

**Brentwood Planning Board
Minutes
January 21, 2021**

Members	Bruce Stevens, Chairman	Alternate, Brian West
Present:	Ken Christiansen, BOS rep	Alternate, David Menter
	Kevin Johnston, Vice Chair	
	Doug Finan	Town Planner, Glenn Greenwood

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

Motion made by Finan, 2nd by Christiansen, to give alternates West and Menter voting rights. All were in favor. Motion carried.

Public Hearing

7:00 pm: Preliminary Consultation: Owners Michael & Teresa Kirby to discuss a potential Lot Line Adjustment with their two properties on Scrabble Road, Brentwood, NH in the residential/agricultural zone. Tax map 210.023.000, 56 Scrabble Road, with 2.02 acres and an existing 3-bedroom house and tax map 210.024.000 with 12.87 acres and 50.67 feet of frontage. Intent is to create a right of way in order to provide the frontage on each lot in order to construct a single-family home on 210.024.

Present: Bruce Scammon from Emanuel Engineering; Owner Michael Kirby; and Paul Kirby.

Scammon, representing Michael Kirby, gave an overview of the design ideas to allow a single-family home to be built on Kirby's back lot at "58" Scrabble Road. The Kirby's reside at 56 Scrabble Road with their house and barn. There is a 50' right-of-way (ROW) strip that leads to a 12.5+ lot. The subdivision plan from 1984, (D-12604) shows lot 4 (Kirby's house) and lot 1 (12.5+ parcel) with a 50' strip for access. Note 5 on the plan references that it can only be used for agricultural and forestry purposes unless a septic is approved by the state and you work on road frontage. In the 1980's it was common for Brentwood to do this. Stevens added for agricultural and forestry purposes. Scammon continued Kirby has been to the ZBA and maybe that's not the right avenue and should come to the Planning Board. This note was a requirement of the Planning Board, they added it to the plan at that time. The Planning Board can pull that, do another subdivision, it's a lot of record with 50' of frontage. Stevens said it was a lot of record due to that restriction being placed on it. Scammon agreed. Stevens continued with the understanding that it was a lot that if it could meet the requirements of the Town zoning with 200' of frontage at some point, that it could be a buildable lot. The Planning Board doesn't preclude people from doing that, but everyone gets one bite of the apple, the Sanborn's did it and they had extra frontage to keep access to a forested lot, they understood what the limitations were and signed off. A lot of record precedes the zoning restriction which was 200'. If that lot was in existence prior to 1974 when the Town adopted the 200' frontage rule, then that is a real lot of record.

Scammon has looked at ways to obtain frontage. Stevens said building a road to Town specs would be a way to do it. Scammon said the thought is to expand the ROW to obtain more lot frontage. They are proposing a 100' deep ROW, 50' wide, total frontage on the green lot (12.5+/- acres) 200.67' and the blue lot (Kirby's house) would have a total frontage 258.85'. Change the lot line on the blue lot to expand it in the back, straightening it out so if this becomes a road, it would be straight and goes to the narrowest point on the wetlands. In essence doing a lot line adjustment and adding some ROW to create frontage along the road.

Scammon discussed other possibilities with the Board. A lot line elimination and a phased condo development with only a 12' wide road in Phase I, waiver required, and a road to Town specs in Phase II

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once it's developed. The Board was adamant that a road has to be built to Town specs, whether it's a private road or Town road and 200' of frontage on a paved road is what is required. Stevens suggested building a road to Town specs coming off Scrabble Road and coming into the property far enough to obtain 200' of frontage on that road to assign to the back lot. Scammon used a hammerhead as an example, which would use the edge of the ROW, not the road, and the edge of the ROW is typically what the frontage is usually determined by. The inner T is the pavement. The edge of the ROW is out here and it's the edge of ROW with frontage; proposing a change in the ROW and not building a 50' or 100' road.

Stevens reiterated you must build the road to Town specs to get the frontage. Scammon said even if it's only 50' in? Greenwood said the frontage has to lie along the plane of the paved right of way. Stevens said the ordinance says each lot will have 200' of frontage on a Town approved road. Scammon asked do you need a hammerhead if it's essentially a driveway for two houses? Greenwood replied that could be predicated upon what the Fire Department wants.

Scammon reiterated that they are trying to create frontage for a single-family home. Greenwood clarified it has to qualify as a road to provide the frontage, a Class V or better road. Brentwood doesn't have a minimum Town road length. Stevens said 200' of frontage on a Town approved road; a 50' ROW, 22' hot top, 4' gravel shoulders and minimal drainage and suggested the lot line adjustment first and then submit engineering data for the road specs to be reviewed by the Town Engineer to meet Town specs. Stevens suggested that Scammon talk to the Town Engineer and Fire Department first.

Scammon continued, another idea is to build a little road for this purpose with a swale on both sides with a driveway off the end to the new home. A 50'-60' road. Build a new road, come in off Scrabble with 50' or 60' and added to the frontage from Scrabble Road provides each lot with over 200' of frontage. West wasn't in favor of it. Stevens said that small road could be deeded to the Town of Brentwood and he can add up frontage along both Scrabble Road and the new road to get 200'.

Greenwood said if this comes before the Board, it should be very clear in the reasoning that the reason to possibly do this is that this lot already existed with a 50' ROW leading to the back property. It was structured into this lot, not every house lot could do this. It would be closely tied to the 8 or 10 lots that exist throughout Town that exist with these 50' ROW strips.

Scammon said one of his sketches showed the road stopping here and had a circle and a series of houses around it. It's not what Mr. Kirby wants to do, but in the future, it could be. At some point, maybe not in Mr. Kirby's time, someone with these 12 +/- acres may want to develop it. Stevens had a question on Town approved versus Town adopted and did it make a difference. Scammon said a private road built to Town standards and if it the road gets extended, then the Town adopts it at that time. Mr. Kirby said he could keep it a private road and maintain it. Greenwood commented that if it's built to Town standards, it is allowed to be a private road. The ownership could stay private by approving the road with the approval of a subdivision plan.

Finan asked how many additional homes could possibly be built out there on 12.5+/- acres. Scammon replied 5 or 6 houses possibly if the soils are good. Stevens commented that a bond would be required to make sure the road is built correctly. Greenwood confirmed that it could be done in one meeting with both a noticed lot line adjustment application and a subdivision application as they would be creating a new buildable lot. It can be a private road as long as it's built to Town standards as any private road can be petitioned to be a Town road at any Town meeting and if it's built to a lesser standard, we end up having the Town approve at Town meeting a road that doesn't even meet Town standards. It's happened before and we don't want that to happen again.

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7:00 pm: Consideration of amending the Brentwood Zoning Ordinance and Land Use Document: **Article VIII, Section 800.005 Meetings** to ensure that the ZBA can meet upon the call of the Chairman at any time by removing the text specifying the second Monday of every month and **900.002.002.009 B.** replacing current NH Fire Code with state update SAF-C 6000. Also amend subdivision and site plan regulations sections 8.8 p. 18 and 9.1.9 p. 12 removing the signature lines from the impact blocks. Also, consideration of adopting the Community Profile chapter of the Master Plan. Full copies of the proposed text are available for review at the Planning Office.

Amend Article VIII, Section 800.005 Meetings to ensure that the ZBA can meet upon the call of the Chairman at any time by removing the text specifying the second Monday of every month.

Motion made by Finan, 2nd by Johnston, to move the 4th zoning amendment to the ballot for Town vote regarding Section VIII, Section 800.005 Meetings to ensure that the ZBA can meet upon the call of the Chairman. All were in favor with Christiansen abstaining. Motion carried.

Re: NH Fire Code - Greenwood said there's a process where the BOS can do a resolution to change the date, like for the floodplain map, so there's no zoning ordinance for that. SFC supplied the code language.

Motion made by Finan, 2nd by Johnston, to have Bickum update the NH Fire Code section 900.002.002.009 with state update SAF-C 6000. All were in favor. Motion carried.

Subdivision and Site Plan Regulations – Impact Fee Block:

Motion made by West, 2nd by Finan, to change the impact fee block in both the subdivision and site plan regulations by removing the developer and Town of Brentwood signature lines. All were in favor. Motion carried.

Master Plan Chapter - Greenwood has not finished the chapter and doesn't expect the 2nd payment to finish it. The funds were already encumbered and have lapsed. Greenwood will finish it so it can be reviewed and adopted; it's all statistical information; average age of housing stock etc. Greenwood will finish it with no final payment necessary and the Board should continue this to the next public hearing, February 18th, 2021 so it doesn't need to be re-noticed. (There were no applications for Feb. 4th, so the Planning Board has cancelled the Feb. 4th meeting).

Motion made by Johnston, 2nd by Finan, to continue the hearing to adopt the Community Profile Chapter of the Master Plan to Thursday, February 18th, 2021 at 7:00 pm. All were in favor. Motion carried.

Board Business

The Board signed the manifest.

The Board discussed **Carl Rullo's property** with the red dumpsters; tax map 209.010 as there seems to be construction activity very close to the wetland. Bickum read Greenwood's letter (on file). The Board agreed to send Greenwood's letter to Rullo requesting that all re-grading and other site activity cease and to submit a site plan review application to the planning office no later than March 10th, 2021. The Board also discussed contacting NH Wetlands Bureau to have them investigate with an on-site visit. Greenwood agreed to call them on Wednesday, January 27th when he's in the office.

Motion made by West, 2nd by Finan, to have Bickum send Greenwood's letter to Rullo via certified mail regarding the issue stated above. All were in favor. Motion carried.

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The Board reviewed a sample of Kingston's Business Occupancy Permit. Greenwood said in Kingston, every inspector has to verify the site and sign off on this permit, anytime there is a new owner different from who the business permit was issued to. So, for a change in use or a change of tenancy. Greenwood thought it might be a \$25 permit fee. Steven's point was that these inspectors; electrical, plumbing etc. would have to be paid so maybe it's a \$100 fee or something. Greenwood said this would go to the BOS, who haven't seen it yet, and it can be revised but it's a sample of what Brentwood could possibly implement. The BOS can take this, ignore it, revise, and adopt it. Christiansen said so the BOS would need to create a standard and procedure and a way to track this. Would this be the Building Inspector? Greenwood said Kingston's is the Town function, so it goes in the property file.

Board members terms expiring in 2021 – Kennedy and Hamilton. Bickum has notified them both that the sign-up period is from January 20-29th with the Town Clerk to be on the ballot. Alternate, Brian West is interested in another 3-year term.

Motion made by Finan, 2nd by Christiansen, to appoint Brian West as a Planning Board Alternate for another 3-year term, to expire in March of 2024. All were in favor with West abstaining. Motion carried.

Bickum will have the appointment slip for West at the next meeting (Feb. 18th, 2021) for the Planning Board to sign.

Approval of Minutes: January 7, 2020

Motion made by Christiansen, 2nd by Johnston, to approve the minutes from January 7th, 2020 as presented. All were in favor with Menter and West abstaining. Motion carried.

Motion made by West, 2nd by Finan, to adjourn at approximately 8:05 p.m. All were in favor. Motion carried.

Respectfully submitted,

Andrea Bickum,
Administrative Assistant,
Brentwood Planning Board