

**Brentwood Planning Board  
Minutes – October 21, 2010**

Members Present:	Bruce Stevens, Chairman	John Kennedy, Vice Chair
	Doug Brenner, Secretary	Kevin Johnston, BOS Rep
	Charlie Pratt	Bob Magnusson
	Alison Lambert	Rob Wofchuck, alternate
	Glenn Greenwood, Circuit Rider Planner	

**Minutes – Mail – Board Business**

Chairman Stevens opened the meeting at 7:05.

The manifest was signed.

Motion made by Stevens, 2<sup>nd</sup> by Pratt to give Wofchuck voting rights: all were in favor.

Motion made by Kennedy, 2<sup>nd</sup> by Stevens to approve the October 7<sup>th</sup> minutes: the motion carried with Wofchuck abstaining as he was not present.

Motion made by Kennedy, 2<sup>nd</sup> by Wofchuck to approve the minutes of the Oct 16 site walk, with the addition of the time that the meeting adjourned (9:46). The motion carried with Pratt and Lambert abstaining as they were not present.

Richard Currie was in to speak to the Board regarding his potential use of a parcel on Commercial Drive that is currently owned by Haul-Away, and referenced by tax map 208.013.

Johnston arrived at this time. Haul-Away was in the container business and refuse hauling. Currie hauls scrap metal and tires only, and no rubbish. He said he moves his equipment from one scrap yard to another. Tires are moved in a box truck.

All work will be inside the building. He does a small amount of truck tire sales, and would install the tires within the building. Greenwood met with Currie earlier, and stated that this is the same type of use that Haul-Away was approved for.

Members agreed that this is consistent with the approved site plan, a continuation of an earlier approved use and Stevens reminded Currie that he must follow that approved plan. Currie thanked the Board for their time this evening.

Resident Jim Johnson asked if he could tape the meeting, saying he would have a brief statement at the end. Stevens said that the meetings are open to the public, and he can tape them.

**Continued Hearing: Condominium Subdivision.** M & T Holdings, Inc – tax map 205.006.

The Board has received a request to continue this hearing to November 4<sup>th</sup>.

Motion made by Kennedy, 2<sup>nd</sup> by Johnston to continue this hearing to Nov 4<sup>th</sup>: all were in favor.

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**7:15 pm: Boundary Line Adjustment – Byrne, Aquilina tax maps 216.007, 216.008, 216.009**

Paperwork is in order and abutters legally notified from the list provided by the applicant. Present for this hearing were applicants Jane Byrne and Patrick Aquilina. Jim Johnson was also present, representing abutter Dan Musso.

Motion made by Kennedy, 2<sup>nd</sup> by Pratt to accept the application: all were in favor.

Byrne showed the areas to be adjusted on the plans provided. There is a small triangle piece(parcel A) at the top of Byrne’s driveway, owned by Aquilina that will be turned over to Byrne, and a portion of frontage along the river (shown as parcel B) that Byrne will give to Aquilina, via this lot line adjustment. Byrne said it was just brought to her attention today that as a result of this “swap” her lot will be smaller. Since this lot is already a non-conforming lot of record, being less than the required two acres, it cannot be made more non-conforming by making it smaller, without a ZBA variance. She asked for a conditional approval, contingent upon the plans being changed to show her lot size being the same as it was before. Plans currently show the existing lot size to be 1.31 acres, and the new size to be 1.20. They have already spoken with their surveyor, who will change the plans to bring the Byrne parcel back up to where it was before this request.

Greenwood’s only comment was that Byrne’s lot, as shown, would be more non-conforming, but could be avoided if there was an equal exchange (as described above).

Applicant has submitted a request to waive the engineering review.

Motion made by Magnusson, 2<sup>nd</sup> by Kennedy to grant the request: all were in favor.

Motion made by Kennedy, 2<sup>nd</sup> by Johnston to grant a 120-day conditional approval, contingent upon revised plans showing the Byrne lot not becoming smaller than what it is, and receipt of the revised deeds for the lots, to be recorded at the time the plan is recorded. All were in favor.

At this time Jim Johnson said he had a statement that he was asked to read for Dan Musso, who was unable to attend. Johnson asked that the following be entered into the record:

“I hereby object to the lot line adjustment as proposed as the survey plan does not correctly reflect my deed or that of past deeds of record.

1. I, Daniel E. Musso own the embankment of Lot 1 and on Lot 9.
2. The Millrights owned by my deed of record are not reflected in the plans presented.
3. I do not believe the survey accurately reflects boundary lines and ownership of record in the Rockingham Registry of Deeds.

I Dan Musso give permission for Harriet E. Cady and James Johnson to speak on my behalf on this matter or others that come before town boards.”

Johnson said Musso signed the letter, and asked that it be entered into the record. He gave the PB a copy of the letter.

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Johnson said he does not have any survey plans yet but it is being done, and they are collecting information, and will be presenting that in other issues that are dealing with the “river, bridge and whatnot”. Stevens told Johnson that based on past advice of town counsel, the PB can accept on good faith the applicant’s submittal, completed and stamped by a licensed land surveyor. He said this is a civil matter and does not involve the PB. Lambert said the court has exclusive jurisdiction to decide boundary disputes or disputes about ownership of land.

Johnson thanked the Board for their time. Byrne and Aquilina also thanked the Board.

Magnusson said that any future plans received for lot line adjustments should include separate sheets that show existing lot lines then the proposed lot lines on a separate sheet.

Stevens said that at the Olofson site walk, property owner Jon Worrall agreed to replant trees and move the 2 earth piles. Stevens suggested this be checked in mid-November. A copy of the approved minutes will be sent to the abutter who wrote the letter to the Board.

Wofchuck presented photos of three businesses along Rte 125 who are encroaching on the display setbacks of Rte 125. The properties are Hayward Realty Trust, Alton Bailey (Auto Town) and Creative Storage. Brenner said the town needs to be more consistent with all commercial sites and find a way to periodically review them for compliance, and not single out certain ones. After much discussion it was determined that the selectmen should be made aware if these 3 sites.

Motion made by Pratt, 2<sup>nd</sup> by Lambert to ask the selectmen to write to these three property owners of the violations: the motion carried with Brenner voting no.

The mylar for New England Dragway was signed.

Motion made by Pratt, 2<sup>nd</sup> by Johnston to adjourn at 8:10: all were in favor.

Respectfully Submitted,

Kathy St. Hilaire  
Administrative Assistant  
Brentwood Planning Board