

**Brentwood Planning Board
Minutes
June 17th, 2021**

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

7:00 pm: Open Public Hearing: Chairman Stevens opened the public hearing at 7:00 pm and the Board introduced themselves.

Continued Site Plan Application: Applicant/Owner: Brentwood Park LLC. Property is located at 335 Route 125, Brentwood, NH 03833 in the commercial/industrial zone, referenced by tax map 209.014.000. Intent is to review site plan changes of use on the site.

Present: Owner Dave Roberts of Brentwood Park, LLC. No abutters were present.

Roberts supplied a revised “as built” site plan to the Board with updates: The fire lane is delineated, front display area setback, a note for vehicle sales are with no more than 12 vehicles is noted and the 25’ perimeter setbacks are shown. The Board discussed the revised plan.

1. The vehicle display area should be on the South side of the Driveway. Have surveyor fix this and use an area block to show the vehicle display area, 100’ square for 12 vehicles.
2. Show a “proposed use” on the North side of the driveway. If to be a future display area (not for vehicles), put block on the plan and label it future display.
3. Add the hours of operation from 6 am to 10 pm to the plan.
4. The formerly approved “coffee kiosk” will be a vehicle sales office. Roberts stated that Nick Mancini has a used truck business and has been waiting for the approval.

Roberts supplied a list of about 10 permits, half are electrical, that had been pulled in the past. He also submitted an estimate/quote from Blue Brick Electric, Inc. (on file) to the Board. Roberts said his electrician identified a few areas where lights had been moved and junction boxes didn’t have covers. The panels and wiring are all good. Stevens commented that this is just an estimate/quote for \$13,000 and read: *Go through five outbuildings and make electrical repairs where necessary. These repairs may not satisfy local Building and wiring inspectors. More repairs or addition of emergency/exit lighting may be needed. It is highly recommended a walkthrough be arranged with the local AHJ (inspector) before proceeding with any work. This estimate can be revised after a walk through has been completed.* Roberts said his electrician did a walk through and pointed out the deficiencies. Stevens said this doesn’t say what the deficiencies are, and it seems like there is still work to be done. Roberts agreed and said this estimate was all he received. The buildings have Romex, but the code is vague on when it has to be converted to the metal armor shield. The Board discussed and suggested that Kaiser’s licensed electrician agent could work with Kaiser to inspect. Roberts is to contact Kaiser to coordinate when both electricians can do a walk through together.

Greenwood said Roberts brought in MSDS (*Material Safety Data Sheets*) on 6/16/2021 and Roberts presented additional MSDS sheets to the Board. Stevens said MSDS sheets are just an explanation of best management practices and would like SFC to do a peer review of the data sheets and a site inspection. Roberts agreed to use the remaining fire consultant application funds for SFC’s review and confirmed that the electrical inspection would be added too. Bickum to email MSDS to SFC.

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The Board discussed the road worthiness of other vehicles on the site. Roberts said the junkyard statutes are vague, but he is not a junkyard. There are 4 vehicles there without license plates on them and by Monday, there will be two, the state requirement maximum. Kennedy thought that you could have any number of antique vehicles over 25 years old, but they had to be kept inside, not behind a fence or in general view of the public. Stevens suggested a list of registered and inspected vehicles for the next meeting. Roberts said he is proposing an 8' high stockade fence on the North side of the boundary.

The Board discussed engaging Town Counsel to review the zoning ordinance and state statutes to establish what the Town's position is on what constitutes a junkyard and what is enforceable. A fenced in area with junk cars is a junkyard in Steven's opinion. Greenwood suggested removing the vehicles. Robert's is not looking to apply for a license to be a junkyard and may have to eject those with project vehicles. Stevens said the Board hasn't researched this enough but by the time Roberts has the electrical inspection and SFC's review and chemical inspection done, the Board should have Town Counsel review junkyards to give a more definitive direction.

Summary of the Board's discussion and to do items for the next meeting (*August 5th, 2021*):

1. Roberts is to contact Kaiser to help coordinate when both electricians can do a walk through together as the electrical estimate/quote didn't show what the electrical deficiencies are.
2. Bickum to email MSDS data sheets to SFC to review and then SFC can schedule a site inspection.
3. Robert's is to supply a list of vehicles that are registered and how many are inspected to meet the criteria for being road worthy.
4. Greenwood to reach out to Mitchell's office on behalf of the Board for Town Counsel's guidance on Junkyards to give Robert's more definitive direction at the next meeting.

Roberts also submitted a highlighted plan showing the fire egress doors that SFC had recommended from their comment letter dated May 4, 2021, to keep on file as well as a history of the uses on the site.

Motion made by Kennedy, 2nd by Finan, to continue the public hearing for Brentwood Park, LLC to August 5th, 2021, at 7:00 pm at the Town Office. All were in favor. Motion carried.

Site Plan Review Application: Applicant/Owner: 21 Boylston St., LLC. Property is located at 102 Route 125, Brentwood, NH 03833 in the commercial/industrial zone, referenced by tax map 217.025.000. Intent is to construct an approximately 8,000 sq. ft. building for use as a contractor's garage and storage with associated parking and infrastructure.

Present: Barry Gier of Jones & Beach Engineers, Inc.; Sal Ragonese of 21 Boylston St., LLC.

Abutter's present: Chris Carmody, 106 Crawley Falls Road.

Motion made by Morgan, 2nd by Finan, to invoke jurisdiction to accept the application as complete. All were in favor. Motion carried.

Stevens said the applicant presently has a conditional approval for a site plan (*for parking*), but he never posted the bond, and it isn't a permanent approval. It would be cleaner to withdraw the older application. Gier wanted to wait to see if the Board would approve this current proposal before withdrawing the other because if the Board denies this project, the applicant would need to resubmit.

Gier gave an overview. It's 2.42 acres in the commercial/industrial zone. The existing site is undeveloped, and it previously contained a residential mobile home that was removed years ago. The

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owner previously got a conditional approval to change it to a commercial use and for a construction storage yard, (*parking*) which hasn't happened yet. The intent of this current plan is to construct an 8,000 sq. ft. building for use as contractor garage with associated drives and parking. A steel building with garage doors, a warehouse type scenario, serviced by on-site well and septic. Stormwater will be collected in swales along the sides of the building and directed to an infiltration basin on the West side of the parcel. There is a wetland in the back and there is a 100' setback from it. There will be interior bays, eight (8) 20 ft. wide bays that would be sublet to different occupants. Mostly for electricians or plumbers to store materials, equipment, and park trucks there. No outside storage. Parking of construction equipment and trailers outside. Lighting will be wall packs on the building to light the drives and parking in the front; cut sheets are on sheet 2. They are looking into possibly a mezzanine. Greenwood confirmed the parking requirements for this use is low.

Abutter Carmony was concerned about the hours of operation and storage of hazardous materials. Aldred Cheek read a letter received from abutter Conrad Magnusson who is ok with this proposal (on file).

Summary of Board's discussion with to do items for the next meeting (July 15th, 2021):

1. Gier to address the comments from Greenwood and TEC and update plans for the next meeting.
2. Add a note to the plan regarding no unregistered, non-road worthy vehicles be stored on the site.
3. Show the septic design/facilities and 4K area on the plan.
4. Add hours of operation to the plan.
5. A new or revised NHDOT driveway permit is required due to a different configuration of the existing permitted driveway.
6. Provide a list of tenants and type of activities for Fire Dept. inspections. Gier suggested this be part of a conditional approval so they can obtain tenants first. Stevens said uses and acceptable practices would be spelled out in a lease.
7. Gier to have his applicant withdraw the previous conditionally approved application at the next meeting.

Motion made by Kennedy, 2nd by Finan, to continue the public hearing for 21 Boylston Street, LLC, to July 15th, 2021, at 7:00 pm at the Town Office. All were in favor. Motion carried.

Design Review: Applicant: Jones & Beach Engineers, Inc., Owner Great Bay Investments, LLC. Property is located on Shannon Way, Brentwood, NH 03833 in the multi-family/professional office/commercial /industrial zone referenced by tax map 201.015.001. Intent is to discuss a multi-family residential subdivision.

Present: Applicant Wayne Morrill of Jones & Beach Engineers, Inc. representing Great Bay Investments, LLC.

Abutter's Present: Frank Northrup of 139 North Road; Jim Johnson of 31 Shannon Way; Robin Woodward of 33 Shannon Way; David and Joyce Lapointe of 34 Shannon Way.

Residents Present: Jeffrey Pray 18 Shannon Way; Dan Gill 13 Shannon Way.

Morrill gave an overview. This was originally a larger parcel and subdivided for Tractor Supply back in 2004. Later in 2004, a 74-unit elderly housing development using the 50' ROW off of Shannon Way for access was proposed and approved but the developer did some well testing and did not move forward. This is 33.8 acres with a deeded 50' ROW for access to this property in the multi-family/professional office zone. It has 575' of frontage on Rte. 125 and Mr. Greenwood says 100' of frontage is required. The wetlands were delineated, and functional values were done by Gove Environmental and the setbacks

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that meet the new wetland setback criteria are shown on the plan. The test pits are from 2004. The accessway is off of Shannon Way and there is a wetland in the middle with a permanent wetland permit to fill that wetland and put in a culvert pipe from the original 2004 plan. Multi-family developments require 20 acres, this is 33.85 acres. Building setbacks are 30' between the buildings and is provided; 40' of separation from the interior road is provided and 100' of frontage, there is 575'; one unit per two acres, which is 16 units off of a cul-de-sac using the Shannon Road access with a mix of duplexes and single-family homes. Community septic system and individual wells. No yield plan is required, soils data; lots by soil type was done establishing 16, 4-bedroom units.

Morrill continued North of Tractor Supply, the entire piece on Route 125 is a large wetland so if that had to be used, it would be a 750' long wetland crossing to get to the upland soils, and they'd have to prove to NHDES that there is no other way to access the property. Stevens added NHDES wants to see the least amount of wetland impact. Morrill added there is a trail in the rear and part of the approval for the elderly housing and on that plan is that Frank Northrup has the ability to go through this property to get to this piece in the back. Abutter Northrup requested this approval not be accepted until he has a deeded access, it's been used for over 60 years. He has the deed from 2004 but it was never recorded. Northrup asked isn't there a 50' separation between the buildings unless they were sprinklered? Morrill replied multi-family requires 30' and they don't intend to sprinkler the houses. Stevens said SFC may comment on the fire safety aspect of it. Morrill said the maximum units can only be 16 whether they are 2, 3 or 4 bedrooms, only 16 units.

Greenwood's interpretation of the ordinance is that it requires 100' of frontage where it's used for access and read from page 13 in the multi-family 300.002.002.001 C-1: *There shall be reserved a minimum frontage to serve as the access to the multi-family development. This shall be no less than one hundred (100) feet and must be located on a road with a Class V designation or better.* Greenwood said there is frontage on Route 125, but it isn't the access however, it would be difficult to get a wetland permit and would create a road of such length, that 80 or 90 units would be needed to cover the cost of the road.

The Board discussed the 100' frontage requirement and recommended a variance from the ZBA with Planning Board supporting the 50' ROW access to limit wetland impacts. Morrill said the Shannon Way crossing would be less than 2,000 sq. ft. of wetland impact where a Route 125 access would be 35,000 sq. ft. of impact. Stevens commented that the state would argue that if there are upland soils to develop, they have a right to make use of that in the least impactful way to access it. Morrill replied it sounds like a variance from the ZBA is required before this comes back to the Planning Board. Stevens agreed, the ZBA could say no, and the applicant may take the Town to court. Morrill confirmed the Planning Board approved it before and all state permits. Stevens said the Town did approve that access.

Greenwood said there is a provision in multi-family that a road be constructed to Town standards and offered to the Town as a Town Road. If it were offered to the Town as a Town Road, then frontage would be created by the creation of a Town Road so they would then have the 100' of frontage going into the development. The requirement is that it be offered as a Town Road, but it doesn't have to be accepted as a Town Road. Morrill said so if this is designed as a Town Road, does that mean it doesn't need to go to the Zoning Board? Greenwood said it would be creating frontage on a Class V Road, if it becomes a Town Road. That's how subdivision lots get frontage, with a subdivision road created giving houses on that subdivision road frontage. Greenwood read the zoning ordinance from page 14, section 300.002.002.001 D-2: *All roads (except service maintenance roads) within a multi-family development complex shall conform to the roadway construction specifications for the Town of Brentwood. Once*

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completed to required town standards the roads accessing these developments shall be offered to the Town as town roads. It shall be the sole decision of the Town to accept any roads.

Morrill clarified so design a road with a ROW on it with the intent of making it a Town Road with 16 units on one lot over 20 acres and remove the land area for the road. Kennedy said it has to be built to Town standards so it's either mark out a 50' ROW around the cul-de-sac road and give it to the Town or go before the ZBA. Stevens advocated for the road to be built to Town standards but remain private and recommended ZBA relief. This is informal so the Planning Board can have input and if the Board feels that it's in the Town's best interest to have a private road, this Board can state that. Kennedy asked about setbacks and Greenwood confirmed that the setbacks are from edge of ROW. Morrill said the plan shows a cul-de-sac with a 50' ROW and 40' from the ROW are the units.

Stevens suggested that the Planning board might want to go to the ZBA and fully support using the 50' ROW access off of Shannon Way so this could remain a private road. Morrill respectfully disagreed saying that with the reading of the ordinance, if it's a Town Road, it doesn't have to go before the ZBA. Kleinman disagreed with the interpretation. Board discussed. Kennedy said from a precedent standpoint, a plan with this access was already approved before and the state is not going to make them cross a large wetland; for every acre of wetland filled in, it has to be replaced with 10 acres of conservation land.

Morrill said he will meet with Greenwood again, review the regulations and either go to the ZBA or come back to the Planning Board.

Abutters and Residents Comments: Abutter Jim Johnson and resident Jeff Pray weren't sure that the ROW was actually 50'. Morrill confirmed that the ROW is 50'. Pray said there was already an issue with 2 houses there due to a survey dispute and that access road may not be as wide as you think it is. Stevens replied that's a civil matter, but Morrill has to have a surveyed plan stamped by a licensed land surveyor and the Town's Engineer will review any surveyed plans. Pray asked how long construction could take? Morrill couldn't answer that currently but said he could have that answer when they come back. Pray said there was a traffic study done for the last project and he didn't think Shannon Way can handle the traffic on the corner. He also had concerns about depleting the aquifer, development having a negative impact on the neighborhood and barely room for two cars now near that access way. Stevens said there is a traffic study on file and Greenwood and the Town Engineer can review the impact on the traffic and line of site.

Pray asked if everyone on Shannon Way could be notified with the next application and Greenwood clarified that notification is to abutters is only within 200' of the parcel so there are some residents on Shannon Way that are not required to be notified.

Resident Dan Gill of 13 Shannon Way was not in favor of this and was concerned about impact fees, the 4 bedrooms, the speed of UPS and other drivers on the road now which would only increase. The last proposal (2004) there wasn't room for the Fire Department to make the turn, on the road that we have, that hasn't changed. Stevens confirmed that there will be impact fees. When Shannon Way was approved, there was concurrence by the Fire Department and Fire Engineer and the road was built. The Town own's a 50' ROW on Shannon Way itself so if they need to make some addition to the apex of the turn, the Town can do that. Gill also asked that if this is approved, that construction hours be limited to 7-3:30 pm and that they not work Saturday and Sunday. Shannon Way was repaved a few years ago and would like it assessed for damage after construction. Stevens said a bond can be put in place for any damage and the Town's professional Engineer can review.

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Robin Woodward of 33 Shannon Way lives just to the left of the ROW was concerned about buffers, the width of the road being 50', removing trees or construction on her property, runoff concerns as her backyard already floods. Stevens confirmed that the 50' ROW would incorporate pavement, gravel shoulders and any drainage swales required. The pavement won't be to the edge of your property line; 22' of pavement, 4' gravel shoulders, leaving 15-18'. They cannot go onto anyone else's land; no construction on your property. Stevens suggested that Morrill stake the 50' ROW to show the centerline. Stevens replied there can't be more post development flow than pre-development flow. Greenwood confirmed that there would be a 100' perimeter buffer around the parcel so there would be 100' from her property line to a new house. Woodward said by putting a road next to her property, it devalued hers.

Northrup asked if they would be sold as a completed unit or single units? Morrill didn't know. Morrill said there are no property lines, there would be an HOA with limited common areas. Abutter David Lapointe asked if the Board considers the impact of the nature of the neighborhood or just if it meets the regulations? Stevens replied the Board considers it, but it can't say no if it meets the regulations. Abutter Gill asked about water studies for the wells; it's adding 16 more wells and there are problems with our artesian wells already. Greenwood said this property is not in the aquifer protection district so there aren't additional standards the Planning Board can apply. Abutter Northrup said in the last proposal, they only got 800 feet and 4 gallons a minute, which is why it never went through. Stevens said that's enough for an individual house but not a community well. Stevens closed the design review hearing.

Subdivision Application: Applicant/Owner: Brentwood R.O.H., LLC. Property is located on South Road, Brentwood, NH 03833 in the residential/agricultural zone referenced by tax map 224.006.000. Intent is to subdivide a 5 +/- acre lot from the overall parcel with frontage along South Road.

Present: Applicant Wayne Morrill of Jones & Beach Engineers, Inc.; Owner Rob Healey of Brentwood R.O.H, LLC; Attorney Sharon Cuddy Somers from DTC (Donahue, Tucker and Ciandella) representing abutter Richard Murphy.

Abutters Present: Richard Murphy of 358 South Rd.; William and Anissa Poleatewich of 350 South Road; Jennifer Cole; Anne Dudley; Cheryl Donaldson; Gifford and Martha Wilcox; and residents Brett and Kelly Ramsdell; Steven Soterakopoulos.

Motion made by Kennedy, 2nd by Finan, to invoke jurisdiction to accept the application as complete. All were in favor. Motion carried.

Morrill gave an overview. The intent is to subdivide off a 5-acre parcel from 40 acres on South Road, that was discussed during the cluster development design review (*May 20th, 2021*) for a cluster subdivision with a 60' ROW for access which was put in place when 3 lots were subdivided in 1982 because of a large wetland in the remaining frontage. Wetland delineation and functional values were done by Gove Environmental to determine the setbacks. The yield plan had shown 14 units with access from the 60' ROW. Sheet C1 shows the test pits, wetlands, topography, frontage lot and the 5-acre lot with 387' of frontage for a single-family house with a possible attached ADU or a gentleman's farm, leaving 35 acres for the cluster development. Wells are shown and 4k areas are shown for each lot and the 35-acre remaining lot shows the 100' buffer for the cluster development.

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Morrill addressed the comments (in Bold) from Greenwood's review letter dated May 26th, 2021:

- 1) *The subdivision results in remaining land that does not conform to zoning. The remaining 35-acre lot will not have adequate frontage as a building lot. 200 feet of frontage are required 60 feet exist. The Board cannot create a lot that does not conform to zoning. Concurrently, the Board could approve the creation of a cluster development lot that shows the minimum fifty feet access way, minimum 20-acre size and 100-foot perimeter buffer. **The 100' perimeter buffer was added to the remaining 35-acre parcel with the lot labeled a cluster subdivision lot.***
- 2) *The new subdivision boundary line requires a granite bound on the new southwest lot corner. **Shown at the corner of the lot.***
- 3) *The new property line is longer than 400 feet so an iron pin should be placed at the midway point of the property line. **The iron pin is shown in the middle of that property line.***
- 4) *The plan must have the two endorsement blocks indicated in section 8.8 of the Town's subdivision regulations. **Impact and PB signature blocks shown.***
- 5) *The 4000 square feet septic reserve area must be reconfigured to include both required test pits. **4K and 2 test pits for each parcel shown.***
- 6) *The plan must incorporate the note found in section 8.17 of the Town's subdivision regulations. **New plan note #15: The Subdivision Regulations of the Town of Brentwood are a part of this plat, and approval of this plat is contingent upon completion of all requirements of said Subdivision Regulations excepting only any waivers or modifications made in writing by the Board and written on the mylar.***
- 7) *Does the wetlands delineation comply with the Town's newly adopted wetland ordinance? **Gove Environmental Report submitted to Planning office complying with the new regulation.***
- 8) *The plan set needs a cover page that complies with section 8.26 of the Town's subdivision regulations. **Cover sheet shows all the abutters within 200' of this property.***
- 9) *The plan must detail the proposed driveway for lot A as required by section 8.27 of the Town's subdivision regulations. **Existing gravel driveway to the 5-acre lot to remain.***
- 10) *The final approved subdivision will need to be provided in electronic format. **Will be submitted after approval.***
- 11) *Note 8 on both sheets incorrectly reference the Town of Kingston. This proposal is located in Brentwood. **Corrected.***

Attorney Sharon Somers from DTC representing Abutter Richard Murphy of 358 South Road was concerned with the development of the cluster subdivision which will come back to the Board and be discussed further. Mr. Murphy lives next door, next to the ROW. A cluster development is analyzed differently from multi-family and the regulations criteria indicate that a cluster subdivision, the design for it, has to minimize the impact to surrounding properties. At the design review meeting, there was discussion of access to the back lot not come through the ROW next to the Murphy and Curry properties but through the other access. There are practicable difficulties with a road here as it would go partly through wetlands, but we would suggest delay taking any action on this subdivision request until such time as the applicant comes back with a formal application for the cluster development per Glenn's comments suggest, concurrently analyze both of them together. Mr. Morrill mentioned that he's creating a cluster lot here, but until a cluster lot subdivision is approved, creating a cluster lot is meaningless. If that approval for the cluster lot subdivision doesn't come forward, you can't grant subdivision on the 5-acres without a variance. We're asking the Board to take no action tonight. Somers suggested reviewing them simultaneously, when that cluster subdivision application comes to the Board in the future.

Kleinman asked why it needed a variance. Somers said this lot currently doesn't have adequate frontage. Greenwood explained if you cut the 5-acre lot away from the large parcel, then the remaining

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parcel doesn't have frontage. Somers continued if this lot is not developed as a cluster subdivision, it wouldn't have adequate frontage. Kennedy disagreed and said they can create a Town Road and create the frontage. Somers said if that's approved, it's a question of timing. Kennedy responded that Somers was trying to have the Board delegate what the applicant should do with his property and if he wants to subdivide off 5-acres off of his property, he has a right to do that. If a subdivision doesn't go forward, that's his problem as well. Stevens added he proceeds at his own peril. Somers said there should be some acknowledgment from the Board that by taking this action, as you say, he proceeds at his own peril, and that by creating that lot, it's essentially creating a lot without adequate frontage unless additional steps are taken by that property owner to get the necessary approvals. Kennedy said that goes hand in hand with any subdivision.

Somers followed up with the Planner's comments. Concurrently, there needs to be some reflection that by creating this lot, without the benefit of a Town Road in there or cluster development approval, it's not in conformance with the zoning ordinance. If it's the inclination to grant an approval for this 5-acre subdivision tonight, it's the responsibility of this Board to make it clear that that's what is going to need to happen. Kennedy agreed 100%.

Greenwood said his comments and the use of his word concurrently differs from Sharon's interpretation of it, because he meant, concurrently with this (5-acre) subdivision, the remaining lot has to be deemed a cluster subdivision lot. If it isn't deemed that and doesn't show a 100' buffer, a requirement of cluster development, then that lot can't stand alone because it doesn't have 200' of frontage. Our cluster ordinance allows a cluster lot to have 50' of frontage, which this has, as long as it's shown that this would be a cluster development lot. In deference to Attorney Somers, her point is, if in fact a cluster development never comes through on that 2nd (remaining) parcel, then there is an issue with that lot if we don't very firmly at this hearing say that what is being approved is a 5-acre lot and a cluster development lot; approving a lot that complies with what a cluster lot has to have. It shows a lot with 60' of frontage with a 100' perimeter buffer around it and the revised plan shown tonight by Morrill shows it. Our zoning ordinance says a lot that is developed has to meet the ordinance and this would for a cluster development. The Board should make it clear and that this would meet the zoning ordinance for a cluster lot.

Kennedy asked if the lot in question meet the cluster development ordinances? Somers asked how would you know until an actual plan is presented for the cluster development? Aldred Cheek asked why they wanted to subdivide the 5-acres now? Morrill replied because the cluster subdivision will need an AOT permit, state subdivision, so it would be about 5 or 6 months before all the permits are in place. By allowing this subdivision of the 5-acres, it allows the sale of this piece so the funds are in place and once permits come in, the road can be built, and it will pay for the road. Somers reiterated that the Board's job in reviewing a cluster subdivision is to determine if the design has the least amount of impact to surrounding properties and by allowing the applicant to move forward, removes the possibility of that access coming through the 5-acre piece rather than the ROW.

Stevens replied from the conceptual plans shown last time, the soils, the wetlands, it was obvious that it works and it's a viable piece of land. Somers agreed that it's a viable piece of property but insisted that the Board needs to make sure the design of the cluster subdivision minimizes the impact to surrounding properties and part of that analysis is the access into the cluster subdivision. If you subdivide this off and they sell this property while this Board is looking at all the other cluster subdivision elements, you can't consider that as a possibility. By granting the subdivision and allowing that to go on the market tomorrow, you're shedding your responsibility to review these design elements. Kleinman confirmed that the contention is not the cluster development itself, but only the access. Somers agreed.

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Resident Steven Soterakopoulos said the land connecting the 5-acres and the rest of the cluster development, that strip is all wet and the ROW isn't wet.

Stevens asked how do you denote tying the cluster development to the remaining lot so it's not creating a sub-standard lot? Greenwood said by showing on this plan, the requirements that a cluster development would have to have:

- 1) 100' buffer required for cluster (*shown*)
- 2) 50' of frontage required for a cluster lot (*60' is shown*).
- 3) The ability to have septic capabilities (*shown*).

The Board discussed. Greenwood said if they try to develop this any other way, they don't have the frontage. It meets the zoning requirement for size, has a perimeter buffer and shows septic then it's the creation of a lot that complies with cluster zoning. Somers said but if you don't ultimately approve a cluster subdivision it would be substandard. It's a question of timing. To ensure that you aren't creating a non-conforming lot, it needs to go hand in hand with this 5-acre subdivision approval and a cluster subdivision approval together. They are confining themselves in this scenario to do a cluster subdivision. Stevens reiterated that they proceed at their own risk, and they can do a cluster development or build a road and do a conventional subdivision.

Motion made by Kennedy, 2nd by Stevens, to conditionally approve the 5-acre subdivision on South Road referenced by tax map 224.006, satisfying Mr. Greenwood's comments, for 120-days to October 15, 2021. All were in favor with Kleinman opposed (6-0-1). Motion carried.

Preliminary Conceptual Consultation: Marc Marois to present to the Planning Board a proposal for construction equipment parking. Property located at 378 Rte. 125; tax map 208.007.000; owned by 180 Rte. 125, LLC, Raymond Durbin. A 2.79-acre lot in the commercial/industrial zone. *Letter of authorization on file.*

Present: Marc and Jennifer Marois; Jacob Marois.

The Marois don't own the land yet but a letter of authorization from the owner (*Ray Durbin*) is on file. The property is located at the corner of Commercial Drive and Rte. 125 and eventually, Marc would like to build contractor bays but is here tonight for heavy equipment sales using the same footprint as the car dealership. No repair, strictly sales. Number of units could be 2-20. Skid steers, excavators; using the paved area for sales. Board discussed. Stay within what the approval states; don't exceed the space on the current plan; conform to the sales space. Greenwood said the use doesn't differ much from auto sales so if the display area is the same there is no issue, and an affidavit wouldn't be needed. Kleinman disagreed. Board discussed that cleanup of the property and removing a few trees is okay as long as they maintain a 25' perimeter buffer. Any office trailer brought in needs to fit on the concrete pad, keeping within the existing footprint. A sign in a different location would require a permit and it would have to be on the property, not in the state's ROW, 75' from the centerline of the road. Marc said this is temporary. He will do a wetland delineation to determine the maximum number of commercial condos he can get on the property later; this is to utilize the property now until that time. Stevens closed the discussion.

Continued hearing for Master Plan Chapter adoption: Consideration of adopting the Community Profile chapter of the Master Plan.

Motion made by Aldred Cheek, 2nd by Kleinman, to continue the hearing for the adoption of the Community Profile chapter of the Master Plan to July 15, 2021. All were in favor. Motion carried.

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Board Business

The Board signed the manifest.

Junkyard regs: Stevens wanted to get a handle on junkyard verbiage for when Mr. Roberts comes back. The Board discussed talking with Walter Mitchell and having him either come to a meeting or providing a legal memo with what the policy should be, which could lead to zoning changes. Greenwood to call Walter's office and see if Walter or Laura can come to a meeting on July 15th and give them some background and direction.

Rullo property (414 Rte. 135) located across from Highland Hardwoods, the excavator has been going to Town. Greenwood said it's an enforcement issue. Stevens asked Greenwood to prepare a letter for the BOS for Morgan along with these minutes.

Letter was submitted for used pickup truck sales at 335 Route 125: Nick Mancini of Coral Ridge Truck & Auto Inc. seeking Planning Board approval for a class 2 used vehicle dealer, mainly pickup trucks at 335 Rte. 125, tax map 209.014.000 (email on file). RV use (same dealer class) was approved there before. Board to leave on the agenda for when Brentwood Park LLC comes back on August 5, 2021, at 7:00 pm.

3 Ponds Phase I – TEC bond reduction recommendation from remaining \$300,920.80, reduced by \$206,778.20 with a remaining LOC amount of \$94,142.60 (on file).

Motion made by Kennedy, 2nd by Morgan, to approve the release of funds to reduce the bond/LOC for 3 Ponds Phase I, to \$94,142.60. All were in favor. Motion carried. The chairman signed the bond/LOC reduction letter for the bank.

3 Ponds Phase II – TEC bond recommendation of \$1,358,276.70. Bond includes general construction, utilities and drainage, landscaping and 10% contingency (on file).

Motion made by Morgan, 2nd by Kleinman, to accept the bond recommendation from the Town Engineer, TEC, in the amount of \$1,358,276.70 for 3 Ponds, Phase II. LOC to be in place prior to construction.

Approval of Minutes: May 20th, 2021, and June 3rd, 2021.

Motion made by Aldred Cheek, 2nd by Johnston, to approve the minutes from May 20th, 2021, as presented. All were in favor with Kleinman abstaining. Motion carried.

Motion made by Kennedy, 2nd by Aldred Cheek, to approve the minutes from June 3rd, 2021, as presented. All were in favor. Motion carried.

Motion made by Finan, 2nd by Morgan, to adjourn at approximately 10:00 p.m. All were in favor. Motion carried.

Respectfully submitted,

Andrea Bickum
Administrative Assistant,
Brentwood Planning Board