



**TOWN OF
BROOKLINE, NEW HAMPSHIRE
PLANNING DEPARTMENT
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**Planning Board
Minutes
February 17, 2022**

Present: Eric Bernstein, Co-chair (voting)
Alan Rosenberg, Co-chair (voting)
Chris Duncan, Member (voting)
Ron Pelletier, Member (voting)
Steve Russo, Selectboard Alternate Representative (voting)
Scott Grenier, Alternate
Dennis Bechis, Alternate
Eric Pauer, Alternate (via Zoom)
Valérie Rearick, Town Planner (via zoom)

Absent: Brendan Denehy, Selectboard Representative

Eric called the meeting to order and read the rules for a hybrid meeting:

- Any meeting attendees participating via Zoom are asked to activate the “mute” function until called upon by the chair
- Meeting attendees via Zoom must use the “raise hand” function under the “reactions” tab to participate in the meeting – and will be permitted to comment once and if called upon by the chair
- Anyone providing comments during the meeting must first identify their name and address
- The “chat” function for Zoom participants will be disabled by the meeting administrator or otherwise not addressed; “chat” items will not be part of the public meeting/record
- Meeting attendees via Zoom will not be listed as attendees in the minutes (except Board members)
- The meeting’s physical location is the official meeting room. Should technical difficulties arise with the remote portion, the meeting will continue at the physical location.

Minutes

Alan made a motion to approve the minutes of January 20, 2022, as amended. **Chris** seconded. Vote yes 5-0.

Site Plan# 2022-A:H-42 – Design Review Phase: Jay Chrystal, Housing for Older Persons Development. 23 Main Street

In attendance for this discussion Jay Chrystal, Developer, and Randy Haigh with Meridian Land Services.

Randy said this is a design review. They have an application but have submitted it yet. This property is located at 23/25 Main Street. They are planning to do a lot line adjustment with the towns lot H-43 by adding 2.035 acres from lot H-42. Leaving lot H-42 with 13 acres. There is an existing house on this lot, there is an open field area, it borders Village Brook and the Nissitissit River. If repairable, the existing house could be used as the club house. They are proposing 17

units, 14 double units and 3 single units. The units will be single-story built on slabs. The proposed roadway 500 feet long. They are proposing common driveways and per the Brookline Zoning they are only allowed three houses off each common driveway. He showed the Board on the plan what the three common driveways will look like. He also showed a proposed alternate driveway which will loop around and still have the hammer head to turn around. The Fire Department just wanted us to make sure they could get a fire truck around the loop, and he showed on the plan that this will be possible. They would need to go to the Zoning Board for a Variance to allow more than three driveways off a common drive. There will be an access road to the well site and a perforated tank subsurface for fire protection. They would not apply to the Zoning Board unless the Planning Board feels that this loop driveway would be better suited for this proposal. They would also propose an alternative to the clubhouse required by the Brookline Zoning Ordinance. They believe a clubhouse cost on the few proposed units would be a cost burden to the residents. They are proposing a recreational area for the residents to use with fire pits and area for bocci ball or something like that. For tonight's meeting they are seeking input from the Planning Board on the loop driveway and the clubhouse before they go forward. **Dennis B.** asked about the steepness of the hill on this property. **Randy** explained the profile on page P-1 shows the slope coming in at 1.5% which will be basically flat. There will be sidewalks in this proposed development and the sidewalks will be 0.6%, also flat. All that material will be coming out it will be about a 20 foot difference in elevation. The plan shows that this development will be at road level. **Eric P.** said it looks like one of the septic systems is under a driveway. Is that allowed? **Randy** said yes, it is. It's called a chambered system. It is rated as H-20 loaded; you could drive a tractor trailer over it. **Eric P.** asked if there was a single well that will service this project. **Randy** said it will have two wells 30 feet apart and they will alternate. **Alan** asked if this is being proposed as 55 or 62 (years old). **Jay** said he hasn't decided yet in a 55 development the state requires that only one person must be 55; he would want to require that they both be 55; the intent is to keep it so that there will not be any school buses stopping in front of this development. **Alan** said the first thing we need to do is decide whether we want all those common driveways or if we believe the loop is the way to go. **Randy** said yes. **Eric B.** said he agrees with the loop if emergency services are ok with this. **Chris** agreed; the loop would flow better through the neighborhood. **Ron** said he agrees with the roundabout also. **Randy** said the Fire Chief has written a letter that states they're ok with it if they can get a fire truck around it. **Eric P.** agreed the roundabout would be better, less paved area and better for snow removal. He also asked if they had any information on traffic impact. **Randy** said yes, they must apply to the state for a driveway permit, and they will look at all that information. With an elderly development usually all the traffic is off hours instead of peak hours, but this is all considered by NH DOT. **Alan** asked where the snow storage would be. **Randy** said he believes it would be within the loop. **Alan** asked if they were granted a variance to not need a clubhouse and what would happen to that building. **Randy** said they would have it removed; it is all in the setbacks. They could put a smaller building on the lot. **Ron** said this is different than a single-family subdivision. Are there other state or federal restrictions that governs more of this type of development? **Randy** said he doesn't believe so throughout the years 85 to 90 % of the people who buy these units would be 65 and over. These will be single-story, slabs on grade, they will require little to no maintenance. **Ron** said there seems to be a lot of talk on social media and is wondering if they only sell half of the units, could this be changed to a regular residential neighborhood. **Randy** said they just did 30 units in Amherst and as soon as they were built, they were all sold. If they are not sold they cannot convert to single family residential. They would have to come back to the Planning Board. **Jay** said once the Attorney General approves the covenant they can't change it back. **Ron** asked if they only sell half of the houses can it be changed to a single family residence and not a 55 and older community. **Jay** said once the covenant is accepted by the Attorney General which would state the age and that this is going to be a housing for older persons development, that cannot be changed without the Attorney General's approval. **Jay** said the biggest difference between this 55 and older community and the 62 is 100% of the people must be 62 and over. The 55 and older only one person has to be 55, 80%

must be occupied by 55. They can restrict further in the covenants, but they cannot go any leaner. **Randy** said the Attorney General will not look at the covenants until the plan is approved. **Randy** said they were also working with the Nissitissit River Land Trust because this is a community well it can't be within 50 feet of a wetland per state guidelines. The proposed well radius will spill over onto Nissitissit River Land Trust, lot H-36. **Jay** said he has discussed revising the lot line with the Nissitissit River Land Trust so they have more river access, and the well radius will remain on lot H-42. **Randy** said there will be a lot of people reviewing this project between the state agencies and the town departments. **Chris** said the plan needs to be approved by the Planning Board before the condo documents are approved by the Attorney General. Will they be seen by the Planning board first? **Jay** said they would hash out the wording for the condo documents, have the planning board review and then they will go to the Attorney General's office for final approval. **Randy** said they really needed the approval on the roundabout so they knew they could go forward with the engineering for the rest of this plan. **Ron** asked about lightning, it doesn't appear to be on the plan. **Randy** said there will be lighting listed on the plan. They didn't want to start placing that information on the plan until they knew what the final decision was on the roundabout. **Eric B.** said they have agreed on the loop for the road, or the roundabout. Do you also need an answer on the clubhouse tonight as well? **Randy** said yes. There are only 17 units, it would be an unreasonable cost burden for something they'll only use about once a year. **Jay** said he would like to keep this as affordable as he can. The monthly condo fee would be \$300 to \$500 extra a month in addition to the condo fee a month for something they would use once a year. He would like to keep this affordable. He would like to add a recreational area that they can congregate as opposed to a whole home. **Steve** said: were you considering allowing the townspeople to use the clubhouse also? **Jay** said he had considered it but keeping the costs down is his main concern. The town also has several places for people to congregate. **Ron** said: who states you need a clubhouse the Brookline Zoning or is it a state requirement? **Randy** said the Brookline zoning states they could add a club house so we would need a variance to allow us to not have a clubhouse. **Steve** asked Jay if he knew what they would be charging for these units. **Jay** said he has not figured out the exact number, but we'd like to keep it under \$350,000 for an 1,800 square foot unit. Until they get all the design lay out, they will not have an exact number. **Chris** asked if any other towns that don't require clubhouses for these sorts of developments. **Randy** said this is a pretty standard but there are usually twice as many units in a development. Our town requires 10 acres, and some towns require 20 acres so they would allow for more units. **Alan** said the recreational area sounds like an interesting idea. **Eric** agrees; the alternative for the club house by creating a recreational area is a good idea and it'll keep the costs down. The town engineer had a few questions and noted that the well radius appears to extend onto an abutting property. **Valérie** said she agreed, only 17 units having to cover the cost of the club house would be a cost burden. The roundabout design makes sense. In her opinion, this is a great project. There are no impacts on the wetlands. The town engineer has a few comments and Randy has received a copy. The well radius extending onto an abutting property is an issue, but it is still at the early stages of this plan.

Tom Quarles (32 Main Street) said he knew nothing about this until he received the notice in the mail. His impression is this is an attempt to get higher density than you could under a subdivision. The biggest failure here is the community center. Under Brookline Zoning Ordinance section 2204.01 states: *"Community Center requirements. Each Housing for Older Persons development must provide a Community Center intended to serve as the locus of community life and activities for the residents. Whenever possible, the Community Center shall be centrally located in relation to the housing units. The Community Center must be a minimum of one thousand (1,000) square feet in size and must include an activities / social room as well as a kitchen, laundry room and bathroom facilities. The main entrance to the community center must be handicapped accessible. The community center requires one parking space to be provided per 200 sq.ft. of interior heated space. At least two handicapped parking spaces must be provided adjacent to the handicapped accessible main entrance."* He is shocked that you would think that house would be a great place

for a community center. This is not centrally located, and he believe this is a dodge to build a new community center that is centrally located.

Section 2203.02 f calls for interconnected walkways and he doesn't see that on this plan.

Section 2203.02 c building design "Architectural renderings of a typical unit, the community center and all accessory buildings shall be provided to the Planning Board for evaluation in accordance with the site plan review regulations and design guidelines to ensure that the proposed development is appropriate in scale and arrangement in relation to the underlying district, the prominence of the site, viewsheds, adjacent land uses and the surrounding neighborhood." Has this been done because he has only seen the two-page handout?

Eric said no they are not at that point yet. This is just a design discussion. **Randy** said they did submit the plan, but nothing is final until they figure out where the road will be. They will also show trails on the plan. **Jansen Jeffreys** (27A Main Street) said you mentioned excavation, how many tons do you estimate will be hauled out of there. **Randy** said he doesn't have an estimate yet, they will have to submit a plan with all the grading and submit it to the State to get an alteration of terrain permit, and they haven't gotten that far yet. **Jansen** said he has a shallow well and would like to know what this development will do to it. **Randy** said the proposed well site well for this development will be about 400 feet away from your well it would be unlikely for it to affect yours. **Jansen** asked if the land in question was ever proposed to the town. **Randy** said about 15 years ago it was, and the town put a deposit down on the purchase if it, but it was voted down at town meeting. **Alan** said they were thinking about putting a library on this lot at this time. **Quinn Martell** (13 Main Street) said the Nissitissit River is protected and there is a 250-foot buffer. So, there will be nothing built in the wetland buffer? **Randy** said they will also need to get a Shoreline Permit for this project. **Anthony Tochko** (30 Main Street) said the amount of truck traffic and the speed they are traveling is already an issue, dumping this development at the bottom of this hill is a bad idea. There is also a school bus stop at the bottom of that hill.

Rebekah VonAndele (15 Main Street) said she has small children, the traffic is an issue, an adult must be present for them to cross the street. No one here lives on main street. She works from home, she's going to have to deal with the noise, the air pollution, and construction while this is being built. What are your plans for run off? She doesn't see any retention ponds listed on this plan and with all the proposed lot leveling and grading bringing everything down. **Randy** said all engineering, design and drainage calculations will be reviewed by three different entities before the town engineer has to review it. **Rebekah** said the back of my lot floods. If you have water and sediment runoff heading towards the back of my lot, that will impact my well, the water my kids bath in and drink. She would like to know what is being proposed so it doesn't affect my lot. I don't see a proposed drainage on this plan. **Eric** said this is not the final conversation for this plan this is just the design review. **Alan** said the main purpose of this meeting was to answer the question about the road being a roundabout and the question about the club house. Once that has been determined then they can complete the rest of the engineering on this plan. Those questions will be answered once the formal application is submitted. **Rebekah** also asked how much of the land is wetlands. The town ordinance requires 20% of this total lot be protected. **Randy** said the requirement by the town is that they list in square feet how much of this is wetlands. There are 139,000 square feet of wetlands. **Jesse Jeffreys** (27 Mains Street) said all this digging will affect their wells. What is the plan if our wells go dry? **Eric** said that isn't normally part of the plan. **Randy** said it highly unlikely that anything will affect the wells as they are in the aquifer. They are reducing some of the fill that is above the aquifer, but they are not going into it. This is the reason they need to get permits for the shoreland and the AOT. That whole downtown area is in the aquifer.

Jay said to satisfy the DES they will have to provide a well yield of 2.5 gallons a minute per unit. We have done a well yield and they are yielding about 35 to 40 gallons a minute. He doesn't believe water will be an issue here. **Brad Sykes** (1 Corey Hill Road) said the developer is on the Conservation Commission and he is destroying the ecosystem right in downtown Brookline, right

at the headwaters of the Nissitissit River, proposing this be built so close to the water and the brooks that he has to get a shoreland granted to go within standard codes to put in this development. What is the town willing to put in place so this will not become a low-income housing facility and become a major tax drain on the town? It sounds like this is going to be handed down to kids and their kids. The townspeople will have to make up the extra costs and taxes. **Jay** said the covenants will be put in place in perpetuity unless they are amended by the Attorney General. At the very worst only 20% of the units could be occupied by someone under 55. If one of these units is sold, it will have to be sold to somebody who is 55 and older. **Tom** said not having a commuting center is not consistent with the spirit of the ordinance. He does not feel that they will get a variance for this. **Jansen** asked if emergency services are equipped to handle this. **Eric** said once the application is finalized, they will be able to review this plan. **Steve Saccoccio** (Brookline resident) agrees with Tom that this plan is nothing but a high-density development guised as an elderly development. Seems like there's very little control over who's occupying these. Sounds like it's designed to time itself out as an elderly development once they are left to children. The developer said he has no intention to have a Community Center; the first abutter that spoke said it was a very strict requirement. It doesn't sound like it is a good fit for this space or the town if they must get variances and grants and easement from all the rules. **Ann Somers** said this development sounds interesting. She'd like to know something further about the septic system because she's concerned with the Nissitissit River. **Randy** said the septic system will be self-contained within the site this will also be reviewed by the state. **Maria Bechis** said the Nissitissit River was designated a Wild and Scenic River in 2018 and that is a big deal; it was designated by congress. What does the Nissitissit Land Trust have to say about this development? She would ask that the Board request an impact study to be done on this area. She would like some assurance that his river will still be protected. **Randy** said as part of the review process as part of the AOT they need to hire a wildlife biologist to do a wildlife habitat study this is all part of the review.

Site Plan # 2016-D:J-50 – Compliance Hearing: Robert Waite, Averill House Vineyard

In attendance for this discussion Bob Waite (Owner) and Stephanie Waite (Owner)

Valérie said the office had received some comments and inquiries about the activity at the vineyard. They had complaints about lights, speed, people drinking, etc. She contacted the owner and the Code Enforcement Officer, and they met on site to discuss the complaints that they had received. They also had comments about logging and excavation. They found they had cut a few trees that were dead. They expanded the parking area a bit. They also cut trees so the vines were getting more sun. She didn't witness excavation but they had flattened the area for the added parking. There were also complains about noise, traffic, drinking, safety of the children. She had added the concerns to the staff report which she has shared with the property owner. The owner is also aware that he can't have more than 20 to 25 trip per day to his facility. He has some events where he has wine tasting. She said she was there in the morning, so she didn't witness the noise and lights. She did notice small lights attached to the vines. She spoke with Bob about not being able to advertise this as a wedding venue. The Police Department was also contacted regarding the speed complaint and drinking concerns. The complaints were: "*Drunken party with cars whizzing up and down the road, noise drinking traffic trash potentially hurting conservation land and wells.*" The Police Department never receive any complaints. She does not believe this is something that is generated by the home business. This wine tasting, it is not a bar and they are limited on what they can serve by the state regulations.

When it comes to traffic, they have a few people at a time to do the wine tasting. She cannot say if the trash is generated by the home business. She said she didn't witness anything during the visit that would affect the neighbors and she hasn't heard any complaints from the neighbor directly across the street. Mr. Waite knows he was limits on what he can do as a home business. There were

some questions about expanding the business. They have some events that are related to wine tasting.

Steve Sacherski (Building Inspector / Code Enforcement officer) on our site visit with Valerie, they saw 18 to 20 trees cut down most were rotted not tree cutting in the wetlands, they didn't see anything that was alarming to them.

Tracy Perry (4 Muscatanipous Road) as abutters they have some concerns about what's happening now and some future concerns. She said the winery is on Averill Road and the property line are a little strange they have direct site lines, but they are not abutters. **Tracey** read the following *"She owns the property at 4 Muscatanipous Road her property has direct access to and site line into stop 21 Averill Road. Her property technically abuts 6 Muscatanipous Road which abuts 21 Averill Road. Pursuant to RSA 676:5 appeals to the Board of Adjustment we submit this appeal to the Planning Board concerning Zoning Board of Adjustment case 425, variance from section 1702.02 for 21 Averill Road granted on June 10, 2020, to applicant Robert Waite allowing the expansion of an existing home business beyond the maximum size. As a matter within the boards power as set forth in section 674:33 that may be taken by any person aggrieved or by any officer department board or Bureau of a municipality affected by any decision of the administrative officer, our appeal seeks to revoke the variance granted. Section 1702.10 of the Brookline Zoning Ordinance requires a business to follow*

Home business ordinance including the ones below. in email correspondence with Valerie Rearick Brookline Town Planner on 1/24/22 1/26/22 2/1/22 we addressed our concerns of the current violations of the Brookline Zoning Ordinance as well as construction underway. If a variance is allowed to stand a new venue on the property and associated events and activities will increase the violations.

Brookline Zoning Ordinances

1702.03 No additions or changes shall be made to the residence that will make it impractical to revert the building to purely residential use.

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. .

1702.07 Home business activities apparent to the general public shall be limited to the hours between 8:00 a.m. and 7:00 p.m.

Pursuant to RSA 674:33 Powers of Zoning Board of Adjustment, they request that the Brookline Planning Board revoke the variance for 21 Averill Road, terminate any current or planned construction under the variance and investigates current home business zoning ordinance violations we hope the board considers this appeal prior to their decision tonight. Thank you for your consideration, Tracy and Ed Perry."

Tracy said some examples of what they experience as neighbors to the vineyard is the events that run until 7:00 pm but the igloos are lit up until 7:45pm. She showed a picture of the igloos lit up at night. This seems like in excess of what a regular residential home would give off. This is a direct violation of the Ordinance. this is not something that Valerie could see during the day. they bought there home with 3 acres for the quiet and the dark. She said in regard to the variance there is nowhere in the public record that shows what the variance has allowed for and they have no idea much they plan to expand. They have already cut down trees for this expansion, but we have no way of knowing how much farther they're allowed to expand. They have heard through social media about a wedding venue. The things like drunk driving, more noise and more traffic that is what they are fearful in the future. This is a very heavily trafficked road now. **Eric** said his understanding is that no Variance was granted. **Valerie** said they applied for a variance with the Zoning Board of Adjustment and they made a finding that they didn't need a variance, because the space intended to be used by the Home Business, namely the Wine Tasting and other public-facing portions of the business, in contrast to the cultivation and production of wine, which are

permitted agricultural activities will not exceed 1500 sq. ft. nor 25% of the gross floor area of the structures, especially when the proposed building is completed. This was a Zoning Board decision as they were expanding their agricultural businesses, not using the building. They were looking to build a production barn. That was not challenged by anyone. The igloos are temporary for the winter months. She believes that the Board should hear from the property owner. **Eric** said just to be clear the Zoning Board found that no variance was needed and made a finding that stated that.

Bob Waite (Owner) they don't disregard the neighbors' comments or thoughts. They needed to move the heavy stuff in before the ground was frozen. For some reason one of the tree guys thought we were adding a wedding venue and put it on social media. The area they can see from there homes is where employees park.

Stephanie Waite (Co-owner of Vineyard) said they have 7 cars just for the family, so they needed space for parking that wasn't taken up parking for there customers. The new parking area is personal parking and for the part time employees. This will not be paved.

Bob said in 2020 due to covid they had people showing up from Massachusetts and they were lining up along the road and they could control that, but we have since changed over to a reservation system which has corrected that issue. There are two parts of the vineyard the north side the abutters can see. The south side they don't use much, going forward they will be able to correct that by holding event on the other side of the property. For the comedy events most people come together so it cuts down the number of trips. The lighting on the vines are Christmas lights, they can put them on a timer going forward. Please in the future if there are any issues call us and let us know what the issues are at the time, and they will do what they can to try to correct the issues. **Stephanie** said the liquor is controlled by the state, it is very strict. They have videos camera on the property. They work hard to make sure the clientele, which is up scale, is following all of the rules that they provide to them. They have never had the issue with anyone leaving drunk; you can ask the local police and the state. **Eric** asked about the light in the igloos. **Bob** said the igloos are lit up by low wattage LED lights on a USB cord. This is meant to be more of a romantic setting. **Amy Tate** (6 Muscatanipus Road) said they have white, blue lighting that goes along the building which isn't bright, but it flickers. It does light up my kitchen and daughter's room. Our home directly abuts the winery. They purchased their home for the fact that it was a quiet residential neighborhood with surrounding woods and away from the busy streets and commercial property. When they heard about the winery opening they were happy to hear and had no issues with a small home business growing some grapes and having small tastings and selling bottles of wine from their home. On a few occasions they ventured over to support the local business. As the years continued and so did the noise. They started hosting weekly events that grew in size and noise. On many occasions she reached out to the vineyard to see if they could turn down the speakers. The noise levels have become destructive to our quiet enjoyment, unfortunately, she has not been able to reason with the owners. One particular event the comedian's script was full of swears and off-colored topics. Her daughter was horrified at what she heard. Again, she reached out to the winery and again hit a dead end. She reached out to the local police station seeking help and although they sympathized with her situation but the only thing they could do was ask them to stop the public swearing. The side of her house that faces the winery is a lovely three season porch and a swimming pool they spend most of there time there from the spring to fall months. The winery now has lights that light up the kitchen and her daughters bedroom. She used to watch the stars to fall asleep now they have to keep the curtains closed so she can fall asleep. They heard rumors about the expansion and new events but after what she heard tonight that does not seem to be happening and she is happy to hear that because what is going on now is so out of control that it needs to stop. As a homeowner she must have rights too. She must have the right to sit in her own backyard in a residential neighborhood and have the right to quiet enjoyment, to not look upon a large parking lot of cars, and to have the right to ask her neighbors to cease any obnoxious or offensive activities. **Eric** asked where these lights she is talking about are. Amy showed them the picture of the lights on her phone.

Bob said they have changed the comedians and the lights will be on timers and they will try to move the event to the other side of the property. They have some work to do to do this.

Stephanie said the lighting is LED Edison lights. They changed the comedian last year when they realized this does not fit our clientele. The new comedy is cut and clean it is not raunchy. They now only do it one Saturday a month. Halloween weekend was the last one for the year. They work really hard to move speakers in the opposite direction of our abutters and keep the volume down as much as they can.

Jim Caulfield (5 Muscatanipus Road) said sometimes it is a little loud. **Bob** said they only have like 5 or 10 minutes when they set up to get the speakers up and running along with the. **Lauren Caulfield** said maybe we can all work together as neighbors. Next time you set up maybe come over to the neighbor's house and see what it sounds like. **Chris** said in an earlier discussion they said this is wine tasting and not a bar. Can you define what the difference is? **Stephanie** said a bar needs a totally different license. They are a wine manufacturer. In New Hampshire they are able to provide tastings of wine which now includes glasses. They are now allowed to serve a maximum 2 5-ounce glasses of wine per adult as long as food is provided. They are also organic due to the proximity of the wetlands. **Chris** asked about the hours of operation. **Stephanie** said Wednesdays they're open 2 to 7, Thursday through Saturday 11 to 6 and Sundays 11 to 4. On a comedy night they are open till 8:30. These are sold as private events. This year the comedy show will be from 6 to 8. **Eric** said the hours of operation, he doesn't recall what they had been approve for. **Chris** he's also curious about the number of trips that they have a day. **Eric** said the home business apparent to the public the activities are required to be between 8:00 AM to 7:00 pm. That meant to be the foundation. **Chris** said it sounds like anything beyond 7:00 pm would be a violation that includes lighting and noise. **Bob** said what we are planning to do will rectify that with the lighting timers and events. The private events are the only thing that will go past 7:00 pm. **Chris** said it still sounds like a private event will need to be done by 7:00 pm also. About the hours, **Valerie** said they could try to get a variance from the Zoning Board but she is not sure that that will fly. All home businesses should be treated the same. **Eric** said, just to clarify, an event would need to be over by 7:00 pm. **Scott** said what if it is indoors. **Eric** said if it is indoors and it is not apparent from the street then it doesn't apply. **Eric** read the conditions:

- Remind the content of Section 1700.00, Home Business Ordinance
- Request that any modification on the property related to the home business be submitted to the Planning Board for review and approval
- Clarify that any activity on the property not related to agriculture and/or agritourism is prohibited unless discussed with the Board (other activities may be allowed after a complete site plan review)

Chris asked about the definition of agritourism. Does a comedy show fall under this? **Bob** said the goal is to invite people to New Hampshire to see how they live and anything they can do to involve the winery.

Tracy said she bought a house in a residential area not on a golf course. She is proud to support having her family in a residential neighborhood; she shouldn't have to support a commercial entity with the concerts and comedy nights.

Alan read the definition of agritourism the practice of touring agricultural areas to see farms and often to participate in farm activities. **Alan** suggested another conversation in July or August. The Board agreed. **Eric** read staff recommendations again

- Remind the content of Section 1700.00, Home Business Ordinance
- Request that any modification on the property related to the home business be submitted to the Planning Board for review and approval
- Clarify that any activity on the property not related to agriculture and/or agritourism is prohibited unless discussed with the Board (other activities may be allowed after a complete site plan review)
- Board agreed to hold a compliance review August 22, 2022

Alan made a motion to provide the applicant Mr. Waite with a letter stating the staff recommendation as read by Eric and that they will hold a compliance hearing on August 22, 2022. Chris seconded, vote yes 5-0.

Business Meeting, continued: Announce Planning Board Annual Business Meeting on March 17th, 2022

Membership – Appointment/Reappointment of Members/Alternates, Recommendations to the Selectboard - P.B. By-Laws, re-adoption (no proposed changes from 2021)

Eric said the next meeting will be a business meeting; they will need to appoint/ reappoint members and alternates, select co-chairs and readopt the Planning Board By-laws.

Non-Public

Alan made a motion to go into non-public session under RSA 91-A:3 II (c) reputation and (I) Legal. Chris Seconded. Vote yes 5-0.

Alan made a motion to come out of non-public session under RSA 91-A:3 II (c) reputation and (I) Legal and seal the minutes. Seconded by Chris. Vote yes 5-0.

Adjourn

Alan made a motion to adjourn the meeting at 10:05pm. Chris seconded. Vote yes 5-0.

Alan Rosenberg, Co-chair _____

Eric Bernstein, Co-Chair, _____

Ron Pelletier, Member _____

Chris Duncan, Member _____

Steve Russo, Selectboard Representative _____

Minutes submitted by Kristen Austin.

Next scheduled Planning Board Meeting will be March 17, 2022