



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

Thursday, December 7, 2023  
Town Hall Meeting Room  
Meeting Minutes

**Present:** Eric Bernstein, Co-chair  
Alan Rosenberg, Co-chair  
Chris Duncan, Member  
Scott Grenier, Member  
**Absent:** Steve Russo, Selectboard Representative  
Eric Pauer, Alternate  
**Staff:** Michele Decoteau, Town Planner

**Attendees:** Tom Solon, Peter Webb, Gail Chaddock (arrived at 7:40 PM)

## 1. Call to Order

E. Bernstein opened the meeting at 7:04 PM and read the hybrid meeting rules.

## 2. Minutes & Mail

Mail – none

### 10.19.2023 nonpublic session

**A. Rosenberg MOVED to approve the Planning Board Meeting minutes of the nonpublic session on October 19, 2023 as written. S. Grenier SECONDED.**

Discussion: None

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

### 11.02.2023 nonpublic session

**C. Duncan MOVED to approve the Planning Board Meeting minutes of the nonpublic session on October 19, 2023 as written. C. Duncan SECONDED.**

Discussion: None

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

### 11.16.2023 (public)

Line 83 ... findS – add an S

Line 100 ... add “calculated as below” instead of “A Rosenberg share:”

Line 188 ... Bernstein

**A. Rosenberg MOVED to approve the Planning Board Meeting minutes of November, 16, 2023, as amended. C. Duncan SECONDED.**

Discussion: None

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

### **3. Ordinance Public Hearings**

E. Bernstein read the public hearing announcement and the public notices.

#### Section 1200 – Floodplain Ordinance – continued from November 16, 2023

M. Decoteau said the Building Official, in his capacity as the Floodplain Manager, said he thought the ordinance changes looked good.

P. Webb (48 Mason Road) said the addition of the introduction language was helpful so anyone can understand the need for the change. The Board discussed the Voter's Guide from last year was helpful and the Board said it would helpful to make one this year as well.

**A. Rosenberg MOVED to recommend to the Selectboard to put the proposed changes to the Section 1200 on the 2024 Town Warrant. C. Duncan SECONDED.**

Discussion: None

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

#### Section 800/900 – Nonconforming Uses, Lots, and Structures

The Board discussed adding a Definitions section under purpose and intent to include the single definition Pre-Zoning Nonconforming Lot of Record. A few other changes were suggested in response to the definition addition.

#### Public Input

P. Webb asked why nonconforming lot and definitions related to nonconforming were not added to this section. The Board responded that this is the only section where Pre-zoning nonconforming lot of record is used and the other words are used in other locations.

T. Solon asked some questions about what a lot of record is and if making this change is doing a disservice to the owners. The Board explained that if a lot of record existed before zoning in separate ownership, then it could retain the rights to build a single family or two dwelling unit dwelling unit on the lot. M. Decoteau said that Kristen Austin provided her with a very detailed list of lots in Brookline that were 2.02 acres or less. From this list, only one commercial lot is vacant and under 1 acre and on a deed by itself. It is possible that one other was mislabeled as residential/agricultural. Both vacant lots are part of a parking area for another use. Of the remaining res/ag lots, only 6 met all the criteria easily and another 6 might meet all the criteria but required more extensive deed research. There were many others that were parts of subdivisions, owned by the Town, owned by local conservation organizations, or were being used for open space lots in open space subdivisions.

Formatting was discussed briefly. The desire of the Planning Board is to simplify the formatting so that defined terms can be noted in BOLD so they stand out. M. Decoteau agreed to reformat this section.

**A. Rosenberg MOVED to continue the Public Hearing on the proposed changes to Sections 800 and 900 to January 4, 2024, at 7:00 PM. S. Grenier SECONDED.**

Discussion: None

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

#### Section 1000 – Earth Removal

The Board reviewed this section and noted a typo. Otherwise there were no Board or Public comments on this proposed Ordinance change.

**C. Duncan MOVED to recommend to the Selectboard to include the modifications of Section 1000 of the Brookline Zoning Ordinance with the modification of the typo. S. Grenier SECONDED.**

Discussion: None

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

#### Section 2450 – Short Term Rental Ordinance

M. Decoteau provided feedback from Town Counsel. He thought this was a good ordinance but the definitions should be changed to have STR defined at the beginning of the list.

The Board discussed the process for applications that would be similar to home business site plan review.

A. Rosenberg had a question about the quiet hours and visitors – should it be visitor “to”? if so then the grammar needs to be adjusted.

#### Public Input

T. Solon asked if it was intentional to limit the STR Operators to the owner or a business rather than a neighbor or individual? The Board discussed if this could be a person. T. Solon said that he remembers the Subcommittee wanted a responsible individual to be responsible for any complaints. He noted that on the regulations, it needs to be explained clearly that the person who is responding has the authority to solve problems. It should be a single point of contact who may call others.

The Board and public discussed how the process should work for any complaint and non-emergency situations.

E. Bernstein said that if we were going to reorder the definitions, we should reorder them B, C. then A. C. Duncan summarized the changes as the reordering of the definition, adding an “s” to visitor, and taking out “at least”. E. Bernstein said the definition of STR operator had a few other tweaks.

G. Chaddock said this was an interesting process. She said there were discussions about what it means to be a neighbor, what it means to live in a residential zone, rural area. We also discussed who will respond. One of the ideas of this is to encourage entrepreneurship – this could inspire new business in town for STR property management. It could be just a person.

The definition of STR operator needed to be adjusted to include the possibility of a person

being designated as an STR operator.

T. Solon asked about the complaint process. What is considered to be the first complaint? Who does the complaint come to? The Board discussed that the first complaint would be to the town. The Board edited the complaint process to note that the Town needs to receive the first complaint to start the clock.

P. Webb asked if this was really necessary? T. Solon said that yes, these circumstances already engaging in STR. The Board noted that there are STR that have caused problem but that is also proactive. T. Solon added that this is ensure the safety of the people in our community. Right now people are renting homes, dwellings that might not meet the safety standards this imposes. C. Duncan said that this is included in the Purpose and Intent. This addresses safety concerns, but if we bring people into our town it is in a safe manner. G. Chaddock said that when you search online for short term rentals, you find many communities struggling with controlling STR. Being proactive as a Town allows us to get ahead of these problems. T. Solon said that this also affects housing. Some people purchase a single family home with the sole purpose of turning into a STR. This ordinance will protect our housing stock.

**C. Duncan MOVED to continue the Public Hearing on the proposed changes to Sections 2450 Short Term Rentals to January 4, 2024, at 7:00 PM. S. Grenier SECONDED.**

Discussion: None

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

9:18 PM

**A. Rosenberg MOVED to close the Public Hearing. C. Duncan SECONDED.**

Discussion: None

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

#### **4. Calendar and projects for 2024**

The Board reviewed the schedule of meetings for 2024. By consensus, the Board decided to not meet on July 4.

The Board reviewed the list of Zoning Ordinances for review next year. Regulations were also discussed.

#### **5. Subcommittee Updates STR**

C. Duncan reminded the Board of the public hearing on January 4.

#### **Vision Steering Committee**

S. Grenier said that the final report on the Community Survey was completed with some minor tweaks.

#### **CIP**

The Board discussed the schools adding to the CIP and what projects on the CIP might be related to growth and eligible for impact fees.

#### **6. Staff update**

M Decoteau reviewed the status of two developments, meeting with the developers of D-50/Brookline Opportunities, meeting with the Brookline School Board along with A. Rosenberg and S. Russo, and Fire Protection Regulations. M. Decoteau provided the Board with an updated budget that included spending through Nov 2023 and numbers for 2024 showing the amount spent on the Housing Opportunity Grant.

#### **7. Adjournment**

**C. Duncan MOVED to adjourn the meeting at 10:47 PM. S. Grenier SECONDED.**

Discussion: None

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

Respectfully submitted by M. Decoteau

Approved on: 2023.12.21