

Brentwood Planning Board

Minutes

November 21, 2019

Members Present:

Bruce Stevens, Chairman	Town Planner Glenn Greenwood
Kevin Johnston, Vice Chair	
Steve Hamilton	
Mark Kennedy	
Matt Bergeron	Present but not voting:
Kathy St. Hilaire, Alternate	Brian West, Alternate
Doug Finan, Alternate	

Open

Chairman Stevens opened the meeting at 7:00 pm.

Motion made by Hamilton, 2nd by Kennedy, to give alternates Finan and St. Hilaire voting rights. All were in favor. Motion carried.

7:00 Public Hearings

7:00 pm: Lot Line Adjustment Application: Applicant Gary Densen; Owner Dana H Clay Living Trust; Tax Map 217.009, Crawley Falls Rd & 218.054, 87 Crawley Falls Rd, Brentwood, NH 03833; Intent: Create a lot line adjustment between lots 218.054 (21.384+/- acres) & 217.009 (17.28+/- acres) to add approximately 3 plus acres to the rear of lot 217.009 thus creating a 20+ acre lot, the minimum required to develop 217.009 into a cluster subdivision.

Present: Applicant Gary Densen; Dennis Quintal of Civil Construction Management; Property Owner: Dana Clay; Abutters: Lois and John DeYoung; Stephen Galloway.

Stevens said the paperwork is in order and abutters were notified from the list provided by the applicant.

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

Quintal presented the lot line adjustment plan first and will then propose the cluster subdivision, which requires 20 acres. Dana Clay Living Trust owns both properties; lots 217.009 (about 17+ acres) & 218.054 (about 21+ acres). The intent is to add 3+ acres of land in the rear to parcel A, lot 217.009 from 218.054, creating 20.7 acres on lot 217.009, satisfying the 20-acre minimum. This reduces lot 218.054 to 17.8 +/- acres. There are no frontage changes. The wetlands have been flagged. Per comments, a signature block has to be added to the plan, add the location of the cell tower on lot 54. Set the bounds and this back lot is over 400' so add more bounds there. Edit some of the perimeter numbers so there isn't any writing over text and submit a plan showing the property at the scale of the tax maps.

Greenwood had no concerns with the boundary line adjustment.

Motion made by Kennedy, 2nd by Hamilton, to conditionally approve the lot line adjustment for 120 days (*March 20, 2020*) upon receipt of copies of new deeds for both parcels reflecting the new lot sizes. All were in favor. Motion carried.

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7:00 pm: Site Plan Review Application: Applicant & Owner same as above (LLA). Tax map 217.009; Crawley Falls Rd, Brentwood, NH 03833; Intent: To build 7 dwellings clustered on approximately 20.7 acres.

Present: Applicant Gary Densen; Dennis Quintal of Civil Construction Management; Property Owner: Dana Clay; Abutters: Lois and John DeYoung; Resident Stephen Galloway – not an abutter to this site.

Greenwood commented that site plan is usually more for commercial and this is residential but it was noticed as a site plan and also mentions cluster subdivision.

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

Quintal gave an overview of the project. A perimeter survey was done for the LLA. Gove Environmental has identified and flagged the wetlands and did the HISS map (soils). The proposed yield plan shows a conventional subdivision; 500' road into a cul-de-sac with each lot having 200' of frontage except around the cul-de-sac where it's 75', which is allowed. The building, wetland setbacks and steep slopes are all excluded from any buildable area. Lots 4, 5 & 6 in a conventional subdivision would have to disturb wetlands and require wetland crossings for the driveways and would require wetland permits from NHDES. The HISS or soils mapping shows enough soil for each lot, calculations are shown. Each lot would have plenty of room for a building. Septic setbacks would meet town and state regulations. The purpose is not to get approval for this plan, but to determine the number of dwellings that can go on this 20-acre parcel. The intent was to get 8 lots but it's only 7 buildable lots based on this yield plan.

Actual cluster lots: The 7 dwellings would be closer to Crawley Falls, clustered and leaving as much open space as possible. This plan shows the 7 buildings with limited common areas and the setbacks are 100' from property lines; the buffer zone around the entire property. There would be 3 driveways, the original layout during design review had 8 lots and had 4 driveways. This has 3 and 7 dwellings and two 4,000 sq. ft. for septic areas. There would be two shared septic systems with 3 units on 1 and 4 units on the other. There is a well in the back with a pump house and mechanical room (*shared well*) and a 125' well radius. The dwellings will be built in the existing field so as not to have to cut any more trees. Currently there would be about 19 acres of open space broken out with a percentage as there are some wetlands and uplands. 65% of the open space is uplands, above the minimum requirement. The title block needs to be added to the plan and review comments will need to be addressed. Sheet #4 shows the building footprint and type of dwelling Mr. Densen will build; each with a garage and a porch off the back. The buildings are 40' apart and 20' off the property line; separation is assumed to be at least 40'. On the plan, they've located the driveways in between large trees on Crawley Falls to help maintain the character.

Stevens said that the Fire Inspector, Jason Grant, had emailed comments regarding a 50' separation and proper turnaround for apparatus for the driveway if more than 150' in length. Quintal continued that this is only the first presentation and there will be changes. He expects to meet with the Fire Department and address all review comments from Glenn Greenwood, the Town Engineer-Steve Cummings and from SFC. Quintal continued the driveways are shown 14' wide, paved. Mike Cuomo of Rockingham County Conservation District (RCCD) witnessed the test pits. We tried to match the existing grades with the proposed contours. It does slope South to North, toward the wetland. Down slope from the development silt sock or silt fence for sediment control is shown. Proposed grades are shown, culverts under the driveways are shown and a treatment swale to capture the water before it goes onto

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Crawley Falls Road. Quintal had discussed with Mike Cuomo possibly changing the drainage near the septic areas to remove the proposed deep swale and just keep the field but deal with the drainage with catch basins and culverts. This would be better design. If a catch basin is added, the plan will reflect that detail along with other recommendations from the reviews. Also need to monument the common areas and add a signature block for the Town.

#3 of Greenwood's comments (*on file*) stated that there would be 3 access ways that are shared driveways; two driveways service 4 units and one driveway services 3 units. The current ordinance doesn't allow this configuration however an amendment proposal has been noticed for December 5th, 2019 that would allow such additional access ways to a cluster development, which is in effect until Town meeting vote. No final approval of this proposal could occur before the March 2020 vote. Greenwood said so if it's not passed, then a design change would be required.

Greenwood also mentioned a conflict in the cluster zoning ordinance that affects this proposal and is referenced in comment #11 in his review (*on file*); 300.002.007.005, 3 states "No construction shall be permitted within the buffer zone other than the primary access road...the amendment changes the language to say more than one accessway design could be allowed if the Planning Board finds it conducive. Section 300.002.007.004, E, states that natural surface drainage channels shall be either incorporated into the overall site design or shall be preserved as part of the required open space. The applicant proposes a grassed stormwater treatment swale within the 100' buffer at the front of the parcel. A conservative interpretation would be to require ZBA relief for this. The original intent of no construction would be so no permanent structures are built within the buffer zone. The intent was not that a grass treatment swale wouldn't be allowed but we're discussing concrete catch basins and culverts. The same for the driveways; a ZBA variance would most likely have to be considered. Normally there would be drainage with an access road and the ordinance allows an access road. But the stormwater management, if a grass treatment swale linked to catch basins and solid structures, a ZBA variance would be required.

Quintal commented that tonight was to present the design and won't ask for any final approvals until after Town vote in March. The interpretation may need to be reviewed. But there will be additional changes to the plans and is open to applying to the ZBA if necessary. Quintal asked if there was still time to change the zoning amendment proposal to include modifications to storm water. Greenwood agreed, there's time to have a second public hearing.

Greenwood went through his list of comments (*on file*). Highlights:

- Soils data should be peer reviewed by RCCD.
- Lots 4, 5 and 6 require wetland crossings with NHDES permits.
- Community water and septic and limited common area so condominium docs would need to be reviewed by Town counsel.
- Current cluster ordinance doesn't allow the proposed access but an amendment proposal has been posted for December 5th. No final approval of this proposal could occur before the March 2020 vote.
- The ownership of the open space is required to be in an HOA and the documents reviewed by Town counsel.
- Board may wish to review the detailed septic plans to confirm that no system is to exceed the 2500 gallon per day capacity in the cluster ordinance.
- Limited common areas should be laid out with metes and bounds.

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- #11 was already discussed re: conflict with accessway in ordinance.
- An elevation of the pump house should be provided and will it be lighted?
- The well accessway is only 10', does emergency personnel need to access?
- Is a fire pond or cistern required?
- Plans require a stamp of the licensed land surveyor.
- Plan needs PB endorsement block and impact fee endorsement block.
- Plan needs to include note 8.17 of Town's subdivision regulations.
- Electronic version of final plan to be provided.

Lois DeYoung had concerns about how much water is along Crawley Falls; the pond is right there and water is always coming across the road. Quintal said the drainage designs will help mitigate that; it would capture runoff and move it away to a swale or catch basin to direct the runoff from the site and away from the pond to eventually drain out to the large wetland. The culverts and drains will capture the water from the driveways and the street, will be a negative pitch away from the edge of pavement. Any water in the driveway will go into the drainage swale so the intent is to capture the water away from the street.

John DeYoung asked if the culvert at the North end of the property would be adequate for the increased storm water flow. Quintal replied typical subdivisions like this, the idea is to make equal the peak runoff. The watershed that feeds this culvert, when the rain comes down, it has to fill the wetlands, go through the weeds and eventually through this site and to the culvert. By the time the peak runoff from all of that land, 50 – 60 acres, and runoff from the roofs and driveways goes through the culvert, it's gone. That's shown in my drainage analysis. The peak is equal to or less than what the predevelopment runoff is so the culvert pipe is not compromised.

Galloway was concerned about water usage; lawn sprinklers at these units and was concerned about tree removal as he thought that this development was adjacent to his property and would be behind his house. Hamilton confirmed that Galloway was not an abutter to this project, just to the lot line adjustment portion only. Quintal replied there are 7 dwellings on 20 acres. Stevens added there's plenty of water on that parcel. Dana Clay confirmed he did a select cut to open the forest up but that's not where the cluster development is going. This cluster development was the best way to get the revenue he needs while minimizing the impact to the Town and keeping a large amount of open space. He owns 10 acres in the back and another 17 acres behind Galloways house and has no intention of developing it. Quintal replied to a question about 19 acres of open space that the cluster development would be within an acre. Quintal will address the review comments and meet with the Fire Department to address their comments. Any design changes may affect the 19 acres of open space a bit.

Motion made by Finan, 2nd by St. Hilaire, to continue the hearing to **December 19, 2019 at 7:00 pm**. All were in favor. Motion carried.

Board Business

The Board signed the manifest.

Jesse Elliot Subdivision - tax map 213.031; 230 Pickpocket Rd – original CA was granted on April 5, 2018. Conditional approval extension is set to expire on December 6, 2019 – A 6-month extension was requested on November 18, 2019 by Jesse Elliot to complete upgrades and repairs on the main property. If approved, the new CA expiration date would be **June 6, 2020**.

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Motion made by Bergeron, 2nd by Hamilton, to extend the conditional approval for the Jesse Elliot Subdivision for another 6 months. The new CA expiration date is June 6, 2020. All were in favor. Motion carried.

Bob Bent/ECS Site Plan - tax map 209.011; 326 Rte. 125 – original CA granted on June 20, 2019. Conditional approval extension is set to expire on 12/15/19. Applicant requests a 3-month extension due to NHDOT permitting comments that need to be addressed first. If approved, the new CA expiration date would be March 15, 2020.

Motion made by Bergeron, 2nd by Hamilton, to extend the conditional approval for ECS/Bob Bent for another 3 months. The new CA expiration date will be March 15, 2020. All were in favor. Motion carried.

Proposed Work Session for December 5th, 2019: The Planning Board discussed the water sampling program and decided to hold a work session with Danna Truslow and resident Bill Brown to further discuss the program and the nitrate testing concerns and to see if any changes in the sampling program are warranted. This work session will be posted on the December 5th Planning Board agenda and is open to anyone who would like to attend.

Stevens suggested a one pager from Danna for the meeting with what her points are and what she thinks Bill Brown's points are, that can be sent to the Board. Greenwood added we don't have concerns with her unless what we're doing is actually inadequate, in which case, we still don't have an issue with her, we just want to fix the program.

Brickhouse Motors Update: Rte. 125 at corner of North Road. Greenwood sent his letter to the state a week and a half ago and copied the owner and operator of Brickhouse Motors regarding their non-compliance in regards to no displaying of vehicles on site, which is in violation of their letter of intent to the Board and the State's Dealer Application. Bickum confirmed that both the owner, Henry Corey and Mike O'Neill had stopped by the office to say that they have found another location to store the vehicles. All vehicles were going to be removed by Wednesday, November 20th, 2019 per the owner, Henry Corey. Greenwood suggested to wait and see if the state will remove their license.

Approval of Minutes:

Motion made by Bergeron, 2nd by Hamilton, to approve the minutes of November 7th, 2019 as presented. All were in favor with St. Hilaire and Finan abstaining as they didn't have voting rights at that meeting. Motion carried.

Motion made by Bergeron, 2nd by Hamilton, to adjourn at approximately 8:45 pm. All were in favor. Motion carried.

Respectfully submitted,

Andrea Bickum
Administrative Assistant,
Brentwood Planning Board