



**TOWN OF
BROOKLINE, NEW HAMPSHIRE**

PLANNING BOARD

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PLANNING BOARD MEETING

Minutes

April 20th, 2017

Present: Alan Rosenberg, Co-Chair
Eric Bernstein, Co-Chair
Richard Randlett, Member
Ron Pelletier, Member
Valerie Ogden, Selectboard Representative
Jill Adams, Alternate
Chris Duncan, Alternate

Also Present: Brendan Denehy, Selectboard Representative Alternate

Minutes

Eric moved to approve the minutes of the March 23rd, 2017 meeting as corrected. Richard seconded. Alan, Eric, Richard and Jill voted YES 4-0. Ron and Valerie abstained.

Election of Co-Chairs

Richard moved to continue to operate the Planning Board meetings with 2 Co-Chairs. Seconded by Eric Voted Yes 5-0.

Ron moved to nominate Alan and Eric as Co-Chairs until March 2018. Seconded by Richard. Voted Yes 3-0. Alan and Eric abstained.

Zoning Ordinance Certification

The Board signed the Zoning Ordinance Certification form that will be sent, along with a copy of the ordinance, to the Office of Energy and Planning. A copy is also filed with the Town Clerk.

Alan read the Planning Board Opening Statement.

Case # 2017-2:J-41 III – Pierce Pond Estates III – Albert Patenaude – 9-lot Subdivision

In attendance for this hearing: Dennis LaBombard, Town Engineer, Randy Haight, Meridian Land Services, and Jerry Farwell, Road Agent.

Randy presented the updated plan based on the review and comments from Dennis LaBombard. The same plans were also submitted to the office on April 17th. **Randy** gave some feedback on the property and various application previously reviewed by the Board, as well as the proposed new lots, drainage that will include rain gardens.

Jerry asked why rain gardens were being proposed. **Randy** said that the zoning ordinance states that

we cannot increase the volume and he had to add them.

Alan said that the Board needed to act on the acceptance part of the hearing process, then we will accept questions from the Board and the public. **Alan** said that all is set for acceptance but first asked why, during the application for “Pierce Pond Estate II” (workforce housing) we had a connecting road, and not for this subdivision. **Randy** explained that the workforce housing plan was proposing 16 lots. This one only add 5 new lots.

Richard moved to accept application. Ron seconded. Voted Yes 5-0.

Brendan said that the Conservation Commission had a chance to review the plans and had no issue.

Jerry said that he would get back to Valérie with his recommendations for Off-Site Improvements but he could use them for Averill Road, Laurelcrest and Baldwin Drive.

The construction of the rain gardens was discussed. The Board requested a note to be added to the notes on the final plan stating that the rain gardens will be built as the houses are being constructed.

Ron asked about the maintenance for the common driveway. **Randy** said that there will be an agreement / declaration of covenants that will be recorded.

Dennis said that he did not have a chance to review the updated plans and would like to have the opportunity to do so. After **Valérie** asked, **Dennis** said that there was no reason to table the hearing that a note requesting his final satisfactory review prior to the recording of the plan could be added to the conditions of approval.

Alan asked if there were additional comments from the Board or the public. There were none.

Valérie read the proposed conditions of approval:

- The applicant shall submit eight (8) hard copies of the final plan(s) and a permanent, reproducible Mylar(s).
- Off-Site Improvement recommendation from the Road Agent shall be submitted and recorded. The amount shall be paid prior to the issuance of any building permit for
- All invoices sent to the applicant by the Town for Town Counsel, Town Planner and Town Engineer reviews and meetings attendance shall be paid prior to the issuance of any building permit.
- Wording for the access easement for lot J-41-16 shall be provided and reviewed prior to the recording of the final plan.
- A letter from a Land Surveyor shall be provided to the Building Inspector and the Planning Board stating that all bounds have been set prior to the issuance of any Certificate of Occupancy.
- The proposed 5 created lots (J-41-15, 16, 17, 18 & 19) are subject to an impact fee per the Brookline Zoning Section 2100, in four (4) separate amounts. The impact fees of \$222.14 (for ambulance facility), \$1,304.24 (for Brookline school system), \$1,843.17 (for Hollis/Brookline Coop Middle School), and 345.83 (for the new Police Station) are payable to the Town of Brookline at the time the Certificate of Occupancy is issued for each lot. Lots J-41, J-41-10, 11 & 12 are subject to an impact fee in three (3) separate amounts of \$222.14 (for ambulance facility), \$1,304.24 (for Brookline school system), \$1,843.17 (for Hollis/Brookline Coop Middle School). Fees are payable at the time the Certificate of Occupancy is issued for each lot.
- NH DES subdivision approval number shall be added to the final plans.
- A note shall be added to the plan stating that the rain gardens will be built as the houses are being constructed.
- A satisfactory report from Town Engineer shall be provided to the Board prior to the recording of the final plan.
- Conditions of approval shall be printed on the final plans.

Eric moved to approve application with the conditions as read by Valérie. Richard seconded. Voted Yes 5-0.

NRSP #2017-E:E-15 – Camp Tevya – Cohen Foundation – New Athletic Field

In attendance for this hearing: Johnathan Cohen, owner, Randy Haight, Meridian Land Services, Dennis LaBombard, Town Engineer, and Peter Keenan, abutter.

Randy said that they are going to construct a new athletic court and a new pad for the water system. Currently it is underground but the new one will be above ground. They will probably move the existing shed for the water system. The work needed a Shoreland impact application with the NH DES because of the proximity of the lake and they just received the permit. The number will be added to the final plan. There is actually no impact as they will not cut any trees.

The Conservation Commission reviewed the application and did not have any issue.

Alan said that the application is complete, abutters have been notified, and fees have been paid.

Ron moved to accept application. Richard seconded. Voted Yes 5-0.

Alan asked if there were any comments from the Board or the public. Abutter **Peter Keenan** said that he had no issue with the application.

Valérie read the proposed conditions of approval:

- All fees for case review and/or inspections shall be paid prior to the issuance of Certificate of Occupancy.
- The applicant shall provide 4 copies of the final plan (NH DES Shoreland Impact Permit numbers to be added)
- Prior to the issuance of a Certificate of Occupancy the Building Inspector should provide the Planning Board with satisfactory review reports.

Eric moved to approve application with the conditions as read by Valerie. Seconded by Ron. Voted Yes 5-0.

Case # 2007-2:G-40 – Clarence Farwell – Waiver Request for Granite Bounds Location

In attendance for this hearing: Dennis LaBombard, Town Engineer, and Jerry Farwell, Road Agent.

Alan read the letter submitted by Tobin Farwell, P.E., Farwell Engineering Services, LLC, requesting a relief from Appendix A, Road construction specification, Section A.7 to be granted:

“Monuments

- a. Monuments shall be installed on both sides of the right of way, at all street intersections, at all points of change of direction or curvature of streets and at other points where in the opinion of the Board, permanent monuments are necessary. Such monuments shall be of granite or reinforced concrete not less than four (4) inches square and not less than four (4) feet long set flush with the finished grade. When surface ledge is encountered, a one (1) foot by three quarter inch 1”x3/4”) iron pin inserted in the ledge may be substituted.*

We are unable to set monuments at the edge of the ROW as the road straddles the ROW line. We are proposing to set monuments at the edge of the slope grading and road easement.

We appreciate your consideration in this matter.”

Dennis said that he looked at the plan and, in a letter dated March 31, 2017, stated that looking at the drawings, it is obvious that the existing right of way is, in several places, within the newly upgraded road. It does not make sense to place granite bounds in the road. **Dennis** said that his recommendation was to place the bounds at the easement and lot line intersections.

There was no additional comment from the Board.

Eric moved to grant the Waiver Request and authorize the granite bounds to be located at the edge of the slope and grading easement instead of the right of way at the street intersection. Seconded by Ron. Voted Yes 5-0.

NRPC – Regulatory Policy Audit

The audit's associated cost was part of the warrant articles that was approved at Town Meeting. The NRPC provided a Scope of Work for the Board to review. Proposed work starting time is June 19. After a short discussion, the Board asked Valérie to schedule a meeting with the NRPC on Thursday, May 4th, to get guidance on what is involved and advice on what chapter(s) of the Master Plan should be considered to be part of the land use regulations analysis.

Update from Other Committee

Economic Development – **Ron** reported that, during the last meeting, EDC members discussed mixed use and agreed that it would be good to look at it again. **Ron** mentioned that New Boston was working on this a few years ago. We should check what progress they made, take a look at their work. Also discussed was town water. Roger Skillings was contacted and one of the suggestions was see with Pepperell, MA if we could connect with them.

Capital Improvement Plan – **Alan** said that he was updating the forms and would ask the Departments to send back their submission by June 16th. He is planning on scheduling the public hearing for mid-July.

Conservation Commission – **Brendan** said that the Martin / Austin properties were being surveyed.

Fire Department

Alan read an email dated March 31, 2017 and sent by JP Royea, related to an application for Home Business reviewed by the Board during the March 2017 Planning Board Meeting:

"I have taken the liberty of watching the planning board meeting in which this item was discussed. A few things came up that I think need to be reiterated to the Planning Board.

1. *The Fire Department and building departments do have the authority to go above and beyond the building and fire codes.*

As per NFPA [1] 1.4.2 Alternatives. The specific requirements of this Code shall be permitted to be altered by the AHJ to allow alternative methods that will secure equivalent fire safety, but in no case shall the alternative afford less fire safety than, in the judgment of the AHJ, that which would be provided by compliance with the provisions contained in this Code.

2. *All of the requirements that we set forth are the minimum requirements according to the codes.*
3. *The NFPA does not have separate code requirements for home or commercial businesses, therefore all businesses are required to follow the same codes.*

Please Contact me if you have any questions, comments of concerns."

The email was sent following the approval from the Planning Board with conditions of approval based on the Non-Residential Site Plan Regulations for Home Businesses.

The Board agreed that a meeting with the Fire Department and the Building Inspector would be a good way to discuss the different requirements from the Planning Board and the Fire & Building Departments when reviewing an application for Home Business.

JP Royea who was watching the meeting arrived during the conversation and took the time to explain to the Board the fire protection requirements, more particularly when there is "storage of mercantile". The requirements are the same, whether it is for a commercial or a home business and they all are guided by the National Fire Protection Association, NFPA.

The Board thanked JP for taking the time to come to the meeting and providing clarifications.

Ron moved to adjourn at 9:35 pm. Eric seconded. Voted Yes 4-0. (Richard had left at 9:15 pm)

Alan Rosenberg, Co-Chair _____

Eric Bernstein, Co-Chair _____

Richard Randlett, Member _____

Ron Pelletier, Member _____

Valerie Ogden, Selectboard Representative _____

**The Board will meet on May 04, 2017 to discuss the Regulatory Policy Audit with the NRPC.
The next regular Planning Board meeting will be on May 18, 2017.**

Minutes submitted by Valérie Rearick.