

**Brentwood Planning Board  
Minutes – December 6, 2012**

Members Present:      Bruce Stevens, Chairman                      Doug Brenner, Secretary  
                                 Kevin Johnston                                      Rob Wofchuck  
                                 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 Wofchuck, 2<sup>nd</sup> by Magnusson to give Hamilton voting rights: all were in favor.

**7:00 pm: Lot Line Adjustment – Luger – tax maps 224.001.004 & 224.001.005**

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

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

Licensed land surveyor Steve Luger was present this evening on behalf of the property owner, RJ Moreau Communities, who owns both parcels. There were no abutters present this evening. Greenwood has no comments regarding this application and Wofchuck said that in the town engineer's (Steve Cummings) comment letter, his only comment is that the driveway shown on the plan is within the wetland buffer, and that the driveway permit he had issued shows the driveway on the other side of the lot. A Conditional Use Permit is required in order for the driveway to be within the wetland setback.

Luger said that he has been doing the foundation certifications in this project, and he said he was not asked to stake out the building for lot A (tax map 004) and the contractor put the back corner of the house where it was supposed to be, but twisted the building and now it is 17.6 feet to the side property line, and the setback is 20 feet. Members had discussion on the building permit process and the foundation certification process, and reviewed the ordinance. Luger said he stakes out the lots so that the excavator can dig around, and then he goes back and puts four stakes in and then the forms crew can put in their footings. He said this was not done on this site. He said the house has already been built on this lot.

Members reviewed the driveway permit that was issued where Moreau had drawn it showing the driveway on the southern part of the lot, and the plans shown tonight show the existing driveway on the northern part of the lot, and within the wetland setback. As Cummings letter states, this will require a conditional use permit, and a new driveway permit. Brenner said the Board should not sign off on the lot line adjustment with a non-conforming driveway in place. Stevens suggested that the driveway be put where they had applied for, and Luger said that the garage is under the house, with the access as shown on this plan.

Brenner said that the LLA should either be approved contingent upon moving the driveway to where it is supposed to be, or continue this hearing and let them apply for a CUP. Luger asked the Board to grant the CUP and Brenner said he could not go along with that, that under the circumstances with a flagrant disregard by the owner of following the rules, they should look at this. He wants to see some evidence as to why the CUP should be granted.

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Motion made by Brenner, 2<sup>nd</sup> by Hamilton to continue this hearing to December 20<sup>th</sup> at 7:00 pm: all were in favor.

Motion made by Stevens, 2<sup>nd</sup> by Hamilton to conduct a site walk of this site on Saturday, December 15<sup>th</sup> at 9:00 am: all were in favor. Luger said he can be present for the walk, and will contact Moreau. Luger thanked the Board for their time this evening.

**7:00 pm Site Plan Review: Countryside B.I.S. Dev – tax map 216.027.000**

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

Motion made by Stevens, 2<sup>nd</sup> by Johnston to approve the application: all were in favor. Charlie Zilch and applicant Nancy Orlando of Countryside BIS were present for this hearing. There were no abutters present.

Zilch explained that in July 2012 they got a Conditional Approval for access to this lot from lot 216. 028, as required by the state DOT. They propose to construct a 825 sf ice cream shop and construct a farmers market/crafts fair area with associated buildings. The shop will serve mostly as take out, but will have paper service seating for about 10 in the building and 12 outside on a attached patio. The building will have restrooms for both employees and customers. They also propose an event area that will be located behind the shop and will consist of several enclosed buildings intended to serve as retail/display space and event gathering space. A gazebo is also proposed, adjacent to several grassed display areas and gravel walking paths. The event area is intended to serve occasional use and does not provide full time occupancy of any of the buildings. They will not have bathrooms in the buildings, but they will be heated. Sanitation for these will be by porta-potties. They would like to be open year round.

Brenner is concerned with traffic flow, parking and also the bathrooms. Zilch said that the DOT is looking for a traffic volume analysis, which they will provide. Members are concerned with use of porta potties, especially in the winter. Greenwood said that while he supports the use of the site the potties are a concern of his. Zilch said that the state has no criteria for the requirement of bathrooms in heated commercial buildings. There was discussion on the number of parking spaces for both the vendors and customers. Orlando prefers not to move the ice cream building back and put more parking in the front, and wants customers to be able to sit outside without sitting in the parking area.

Zilch explained the drainage concerns from Cummings letter and will satisfy any outstanding issues, and they have submitted a drainage design report. Regarding Greenwood's comments he said they will be easy to address. Greenwood said that the PB needs to see the easement language for the driveway prior to any conditional approval. Zilch said there is an easement plan that he will record and provide the PB with a copy, and will draft language for the easement. Members would like to see some lighting along the driveway. The letter from SFC Engineering (fire consultant) was discussed at this time. Zilch will contact SFC for clarification. He will review the comment letters received and tonight's comments from the Board.

Motion made by Stevens, 2<sup>nd</sup> by Magnusson to continue to January 3<sup>rd</sup> at 7:00 pm: all were in favor. Zilch and Orlando thanked the Board for their time this evening.

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**Board Business**

Motion made by Johnston, 2<sup>nd</sup> by Wofchuck to approve the November 15 minutes: the motion carried with Magnusson abstaining as he was not present.

St. Hilaire asked that the minutes of the November 17 site walk be amended by adding the location of the walk.

Motion made by Wofchuck, 2<sup>nd</sup> by Stevens to approve the Nov 17 minutes as amended: the motion carried with Brenner and Magnusson abstaining as they were not present.

Motion made by Stevens, 2<sup>nd</sup> by Magnusson to approve the minutes of the Dec 1 site walk: the motion carried with Wofchuck and Johnston abstaining as they were not present.

Wofchuck mentioned the site walk of Idyllwood Drive and St. Hilaire said Cummings sent a letter stating that all outstanding issues have been met, and he recommends accepting the road as a town road. This can be done once we receive the latest invoice from town counsel, and it is paid by the developer. Wofchuck said that the as-built shows one culvert as being a 12 inch culvert, and at the site walk Cummings said it was a 15 inch culvert. The Board wants verified the size of the culvert, and if it incorrectly labeled, would like the as-built corrected.

M & T has submitted a request for a 60 day extension to their conditional approval, while they continue to work with SFC and the BFD concerning fire suppression.

Motion made by Stevens, 2<sup>nd</sup> by Brenner to grant the extension to March 7, 2013: all were in favor.

The Board is in receipt of a letter from the DMV, asking if PDK can hold an automotive dealer license at Gigante Park, tax map 216.045. At the PB Sept 20 meeting, members voted that this was an allowed use, with the understanding that there shall be no outside storage or display of vehicles.

Motion made by Brenner, 2<sup>nd</sup> by Wofchuck to approve the use and have Stevens sign the form: all were in favor.

Motion made by Brenner, 2<sup>nd</sup> by Johnston to have Stevens sign the 2013 Rockingham Planning Commission contract: all were in favor.

**7:00 p.m. Consideration of amending the Brentwood Zoning and Land Use Document and the Master Plan with the following:**

***1. Planning Board will vote to adopt the 2012-2017 Capital Improvements Program and the Open Space Chapter of the Master Plan.***

Regarding the CIP, Greenwood said he spoke with the SAU and the figures for the school portion have been updated, but the Board does not have an updated copy.

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Regarding the Open Space chapter, the Trails Committee submitted recommendations today that Greenwood would like to review to include.

Motion made by Wofchuck, 2<sup>nd</sup> by Magnusson to continue this to Dec 20<sup>th</sup>: all were in favor.

**2. Consideration of repealing Article 300.002.009 Workforce Housing, in its entirety.**

Members had discussed at previous meetings the fact that statistics show that Brentwood meets the criteria mandated by the state to offer workforce housing without special zoning requirements. Currently there are approximately 1315 homes, of which 45% meets the requirement.

Motion made by Brenner, 2<sup>nd</sup> by Johnston to put this on the March 2013 ballot, to remove Article 300.002.009 in its entirety: all were in favor.

**3. Consideration of amending Article 300.002.004 Town Center Zone District 1, by removing the prohibition against outside display/storage.**

Motion made by Brenner, 2<sup>nd</sup> by Johnston to put on the March 2013 ballot the proposed zoning amendment to Article 300.002.004 by removing the prohibition against outside display/storage: all were in favor.

**4. Consideration of amending Article 700.002.009.001 by removing item D that reads “Economic advantage alone is not reason for the proposed construction”.**

Motion made by Wofchuck, 2<sup>nd</sup> by Hamilton to put on the March 2013 ballot the amendment to Article 700.002.009.001 by removing item D that reads “Economic advantage alone is not reason for the proposed construction”. All were in favor.

**5. Consideration of amending Article 700.003.003.006 by removing item D that reads “the proposed use complies with all other applicable sections of this Article”. This is redundant, and unnecessary.**

Motion made by Wofchuck, 2<sup>nd</sup> by Magnusson to put on the March 2013 ballot the amendment to Article 700.003.003.006 by removing item D that reads “the proposed use complies with all other applicable sections of this Article”: all were in favor.

Motion made by Stevens, 2<sup>nd</sup> by Wofchuck, to appoint Hamilton as a regular member, to complete John Kennedy’s term: all were in favor.

Members reflected on the passing of long-time member and friend John Kennedy, recognizing all that he has done for the town of Brentwood, including his leadership and guidance to the Planning Board over the past thirty-plus years. His commitment to everything he was involved in was unmatched, and he will be missed by the town and this Board for a very long time to come.

Motion made by Magnusson, 2<sup>nd</sup> by Hamilton to adjourn at 9:40: all were in favor.

Respectfully Submitted,

Kathy St. Hilaire,  
Administrative Assistant,  
Brentwood Planning Board