

Brentwood Planning Board

Minutes

May 2, 2019

Members Present:

Bruce Stevens, Chairman
Ken Christiansen, BOS rep
Matt Bergeron
Kevin Johnston
Mark Kennedy
Brian West, Alternate
Town Planner Glenn Greenwood

Open

Chairman Stevens opened the meeting at 7:00 pm.

Motion made by Bergeron, 2nd by Christiansen to give West voting rights: All were in favor. Motion carried.

7:00 Public Hearings

7:00 pm – Continued Hearing: Amendment to a previously approved site plan: Bob Bent (ECS) tax map 209.011 Extensions requested 2-21-19; 3-7-19; 4-4-19; to continue to May 2nd meeting. Commercial property on Route 125. Applicant requested another extension to continue this to May 16th, 2019 at 7 pm. Greenwood summarized Fuss & O’Neal was waiting on survey plans from Jones & Beach, which they received and it’s a matter of incorporating that information into the plan set that he has.

Motion made by Johnston, 2nd by West to continue the hearing until May 16th, 2019 at 7 pm. All were in favor. Motion carried.

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. Work will begin on tax map 210 and 215.

Present: Matthew Cardin, Environmental Program Coordinator with Eversource Energy (PSNH); Kristopher Wilkes, Project Manager, Energy & Environmental Services; Elise Ford, PSNH community outreach coordinator; Abutters Kathy & James Clements of Middle Road.

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

Cardin gave an overview of the project which would replace nine (9) select 115 kv transmission poles on the H141 and A126 Brentwood lines. The proposed maintenance work replaces 9 old wooden structures that are 40+ years old with weathered steel structures. In kind replacements with the same configuration; H frame, 2 poles and a cross arm. The application is for temporary impacts within Brentwood’s wetland conservation and shoreland conservation areas. The location is off of Prescott Road. Last year was the East side, this is the West side. Nine structures with temporary wetland impacts using timber mats to create access to roads and

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work pads within the wetland and stream buffer areas. Placed prior to the erection of the poles to facilitate heavy equipment access down through the right of way without major impacts to the wetlands and buffer areas. Once the structures are installed and complete, the timber mats come out and any restoration work needed such as any ground that's been disturbed is flattened and graded and seeded with either a wetland or upland seed mix and stabilized so it's allowed to re-vegetate. The temporary wetland impacts are 42,147 sq. ft. and temporary wetland buffer impacts are 56,974 sq. ft. and the stream impacts are zero but within 150' stream buffer, there's temporary impacts of 13,975 sq. ft. Temporary impacts are just over 2 acres. 100 x 100 work pads are necessary to build the structures. In the upland areas, pads and gravel roads are used for the 60-ton cranes and bucket trucks. Chris and his team from VHP will be out there weekly to oversee the construction and to ensure that all the erosion controls, stabilizations etc. are in place.

Abutter Kathy Clements was concerned that it was close to her pasture. Cardin and Wilkes discussed where her property was in relation to the PSNH right-of-way. Stevens suggested that abutters with any questions contact PSNH directly regarding the work in the PSNH right-of-way.

Stevens read the five (5) criteria for granting the conditional use permit.

700.002.009.001:

- A. The proposed construction is essential to the productive use of land not within the Wetlands Conservation District. Eversource's response: The proposed project is part of PSNH's on-going maintenance program conducted to ensure reliable electric service for their customers. The PSNH 115-kv transmission system is an integral part of the regional power system delivering electricity to customers throughout New England. It is critical that the 115-kv system remain operational without interruption from preventable outages. All project work will be confined within the limits of an existing established electric transmission line ROW and involves routine maintenance work that is conducted periodically to address deficiencies identified during line inspections conducted by PSNH. Since the project will improve the reliability of the transmission system, the project is essential to the productive use of the land that is not located within the Wetlands Conservation District. **All agreed and 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 agreed and were in favor.**
- C. No alternative route which does not cross a wetland or has less detrimental impact on the wetland is feasible. **All agreed and were in favor.**
- D. Economic advantage alone is not reason for the proposed construction. This is an established ROW; we rely on it for electricity for public utility. **All agreed and were in favor.**
- E. No wetland crossing shall exceed a length of 250 lineal feet. Stevens said that does not apply. **All agreed and were in favor.** All were in favor of approving the conditional use permit in the wetland district.

Motion made by Kennedy, 2nd by Bergeron, to approve the conditional use permit for the wetland conservation district. All were in favor. Motion carried.

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Greenwood summarized that Brentwood's shoreland protection district was geared to protect the channels of the streams and rivers in town and limit the uses in the district within 150 feet (buffer area) of the channels. PSNH is proposing work within that buffer area and this use requires a conditional use permit.

Stevens read the following CUP criteria within the Shoreland Protection District:

- 1) The proposed use will not detrimentally affect the surface water quality of the adjacent river or tributary, or otherwise result in unhealthful conditions. **All agreed and were in favor.**
- 2) The proposed use will discharge no waste water on site in excess of one thousand (1,000) gallons per day...not applicable here. **All agreed and were in favor.**
- 3) The proposed use will not result in undue damage to spawning grounds and other wildlife habitat. PSNH writes that the project will not directly impact any surface waters. Wildlife habitat currently provided by the existing vegetative composition of the electric transmission line ROW will be maintained. **All agreed and were in favor.**
- 4) The proposed use complies with the use regulations identified in Section 3 and all other applicable sections of this article. The project complies with 700.004.003.004 and 700.004.003.005, applicable to transmission lines. **All agreed and were in favor.**
- 5) The design and construction of the proposed use will be consistent with the intent of the purposes set forth in Section 8.4.1...this isn't applicable. **All agreed and were in favor.** All were in favor of approving the conditional use permit in the shoreland district.

Motion made by Kennedy, 2nd by Bergeron, to approve the conditional use permit for the shoreland protection district. All were in favor. Motion carried.

Cardin mentioned an upcoming amendment to the project on the other side of Prescott Road. Problems with the structures in that area near the swamp off of Dudley Brook, there's so much more organic material there and it's so deep that some of the structures are not passing inspection so there's a new foundation design with some permanent impact. There's little support and they're essentially sinking. *(This application is on the agenda for May 16th, 2019)*

7:00 pm: Design Review Application: Applicant Gary Densen will meet with the Planning Board to discuss the proposal for an 8-lot cluster subdivision located on tax map 217.009, Crawley Falls Road, with approximately 17.28 acres. This proposal anticipates a boundary line adjustment with tax map 218.054 to gain 2.8 acres to increase 217.009 to 20 acres, the minimum requirement for a cluster development. Property owner of both parcels is Dana H. Clay Living Trust.

Present: Applicant Gary Densen; Dennis Quintal Civil Engineer with Civil Construction Management, Inc. in Newton, NH; Abutters John & Lois DeYoung.

Stevens commented this is a design review so there are no Board decisions.

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Quintal summarized; Gary Densen is the developer. This is lot 217-009 and the back lot is 218-054. Lot 009 is the primary lot. These properties have been surveyed. Lot 009 has the frontage on Crawley Falls Road. Ideas for this were a subdivision with a road, a 50-foot ROW and cul-de-sac. There's no soil mapping or wetland identification yet. Options for the properties are cluster development, subdivision with a road design, or elderly housing option. Leaning towards cluster development with 20 acres. Lot 217-009 has 17+ acres and we would need to do a lot line adjustment as part of this application to get enough acreage from lot 218.054 to make the 20 acres. Looking at the uplands, we have a conceptual yield plan showing 8 lots. Once the soil mapping (HISS) is done, that could change. The yield plan shows the following contiguous uplands:

- Lot 5 = One wetland crossing in the back with 50,000 contiguous sq. ft.
- Lot 4 = Two (2) wetland crossings; 37,550 contiguous sq. ft.
- Lot 3 = 42,000 contiguous sq. ft. with one wetland crossing

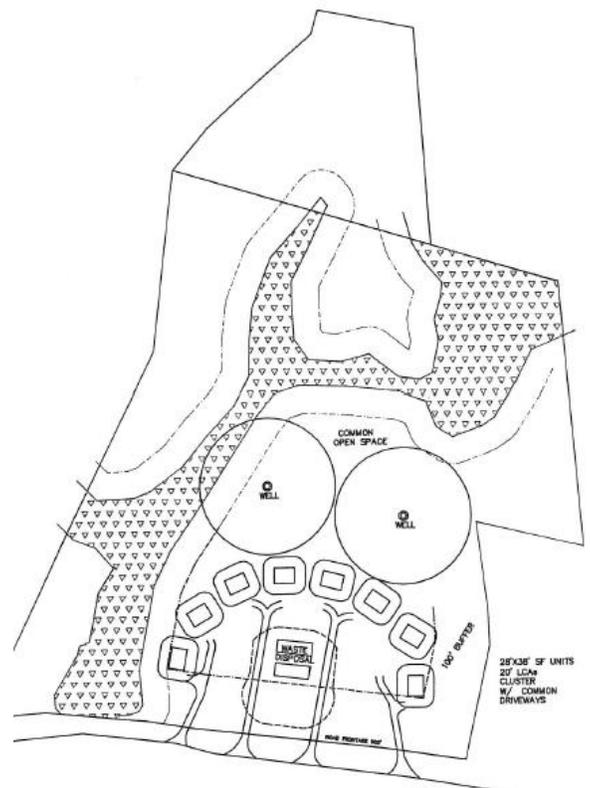
Quintal reviewed the cluster options for Board discussion and input:

1. Build a town Road in a horseshoe and have houses close to the street. Town road with short driveways; each lot with 75' frontage.
2. Shared driveways/common driveways. Per Glenn's comments; lot lines an issue. 2nd sheet supplied tonight shows straighter lot lines with common driveways and 2 wells with water supply and septic area with nitrate setbacks.
3. Limited common areas around each dwelling. Drawing on right shows the homes that have 20' limited common area around them and the remaining area would be common like senior housing.

Quintal walked the site but didn't flag the site for wetlands yet. Greenwood confirmed that Quintal is a wetlands scientist. Quintal took the density and upland area and divided it out and it came to 9.5 lots. But with the road he didn't think it will make 9 lots.

Greenwood confirmed that it is in the Town Center district but that cluster development is allowed in any district in town. He was concerned with the lot line configuration. When lot lines skew on properties, it's difficult for a property owner to understand that a neighbor's land cuts through their backyard. Of the four layouts shown, Greenwood liked the last one the most; no new road; no property lines; 4 shared driveways; and an association. (#4 shown)

Greenwood and Quintal confirmed that cluster developments have associations because of shared septic and wells. Quintal added instead of individual



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lots, they're common areas maintained by association with less chance of individual's not taking care of their lot.

Greenwood said the Brentwood cluster ordinance is fairly restrictive. A 100' perimeter buffer around the property. One primary access road can go through, with the intent that a road would be constructed. This concept of the shared driveways challenges the language of that ordinance. There might be ZBA action required and if so, the Planning Board should go on record that they support this kind of proposal and stating that the development of that ordinance 25 years ago didn't foresee this type of development. Greenwood suggested an amendment to this for March 2020.

Kennedy said the intent of the ordinance is to conserve a large swathe of land; condense the area for houses but conserve the land and natural resources around them. That would be the intent for the 100' buffer and the 20 acres.

Greenwood commented on this parcel, there's a wetland network out there; if they did a conventional subdivision, every lot will have a substantial amount of wetland on it that may negatively impact homeowners.

Kennedy was an opponent of the horseshoe town road configuration.

Abutter John DeYoung asked if it was 3 acres per housing unit. Greenwood said commercial zone is 3 acres with 120' of frontage. Residential is 2 acres. DeYoung mentioned when we put in the Town Center that went away? Greenwood said this on the opposing side of Crawley Falls; land not in the commercial zone. DeYoung said 1,000 feet from 125? Greenwood thought the original district was 500 on both sides of 125. Bergeron said it's a cluster development so the minimum is 20 acres. DeYoung thought the 3-acre zoning was to protect an aquifer. Greenwood replied no. The 3-acre requirement in the commercial/industrial zone; we weren't saying you couldn't develop a residential structure, but if you did, you had to develop it at the size required for commercial because if you sell it down the road, it becomes a commercial property. It was going to be developed with the requirements of commercial standards.

DeYoung asked where's the 500' set-back on this property? Greenwood said I haven't checked it; it's a legitimate question. Stevens thought the ordinance was written that it was 500' back from Crawley Falls. Greenwood agreed to check on that. Lois DeYoung was under the impression that the lot they bought in the aquifer protection area had a 3-acre minimum and asked Greenwood to check on that.

Stevens asked Greenwood about cluster development and a 3-acre requirement per lot in commercial. Greenwood responded if the underlying density is 3 acres, then that still applies within the cluster development for the yield. Stevens said I think John may be correct about that and asked Greenwood to look at it as there are some questions. Greenwood said if it's a

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split zone some percentage of the front of the lot might only allow a density calculation on 3 acres and beyond that would be on the lesser standard.

Abutters were concerned with the amount of traffic and the speed on Crawley Falls due to the events at the Gymnastics center. One lane of traffic there. Especially in the winter; snowbanks and ruts in the road from ice. There's already a Board of Selectman's ordinance for parking on only one side of the road. Stevens suggested it's an enforcement issue.

Kennedy asked about shared driveway maintenance. Quintal responded shared driveways between the lots, then the two lot owners fight over who pays for the driveway. If it's a cluster with an association then the association would take care of all plowing, maintenance, lawns, etc.

Stevens also liked #4 as well citing shared driveways saves land and town doesn't get involved with maintaining a road.

Quintal needs to get the soils mapped and wetlands delineated/mapped and work with Glenn on the yield plan first and Globe Environmental.

Board Business

Sign Manifest

Bond reductions: See letters from Steve Cummings;

1. SELT Bond reduction - Motion made by Bergeron, 2nd by Christiansen, to approve the bond reduction for SELT in the amount of \$94,000 recommended by Steve Cummings. *(Leaving \$5,000 for the wetland crossing and drainage improvements (culvert)).*
2. 3 Ponds Bond reduction - Motion made by Bergeron, 2nd by Christiansen, to approve the bond reduction for 3 Ponds in the amount of \$387,149.80 recommended by Steve Cummings. *(Leaving \$300,928.80 to complete the remaining items of work).*

Approval of Minutes:

- April 18th, 2019 minutes - Motion made by Johnston, 2nd by Bergeron, to approve the minutes of April 18th, 2019 as presented. All were in favor with West abstaining as he wasn't present.

Motion made by Bergeron, 2nd by Christiansen, to adjourn at approximately 8:15 p.m. All were in favor. Motion carried.

Respectfully submitted,

Andrea Bickum
Administrative Assistant,
Brentwood Planning Board