

Brentwood Planning Board Meeting Minutes 10.5.23

Present: Kristin Aldred- Chairperson

Bruce Stevens

~~Mark Kennedy~~

Doug Finan

Paul Kleinman-SB rep

Stefanie Kizza- Vice Chair

Ned Matson

Brian West

Kate Locke-Parks

Town Planner: Glenn Greenwood

Meeting held at Brentwood Town Office

Aldred opened the public meeting.

Charles Caldwell is looking to purchase 370 Route 125, Tax Map and Lot 208.005.000, currently Shed Masters, and relocate his cabinetry business. Caldwell has provided the Board with a letter dated 9/19/2023, please see file. Caldwell is here this evening to discuss whether or not this qualifies as a change of use. Caldwell states he will be cutting wood and assembling the cabinets there, which is very similar to what is presently being done there. Caldwell states there will be no outdoor display. The Board explained to Caldwell that it is unlikely to be any more buildable space on that lot. Caldwell understood and mentioned that in the future he may want to move the staircase, it is currently taking up valuable workspace. The Board advised that any change in the building footprint would require Planning Board approval.

Finan motions, based on the information presented this evening, the proposed use is consistent with the existing use (see letter dated 9/19/2023) and does not require Site Plan Approval, Matson seconds, all in favor, motion carries.

John Wilder, owner of Fieldstone Landscaping, is currently operating at 62 Route 125, Tax Map & Lot 224.100. Wilder is present this evening to discuss his letter of violation he received regarding noise/rock crushing occurring at "all hours". Wilder denies any rock crushing. Wilder says that when he met with the Board back in April, he was under the impression that it was ok to screen topsoil over there. Greenwood explained to everyone that Wilder was in front of the Board in April to discuss utilizing the property with its existing Site Plan at 224.100. At that time, Wilder was advised to provide the Board with a sketch showing what he planned to do onsite, which he did, however the Board did not accept the poor sketch and asked that Wilder go to the Registry of Deeds and get a copy of the Site Plan and to draw on that to show the Board what he would like to do. Greenwood states that Wilder indicated to the Board that he intended to have bins of Earth materials on site. Wilder stated that he changed his mind and believed he did not need to follow through with this request. Wilder states they are now planning to vacate the property at the end of November and is requesting time (approximately 7 weeks) to clean up the site. Wilder states the screening occurs between the hours of 8am and 4pm, and says he is willing to cut those hours down. Wilder invited code enforcement, Kip Kaiser out to the site to observe the activity and noise, he continued to invite Greenwood and the rest of the Board to come on site. The Board discussed the 2 issues at hand, the noise complaint, and the unpermitted activity of screening loam. Wilder argued that the property owner used the site as a laydown yard. Greenwood explained that that was the issue at hand, the property owner has a site plan making the site a laydown yard with operating hours from 7-3 Monday-Friday with occasional earlier hours. Aldred asked if Wilder had spoken to the neighbor, Wilder said he did, and had put a berm up to deflect the noise. Kleinman asked why they cannot just remove the material and vacate the site, Wilder explained that they need to sell the material on site, and in order to sell the loam they need to first screen it. Wilder stated no new material is coming on site. Matson feels the Board needs to hear from the neighbor. The Board agreed they cannot give Wilder approval to continue doing activities that they do not have approval to do. Greenwood suggests that Kaiser go out on site and to then have the abutters, Mr. Wilder and Kaiser attend a Selectboard meeting to determine the veracity of what

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Wilder is saying, that the additional processing is going to be done to achieve an exit strategy. Greenwood explained that the enforcement process has started, and the Planning Board has no authority to give Wilder permission to do something they have not previously granted him the approval to do, the Selectboard, does have the ability to continue enforcement action for the next 7 weeks or not. Greenwood will reach out to the abutters. Benedix will assist Wilder with getting on the Selectboard agenda.

Kleinman updated the Board on 209.001, 479 Route 125, formerly the Bessie's restaurant. Kleinman stated that when he was updated by Kaiser last Tuesday, there was concern that the materials being used have not been verified by any type of engineering, and he was under the impression that the use was changing from a restaurant to an office building. Greenwood stated that the last time he spoke with the property owner he was told the building would remain a restaurant. There was some discussion about a DOT driveway permit that the owner applied for that first said "office" and now says "ice cream shop". Benedix informed the Board that Kaiser, code enforcement, had a phone meeting scheduled for this morning with the property owner, but that it had been postponed to an unconfirmed time and date by the property owner. The Board agreed that the change of use would trigger site plan review, Greenwood added that the site plan review process should have started before the roof came off. It was determined that the previous use was a "diner," Stevens asked if a diner and an ice cream shop are different. Greenwood responded, that would be a Planning Board decision. The Board asked Greenwood to reach out to the owner. At this time, the Planning Board has no other authority at this time.

The Board discussed the decision on the River Run case. The Board discussed the cost to the Town, of legal cases such as this. The Board understood and was in agreement that correspondence should go through Town Planner, Greenwood. Kleinman will follow up on Planning Board email addresses. Matson feels that the alternate process should be clearer in the Rules of Procedure, the Board agreed. The Board was working on updating the Rules of Procedure earlier this year until it got tabled due to applications. The Board will continue working to update the Rules of Procedure.

The Board reviewed and discussed the Capital Improvements Program, (CIP). The Board thanked Greenwood for putting together the CIP. The Board discussed Greenwood's role in preparing the CIP and the statute which allows for the Budget Committee and Selectboard to prepare the CIP. **Finan motioned that the Board accept the Capital Improvements Program for 2024-2029, Kizza seconds, all in favor.**

The Board discussed the Planning Board budget. The Board discussed doing the Master Plan all at once, every 5 years versus a chapter or two every year to give it more consistency. The Board discussed encumbering monies budgeted for chapters paid for by grants this year to assist with paying for future chapters. Greenwood suggested a Capital Reserve Fund.

The Board reviewed the minutes of September 21, 2023. **Finan motioned to approve, Kizza seconds, all in favor, motion approved.**

The Board signed the manifest.

Matson motions to adjourn, Finan seconds, all in favor, meeting adjourned.