



TOWN OF
BROOKLINE, NEW HAMPSHIRE

Planning Department

P.O. Box 360 – 1 Main Street
Brookline, NH 03033

**Planning Board Minutes
January 19, 2023**

Present: Eric Bernstein, Co-chair
Alan Rosenberg, Co-chair
Scott Grenier, Member
Chris Duncan, Member
Eric Pauer, Alternate (virtually)
Steve Russo, Selectboard Representative (virtually)

Staff: Michele Decoteau, Town Planner

Attendees: Steve Sacherski (Building Inspector – arrived at 7:40 PM), Webb Scales, Peter Webb, Jerry Farwell (arrived at the end of the meeting)

E. Bernstein opened the Public Meeting at 7:04 PM and read the hybrid meeting rules. S. Russo was attending remotely due to the weather conditions.

Public Hearing

E. Bernstein read the Public Hearing Notice.

A. Rosenberg MOVED to open the Public Hearing at 7:05 PM. C. Duncan SECONDED.

Discussion: None

Roll call vote:

- A. Rosenberg – aye
- C. Duncan – aye
- E. Bernstein – aye
- S. Grenier – aye
- S. Russo – aye. (5 – ayes, 0 - nays, 0 - abstain). Motion carried.

Section 620 Workforce Housing.

M. Decoteau and S. Grenier reviewed the changes to Section 620 Workforce Housing that have been proposed and reviewed.

P. Webb (48 Mason Road) said he would coordinate with M. Decoteau on a Voter's Guide.

The Board agreed to review the Voter's Guide on Feb 2 meeting.

W. Scales (49 Dupaw Gould Road) said that there should be a definition of "story" and M. Decoteau clarified that the Building Inspector had a definition he used.

W. Scales said that in 626.00.4 there was a need for the article "a" or the word "one". The Board edited 626.04 to add the word "one" before each dwelling type rather than an "a" and multifamily should be spelled consistently. The Board suggested changing this paragraph to a table next year.

There were no further comments from the Board or the Public.

A. Rosenberg MOVED that the proposed changes to the Town of Brookline Zoning Ordinance Section 620 Workforce Housing Development be recommend to the Selectboard to be added to the Town Warrant for 2023.

Discussion: None

Roll call vote:

- A. Rosenberg – aye
- C. Duncan – aye
- E. Bernstein – aye
- S. Grenier – aye
- S. Russo – aye. (5 – ayes, 0 - nays, 0 - abstain). Motion carried.

Section 800 Nonconforming Uses, Structures, and Lots.

The Board and staff reviewed the proposed changes.

P. Webb said that Section 800 is being changed to accomplish something. He asked what the objective was for the changes? W. Scales said that the changes were proposed to convert the diagram into words. The Board noted that this would be more clear.

S. Sacherski (Building Inspector) said that the changes to Section 800.02.b should not be made. He said that Section 900 doesn't cover setbacks. He was concerned that we take rights away from people then don't come back and revisit it. It should be addressed at the same time as Section 900. W. Scales said no one is losing rights. The Variance process protects people's rights and grants relief when the Zoning Ordinance is burdensome. He said that Section 902 addresses setbacks. A. Rosenberg said that if you going from no structure to a structure you are increasing the structure. This protects the landowner and the abutters.

S. Sacherski said he thought there are a lot of holes and the two sections should be modified together. He said he wanted to make the changes in concert. Taking away the "every attempt..." language takes something away. C. Duncan asked if someone filed a permit and "made every attempt..." would you even look at Section 900? S. Sacherski said no. This is the conflict. We are taking away the less stringent rule. He noted a recent example of a setback case on a lot of record on Meetinghouse Hill Road. C. Duncan said the Board agrees that both sections will be addressed this year but now we are trying to resolve this one piece and have a clear path for next year.

The Board discussed some ways to craft a path for owners of Lots of Record to build in setbacks while giving the town some oversight. The Board agreed this would be a task for this year and may include input from a subcommittee.

S. Sacherski said if someone wants to build into the setbacks and if this passes, they would need a variance. E. Bernstein said this is not adding a more restrictive process, it is relying on the process already in place. And the Board intends to review these sections this year.

The Board, Building Inspector, and public continued discussing if the Planning Board was taking away a loophole, if there was adequate recourse for owners of lots of record in Section 900, and plans for working on both Sections 800 and 900 in the upcoming year to address setbacks among others.

In the interim, the Board added "900" before the reference in Section 800.02b so it was clearer which section of the Ordinance was being referred to.

The Board discussed if the changes were substantial and decided, by consensus, to continue this Section to February 2.

C. Duncan MOVED to continue the public hearing on Section 800 to February 2, 2023, at 7:00 PM. A. Rosenberg SECONDED.

Discussion: None

Roll call vote:

A. Rosenberg – aye

C. Duncan – aye

E. Bernstein – aye

S. Grenier – aye

S. Russo – aye. (5 – ayes, 0 - nays, 0 - abstain). Motion carried.

Road Review

SD#2018.I:C-4 – Countryside Drive

The Town Engineer provided an updated letter of work not completed on Phase 2 of Countryside Drive. The one remaining item is sediment eroding into a drainage area that will be the Town's responsibility to maintain.

C. Duncan noted that this is only a little bit of minor work that can't be done this time of year. The Bond is for work to be done if the developer doesn't complete the road – not for work that wasn't completed. The Board discussed the process of recommending roads for acceptance to the Selectboard.

J. Farwell joined the discussion. He said that the original review was done right before some heavy rains which caused the erosion. M. Decoteau noted that while the sediment is not a huge amount, until the grass grows or the owner uses some sort of stabilizing factor such as found in hydroseeding or putting down an erosion control mat, the erosion will continue.

J. Farwell said the town is protected. C. Duncan if it is failing already, how do we know it won't continue? J. Farwell said the vegetation will grow in the spring. He said this was a maintenance issue, not incomplete.

S. Russo asked about the advantage of accepting the road now or later. The Board discussed that the two winter requirements require a bond be in place and the developer wants to start that as soon as possible. J. Farwell said that the lot owners are paying full taxes. The road was completed by they are not getting the services.

The Board asked about the possibility of the Selectboard accepting the road if the Planning Board had not recommended acceptance. The Planning Board would just recommend the amount of a maintenance bond.

J. Farwell asked about Phase I and if had been accepted. M. Decoteau said the recommendation from the Planning Board had been given to the Selectboard.

C. Duncan asked for clarification on the 2 winters and how that was measured. E. Bernstein asked if that was statutory. He asked if the Board could recommend the bond be in place a specific day. M. Decoteau noted that there are some communities in this area that have deadlines by which requests for road completions and recommendations to the planning board be made. The Board will revisit this when reviewing bylaws this year.

C. Duncan MOVED to recommend to the Selectboard to accept Phase 2 of Countryside Drive with a maintenance bond of \$77,510 to remain in place until review at the August 17, 2023 meeting with remaining work completed and approved by Town Engineer at which time the bond will be reduced to \$60,500 and maintenance period extended to Spring 2025. A. Rosenberg SECONDED.

Discussion: None

Roll call vote:

A. Rosenberg – aye

C. Duncan – aye

E. Bernstein – aye

S. Grenier – aye

S. Russo – aye. (5 – ayes, 0 - nays, 0 - abstain). Motion carried.

SD#2013-5:D-24 – Wright Road – Bond Review

This was reviewed and a recommendation made after the last meeting.

General business and staff update

Discuss election versus appointment of Board members

The Board expressed concern that elections may be a barrier to some people volunteering but noted that while appointed there are vacancies in alternates. The Board discussed the comments from the Selectboard about changing back to an appointed system. Individual Board members expressed concern about running for office and if that would change the Planning Board. The Board reviewed the voting totals from last year's election. This was the will of the voters and they have not had one election yet so they are unsure about what may happen.

By consensus, the Board decided to send no recommendation to the Selectboard, but the Select Board is free to do as they please.

Minutes from previous meetings

January 5, 2023

Correct the date to be "2023"

R. Rosenberg MOVED to approve the minutes of January 5, 2023, as amended. C. Duncan SECONDED.

Discussion: None

Roll call vote:

A. Rosenberg – aye

C. Duncan – aye

E. Bernstein – aye

S. Grenier – aye

E. Pauer – aye. (5 – ayes, 0 - nays, 0 - abstain). Motion carried.

January 12, 2023

Line 22 ... read

R. Rosenberg MOVED to approve the minutes of January 12, 2023, as amended. C. Duncan SECONDED.

Discussion: None

Roll call vote:

- A. Rosenberg – aye
- C. Duncan – aye
- E. Bernstein – aye
- S. Grenier – aye
- S. Russo – aye. (5 – ayes, 0 - nays, 0 - abstain). Motion carried.

Review: Annual report for Town Report

M. Decoteau shared the draft of the report for the Town Report and requested feedback. The Board wanted to be sure to thank Valerie and Kristen for their hard work.

Review: RFP for Hydrogeologist funded by Brookline ARPA money

M. Decoteau shared the draft of the RFP and asked the Board to share any feedback directly.

Nonpublic session

C. Duncan MOVED to enter nonpublic session at 9:40 PM for reasons outlined in RSA 91-A:3,II (c) reputation. S. Grenier SECONDED.

Discussion: None

- E. Bernstein – aye
- A. Rosenberg – aye
- S. Grenier – aye
- C. Duncan - aye
- S. Russo – aye. (5 – ayes, 0 – nays, 0 – abstain).

E. Bernstein MOVED to leave nonpublic session at 10:43 PM and seal the minutes. S. Grenier SECONDED.

Discussion: None

- E. Bernstein – aye
- A. Rosenberg – aye
- S. Grenier – aye
- C. Duncan - aye
- S. Russo – aye. (5 – ayes, 0 – nays, 0 – abstain).

A. Rosenberg MOVED to adjourn the meeting at 10:44 PM. S. Grenier SECONDED.

Discussion: None

- E. Bernstein – aye
- A. Rosenberg – aye
- S. Grenier – aye
- C. Duncan - aye
- S. Russo – aye. (5 – ayes, 0 – nays, 0 – abstain).

Respectfully submitted by M. Decoteau

Approved on: 02.02.2023