

# TOWN OF

## BROOKLINE, NEW HAMPSHIRE

**PLANNING DEPARTMENT**

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**Planning Board**

**Minutes**

**May 19, 2022**

**Present: Alan Rosenberg, Co-chair (voting)**

 **Eric Bernstein, Co-chair (voting)**

 **Chris Duncan, Member (voting)**

 **Brendan Denehy, Selectboard Representative Alternate (voting)**

 **Scott Grenier, Member**

 **Eric Pauer, Alternate (Via Zoom)**

 **Valérie Rearick, Town Planner (Via Zoom)**

**Absent:** **Dennis Bechis, Alternate and Steve Russo, Selectboard Representative**

**Alan** called the meeting to order and read the rules for a hybrid meeting:

* Any meeting attendees participating via Zoom are asked to activate the “mute” function until called upon by the chair
* Meeting attendees via Zoom must use the “raise hand” function under the “reactions” tab to participate in the meeting – and will be permitted to comment once and if called upon by the chair
* Anyone providing comments during the meeting must first identify their name and address
* The “chat” function for Zoom participants will be disabled by the meeting administrator or otherwise not addressed; “chat” items will not be part of the public meeting/record
* Meeting attendees via Zoom will not be listed as attendees in the minutes (except Board members)
* The meeting’s physical location is the official meeting room. Should technical difficulties arise with the remote portion, the meeting will continue at the physical location.

**Minutes**

**Eric B. made a motion to approve the April 21, 2022, minutes as amended. Scott seconded. Vote yes 4-0. Brendan Abstained.**

**Eric B. made a motion to approve the March 17, 2022, non-public minutes. Chris seconded. Vote yes 5-0.**

**Chris made a motion to approve the April 21, 2022, non-public minutes. Eric B seconded. Vote yes 4-0. Brendan Abstained.**

**Social Media Policy**

The Board signed the Social Media Policy. **Alan** asked Eric P. who was in attendance via zoom to come into the Town Hall to sign the Social Media Policy document when he gets a chance. Eric P. agreed.

**Planning Board By-Laws**

**Alan** said they made a motion at the April Planning Board meeting to adopt the Planning Board By-Laws they just need to sign the document.

**Alan** said as a reminder of the Planning Board Meeting Policies applications must be submitted at least 30 days before the meeting at which you wish to appear. Applications will be reviewed within 10 days and the applicant will be notified if additional information is required. If so, the requested information shall be provided or a written request to the Board for a waiver of any requirement at least 15 days before the scheduled meeting date must be made; otherwise, the application will not be placed on that agenda. The Planning Board Meeting Policies document can be found online for people to review.

**Sign the Zoning Ordinance Certification**

The Planning Board signed the certification sheet for the Zoning Changes. This will be handed to the Town Clerk and sent to the state pursuant with RSA 675:6, 8 and 9.

**Case # 2022-2:G-40: Clarence Farwell, 2-Lot Subdivision. Russell Hill Road**In attendance for this application Jerry Farwell, Tobin Farwell (Farwell Engineering Services LLC)

**Alan** said the application looks complete, fees have been paid, and abutters notified.

There are two waiver requests. **Alan** read both requests.

Waiver request from Section A.7 Monuments Paragraph a.

*“Farwell Engineering Services, LLC (FES) is requesting a waiver from subdivision regulations on behalf of the landowner. We are requesting relief from Appendix A “Road Construction Specifications” section A.7 Monuments paragraph a. Monuments a. Monuments shall be installed on both sides of the right of way, at all street intersections, at all points of change of direction or curvature of streets and at other points where in the opinion of the Board, permanent monuments are necessary. Such monuments shall be of granite or reinforced concrete not less than four (4) inches square and not less than four (4) feet long set flush with the finished grade. When surface ledge is encountered, a one (1) foot by three quarter inch 1" x 3/4") iron pin inserted in the ledge may be substituted. We are unable to set monuments at the edge of the ROW as the road straddles the ROW line. We are proposing to set monuments at the edge of the slope grading and road easement.”*

Waiver request from HISS

*“Farwell Engineering Services, LLC (FES) is requesting a waiver from subdivision regulations on behalf of the landowner. Subdivision regulation 4.605k – HISS. High Intensity Soil Survey is required per the subdivision regulations. We request a waiver to this requirement given the lot sizes are greater than 6 acres. Wetlands on site have been delineated by a certified soils scientist.”*

**Tobin** said they are requesting to split lot G-40 into 2 back lots. Each lot is greater than 7 acres and has greater than 6 acres of contiguous uplands. Due to the size of the lots, they are requesting that the High intensity soil survey be waived.

They are also requesting a waiver from monumentation. This is an unusual situation when they upgraded Russell Hill Road the right of way is narrow, and the pavement is about on the property line. They created a slope easement and, as they did on the other lots along Russell Hill Road, they put the monuments in at the intersection of the slope and grading easement because instead of the pavement as stated in the regulations.

**Chris** said this will mimic what has been done in the past with the adjacent lots. **Tobin** said yes.

**Chris** **made a motion to approve the waiver request from section 8.7 Monuments, because the monument as required would be in the pavement of the road and the proposed solution would be to set them out of the pavement and into the slope and grading easement and mimic the adjacent properties. Scott seconded. Vote yes 5-0.**

**Chris** **made a motion to grant the waiver request from section 4.605 k High Intensity Soil Survey due to the size of the lots and the undue burden on the property owner. Seconded by Eric. Vote yes 5-0.**

**Eric made a motion to accept application** **# 2022-2:G-40: Clarence Farwell, 2-Lot Subdivision. Russell Hill Road. Chris seconded. Vote yes 5-0.**

**Tobin** said this is a 14 acre back lot they will be creating 2 back lots. They are proposing Corlson Way for the common driveway. The Town Engineer has reviewed the drainage. The test pits have been done. He has spoken to the DPW Director, and he is fine with the culvert. Tobin reviewed the drainage with the Board. These lots are greater than 5 acres, so they do not need State subdivision approval.

**Valérie** said this is the third time we have seen this proposed subdivision. All of her earlier comments have all been addressed. The Fire Department stated that if necessary, once the foundation is in place you will need to measure to make sure that this will be with in the 2,500 feet from fire protection or the building will need to be sprinkled. The common driveway and the street numbering are ok. **Alan** said the Conservation Commission had no comments for this application. **Eric P.** stated that this site is in the aquifer district per note 11, he wondered if there were concerns with water in this area. **Valérie** said the main concern with the aquifer district is to protect the ground in this area, which restricts the storage or use of materials in this area and not related to wells.

**Eric P.** asked if this proposed subdivision has followed the regulations they have for the wells in this area and if they could have two wells this closed to each other based on our updated regulations. **Eric B.** said as far as regulations are concerned there have been no changes. **Brendan** said there are no well water regulations put in place, they were discussed last year but they haven’t moved forward. **Scott** said a hydrogeological study was done in this area at one point.

**Jay** (88 Russell Hill Road) said in the fall they drilled a well on this lot that went down 1,000 feet and were not able to cap it. He was wondering if they found that there was enough water at that time. **Jerry** said they have not tested it yet. **Tobin** it is just a drilled well at this time. **Jay** said the fact they have gone down 1,000 feet is not a small well for where it is. You think it would be good to know if there is enough water to support two wells. **Tobin** said some wells are deep, the town has no regulations at this time, and we realize that it is our responsibility to provide water and they will do that. **Jay** said it has been said that there are water problems in the area and the people that have water issues would like to see some kind of verification that two more houses in this area will be supported without everyone else losing their wells also. **Alan** said the lot getting developed cannot get a certificate of occupancy without meeting the requirements.

**Valérie** said they will need to follow the regulations that are in place now and the well drilling company also has regulations to follow. **Graham Loff** (90 Russell Hill Road) said water is an issue on Russell Hill Road; he knows there are no regulations in place at the time. He also would like to know if there will be sufficient water there also. The discussion of drainage is also a concern for him does he have to worry about it draining into the back of his lot. **Tobin** said the roadside swale will be maintained and the culvert will be added, there will be no increase in flow to the down stream lots. **Graham** said Carlson Way will be the name of the road and there will be a stop sign at the end going onto Russell Hill Road. **Alan** said this will be a common driveway. **Graham** said so there will not be a streetlight at this location. **Alan** said no.

**Valérie** read the conditions of approval:

* + Fees for Staff review, and meeting attendance shall be paid prior to the recording of the final plan.
	+ A note regarding the tree stumps disposal shall be added to the notes on the final plan (with language as submitted by the applicant: “At this time, we are not certain of the stump location but will provide a plan showing the location of the stumps as required”. Tree Stump disposal information / plan shall be provided prior to the recording of the final plan.
	+ Off-Site Improvement language shall be added to the Notes on the final plan and the agreement shall be recorded prior to the recording of the final plan.
	+ Final satisfactory inspection from the Town Engineer regarding the common driveway shall be provided prior to the issuance of a certificate of occupancy.
	+ Signage for the common driveway shall be in place prior to the issuance of a certificate of occupancy.
	+ The applicant shall submit eight (8) hard copies of the final plan(s), a .pdf format, and a permanent, reproducible Mylar.
	+ The applicant / representative shall provide a labeled and pre-paid mailing tube to send the final Mylar to the Registry of Deeds.
	+ Conditions of approval shall be printed on the final plans.

**Valérie** said she will send the Offsite Improvements Agreement out to Tobin. **Tobin** said just as clarification it is just for the one newly created lot. **Valérie** said yes that is correct.

**Chris made a motion to approve** **application** **# 2022-2:G-40: Clarence Farwell, 2-Lot Subdivision, Russell Hill Road with the conditions of approval noted on page three of the staff report. Brendan seconded. Vote yes 5-0.**

**Case # 2022:3:H-66,H-79-8: Andrew & Rebecca Benson and Randy & Khiem Tuc Colburn, Lot Line Adjustment. Corey Hill Road**

In attendance for this application Andrew Benson.

**Alan** said the application looks complete, fees have been paid, and abutters notified.

**Eric made a motion to accept** **Case # 2022:3:H-66,H-79-8: Andrew & Rebecca Benson and Randy & Khiem Tuc Colburn, Lot Line Adjustment. Chris seconded. Vote yes 5-0.**

**Valérie** said she spoke to Randy Colburn and they are proposing a simple lot line adjustment adding .278 acres from lot H-66 to H-79-8 to accommodate a utility pole. There is no impact on wetlands or the existing gravel drive. This is a simple exchange of square footage between two neighbors. **Alan** said on the plan the address of lot H-66 will need to be correct to 10 Corey Hill Road and get rid of note 3 on the plan before it is recorded. Note 3 states a temporary turn around and there is not longer one there. **Valérie** said she will contact Meridian Land Services and let them know it will need to be changed.

**Valérie** read the condition of approval:

* All fees associated with the case review and meeting attendance shall be paid prior to the recording of the final plan.
* The applicant shall submit 4 (instead of 8) paper copies of the final plan and a permanent, reproducible Mylar.
* The applicant / representative shall provide a labeled and pre-paid mailing tube to send the final Mylar to the Registry of Deeds.
* All conditions of approval shall be noted on the final plan

**Chris** said he just wanted to confirm if this property is in the aquifer protection district and Flood Plain. It isn’t listed on the plan anywhere.

**Chris made a motion to approve** **application # 2022:3:H-66,H-79-8: Andrew & Rebecca Benson and Randy & Khiem Tuc Colburn, Lot Line Adjustment. Brendan seconded. Vote yes 5-0.**

**Case # 2022-4:C-9: Frank & Laurie Burbee, 3-Lot Subdivision, Corner of Ames and North Mason Roads**

In attendance for this application Randy Haight (Meridian Land Services)

**Alan** said the application is complete, fees have been paid, and abutters notified.

**Eric made a motion to accept application # 2022-4:C-9: Frank & Laurie Burbee, 3-Lot Subdivision, Corner of Ames and North Mason Roads. Chris seconded. Vote yes 5-0.**

**Randy** said this is a 47-acre lot and they are proposing to create two lots located at the intersection of North Mason Road and Ames Road. There are 4 areas for fire protection for these two new lots. One lot will take access of Hutchinson Hill Road and the second one will take access off North Mason Road. **Valérie** said all the issued she had and sent to Randy have been addressed. The off-site improvement of $1,550 dollars each lot will be going toward improvement in the area of Hutchinson Hill Road. The Conservation Commission had no comments regarding this plan. Nothing is pending except to add the offsite improvement to the notes. **Eric P.** asked about proposed lot C-9-9 in the southwest corner this will take access off North Mason Road as shown on the plan. **Randy** said yes that’s correct. **Eric P.** stated this is a busy road especially when the transfer station is open why is this taking access from North Mason Road. **Randy** said there is already a driveway there. This is where the Burbee’s would access the family activity area. **Eric P.** said the 100 year flood plain is on proposed Lot C-9-10 are you going to make sure the house isn’t built in that location. **Randy** said yes, the 100 year flood plain is in the setback, and they cannot build in the in the setback. **Wendy Ordemann** (1 Hutchinson Hill Road) asked if the tree along Hutchinson Hill Road will be removed. **Randy** said he is unsure of that but these lot are quite a bit lower than the road.

**Valérie** read the conditions of Approval:

* Fees for Staff review, and meeting attendance shall be paid prior to the recording of the final plan.
* A note regarding the tree stumps disposal shall be added to the notes on the final plan.
* Off-Site Improvement language shall be added to the Notes on the final plan and the agreement shall be recorded prior to the recording of the final plan.
* The proposed lots are subject to an impact fee per the Brookline Zoning Section 2100, in four separate amounts. The impact fees of $222.14 (for ambulance facility), $1,304.24 (for Brookline school system), $1,843.47 (for Hollis/Brookline Coop Middle School), and 345.83 (for the new Police Station) are payable to the Town of Brookline at the time the Certificate of Occupancy is issued for each lot.
* The applicant shall submit eight (8) hard copies of the final plan(s), a .pdf format, and a permanent, reproducible Mylar.
* The applicant / representative shall provide a labeled and pre-paid mailing tube to send the final Mylar to the Registry of Deeds.
* Conditions of approval shall be printed on the final pl

**Eric B. made a motion to approve application# 2022-4:C-9: Frank & Laurie Burbee, 3-Lot Subdivision, Corner of Ames and North Mason Roads with the conditions of approval and adding the offsite improvement note to the plan. Chris seconded. Vote yes 5-0.**

**Capital Improvement Plan: 2022 Committee Membership**

**Alan** said the committee is made up of Himself, Ed Perry will be the Selectboard Representative, Tracy Perry will be the Finance Department Representative, Jay Kramarczyk will be an at large member, they will need one more at large member. So far, they are a committee of 4 people.

**Alan** said he sent Val the packet and the cover letter today that states they would like the submissions back by July 15, 2022.

**Workforce Housing Assessment Review Results**

**Alan** said they have received a DRAFT copy of the Workforce Housing Fair Share Analysis. The Board has not had a chance to review this yet as it has just came in.

**Alan** read the first paragraph of the DRAFT document:

*“The Nashua Regional Planning Commission (NRPC) has conducted an evaluation of housing affordability in the Town of Brookline to assess whether the town currently meets its fair share of the regional need for workforce housing. This assessment is based on NRPC’s 2019 Regional Housing Needs Assessment with updated data from the US Census and other available data sources. NRPC’s assessment indicates that more than 44.2% (regional fair share target) of owner-occupied housing units in Brookline are affordable based on the State of New Hampshire’s statutory definition of workforce housing for owner-occupied units (NH RSA 674:58 IV). Therefore, the Town of Brookline does meet its regional fair of the region’s workforce housing needs. An overview of the analysis conducted by NRPC is provided below.”*

**Alan** read the Conclusion of the DRAFT document:

*“95.4% of the non-vacant units in Brookline are owner-occupied and the median home value for owner-occupied units with a mortgage is $343,800, and that for owner-occupied units without a mortgage is $350,000 -- both median home values are below the MAHP of $396,400. Given that 95.4% \* 50.0% = 47.7%, it can be deduced that more than 44.2% (regional fair share target) of the housing units in Brookline are affordable. Since we did not have to use the renter-occupied units for determining whether the regional fair share target has been met, and that there are only 10 total units (a fraction of the total 1,778 units) with less than 2 bedrooms, we do not need to consider ineligible housing units (units with age restrictions, units with less than 2 bedrooms) that cannot count toward the Workforce Housing Fair Share. The general housing affordability data indicate that 82.1% of owners with a mortgage, 92.1% of owners without a mortgage, and 77.4% of renters have housing cost less than 30% of their household income, all of which far exceed the fair share target of 44.2%. Nevertheless, a caveat is that residents of Brookline have a median income significantly higher than the regional's, which may skew these indicators of affordability that are based on existing residents' household incomes.”*

**Valérie** said NRPC is looking for the Planning Board to review this and if they have any questions or comments to forward them to her and she will email them over to NRPC. This will be placed on the June 16, 2022, Planning Board agenda. **Scott** asked if someone from NRPC could attend this meeting. **Valérie** said she will ask if they can attend the meeting.

**Announcements**

**Resignations**

**Alan** said that Lyndsay Machado has emailed in a request to resign from the Well Water Committee effective May 13, 2022.

**Brendan made a motion to accept the resignation of Lindsay Machado effective immediately. Chris seconded. Vote yes 5 - 0.**

**Alan** said as far as future of the Well and Water Committee, an ordinance and has been submitted to the Selectboard but they have voted to discuss doing a survey to get more information on wells in town. The Selectboard will be discussing this further at the May 31, 2022 meeting. The Board thanked Lindsay for all her hard work while on the Well and Water Committee.

**Alan** said Dennis Bechis has also sent in a resignation letter. **Alan** read from his email “*I regret to need to inform you that, as a result of too many pressing matters at home, I have decided to focus more of my attention there and not to the matters before the Brookline Planning Board and Water and Well Committee Therefore, I am currently announcing my resignation as Alternate (3 yr) to the Brookline Planning Board and PB rep to WWC. In the future, other matters allowing, I hope I may have the time to help consider and address the important matters facing Brookline in its development. I wish you all the very best in your endeavors*.” **Alan** said he is he is sorry to hear this and hopes that things go well with what he is facing at home. **Brendan made a motion to accept the resignation of Dennis Bechis. Eric B. seconded. Vote yes 5-0.** The Board thanked Dennis for his hard work.

We have two open Alternative positions for the Planning Board open if anyone is interested.

 **Retirement**

**Alan** said Valerie will be retiring at the end of June of 2022. Michele Decoteau has been appointed the Brookline Town Planner her first day will be May 31, 2022. **Alan** read the announcement “*Michele is a Brookline resident. She has served as the Land Use Administrator and Stormwater Coordinator in Wilton for the past five years, which included support to the Planning Board. Prior to that position, she worked in the Planning and Zoning Department in Townsend, Massachusetts. Michele will be working full time and will also be taking over responsibility for managing the town website. During the month of June, Michele and Val will be working together to ensure a smooth transition period Michele will also be responsible for the minutes of future planning board meetings. As a result, it is important to note that Kristen Austin will be handing over these responsibilities and gaining one free evening a month as a result. Kristen has been taking the Planning Board minutes for over 14 years. That is a long run of many meetings and a lot of time spent preparing the minutes. We thank her for her many years of dedicated service to the Board and town*."

**Alan** said after 14 years of dealing with our shenanigans Kristen will now get to have every third Thursday of the month to herself. Confident that she will be watching the Planning Board meeting from home. Seeing as he has been the cause of most of the Shenanigans, he thanked her for kicking him under the table when needed.

**Master Plan**

**Brendan** asked if updating the master plan could be added to the June or July agenda. The Board agreed. **Alan** said they should discuss how to hold another visioning meeting in the age of Covid.

**Visioning**

**Brendan** said visioning has become his thing this year he has encouraged the Selectboard to think about this and they will also start inviting other Departments and Boards to the meetings to discuss what they feel the future of Brookline is.

**Alan** said it has been a while since the last public visioning session. We should think about holding another one. NRPC helped us with this the last time.

**Adjourn**

**Brendan made a motion to adjourn the meeting at 8:49 pm. Eric B. seconded. Vote yes 5-0.**

**Alan Rosenberg, Co-chair \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Eric Bernstein, Co-Chair, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Brendan Denehy, Selectboard Representative \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Chris Duncan, Member \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Scott Grenier, Member, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Minutes submitted by Kristen Austin.**

**Next scheduled Planning Board Meeting will be June 16, 2022**

**Approved 2022.06.16**