

**Brentwood Planning Board
Minutes
November 1st, 2021**

Members	Bruce Stevens, Chairman	Mark Kennedy
Present:	Jon Morgan, BOS rep	Doug Finan
	Kristin Aldred Cheek	
		Town Planner, Glenn Greenwood

Open Public Meeting: Chairman Stevens opened the public meeting for a Planning Board Work Session to discuss possible zoning amendments at 6:00 pm.

Present: Two residents, one interested in removing senior housing from the ordinance.

The Board went through a list of suggestions (on file) that the planning office has received throughout the year for consideration.

Board discussed the **scenic road** RSA regarding NH Co-op clearing brush in their ROW along Lake Road and should anything be added that's more restrictive than the RSA? Stevens said this would apply to Town rights-of-way, but not private land. *Board will continue to follow the existing RSA.*

Aldred Cheek asked about **Junk:** Bickum said Walter Mitchell had come in and said the regs were fine. Stevens added if there is no junkyard license, the Town has to go after them. Kennedy said it's not the ordinance, it's more of an enforcement issue. Board discussed accumulation of junk and storage containers. Stevens said storage containers are not structures. Finan asked about putting in a time limitation on storage containers. **Greenwood said they can discuss the ability to have storage containers of a certain size in residential for a certain amount of time.** Kennedy was concerned about over-legislation. The Board discussed home occupation; the intent of home occupation was to allow one service vehicle at home. They cited another enforcement issue on Prescott Road. Stevens said Glenn can define containers but without a permit, how would you prove how long it was in place?

Bickum read the definition of a structure on page 7: *200.076 Structure.* Stevens said buildings are structures and under a certain square footage, don't need a permit. *No changes proposed.*

Morgan asked if there was state legislation on tiny homes yet and can it be added to our ordinance, not tiny home parks, just smaller houses? Greenwood thought the size limitation for a residential structure was about 650 sq. ft., so tiny houses smaller than that don't meet the current size but that can be changed without state legislation. Morgan gave an example with enough land to be subdivided and using a container home for his mother in-law, not an ADU, on a separate parcel of land, not tiny homes on wheels. Board discussed; some sort of foundation would be needed, a slab at least. P. 111, minimum is 720 sq. ft. Board discussed article 900.002.002.002 regarding changing the 720 sq. ft. limit to 300 or 320 sq. ft., but only for separate lots. Aldred Cheek questioned the language regarding trailer of any type and other vehicle as permanent living space. **Greenwood to talk with the building inspector regarding the size of the dwelling units, habitable structures, and clean up the language on Page 111: 900.002.002.002 - Every dwelling shall have a minimum ground floor area of seven hundred twenty (720) square feet, outside measurement, to be used by one family unit. Dwelling, for purposes of this provision, shall be defined as any structure, mobile home, trailer of any type or other vehicle, or building being used as a permanent living space or temporarily being used for purposes of establishing a residence in the Town of Brentwood.** Board discussed scrapping everything after dwelling. **Glenn to re-write.**

The Board discussed RV's and time limits, not living in them year-round. Greenwood said RVs are not constructed to be a permanent residence so just say no. Board agreed that the health inspector is another enforcement avenue. *No addition to the regulations at this time.*

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Frontage: Change to Class V Road or better. See RSA 229:5: Board discussed road frontage language and private roads vs. public roads. Bickum suggested the regs match the RSA definition of frontage on roads, Class V Road or better. Greenwood said it says that in subdivision, but the zoning ordinance says 200' of frontage on a public right-of-way. Kennedy thought it said Town Rd. **Private roads** are mentioned in senior housing and in site plan regulations, private or public, p. 13 site plan section 9.1.12. Stevens suggested removing private streets; all roads have to meet Town standards. Greenwood agreed. **Board agreed to have Greenwood find all frontage and replace with Class V designation and remove all private roads and private streets in the zoning, subdivision (addendum C) regs and site plan regs.**

Board discussed a **second egress**, citing the Fire Department's concern with the one entrance at 3 Ponds Drive. Sample from Raymond regs. Board discussed; houses sprinklered, 24' wide pavement, shoulders and wide ROW's, areas to pass. *No changes proposed.*

Board discussed the **Town Center Zone, Multi-family, Mixed Use and Affordable Housing**. Morgan brought up lack of housing for local businesses, regional development and affordable housing. Town Center zone is critical for economic development. Greenwood said so greater alternatives to single family development. Morgan agreed. Board discussed how to get higher density residential without sewer and water. Greenwood is not opposed to increasing density for residential development and in a section of Kingston they are proposing up to 8 bedrooms per acre. Brentwood is 4 bedrooms for 2 acres. Morgan suggested Rte. 125. Greenwood confirmed to allow multi-family development within the commercial/industrial zone. Morgan would also like a Town Center zone along Rte. 125, a mixed-use area. Aldred Cheek said buildings with offices on the first floor and apartments above. Bickum said the current Town Center Zone is very residential with not a lot of available land. Greenwood is open to expanding multi-family use on Rte. 125, there are larger parcels that can allow that use but more time would be needed; this needs more thought. How is density going to be established? 8 bedrooms per acre? This needs more conversation. Greenwood said the current Town Center was envisioned as a walkable mixed-use district, not multi-family and The Town Center Shops were not well received, over a drive-through. Morgan said the Economic Development Committee (EDC) is looking at more of a village square scenario, one static location on Rte. 125. A multi-family overlay area in the commercial/industrial zone on Rte. 125 was suggested by Greenwood; 15 acres of land for multi-family development for example but the biggest problem with the present multi-family zone is the limit on the number of units that can be attached; dormitory style, no more than 8 units. Maybe revise to 2 stories, 25 units per structure with an elevator. Stevens said property taxes are tied to commercial business and 64% of college kids are moving back home. Kennedy was concerned about the schools, 17k per year for education for kids. Greenwood said and not being covered by one single family tax bill. Morgan EDC is doing an online survey for resident feedback.

Greenwood said this is important, every community needs diverse housing stock, and Brentwood doesn't have it. This needs more thought so he's against bringing it forward for March. *Board to re-visit this in about 6 months for next year.*

Board discussed **Senior Housing**. Stevens said from the last meeting, less than 14% of Brentwood's entire housing stock, including the 71 units proposed by Falzone, is age restricted. Morgan thought that was a big percentage. Stevens didn't think 14% or even 20% was a concern. Greenwood added the census information for 2020 said the percentage of residents in NH 55+ represent 32% of the overall population of NH. Finan asked about eliminating senior housing, Kennedy agreed. Stevens disagreed. Morgan said having fewer students is not a good thing. Board discussed cluster developments and that the density doesn't change. Morgan said to get more commercial development = more workers = need more affordable housing = equals lower taxes. Aldred Cheek added that they heard the other night that

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people were concerned that more senior developments mean people will vote against school budgets. Stevens said it's still a small percentage. Greenwood said those that move into age restricted housing usually have grandkids; it's never been proven that "old people don't like schools"; they also have more expendable income and it's not what predicated their vote. Millennials aren't having kids. Morgan's position is that they don't bring kids in.

Board discussed what the threshold for senior housing would be and discussed that workforce housing had been pulled from the zoning. Greenwood said workforce housing didn't significantly change the value of the structures next to them that weren't workforce. Stevens said the HUD cap at the time was \$289,000, and the workforce houses were more valuable. Greenwood added Falzone was selling units that had deed restrictions for the exact same amount of money for houses without deed restrictions; resale on workforce is less and limited. Kennedy said he would entertain removing senior housing. Stevens would entertain it but didn't think 14% was a concern at this time; show the facts; 25 people can do a citizen's petition. Greenwood said taking land off the rolls and conserving it, has a definite impact on housing costs; it's being unfriendly to people that need homes. Stevens added there's always a disconnect between commercial growth and complaining about the tax bill.

Board discussed the following to have Greenwood revise:

- **CUP sections in zoning regarding paragraph, p. 81. Greenwood to revise text to make it clearer.** *700.002.009.001 A Conditional Use Permit may be granted by the Planning Board (RSA 674:21 II) for the construction, in areas within the Wetland Conservation District and associated setbacks and buffers, (3/12/2002) of roads and other access ways, and for pipelines, power lines, other transmission lines, and buildings for senior housing, but in no case closer than 25 feet of wetlands with poorly drained soils or vernal pools and 50 feet of wetlands with very poorly drained soils or prime wetlands, provided that all of the following conditions are found to exist: (3/2016)*
- **Cluster Ordinance:** re: buffer and lot lines through buffer; Cluster ordinance – p. 23 – Per 6/3/2021: Remove language regarding lot lines can't extend through the buffer. Board discussed and **Greenwood to re-write this section to allow lot lines to go through the buffer area. Rewrite to add in instances individual lot deeds have to reflect the 100' no disturb area. 300.002.007.005-2).**
- **Cluster ordinance: Reserve strips:** Bickum still finds primary access confusing. See p. 23 section 300.002.007.005-3): 25' reserve strip on either side of the road – cluster and other developments; **Greenwood to re-write to clarify and add that there is no building in buffer area.**
- **Height Restrictions in Commercial/Industrial Zones:** 400.001 p. 28 Max. height is 35' not to exceed more than 40%? Stevens said they need to comply with NFPA fire codes and maybe the height limit for commercial be stricken. **Greenwood would like to run that by the Fire Department first.**
- **Flag lot zoning w/ 50' ROW's:** Address other large parcels from 80's with 50' ROW, lack of frontage. Greenwood's thought was due to the 8 or 10 lingering parcels labeled this lot is not for building purposes, add a provision, for lots created with 50' of frontage to backland if the desire is for one building lot on that parcel, then 50' of frontage is allowed. Kennedy suggested having a minimum acreage. Greenwood said all this flag lot provision would say is you can keep it as is for one building lot with 50' of frontage with a driveway and if you want to build a road to go in and develop it, they can do that too. Stevens said the subdivision regulations state to subdivide, you need to put in a Town road. Greenwood said these lots were created on the premise that there was more development potential back there as long as you created a road. So, this would say, if you have a parcel like this and only want one house lot, not 7 houses, it's allowed as a flag lot, for one, single family house with no further subdivision without adding a road. Bickum said this is only for existing lots. Greenwood said this would apply to the following lots and list the 8 or 10 that this would apply to. A way to provide flexibility and lower development. **Greenwood can put the wording together**

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for those in the residential/agricultural zone only. Bickum added and he can add the tax map and lot numbers, parcel id. Stevens said they would still have to prove septic and water capability.

- **Septic Reserve Area** - Bickum asked if the state still required a reserve 4k area as the building inspector said Mike Cuomo mentioned that Brentwood is one of the few Towns that still requires it. Greenwood said it's still the state standard. Most septic systems get replaced in the same spot, but the state standard hasn't changed, it's still 4,000 sq. ft. *No changes proposed.*

Board reviewed some items under the Subdivision and Site Plan Regs:

- TEC had recommended adding pre-construction meetings for any construction project, not just roads, by Town Engineer paid for by applicant. Bickum said the verbiage now only addresses pre-con meetings for road construction. The Board was in favor of adding for all projects. **Greenwood to change current verbiage for pre-con meetings to add this.**
- **Add to Site plan regs type of building to site plans:** steel, wood etc. as they have different fire ratings per Kip. Greenwood said renderings are usually requested. Stevens said the Planning Board is concerned with the footprint and the building type could change. A facsimile of the design is all that's needed and otherwise it's too limiting. *No changes proposed.*

Board discussed the following:

- **Airbnb and short-term rentals**, boarding houses, rooming houses. Morgan said that's a property owner's prerogative, government overreach. Greenwood agreed and added if it's not in our ordinance its prohibited and he has a problem with trying to regulate Airbnb's. Aldred Cheek said it's a business in residential, it's a hotel, it's not long-term rentals and in some areas, it jacks up housing prices. Greenwood said if there's no land use conflict, then what's the issue; Brentwood is not a high tourist area. Morgan mentioned the liability is on the owner who is renting them. *Board doesn't find it necessary to address.*
- **Agri-business:** Wedding venues at Apple Annie's for example. Greenwood said there is a statute that's been interpreted to say a farm doesn't grant the right to make it a wedding venue. A wedding venue is not an agricultural use; there is an Agri-Tourism statute, but the Board added years ago that for agricultural use, it's a site-by-site review by the Planning Board. Stevens said the Planning Board was in support of Apple Annie's doing weddings, but they wanted to have overnights in yurts and that took it too far. Greenwood added and parking was limited and would have been on an abutter's parcel. *Board doesn't find it necessary to address.*
- **Architectural standards** – Board agreed it could be too restrictive. Greenwood likes that they ask for renderings and doesn't want it to be too regulatory. *Board doesn't find it necessary to address at this time.*

A resident commented that he would like the Board to rethink senior housing or remove it. It feels out of control to have enormous developments in residential areas. Greenwood said they are still residential. Morgan said there is a way of thinking that if you have fewer kids our taxes will go down, stuck in a NH psyche for decades but property taxes don't go down. Stevens said senior housing pays 10k apiece. Morgan said it went down because the state in the current budget cycle sent unrestricted funds to communities for educational offsets and unrestricted use offsets. They expire next year so next year you will see sticker shock; taxes will go through the roof.

Motion made by Stevens, 2nd by Finan, to adjourn at approximately 8:26 p.m. All were in favor. Motion carried.

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