



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

Thursday, November 2, 2023
Town Hall Meeting Room
Meeting Minutes

Present: Eric Bernstein, Co-chair
Alan Rosenberg, Co-chair
Chris Duncan, Member
Scott Grenier, Member
Eric Pauer, Alternate (Virtually)

Absent: Steve Russo, Selectboard Representative

Staff: Michele Decoteau, Town Planner

Attendees: Colleen Micavich (Brookline School Board), Gail Chaddock, Gohar Azarian, Jenifer Dolloff, Dave Young, Webb Scales

1. Call to Order

E. Bernstein opened the meeting at 7:00 PM and read the hybrid meeting rules.

2. Minutes and review mail

Mail – Noted. The Board wanted to discuss the email from the Building Official regarding Lund Farm Subdivision later in the meeting.

10.19.2023 Minutes - Public

A. Rosenberg MOVED to approve the minutes of Thursday October 19, 2023, as presented. C. Duncan SECONDED.

Discussion: None

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

3. Meeting With Brookline School Board Representative

Collen Micavich, Vice-chair of the Brookline School Board, met with the Planning Board to share information on student population projections. She noted that the Brookline School Board is in full support of the Growth Management Ordinance. She said that capacity is somewhat challenging to determine as there are many factors used to calculate capacity including class size limitations and staff levels. The state law requires that students are educated in the least restrictive environment and that means that students with special needs are educated in Brookline and may have additional needs for classroom space.

The Board asked about class size. C. Micavich said that the School Board Policy is based on the will of the community. Kindergarten and first grade classroom size is 17 students, second and third grade classroom size is 20 students, and fourth through sixth grade classroom size is 23

students. The School Board has been looking at maybe eliminating or moving specials or classes internally and are alarmed by some of the projections of student populations.

A. Rosenberg asked about the CIP. He said that the schools had nothing on the CIP that indicated a need for additional classroom space. He said the Planning Board can only charge impact fees if there is a plan in the CIP.

The Board asked about preschool classrooms numbers – are there one or two pK classrooms. C. Micavich said she would find out. E. Pauer asked about the portables and if CSDA when it was built, did it have an expansion plan. C. Micavich said the portables have been seen only as a stop gap measure since there are concerns with accessibility.

The Board discussed school-aged children in HOP developments and agreed it would be good to research some of our neighboring communities to see if they had school-aged children in HOP developments.

C. Duncan asked how often NESDEC projects are made. C. Micavich said it was an annual report and a widely used tool. C. Duncan asked about the NESDEC predictions and how this predicts change year after year in the population. C. Micavich said they use births, current student populations, and building permits among other data sources. C. Duncan asked how changes in class sizes were handled in the past if it is a small change like one or two more students. C. Micavich said that in the past, the schools have accepted one student over the max class size but it doesn't happen often.

A. Rosenberg asked about Housing for Older Persons (HOP) and the expectations around students living in HOP developments. Not only might we expect students in the HOP but if the residents are Brookline residents who move out of a 3-4 bedroom house to then move to a HOP, there might be an impact on the schools.

S. Grenier said that we need to think long-term. The GMO is short-term. What are we thinking as a community long-term? C. Micavich said that the School Board is thinking long term. They are thinking 5 years in the future and they have a plan but it may or may not be supported by voters. S. Grenier said that the five additional classrooms at CSDA and RMMS that are in the discussion phase at the School Board, once they are planned, we may not need the GMO.

E. Bernstein noted that the Ordinance had three purposes and one was to allow the town to evaluate, develop and implement a plan to address the growth. He said it was important to be planning to address the growth. C. Micavich short term the school can do things like move specials to carts or other temporary measures.

The Board discussed that the CIP from the schools that included projects related to energy efficiency, a new fire panel, and new roof but didn't address capacity. It was noted that the School Board has engaged the services of a vendor that discussed capacity related projects. C. Micavich said the discussions are ongoing.

W. Scales (49 Dupaw Gould Rd) asked if Impact fees were assessed separately. The Board said they were. W. Scales asked about Build Out and the Board said they would need to confirm when the last build out analysis was done.

J. Dolloff (17 Lorden Ln) asked if the school board has submitted anything to the state for building aid. She said it was important to be on the list. C. Micavich said that if we have to build, they would submit a request.

Action Items:

Review Build Out Analysis

Add the slides and EEL presentation to the Planning Board drive or webpage

4. Public Hearings & Applications

Review, comment, possibly set Public Hearing Date

STR Ordinance

Members of the Short Term Rental (STR) subcommittee were present at the meeting. The Board noted a few scrivener errors.

The Planning Board asked to change “local agent” to STR Operator and STR Operator to “STR Owner.” Add to the General Requirements “State, federal, and local regulations” instead of state and federal licenses. The Planning Board had additional suggestions to move some parts around to make the Ordinance clearer.

The Planning Board decided by consensus to review this again at the Nov 16 meeting and expects this will be ready for a first public hearing on Dec 7.

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

The Board made some minor suggestions to clarify the requirements for a special exception. The Board discussed the standards and eliminated two of the five suggested standards. The Board discussed the Special Exception criteria.

W. Scales noted that the purpose and intent section is awkward and the suggested change is not correct. The Board discussed the Special Exception criteria.

The Board requested a list or number of vacant non-conforming lots of record. This will be reviewed at the Nov 16 meeting.

Section 1000 – Earth Removal – Draft

W. Scales said this was an improvement and needed a few more revisions. The Board decided this should be a wholesale replacement of the section to make it easier to understand the changes as there are many.

W. Scales said that 1000 cubic yards seems low. The Board noted that the 1000 cubic yards figure comes from the RSA.

The Board agreed to change the title of the section to Excavations to match the regulations.

Review for November 16 Public Hearing

Zoning Map

The Zoning map is a part of the Ordinance and needs to be updated to include some changes to the two Zones. The lot lines noted on the map are merely for information purposes but are not part of the Ordinance.

Section 1600 – Sign Ordinance – Remove applications

The two applications will be moved to Section E: Fees and Applications and removed from the Ordinance. The Board asked about how this was going to be shown in the Regulations if the permits are moving online. Printed permits are always going to be available to anyone who needs them.

Section 1800 – Driveway Ordinance - Remove application

The Driveway Ordinance is similar to the Sign Ordinance with an application in the Ordinance that will be removed and added to the Regulations.

Section 1200 – Floodplain Ordinance – Draft

M. Decoteau noted that the draft came from the Office of Planning and Development and FEMA. Primarily this updates the flood maps, but since it is being redrafted, the Board should take the opportunity to make other changes. The first update is changing Building Inspector to Building Official. The next spot of confusion is who in the “community” should be keeping the list of variances to the Floodplain Ordinance and who should be reporting it to the State. W. Scales and the Board discussed the option of having the ZBA secretary copy the Building Official, who is also the Floodplain Manager, on any variances granted to the Floodplain Ordinance. On an annual or biennial basis, these can be reported to FEMA.

The Board noted that this update will allow Brookline residents who have flood insurance to get the lowest rates possible should be included in voter’s guide for this year.

Other changes to reduce duplication with the rest of the Ordinance were suggested.

5. Planning Board’s Sub-Committee

CIP

No new updates.

Vision Steering Committee

S. Grenier updated the Board on the second Vision session with limited discussion. He said it was more educational than visioning. Need to schedule another meeting with the Committee to discuss the results.

Short term rental Subcommittee

The Committee presented the draft STR Ordinance earlier in the meeting.

6. Letter from the Code Enforcement Officer

The Board discussed the Findings made at the last meeting and that the developer has violated at least one portion of the Conditionally Approved Subdivision Decision. In addition, the Board was concerned about material being excavated and taken off site. The Board discussed the amount of excavated material and how to calculate that amount or ask the engineer for the information.

The Board wants to add a question about the amount of material to be removed should be added to the Site and Subdivision regulation checklist.

7. Nonpublic Session

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. All in favor (4 -yes, 0 – no, 0 – abstain). Motion carried.

Motion to leave nonpublic session, seal the minutes to retain privilege, and return to public session made by C. Duncan and seconded by S. Grenier.

Roll call vote:

Alan Rosenberg - yes

Eric Bernstein - yes

Chris Duncan - yes

Scott Grenier – yes. All in favor (4 -yes, 0 – no, 0 – abstain). Motion carried.

8. Adjournment

C. Duncan MOVED to adjourn the meeting at 11:09PM. S. Grenier SECONDED.

Discussion: None

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

Respectfully submitted by M. Decoteau

Approved on: 2023.11.16