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

**P.O. BOX 360 – 1 Main Street  
BROOKLINE, NH 03033-0360**

<http://www.brooklinenh.us>

**Planning Board  
Minutes  
October 07, 2021**

**Present:** Eric Bernstein, Co-chair (voting)  
Alan Rosenberg, Co-chair (voting) (Via Zoom)  
Ron Pelletier, Member (voting)  
Chris Duncan, Member (voting)  
Brendan Denehy, Selectboard Representative (voting)  
Scott Grenier, Alternate  
Eric Pauer, Alternate (Via Zoom)  
Valérie Rearick, Town Planner (via Zoom)

**Absent:** Dennis Bechis, Alternate

**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.

**Social Media Policy**

**Eric B.** said there is a copy of the Social Media Policy for your review in the packet this is to be discussed at the next meeting.

**Review Final Draft of the Proposed Zoning Ordinance Submitted by Sub-Committees:**

**Workforce Housing Ordinance (See attached Document)**

**Peter D'Agostino** read through the ordinances they had discussed at the last Planning Board meeting. there were no suggested changes to section 621, or 622. They added Mixed Development to the definitions.

**Eric Pauer** said under 624 it did state that the dwelling unit needed to be located 500 feet from Route 13 and it has been changed to 300 feet from Route 13 what was the rationale behind that change. **Peter D.** said they changed that to allow for more flexibility for a development like this.

Then under section 625 number 3. They have added “ at a minimum ” in the following sentence  
*“ The determination of the Town's ability to meet its fair share of the current and reasonably foreseeable regional need for workforce housing; as documented in the Nashua Regional Planning Commission’s most recent Needs Assessment; shall, at a minimum, be determined every year by the Brookline Planning Board. The determination should be completed no later than November 30. A written report including the determination by the Planning Board shall be completed in time to be included in the next Town Annual Report. Additionally, the Planning Board may, at their discretion, choose to review the reasonably foreseeable regional need for workforce housing at any time.”*

**Peter** said the rest of that section remained as they discussed at the previous meeting. Section 626 they added

*“Dwelling units qualifying as workforce housing shall be comparable in exterior appearance with market rate housing dwelling units of similar type in the proposed development. For a proposed mixed development, no more than 50% of the dwelling units shall be market rate housing. The workforce housing dwelling units shall be interspersed throughout the overall development and not concentrated in a separate area of the development.”*

**Alan** asked if the language in 625 about exceeding fair share is that a hard number. **Peter** said that is addressed under 625 section 2. **Alan** said wouldn't we want to provide a little bit of flexibility couldn't they say not to exceed 105 % or 110% of towns fair share. **Peter** said this includes foreseeable needs.

**Peter** said Section 626 1, 2, and 3 stayed the same. They added definitions of multifamily homes to Section 4. They also clarified market rate housing. **Eric P.** Asked why they would allow one-acre building lots when we are having water issues in town. **Peter** said one acre lots would make this financially viable for a developer . **Peter** said there's no change to section 5, 6, 7 or 8. **Alan** suggested under 7 should they state 50 foot “wide” buffer. **Peter** said there was no change to Section 627, but they are waiting for recommendations from the Conservation Commission. Under Section 629 They made it clear that if it is affordable it has to abide by the RSA's. There was no change to section 630 , 631, and under 632 they added bonds as discussed at the last meeting which now states the following:

*“The Planning Board shall require a Maintenance Bond for a period of not less than two (2) years in an amount necessary to address potential issues included, but not limited to Environmental Protection, Water Supply, Sanitary Disposal, Traffic Safety, Fire and Life Safety Protection based on the scale of the proposed development. The amount of the Maintenance Bond will be determined by the Selectboard with input from the appropriate Town Departments, State Agencies, or outside experts as needed. The Planning Board may require additional Bonds as deemed necessary by the Planning Board.”*

Section 633 clarifies that If there is a conflict in the requirements this section will supersede the zoning ordinance.

There were no changes after the last discussion for section 634, 635, and 636. **Alan** suggested that they mentioned impact fees because those fees may apply to market homes. The Board

agreed. **Eric P.** asked if this would be a part of the ballot vote the Tuesday before Town meeting. **Peter** said yes it would.

### **Growth Management Ordinance (See attached document)**

**Peter D'Agostino** read through the ordinances they had discussed at the last Planning Board meeting. The Committee had spent a lot of time on the purpose of this Ordinance. **Alan** said under Section 1401, Purpose it states: "In accordance with the current and long standing school Board policies" he suggested that be changed to something more tangible. The Board agreed.

**Peter** said they have added Definition under section 1404

*"Building Permit: A building permit obtained for the construction of a dwelling unit. This ordinance does not apply to non-residential building permits or permits for expansion or alteration of existing structures that do not result in new dwelling units.*

*Calendar Year: January 1 to December 31"*

**Peter** read section 1405-3: *The number of Building Permits that may be issued by the Town of Brookline in any calendar year shall be limited to the following formula:*

*(Current Population \* NRPC Region Average Growth Rate) / 10 / (Average Number of People per house) = Number of Building Permits per year.*

*For example, according to the 2020 U.S. Census Bureau Data the average growth rate for the Nashua Regional Planning Commission (NRPC) region from 2010 - 2020 was 5.7% and the average number of people per household in Brookline was 3.08.*

*The calculation for 2022 is: 2020 Population 5639 \* 0.057 = 321.42/10 = 32.14/3.08 = 10.44 new dwelling units in 2022.*

*Reaching substantial completion shall vest, in the approved subdivision plat, the rights defined in RSA 674:39, II, 5-year Exemption. Lots that are part of an approved subdivision with vested rights, may apply for a building permit at any point in the calendar year. These building permits for any dwelling will be subtracted from the total available number of permits for that calendar year."*

**Peter** said the last paragraph speaks to subdivisions that have already been approved they can come in at any time during the year to get building permits. The Board also suggested to change the wording to apply for "a" building permit to allow them to apply for more than one in the last paragraph starting with "Reaching". **Brendan** suggested rounding up or down to make an even number instead of the "10.44 new dwelling units" in the fourth paragraph where the formula is listed.

**Peter** read section 1405 4 and 5 and said they are left over from the prior ordinance.

**Peter** read section 1406. **Eric B.** suggested they clear up that piece. Are you referring to a subdivision as an applicant.

**Chris** said he would like to see a little clarity as to what happens when the time frame is up to get a building permit. Example: if they are allowed to get 10 building permits in a year and they don't come in to get them until after the year is up. **Peter** said they will look into that and add some wording to the section.

The Board also thought they should define the calendar year. Should it be Town meeting to the Next town meeting or January to December what would make more sense especially when it comes to ordinance changes.

**Peter** read section 1407 1, 2, 3, and 4.

The Board requested they add the calendar year to Section 1407, 2 and under section 1407, 4 the Board suggested changing the word may to shall or something more suitable for this section. **Peter** said they will look into that also.

**Peter** read section 1408 and 1409 these are in line with the ordinance that we had before.

### **Well & Water Ordinance (See Attached Document)**

**Peter** read the Well and Water Ordinance. There were no changes to the Purpose section 9999.01, Authority section 9999.02 or the Definition section 9999.03. **Peter** read Building Permit Application Prerequisites section 9999.04. He said they have had public comment from a hydrologist that is willing to help us look at this ordinance he said the committee will follow up on that and have something for the next meeting. **Peter** read section 9999.05 Well Yield Requirements for New Construction.

**Chris** said under the driveway regulations they had changed having the Building Inspector making a decision on the grade and under this section we seem to be giving the Building Inspector the ability to determine what a yield requirement should be. **Steve Sacherski** introduced himself as the new Building Inspector and said he had no issues being added to this ordinance although no one has asked for comments on this ordinance from him. **Peter** said he will contact him to discuss this ordinance and have notes or comments for the next meeting.

**Peter** said this was a hot topic of conversation with the committee he added the Building Inspector in a couple of places as required per RSA. Water testing is owned by the Building Inspector and enforcement of this ordinance is on the Selectboard, waivers for certain sections could be issued by the Planning Board, Selectman, or the Building Inspector. The Building Inspector has oversight of certain ordinances by law. We tried to pick one point of authority being the building inspector and town council agreed this would be an appropriate approach. **Peter** read section 9999.05, 1 and said they are still discussing this section. **Peter** read section 9999.05, 2 there was no change to this.

**Peter** read section 9999.06 Well and Water Standards 1 thru 5 there were no changes to under .06 they wanted to discuss being able to allow for a community well option in this section. The Board agreed they should allow for Community Well in certain cases. They will require documentation. **Peter** said the committee will look into that also for the next meeting. **Peter** read section 9999.06, 7 and 8 and said there were no changes there. **Peter** read section 9999.07, Private Water Testing requirements no change to this. Section 9999.08, Certificates of Occupancy Prerequisites the only change was the authority is the Building Inspector. Section 9999.09 Waivers they added the Building Inspectors and added section 9999.09 waivers 1, c. they were trying to protect the subdivisions and not having to do another hydrogeological study for no reason. After a brief discussion they agreed that active and substantial completion of a subdivision should be listed in the definitions as what the Planning Board has approved at the time of subdivision approval.

**Peter** read section 9999.09, 2, a. and b. and said there were no changes. **Peter** read section 9999.10 Enforcement, section 9999.11 Conflict, section 9999.12 Severability, section 9999.13 Landowners Acknowledgement, and 9999.14 Effective Date of which there were no changes to these sections either.

The Board discussed when this ordinance would need to be adopted. **Peter** said a water quality ordinance has to be voted at town meeting, but a water quantity ordinance can be voted as a town ordinance by the Selectboard any point in time. They have combined both water quantity and water quality in this ordinance so this will need to be a town meeting vote. **Valerie** said she'd like to make it clear that multifamily is not allowed in town except for workforce housing, and we do allow ADUs.

**Brendan** said regarding the growth ordinance and the well water ordinance; they have discussed a town wide hydrogeological study. If this is done will they still need to do another study for individual lots. **Peter** said if town gets funding for a town wide study there would be no need for individually testing lots unless someone doesn't like the study results an applicant can do a study of their own.

### Public Comment

**Lindsay Machado** (72 Russell Hill Road and a member of the Well and Water Committee) said she contacted the Hydrologist who had completed the Hydrogeological study for the Farwell's lot G-40. He explained that the study he performed was a desktop study which is just that, a study done completely from the desk. She had explained what is going on in the area of Russell Hill Road and asked if he would have had a different outcome for this study and he said yes. There are other in-depth study's that can be done to get better answers. **Peter** said they are going to meet with a Hydrologist to finalize a standard of a hydrological studies. Maybe a desktop hydrogeological study could narrow down where issues are in town.

**Bennet Chandler** (6 Wildwood Drive) said if you are going to try in have a growth ordinance put in place you need to show proof that the town needs it. He hasn't seen any kind of study or information put out to the town stating that this is needed. We would like information that confirms that a growth management ordinance is needed now. **Peter** said they have the information now it is in a power point presentation that they are ready to present to the Planning Board. The Board asked if the Committee could put it in a word document format and send it to the Planning Board for discussion at the next meeting. **Bob Parodi** (11 Conneck Road) asked just to clarify this growth ordinance does not include vested subdivisions. **Eric B.** said that is correct. **Bob** said in fairness to long term residents who have larger lots that could be subdivided into another building lot or two they should also be exemption from this ordinance also. **Roger Skillings** (Lot C-36-1, 202 Route 13 and Lot C-42, 24 Quimby Road) said if you are going to move forward with well and water regulations you will need to be more thorough than what you have. The hydrological study may be able to tell you where water is, but it can't tell you what is in the bedrock. **Bennett** asked if he has a building lot, and the town's hydrogeological study shows there is no water is this lot going to be condemned as a building lot for good. **Eric** said the water results could change over time so he wouldn't think that would be the case. **Peter** said the Committee would have to look into that. **John Malcolmson** (3 Countryside Drive) asked if a lot is shown not to be viable because it doesn't produce water will you be assessed at a lesser value. **Bennet** said if they find 30% of the lots in town aren't viable for water that would devalue all these lots. **Alan** said the remaining lots in Town have a lot of slopes and wetlands and they are going to have to start using science to help them determine what makes a lot buildable. His is just another evolution in zoning. **Roger Skillings** said your well is your responsibility. It is your property. If you run out of water, it is your responsibility. A good Hydrogeological study could cost a million dollars instead of spending it on a study you could put that money towards town water. **Peter** asked that everyone that had comments to email them to the Planning Board so that they can submit the comments to the Committee so they can look into the issues.

### Adjourn

**Brendan made a motion to adjourn the meeting at 10:25pm. Chris seconded. Vote yes 5-0.**

**Eric Bernstein, Co-chair** \_\_\_\_\_

**Alan Rosenberg, Co-chair** \_\_\_\_\_

**Ron Pelletier, Member** \_\_\_\_\_

**Chris Duncan, Member** \_\_\_\_\_

**Brendan Denehy, Selectboard Representative** \_\_\_\_\_

**Minutes submitted by Kristen Austin.**

**Next scheduled Planning Board Meeting will be October 21, 2021**