

**Brentwood Planning Board
Minutes – January 3, 2013**

Members Present: Bruce Stevens, Chairman Doug Brenner, Secretary
 Bob Magnusson Rob Wofchuck
 Mark Kennedy, alternate
 Glenn Greenwood, Circuit Rider Planner

Minutes – Mail – Board Business

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

Motion made by Wofchuck, 2nd by Magnusson to give Kennedy and St. Hilaire voting rights: all were in favor.

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

Charlie Zilch of SEC & Associates spoke on behalf of the applicant, Nancy Orlando this evening. Orlando was also present. There were no abutters present.

Zilch said they have made changes based on the previous meeting, and wanted to go over those changes before addressing the review letters. Revised plans show a relocation of the craft building and added public bathroom facilities. Also added were 5 parking spaces to bring the total up to 40. The leach field has been increased in size and the proposed ice cream shop moved to accommodate the other changes. Orlando said that the proposed farmer’s market will be for local fruits and vegetables to promote local businesses. She will phase this proposal, and will first put up the ice cream shop, and will put in the entire parking lot. Zilch said if the PB is favorable with what is proposed tonight, then they will go through the review letters, and go forward with resubmitted plans. He asked if the board would consider waiving the requirement for “islands” for parking and the consensus of the Board was that they would consider a waiver request. Zilch is working with the DOT for the driveway access permit.

Motion made by Magnusson, 2nd by Stevens to continue to February 7th at 7:00 pm: all were in favor. Zilch and Orlando thanked the Board for their time this evening.

7:00 Continued Hearing: Luger Lot Line Adjustment tax maps 224.001.004. & 224.001.005

Steve Luger provided plans that showed the mitigated driveway and plantings along the no-disturb area and the language on the plan of the no disturb zone and the wetland ordinance. Town engineer Steve Cummings has not received the revised plans, for comment. Brenner asked if there was anything that could be done on the site to prevent any future encroachment in the buffer, such as a marker. Magnusson said the wetland is the area to be protected, and the buffer is the transitional area for that protection. Stevens said that the berm is large enough to prevent disturbance of this area. Greenwood said it will be written in the deed description. Greenwood said one of the conditions of approval will be receipt of the deed that reflects the wording and the LLA, along with receipt of the \$2,000 bond and a sign off letter from Cummings, approving the restoration plan.

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Motion made by Magnusson, 2nd by Brenner to grant a 120-day conditional approval, contingent upon the following:

1. Receipt of \$2,000 bond for the plantings
2. Copy of the deed that references the no disturb zone
3. Approval letter from town engineer.

The motion carried by unanimous vote. Luger thanked the Board for their time this evening.

7:00 pm New Hearing: Amendment to a previously approved site plan: Hayward Realty Investments, LLC tax map 217.026.000

Paperwork is in order and abutters legally notified from the list provided by the applicant. Stevens read a note from abutter Magnusson that said they are okay with this proposal.

Motion made by Wofchuck, 2nd by Kennedy to accept the application: all were in favor.

Owner Dennis Hayward and Dennis Hamel of Cammett Engineering were present for this hearing. There were no abutters present. Hayward had received a letter from Greenwood last summer regarding several non-compliant issues. Hayward said tonight's plans show the two loam piles left from the original construction, and are now vegetated and Greenwood said they are not an erosion issue. Hayward said they did put an erosion barrier around the piles. He said the parking that is now behind the building is a result of the needed space for a tenant for the temporary parking of vehicles that his tenant works on, and was not on the original plan. Hayward said there was not much to do there, but they do park over the reserve septic area. He said they did not change the topography. Vehicles do periodically park where the site is for the second building (not built) but have not changed anything there.

Hamel said this plan is an as-built, to show the filling of the back area, and not the drainage (not shown). He said the drainage is in, as designed. Magnusson said that is a concern of his because the design was predicated on everything going into the control systems, and asked where the gravel parking area in the back drains. Hamel said the paved area in back was previously approved, and has two catch basins and a drain. Wofchuck noted that they are now parking in the back, and within the wetland buffer. The buffer is not delineated on the plans provided by the applicant. Hayward said they increased the gravel area in back for egress and drive out back to get to their units; he said there was not enough room. Hayward admitted that he is aware now that it was something he should not have done. Kennedy said that this was deliberately done without following their earlier plan, that the town has wetland buffers, and asked Hayward what he was going to do to correct this. Hayward said they are asking for permission to keep it there. Wofchuck said there is no reason to grant this, that there is plenty of land available for parking, and they do not need to park within the buffer. Stevens said the loam piles show on the plans, and a note could be added to use best management practices for those piles. Wofchuck said article 700.002.006.005 prohibits the storage of any motor vehicles, including but not limited to, autos and trucks, snow mobiles, recreational vehicles, motorcycles or motorized boats in the wetland buffer. He went on to say that the Conditional Use Permit does not allow those uses. Hayward is willing to put a guardrail up along this area, as was shown on the original plan. Wofchuck said it should be restored to what was

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earlier approved, and include a wetland scientist's recommendations, and Magnusson wants the drainage restored to the original plan. He said a retaining wall is a consideration in the restoration; they need to do whatever is best for the wetland. Hamel will prepare an erosion control plan and show any future parking. Hamel said that all of the restoration will take place within the buffer, and the wetlands will not be touched. He said that any plantings will be upland plantings and will bring the slope back to the original 3 to 1 and seed it. Stevens asked that any revised plans show the wetland buffer.

Brenner asked what they wanted on the new plan that would be different from the original plan, and Hamel said that they paved along the south side of the site, along the building and would like the Board to allow that to stay, along with the gravel parking that is shown on the plan, also along the south side. He noted that it is not within the buffer. A note will be added to the plan that the loam piles are temporary. Hamel said there will be no activity or encroachment within the wetland; they will put up barriers to protect that area. Stevens said the Board always has the option of requesting a wetland scientist. Cumming will review the plans to offer comment.

Motion made by Stevens, 2nd by Magnusson to continue to February 7th, at 7:00 pm: all were in favor. Hayward and Hamel thanked the Board for their time this evening.

Jim Johnson and Jim Berlo were present to speak to the Board. Also present were Ed Comeau of Government Oversight.com, who videoed the meeting, and Windham residents Ken Eyring and Eileen Mashimo. Johnson thanked the Board for allowing them time this evening, stating that when they were in before, they had concerns, and he said he would like Eyring, Mashimo and Comeau to speak with the Board. Stevens said that it was not clear to the Board what organization they represented. Eyring and Mashimo said they do not have an organization, but are here as private citizens. Comeau said Government Oversight.com is what he does for a living (he video tapes various public meetings) and he is also a Brookfield Planning Board member, and was their representative to the Strafford Planning Commission. He said he is here tonight, not as their representative, but for himself. Eyring said they were here to discuss the Granite State Future program. He said, in part, that this is an umbrella program, being implemented by nine regional planning commissions in NH. In their discussion, they referred to this as a form of social engineering and want to make the Board aware of what they feel is escalating bureaucracy. During this discussion Stevens stated, in part, that New Hampshire is regulated by the legislative body who are voted into office by the people, and Greenwood explained the Rockingham Planning Commission role; the program objective is to prepare their regional plan, and that they serve towns in an advisory role only. After their presentation, Stevens thanked the group for coming in this evening. (This can be seen in its entirety on governmentoversite.com)

Board Business

Motion made by Wofchuck, 2nd by Brenner to approve the December 20 minutes with the following addendums: Add to the end of the 5th paragraph on page 1 "*It was the consensus of the Board that there didn't appear to be another good option that would have included other properties in the rezoning. Members considered the area as a whole including surrounding properties*". At the end of

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the Trendezza hearing, add *“Greenwood noted that our legal representative would be reviewing the documents as part of the conditional approval, and it is perfectly appropriate for the Board to consult with their attorney as part of that process”*. At the end of the Luger hearing insert *“Cummings left at this time”*. The motion carried with Magnusson abstaining as he was not present.

Motion made by Magnusson, 2nd by Wofchuck to adjourn at 10:05: all were in favor.

Respectfully Submitted,

Kathy St. Hilaire
Administrative Assistant,
Brentwood Planning Board