

**Brentwood Planning Board
Minutes
September 2nd, 2021**

Members	Mark Kennedy	Paul Kleinman
Present:	Jon Morgan, BOS rep	Alternate, Brian West
	Doug Finan	
		Town Planner, Glenn Greenwood

7:14 pm: Open Meeting

Motion made by Kennedy, 2nd by Finan, to give alternate West voting rights. All were in favor with West abstaining. Motion Carried.

Motion made by Finan, 2nd by West, to have Kennedy act as temporary chairman to run the meeting. All were in favor. Motion carried.

7:15 pm: Acting Chair, Kennedy, opened the public hearing at approximately 7:15 pm.

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. *Jurisdiction was invoked on May 6, 2021.*

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

Roberts didn't realize he needed to initiate the electrical inspection and said he could reach out to Kaiser for the next meeting. Roberts still needs to get the Planning Board a list of vehicles that are registered and how many of those are inspected to meet the criteria for being road worthy. Roberts said the essence of the SFC report is that they need to know the quantity of the materials, many are household items. Vehicles, paint thinner, gasoline, it's a snapshot, they aren't manufacturing this on site, it comes and goes. He can do the snapshot. The cloud is the junkyard interpretation and wanted clarification and relief that it's more than 2 unroadworthy cars, that seems unreasonable.

Board and Roberts discussed junkyards, motor vehicle junkyards and that a fence around unregistered or non-road worthy vehicles wouldn't be enough and the cars should be removed from the property. Kennedy said there is relief, the cars must be inside. Roberts said or I can ask them to leave. He will get rid of the vehicles if the Board is going to hold him to two. Kennedy said he believes that is what would have to happen.

Morgan commented that he wants to make sure that the Board is applying the rules uniformly throughout Town. Kennedy assured Morgan that the Board does put their foot down and make sites clean up, but sometimes, the junk comes back. It's a function of enforcement and maintaining that enforcement. Greenwood said there are other properties in Town, one, that has been a constant challenge and there must be a meeting of the minds internally in Town as to how to deal with these.

Roberts said he has been cleaning up the site and it's 90% better than it used to be and appreciates the Board working with him. He would like another month to address the items.

Greenwood liked the snapshot idea and suggested that Jeff Murphy from SFC go on site with Roberts and go through all the buildings, that will serve the same purpose as an inventory. Murphy would see what is stored and where it is stored but SFC would bill Roberts for the hours. It would cost less to have Roberts' do the inventory than Murphy, but there is a benefit of Murphy being there. Roberts said his tenants sign leases that say they will comply with Brentwood and state laws, but he needs to be a better cop. Roberts can do the inventory and Kaiser could witness. Kaiser can witness the counting, while he's

Brentwood Planning Board

Minutes

September 2nd, 2021

reviewing the electrical. The Board was fine with this option and an update from Kaiser before the next meeting.

Bickum handed Roberts a copy of the Planning Board's agenda and packet of documents which included a summary of "to do" items from the meeting minutes from May 6th and June 17th for reference, including adding hours of operation to the plan 6 am to 10 pm, addressing the buffer etc. Packet included the SFC Memo from 9-2-201 regarding the MSDS and the two letters from the Building Inspector dated 8/31/2021 and 6/24/2021, and Greenwood and SFC's original review letters from May 2021 (all on file). Roberts hasn't updated the plan yet since there could be additional changes.

Morgan said the attorney came up with specific language regarding junkyards to work with the BOS, and they will get it done. Board discussed that Roberts' tenants could possibly become auto dealers.

Motion made by Finan, 2nd by Morgan, to continue the hearing on the site plan application for Brentwood Park, LLC to **October 7th, 2021, at 7:00 pm** at the Town Office. All were in favor. Motion carried.

Morgan said they hadn't finished the discussion on the enforcement mechanism; a specific plan to bring to the BOS to get a vote. Greenwood will put together a memo that outlines a manner for the Town as a whole; the framework for the code enforcement officer do deal with issues community wide. Greenwood will run it by the Planning Board at the next meeting and then send it to Morgan and BOS for comments.

Continued hearing for Master Plan Chapter adoption: Consideration of adopting the Community Profile chapter of the Master Plan. Greenwood said 10 days ago, the new census data was released. He has used the American Community Survey which are 5-year estimates. Originally the census data wasn't going to be released until December, but they released it early. The new figures should be incorporated as they are substantially different from the estimates. Greenwood asked for a continuation to **October 7th, 2021**.

Motion made by Finan, 2nd by Kleinman, to continue the hearing for consideration of adopting the Community Profile Chapter of the Master Plan to **October 7th, 2021**, at 7:00 pm. All were in favor. Motion carried.

Board Business:

- The Board signed the manifest.
- **Continued: Letter submitted for used pickup truck sales at 335 Route 125:** Nick Mancini of Coral Ridge Truck & Auto Inc. is 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. *Bickum will keep this on the agenda in conjunction with continued Brentwood Park hearings.*
- The Mylar was signed and recorded for SGS Trust, Stephen Sampson 2 lot subdivision on 8/26/2021; property located at 195 North Road; tax map 208.035.000.

Greenwood drove by two sites and updated the Board. Board discussed.

- **Brentwood Fence,** 300 Rte. 125 per Bruce Stevens. Tax map 209.005.000. Owner Teebco, Inc. Accumulation of materials beyond what's allowed on the site plan. Google images in 2018 show a pristine site and then it's almost a junkyard in the 2020 image. Greenwood would like permission to write them a letter stating that they are not conforming, clean up the site and that the previously approved outside storage shouldn't be visible from Rte. 125.
- **Brentwood Surplus, Greg Lambert's property;** Tax Map 209.067; 309 Rte. 125 accumulation of materials beyond what's allowed on the site plan. Greenwood suggested a letter to Lambert to

**Brentwood Planning Board
Minutes
September 2nd, 2021**

clean it up. The approved site plan does include two areas with rack storage but it's out of control now.

Motion made by Finan, 2nd by Morgan, to have Greenwood write two letters on behalf of the Planning Board to Brentwood Fence and Brentwood Surplus to have them clean up the sites, bringing the sites into compliance. All were in favor. Motion carried.

Greenwood gave an update on Carl Rullo at 324 Rte. 125; tax map 209.010, NHDES and the wetland filling violation/complaint (emails on file). Greenwood said that the original timeline with Bruce Gilday, wetland's consultant for Mr. Rullo and Neil Bilodeau of NHDES, was to start wetland remediation by July 12th, 2021. Greenwood called Gilday and never received a response. The state has contacted Gilday and there is a new timeline to mid-October to remediate the wetlands. The PB wasn't in the position to know if it was a violation to the wetland or the wetland buffer, the state doesn't have a wetland buffer. The state inspector determined where the previous wetland was, and the encroachment was a wetland and buffer violation, and they made the determination. Greenwood had asked NHDES to include the Town in any remediation as the Town has a wetland buffer ordinance. The state also requested that the wetland consultant work with the Conservation Commission; confirmed in the email today (on file).

Kleinman was concerned about the egregious activity that happened on the site and how long it's gone on. Greenwood said a cease & desist was issued to Mr. Rullo in March or April but was put into abeyance for the state to work with the violation process; no fines were issued but the Town could pursue it. Morgan will aggressively pursue the fines, whatever the PB suggests. It's not effective to issue serious letters from the Town and then not do anything. Greenwood said it was a state violation. When the state received the complaint, the state issued their response in 3-4 weeks. Then the date the consultant would start remediation was to be July 12th. After July 12th, is when Greenwood made some calls. An email was received from NHDES today where Gilday and Bilodeau discussed the new timeline of mid-October.

The Board discussed the cease & desist that had been issued to Rullo and whether they should send another letter giving Mr. Rullo 30 days to comply and then start initiating fines at \$275 per day per infraction. Kleinman and Morgan wanted to follow through on cease & desists. Greenwood said he can excavate the slope, but he can't put it in the wetlands or sell it from the site without an excavation permit. Kennedy suggested that the Board contact Gilday, Bilodeau (NHDES) and Rullo, come to the Planning Board meeting on September 16th to update the Board, discuss and to determine the next action. Greenwood to write a certified letter to Rullo to invite him to the PB.

Motion made by West, 2nd by Finan, to have Greenwood contact Bruce Gilday, Neil Bilodeau and Carl Rullo to see if they can come to the September 16th Planning Board meeting. If Mr. Rullo is a no show, then pursue legal remedies through the Town. All were in favor. Motion carried.

Approval of Minutes: August 19th, 2021: Motion made by Finan, 2nd by West, to approve the minutes from August 19th, 2021, as presented. All were in favor. Motion carried.

Morgan informed the Board that he will meet with the Exeter BOS to discuss economic development, on either September 15th or 16th, TBD.

Motion made by Morgan, 2nd by Finan, to adjourn at approximately 8:14 p.m. All were in favor. Motion carried.

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