

**Brentwood Planning Board
Minutes – August 16, 2012**

Members Present: Bruce Stevens, Chairman John Kennedy, Vice-chair
 Kevin Johnston Mike Hubbard, BOS rep
 Bob Magnusson Steve Hamilton, Alternate
 Glenn Greenwood, Circuit Rider Planner

Minutes – Mail – Board Business

Chairman Stevens called the meeting to order at 7:00.

Motion made by Kennedy, 2nd by Johnston to give Hamilton voting rights: all were in favor.

Motion Made by Kennedy, 2nd by Hubbard to approve the July 19th minutes: the motion carried with Kennedy and Magnusson abstaining as they were not present.

Brian Greeke was present to request that he be allowed to have an auto inspection station at 25 Commercial Drive, unit 6A. The Board is in receipt of a letter from the Department of Safety, asking if this is an allowed use. Stevens said that this is in a commercial zone with commercial use, and is similar to the inspection stations allowed on Rte 125 at Gigante Park. Stevens said that the condominium documents for this property do not allow any outside display or storage, and Greeke he understands that.

Motion made by Kennedy, 2nd by Hubbard to authorize Stevens to sign the request from the DMV that this is an allowed use, and that there be no outside storage or display: all were in favor. Greeke thanked the Board for their time this evening.

Members reviewed the correspondence from Attorney Mitchell’s office regarding the 90 day timeline for eligible buyers for the Fire Fly development. There was no one present on behalf of Fire Fly. Greenwood explained that counsel’s letter said, in part, that in their opinion the 90 day begins as of the date that MB Management sends the owner the Maximum Resale Price pursuant to Section 2.2 of the Workforce housing agreement. Kennedy explained that zoning ordinances can only be changed at the March elections, and the Board is bound by the existing regulations. Stevens said the PB can work this fall to determine how many homes in Brentwood now meet the Workforce Housing criteria, etc.

New Hearing: Site Plan Review – Trendezza, LLC work force housing development tax map 224.084

Paperwork is in order and abutters legally notified from the list provided by the applicant

Comments are attached.

Motion made by Johnston, 2nd by Kennedy to accept jurisdiction: all were in favor.

Christian Smith of Beal’s Associates, LLC was present, as well as property owner John Lariviere. There were many abutters present for this hearing.

Smith said they are proposing 10, 2 & 3 bedroom condos. They have scaled the project back from the original 17 units as a result of the discussion at the design review hearing. They have submitted a waiver request to reduce the pavement on the proposed private road from 24’ down to 22 feet. He said there will be three common wells and three common septic systems. Smith said there are 8.94 acres in this piece, less than the minimum 10 acres, so they will request a Conditional Use Permit in accordance with article 300.002.009.003, section 5. Smith said there will be one wetland impact of about 1,135 sf. They

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will also request a CUP to reduce the wetland buffer to 25 feet from 50 feet, and a CUP to allow the wetland crossing for the private road. They are working on answering the comments from town engineer Steve Cummings. Smith received tonight both Greenwood's and fire consultant Nick Cricenti comments and has not had the chance to review them. He said they need to address the CUP to allow the development on less than 10 acres. Kennedy said that the cul-de-sac shown needs to be large enough to accommodate fire apparatus. Motion made by Hubbard to deny the current use. Kennedy said they need to continue forward and get things on the plan that need to be on the plan and discuss it all first. Hubbard said he personally would make a motion to deny it. Smith said they will get the dimension of the fire trucks and turning radius and run it through an auto turn, and Kennedy asked that a copy of the auto turn be put on the plans.

Hubbard asked if this proposal does not meet the requirement, and someone on the PB makes the motion to deny that requirement, wouldn't the next step be to go back and maybe build something different, single family homes, or something that meets the 10 acre requirement. Stevens said there is a process, and he said Smith wants time to review comment letters from Greenwood and the fire consultant. Hubbard said they may be trying to put a square peg in a round hole with all the waivers that they are trying to get. Stevens said the waivers are pretty standard. Stevens said that the wetland crossing is standard, and the reduction in the width of pavement has been done in the past, and is encouraged by the CC and town engineer, and is not out of the ordinary.

Stevens said the Board has a request for a CUP for the 8.9 acres: copies were given to members. Greenwood said the CUP clearly wants the PB to look at what is going on in the neighborhood. He said of the three requirements of the CUP, the Board is asked to look at the appropriateness of the use, and the location, and said the Board needs to look at what the environment is in the immediate location. Lariviere said he is looking for something that is completely allowed within the existing zoning, and was previously granted. If residents want an age restricted development and not workforce housing, he will do that. He said if the CUP for this is denied, then he has no choice but to come back with what was already approved (18 units from previous application). He said during the Design Review, he came with what had been previously approved and after listening to the Board he reduced it to 10 and changed it from age restricted to workforce housing. He said this is allowed under zoning.

The Board reviewed the CUP for the acreage. Magnusson said they have not made a technical case, does not provide the character of the neighborhood, etc and he would like to see more support for the CUP. Stevens said the PB may need more information before voting on this, and need to allow the applicant the opportunity to provide that and will ask the applicant to provide at the next meeting more detail to support the CUP request. Lariviere said that a CUP was previously approved for 18 units, and he is asking one for 10 units, and does not see any justification on any potential denial, he said he has been very reasonable with the density of the property.

Stevens said on the prior application for this site the PB compared parcel to parcel the values and averaged them to the new proposed development, and found them not to be detrimental. Johnston asked if the houses in the surrounding area would be used as comparative sales if someone wanted to sell their house and Hubbard said the Fire Fly development has brought values down. Stevens said the average value of Fire Fly is equal to the average assessed value on any home on the street and Hubbard said he would challenge that. Hubbard asked for a technical review that this will not have an impact on the values.

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Smith said that they have the assessed values of the properties on South Road, taken from the town web site. Stevens asked that they gather any information they need for the next meeting.

Motion made by Kennedy, 2nd by Stevens to continue this hearing to September 6th at 7:00 pm: all were in favor. Smith thanked the Board for their time this evening.

The new owner of the old fire station will be in September 6th to discuss possible uses.

Members agreed to discuss the Town Center zone at their September 20th meeting. Notice will be put on the web site.

Kennedy asked to be removed as vice-chairman.

Motion made by Magnusson, 2nd by Kennedy to adjourn at 9:15: all were in favor.

Respectfully Submitted,

Kathy St. Hilaire,
Administrative Assistant,
Brentwood Planning Board