



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

Thursday, Sept 21, 2023
Town Hall Meeting Room
Meeting Minutes

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

Staff: Michele Decoteau, Town Planner

Attendees: Ryan McGrath (McGrath Chiropractic), Randy Haight (Meridian Land Services),
Amos White (applicant), Buddy Doherty, Jen and Gary Riendeau, Sandy and
David Gerry

1. Call to Order

2. Minutes and review mail

Mail – Noted

09.07.2023 Minutes - Public

C. Duncan MOVED to approve the minutes of Thursday September 7, 2023, as submitted. S. Grenier SECONDED.

Discussion: None

All in favor (4 – ayes, 0- nays, 1 – abstain. (S. Russo)).

09.07.2023 Minutes – Nonpublic

A. Rosenberg MOVED to approve the nonpublic minutes from September 7, 2023, as written. C. Duncan SECONDED.

Discussion: None

All in favor (4 – ayes, 0- nays, 1 – abstain. (S. Russo)).

3. Public Hearings & Applications

E. Bernstein read the public hearing announcement.

Conceptual Hearing for Change of Use Determination – F-002-2 – McGrath Chiropractic

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. R.

McGrath said that they were planning to use unit D, formerly Scaredy Cat Tattoo Inc for their Chiropractic business while a new building is built on Post Office Drive.

The Board noted the change in traffic and parking that there would more cars for less time each appointment.

S. Grenier MOVED to find that McGrath Chiropractic moving into Unit D at Stoney Ledge previously occupied by Scaredy Cat Tattoo Ink, does not constitute a change of use. C. Duncan SECONDED.

Discussion:

B. Dougherty (11 Ruonala Road) asked that address be added to the agenda. The Board agreed to do so when possible.

All in favor (5 – ayes, 0- nays, 0 – abstain).

SD#2023-2:F-034 – New Case – 167/169 Route 13

E. Bernstein read the public notice and opened the hearing.

R. Haight (Meridian Land Services) reviewed the information about this lot. DOT only granted one point of entry. This will be a shared driveway as a result. The Fire Department comments caught an error on the plan. He noted PSNH retained an easement through the property and there is a well access easement to benefit F-028.

R. Haight responded to the Town Planner comments about well and septic locations on abutting property. He said that there are none within 100 feet of the lot lines that are not already noted. If there is a well on an adjacent property, the radius doesn't encroach on any of these wells or septic systems.

E. Bernstein reviewed the Planning Board process to accept an application as complete, listen to comments, then approve.

Discussion of the Fire Department comments continued. A. White said that he spoke with the Fire Chief and will be adding a requirement for residential sprinklers to the plan.

The Board discussed the waiver request to Subdivision Regulations Section 4.6.04f to waive the requirement to submit a letter of intent to provide utility services with the application. The applicant said they will submit a letter of intent at the end of the process but utility companies are taking longer to provide the letter.

A. Rosenberg MOVED to grant the waiver of timing to Section 4.6.04f that letter of intent to provide service by utilities must be part of an application. C. Duncan SECONDED.

Discussion: None

All in favor (5 – ayes, 0- nays, 0 – abstain).

The Board determined that the application, with the waiver that was granted, met the

subdivision regulations minimum requirements for acceptance.

A. Rosenberg MOVED to accept SD#2023-2:F-034. C. Duncan SECONDED.

Discussion: None

All in favor (5 – ayes, 0– nays, 0 – abstain).

The Board reviewed the Town Engineer comments regarding stormwater. He suggested the Board ensure the houses were built in a location to fully utilize the stormwater infrastructure. He noted that there was no specific building envelope. R. Haight said they could submit a new drainage plan to the Planning Board before the septic plan approval. The Board wanted the Town Engineer to review it and asked that R. Haight add a building envelope on the plan. If the future home builder decided they wanted to build in a location other than that envelope, they could come back to the Planning Board. This information should be added to Note 9.

C. Duncan asked about the PSNH easement and if with the easement, would there be enough room for a house. R. Haight said yes, and that this easement has been released in other portions of Brookline, just not this lot yet.

Comments from Abutters:

G. Riendeau (40 Milford Street) expressed concerns about his well and additional water from the development coming to his property. His lot is already wet and the back of F-034 is steep. R. Haight said that there should be no additional stormwater flowing to their property. That is what the retention/detention basins were for.

J. Riendeau (40 Milford Street) asked about the well easement on her lot. R. Haight said the well is on the neighboring lot (F-034), but that she had right of access to the well.

J. Riendeau asked if there is a change in the house location, would there be an additional public hearing. E. Bernstein said if the new owners built outside the envelope proposed, yes there would be an additional public hearing. A. White said they evaluated the land pretty well and each lot has limited options for building. He was confident that a building envelope would be accurate. A. White was asked about the potential locations for houses on the two lots and he pointed them out on a map.

D. Gerry (52 Milford Street) asked the stormwater basins and if the future homeowner filled them in. He expressed concern about the water that already flows off the site onto his property. E. Bernstein said that once the subdivision is approved, if the future homeowner fills in the retention/detention basin, the method to rectify it is the Zoning Enforcement Officer.

S. Gerry (52 Milford Street) asked about the trees that may need to be removed to build. She was concerned about the privacy of her property. A. White said that other than what is needed to be removed for the drainage and maybe the well, they are nearly finished with tree removal.

Other residents:

B. Dougherty (11 Ruonala Road) asked about the house numbering and if there would be a

name to the shared driveway. M. Decoteau said that there will not be a name to the shared driveway and the numbers being proposed are 169 & 167 Route 13. E -911 has already agreed the numbering and it will become official when a building permit is issued.

Final Board questions:

E. Bernstein reviewed the final items to be completed – legal documents that were provided today need Town Counsel review, the building envelopes need to be added and get Town Engineer review, and an updated plan may need Fire Department review.

**C. Duncan MOVED to continue SD#2023-2: F-034 to October 19, 2023, at 7:00 PM.
S. Grenier SECONDED.**

Discussion: None

All in favor (5 – ayes, 0- nays, 0 – abstain).

SD#2023-1:D-007 – Open Space Subdivision update

M. Decoteau said that an abutter said that the loggers had removed trees inside the 50 foot buffer between his lot and the proposed lots. A. White agreed that this had been done and said that he was going to propose adding 6-8 foot pines to replace those trees. He planned to discuss this with the abutter so that his concerns would be addressed. E. Bernstein said that when you have a landscape plan ready, come back to the Board.

B. Dougherty (11 Ruonala Road) representing the Conservation Commission expressed concern that the open space lot was not conveyed to the Conservation Commission? He said the Conservation Commission should always be conveyed the open space lot. A. Rosenberg read Section 1506.01 from the Open Space Development Ordinance which notes that the open space lot is conveyed to the Home Owners Association unless the Planning Board feels that it is in the best interests of the Town, this land may be conveyed to the Town or shall be permanently protected in other suitable ways which would ensure the continued use of the land for intended purposes and proper maintenance of the land. A. White said he didn't have a strong feeling about it being conveyed to the HOA. The lot is in current use and he said he would be open to donating the lot. M. Decoteau agreed to create a review checklist for the Conservation Commission to ensure that open space developments are additionally reviewed to note any desire by the Conservation Commission for the open space lot.

4. Planning Board's Sub-Committee

CIP

A. Rosenberg said that there had been some technological challenges but the committee should be ready to meet soon. He said he is attending a CIP training session on October 17 at NRPC.

Short term rental Subcommittee

C. Duncan said that the subcommittee is meeting next Tuesday and worked on a list of items each person thought were important to include and there was a general consensus on items. The subcommittee is working on a draft Ordinance for the Planning Board to review.

Vision Steering Committee

S. Grenier said the surveys are coming in at a good pace but still good to remind everyone to fill out a survey. The in-person forum will be October 21 at RMMS.

5. Other Business

Review Appendix F: Fire Protection

The Board noted that the last two sections had been added to by the Fire Department. Before reviewing again, the Board wanted to note areas that were covered by NFPA standards and what was specific to Brookline to make updating easier in the future. M. Decoteau said that the Fire Department was working on this and will respond with a new draft.

Review Appendix E: Fees and Applications - Fee schedule revisions and set date for Public Hearing

The Board reviewed the fee schedule and decided by consensus to have the public hearing on October 19, 2023 at their regular meeting.

Staff Review & Update

M. Decoteau reviewed a proposed 2024 budget with the Board. This included income to match some of the expenses. The budget will continue to be reviewed and will have to be to the Town Administrator by October 20.

Decoteau noted that the Building Official provided Pinky's Smokehouse BBQ a determination of Change of Use in February. The Board considered the letter and made no decision.

The Fire Chief asked about follow up to the Gazebo Square Fire Department requirements. This had been a site plan approval in the past and if the owner is not adhering to the approved Site Plan. The Board advised him to reach out the Zoning Enforcement Officer.

Phasing Update on Countryside Subdivision – Jerry Farwell contacted M. Decoteau regarding splitting up Phase 3 of the Countryside subdivision. He wanted to separate the Ben Farnsworth Road portion and the Countryside portion. The Board agreed by consensus that he needed to come to a meeting with a plan showing where each phase would start and stop and describe what his plans are.

The Board noted that there are times when the Town Planner should attend ZBA meetings to provide information. This will be decided together with the Planning Board and Town Planner.

M. Decoteau provided a Five Year Plan for the Planning Department with regular ZO & Master Plan review. The implementation schedule for the Master Plan will be reviewed and updated annually. The Board had a few comments and found this helpful.

6. Non-Public Session re RSA 91-A :3 II (I) Legal

Motion to enter Nonpublic Session made by C. Duncan, seconded by A. Rosenberg for RSA 91-A:3, II (I) Consideration of legal advice provided by legal counsel, either in writing or orally, to one or more members of the public body, even where legal counsel is not present.

Roll call vote:

Alan Rosenberg - yes

Eric Bernstein - yes

Chris Duncan - yes

Scott Grenier – yes

Steve Russo - yes. All in favor (5 -yes, 0 – no, 0 – abstain). Motion carried.

Motion to leave nonpublic session, seal the minutes to retain privilege, and return to public session by C. Duncan and seconded by A. Rosenberg.

Roll call vote:

Alan Rosenberg - yes

Eric Bernstein - yes

Chris Duncan - yes

Scott Grenier – yes

Steve Russo – yes. All in favor (5 -yes, 0 – no, 0 – abstain). Motion carried.

The Board reconvened in public session at 10:45 PM.

7. Adjournment

A. Rosenberg MOVED to adjourn at 10:46 PM. C. Duncan SECONDED.

All in favor (5 -ayes, 0 – nays, 0 – abstain). Motion carried.

Respectfully submitted by M. Decoteau

Approved on 2023.10.05