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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  
December 16, 2021**

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

**Absent:** Eric Pauer, 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.

**Road Bond: Sawtelle Rd extension. Set Up Maintenance Bond**

In Attendance Dennis LaBombard (LaBombard Engineering).

**Dennis** said the construction of the Sawtelle Road extension have been completed the bounds have been set. The vegetation is still not established but it should be all set in the spring. At this time, he has no objection to the road being accepted by the town. The road bond will be reduced to 10% of the construction cost estimate for two winters making it eligible for release in the spring of 2023.

**Alan** made a motion to recommend to the Selectboard at the performance guarantee for the extension of Sawtelle Road be converted to a maintenance bond in the amount of \$97,000.00 until the spring of 2023 when the bond will be eligible for release. **Chris** seconded. **Vote yes 5 - 0.**

**Alan made a motion to recommend that the Selectboard accept Sawtelle Road as a town road. Brendan seconded. Vote yes 5 - 0.**

### **Minutes**

**Brendan made a motion to approve the November 4, 2021 Planning Board minutes as written. Alan seconded. Vote yes 5-0.**

**Brendan made a motion to approve the November 18<sup>th</sup>, 2021 Planning Board minutes as amended. Alan seconded. Vote yes 5-0.**

### **Conceptual Discussion Re: Proposed HOP Development, lot D-30 (237 Rte. 13)**

In attendance for this discussion Dick Raisanen (Owner - Raisanen Homes Elite LLC), Chad Brennan (Fieldstone Land Consultants)

**Chad** said Lot D-30 is located off Route 13 and consists of about 25 acres. This lot has 482 feet of frontage, they are proposing a housing for holder persons development. This will service about 35 individual units. They believe this proposal will exceed the minimum of 20% of open space land as required by the zoning ordinance. They plan to meet the 50 foot buffer requirements. There will be a community building also required by zoning. This will be serviced by onsite septic and a community well. They know water is a concern in the town of Brookline. They plan to work with a specialist on this, but NH DES will need to grant a Water Community Permit. They have done some research on wells in this area. This project would require a waiver for the dead-end road as it will exceed the 1,200 feet. The individual dwelling units will be closer to the road. They will also need an alteration of terrain permit from NH DES for this project and a NH DOT access permit. This project will put no burdens on the schools. He showed the Board three examples of homes that they will be building in this development. They are all 2-bedroom homes, about 1,200 square feet to 1,700 square feet; they will have two car garages. One style has an option for a second floor. **Alan** said you can get 35 total units on this lot. **Chad** said that they are looking at building 30 to 35 units but believes the lot could fit up to 48 but they don't expect to get to that density. **Chad** said there's a wooded buffer to the east where Rumore Way is located. **Alan** asked if they would be installing walking trails. **Chad** said yes, they may add that to the site amenities. **Brendan** asked if they intended to install sidewalks in this development. **Chad** said they have designed larger roads, so they don't have to have sidewalks. They are creating a neighborhood where they should feel comfortable being able to walk on the side of the road. **Dennis** asked if they knew where the well and septic would be at this point. **Chad** said they haven't done the soil testing yet so they are not sure where exactly the septic will be located. Regarding the well they will need to meet state standards. A community well goes through extensive testing. **Dennis** asked if there were wetlands on this lot. **Chad** showed on the plan there were wetlands located in the front corner and there is one behind an existing home. This is one reason they will be entering to the South of the property. There is a well on the property now that will be decommissioned. **Colleen Micavich** (Iron Works Lane) said people are concerned with the water in town and you're looking to build 30 to 48 homes on this lot. **Chad** said a single family well is different than a community well; the permit is very stringent. **Eric** said regarding the waiver request for the dead-end road the Board will be asking for comments from Emergency Service Departments once this is officially proposed.

### **Public Hearing: Zoning Ordinance Proposed Amendments**

**Eric** read the Public Hearing notice:

“In accordance with the provisions of NH RSA 675:3 and 675:7, the Brookline Planning Board will hold a Public Hearing to consider amendments to the Zoning & Land Use Ordinance on

December 16, 2021 at 7:00 p.m. at the Brookline Fire Station. If necessary, the Public Hearing will be continued on January 20, 2022.

- Amend sections 603.03, 603.06, 902.01, 902.02, and 1501(f) to increase the minimum square footage from 80,000 to 88,000.
- Amend sections 901.02, 902.01, 902.02 to increase the minimum square footage from 40,000 to 44,000.
- Amend sections 603.04, and 603.06 (d) to increase the minimum square footage from 160,00 to 176,000.
- Amend sections 603.03, 603.04, 603.06 (a) & (d), and 1505.05 to read: (...) excluding wetlands, water bodies and land in the 100-year floodplain.
- Update section 620.00, Workforce Housing Option. (The entire proposed ordinance is available at the Selectboard office, at the Town Clerk office, and on the Brookline website under Planning Board).
- Reinstate section 1400.00, Growth Management Ordinance, with updated language. (The entire proposed ordinance is available at the Selectboard office, at the Town Clerk office, and on the Brookline website under Planning Board)”

**Alan made a motion to open the public hearing. Brandon seconded. Vote yes 5-0.**

**Eric** said the first three items listed are the suggested changes to the minimum square footage from 80,000 to 88,000 square feet, 40,000 to 44,000 square feet, and 160,000 to 176,000 square feet to improve consistency in the Zoning Ordinance.

Without hearing any comments **Eric** moved onto the Workforce Housing Ordinance. Copies of this ordinance were made available online prior to this hearing. **Eric** said these proposed changes for the workforce housing were put forward by the committee that was created as a result of the moratorium put in place at last year's town meeting.

**Attorney Bob Parodi** said there are 65 vested lots that are the result of approved subdivisions and those are exempt from this Ordinance. He believes that lots that were here before zoning should be listed as exempt from this section also. He suggested wording that would accommodate for the vested lots and the existing lots. He emailed the Board his suggested changes as follows:

*Proposed changes  
RE: Growth Management Ordinance*

**“1403.00 Applicability**

*This ordinance shall apply to lots within the Town of Brookline but this Growth Management Ordinance and specifically a limitation on the number of building permits issued shall not apply to lots used expressly for and in accordance with RSA 354-A:15 and the Town of Brookline Zoning and Land Use Ordinance, Section 2200, Housing for Older Persons and to lots of record existing as of April 1, 2022 except when any lot of record existing as of April 1, 2022 is further subdivided to create two (2) or more residential building lots. In the event of the subdivision of a lot of record existing as of April 1, 2022 into two (2) or more residential building lots, the Applicant shall be entitled to one building permit without regard to the Growth Management Ordinance with the balance of the subdivided lots being subject to the Growth Management Ordinance.*

**1405.00 Requirements**

*Last paragraph of number 4. of Section 1405.00 shall be changed to read:*

*Any building permits issued for residential lots exempt from this ordinance pursuant to Section 1403.00 shall be subtracted from the total available number of permits for that calendar year.*

*And*

***ADD 9999.03 Well & Water Ordinance***

*This ordinance shall apply to lots within the Town of Brookline but this Well and Water Ordinance shall not apply to lots of record existing as of April 1, 2022 except when any lot of record existing as of April 1, 2022 is subdivided to create two (2) or more lots."*

**Bob Parodi** said Section 1403 talks about applicability, but this is a question of fairness. If someone in town has owned a lot since before zoning, now you are going to tell them they have to wait for permits?

**Lauren Cole** asked for clarification on the exempt lots. **Pete D'Agostino** (Committee Member, Louis Drive) said the lots this wouldn't apply to are lots created under New Hampshire RSA 674:39. The last count was approximately 65 lots. All existing lots in town would fall under this Ordinance.

**Lindsay Michado** (Russell Hill Road) said she supports the growth management ordinance; the committee has done a great job. They are looking to limit growth, but she is concerned with the 65 lots that can continue to build and we are currently talking about spending \$11 million to upgrade the schools.

**Michelle Cole** (Halfyard Drive) said the Housing for Older Person project is exempt from this ordinance also and if so, can we request that the housing for older people not be exempt from this ordinance. **Eric** said that is correct it is exempt from the Growth Management ordinance. The housing for Older Person ordinance exempts it from the growth management ordinance. **Valerie** said the Housing for Older Persons ordinance is not part of the public hearing notice so they could not make changes to that at this meeting.

**Eric** said we can't subject those 65 vested lots to this change and Bob is asking to add the existing lots of record to the list of lots that would be exempt from this Growth Management ordinance. Does the Board have interest in making this proposed change? This would be an expansion to the number of already exempt Lots. **Scott** said it's not that you couldn't get a building permit for a lot of record, but you will be subject to the Growth Management ordinance.

**Lindsay Michado** said we're talking about 65 lots that are already exempt from the Growth Management Ordinance and you're looking at adding more lots to the exemption list, that seems like it's defeating the purpose of the Ordinance. She thinks it's a bad idea and leave the 65 lots as it is. **Bob Parodi** said on the list of building permits issued going back to 2016, there are only one or two of those lots that were lots of record. **Michele Decoteau** (Lorden Lane) said she agrees with Lindsay. We must be responsible with our growth. As the Planning Board you must act. We are telling you we need to slow down growth, we are not saying that people with lots of records can't build. Are we ready to send our students out of district or add another Ambulance in town. **Peter D'Agostino** said we are not restricting lots of record; they are just subject to the formula. They are not saying they can't build, if it is in fact, only one to two building permits for existing lots of record in the past 6 or 7 years, no one is losing their right to build. **Gerald Smith** (Rocky Pond Road) said he understands what they are trying to come up with, a compromise, and he likes Bob's proposal. **Bob Parodi** said you don't want to deprive someone of something. **Brendan made a motion to close the public hearing at 9:02 pm. Ron seconded. Vote yes 5.**

**Eric** said just to summarize there were also 15 emails written in support of the Growth Management ordinance as written. **Valerie** said regarding the zoning amendments she will need to continue the public hearing to January with Bob's recommendation. **Alan** said do we make changes to section 1403 based on discussion. **Eric** said if they accept Bobs changes that would be a substantial change. **Ron** said just to clarified vested lots plus any lots of record is what the suggested change is. **Alan** agrees that growth management is needed in town. If it is applied to lots of record, that could be considered a taking and the town could be legally liable. **Chris** said he is not in support of the proposed language. **Scott** said he would be disappointed if the Board accepted the proposed changes. The committee has put a lot of time and effort into this, and legal counsel has already reviewed it. **Brendan** said he doesn't support the proposed change. **Eric** agreed. **Ron** said vested lots are already exempt from this ordinance and they are only affecting lots of records. **Alan** said based on a years of experience, in 2022, there's nothing that says we can't make a change if we need to. The Board agreed. **Alan made a motion to amend the growth management ordinance section 1405.00 Section 4 fifth paragraph down that states the following:**

**"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 shall be subtracted from the total available number of permits for that calendar year."** Chris seconded. Vote yes 5- 0.

The Board agreed to remove the II from the RSA section 674:39 (as highlighted).

**Brendan made a motion to reopen the public hearing and recess it until January 20th of 2022. Ron seconded. Vote yes 5-0.**

### **CIP**

**Alan** said they had a final meeting on the 8th of December, they received clarification on the school's plans and the need to expand and upgrade. The goal is to get the final draft and act on that in January.

### **Adjourn**

**Chris made a motion to adjourn the meeting at 9:35pm. Brendan seconded. Vote yes 5-0.**

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

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

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

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

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

**Minutes submitted by Kristen Austin.**

**Next scheduled Planning Board Meeting will be January 20, 2022**