

**Brentwood Planning Board  
Minutes  
June 3rd, 2021**

<b>Members Present:</b>	Bruce Stevens, Chairman Jon Morgan, BOS rep Mark Kennedy Kristin Aldred Cheek Doug Finan	Paul Kleinman Alternate, Brian West  Present but not voting: Kevin Johnston, Vice Chair Town Planner, Glenn Greenwood
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**Open:** Chairman Stevens opened the public meeting at 7:00 pm. Motion made by Stevens, 2<sup>nd</sup> by Finan, to give alternate West voting rights. All were in favor. Motion carried.

**Public Meeting:**

**Lot Merger:** CABN Properties, LLC; 53 North Road, tax map 203.001.000, 1.8 Acres and North Road, 203.002.000, .23 acres. Kevin Coyle, member of CABN Properties, LLC. Intent is to merge the two lots into one lot represented by 53 North Road and tax map 203.001.000, creating one lot with approximately 2.03 acres.

Motion made by West, 2<sup>nd</sup> by Finan, to approve the lot merger for CABN properties combining 203.001.000 and 203.002.000 to make one 2.03-acre lot at 53 North Road. All were in favor. Motion carried. Chairman Stevens and Selectman's Rep Morgan signed the lot merger for recording.

**Planning Board Work Session:** Board to review zoning regulations, subdivision and site plans regulations to discuss any new or revised language for consideration. Note that any zoning amendments considered would need to be finalized and at least one public hearing held at the end of 2021 for the March ballot for Town vote (there are deadlines for this).

**Junkyards:** The Board discussed junkyards and Stevens said the regulations have no verbiage that control junkyards from a local standpoint. Greenwood agreed. Kleinman read page 70 and 71, Section 500.004.001 on Motor Vehicle and Machinery Junk Yards. Greenwood said this language is for initially establishing a junk yard; commercial/industrial zone only. This is only for startups, not for existing or grandfathered. RSA statute requires state permits. *500.004.002 permits for motor vehicle and/or machinery junk yards shall be issued by the Board of Selectmen. No permit shall be granted until the applicant has obtained a Special Exception from the Board of Adjustment and unless said site is more than 250 feet from any residential or business building.*

The Board discussed the Sampson site; state audits have been done. Board discussed the latest cease and desist with another request for site plan review. Activities on the site have expanded and grown over the years and there is no site plan. Stevens said there are trucks on the property line, in the 25' setback, with trees growing out of them; they are not being rotated. A site plan is necessary. It's a grandfathered use and that needs to comply with the state but only through site plan can you require the 25' setback from the property line for the material and the display area that is currently within the front setback on Rte. 125. The Planning Board would like to get a site plan and change the method of operation for the next owner.

The Board noted that the U-Haul vehicles and signage were now gone but other vehicles are right out to the road in the state right of way. The Board discussed going to BOS on the ignored cease and desist or speak with Attorney Mitchell to review the correspondence and establish if there is a sound case

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regarding the expansion of the use/property and lack of a site plan first. A joint meeting with the BOS was suggested. Kleinman read RSA 236:124, regarding local ordinances shall control. The Board discussed whether Sampson had a junkyard permit from the BOS and Stevens didn't think there was a permit and Greenwood couldn't be sure a permit hadn't been pulled years ago with the state.

Stevens would like to have Walter Mitchell in to review before meeting with the BOS. Greenwood said the Planning Board needs to make sure that the BOS has all the necessary information to be able to pursue the request for a site plan review from Sampson. His most recent letters make it clear that the U-Haul constituted an expansion of the use of the property without site plan, so if they have removed that piece, it's a concern, although every letter has expressed that activity is being done on site without a site plan. Greenwood has replied back to Sampson's legal counsel's response to the cease and desist and there has been no response back. Johnston said if he is avoiding the cease and desist, go to court and then the Sheriff gets sent over there to shut him down. Morgan said he can go to the BOS and report back that the U-Haul business is no longer there, and they haven't responded to the need for site plan, if that suffices. Greenwood offered to attend if necessary. Stevens said find out from the state agency that issues inspection license, why is one there if not approved by Town? Stevens added and as part of site plan request ask Sampson for his state license and check with the state, although they did this before, and Flagg got involved and the state dropped it.

Stevens also wants to put pressure on junkyard licensing at the state level and the lack of enforcement from the state level and wants Brentwood's junkyard ordinance language tightened up.

Motion made by Aldred Cheek, 2<sup>nd</sup> by Finan, to have the BOS representative, Morgan, bring this to the attention of the BOS. All were in favor. Motion carried.

**335 Route 125:** Stevens asked about the estimate for Roberts re: electrical inspection, hazardous waste etc. Greenwood said it was beyond SFC's scope, but that Roberts has had an electrician go through the buildings and Greenwood expects a report soon (including the electrician's license number) and suggested Brentwood's new consulting electrical inspector could review it. There have been 8 permits pulled for the site per Roberts. MSDS will be submitted for materials on site and the Board makes sure that is what's on the site. Stevens said who has the expertise to take the MSDS sheets and inspect the site? Greenwood said he can verify with SFC that a review of MSDS and site inspection to confirm materials is in their purview.

**Easements:** The Board discussed Kaiser and Clement's suggestion for a formal easement document be drafted. Stevens said easements are part of a subdivision or site plan are deeded easements, period. A drainage easement gives the right to the person being bestowed upon it, the Town of Brentwood, the right to go in and do maintenance. An easement is just that, a right to go on the property to do the maintenance. Kennedy added a right-of-way is on Town property but when a driveway goes through that property and the Town has to cut up a drainage pipe, going under someone's driveway, who is responsible for replacing the pavement? Stevens said in order to put a culvert in, the property owner would need a driveway permit and as the permit holder, it is the property owner's responsibility. Kennedy suggested that should be expressed in the driveway permit, when you sign this permit, you are responsible. Greenwood said Clement's request was that any easements that are created as a result of development plans should be made as clear and tied to responsible parties as possible. Stevens said it's reflected in the deed; you give someone an easement they have a right to make use of that easement. Greenwood said the roadway deed for Robinson, it clearly says the roadway and attendant drainage. The easements are on private property. Stevens said if the drainage easement is associated with the roadway, that means the Town Highway Department is responsible for ensuring that the drainage is

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functioning and complies with the plan. All these structures require maintenance and cleanout. An easement is a legal instrument. Stevens said there should be a manual with the plans for where these easements are and a maintenance schedule for drainage. Johnston added fire ponds as well. Greenwood said the only reason an easement is on the plan is to indicate an area where drainage will be maintained to support the road.

Stevens said the language is recorded with the deed and the BOS need to instruct the Highway Department to clean them out to maintain that easement. The Planning Board didn't feel a draft easement document was necessary as it could increase the Town's liability. Johnston added the homeowner needs to understand that cleaning the culvert is the Town's responsibility but if the culvert lifts up or breaks on their property, they are responsible. Stevens said that should be in the driveway permit. Kennedy thought Robinson had a list of culverts etc. Morgan will inquire about the list and if they are maintained annually.

**Reserve Strips in Cluster Development Ordinance.** Greenwood believes the language is fine. The intent of the ordinance is for reserve strips to be placed along side the road within the 100' buffer so the road itself can be constructed. There is no construction within the buffer so the reserve strips in the buffer allow construction of the road within the buffer. Only the first 100' of road, if the buffer is on the roadway. But in instances where the lot configuration has the buffer further up the roadway (example 50' or 60' ROW into a parcel), those reserve strips only land within the buffer area, not the ROW. No change to the language unless adding construction reserve strips would be more beneficial.

**Cluster Development Lot Lines: #3** on list (on file) Remove language regarding lot lines can't extend through the buffer. Rewrite to add in instances where individual lot deeds have to reflect the 100' no disturb area.

**Multi-family zoning, #15** on list; currently 20 acres is needed for development, no duplexes allowed on a single 2-acre lot, 20 acres required. Just a thought to possibly address as Planning Office gets a lot of calls about a duplex on a single lot in this zone, which isn't allowed currently.

Morgan mentioned that he spoke with Darren Winham of Exeter today regarding economic development in Brentwood and Winham has suggested a meeting with the Planning Board in mid-July? Bickum suggested August as there is only one meeting in July. Stevens suggested a joint meeting with the BOS. Morgan suggested Planning Board first then bring it to the Select Board as a Planning Board request. Winham can work for the Town on a 1099 basis, and he's had lots of success in Exeter. Stevens added possibly re-introduce TIF proposals that incentivize business. A preliminary introduction, research and present to Board possibly for August 19th.

Morgan mentioned that on July 1st at 6 pm at the fire station there will be a ceremony for the naming of the Brentwood section of Route 125 in honor and memory of Stephen Arkell.

### Board Business

1. The Board signed the manifest.
2. **CA extension:** McKeen/Healey Town Center Shops, 154 Crawley Falls Rd. tax map 217.112. CA extension expires June 15<sup>th</sup>, 2021. They are in the process of getting the LOC. Asking for a 60-day CA extension to August 14, 2021 (letter on file).

Motion made by West, 2<sup>nd</sup> by Morgan, to grant a 60-day extension on the Conditional Approval for the Town Center Shops at 154 Crawley Falls Road, tax map 217.112 to August 14, 2021. All were in favor. Motion carried.

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3. **Letter of Credit** Draft for Rob Healey, Town Center Shops from TD bank naming Town of Brentwood the beneficiary in the amount of \$114,125.00, was signed by the Planning Board Chair, Stevens and submitted to TD bank. A final letter of credit will be mailed to the Town.
4. **Town of Epping abutter notice to Brentwood** re: Sig Sauer Subdivision, Epping Planning Board on June 10, 2021, at 6 pm (letter on file).

No minutes were approved.

Motion made by Morgan, 2<sup>nd</sup> by Kleinman, to adjourn at approximately 8:55 p.m. All were in favor. Motion carried.

Respectfully submitted,

Andrea Bickum,  
Administrative Assistant,  
Brentwood Planning Board