

Brentwood Planning Board

Minutes

February 3, 2022

Members	Bruce Stevens, Chairman	Mark Kennedy
Present:	Jon Morgan, BOS rep	Doug Finan
	Kevin Johnston, Vice Chair	Paul Kleinman
	Kristin Aldred Cheek	Alternate, Brian West – Not Voting
		Town Planner, Glenn Greenwood

7:00 pm: Open Public Hearing: Chairman Stevens opened the public hearing at 7:05 pm.

7:00 pm: Continued Subdivision Application: Applicant S & H Walker Woods Holdings, LLC; Owner: Debra Sanborn. Intent is to subdivide lot 206.090.002, a 24.48-acre lot, into two buildable lots. Property is located on Deer Hill Road, Brentwood, NH 03833, in the residential/agricultural zone, referenced by tax map 206.090.002.

Present: Tim Lavallo of James Lavallo Associates for the applicant. No abutters were present.

Lavallo said PSNH sent a JUA (Joint Use Agreement) that Debra Sanborn has signed and sent back to PSNH. It hasn't been recorded yet; PSNH will record it. Monuments have not been set yet, waiting on the JUA. Those monuments can now be set, and he is looking for conditional approval tonight.

Greenwood didn't have any new comments, but his prior comments hinged on the JUA (PSNH) agreement and the location of the driveway. Lavallo said the proposed driveway is on its own lot (90A) now and runs down through the PSNH easement. As it goes further back it comes out of the easement, alleviating the need for a shared driveway. Greenwood asked is it 10' off the property line along the entire distance of that driveway? Lavallo replied no, only as it comes in and then out from the easement, there is more latitude. The easement is at an angle from the lot line so it's only in the PSNH easement for about the first 100'.

Greenwood said the regulations say not within 10' but they are doing this because of the existing easement. Stevens suggested Lavallo draft a waiver request for this. Greenwood explained that the subdivision regulations require that a driveway be offset from property lines by 10'. At the entrance they meet that but because of the PSNH easement that sits on the property, it hugs the boundary line and because the Board didn't want them to do a shared driveway, a waiver request seems to be appropriate; Stevens agreed.

Lavallo submitted a handwritten waiver request from the subdivision regulations Addendum C, Section 3, A, 1 to allow the driveway be closer than 10' to the property line. Greenwood read the subdivision regulation on page 52: **SECTION 3 - CONTENTS OF APPLICATION AND PERMIT** *A written construction permit application must be obtained from, filed with and approved by the Planning Board's agent before any construction or alteration work is commenced.*

A. All said applications shall:

*1. Describe the location of the driveway, entrance, exit, or approach. The location shall be selected to most adequately protect the safety of the traveling public. **Driveways shall be placed no closer than 10 feet from a property line for newly created lots.** The location of driveways as they exist in 2010 on existing lots are not required to be changed to meet this standard, nor does improvement to driveways existing in 2010 result in the need to meet this standard. (1/6/2011).*

Greenwood continued it should be made clear that the reason that this waiver would be considered viable is twofold; 1) The Board asked that there not be a shared driveway for these two lots and wanted independent driveways. 2) The easement that exists on the subject lot 90-A, prohibits that driveway

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from being 10' off the property boundary at a distance of about 100' and this waiver would allow the placement of the driveway on the property but within that 10' required area in order to stay out of the PSNH existing easement. This driveway does meet the separation at the property boundaries but as the driveway goes into the lot, it needs to be closer than 10' to the property boundary to stay out of the easement that already exists on the land.

Motion made by Morgan, 2nd by Finan, to grant the waiver from the subdivision regulations in addendum C, section 3, A, 1 to allow the driveway for lot 90-A to be closer than 10' from the property line per the explanation by Greenwood above. All were in favor. Motion carried.

The Board discussed the conditions for a 120-day conditional approval to **June 3rd, 2022.**

- Satisfy all of Greenwood's comments from letters dated 9/22/2021 & 11/17/2021.
- Receipt of a copy of the recorded PSNH JUA (Joint Use Agreement) for the file.
- Receipt of the certificate of monumentation.
- 2 copies of final plans and final plans on removable electronic media PDF & DWG format (*thumb drive or CD for the file, along with a PDF via email*).
- Add the impact fees for 2 lots for \$9,386 each on plans and mylar.

Motion made by Johnston, 2nd by Morgan, to grant a 120-day conditional approval to **June 3, 2022**, for S & H Walker Woods Holdings, LLC subdivision application with the conditions stated above. All were in favor. Motion carried.

7:00 pm: Continued Site Plan Review Application: Applicant/Owner: The Mastriano Group, LLC. Intent: A proposed parking lot for auto sales. Property is located at 180 Route 125, Brentwood, NH 03833, referenced by tax map 216.028.000 in the commercial/industrial zone.

Present: Tim Lavallo of James Lavallo Associates for the applicant. No abutters were present.

Lavallo gave an overview. This is on Route 125 with two existing buildings; one is "Everything Pets", a doggie daycare and the other is an existing dwelling which will be utilized as a dwelling and a sales office for an auto sales lot on the site. There was extensive review on the drainage, and they received a letter from TEC. Greenwood's comment regarding the septic systems, on sheet 4 of 5, the septic system for the dwelling wasn't shown on the plan. The existing doggie daycare has its own system, and the house has an existing system behind the house. Two separate septic systems but the buildings have a shared well.

Greenwood added the plan needs a note indicating the placement of an emergency key box. Lavallo said the last item was a NHDOT permit, it's just been applied for, so it could take 90 days. Stevens commented on the plantings. Greenwood said that was addressed. Lavallo said there are 3 Gingko Bilboa trees proposed on the plan as discussed on the site walk. Morgan said they are big trees. Lavallo said he was told that those trees don't have low hanging branches to block the display.

Board discussed TEC general comments: 1) Bond for erosion control. Stevens said for digging and re-grading. The Board discussed a bond for erosion and for tree plantings. A \$5,000 dollar bond was recommended. 2) NPDES permit submitted to the Town prior to construction. Greenwood said they would have to do that anyway, a non-point...it's a Federal EPA permit. Lavallo said it's part of a stormwater SWPP (stormwater protection plan) submittal. In this case, you don't apply for it, you just notify them that you're there. Stevens said there's no pre-post development flow of any water there. Lavallo said technically anyone that re-grades a driveway or puts a new house in, they are supposed to do that. Kennedy asked if anyone inspects that. Greenwood said at any time the Town or Federal government could ask to see it so it should be on file. It could be requested at any time, and it's required

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for the construction process and if TEC does a construction meeting, Chris will go over that with them. There's not a lot of construction on this site since there is no building construction. It's an approval for a parking lot. The Fire Department probably reviewed this already.

Stevens suggested that a pre-construction meeting requirement note be on the plan in case this was sold after approval. Lavalley agreed to add that note to the plan. Finan asked is that open seven days a week from 9 – 7? Lavalley said originally the hours were incorrect and that's been updated to 9 to 7 pm Monday – Sunday. They left Sunday in but most likely wouldn't be there all day on a Sunday.

The Board discussed the conditions for a 120-day conditional approval to **June 3, 2022**.

- Satisfy all of Greenwood's comments from the letter dated 2/02/2022 including:
 - Show emergency key box on the plan.
 - Supply final plans on removable electronic media.
- Satisfy all of TEC's comments (including general comments) from letters dated 11/11/2021 and 2/03/2022 including:
 - NPDES
 - Approval letter from Brentwood Fire Department.
- NHDOT driveway permit
- Add a note on the plan that a pre-construction meeting is required for any construction with TEC prior to any construction activity.
- \$5,000 bond (LOC or cash bond only) in place per TEC's general comments before the mylar is signed.
- \$2,500 in additional escrow funds to be received prior to recording the mylar/s, replenished as necessary.
- 2 copies of final plans and final plans on removable electronic media PDF & DWG format (*thumb drive or CD for the file, along with a PDF via email*).

Motion made by Kleinman, 2nd by Johnston, to grant a 120-day conditional approval to **June 3, 2022**, for The Mastriano Group site plan application with the conditions stated above. All were in favor. Motion carried.

Board Business:

The Board signed the manifest.

MacPherson Firearms Update: MacPherson Firearms at 388 Rte. 125 208.016. Bickum said ATF confirmed it's the same license that he currently holds as the Castles location (Rte. 27). Previously the Board recommended an amendment to site plan application, but manufacturing could be changing out a trigger for example. ATF supplied reports that Greenwood reviewed that showed MacPherson worked on about 16 guns under manufacturing last year. Stevens said if he adds a site or makes a change to a gun; but his operation at the Castles is only as big as this room. Bickum said it would be retail/sales/manufacturing. Bickum read Greenwood's email dated January 26th, 2022, to Vinny Gillis of MacPherson, Jessica Kenerson of D&H Realty (owner) and James Diozzi with ATF:

Good morning, all:

With review and clarification that the permit being sought is the same that is issued for the MacPherson Firearms site on NH Route 27, I will be advising the Planning Board at their next meeting on February 3rd, that no additional review is required by the Town. I anticipate that they will concur with this recommendation but as I am only their advisor it is possible that they may disagree with me. Either Andrea or I will let you know the decision of the Planning Board right after their meeting. Additionally, if the site is actively looking for pure manufacturing enterprises to fill the units an amendment should be undertaken for the approved site plan because the current approval only indicates retail and office use.

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Regards, Glenn Greenwood, Brentwood Town Planner / 603.642.6400 extension 117

Greenwood suggested that ATF receive a copy of the minutes saying the Board concurs that the permit is viable for that site. Stevens said MacPherson is not really manufacturing. Kennedy said it's more how ATF classifies it. Greenwood added with every gun sale, there could be something done to that weapon that would qualify it as manufacturing; this was a misunderstanding on what ATF means when they say manufacturing. Stevens agreed. Finan asked who issues the permit, ATF? Greenwood confirmed that it is an ATF permit/license and thought it was an annual permit as they keep annual records; ATF only contacted the Town to verify the zoning; he's not manufacturing weapons like Q. The permit he receives from ATF is limited, it's not making new guns, it's customizing weapons that he sells. Bickum will email Mr. Diozzi with ATF the draft minutes.

The Board discussed a **DMV retail dealer request** for Roland Burke, Burkes Trucks for 72A Rte. 125, tax map 217.023. Bickum reviewed the tenant history at the site and a number of auto sales, inspection and dealer DMV permits have been issued there in various units at the 72, 72A, 72B, 72C addresses and there have been approximately 17 prior permits there. Bickum had called DMV to clarify if there was any stipulation regarding only one dealership at a time at a location and DMV confirmed that if the units have a permanent wall between them, there can be more than one dealer; DMV enforces that. Stevens said this is more of a sales office. Bickum said Aspire Motoring, LLC is in unit B and Burkes Trucks would be in 72A; same uses as previous tenants. Board agreed. The chairman signed the DMV permit application approving the appointment. Bickum will email the approved application to the DMV.

2 Bond releases & a LOC reduction request reviewed and recommended by TEC: The Board discussed.

1. **Cash Construction Bond: Country Fields; KG Realty, LLC** (Gary Densen), 109 & 113 Crawley Falls Rd; tax map 217.009. TEC recommends the full release of the cash bond of \$26,488 plus any accrued interest to be returned to KG Realty Holdings, LLC, closing the account. Bond was for all the groundwork that has been completed (*not for any construction*).

Motion made by Aldred Cheek, 2nd by Morgan, to release the cash bond for KG Realty Holdings, LLC "Country Fields" in the amount of \$26,488 plus any accrued interest, closing the account. All were in favor. Motion carried. The chairman signed the cash bond release request for the BOS and treasurer.

2. **Cash Construction Bond: Route 125, LLC** (ECS-Bob Bent) 326 Rte. 125; tax map 209.011. TEC recommends the full release of the cash bond of \$22,000 plus any accrued interest to be returned to Route 125, LLC, closing the account. The bond was for silt soxx, misc. items, and the detention ponds.

Motion made by Morgan, 2nd by Finan, to release the cash bond for Route 125, LLC "ECS" in the amount of \$22,000 plus any accrued interest, closing the account. All were in favor. Motion carried. The chairman signed the cash bond release request for the BOS and treasurer.

3. **LOC Brentwood ROH-14 lot Cluster Tanya Lane off of S. Rd.;** tax map 224.006. Bond reduction of \$271,925 from Jones & Beach requested for completed construction items (letter on file) reviewed and recommended by TEC. Bickum said the original LOC amount was to be \$663,327.50 but Haverhill Bank rounded up, so the LOC issued is actually for \$663,328.00 less \$271,925.00 leaves a new LOC amount of \$391,403.00 remaining.

Motion made by Morgan, 2nd by Finan, to reduce the original letter of credit (\$663,328.00) for Brentwood R.O.H., LLC by \$271,925.00, leaving a new LOC amount of \$391,403.00. All were in favor. Motion carried. The chairman signed the LOC reduction request for the BOS and treasurer. Bickum to send back to Haverhill Bank.

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RPC: The Board discussed RPC's email regarding a path to update master plan chapters in 2022. Bickum said the Board approved doing a Transportation Chapter and spoke about a Visioning Chapter or an Economic Chapter; PB budgeted \$5,000 in funds. Greenwood added that RPC has about \$3,500 to \$4,000 of Federal Transportation funding to help develop the Transportation Chapter. Bickum read the email from RPC (on file):

Hi Andrea,

The purpose of this email is to outline a path forward for the Brentwood Master Plan Update and provide the Town with the most value within the budget of \$5,000.

The RPC suggests the following approach:

- 1. Begin with a visioning effort.*
 - a. Conduct outreach through an online survey.*
 - b. Coordinate all boards to establish a vision for the community*
 - c. Draft a vision statement and chapter*
- 2. Develop a Transportation Chapter*
 - a. Collect background transportation data and research existing documents as necessary*
 - b. Conduct additional outreach as needed*
 - c. Complete the Transportation chapter*
- 3. Provide guidance on next steps towards an overall master plan update framework.*

This work would be completed using a combination of Brentwood and RPC sourced funds. At the end of the process, you will have a draft vision chapter and completed Transportation chapter as well as a framework with a recommended outline to completing the overall update of the Master Plan. The next step is to develop a more detail scope of work to establish timeframe, number of meetings and list of deliverables. I'll look forward to hearing from you. Tim Roache, Executive Director - Rockingham Planning Commission 156 Water Street / Exeter, NH 03833 / Direct line: 603-658-0518 / RPC Main line: 603-778-0885 / troache@theRPC.org / www.theRPC.org

Stevens would like Greenwood to coordinate with RPC; be involved. Greenwood said the steps proposed are spot on and RPC will pay half of a Transportation chapter. Data would include accident data, traffic volume, ten-year plan, bridge reconstruction projects, section on scenic roads, anything transportation related would be discussed in that chapter. The Board discussed waiting until after Town Meeting to make sure the budget is approved before authorizing expenditure of funds. Stevens suggested that RPC could provide a letter of commitment and "save space" to start working on Brentwood at the end of March. Greenwood said state statute lists the required chapters for a Master Plan: Visioning, land use section and future land use section. A visioning survey is expansive. Stevens said an economic development chapter can happen later. Bickum added there is a separate line item in the PB budget but maybe it would be beneficial to gather more data first. Bickum confirmed a letter of intent from RPC to start after Town Meeting making sure the budget has been approved and one meeting for RPC to present a draft and a 2nd meeting to review revisions and/or a final proposal. Bickum and Greenwood to draft a response to Tim Roache of RPC next week.

Aldred Cheek said RPC is looking for a Brentwood representative (2 positions) and is interested. Bickum to draft a letter to the BOS that the Planning Board recommends Aldred Cheek as a Brentwood representative to RPC.

Finan mentioned the Kingston economic meeting and the economic development committee meeting regarding the zoning along 125, and if it's viable to change the commercial/industrial setbacks and/or zone line; some are only 500'. Stevens said this will tie in with Glenn's research over the next 60 days when he looks at the soil types in those areas. Kennedy said it would need to be looked at lot by lot and the intent years ago was to keep commercial away from residential. Stevens said but at the same time economics may drive changes, some of the gentrified houses along 125 may go away in the future.

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Greenwood said Bickum emailed him a copy of the Natural Resource Inventory from 2007 and he will email it around. Morgan said the economic development committee will also be working with the UNH MBA program to receive a faculty advisor and an intern or a team of interns for 6-8 weeks to help them. Stevens suggested a work session to review maps etc. A Planning Board workshop was discussed for Thursday, March 31, 2022.

Approval of Minutes: January 20th, 2022

Motion made by Aldred Cheek, 2nd by Johnston, to approve the minutes from January 20th, 2022, as presented. All were in favor. Motion carried.

Motion made by Morgan, 2nd by Aldred Cheek, to adjourn at approximately 8: 20 p.m. All were in favor. Motion carried.

Respectfully submitted,
Andrea Bickum,
Administrative Assistant,
Brentwood Planning Board