

Brentwood Planning Board

Minutes

June 1, 2017

Members Present: Bruce Stevens, Chairman Kevin Johnston, Vice-Chairman
Bob Mantegari, BOS rep Mark Kennedy
Steve Hamilton Matt Bergeron
Jonathan Morgan Glenn Greenwood, Circuit Rider Planner

Chairman Stevens opened the meeting at 7:00.

Public Hearing

New Hearing: Work to be done on Rowell Road East, a Scenic Road.

Present for this hearing were Selectman Ken Christiansen and numerous residents, most from Rowell Road.

Stevens said the Board of Selectmen requested this hearing as required by state law, for work to be done along Rowell Road East that will include the removal of necessary trees. Mantegari said the town will be removing some trees in relation to grading the roadway and improving drainage. The trees are coming down due to safety or disease, and the road will not be paved. Stevens said he drove out to the site and saw the trees that need to be removed, saying the trees are right up to the travel lane of the road and said the town is going to improve the drainage and will regrade. Greenwood also had visited the site and provided his comments that Stevens read for everyone. In part, Greenwood said that if the selected trees were not taken down it would limit the ability to grade uniformly and that at least three trees are located on a steep bank and would likely collapse.

Jeff Donald asked what work was being done to improve drainage and Stevens said he believes they will create a crown and the trees are where the ditch line needs to be, right at the edge of the travel lane and are a safety issue. He said they will not be removing any stone walls. Donald asked if the trees have encroached onto the road, or has the road gotten wider and Mantegari said the BOS has received complaints of trees encroaching into the roadway. Donald asked about the road width and Stevens said that there has been no encroachment onto private land, properties along this way have been surveyed and marked as they were subdivided. Mantegari said they will be re-grading the road and putting in ditch lines, and that will require removing some trees to make the road appropriate to drive up and down and passable. Christiansen said that back in April the Hawksley's told the BOS that they had to drive through mud ditches to get to their homes and Christiansen said it is absolutely necessary that they have access to their homes without going through the mud. He also said that at this time the road will not be paved, but will be up for discussion at next year's town meeting. Emily Schmalzer said she didn't know how they could even talk about this if they don't not know the legal width of the road and Stevens said it is clearly marked with the stone walls and markers, and St. Hilaire said there are surveyed subdivision plans that start out at Pickpocket Road, and the road agent has copies of those plans, that show the boundaries along the road. Stevens said the PB would never allow a subdivision where they would encroach onto the right-of-way. He said the RSA does not give the town any rights onto private property, they can only work within the right-of-way. He said this more about creating a safe environment where the road will stay in somewhat stable condition with proper ditch lines.

Laurie Loosigian asked about the root system when the trees that are on a hill are removed, and Stevens said they would most likely cut the roots, and not disturb any stone walls. She said the road has gotten wider and wider, saying the road is encroaching into the trees. Stevens said every road has to have a crown so that the water will run away from the road surface. Loosigian said they are digging deeper and wider into the edges,

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and Stevens said that is what they are doing, to provide ample space for the ditch line and a place for the water to run.

Kate Bonafede, who lives on Rowell Road, is concerned about one tree that is marked to come down that is in front of her stone wall. She said it is a large maple and the roots are into the stone wall, and the stone wall will collapse into the road if the tree is removed. She said with the grading done, the roots are being exposed in the road. She objects to the removal of this tree, saying it is degrading the scenic route and the stone wall. She said her second concern is making the road wider and cars going faster along here, and the safety concerns. Stevens said they are not making the travel portion wider, they are lowering the ditch lines.

Mike Latham of Rowell Road said the road has lowered over the years almost 2 feet. Hamilton suggested that Bonafede talk to the road agent regarding the tree. Christine Wellington said they have lived here for 20 years, and there is no question that the trees have grown into the road. She said the water runs down the center of the road because it has nowhere to go, it has to go around the trees, so every time it rains, it makes a ditch down the center of the road. Mike Wellington said people want to blame someone, when they plow in the winter gravel gets moved, thus the road is lowered. He said he wants the road improved, he would like the road graded and the trees removed so he can leave his driveway after a heavy rain without "bottoming out", saying he agrees with Mantegari's presentation. Stevens said the PB is only giving approval of what the BOS are asking, and suggests residents speak with the road agent to see if there are options with the maple tree. He said the PB are here to approve what the BOS are asking for, not telling them to take them out. Ward Byrne agrees with Wellington, and also said the Bonafede stone wall will collapse if the tree is removed. He doesn't think that there is room for a ditch line on both side of the road, but on one side and the town should consider pitching the road. Stevens said that the town would repair any stone wall that they disturb. Joan Pratt said she owns land all along the south side of this road that is in conservation easement, and she wants to make sure the town realizes it is monitored, and the gravel runs all down the side, pushes over the stone wall and into the vernal pool, and that changes the vernal pool. Stevens said that the grading should improve that and eliminate a lot of the erosion. Morgan asked if anyone had concerns about other trees that have not been discussed and Loosigian said the trees have been there for a long time, and some are damaged and will die, and what will happen to the others? Stevens said they are damaged from the wing plow because it is such a constrained space.

Motion made by Johnston, 2nd by Hamilton to approve the request for the removal of trees as necessary, and send a letter to the Board of Selectmen of the approval and the concern expressed of the removal of the maple and its effect on the stone wall. William Hawksley said all the trees being talked about are absolutely a safety hazard, the road is too narrow for emergency vehicles to pass oncoming vehicles. The motion carried by unanimous vote.

Road Agent Wayne Robinson arrived at this time. Stevens said the vote has been taken, and the minutes will be available, and told Robinson that the PB voted to allow the trees to be removed and asked him to look at a particular tree on the north side of the road (maple) as there is concern about the stone wall. He said that the concern is the stone wall; it has to remain and cannot be knocked down. Robinson said when they plow this road, the wing hits this tree. Bonafede asked what her next step was to prevent the tree from being cut down and Stevens said he didn't know if she could prevent it. He said the BOS will not allow the stone wall to come down, they will put it back if necessary. Stevens was asked if an engineer would be looking at the road and over the next year come up with a plan as to how to fix the road, and Stevens said the PB can't speak to that,

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that is a question for the BOS. Robinson said that he had John Bell of Bell and Flynn give him an estimate to fix the entire road right, and that was \$200,000, and that included asphalt. Stevens said that is not part of tonight's discussion, and that the PB has voted. He thanked all for coming and said they are welcome to stay as the PB moves on with other board business.

Dave Roberts and Pearla Phillips were in to talk with the Board about opening a training facility on Roberts property at 335 Rte 125 (209.014). He said he does not see this as a change of use, but rather an additional use. His most recent hearing was for the brew pub and coffee kiosk, and that has been conditionally approved by the board, and this additional use would be for a health and fitness facility, owned by Phillips. He said this was informally presented to the Board by Greenwood, on Roberts behalf, and at that time the PB requested a FD review. Roberts has had that done and the review letter is on file. He would comply with the FD requirements, and is requesting that the Board see the fitness facility as an additional use as there are multiple uses at his site, and this is less intense than the brew pub. The FD review covers the fitness and brew pub, and said, in part, that there would need to be a 2-hour fire separation between the front and rear of the building (brew pub in front, fitness in back). Greenwood said Roberts is asking the PB to not require a site plan review, as this is not a change, but an additional use. Stevens said that the PB could allow this, but make it clear that any future expansion or uses would require a new site plan review. This use will still need approvals from the building inspector and the FD.

Motion made by Johnston, 2nd by Bergeron to allow this additional use, with the understanding that any future expansion or uses will require a formal site plan review. The motion carried with Kennedy voting no. Roberts thanked the Board for their time this evening.

Board Business

The Board is in receipt of a letter from the DMV asking if Motion Performance LLC can hold a dealer and inspection license at 351 Rte 125 (208.078). The same request from another business at this location was approved in 2014.

Motion made by Hamilton, 2nd by Mantegari to approve the use and authorize Stevens to sign the form: all were in favor.

Members received copies of the first surface water sampling done by Truslow Resource Counseling. Truslow will be asked to meet with the Board later this year after the second sample has been done.

Motion to adjourn at 8:10 made by Hamilton, 2nd by Mantegari: all were in favor.

Respectfully submitted,

Kathy St. Hilaire
Administrative Assistant,
Planning Board