (*on file*). Lagassa commented it should be a nice development but was concerned about the traffic generated from a drive through restaurant. He would like to see the drive through restaurant portion removed and additional screening of either landscaping or fencing to maintain the residential character of the neighborhood. Lattime and Frizzell were in agreement.

Hamilton said the Town Center was established years ago and this was always a possibility here. Lagassa felt that the Town Center protected his property as the language favors a residential aspect and architectural history of the Town. Kennedy added the ordinance is gray and personally interpreted and wants the Town Center district zoning to be discussed in the Fall by the Board; discuss it, maybe clean it up, do we want it, etc. But the zoning is already in place for this application. Stevens added these are public meetings that are held every Fall prior to Town Meeting. Hamilton added that it has to be feasible for the applicant to develop the property. The Town Center was established 18-20 years ago and nothing's happened; this business jump starts the Town Center. Hamilton dislikes the Town Center but also raised three kids on that street so he's sympathetic to everyone, however it's a balancing act.

Frizzell expressed concern. He was for the project, it's added tax revenue, but he doesn't want the drive through. Stevens said it's weighing the rights of all concerned. That's what Hamilton was trying to convey. Lagassa said the Board has the authority to prohibit the drive through. To mitigate the traffic, remove the drive through. McConnell said Lagassa is a business owner. He owns that property and rents it out and if his tenants decide there's too much traffic and move out, he loses money as well. The Board has the right to say in this development it wouldn't make sense to have a drive through in the Town Center.

Stevens said there are limitations here. This won't be a Tuckaway Tavern; the parking isn't there. It will be a smaller scale. Christiansen added there are no prospects yet. Lagassa reiterated to mitigate the traffic, lose the drive through. Stevens noted a memo (*on file*) from alternate Brian West who had concerns about traffic noise.

Lagassa asked why there was no Rte. 125 access. Stevens replied in the 1960's, there was limited access in Kingston to prevent a lot of curb cuts in a short distance, with a lot of traffic and fairly high speeds, it's dangerous. Greenwood added NHDOT had a desire not to grant access points if they could buy them from the property owners, which they did. Curb cuts on a highway are not great for a highway.

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Stevens commented I don't believe personally that the Board has the right to preclude a drive through restaurant. That could be litigated in court but clearly the intent of the ordinance is to allow restaurants, it says it. Due to the scope and size of the parcel, it doesn't seem like something that would get out of control in terms of number of trips with traffic. A Board can't make a decision based on "how I feel" it's what the ordinance states. Everyone is forewarned what the options are. You buy property, you know what you can and can't do, what can go there and not go there. The courts ultimately judge that when they have a conflict. Lagassa inquired if it was a full board. Stevens replied not present, there are 7 full Board members and three alternates; two members aren't here. A majority vote is 4 to 3 with a full Board; four members is a quorum. Stevens reiterated that this evening, they had tried to convey that neighbors have rights and input but that the owner of the property also has rights. The Board looks at the law, the intent, weighs both sides and tries to come up with a reasonable solution.

Stevens summarized the bond procedure. The applicant is asked to estimate a construction bond and the Town Engineer peer reviews it to make sure it's a reasonable amount for the Town to hold as a bond until all the grading etc. is done. Stevens wanted to add a landscaping bond as well. The impact fee assessment is the amount to be added to the plan; \$4,020 (.67 cents x 6,000 sq. ft. building) but it's not a condition of approval. With conditional approval, there is no development until all conditions, including permits, bonds etc. have been received and the mylar is signed.

Morrill summarized the outstanding items: State septic and a Town driveway permit. No AOT is required as this won't disturb more than 100,000 square feet. The well will be tested for public water supply for the development; any more than 25 patrons in a day, a public water supply is necessary. The well had to be drilled immediately as it takes months for the testing and approvals. Lagassa asked if they could drill a well beforehand? Greenwood confirmed that a person can drop a well on their property independent of site plan review.

Stevens reviewed conditions for approval:

- All comments and recommendations from Greenwood, Cummings and SFC are satisfied.
- All state permits need to be obtained (NHDES Septic, Water Well).
- Construction Bond for erosion control and drainage approved and put in place prior to the mylar being signed and any construction being done.
- A landscaping Bond put in place.
- Receipt of \$2,000, replenished as necessary, for escrow account to be used for future inspections & engineering fees.
- Add a note to the plan that deliveries will take place during the hours of operation.

Motion made by Kennedy, 2nd by Hamilton, to grant a 120-day conditional approval, with the conditions stated above, to October 16, 2020 for the for the three (3) unit, 6,000 sq. ft. commercial development site plan proposal for 154 Crawley Falls Road (*Revised June 11, 2020 plan set*). All were in favor. Motion carried. Hearing was closed.

7:00 pm: Consideration of amending the Brentwood Land Use Site Plan Regulations to add an impact fee signature block (as shown in Section 8.8 of the Subdivision Regulations) to Section 9.1.9 of the Site Plan Regulations. Greenwood said it's in the subdivision regulations already but we want to add it to the Site Plan Regulations as well so engineers don't miss it.

Motion made by Hamilton, 2nd by Finan, to add an impact fee signature block to the Site Plan Regulations. All were in favor. Motion carried.

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Board Business

- The Board members signed the manifest.
- The Board members signed the mylar for ECS/Bob Bent, 209.011, 326 Rte. 125 site plan for an approved 5,000 sq. ft. building. Impact fee (.67 cents x 5,000 sq. ft. building) is \$3,350.00.
- The Board reviewed a draft letter for Mike Sanborn regarding pavement at 1 Smith Road; 216.035.000 - SPR needed. Greenwood said it looks like a building pad, its site development. He will need to come to the Planning Board for site plan review.

Motion made by Hamilton, 2nd by Finan, to send the letter to Mike Sanborn informing him that he needs to come in to the Planning Board for Site Plan Review. All were in favor. Motion carried.

- Greenwood informed the Board that Steve Cummings was in and where the red dumpsters are on Rte. 125, had noticed ground work back there and he thinks they are doing ground work in the wetlands. The dumpsters were approved but not site development. Greenwood would like to ask Cummings to write a letter of what he saw and provide photos if he has any or could take any. He is our Engineer and if he's concerned, there's a concern there. Greenwood will work that out with Cummings next week when he's in the office.

Approval of Minutes: June 4, 2020 minutes and June 10th site walk minutes.

Motion made by Hamilton, 2nd by Kennedy, to approve the minutes from June 4th as presented. All were in favor. Motion carried.

Motion made by Christiansen, 2nd by Kennedy, to approve the site walk minutes from June 10th as presented. All were in favor with Hamilton abstaining. Motion carried.

Greenwood is currently working on the RFP for Engineer spreadsheet and will have it ready for the next meeting (*July 16th*).

Motion made by Hamilton, 2nd by Finan, to adjourn at approximately 8:20 pm. All were in favor. Motion carried.

Respectfully submitted,

Andrea Bickum
Administrative Assistant,
Brentwood Planning Board