



TOWN OF
BROOKLINE, NEW HAMPSHIRE
PLANNING BOARD

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PLANNING BOARD MEETING
Minutes
November 21, 2019

Present: Eric Bernstein, Co-Chair (voting)
Alan Rosenberg, Co-chair (voting)
Chris Duncan, Member (voting)
Ron Pelletier, Member (voting)
Steve Russo, Selectboard Representative (voting)
Valérie Rearick, Town Planner (Via Phone until meeting adjourned)

Absent: Peter Keenan, Alternate, and Jill Adams, Alternate

Minutes

Steve made a motion to approve the October 17, 2019 minutes. Ron seconded. Vote yes 5-0.

Road Bond Countryside Drive

Dennis LaBombard (Town engineer), LaBombard Engineering LLC stated this is the existing part of Countryside Drive. Not much has changed since last year. It is still missing bounds and headwalls; no guardrail and a missing stop sign. Some areas do not have a good stand of vegetation and it appears that they need topsoil too. The lack of road shoulder and the pavement is in distress towards the left. This is the area they had to wait for the power line to be relocated before excavating the side slope. There is a 20-foot stretch where the shoulder is too narrow, and the swale is only 3 or 4 feet off the edge of the pavement. The base pavement is about three years old now and it should be recovered in the next year or so to keep it from deteriorating. **Alan made a motion to sign the letter that would recommend to the Selectboard to increase the road bond to \$78,000 for Countryside Drive from \$70,000. Chris seconded. Vote yes 5-0.**

NRSP#2019-E:H-104-2, Patriot Holdings, LLC, Self-Storage Units (Continued from October

In Attendance for this meeting **Nathan Chamberlin** from Fieldstone Land Consultants PLLC, **Dennis LaBombard**, LaBombard Engineering (Town Engineer), **Danny and Gina Bent** (Current owners of lot H-104-2).

Nathan said the corrections to the drainage calculations were minor and they have given an updated plan to the Town Engineer. The new plans show the drainage being routed around the pavement. Just as a recap we have self-storage units located just south of this lot at 63 Route 13. This parcel is in the Commercial Industrial Zone along Route 13. We are also asking for a waiver from section 6.1.01 (i) High intensity soil map. There will be no office or bathrooms just electricity. **Chris** asked if the snow storage has been depicted on the new plan. **Nathan** showed the board

where it is located, and that it has been called out on the new plan. **Dennis** said he reviewed this new plan and he believes they are all set. **Alan** said the Conservation Commission has requested no salt use on this lot. **Valérie** said salt use isn't allowed in the aquifer protection area. **Nathan** said they could add a note to reflect that. **Chris** said the Conservation Commission also requested that they follow the same contingencies established for the other self-storage facilities. Did we ever get clarification on what those were? **Valérie** said it was listed in the Staff Report.

Nathan read the waiver request: *"The requirement was instituted in many municipalities in the 1980's prior to the adoption of more stringent mapping requirements This an antiquated requirement with the level of mapping currently done to satisfy local, state, and federal standards. This proposal will not contemplate any designs that would require this type of study. The applicant has expended considerable resources to demonstrate that the lot can support the proposed development. These resources include detailed wetland mapping, a field survey as well as on-site soil testing being performed for the subject lot to support the stormwater design. Completing a HIS map of the parcel at this time will not provide any additional information to the Planning Board and will create an unnecessary financial hardship to our client. For these reasons we respectfully request that the Board grant a waiver to the requirements of Section 6.1.01i – high Intensity Soils Map"*

Thank you for your consideration of this waiver request."

Chris made a motion to grant the waiver request from section 6.1.01 (i) High Intensity Soils Map due to the financial hardship. Alan seconded. Vote yes 5-0.

Chris made a motion to approve application NRSP # 2019-E:H-104-2, Patriot Holdings, LLC, Self-Storage Units with the following conditions.

- **All fees for Engineering and Staff application review and meeting(s) attendance (in person or via conference call) shall be paid within a month of approval.**
- **If the applicant intends to have a sign on the property, a sign permit shall be applied for with the Building Inspector.**
- **The applicant shall contact the Fire Department regarding the location of the required Knox Box prior to the issuance of the C.O.**
- **There shall be no storage of hazardous material or bulk fuels in any of the units.**
- **The Planning Board shall review any changes/modifications to the site plan as approved.**
- **All conditions of approval shall be printed on the final plans.**

Alan seconded. Vote yes 5-0.

Case#2019-8:J-7, Glendale Homes, 7-Lot Subdivision (including 1 non-buildable)

In attendance for this discussion Randy Haight, Meridian Land Services Inc., Dennis LaBombard (Town Engineer) LaBombard Engineering, Gerald Tanguay (Glendale Homes), and Mike Wenrich, Brookline DPW.

Alan said this applicant is proposing a subdivision of lot J-7 in 6 residential lots and 1 non-buildable lot. Fees have been paid and abutters notified. **Eric made a motion to accept case #2019-8: J-7, Glendale Homes, 7-Lot Subdivision (including 1 non-buildable). Steve seconded. Vote yes 5-0.**

Randy said this was continued from the October meeting the board was going to check with Town Counsel regarding the Hydrogeologic Study. In the interim Glendale Homes had contacted Nobis in Concord NH and requested that this study be completed so they wouldn't be held up another month. The study recommended that any new wells be placed on the westerly side of the lots. They suggested that for the most southerly lot when they dig the well, they dig down to the first water

bearing fracture and continue to dig until they come to the second one that will provide water that should diminish the risk of interference with the surrounding wells.

Randy said he has given Valérie a copy of the Conveyance deed for the lot that the Town will own. **Steve Russo** thanked Gerry Tanguay (Glendale Homes) for having this Hydrogeologic Study done as it gives them a lot of good information. **Eric** asked if the Applicant is willing to follow all the recommendations that are listed in this study. **Randy** said yes, he is. **Eric** read from the Hydrogeologic Study:

“Conclusions

1. *Prior to drilling, the yield and lack of significant interference with other wells cannot be predicted with certainty.*
2. *However, for reasons described above, the Site appears favorable for 6 new wells, and interference between these and other wells is likely to be minor or not present but cannot be ruled out with certainty.*
3. *Interference between the new wells at the Site and wells at the Ridges on Russell Hill Road is extremely unlikely.*
4. *Interference from one of the new wells with another one of the new wells could occur but would most likely be minor. See Recommendations, below.*
5. *Interference between the new wells and abutters to the east (Beaver Pond Drive) or south could occur but would most likely be minor. See Recommendations, below.*

Recommendations

1. *After the first new well is drilled at the Site, measure water levels in this well before drilling the second well at the Site, during airlifting of the second well, and after completing the second well. Ask the well driller to bring a water level probe on site and to do these measurements. Repeat with each subsequent new well, measuring water levels in the next nearest existing Site well during drilling of each new well. Should any interference be noted, set pumps deeper as needed.*
2. *If feasible and if all other factors are equal, do not locate the new wells too near the eastern property lines adjacent to Lots J-33-12 and J-33-13 off Beaver Brook Drive.*
3. *When drilling the well for the southernmost home on the Site, be prepared to drill deeper, preferably continuing until two water-bearing fractures are encountered, not just stopping the drilling after the first fracture. Noting that the neighboring wells at J-34-19 and J-34-20 are relatively shallow (220 ft and 165 ft), drilling the new well deeper should diminish the risk of significant interference.”*
- 4.

Valérie said those recommendations from the study could be added as conditions of approval and listed on the plan. **Steve Dolfini** (abutter at 10 Beaver Pond Drive) said it's great that they did the study, but no one came to his house and checked his well or even asked about it. **Eric** said this information comes from the State data base. **Steve Dolfini** asked if they knew how up to date that information was. **Eric** said there are two types of aquifers here in this area. Then they use industry standard methods to determine this information. He can't speak to the methods. **Alan** said it lists the map, lot, address, and the well information on the last sheet.

Lyndsay Machado (Resident at 72 Russell Hill Road) thanked Glendale Homes for having this study done. She stated her static water level dropped 300 in a short period of time and there have been 4 homes total that have lost wells in the first subdivision. The study is great, but she is not sure how accurate it is when they are just pulling well certificates to come up with this information. Had this study been done before the first subdivision was completed maybe they wouldn't be having the well issues they are having now in this neighborhood. **Katrina Loff** (Resident at 90 Russell Hill Road) asked if they should be more concerned now that this study has been done. Can we ask if this study could be shared with the residents? **Eric** said the Town didn't pay for this document to be

completed that would be up to Glendale Homes. **Alan** said this study will now be a part of this application. **Gerry Tanguay** (owner Glendale Homes) said he is fine with this study being released. **Drew Kellner** (Resident, Selectboard Member) suggested that the open space lot no go directly to Conservation Commission in case they come up with a plan to fix Averill Road it would make this easier to do anything with this lot if it is under the Town of Brookline. He also believes any technical study has to be available to the public. **Eric** asked if the deed needs to be changed with that recommendation. **Chris** mentioned the Conservation Commission's request to get a third party to review the wetlands for this subdivision. **Randy** said they are doing the work out there and it is their stamp on this plan; the board has never asked for this before. He didn't see an issue with this. They are conveying the lot to the Town of Brookline. **Chris** asked about the oversized culvert. **Randy** said there will be no culvert. **Drew** said the third-party comment is to have the ability to ask for another view or input on a plan. They should have that tool at there disposal even if they have never asked for it before. **Eric** asked about Off-site Improvements. **Valérie** said that document has already been signed but suggested to leave the note with the conditions of approval. Also, the deed to the town should be signed / accepted by the Selectboard, not just deeded by the applicant. **Alan** said there is a typo in note 8 that needs to be fixed and note 7 needs a completion date added for the upgrade to the existing drafting site. **Randy** said the Fire Department didn't give us a timeline. **Chris** suggested note 7 states the upgrade should be done before the first CO is issued. The Board agreed. **Randy** said he will update those two notes. **Eric** read the conditions of approval:

- All fees associated with the case review and meeting attendance shall be paid prior to the recording of the final plan.
- A letter from the Surveyor shall be received stating that all bounds are in place prior to the recording of the final plan.
- Off-Site Improvement agreement shall be recorded prior to the recording of the final plan.
- The applicant shall submit 8 paper copies of the final plan and a permanent, reproducible Mylar.
- All conditions of approval shall be noted on the final plan.
- Correct wording in note 8.
- Correct note 7 to state Fire Protection drafting site will need to be upgraded before the issuance of the first CO.
- Recommendations from the Hydrogeologic Study previously read.

Alan moved to approve Case#2019-8: J-7, Glendale Homes, 7-Lot Subdivision (including 1 non-buildable) with the conditions as previously stated. Ron seconded. Vote yes 5-0.

Case#2019-9:F-11-4, Claire Wendelgest, 3-Lot Subdivision

In attendance for this discussion Randy Haight, Meridian Land Services Inc., Dennis LaBombard (Town Engineer) LaBombard Engineering, and Mike Wenrich, Brookline DPW.

Randy said this was continued from the October meeting. They held a site walk a couple of Saturdays ago. In attendance were Alan and Eric from the Planning Board, himself, and abutters who attended the last meeting: Michelle, Michelle, and Darcie. We walked some of the common driveway up to the site where the potential houses would go. Since that time, they have extended the driveway a bit which will minimize the grading that will be needed. This is a small watershed. There is a berm but not a lot of water in it. Dennis hasn't had a chance to look at the plans yet because Randy said he just brought them in tonight. The only change he has made was the enlargement to the common driveway easement area. **Chris** said if they approve this tonight without Dennis even looking at this, we will be going back to the Zoning board of Adjustment like we just had to do with a previous case. He is not comfortable with that option. **Randy** said they are

not doing anything that would cause that to happen. The nature of the condition of approval is that everything on that list needs to be done before this is approved and can be recorded. If you don't meet the conditions, your plan isn't approved. **Eric** asked about the off-site improvement. **Mike** said there is no agreement yet because of the request of the Fire Department that was presented by JP at the previous planning board meeting. He believes that it would be about \$22,000 for the whole project. **Randy** said that was if someone was going to buy these two lots and build right now; there is no plan to do that. The owner has stated she wanted to hold onto these lots and sell the house. There is no tangible time frame as to when there will be a building going up on these two lots. He will certainly add a note on the plan as to what the agreement will be. **Valérie** said there should be wording that states the cistern should be in place before the issuance of the first CO. The successor should be responsible for the cistern, if the new cistern project is agreed upon. **Eric** said they are looking to shift the off-site improvements to the new cistern being built. **Mike** suggested they run this by municipal counsel before they agree to do this. **Randy** said the letter from the fire department stated the owners could sprinklers or build the cistern. He thought this was an option they would suggest. **Chris** said he has hesitation about moving forward with this application they have just received this plan and Dennis hasn't even looked at the plan. Seems like there is a lot of things that are up in the air at this point. **Alan** said it seems they have enough time to continue this case the next meeting will be 63 days and they are within the 65 days allowed. **Dennis** said he still doesn't have drainage calculations. **Drew Kellner** said it seems that there are a lot of revised plans coming in the day of or the day before a Planning Board meeting. That is an insufficient amount of time to review a plan. The policy is two weeks or there about for a revised plan to come in before the meeting. It is up to the Planning Board to enforce their policy.

Mike asked if they discussed the site distance at the Site walk. **Dennis** said there will need to be some grading done of Old Milford Road to improve the site distance.

Alan made a motion to continue case #2019-9: F-11-4, Claire Wendelgest, 3-Lot Subdivision to the December 19, 2019 Planning board meeting. Seconded by Chris. Vote yes 5-0.

Case # 2019-10:A-6 (North Mason Road), Jane Provins, 4 Lot Subdivision

In attendance for this hearing Michael Ploof, Fieldstone Land Consultants PLLC, Nick Burbee (owner of Burbee Firewood).

Michael Ploof said he is representing Jane Provins, she is looking to subdivide Lot A-6 which is 112 acres into 4 lots. The wood processing business will be on lot A-6 and a house lot will be located on the newly created lot A-6-4. Lot A-6 will have about 12 acres and Lot A-6-4, the residential lot, will consist of 13 acres. The remainder lots A-6-3 will consist of 34 acres and A-6-5 will consist of 51 acres. There will be an access easement for the existing driveway for both lots A-6 and the newly created A-6-3. The proposed driveway for the residential lot A-6-4 will go around the prime wetlands. The proposed permanent impact area will be 808 sf and the temporary impact area will be 1,145 sf. This is a four-lot subdivision with an existing wood business on one Lot A-6 and only one lot A-6-4 where there is development proposed. They are asking for 5 waivers and they all have to do with the remainder lots. **Valérie** said she has recommended in the staff report that the Board grants the waivers. This is a unique large area and abutting lots will not be impacted by this subdivision. **Alan made a motion to accept Case # 2019-10: A-6 (North Mason Road), Jane Provins, 4 Lot Subdivision. Chris seconded. Vote yes 5-0.**

Alan said lot A-6 and A-6-3 will be industrial/commercial and lot A-6-4 and A-6-5 will both residential/agricultural. **Michael** said yes, the zone line was there prior to this subdivision.

Alan said in the Zoning Ordinance currently it states the commercial/industrial off by lot number and lot A-6-3 is not listed in this ordinance. Brookline Zoning Ordinance 501 (h) States "A portion of Tax Map Parcel A-6 of approximately 35 acres" it doesn't list the newly created A-6-3 lot. Do we have to change the Zoning before this can be approved? We cannot grant a subdivision plan that

goes against zoning. **Michael** said they are not changing the ordinance they are only changing the lot numbers. **Drews Kellner** said the zoning overlay runs over the area you have defined. **Michael** said can't they just add this lot to the Commercial Ordinance. **Eric** said that would require a public hearing to change the zoning Ordinance and a vote at town meeting. **Chris** said so they wouldn't be able to approve this tonight if this goes against the zoning ordinance. **Alan** said Dennis didn't receive the plans until last night. **Chris** said the Town created this issue. **Drew** said it doesn't seem fair to have the applicant wait for a zoning issue. **Nick** said it is his family business on that lot they don't plan on doing anything with lot A-6-3 at this time. **Michael** asked if they could go through the waivers. The Board agreed.

Michael said they are requesting a waiver from Section 4.6.04j, 4.6.06k- "Topography for site with contour interval not to exceed (5) five feet". The proposed subdivision plan is minor in nature by creating tree large acre lots. There is no new development proposed on lots A-6-3 and A-6-5 at this time. We therefore respectfully request that the board grant a waiver to this requirement.

Chris made a motion to grant this waiver request from section 4.6.04j, 4.6.06k- "Topography for site with contour interval not to exceed (5) five feet" due to the size of this lot and the financial hardship. Ron seconded. Vote yes 5-0.

Michael said they are requesting a waiver from Section 4.6.0Sb - "Location of existing abutting water supply wells or springs and septic system leach fields(s)". Due to the significant size of existing Tax Map A Lot 6, locating the aforementioned items would put an undue financial burden upon the applicant. We therefore respectfully request that the board grant a waiver to this requirement.

Alan made a motion to waive the requirement of Section 4.6.0Sb - "Location of existing abutting water supply wells or springs and septic system leach fields(s)" due to the significant size of lot A-6 it would put undue financial burden on the applicant. Steve seconded. Vote yes 5-0.

Michael said they are requesting a waiver from section 4.6.0Sk - "High Intensity Soil Survey". The proposed subdivision plan is minor in nature by creating tree large acre lots. There is no new development proposed on lots A-6-3 and A-6-5 at this time. We therefore respectfully request that the board grant a waiver to this requirement.

Chris made a motion to waive the requirement of section 4.6.0Sk - "High Intensity Soil Survey" due to the size of this lot and the financial hardship it would create. Ron seconds. Vote yes 5-0.

Michael said they are requesting a waiver from section 4.6.051 - "Watershed areas and drainage computations". The proposed subdivision plan is minor in nature by creating tree large acre lots. There is no new development proposed on lots A-6-3 and A-6-5 at this time. We therefore respectfully request that the board grant a waiver to this requirement.

Alan made a motion to waive the requirement of section 4.6.051 - "Watershed areas and drainage computations" due to the financial hardship. Ron seconded. Vote yes 5-0.

Michael said they are requesting a waiver from section 4.6.0Sp - "Wet areas as defined by the Wetlands Ordinance, in square feet of wet and non-wet". The proposed subdivision plan is minor in nature by creating tree large acre lots. There is no new development proposed on lots A-6-3 and A-6-5 at this time. We therefore respectfully request that the board grant a waiver to this requirement.

Chris made motion to waive the requirements of section 4.6.0Sp - "Wet areas as defined by the Wetlands Ordinance, in square feet of wet and non-wet" due to the financial hardship. Ron seconded. Vote yes 5-0.

Alan asked if the gravel driveway accessing the proposed house is already in place. **Michael** said yes, and they had met with the Conservation Commission on November 12. They will not be changing anything; this crossing is preexisting. The culvert is a 24-inch culvert which, for the amount of water in this area, he believes is large enough. If they feel it needs to be bigger, they are willing to do so. **Alan** asked if the underground utilities note has been added to the plan. **Michael** said he received that note from Valérie and has added that. **Eric** asked if the easement deed is still pending. **Michael** said yes, it is. **Ron** said note 16 states Lot A-6-4 and A-6-5 are subject to impact fees. **Michael** said yes, they are the two new residential lots and are both subject to impact fees. **Eric** asked if the off-site improvement fee were still under review. **Mike** said yes, they are. **Alan** said there is some questions about the Zoning Ordinance and if the newly created commercial lot needs to be added to the Zoning Ordinance before this can be approved and the plans were received late yesterday and Dennis hasn't had a chance to review them. **Alan made a motion to continue Case # 2019-10: A-6 (North Mason Road), Jane Provins, 4 Lot Subdivision until the December 19, 2019 Planning Board meeting. Chris seconded. Vote yes 5-0.**

Public Hearing for Zoning Amendments

Eric opened the public hearing and read the potential changes to the Zoning Amendments:

1. section 1506.01 Open Space Developments. Add the following language "A reconveyance open space conservation easement deed shall be recorded and shall have an easement sunset upon conveyance to the Town or homeowner association.
2. 1800.00 Driveway Ordinance. (.4), third line: Change "Road Agent" to "DPW Director"

The wording for section 1506.01, Open Space, was proposed by Town Counsel.

After a short discussion, no changes were made to the proposed amendments, except to replace DPW by Department of Public Works, which is not a major modification to the proposed amendments.

Chris made a motion to close the public hearing. Alan seconded. Vote yes 5-0.

Discuss Potential Well Committee

In attendance for this discussion Abigail Reville (Brookline Health Officer) Tad Putney, Town Administrator.

Abby said she had done some research on the wells in Brookline. Starting with Russell Hill Road where the current problem seems to be. She has put together a list of questions that she would like to send to the residents to gather information on individual wells. **Alan** suggested that she adds where the homeowner could find this information if needed. The goal would be to gather this information for a subcommittee. **Alan** said they should, at some point, get information on the whole town. They could focus on a section of town at a time and send out the questions to the residents. Starting with Russell Hill Road area. **Lyndsay Machado** (Russell Hill Road Resident) stated she would be interested in being on a subcommittee. **Tad** said the Building Inspector has spoken about both radon and arsenic being an issue and this would be a good opportunity to get the word out. **Tad** said they should use Russell Hill as a starter point. **Steve** said they should ask if someone from Skillings could be a part of this committee as an expert; that would be helpful. **Drew** said there is a Hydrologist that lives in Brookline; he could be willing to help. **Eric** said so the purpose of this data collection would be to help come up with an ordinance. **Alan** said they will just need to figure out how many people they would need to have on the committee and what boards it should be

comprised of.

DPW Building

Mike Wenrich (Brookline DPW) present the newest plan for the proposed DPW building to be located off North Mason Road, on the same lot as the Transfer Station. **Mike** said there will be a separate entrance for the DPW than there is for the Transfer Station. This plan will get tweaked a bit as they go along. There will be an area for salt and sand storage using best management practices. **Ron** said this is listed as the residential-agricultural zone. How will the town proceed with this plan? **Mike** said the Zoning allows for municipal buildings to be in the residential/agricultural zone. **Mike** said there is a walking trail that will need to be rerouted in this area. **Ron** asked how many trucks they have now. **Mike** said he has two trucks, the ambulance conversion, and a backhoe. **Ron** asked if there was an estimated cost. **Mike** said he would not venture to say at this time. **Eric** said he likes the use of this land and is in favor of this proposed used at this point. **Chris** asked about the wetlands and the proximity of the building. **Mike** said the soil conditions yield no issues to have them this close together. **Alan** asked if he would be washing the trucks at this location. **Mike** said they recommend washing equipment inside and having it drain into a holding tank that would be pumped and hauled away. The Board thanked Mike for the presentation on the new building. He said he will be back next planning board meeting with updates.

Sub Committee Updates

Capital Improvements

Alan said he has received back some submissions back.

Driveway Committee

Ron said he met with Romeo (Building Inspector) today. The two remaining committee members are himself and Chris.

Economic Development Committee

There was no update for EDC.

Chris made a motion to adjourn at 11:00 pm. Steve seconded. Vote yes 5-0.

Eric Bernstein, Co-Chair, _____

Alan Rosenberg-Chair, _____

Chris Duncan, Member, _____

Ron Pelletier, Member _____

Steve Russo, Selectboard Representative, _____

**The next Regular Planning Board meeting will be December 19, 2019.
Minutes submitted by Kristen Austin.**