

Brentwood Planning Board

Minutes

October 4, 2018

Members Present: Bruce Stevens, Chairman Kevin Johnston, Vice Chairman
Mark Kennedy Steve Hamilton
Jon Morgan David Menter, BOS rep
Lorraine Wells, Alternate
Town Planner Glenn Greenwood

Open

Chairman Stevens opened the meeting at 7:00 pm.

Motion made by Hamilton, 2nd by Johnston to give Wells voting rights: all were in favor.

7:00 pm: Public Hearings

7:00 pm: Continued Hearing: Site Plan Review: 21 Boylston Street, LLC - tax map 223.073

Barry Gier of Jones & Beach Engineers spoke on behalf of the applicant this evening. Also present were applicant Sal Ragonese and several abutters, and residents who were not abutters.

Gier said that after the site walk and concerns from residents and members of the Board, they changed the proposed driveway coming onto South Road to be a one way out, with no entrance off South Road. They increased the radius of the drive and the plan shows a stop bar and sign. He said they have addressed the items from Greenwood and Cummings. The 4 K reserve area is now shown, they have a state approved plan on file should they need it, and they provided photos of the existing building. The required Knox box note has been added to the notes and there will be 4 to 6 employees on site. Dump and pick up trucks will be on site and their hours will be 6 am to 7 pm. Gier said that per the ITE traffic generation manual, approximately 18 trips per day will be generated. The plan now shows the landscape buffer and they are aware they will need a sign permit. Gier said the stormwater management improvements are minor and he feels that bonding for this is not necessary.

Cummings comments were reviewed at this time (on file). Gier said they have a previously approved driveway permit, but can apply for a new one if needed. Test pits for the rain garden have just been completed, and they will submit them to Cummings so he can verify them. Gier asked for a conditional approval, based upon approval of the drainage plans by Cummings.

Stevens asked Greenwood about bonding for the drainage work, and he said he would defer that decision to the town engineer. Gier said he can provide a cost estimate to Cummings, and the two of them could agree on a cost, and whether or not it needs to be bonded.

Stevens said the information given by both Gier and the town engineer show that the driveway permit given has all the criteria that make that a viable exit for egress. Gier said there is 400 feet of site distance, saying anyone driving on Rte 125 will be able to see a truck entering or exiting the site, with sufficient room to stop. He said because of the concerns of both the abutters and the Board, they are proposing an exit only onto South Road. Morgan said he has no issue with the business at this location, but said the 125 and South Road intersection is scary, and this adds additional complexity. Stevens said this meets all standards required for a driveway, and asked if anyone had information that this was unsafe, he would like that put into the record; more than a personal opinion. Morgan said he does not have data, but said there have been multiple accidents here. Kennedy agreed that there have been accidents, but asked what caused them; driver error or the arrangement of the roadway. Morgan said there have been multiple accidents and he cannot, in good conscience, go along with this additional complexity. Stevens said while there have been multiple accidents over the years, it doesn't preclude travel in and out of this property. He continued by saying that at the site walk he saw that the town does a horrible job of trimming vegetation along the side of the road. Hamilton said that this is a horrible

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intersection, and this is going to make it worse. Snowbanks will shorten the site distance, and he said that drivers will still take the shortcut in and out of the site, and enter from this location. Stevens said that by engineering criteria, this is not dangerous, and asked for supporting data. Wells agreed with Hamilton that this is a dangerous driveway, and has safety concerns. Kennedy said denying this will take away property owner rights, saying there is no legal standpoint to stand on, the town has no legal defense. Stevens said they have a driveway permit that was previously issued; and they bought the property with that permit and the understanding that he has the right to use it. Hamilton agreed that the owner has a right to do this, but it is a bad idea, and the Board will come to regret it. Morgan said this is an elected Board and represent the people. Kennedy said there is no legal standing to deny this driveway. Hamilton asked if the Board has to rubber stamp this, because it is there, and Kennedy said the PB needs to follow the laws they created, and if they don't like it, create zoning to stop it in the future.

Greenwood said this is great discussion, and exactly why there is a Planning Board because they are supposed to extol their own viewpoints. He said that he is with Kennedy, but went on to say that no set of regulations can mediate every set of circumstance. Greenwood said the Purpose and Intent section of the site plan review regulations that take precedent here clearly state that the PB is required to "protect the public health, safety, and welfare; to promote balanced growth; to ensure sound site utilization". He has seen in court cases PB members brought to the stand to say exactly that; that they weighed all the evidence and came up with a decision on safety that they felt very comfortable with, and it did hold up. Greenwood said the PB guides themselves in this process on what they hear from experts. These plans are developed by an engineer, then reviewed by both the town engineer and town planner. He said this is a circumstance where there are honest disagreements. Greenwood said what he saw at the site walk, at 5 pm and from his perspective one of the busiest times of day, he was surprised at the low level of traffic. We were there about an hour, and he said at one time there was a que of 3 cars that took about 45 seconds to get out on the road. He said the Board needs to remember the applicant is proposing a very low level of traffic: 18 trips a day. That is about one trip per hour, and may on occasion two trips. Greenwood said it is important for the Board to consider this: that they take both sides of the equation here what is being proposed, and what abutters feel and their concerns. Greenwood said PB members who have lived here for 60 plus years have a right to say it is an unsafe intersection even if they are not pointing to a direct engineering quantification of that safety factor. Stevens said he applauds the applicant for relinquishing his right to use this access for ingress and just use it as a departure from the property.

Gier said this is a 1,200 square foot office building, and the town engineer previously approved the driveway location, and said between himself and the town engineer, both say it is safe for a driveway to both enter and exit. They have widened the driveway and are limiting it to be an exit only. He said they won't be blocking lanes or turning left coming off Rte 125 to the site.

Resident (non-abutter) Lyn Austin said the exit only does not lessen her concern for safety. Residents LaRoche and McConnell agreed. Stevens said this meets all the required criteria for a driveway allowance. Resident Doug Finan said there are about 34 homes along this section of Crawley Falls Road and said if the owner doesn't have access from South Road, the trucks could be going down Crawley Falls Road. He said that the owner is willing to make this an exit only with a sign, this may deter some of the safety issues, and putting them closer to 125 instead of going up and down Crawley Falls Road and creating another dilemma, might be something to look at. He said there is no guarantee on safety and to deprive someone who is trying to be conscientious and opening up access and being able to show that the trucks are able to make the turn might be something to take a second look at. Menter said if he is not granted this driveway, he will have to come out Crawley Falls, then right onto South Road at that intersection of Crawley Falls and South to the 125 intersection. He said he is better to come directly onto South Road from this driveway, right to the intersection. Menter said he has lived in town for 35 years, and was a police officer some of those years, and it is, and always was a bad intersection, and he (the owner) is not going to cause it. Owner Ragonese said his trucks with the trailers will be on the job sites

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mostly. He said he understands everyone's concerns and is trying to compromise. He bought the property with the driveway permit. He said if he doesn't have this driveway he will have to clear his lot so his trucks can turn around. He wants to keep the lot looking nice, and not clear it all.

Motion made by Kennedy, 2nd by Stevens to grant a conditional approval contingent upon the following:

1. Satisfy any outstanding issues from the town planner and engineer.
2. Establish a bond amount for stormwater management infrastructure, if needed, to be agreed upon by Gier and the town engineer
3. Receipt of a copy of the state septic approvals
4. Receipt of a new driveway permit.

Voting yes: Stevens, Kennedy and Menter. Voting no: Johnston, Hamilton, Morgan and Wells.

The motion failed.

Johnston said the issue is the traffic going onto South Road from this driveway and suggest that this hearing be continued to allow the applicant the opportunity to revise the plans.

Applicant requested a continuance to October 18, 2018.

Motion made by Johnston, 2nd by Wells to continue the hearing to October 18 at 7:00 pm: all were in favor. Gier thanked the Board for their time this evening.

New Hearing: Lot Line Adjustment - Greg Lambert & Sons Realty, Inc., tax map 209.065 and tax map 209.066.

Paperwork is in order and abutters legally notified from the list provided by the applicant. Board needs to invoke jurisdiction.

Motion made by Morgan, 2nd by Menter to accept the application.

Chris Tymula of MHF Design Consultants, Inc spoke on behalf of the applicant this evening. Property owner Norman Lambert was present. There were no abutters.

Tymula said the lot line adjustment does not change the size of either lot, that there is a footbridge on lot 66 that they want to transfer to lot 65. Town Engineer Steve Cummings provided a letter stating that he had no concerns with this proposal. Greenwood's comments that deeds for the newly configured parcels must be provided to the PB and the PB signature block be added to the plan.

Motion made by Hamilton, 2nd by Kennedy to grant a conditional approval to February 7, 2019, contingent on satisfying Greenwood's two comments: all were in favor. Tymula thanked the Board for their time this evening.

Bob Bean, Scott Barthelemy Marghi Bean of 3 Maples Renaissance Corp. were in to speak with the Board regarding the Barthelemy lot in Brentwood, referenced by tax map 201.010. This has no frontage in Brentwood, and the parcel continues into Fremont. They hold their NH Renaissance Faire on the Fremont portion and would like to expand the use onto the Brentwood side. The Brentwood land is split into both the commercial and the residential zone, and Greenwood said putting this all in the commercial zone, to the Fremont down line will not take away any rights for residential use, and recommends this change. He has prepared a zoning amendment that the Board will discuss in the coming months, to be put on the March 2019 ballot. Members all agree that this is a good change, and will go forward with the hearing for this amendment. 3 Maples thanked the Board for their support for this change.

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Board Business

Creative Storage (map 209.018) would like to merge the proposed buildings numbers 3 and 4 into one building, from their preciously approved site plan. The plan brought to the last meeting was incorrect, so the correct approved plan, as well as their proposal were given to the Board this evening. Greenwood recommends PB approval and that this does not require any formal review by the Board.

Motion made by Johnston, 2nd by Hamilton, that no further site plan review is necessary, and to approve their request: all were in favor.

Have a request from the DMV Inspection Desk, asking if Musso Mill works (tax map 217.002) can hold an inspection license at their location. This is a previously approved use.

Motion made by Hamilton, 2nd by Wells to approve the use and have Stevens sign the form for the DMV: the motion carried with Johnston abstaining.

Motion made by Hamilton, 2nd by Wells to approve the September 20 minutes. All were in favor.

Motion made by Hamilton, 2nd by Stevens to approve the site walk minutes of September 24: all were in favor.

Motion made by Hamilton, 2nd by Johnston, to adjourn at 8:30 pm: all were in favor.

Respectfully submitted,

Kathy St. Hilaire
Administrative Assistant,
Brentwood Planning Board