



**TOWN OF
BROOKLINE, NEW HAMPSHIRE
PLANNING BOARD**

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**PLANNING BOARD MEETING
Minutes
May 17, 2012**

Present: Alan Rosenberg, Co-Chair (voting)
Dana MacAllister, Co-Chair (voting)
Ron Pelletier, Member (voting)
Richard Randlett, Member (voting)
Darrell Philpot, Selectmen's Representative, (voting)
Valérie Maurer, Town Planner

Absent: Judy Cook, Alternate and Kevin Gorgoglione, Alternate.

7:00 PM- Meeting start

Minutes

Dana made a motion to approve the Planning Board minutes of May 3, 2012 as written. Ron seconded. Vote yes 4-0.

NRSP # 2012-C:B-29-6, Norbert Duval – Home Business, Forestry Products Continued from 5/3/2012

In attendance for this hearing is: Norbert & Patricia Duval (Homeowners/Applicants at 42 Hood Road), Robert Duval (applicant's son), Jim Comeau (previous owner of 42 Hood Road and lives in the area but is not an abutter) Justin Skilling & Jessica Weysham (abutters at 44 Hood Road).

Alan said this meeting is being continued from the May 3, 2012 meeting and the site walk held on May 12, 2012.

Alan stated that the Planning Board received a message from the Belairs (abutters at 40 Hood Road) informing us that they will not be able to attend tonight's hearing and requesting the meeting to be postponed until the next Planning Board meeting. **Alan** asked the Board what they would like to do. **Alan** said there were a lot of abutters present at the site walk and the Belairs were there to express their concerns which Board members acknowledged. **Alan** asked if there were any abutters here tonight for this hearing. Justin Skilling and Jessica Weysham from 44 Hood Road raised their hands. **Alan** asked the Duval family what they wanted to do. **Robert** said he understands that there are concerns and is willing to accommodate them. We would, however, like to proceed tonight. We have people waiting for this decision. **Alan** said he thought the Site walk was very informative they had run the sawmill and cut a log with it. **Alan** said he went down to the end of the property where it abuts the Belair property at 42 Hood Road and he said he could hear a hum but didn't even know they had cut the log until he returned to the group. They had also run the generator and

the Board was able to experience how loud that was. **Justin** said his house is closest to the machine and he has no issues with the noise.

The Board agreed that they have heard the abutters concerns between the site walk and the first meeting and thought they could proceed with the hearing. **Alan** asked if the fees have been paid and abutters notified.

Dana made a motion to accept case number NRSP # 2012-C:B-29-6. Ron seconded. Vote yes 5-0.

Dana said he understood there was an issue with operating the sawmill seven days a week. Monday through Friday wasn't an issue but the weekends were. **Robert** said he has decided not to run the business on Sundays; it would give them a chance to have one day off. They would still like to run 3:00 pm to 6:30 pm Monday Through Friday and 10:00 am to 4:00 pm on Saturday. The Board agreed that was reasonable.

Valérie apologized for being unable to attend the site walk. She has updated the staff report comments. The Building Inspector has no issues with this application. Fire Department has no issues and there is plenty of water at the location if needed. Emergency Management had no issues with the application.

Dana said there is no definition of excessive noise in the ordinance. The Town does not have a noise ordinance. **Robert** said they use the generator to run the house in power outages, will that be ok. **Alan** said he thought that was fine. Anyone in town is allowed to run a generator in case of power outage. The Board agreed. **Ron** said there was an issue with the noise from the chainsaw also. **Robert** said his chainsaw has a 28 inch blade; that is why it is so loud. He only needs it to quarter the large logs. He will use his father's which is smaller and quieter unless the larger chainsaw is needed. **Dana** said he didn't think they should limit the use of a chainsaw. Everyone uses a chainsaw. **Dana** suggested not including it under the business. The Board agreed. **Alan** asked if they cut firewood for winter use all year or during a certain time of year. **Robert** said they cut firewood all year, as needed. **Alan** said the other issue was the dust. They abutters at 40 Hood said they were unable to enjoy their pool due to the level of dust. This is a dirt road with dirt driveways. They do have a water suppression system at the location to keep the dust down if needed. **Alan** asked how often they receive deliveries. **Robert** said the pile of wood that was there was delivered about two months ago. It will take them quite awhile to go through a delivery of logs. They may have deliveries coming or going about once a month. **Robert** said he will speak to the Building Inspector about putting up a fence. **Dana** said that would muffle the noise and keep the dust down.

Robert asked if it was ok, if when it is called for, to trailer the sawmill to another location and mill the logs off premise and have the boards delivered to the house. The Board agreed that would be fine.

Darrell made a motion that the Planning Board finds the pick up truck and the trailer used to haul material is suitable for use as described in the application. Richard seconded. Vote yes 5-0.

Darrell made a motion that the Planning Board finds there is no violation of the Brookline Zoning Ordinance Section 1702.04 "Objectionable circumstances such as noise, vibration, dust, smoke, excessive traffic, electrical disturbances, odors, heat, glare, visual disharmony or other offensive emissions shall not be produced in excess of that normally associated with residential use" as described by the applicant and demonstrated at the site walk held on May 12, 2012. Ron seconded. Vote yes 5-0.

Dana made a motion to add a condition that the sawmill and generator can not be used outside the allowed business hours, only in case of emergency. Darrell seconded. Vote yes 5-0.

Alan said just to clarify the hours of operation will be Monday thru Friday 3:00 pm - 6:30 pm, Saturday from 10:00am to 4:00 pm, with no business hours on Sunday.

Alan asked Valérie to read of the conditions of approval.

Valérie said if the Board wishes to accept this application the recommended conditions would be:

- All fees for case review, meeting time and inspections shall be paid before the applicant starts operating the Home Business.
- Any modification and/or change to the home business as approved at the May 17, 2012 Planning Board meeting shall be submitted to the Board for review.
- In the event that the home business as approved on May 17, 2012 is operated in a manner that violates the standards of section 1702,10, then the Building Inspector may direct such business to be brought into compliance or, alternatively, to cease such violation.
- A compliance hearing shall be held 6 months after day of approval.

Darrell made a motion to approve application NRSP #2012-C: B-29-6 with the condition listed.

Dana seconded vote yes 5-0.

Darrell stated he thought that the Duvals were being extremely accommodating in regards to the abutter's concerns.

Jim said he is the previous owner of 42 Hood Road and although he is not an abutter he lives in the area and has no issues with this.

Robert asked if it would be ok to move the sawmill off site to cut logs and just trailer in the boards to be processed. The Board agreed that was fine.

Robert also said his father owns the Kabota tractor and uses it quite often for personal yard maintenance for his garden and miscellaneous work around the house and snow removal. We also use it for work at the mill. Will this limit the times he can use it. **Dana** said just like the chainsaw he believes he can use the tractor for personal use any time but when it is being used for the business it should be used during the business operating hours. The Board agreed.

Conceptual Discussion – Ronald Pelletier, proposed subdivision

Ron recused himself to discuss this Proposed Subdivision.

Ron said he has been planning this subdivision since 2009 and has not gone forward because he has not had any interested buyers. Now his Daughter said she would like to build a home and live in Brookline. **Ron** said he has State subdivision approval since 2010 to make three lots out of his two lots H-139 and H-140 located on Proctor Hill Road.

Recently the Planning Board had updated the Zoning Ordinance Section 603.03 that stated you need 80,000 sq/ft of dry land to 80,000 sq/ft of contiguous dry land. Rocky Pond Brook runs through all of his property. Before the Ordinance was changed the subdivision plan worked, now it does not. He will need to seek a variance from section 603.03 from the Zoning Board to go forward with this plan.

Ron asked if prior to the ordinance change the Planning Board would have had any issues with this plan.

Alan said not with Section 603.03 no but there may have been different issues.

Economic Development Committee, update and introduction to Tim Stetson, intern.

Dana said he attended the Board of Selectmen's meeting on Monday 5/14/2012 and they signed the charter. Right now, there are only two members Ron Pelletier and Himself. Also they have the addition of our intern Tim Stetson. **Valérie** asked Tim to introduce himself to the Board. **Tim** said he lives in Ashby Massachusetts and is now attending University of New England in Biddeford ME he is a Political Science

major. He interned for Kennebunk ME for the Code Enforcement Officer and Planning Office researching potential website developers and potential codes and policy for the Town and business research for the Town. He is also a Board member of the Heart of Biddeford Board which deals with the revitalization and building community in the downtown of Biddeford. He is very interested in interning for the Town of Brookline. **Dana** told Tim to call him and they will set up a schedule. **Tim** said that sounded great. The Board will be looking into some kind of a stipend for Tim.

Subdivision and NRSP Regulations. Final review prior to sending proposed Amendments to Town Counsel

Valérie said she received a letter from Town Counsel about the use of “Performance Guarantee” instead of “bond”. Using “Performance Guarantee” rather than “bond” provides the developer and the Town with more options (financial). **Alan** said we have discussed all the other modifications to the Subdivision and NRSP Regulations so if the Board agrees we can send this to town Counsel for review of the amendments. **Valérie** said that she found 2 good definitions for “Performance Guarantee” and “Maintenance Guarantee” to add to the definitions sections. The Board agreed that the word “bond” should be replace with “guarantee”.

Mixed Use Committee

Ron said the Committee has hit a stand still. We will need a hand creating the Mixed Use Zoning Ordinance. **Valérie** said she would contact Nashua Regional Planning Commission and speak with Kerrie to see if they can help. **Ron** said there is an opportunity to get a grant in the amount of (up to) \$30,000 for the creation of the mixed use zoning ordinance. We would need someone to fill out the grant application. **Ron** said Sarah Marchant (Member of the mixed use zoning committee) emailed him the information but she is very busy and will not have time to fill it out. **Valérie** said NRPC might be able to help with that also.

Richard made a motion to adjourn at 8:55 pm. Darrell Seconded. Vote yes 5-0.

Alan Rosenberg, Co-Chair _____

Dana MacAllister, Co-Chair _____

Ron Pelletier, Member _____

Richard Randlett, Member _____

Darrell Philpot, Selectmen’s Representative _____

**The next Regular Planning Board meeting will be 6/7/2012.
Minutes submitted by Kristen Austin.**