



BROOKLINE, NEW HAMPSHIRE

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

Thursday, July 6, 2023
Town Hall Meeting Room
7:00 PM
Meeting Minutes

Present: Eric Bernstein, Co-chair
Alan Rosenberg, Co-chair
Scott Grenier, Member
Steve Russo, Selectboard Representative

Absent: Chris Duncan, Member

Staff: Michele Decoteau, Town Planner

Attendees: Amos White, Sam Foisie (Meridian Land Services), Buddy Doherty, Donna Marsh, Joan Delage (Sundae Drive), Ed Delage (Sundae Drive), Mike Georges, Amie Haerinick, Marsha Farwell (Farwell Realty), Lori Silva (Squirr'l'd Away Attic Treasures), Stephen Rogers (Brookline's Finest), Peter Cook, JoJo Clark (Scaredy Cat Tattoo), David Jeffers (Scaredy Cat Tattoo)

1. Call to Order

A. Rosenberg called the meeting to order at 7:03 PM and read the hybrid meeting rules.

2. Minutes and review mail

Mail – no comments

Minutes from 06.01.2023

S. Russo MOVED to accept the meeting minutes of June 1, 2023 as written. S. Grenier SECONDED.

Discussion: None

All in favor (4 -ayes, 0 – nays, 0 – abstain). Motion carried.

3. Public Hearings & Applications

A. Rosenberg read the public hearing opening statement.

SP#2023:F-004-3 Flawless Floors

M. Decoteau and S. Foisie (Meridian Land Services) confirmed that all the conditions were met, and the plans were signed.

SD#2023-I:D-007 Open Space Subdivision

A. Rosenberg read the public hearing notice.

M. Decoteau shared the documents received since the last meeting including draft legal documents and Town Counsel's review. New plans were shared noting the change in the fire protection. M. Decoteau shared the draft memo to the Selectboard regarding the road name and that a school bus stop had been confirmed for the end of the road.

S. Foisie asked about expedited review and if the plan could be approved. The Board reviewed the regulations and noted that the public notice did not note that acceptance and approval might be done at the same meeting.

S. Foisie asked about the waiver request to Section 4.6.06.f – letter from utilities agreeing to provide service. He noted that Eversource preferred to provide a letter after the site plan was close to approval rather than at the beginning of the process. He said that the letter will be in before final approval.

E. Bernstein MOVED to grant the waiver to the timing of Section 4.6.06f because Eversource wouldn't provide it at the beginning of the process. S. Russo SECONDED.

Discussion: None

All in favor (4 -ayes, 0 – nays, 0 – abstain). Motion carried.

E. Bernstein MOVED to accept SD#2023-1:D-007. S. Grenier SECONDED.

Discussion: None

All in favor (4 -ayes, 0 – nays, 0 – abstain). Motion carried.

Buddy Doherty (11 Ruonala Road) asked if the road was going to be public. A. White said that was what was planned. M. Decoteau noted that the Planning Board sets the road standards, and the Selectboard determines if a road is accepted as public.

E. Bernstein MOVED to continue SD#2023-1:D-007 to the regularly scheduled Planning Board meeting July 20, 2023, at 7:00 PM. S. Grenier SECONDED.

Discussion: None

All in favor (4 -ayes, 0 – nays, 0 – abstain). Motion carried.

NRSP#2018-C: B-020-1- Sundae Drive – compliance hearing

M. Decoteau shared the Notice of Violation from the Zoning Enforcement Officer. This required the owners of Sundae Drive to come to the Planning Board for a compliance hearing and cease operations on the abutting residential property and address parking along Route 13 as much as possible. It was noted the ZEO did give permission for up to 6 employees can park on 5 Ruonala Road for safety.

E. Deagle said that the business has grown a lot in the last two years and when the Police Chief asked him to address the issue of cars parking on Route 13, he said he moved the parking and tables up to his daughter's house next door. He didn't think about permissions or the neighbors, only the police request.

M. Georges (4 Ruonala Road) expressed his concerns about the expansion of Sundae Drive and with his driveway across from the driveway on 5 Ruonala Road, he said it feels like they are at the ice cream shop all the time. He reviewed some of the history of the expansion and his family's experience with the noise and traffic.

A. Haerinick (4 Ruonala Road) said that live bands and parking were not part of the approval and the neighborhood should be considered.

There was a short discussion about buffers or fences being helpful and the elevation changes in the properties might make that challenging.

B. Doherty (11 Ruonala Road) asked about the list of people who were notified. M. Decoteau said she sent first class letters to all the lots noticed in 2018 but with current owners.

B. Doherty said there are over 350 cars per day on Ruonala road and the addition of this commercial traffic is making it worse. He is not opposed to the original approval, but not in favor of an expansion. He wanted "No Parking" signs on Route 13 – it was part of the approval process for Dunkin' Donuts and could be used here.

E. Bernstein summarized the discussion. He said that currently Sundae Drive is outside the original approval. He thought at a minimum, a new site plan or update is needed. He recommended reverting to the original approvals with the exception for employee parking as noted by the ZEO.

Parking along Route 13 was further discussed as were concerts and motorcycle nights. M. Farwell (Farwell Realty, 104A Route 13) suggested the Board do a site walk.

The Board summarized what needs to happen to bring Sundae Drive into compliance and move forward.

1. Sundae Drive needs to be in compliance with the site plan approved in March 22, 2018
2. Business operations on 5 Ruonala Drive (picnic tables, parking, etc) must cease with the exception of up to 6 employees parking on 5 Ruonala Drive
3. No business customers parking on Route 13
4. No business access through Ruonala Road per the ZBA decision for Case #410
5. Application to the Planning Board for an updated site plan on or before September 21, 2023.

Discussion: M. Decoteau noted that to be in compliance with the previous decision, Sundae Drive needs to be sure to be in compliance with the Fire Department inspection requirements. S. Grenier asked about adding signs to keep customers from using Ruonala Road and the driveway. B. Doherty expressed concern about enforcement and he doesn't want to see any expansion. E. Delage said that he understands and doesn't want to see anyone get killed in front of his ice cream shop.

Change of Use Determination – Squirrl'd Away Attic Treasures

M. Decoteau provided the Board with a copy of *Change of Use Determination* form that noted when the last site plan approved the items listed in the definition of a change of use.

M. Decoteau noted the site plans and the subdivision showed all the items. Lori Silva wrote a letter describing her business and what changes she planned to make.

L. Silva said she has a consignment business in Massachusetts and after a friend passed away, she inherited his inventory of retro games and gaming systems. She currently has nine parking spaces and felt the 15 required would be more than adequate.

E. Bernstein asked about loading since that was likely to be different than the bank which had armored vehicles delivering. L. Silva said that she doesn't accept large items or furniture, all her deliveries would be carried by the person who is consigning the item.

B. Doherty said that he supports this business.

E. Bernstein MOVED that the Board Finds that the Squirr'l'd Away Attic Treasures business does not constitute a change or expansion of use for 104 Route 13. S. Grenier SECONDED.

Discussion: None

All in favor (4 -ayes, 0 – nays, 0 – abstain). Motion carried.

M. Decoteau said she'd be sending a letter in the next few days.

Change of Use Determination – Brookline's Finest

M. Decoteau noted that Brookline's Finest is planning to move to the middle section of the Big Bear Lodge, the former location of the New Kung Garden. Nearly all the items on the *Change of Use Determination form* were available on various site plans and the subdivision plan.

S. Rogers from Brookline's Finest said they are expecting to stay quite similar to the business model they have in their current location (181 Route 13). They are going to be primarily retail with 32 vendors and add more grab and go food and a few tables. There will be no loading from commercial trucks – their vendors carry their goods.

There was discussion of parking since Andres Institute had moved their parking directions for trail users to park on the paved lot. M. Decoteau noted that there were 103 parking spaces noted on the subdivision plan, but each use on the building needed to be included in the plan so if every use maxed out on the same day, there needed to be enough parking in spaces. P. Cook noted that Andres Institute had moved their parking from the small dirt lot to the paved parking lot when they got more visitors during the pandemic. M. Decoteau said that Andre's might consider developing a Special Events Parking Plan to include using the old dirt lot, having parking attendants and temporary signs on Route 13. She noted that it is very difficult to estimate the number of parking spaces needed for Andre's trail use without monitoring the number of visitors but at some point soon, this needs to be addressed. A. Rosenberg noted that if there is the perfect storm of many trail users, all the businesses being busy, and a special event, there could be a parking problem. He noted that this may not impact this Use at the moment.

E. Bernstein MOVED that the Board Finds that Brookline's Finest moving into 106

Route 13, G-053-I, does not constitute a change or expansion of use. S. Grenier SECONDED.

Discussion: None

All in favor (4 -ayes, 0 – nays, 0 – abstain). Motion carried.

Change of Use Determination – Scaredy Cat Tattoo

M. Decoteau provided the Board with the Change of Use Determination form noting that Scaredy Cat Tattoo was moving from a single unit at 181 Route 13 to a double unit previously occupied by Voices of Clay for their spa services.

J. Clark said she is planning to add her apprentice with his own chair and add a staff member. She would like to offer art classes in the front of the unit with up to 20 students.

E. Bernstein said that just adding an additional artist doesn't seem like a change of use, but adding classes seems like it could be.

S. Grenier said that the Board needs to consider new businesses coming into the empty units. We need to be careful about setting a precedent and consider all the uses in a multi-unit building.

The Board discussed making two findings and if the uses could be separated.

E. Bernstein MOVED that the Board Find that as the proposed change in location of Scaredy Cat Tattoo at 181 Route 13, F-002, does not constitute a change or expansion of Use as related to moving from Unit D to Unit A/B. S. Grenier SECONDED.

Discussion: None

All in favor (4 -ayes, 0 – nays, 0 – abstain). Motion carried.

E. Bernstein MOVED that the Board Find that altering the business of Scaredy Cat Tattoo to include art classes and events constitutes a change or expansion of Use. S. Grenier SECONDED.

Discussion: None

All in favor (4 -ayes, 0 – nays, 0 – abstain). Motion carried.

4. Other Business

CIP

A. Rosenberg noted the Police Department had provided documentation for the CIP but no other departments had. He asked M. Decoteau to send a reminder that the deadline is coming up.

Staff Update

M. Decoteau shared the updated budget with current spending. The Selectboard asked each Committee or Board with a budget to reduce by 2%. The Board discussed possible ways to reach that number.

M. Decoteau shared a draft of the memo to the Selectboard on the road name for D-007, Richards Road. The Planning Board noted the name.

5. Adjournment

E. Bernstein MOVED to adjourn the meeting at 9:45 PM. S. Grenier SECONDED.

Discussion: None

All in favor (4 -ayes, 0 – nays, 0 – abstain). Motion carried.

Respectfully submitted by M. Decoteau

Approved on: 2023.07.20