



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

Thursday, January 18, 2024
Selectboard Meeting Room
Meeting Minutes

Present: Eric Bernstein, Co-chair
Alan Rosenberg, Co-chair
Scott Grenier, Member

Absent: Chris Duncan, Member
Steve Russo, Selectboard Representative
Eric Pauer, Alternate

Staff: Michele Decoteau, Town Planner

Attendees: Webb Scales, Tom Bingham (Bingham Lumber), Mike Shea (Belletetes, Inc), Trevor Yandow (Meridian Land Services), Peter Smith (Nissitissit Land Trust)

1. Call to Order

E. Bernstein opened the meeting at 7:02 PM and read the hybrid meeting rules.

2. Minutes & Mail

Mail – noted

Minutes

A. Rosenberg MOVED to approve the minutes of Thursday, January 4, 2024, as written. S. Grenier SECONDED.

Discussion: None

All in Favor (3 – yes, 0 – no, 0 – abstain). Motion carried.

3. Public Hearings & Applications

7:04 PM

E. Bernstein read the public hearing opening statement followed by the Public Hearing notice for the Zoning Ordinances.

M. Decoteau shared comments from Town Counsel on the two proposed Ordinance changes. He noted that there may be an extra word in 804.00 (C) otherwise he said there was nothing significant to comment on. He said the proposed changes to Section 2100 were very minor and he had nothing to add.

Section 800/900 Nonconforming, Uses, Lots, and Structures and Lots of Record

E. Bernstein read the public notice for changes to Section 800/900 noting it was continued.

The Board reviewed the changes and noted that Town Counsel was correct, there were too many “units” in the description of duplexes. The Board had no further comments.

Public Comments:

W. Scales said that for consistency, both of the criteria for a special exception should be prospective and the “must” should be “would.” The Board agreed.

W. Scales noted that some of the changes on the public hearing document were changes to previous changes, not the current Ordinance.

E. Bernstein MOVED to recommend to the Selectboard to put the proposed changes to Sections 800 and 900 on the 2024 Town Warrant. S. Grenier SECONDED.

Discussion: None

All in Favor (3 – yes, 0 – no, 0 – abstain). Motion carried.

Section 2100 – Impact Fee Ordinance.

E. Bernstein read the public notice for changes to Section 2100 noting it was continued.

The Board reviewed the comments from Town Counsel and questioned what “reserved” meant for Section 2106.03.

The Board and the public had no other comments.

S. Grenier MOVED to recommend to the Selectboard to put the proposed changes to Section 2100 on the 2024 Town Warrant. E. Bernstein SECONDED.

Discussion: None

All in Favor (3 – yes, 0 – no, 0 – abstain). Motion carried.

7:15 PM

S. Grenier MOVED to exit out of the Public Hearing. A. Rosenberg SECONDED.

Discussion: None

All in Favor (3 – yes, 0 – no, 0 – abstain). Motion carried.

7:17 PM

SP#2024-I:H-090 – Belletetes of Brookline

Determination of Regional Impact – The Board reviewed project and the criteria for a regional impact.

A. Rosenberg MOVED that the Planning Board FIND that SP#2024-I:H-090 – Belletetes does not have a regional impact. S. Grenier SECONDED.

Discussion: None

All in Favor (3 – yes, 0 – no, 0 – abstain). Motion carried.

The Board reviewed the items identified by staff as remaining before accepting the case.

The question of the buffer between zoning districts within a lot required a landscaped buffer. The Board said that traditionally the buffer is only at the edge of the lot and they treat the entire lot as a single site even when there are two districts in the lot.

T. Yandow reviewed the snow storage locations and the Board wanted to move the snow storage locations to away from the stormwater infrastructure as much as possible to prevent damage. T. Bingham said they currently put the snow more toward the back of the property. M. Shea said that would work as long as it is away from the travelled sections of the parking lot.

The Board discussed the need for a letter from the utility company. T. Yandow said that he had requested a letter from Eversource to provide service to the proposed buildings but has not received one. The Board asked for the letter or a waiver request for the timing of the letter at the next meeting.

The Board wanted to add this particular regulation to the list of items to review this year and consider moving the letter to a list of items to be provided before approval rather than at the application stage.

The letter or waiver request is required for acceptance. The Board and applicant decided to continue reviewing the application to be ready for acceptance at the next meeting.

The Board reviewed the waiver requests.

HISS (6.1.01i)

T. Yandow explained that there will be an Alteration of Terrain Permit needed that that would have an intense soil-specific map. The AoT permit will provide more detailed information than a HISS map. This location is already disturbed, and a HISS map is normally used to help determine where to build on a vacant lot. This will still honor the spirit and intent of the regulations. E. Bernstein pointed out that there would be an additional cost and the Board would get the same or better information from AoT permit.

S. Grenier MOVED to grant the waiver to Site Plan Regulation 6.1.01i due to the Alteration of Terrain Permit covering the same information in more depth and a HISS would be duplicative without providing more information. A. Rosenberg SECONDED.

Discussion: None

All in Favor (3 – yes, 0 – no, 0 – abstain). Motion carried.

Locations of parking lots (4.6.03b)

T. Yandow noted the locations of the parking spaces and said that the buildings were limited to the locations shown. The parking at the front of the retail store will be safer and will be in keeping with the character of the commercial neighborhood. Powell Sand and Gravel also have their parking in the front. E. Bernstein noted that if they had to meet this requirement, the project would not be viable or would have fewer parking spaces and they are already requesting a waiver of the amount of parking.

S. Grenier MOVED that the Board grant the waiver to Site Plan Regulation 4.6.03b location of parking lots, due to site could not be used for its intended purpose if parking was required to be between the building and as designed, this promotes public safety for the people on site. A. Rosenberg SECONDED.

Discussion: None

All in Favor (3 – yes, 0 – no, 0 – abstain). Motion carried.

Parking spaces (4.6.01)

E. Bernstein reviewed the letter with the waiver request. M. Shea said they will have about 40 company trucks and don't expect to have all the employees on site at the same time. E. Bernstein noted the number of public parking spaces (72) and questioned if it would be enough. M. Shea said that if they needed to add some spaces, there is some room on the east side of the lot. M. Decoteau said she's spoken with the Town Planner in Pembroke, which has a similar site plan for a Belletetes with a river on three sides and a state road in the front. The Pembroke Town Planner said that there had been no complaints about parking and that it seemed like there were plenty of spots with the 66 spaces on their plan. T. Yandow said that the main driver of the large number is the drive thru and people won't be lingering there.

S. Grenier MOVED to approve the waiver for Site Plan Regulation 4.6.01, number of parking spaces, due to the fact that a large portion of the of the site won't require parking - the drive thru and requiring additional parking would require additional impervious surface that is unnecessary. A. Rosenberg SECONDED.

Discussion: None

All in Favor (3 – yes, 0 – no, 0 – abstain). Motion carried.

Conditional use permit request for additional impervious area in the Aquifer Protection District

T. Yandow said that the existing site has about 44% impervious surface and they are proposing increasing that to 48.4%. In addition, they are improving the protection of the river by creating the

infiltration basin that will promote aquifer recharge while maintaining or reducing the stormwater flow. Sediment will drop before the basin, and stormwater will infiltrate from there.

S. Grenier MOVED to grant the Conditional Use Permit (CUP) to render more than 15% but less than 60 % of the surface impervious with out an unreasonable departure from the purpose of the Aquifer Protection District. A. Rosenberg SECONDED.

Discussion: None

All in Favor (3 – yes, 0 – no, 0 – abstain). Motion carried.

The Board reviewed the Action Items for the next meeting.

1. Updated comments from the Building Official and Health Officer
2. Updated letter from the Fire Department. M. Shea said he would provide a letter to the Fire Department with the information they requested.
3. Provide a letter responding to comments from the Selectboard's comments, Conservation Commission, and the Town Engineer.
4. Letter from the utility company or waiver request

Comments from the Public

P. Smith representing the Nissitissit Land Trust, wanted to make sure the at the River was being looked after. He requested review by the Nashua River Watershed Association. M. Decoteau agreed to request their review.

The Board and Applicant agreed to continue the conversation next month.

4. Planning Board's Sub-Committee

CIP

A. Rosenberg noted he was adding technology to the CIP and reorganizing the information.

5. Other Business

Master plan Vision chapter – review and set public hearing

The Board decided by consensus to table this discussion until everyone was available.

Staff report

M. Decoteau shared a draft of the Land Use chapter of the master plan. Board members were asked to review it and make notes.

Aires Engineering has completed their work and provided a draft. M. Decoteau provided copies for Board members and asked for questions for George Holt at the next meeting.

M. Decoteau provided the Board with a draft of Section E: fees and applications with all the applications currently in the Ordinance and regulations. The Board agreed to start reviewing the document. M. Decoteau said that the Owner's signature or Owners' should always be on the application and site plan or subdivision so it is clear everyone knows what's being proposed.

6. Adjournment

A. Rosenberg MOVED to adjourn the meeting at 9:14 PM. S. Grenier SECONDED.

Discussion: None

All in Favor (3 – yes, 0 – no, 0 – abstain). Motion carried.

Respectfully submitted by Michele Decoteau.

Approved on: 02.01.2024