

Brentwood Planning Board
Minutes
October 7th, 2021

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|-----------------|-------------------------|-------------------------------|
| Members | Bruce Stevens, Chairman | Mark Kennedy |
| Present: | Jon Morgan, BOS rep | Doug Finan |
| | Paul Kleinman | Alternate, Brian West |
| | Kristin Aldred Cheek | |
| | | Town Planner, Glenn Greenwood |

Open Public Hearing: Chairman Stevens opened the public hearing at 7:00 pm.

Motion made by Stevens, 2nd by Morgan, to give alternate West voting rights. All were in favor. Motion carried.

7:00 pm: Continued Site Plan Application: Applicant/Owner: Brentwood Park LLC. Property is located at 335 Route 125, Brentwood, NH 03833 in the commercial/industrial zone, referenced by tax map 209.014.000. Intent is to review site plan changes of use on the site.

Motion made by Finan, 2nd by West, to continue the hearing for Brentwood Park LLC to November 4th at 7:00 pm here at the Town Office. All were in favor. Motion carried.

7:00 pm: Conditional Use Permit: Applicant Public Service Co of NH (Eversource Energy) requests a Conditional Use Permit for temporary wetland impacts to access existing transmission lines A126 and H141, within their right-of way in Brentwood for the purpose of replacing approximately 17 transmission structures. Work and/or access will be on tax maps; 203, 205, and 206, mainly between Deer Hill Rd. and Pine Rd.

Present: Kristopher Wilkes of VHB (Vanasse Hangen Brustlin, Inc.) presenting for the applicant, PSNH/Eversource; Jeremy Fennell from Eversource. Abutters Present: Mark Carpenter of 99 Pine Rd.

Stevens said all paperwork was in order and abutters notified from the list provided by the applicant.

Motion made by Morgan, 2nd by Kennedy, to invoke jurisdiction to accept the application as complete. All were in favor. Motion carried.

Wilkes gave an overview of the project (map on file); Eversource is planning to do maintenance work on transmission lines and will be replacing 17, 115-kV transmission line poles along the PSNH/Eversource ROW between Deer Hill Road and Pine Road. Eight (8) poles will be replaced along H141 and 9 poles along the A126 line and two poles West of Deer Hill, one from each line, will be permanently removed as they are along a neighbor's driveway. This is part of the reliability effort by Eversource to replace 40-50-year-old wooden H frame poles with internal rot or woodpecker damage with H frame weathered steel poles that look similar to wood. Most of the new poles will be placed about 10' from the existing due to having to adjust the span because of the 2 removals of poles 213 and 190. Pole 208 is in a wetland and will be moved 40', further back into the floodplain. Eversource has a standard process where contractor's implement best management practices. This is in a large wetland and floodplain. Out of 17 structures, only one is in a wetland, the rest are in uplands. Work pads are set up, 100' x 100' to stage the equipment. Work pads will intersect adjacent wetlands so timber matting is used to provide a stable surface for crews to perform work and help eliminate rutting. Mats come out, vegetation is still intact and bounces back in the Spring. Work starts in Nov. or Dec. going into winter. Access will be from Deer Hill Rd. and Pine Rd., and they will avoid crossing a large wetland by accessing a ROW off of Pine Rd. owned by NH Fish and Game. There is approximately 30,291 sq. ft. of temporary wetlands impact

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from timber matting and 103,000 sq. ft. of temporary disturbance within the 100' wetland buffer zone from upland work pads. They will be applying for a NHDES permit, a statutory permit by notification, which takes about a week to get approval and follows best management practices. With that permit process, they will coordinate with the National Heritage Bureau and NH Fish and Game regarding any wildlife. Fish & Game has already reported back and they didn't identify any rare plants, but did identify black racers and a couple of turtle species. Contractors doing the work are provided species identification and reporting protocols; reporting to Fish and Game, Eversource etc., and includes a daily visual sweep, however, these species will hibernate in winter.

They met with the Conservation Commission, who also provided a memo with concerns about the aquifer. They will do everything they can to minimize impacts; winter construction, timber mats, no sediment in wetlands, only 1 structure is in the wetlands; erosion controls will be in place, silt fence or silt soxx, perimeter controls to minimize water quality impacts. The contractor is to keep the mats as clean as possible. Greenwood was not concerned with any negative effect on the aquifer as the activity is removed from that. Stevens commented that it's less than $\frac{3}{4}$ of an acre of disturbance for something that is essential to public safety.

Fennell confirmed that Eversource cuts the old H frame poles flush to the ground, takes the top piece and leaves the remainder in place to lessen disturbance and the new steel posts go about 20' into the ground. Aldred Cheek asked about best practices and oversight. Wilkes highlighted the standard process; erosion controls are put into place, timber matting is put in to minimize ground disturbance, delivering clean equipment to and from the site, mostly to prevent any spread of an invasive plant species, and spill prevention and response. Leaving the equipment in the wetland overnight isn't recommended. Any refueling of equipment is done in an upland area. VHB does weekly site inspections with reports, photos, which will be submitted to Fennell with Eversource. VHB also works with Eversource at end of job, the post construction restoration phase, to make sure timber matting comes out properly and if there's any rutting, it's re-graded and straw is placed over it.

Kennedy concurred and confirmed he's watched them do it before and they walk the mats daily, clean up, put down the straw. It's very professional with a lot of oversight. A year later, you couldn't tell they had been there. Kennedy asked about sinking problems. Fennell said if at 20' down there still isn't soil that can take the weight, a 12" concrete plug is used. Poles are backfilled with gravel and the plug prevents the gravel from blowing out underneath Kleinman asked about who the contractor was. Fennell replied they have about 5 companies that are contractors of choice and this will probably go out to bid, it's not assigned yet.

Stevens read the conditional use criteria from page 81 of the zoning ordinance:

700.002.009.001: A Conditional Use Permit may be granted by the Planning Board (RSA 674:21 II) for the construction, in areas within the Wetland Conservation District and associated setbacks and buffers, (3/12/2002) of roads and other access ways, and for pipelines, power lines, other transmission lines, and buildings for senior housing, but in no case closer than 25 feet of wetlands with poorly drained soils or vernal pools and 50 feet of wetlands with very poorly drained soils or prime wetlands, provided that all of the following conditions are found to exist: (3/2016)

Greenwood said the statement, "in no case closer than 25 feet", that entire clause applies only to senior housing so for transmission lines and roadways, they can get closer than 25'.

- A. *The proposed construction is essential to the productive use of land not within the Wetlands Conservation District. Board was in agreement that the criteria has been met. All were in favor.*

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- B. *Design and construction and maintenance methods will be such as to minimize detrimental impact upon the wetland and will include restoration of the site as nearly as possible to its original grade and condition. **Board was in agreement that the criteria has been met. All were in favor.***
- C. *No alternative route which does not cross a wetland or has less detrimental impact on the wetland is feasible. **Board was in agreement that the criteria has been met. All were in favor.***
- D. *Stream and wetland crossings shall be avoided whenever possible. When necessary, no wetland crossing shall exceed a length of 250 lineal feet and crossings shall comply with state recommended design standards to minimize impacts to flow and animal passage (UNH Stream Crossing Guidelines; Env-Wt 900). **(3/2016) Not applicable.***
- E. *Wetland boundary markers of a type approved by the Planning Board will be set in order to visually delineate the furthest extent of the wetland. **(3/2016) Not applicable. Greenwood said this was put in place for senior housing.***

Motion made by Morgan, 2nd by Kennedy, to grant the conditional use permit for PSNH/Eversource for the transmission work and pole replacements along their ROW at Deer Hill Road and Pine Road. All were in favor. Motion carried.

Kleinman noted that the CUP wording was awkward. Greenwood will revise text to make it clearer that a section of the CUP only applies to senior housing.

7:00 pm: Subdivision Application: Applicant S & H Walker Woods Holdings, LLC; Owner: Debra Sanborn. Intent is to subdivide lot 206.090.002, a 24.48-acre lot, into two buildable lots. Property is located on Deer Hill Road, Brentwood, NH 03833, in the residential/agricultural zone, referenced by tax map 206.090.002.

Present: Jim Lavallo of Lavallo Associates. No abutters were present.

Stevens said all paperwork was in order and abutters notified from the list provided by the applicant.

Motion made by West, 2nd by Morgan, to invoke jurisdiction to accept the application as complete. All were in favor. Motion carried.

Lavallo handed out small sets of plans (on file) stating that there had been some minor changes to the plan from Greenwood's review comments, housekeeping items. Lavallo gave an overview of the proposal; a two-lot subdivision creating one new building lot. The initial lot, 90.2, a 24.46-acre parcel, will be subdivided creating a 2.82+/- acre lot and leaving a 21.64+/- acre lot, with an easement for a driveway, so it doesn't enter within the PSNH ROW. They could get a permit to do that and is an option for whoever buys this lot if they want to move it over. The large existing lot had a barn and a garage on it at one time but no dwelling. Plan shows a possible building envelope but it's a large 21.64+/- piece so it could change. Setbacks from wetlands are shown.

Stevens asked about any future development on the larger remaining piece and having a shared driveway. Lavallo said a road probably couldn't go through the PSNH ROW. This developer has no plan to do that, only to build two houses. Kennedy asked about the driveway being in someone else's frontage. Greenwood concurred saying that was one of his comments was that the Board would need to approve a waiver for a proposed shared driveway as the subdivision regulations state that each lot have its own driveway.

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Lavalle said that would require a waiver from this Board on that subdivision regulation. If the Board doesn't waive it, they would need to put the driveway in PSNH's ROW, on the edge and the developer prefers not to do that. Kennedy would like a driveway within their own frontage, not shared, and suggested that before seeking relief from the Board, they first see if they can get a permit for access through PSNH's ROW. Morgan agreed with Kennedy. Stevens added that the Town has had issues before with shared driveways.

Lavalle corrected that it is not intended to be a shared driveway. This large lot would have its own driveway by easement across the smaller lot and the smaller lot would have its own driveway over here. Kennedy said on someone else's frontage. Aldred Cheek agreed with Kennedy. Kennedy reiterated that they check with PSNH first and see if PSNH would grant an easement for the driveway for the larger lot. Lavalle will approach PSNH and ask about the access.

Motion made by Morgan, 2nd by Finan, to continue the hearing for the subdivision application for S & H Walker Holdings, LLC, to November 4th, 2021, at 7:00 pm here at the Town Office. All were in favor. Motion carried.

7:00 pm: Continued hearing for Master Plan Chapter adoption: Consideration of adopting the Community Profile chapter of the Master Plan. Greenwood would like to review the webinar in mid-October from OSI and The Census Bureau on the new census information and make sure he doesn't miss anything that they are offering.

Motion made by Finan, 2nd by Aldred Cheek, to continue the hearing for the consideration of adopting the Community Profile chapter of the Master Plan to November 18th, 2021, at 7:00 pm at the Town Office. All were in favor. Motion carried.

Board Business:

The Board signed the manifest.

CA extension for Callahan-30 seat restaurant; 209.004, 292 Rte. 125. CA ext. expires 10/14/2021. CA extension for 60-days to Monday, December 13, 2021. *"Items relating to suppression have now been worked out with the reduction to 24 seats, update all of the plans and submit to the PB for a minor modification and potentially a plan signature for finalization."* Christopher R. Berry. Board discussed and suggested a 90-day extension (to 1/12/2022).

Motion made by Aldred Cheek, 2nd by Kleinman, to grant a 90-day conditional approval extension to January 12, 2022, for the site plan for the Callahan 30-seat restaurant at 292 Rte. 125 to enable them to finalize plans. All were in favor. Motion carried.

3 Ponds, LLC Phase II Bond: The Board reviewed the letter of credit received from Haverhill Bank on 9-27-2021 for the bond for 3 Ponds, LLC Phase II on North Rd, Tax Map 207.022, in the amount of \$1,358,276.70 with a 3-year expiration term, for the additional 51 units and the Board signed 6 mylars for 3 Ponds, LLC Phase II for recording.

Surety/Bond Estimate Brentwood ROH, LLC: The Board reviewed the bond estimate from TEC for Brentwood ROH, LLC for the conditionally approved 14 lot cluster S. Rd.: tax map 224.006 in the amount of \$663,327.50.

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Motion made by Stevens, 2nd by West, to approve TEC's recommended bond amount for Brentwood ROH, LLC for the 14-lot cluster development on South Road in the amount of \$663,327.50. All were in favor. Motion carried.

Brentwood Park, LLC – Dave Roberts, 335 Rte. 125 update: Bickum informed the Board that Dean Soterakopoulos, a 3rd party electrical inspector, met with Roberts on site on 9-23-2021 for a preliminary site visit. Greenwood spoke with Mr. Soterakopoulos on 10-6-2021 to confirm an estimate for an inspection to review any current code violations/safety issues. An \$825 estimate was received today, and Roberts will provide the Town with funds prior to the inspection scheduled for October 21st. The Fire Dept. is interested in letting SFC take the lead but would like to attend a joint inspection with SFC at 335 Rte. 125. This will require an estimate from SFC, and Greenwood left Jeff Murphy a voice mail on 10-6-2021. SFC is comfortable with reviewing what chemicals are on site.

Greenwood updated the Board on the Brentwood Fence & Brentwood Surplus re: cleaning up of sites:

1) Greenwood sent a letter to Rob Thibeault of **Brentwood Fence**. Thibeault called and spoke with Andrea and said he is working on getting the site cleaned up and should be 100% by end of Oct. He is utilizing pallet racking to stack supplies behind his fence. Bickum said the issue is he has 2 distributors that normally would hold material and he would pick up there but with supply shortages, he has to take the stock and store it at his place otherwise it's sold elsewhere. It's already pre-sold stock for his customers but he has to hold it on-site. He is cleaning it up and will address parking out front and on the side of Rte. 125. Board discussed and was very concerned about his employees parking in the ROW on Rte. 125, a safety issue. It was suggested that the Brentwood Police could possibly check that out and enforce. Greenwood said he had reviewed the site plan with Thibeault about 3 years ago and his letter to Thibeault had said the site in no longer being maintained in the manner of the recorded site plan. He has moved some fencing out back but it's still a mess and there is so much stock out back, there's no room for parking. Greenwood did agree that there are issues right now with businesses having to hold stock longer etc. and this is a small site. *Board reviewed the recorded site plan on file, C-16105.* Greenwood will have Rob Thibeault come in on Wed. to discuss the site and parking on Rte. 125 ROW and will report back to the Board on October 21st but will need to also document everything in case it needs further action by the BOS.

2) Greenwood had also sent a letter to **Greg Lambert of Brentwood Surplus** and visited the site on 10/6/2021. Some stock seems to be in a low area in ferns and a lot stored on the sides, front and out back as well. There is a distinct site plan with distinct display areas, left has 850 sq. ft. and on right it's 550' sq. ft. and it's double that now. If Board wants to establish a timeline, then it should come from the BOS. Morgan said Lambert is being amenable so the BOS should only use the "stick" when necessary. Greenwood thinks part of this can be addressed by having Durbin and Lambert do amendments to their site plans to allow Lambert to store additional materials on Durbin's site. Amended site plans could happen in six weeks; using the two site plans that exist. *Board reviewed Lambert's recorded site plan on file.* Stevens suggested Greenwood write a letter giving Lambert 30 days to come and speak to the Board about the agreement with Durbin. Greenwood added and then if he doesn't do that or Durbin says no, then he's completely out of compliance and he would need to move everything off the site or work with us.

Greenwood will meet with both of them (*Thibeault and Lambert*) and then write letters in order to document everything.

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Budget: The Board reviewed the 2022 proposed budget. RPC dues are \$4,490 for 2022. A decrease of 1%, 2020 & 2021 dues were \$4,531.

RPC Master Plan Updates: Board discussed the master plan memo from RPC (*Rockingham Planning Commission*) (on file) regarding their review and recommendation for updating the Brentwood Master Plan, which chapters are a priority and which ones could wait, and the cost estimate. \$5k-7k can usually get 1-2 chapters. Bickum has added \$7k to the long-range planning line for this. Greenwood confirmed a transportation chapter would be a high priority and that RPC will use federal funding for a transportation chapter. Stevens wants Greenwood to be the point person so it's not boiler plate and he can provide input for Brentwood.

Morgan suggested that the Economic Development Plan have some small level of capital to expend. Stevens asked would the money come from the BOS or a Warrant Article? Morgan said it depends, if it's a plan inside the Master Plan, then there is way to get part of it done professionally. Kennedy said so use RPC to aid in an economic development plan? Morgan said the specifics will come from the economic development committee. Darren won't cost us any money right now. Stevens asked if this would come out of the Planning Board budget or a warrant? Morgan wasn't sure. He can go to the BOS during budgeting process for a possible warrant article but if RPC charges \$73 per hour, \$7,000 gets 2 chapters, cut it in half, \$3,500 potentially gets a chapter with RPC for the master plan.

Bickum updated the Board on an RPC Zoom meeting she had with Tim Roache who pointed out the high priority chapters that Brentwood should consider for updating the master plan. He said that \$7,000 in neighboring Fremont, gets them 1-2 chapters every year vs. 30k for a complete overhaul. High priority chapters include: Vision, Transportation, Implementation, which is done in conjunction with every chapter that's updated, so that could be started. Others can be done in-house and others within the next 5 years such as Community Facilities, Economic Development, Natural Resources, Utilities and Public Service.

Morgan said the committee is going to develop an economic development plan whether it's inserted into the master plan or not. If the committee is doing it already, why not adapt it to be a part of the master plan? Stevens said it could but the two chapters that are most important don't include economic development right now. This would be an extra expenditure, another line item on the budget. Morgan proposed instead of \$7,000, make it \$10,500? Bickum said \$7k keeps bottom line under 4%. Stevens proposed adding a separate budget line that could be stricken if necessary. Greenwood said add a line with a reason for it and if there is no buy in, then it can be removed. Bickum can add a separate line item for an economic development plan creation through the RPC for \$3,500.

Greenwood commented Transportation should be a priority, but a Vision chapter could be done in-house, it won't have changed much from 8 years ago and it's personal for the Town. For the budget, create a new line item for economic development plan creation.

Motion made by Kennedy, 2nd by Morgan, to approve the budget line item of \$7,000 for RPC to create a transportation, start an implementation chapter and other master plan development updates. All were in favor. Motion carried.

Encumber 2021 Funds: Board discussed encumbering 2021 funds to have Bruce Mayberry do one final impact fee assessment, which was last done in 2014, before he retires in Spring of 2022. BOS is in favor and has recommended that the school pay half. Mayberry's estimate is \$7,500 to \$8,500.

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Greenwood wondered why this was a Planning Board expense as the Town is the direct recipient of the impact fees, which further inflates the PB budget, but that the Planning Board has funded this before and it should be updated every 5-7 years. Stevens said it keeps the data points up to date; the Town probably collects over \$100,000 a year in impact fees.

Motion made by Finan, 2nd by West, to have the Planning Board encumber 2021 funds up to the amount of \$4,250 to cover half the cost of an impact fee assessment update in 2022. All were in favor. Motion carried.

RPC-NHDES Water Protection Grant letter: RPC is applying for funding through NHDES local source water protection grants to implement projects to protect drinking water; this is free technical assistance.

Motion made by Aldred Cheek, 2nd by Finan, to submit a letter of interest to RPC to participate in the water source protection grant project. All were in favor. Motion carried.

Formation of the Economic Development Committee: Morgan gave the Board an update on the efforts to form an Economic Development Committee, posted on various platforms and the Town's website. Winham had suggested residents with PR, commercial real estate and law experience. Morgan received statements of interest from the following candidates. BOS would like a Planning Board member to join.

Potential Members:

1. Patrick Farrell – PR – 20 years of experience with Government etc.
2. Bob Rossman – Commercial Real Estate, 30 years of experience, served on PB
3. Robert Span – Attorney, 50 years of experience
4. Kristen Aldred Cheek – Experience with Environmental Cleanups, PB representative
5. Jon Morgan – BOS representative
6. Darren Winham – consultant, voluntary strategic advisor, pro-bono

Potential Alternates:

7. Dereck Butts – Sales
8. Brandon Stover – Business Owner in Hampton
9. Stefanie Beaver – Civil Engineer, 10 years of experience & MBA
10. Mark Kennedy – PB representative

Bi-weekly meetings, maybe every 1st and 3rd Wednesdays to meet at 6 pm or 7 pm, here. Initial focus will be on Route 125 and other commercial areas, develop a list, connect owners on the 125 lots, what's the inventory and potential supply. Outreach work and look to Darren Winham to advise on next steps. PR work to spread the message, not looking to turn Brentwood into Plaistow or Epping, a plan so there isn't unbridled development here. Morgan said Darren Winham would act as the voluntary strategic advisor to the committee and come to all the meetings. Bickum confirmed pro-bono. Morgan agreed, pro-bono. Public input is encouraged and welcomed, even if attendees are not members of the committee.

Motion made by Stevens, 2nd by West, to support Morgan's plan to create the Economic Development Committee and appoint the members and alternates above. All were in favor. Motion carried.

Bickum updated the Board on the upcoming items on the agenda for the Oct. 21st hearing: Continued hearing for Skaff for the high bay and low bay addition; need their stormwater management docs. Board members to visit Chart/Skaff site to view area regarding plantings. Eversource application for utility

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work/tree trimming and cutting on Pickpocket, a scenic road. A Design Review for Joe Falzone for a proposed 71-unit senior development at 41A Mill Road, 66 acres; tax map 217.048 and a proposed Planning Board work session on zoning Amendments. For Nov. 4th, continuations for Dave Roberts of Brentwood Park and S & H Walker Woods Holdings, Deer Hill Road subdivision.

Approval of Minutes: September 16th, 2021

Motion made by Morgan, 2nd by Finan, to approve the minutes from September 16th, 2021, as presented. All were in favor with Aldred Cheek and Kleinman abstaining. Motion carried.

The Board entered a Non-Public Session:

Motion made by Kennedy, 2nd by Morgan, to enter into a non-public session at approximately 9:35 pm *per RSA 91-A:3, II (L) Consideration of legal advice provided by legal counsel.*

Roll call vote to enter non-public: Stevens – Aye, Kleinman – Aye, Aldred Cheek – Aye, Kennedy – Aye, Morgan – Aye, Finan – Aye, West – Aye. Motion carried.

Motion made by Morgan, 2nd by Finan, to come out of non-public session and seal the minutes at approximately 9:40 pm.

Roll call vote to leave non-public: Stevens – Aye, Kleinman – Aye, Aldred Cheek – Aye, Kennedy – Aye, Morgan – Aye, Finan – Aye, West – Aye. Motion carried.

Motion made by Finan, 2nd by Morgan, to adjourn at approximately 9:40 p.m. All were in favor. Motion carried.

Respectfully submitted,

Andrea Bickum,
Administrative Assistant,
Brentwood Planning Board