

Brentwood Planning Board

Minutes

May 16, 2019

Members Present:

Bruce Stevens, Chairman	Brian West, Alternate
Ken Christiansen, BOS rep	Lorraine Wells, Alternate
Steve Hamilton	
Mark Kennedy	Town Planner Glenn Greenwood

Open

Chairman Stevens opened the meeting at 7:00 pm.

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

7:00 Public Hearings

7:00 pm: Conditional Use Permit: Applicant Public Service Co of NH (Eversource Energy) requests a Conditional Use Permit to access existing transmission lines within their right-of way in Brentwood for the purpose of replacing any necessary poles. There is approximately 1,206 square feet of permanent wetland impact. Work will begin on tax maps 206, 210 and 211.

Present: Sherrie Trefry of VHB; Jeremy Fennel of Eversource; abutters Roger and Marianne Coughlin.

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

Trefry summarized that this was a re-visit from structure replacements that were approved in the Fall (2018) adjacent to Prescott Road heading East. Eversource replaced the wooden structures with steel structures as proposed but with the saturated organic soils and beaver activity, the poles are sinking. The mats are still out on site. Engineering did another foundation design and the poles will be installed on a caisson foundation (a reinforced foundation) with a concrete plug at the bottom of the caisson that the poles will sit on top of; backfilled with stone to make it stable. New poles were put in at A-126 structure #225 and #222. These now have to be "replaced" but the structures have to go in a new location. Same number of structures originally permitted and in the same work path but the main difference is that there is permanent impact where the new bases and stone fill will be, which differs from the original permit of temporary impacts. The larger stone foundations will have permanent impact. VHB and Eversource contacted NHDES and Ebon Lewis, wetlands inspector on this project, and are submitting a permit amendment due to the permanent impact which triggers wetland mitigation. They've asked the State if they can pay the *inlet (unintelligible)* fee amount for mitigation to the prime wetlands. The major change is that Eversource originally needed 3 of the foundations and went out on May 15th and 3 more of the structure foundations are in water. This permit application asks for 3 permanent impact foundations but 6 are needed which would be approximately 2,412 square feet of permanent impact. A-126, structure #226 requires the foundation with 402 sq. ft. of permanent impact. #225, #224, #223, #222 (near Dudley Brook) and H-141, #199, all require new foundations.

Stevens reiterated the number of poles hasn't changed, just the amount of impact for those foundations. Trefry agreed; 3 foundations to now 6 foundations. Eversource would pay

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mitigation to the ARM fund (*via NHDES*); approximately \$10,000. Greenwood was concerned with how this meeting was noticed. A possible re-notice might be required due to the change in the permanent wetland impact for the 3 additional foundations (*6 in total now*). Fennell was concerned that structure #222 was an emergency situation as it was leaning. The legal notice was worded approximately for the amount of permanent wetlands impact which satisfied Greenwood and the Board. Greenwood suggested that Eversource submit to the Board the final tallies of what the permanent impact is. Stevens added which would be outlined by their permit.

Trefry added the mats per the Army Corp general permit are not supposed to be in there for more than one growing season. They are still there as these foundations were being re-designed; but the mats have to be out by June. It's an amendment submitted to the state and the outage starts at the 28th of May. Fennell said the outage ends mid-June it will take the crews a couple of weeks to get the mats out and do some restoration. There will be some restoration to Coughlin's field as well; loam and seed. The mats have to come out as soon as possible. Abutter Roger Coughlin was okay with the project but was concerned about his pasture fence but will work it out with Eversource directly.

Stevens read through the five Conditional Use Permit criteria:

*A. The proposed construction is essential to the productive use of the land not within the Wetland Conservation District. **All were 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 were in favor.***

*C. No alternative route which does not cross a wetland or has less detrimental impact on the wetland is feasible. **All were in favor.***

*D. Economic advantage alone is not reason for the proposed construction. **All were in favor.***

*E. No wetland crossing shall exceed a length of 250 lineal feet. **Not really applicable but All were in favor.***

The Board voted unanimously in favor of the entire Conditional Use Permit requirements.

Motion made by Christiansen, 2nd by Hamilton, that the notice said approximately and the Board was given approximate numbers. A condition of this permit approval is that Eversource give the Board the final exact tallies of the permanent wetlands impact (*all 6 foundations*).

7:00 pm: Consultation: Dexter Swasey has questions about possibly subdividing his property on 42 Ole Gordon Road; tax map 218.048.000; 14.557 acres with approximately 423 feet of road frontage with the intent of carving out a 2-acre lot on the corner; survey questions.

Greenwood had met with Dexter Swasey to discuss subdividing off a 2 acre parcel off of his property on 42 Ole Gordon Road from his overall 14.5-acre parcel. Swasey will do a perimeter survey on the 2 acres that's being created but is seeking relief from the Planning Board for having to do a full perimeter survey of the entire 14.5-acre parcel. Swasey's subdivision plan will show that the 2 acres have a viable building lot with test pits etc. but the goal is to not have

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to do survey work on the entire 14.5-acre parcel, which is required in the subdivision regulations. Board discussed any further subdivision and/or to create a road. Stevens suggested adding a note on the plan "if any additional future development is proposed on the remaining 12.5-acre parcel; it would require a full survey".

The Board would agree that this request would be reasonable.

Greenwood said when Swasey submits his application, he would submit a request for that waiver and then I wouldn't have to deny him because the request would come in with the application. Stevens reiterated that when that application is submitted and before it's approved that there be a note on the plan that "any future subdivision would need to be surveyed". All were in favor.

THIS APPLICATION WAS WITHDRAWN - 7:00 pm: Continued Hearing: Amendment to a previously approved site plan: Applicant Gerald Gagnon of J. G. Gagnon & Sons Excavation, LLC proposes to lease the property owned by Roland Burke of Benco Realty Trust at 72 Rte. 125 referenced by tax map 217.023 to house heavy equipment and stock pile materials such as gravel, loam etc. A continuation to 5-16-19 had been requested. This was withdrawn.

West commented that the Building Inspector had an issue with a building on Burke's site made out of containers. Greenwood said the Building Inspector was going to let the site plan review process take care of it. But with the site plan review process no longer in effect, the Building Inspector will have to talk to the Board of Selectmen and they might ask him to go out and look at the site to investigate it. Greenwood saw it when he went down prior to site plan review. It has to be addressed as it's neither permitted or shown on the site plan. Stevens suggested that Greenwood write a letter to the Board of Selectmen on behalf of the Planning Board which encourages that the Building Inspector work with the Planner to review the site plan for issues; that the Planning Board is aware of the Building Inspector's concern that this structure is not approved per the current site plan and request the BOS to investigate. Greenwood added that this site plan process for this was withdrawn so the action should come from the BOS. Greenwood said there's a lot of activity on site that is not reflected on the site plan. West was concerned about hazardous chemicals possibly being on the site. Greenwood said I can't say that but if the Building Inspector is sent out on site, he could possibly verify and/or I could go with him once the BOS give the directive and we can go over there together. All were in favor.

Stevens asked Greenwood, when you go out for your review with the Building Inspector, could you review the site plan for the container place next door to Bent's that now has dumpsters within 3' to 4' of the pavement on Route 125.

West brought up that the Olofson's parking on the Brentwood Fire Department's land. Steven's commented that there's a recorded survey on file so hire a surveyor and re-mark the line. Christiansen noted that the BOS are working on it.

Stevens asked about the Sampson property. The BOS voted in 2008 to require them to come to the Planning Board with a site plan, which has not been done. It's hard for the BOS to take any

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action. Greenwood noted that there was conflicting information from the state. The first was that Sampson wasn't in compliance and the state would do something about it. The state went down and reviewed it and came back with a different statement; basically, it's a junk dealer but if he can show that his inventory moves then the state isn't going to take any code enforcement action on the issue. The Building Inspector went on site and declared which ones would have to move. Steven's said the Town told him in 2008 he needed a site plan review because he's greatly expanded beyond what was ever there prior to the zoning being adopted in Brentwood. Letters were sent to them and no enforcement was done. Greenwood suggested that Steven's and himself review the file, state's correspondence; review with Planning Board and then approach the BOS.

7:00 pm: Extension Requested to Continued Hearing to June 20, 2019: Amendment to a previously approved site plan: Bob Bent (ECS) tax map 209.011; 326 Rte. 125; Extensions requested 2-21-19; 3-7-19; 4-4-19; 5-2-19; 5-16-19. **Continue to June 20th, 2019.** Greenwood clarified that Rick Lundborn with Fuss & O'Neill received information from Jones & Beach and once received, realized he still didn't have all the information to come in. Additional work on the drainage estimates need to be done. The first engineer is no longer on the project. Steven's suggested another site walk when it comes back.

Motion made by Hamilton, 2nd by Wells, to continue the hearing for ECS, Bob Bent, to June 20th, 2019 at 7 pm.

7:00 pm: 6 Month Conditional Approval Extension for Jesse Elliot Requested: 2 Lot subdivision at 230 Pickpocket Road; tax map 213.031.000; res/agr zone. Jesse Elliot requested another 6-month extension to the CA. Expiration was for June 6, 2019. This would extend his CA to **December 6, 2019** (Original 120-day CA granted on April 5, 2018).

Motion made by Kennedy, 2nd by Hamilton, to extend Jesse Elliot's conditional subdivision approval to December 6, 2019. All were in favor. Motion carried.

Board Business

Sign Manifest

Sign Mylar to record GATO LLA (conditionally approved April 4, 2019) – Ok to sign per Glenn.

Sign reduced LOC letter for 3 Ponds, LLC. Signed letter will be emailed back to Haverhill Bank. Kennedy was surprised that half of the bond was released so quickly. Steven's commented that Severino started that back in October. West commented that Kip and the Fire Department are working with 3 Ponds on sprinklers for the houses.

3 Ponds would like to relocate the mailboxes. The recorded plan shows the location about 100' in from North Road but the developer is concerned with the location with residents trying to access it from both lanes of traffic and wants to put them at the community center. Greenwood said it's less than 7% of the overall building area so they can do an **expedited site plan review** so they can bring in a plan to a public meeting; no noticing required. Just let Planning Board office know at least a day in advance so it can be posted on the agenda.

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Greenwood also suggested that they check with the postmaster in Exeter; that the postmaster is okay with the new proposal. The postmaster has the right to say they want it where it is and don't want it moved to the community center. Kennedy was greatly in favor of the community center location.

Glenn to explain:

1. Inquiry regarding a traffic study – Trident, Seacoast Learning Collaborative. Greenwood spoke with a woman who will be doing a traffic study and suggested that any guidance about the scope of the project from the Planning Board be done when the application comes in before the Planning Board.
2. Town Center ordinance re: setbacks answer for Densen Design Review tax map 217.009; Dana Clay; Greenwood explained the issue was 500' or 1000' from 125 impacted the site. This was an amendment to our Town Center ordinance. If your property is located in the Town Center, it's a 2-acre lot; develop at a density of 2-acre lots.

Approval of May 2nd, 2019 Minutes: Motion made by Christiansen, 2nd by Kennedy, to approve the minutes of May 2nd, 2019 as presented. All were in favor with Hamilton and Wells abstaining.

Greenwood and Stevens both received letters from Kevin King regarding his neighbor's rooster. King met with Greenwood who pointed out that King's property is zoned residential/agricultural but understands living next door to a crowing rooster is a nuisance. Greenwood suggested that King submit a zoning change proposal either through the Planning Board or a citizen's petition. King would like the Planning Board to consider doing this. Greenwood suggested the Board read his letter and discuss at a later date.

The Planning Board unanimously **CANCELLED the June 6th, 2019 meeting** due to lack of applications.

Zoning proposals will be discussed on June 20th, 2019 after the Bob Bent (ECS) continuation.

Motion made by Kennedy, 2nd by Hamilton, to adjourn at approximately 8:30 p.m. All were in favor. Motion carried.

Respectfully submitted,

Andrea Bickum,
Administrative Assistant,
Brentwood Planning Board