



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

Thursday, October 19, 2023
Town Hall Meeting Room
Meeting Minutes

Present: Eric Bernstein, Co-chair
Alan Rosenberg, Co-chair
Chris Duncan, Member
Scott Grenier, Member
Ed Perry, Selectboard Representative Alternate (Virtually)

Staff: Michele Decoteau, Town Planner

Attendees: Sam Foisie (Meridian Land Services), Sandy and David Gerry (52 Milford Street)

1. Call to Order

A. Rosenberg opened the meeting at 7:03 PM and read the hybrid meeting rules.

2. Minutes and review mail

Mail – Noted

10.05.2023 Minutes - Public

E. Bernstein MOVED to approve the minutes of Thursday October 5, 2023, as presented. C. Duncan SECONDED.

Discussion: None

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

09.21.2023 Minutes – Nonpublic

C. Duncan MOVED to approve the nonpublic minutes from September 21, 2023, as presented. E. Bernstein SECONDED.

Discussion: None

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

3. Public Hearings & Applications

E. Bernstein read the public hearing announcement.

Pubic Hearing on Planning Board Fees

A. Rosenberg opened the public hearing by reading the public notice.

The Board noted that the fee increases were developed to move the Board toward more

complete cost recovery on applications.

There were no public comments.

E. Bernstein MOVED to close the Public Hearing. C. Duncan SECONDED.

Discussion: None

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

E. Bernstein MOVED to adopt the fee schedule revisions as presented effective November 1, 2023. C. Duncan SECONDED.

Discussion: None

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

~7:29 PM E. Perry joined the meeting.

SD#2023-2:F-034 – 167/169 Route 13

M. Decoteau reviewed the three remaining outstanding items: Fire Department review, Engineering review of the locations of the building/dwelling locations and Town Counsel review of the shared driveway easement.

Counsel provided review and had no problem with any of the language in the shared driveway easement. The Fire Department reviewed the plan and agreed it looked good but still need to add that to letterhead, and the Town Engineer needs to write a letter reviewing the dwelling locations with respect to drainage.

S. Foisie (Meridian Land Services) showed the Board the new location of the proposed building locations.

D. Gerry (52 Milford Street) said he had two concerns. First that the houses get built in the locations shown so stormwater is contained. Second, he was concerned about the future maintenance of the stormwater infrastructure and wanted to hear about how this might enforced in the future. The Board said that this would be enforced through the Code Enforcement Officer since the Inspection & Maintenance plan is part of the plan that will be recorded.

Conditions were discussed and it was agreed by consensus, that not all of the conditions were under the control of the engineer and the Board wanted to put a firm date on a conditional approval.

E. Bernstein MOVED to conditionally approve subdivision SD#2023-2:F-034 through Dec 21, 2023, with the filling conditions:

- 1. Fire Department final approval noted in a letter**
- 2. Add to the recorded plan: If the dwelling is proposed to be constructed outside the potential location shown, the owner must present the new location to the Planning Board for review for compliance with drainage requirements**

3. **Letter from a Licensed Professional Surveyor certifying that the bounds are in place before the first certificate of occupancy is granted**
4. **Town Engineer final approval on final documents**
5. **Add drainage and potential dwelling locations must be on the recorded documents.**

C. Duncan SECONDED.

Discussion: The Board discussed if an extension is needed to achieve these conditions, it could be granted at the December 21, 2023, meeting, but if everything is in place, the approval could be granted as well.

Discussion: None

Roll call vote:

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

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

S. Foisie reviewed the proposed landscape plan. M. Decoteau noted that the directly affected abutter had a slightly different plan. The Board asked S. Foisie to urge the owner to continue discussions with the abutters. This should be a mutually agreed upon plan that would be presented to the Planning Board. Currently it is not the right time to plant trees so there is a bit of time to figure it out.

The Board noted that there were trucks of earth material leaving the site. This was not part of the subdivision approval and since the developer doesn't have a building permit – the Board needs more information.

E. Bernstein MOVED to FIND that the developer is out of compliance with the conditional approval from July 20, 2023 and requests the Code Enforcement Officer issue a cease and desist letter to bring the project to compliance. C. Duncan SECONDED.

Discussion: None

Roll call vote:

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

4. Planning Board's Sub-Committee

CIP

A. Rosenberg said the training at NRPC on financing the CIP was excellent.

Vision Steering Committee

S Grenier and M. Decoteau shared details about Saturday's in-person forum and invited anyone who had not registered, to register and join Saturday in person or Tuesday by zoom.

Short term rental Subcommittee

C. Duncan said that the subcommittee provided a draft ordinance for the PB to review.

5. Other Business

STR Ordinance Draft

C. Duncan reviewed the draft ordinance with the Board. The Board had some minor suggestions primarily around formatting. The Board asked questions about parking, bedroom determination, and rooms & meals tax.

Section 800/900 – Nonconforming Uses Lots and Structures/Lots of Record – Draft

M. Decoteau described how Section 900 was moved to be part of Section 800 and reviewed the Special Exception criteria for nonconforming lots of record where an owner wants to build but can't meet setback requirements. The Special Exception provides a framework for ZBA review.

Section 1200 – Floodplain Ordinance – Draft

M. Decoteau said this is a housekeeping change. Floodplain maps were updated and if residents want the lowest rates of flood insurance, the ZO must reflect the most current maps. Additional changes were suggested to make it shorter and easier to understand.

Section 1000 – Earth Removal – Draft

M. Decoteau said that the excavation regulations were very clear and inspired many of the changes in the Ordinance. This is simpler and contemplates some of the more recent excavations in Brookline.

GMO Findings

M. Decoteau noted that in November, a member of the school board will be joining the planning board meeting and provide an update on the school capacity.

6. Non-Public Session re RSA 91-A :3 II (a) review of an employee and (I) Legal Motion to enter Nonpublic Session made by C. Duncan, seconded by S. Grenier for RSA 91-A:3, II ((a) review of an employee and (I) Legal at 9:57 PM

Roll call vote:

Alan Rosenberg - yes

Eric Bernstein - yes

Chris Duncan - yes

Scott Grenier – yes

Ed Perry - 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 E. Bernstein.

Roll call vote:

Alan Rosenberg - yes

Eric Bernstein - yes

Chris Duncan - yes

Scott Grenier – yes

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

The Board reconvened in public session at 10:58 PM.

7. Adjournment

E. Bernstein MOVED to adjourn at 10:58 PM. S. Grenier SECONDED.

Roll call vote:

A. Rosenberg – yes

C. Duncan – yes

E. Perry – yes

E. Bernstein – yes

S. Grenier – yes. (5 – ayes, 0- nays, 0 – abstain). Motion carried.

Respectfully submitted by M. Decoteau

Approved on: 11.02.2023