

**Brentwood Planning Board**

**Minutes**

**December 15, 2016**

Members Present: Bruce Stevens, Chair Kevin Johnston, Vice-Chair  
Mark Kennedy Steve Hamilton  
Bob Mantegari, BOS rep Lorraine Wells, Alternate  
Glenn Greenwood, Circuit Rider Planner

Also present: Fire protection consultants Nick Cricenti and Jeff Murphy from SFC Engineering

Chairman Stevens opened the meeting at 7:00 pm.

The manifest was signed.

Cricenti introduced Murphy to members. Cricenti will be retiring at the end of the year and Murphy will work with the PB as fire protection consultant.

**Continued Hearing:** Amendment to a Previously Approved Site Plan: Cummings - tax map 205.001 & 005

Cummings said all of Greenwood's comments (on file) have been addressed with the exception of the required building elevations. Cummings will make a note on the plan. Cricenti's letter stated all of his previous concerns have been addressed with the exception of receipt of a driveway permit, and approximate number of trips per day for full occupancy of the four buildings. Cummings has submitted his driveway application, and will add a note regarding the traffic to the plan.

Stevens read the waiver request from Site Plan Regulation Section 9.11.5 Parking Lot Landscaped Area Requirement and 9.14 Buffer Zones and Landscaping. This request is because the project is located within the industrial/commercial zone of Pine Road amongst other industrial use properties where the need for landscaping and buffering does not appear to be necessary.

Motion made by Hamilton, 2<sup>nd</sup> by Kennedy to give Wells voting rights: all were in favor.

Motion made by Hamilton, 2<sup>nd</sup> by Johnston to grant the waiver request: all were in favor. Mantegari arrived at this time.

With regards to construction bonding for site improvement, Greenwood said there will be minimal stormwater management devices, and based on the site, he feels no bonding needs to be required.

Motion made by Mantegari, 2<sup>nd</sup> by Wells that bonding for the site improvements is not necessary and will not be required: all were in favor.

Motion made by Wells, 2<sup>nd</sup> by Mantegari to grant a conditional approval to April 20, 2017, contingent upon the following: provide building elevations and add a note to the plan

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regarding traffic information: All were in favor. Cummings thanked the Board for their time this evening.

Stevens thanked Cricenti for his work with the Board over the years, saying he had been a lifesaver at times, with his expertise and reasonableness of somebody to work with. Cricenti and Murphy left at this time.

**New Public Hearing:** Consideration of amending the Brentwood Zoning and Land Use Document as it pertains to the following:

1. Telecommunication towers providing co-location spot for emergency communication;
2. No building permit required on structures less than 150 sf;
3. Amend the Accessory Housing to further comply with the State;
4. Amend the definition of Farming and Agriculture;
5. Consideration of repealing the Senior Housing Ordinance and,
6. Change the front setback along the commercial/industrial zone of Crawley Falls Road.

**Cell Towers: Add a new paragraph K, to Article III, section 300.002.001.006 to read as follows:**

**All proposed telecommunication towers shall provide one appropriate co-location spot be made available on said tower for local and/or regional emergency communication.**

Greenwood said there is no charge to the government agencies for any use of the cell towers. Members want the wording clarified to state there will be no charge for this, by adding that this will be offered at no cost. This will be added to the notice of the public hearing to be held January 19, 2017 for zoning amendments.

**Exceptions: Amend Section 900.004.004 Exceptions to read as follows:**

No building permit is required and the restrictions contained in Article IX, Section 900.002.002, Items 900.002.002.001 – 900.002.002.014 inclusive, shall not apply to any structures 150 feet square feet in size or smaller. This shall include small dairy rooms, root cellars, poultry houses, farm storage sheds and other small structures to be located on an owner's property provided that such structure shall be confirming to all other provisions of the Brentwood Zoning and Land Use Ordinance and Building Ordinance. Such structure shall not become the permanent dwelling of any family unit.

Greenwood said that this is not a change in the current zoning, but at a request of the ZBA, is relocated to be easier to find in the book.

Motion made by Kennedy, 2<sup>nd</sup> by Mantegari to put this on the March 2017 ballot: all were in favor.

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Accessory Housing: Amend Article IX 900.004

Amend Article IX, 900.004 Accessory housing to read as follows

900.004 Accessory ~~Housing~~ Dwelling Units

900.004.001 Authority

This section is enacted in accordance with the provisions of RSA 674:70-73-674:21.

900.004.002 Purpose and Objectives

The purpose of the accessory dwelling unit ~~family apartment~~ provision is to provide increased flexibility with respect to housing alternatives for families in Brentwood while maintaining health, safety, aesthetics and quality of the Town's neighborhoods.

The objectives of this Section are to:

900.004.002.001 Provide for the construction of accessory dwelling units ~~apartments~~ in, or attached to, existing single-family dwelling units.

900.004.002.002 Add more units to the housing stock to meet the needs of family members and smaller households, both young and old;

900.004.002.003 Protect stability and property values by ensuring that accessory dwelling units ~~apartments~~ are installed only in owner-occupied houses and under such additional conditions as to protect the health, safety, and welfare of the public.

900.004.003 Definition

900.004.003.001 Accessory Dwelling Units

As used in this ordinance, "accessory dwelling unit" means a residential living unit that is within or attached to a single family dwelling, and that provides independent living facilities for one or more persons, including provisions for sleeping, eating, cooking, and

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sanitation on the same parcel of land as the principal dwelling unit it accompanies.

900.004.0043 Requirements

900.004.0043.001 The owner of the property shall occupy one of the units as a primary dweller and be landlord of the secondary dwelling unit.

900.004.0043.002 The living area of the accessory (or secondary) dwelling unit shall not exceed 1/3 of the assessed square foot area of the living area of the entire dwelling (both units) to a maximum living area of 1500 sq. feet, and shall be limited to a maximum of 2 bedrooms. No accessory dwelling unit shall have less than 525 square feet of living space. This allowance is less than the Town's standard dwelling unit size of 720 square feet because the accessory unit is not a stand-alone dwelling unit but instead a secondary unit to the primary residence. (3/2009)

900.004.0043.003 In no case shall there be permitted more than a single family residing within the accessory second-dwelling unit. Dormitory-type facilities are expressly prohibited whether seasonal or otherwise.

900.004.0043.004 The accessory dwelling unit apartment shall be designed so that the appearance of the building remains that of a one-family dwelling. An interior door shall be provided between the principal dwelling unit and the accessory dwelling unit, this door need not remain unlocked.

900.004.0043.005 Parking shall be available for a minimum of four automobiles for the entire dwelling (both units). All parking must be off-street.

900.004.0043.006 The accessory dwelling unit shall conform to all applicable structural, water, and sanitary standards for residential buildings.

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900.004.00~~43~~.007 The structure and lot shall not be converted to a condominium or any other form of legal ownership distinct from the ownership of the existing single-family dwelling.

900.004.00~~43~~.008 Prior to any renovations or building the owner shall provide evidence to the town Board of Selectmen or their agent, that septic facilities are adequate for the total number of bedrooms according to the standards of Brentwood. If deemed necessary by the Board of Selectmen or their agent, such evidence shall be in the form of certification by a state of NH licensed septic system designer. Also the owner shall provide evidence that there is adequate potable water according to the standards of the State of New Hampshire. The Board of Selectmen or their agent then shall indicate their approval in writing to the Building Inspector in order to allow any building permit.

900.004.00~~43~~.009 Once any renovation or construction is complete, or the owner is ready to have a unit occupied, and the impact fee is paid, a request must be made to the Building Inspector for an occupancy permit. There shall be no occupancy of the accessory dwelling unit (or either unit if the entire dwelling is new construction) until the Building Inspector has issued said occupancy permit. (3/2005)

Greenwood said this amendment is to ensure that the town is compliant with the State laws on Accessory Housing.

Motion made by Mantegari, 2<sup>nd</sup> by Kennedy to put this on the March 2017 ballot: all were in favor.

**Definitions: Farming and Agriculture:** Amend Article II, Section 200.031 by adding the following statement after the sentence ending with "amended":

**For activities defined in the State law as agritourism, the owner of the property upon which the agritourism is proposed must request guidance from the Planning Board with respect to the degree of site plan review that may be required for the proposed agritourism use.**

Greenwood said this is to comply with the new state law regarding Agri-tourism. Resident Jeff Donald was present and asked what the threshold was for the Site Plan Review Requirement

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and Greenwood said they have not generated thresholds for building size, traffic, anticipated attendance, etc., that this would be decided on a case by case basis.

Motion made by Mantegari, 2<sup>nd</sup> by Hamilton to put this on the March 2017 ballot: all were in favor.

**Senior Housing : Amend Article III, section 300.002.008.003. G., to read as follows:**

**The maximum number of bedrooms allowed in a site is three (3) per acre of developable land, and shall be calculated as follows:**

- 1. Subtract very poorly and poorly drained soils, alluvial soils and soils with slopes greater than twenty-five (25) % from the total parcel acreage.**
- 2. Subtract ten (10) % of the remaining land for roads and utilities.**
- 3. Multiply the resultant acreage by three (3) bedrooms to get the maximum number of bedrooms allowed on site.**

**Senior Housing: Amend Article III, section 300.002.008.003. G., to read as follows:**

**The maximum number of bedrooms allowed in a site is two (2) per acre of developable land, and shall be calculated as follows:**

- 1. Subtract very poorly and poorly drained soils, alluvial soils and soils with slopes greater than twenty-five (25) % from the total parcel acreage.**
- 2. Subtract ten (10) % of the remaining land for roads and utilities.**
- 3. Multiply the resultant acreage by two (2) bedrooms to get the maximum number of bedrooms allowed on site.**

Greenwood said the above are two options based on discussion at the previous meeting, regarding the density calculations. He said both options would reduce the the current allowance of 4 bedrooms per acre, the first to three, and the second one to two. He said the option of reducing it to the 2 bedrooms per acre would put it in line with our regular requirement for a house lot, and would eliminate any density bonus. He said without any density bonus it will eliminate the desire for a developer to build senior neighborhoods. Kennedy and Johnston would rather eliminate the Senior Housing completely.

Motion made by Stevens, 2<sup>nd</sup> by Mantegari to put the 3-bedroom option on the March ballot. The motion carried with Kennedy and Johnston voting no.

**Senior Housing: Amend the first paragraph of Article III, section 300.002.008.003. U. to read as follows:**

**Primary roads shall be built to subdivision road standards, except pavement width shall be 32 feet in areas deemed appropriate by the Planning Board. All roads constructed in senior housing developments are to be Town roads.**

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Members discussed making the roads within a senior development public or private and requiring them to be made to town standards, having the ROW marked on the plan and giving the developer the option of making them private or public. This will be further discussed at the public hearing in January.

**The remainder of the section remains unchanged.**

**Senior Housing: Amend Article III, section 300.002.008.003., D., to read as follows:**

**The minimum lot area shall be ten (10) acres**

Greenwood said this would eliminate the allowance for a Conditional Use Permit to reduce the lot size to no less than 5 acres, if applicable.

Motion made by Wells, 2<sup>nd</sup> by Mantegari to put this on the March 2017 ballot. All were in favor

**Setbacks: Amend Article III, Section 300.002.001.005 Front, Site and Rear Yards, by adding the following statement to the end of paragraph A:**

**The 125 feet setback requirement applies only to those lots within the commercial/industrial district that front upon NH Routes 125 and 27.**

It was discussed that the intent of the original ordinance was to be along Rte 125 or Rte 27, both state roads, in the event that the state were to widen the roadway, it would not impact any commercial structures. The current ordinance also applies to the commercial/industrial portions of Crawley Falls Road, a town road. There is a new law that requires affected landowners to be notified of zoning proposals. A letter will be sent to those who will be affected, and this will be put on for discussion at the January hearing.

**Board Business**

The Mylar was signed for Varsity Wireless.

Motion made by Hamilton, 2<sup>nd</sup> by Johnston to approve the December 1 minutes: the motion carried with Mantegari abstaining as he was not present.

Motion made by Wells, 2<sup>nd</sup> by Hamilton to adjourn at 8:25: all were in favor.

Respectfully submitted,

Kathy St. Hilaire  
Administrative Assistant,  
Planning Board