



**TOWN OF  
BROOKLINE, NEW HAMPSHIRE**

**PLANNING DEPARTMENT**

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

MDecoteau@brooklinenh.us <http://www.brooklinenh.us>

<b>Project Name: Community at Village Brook</b>		
<b>MEETING DATE:</b> November 17, 2022	<b>APPLICANTS:</b> <b>Jay Chrystal</b> 14 Ben Farnsworth Road Brookline, NH 03033	<b>APPLICATION TYPE:</b> Site Plan – HOP <b>APPLICATION NO:</b> SP# 2022.B:H:042
<b>APPLICATION STATUS:</b> <input checked="" type="checkbox"/> Accepted: 65 days expires: 08.20.22 Update: expire 11.18.22 <input type="checkbox"/> Approved: <input checked="" type="checkbox"/> Extension:	<b>APPLICANT'S REP:</b> Meridian Land Services, Inc. Randy Haight, PE Trevor Yandow, PE 31 Old Nashua Road, Ste 2 Amherst, NH 03031	<b>REVIEWED BY:</b> Valérie Rearick, Town Planner Michele Decoteau, Town Planner  First Review: 06.03.22 Fifth Review: 11.17.22
<b>EXECUTIVE SUMMARY:</b> The applicants are proposing a Housing for Older Persons Subdivision. The proposed subdivision should have 9 lots with 8 duplexes and 1 single family dwelling unit as well as a club house.		

**LOT BACKGROUND**

*Location:* Main Street  
*Parcels' ID:* H-42  
*Total Area:* 13.15 +/- acres or 572,814 sq/ft  
*Zoning:* Residential/Agricultural  
*Land Use:* Residential/Agricultural  
*Abutting Uses:* Residential  
*Wetlands:* Yes  
*Aquifer:* Yes  
*Flood Zone:* Yes, partially within the FIRM 1% annual chance of flood hazard  
*Current use:* Residential, dwelling to be removed  
*Road Access:* Main Street

**LAND USE HISTORY**

**2022**

2022.04.21 Planning Board case 2022-1: H-36, H-42-H-43 LLA. Approved.

2022.04.13 ZBA Case 439A Variance to Ordinance Section 1806.00 and Subdivision Regulations Section 7.5.01 for a single common driveway serving 12 units. Approved.

2022.04.13 ZBA Case 439B Variance to Ordinance Section 2204.01 for a pavilion shelter and recreation area in lieu of the required community center. Denied.

## **2021**

2021.12.16\_Conceptual Discussion Re: Proposed HOP Development, lot D-30 - 237 Rte. 13

### **Waiver requests:**

Section 7.05.04 Common driveway requirements – See letter from applicant dated 07.07.22

### **Documents:**

<b>Name</b>	<b>Prepared/Submitted by</b>	<b>Date &amp; Notes</b>	<b>New?</b>
<b><u>Site Plan Application</u></b> <ul style="list-style-type: none"> <li>• Application</li> <li>• Checklist - Site Plan</li> <li>• Fees worksheet</li> <li>• Abutter labels</li> <li>• Drainage Report</li> </ul>	Trevor Yandow Meridian Land Services	Signed 05.12.22	
<b><u>Site Plans</u></b>	Trevor Yandow Meridian Land Services	Revised 05.13.22 Org dated: 01.18.22	
<b><u>Stormwater Management Plan</u></b>	Trevor Yandow Meridian Land Services	Revised: 05.13.22	
<b><u>Alteration of Terrain Permit</u></b>	Brandon Richards and Reviewed by Trevor Yandow	03.29.22	
Initial Staff Comments	Valerie Rearick, Town Planner	05.26.22	
Authorization letter	Peter Monius	06.03.22	
Fire Department Review	Fire Chief	06.07.22	
Partial Elevation Plans	Randy Haight	06.16.22	
Conservation Commission		06.16.22	
KV Partners Plan Review	Town Engineer, Michael Vignale	06.10.22	
Waiver request letter	Applicant	07.07.22	
Fire Department Review -2	Fire Chief	07.07.22	
Nashua River Watershed Association	Jessica Veysay Powell	07.14.22	
Email with two attachments	Dennis Bechis	07.18.22	
Floor plan and elevations for club house	Applicant	07.19.22	
Email regarding Drafting Basin	Applicant to Fire Chief	07.19.22	
2022-07-20 2200253 Trip Gen Letter	Applicant	07.21.22	
Fire Department Review -3	Fire Chief	07.21.22	
DPW Review	DPW Director	07.21.22	
Legal Documents	Applicant	08.08.22	

-5 documents including proposed deed, fire access easement, drainage easement, open space easement, and homeowners association documents			
2022-B-H-042.Exac Permit PB LTR_220722 – letter detailing why no excavation permit is required	Doug Brodeur	July 22, 2022	
Site Plans	Trevor Yandow Meridian Land Services	Revised 08.09.22 Org dated: 01.18.22	
Email regarding excavations	Jay Chrystal	Email July 22, 2022	
Letter from Jay Chrystal regarding excavations	Jay Chrystal	Aug 15, 2022	
Email with Cut & Fill calculations	TYandow	08.30.22	
HOP Development Plan Review 11-10-22	M. Vignale		X
Fire Letter	Chief Corey		X

### **PLANNING STAFF APPLICATION REVIEW & COMMENTS.**

#### **Procedure**

Waiver request: review and vote on waiver request

Blue = resolved

Comments: Staff reviewed the revised (Revision D) plans dated 08.09.22 and had the following comments:

1. **Owners:** Missing authorization from the lot owners for Developer and Meridian to represent. Please add line for a signature of the owners to the plans. The owners should sign the final mylar for recording.
  - o **Resolved:** Authorization letter 06.07.22
2. **Building Design:** Please include architectural rendering of a typical unit and the community center. (Section 2203.02.c Building Design)
  - o **Received partial set of drawings on 06.16.22**
  - o **Still need: Club house and color rendering**
  - o **Resolved: Received floor plan and club house elevation**
3. **Landscaping:** Please include information on the landscaping plans, if any. If none, please request a waiver. (Section 2203.02.d Landscape Plan)
  - o **Resolved:** LS-1, page 11 of 16 on Revision D shows a landscape plan. Out of the 17 plants on the landscape list, 10 are not native, none are on the list of prohibited or restricted list for NH.
  - o **Consider bond for plants that last two springs.**
4. **Lighting:** is there a plan for lighting on the development? Will there be lighting on the club house? This should be added to the plan. Any exterior lighting fixtures should be down cast and dark sky compliant if possible. (Section 2203.02.g Lighting)
  - o **Resolved: LT-1, page 10 of 16 on Revision D shows a full lighting plan. Applicant said dwelling lights will be fully contained by the porch overhang.**
5. **Lighting:** Will a streetlight be installed at entrance? Please note on the plan. (Section 2203.02.g Lighting)
  - o **Note:** Applicant said this request in made to DOT who will make the final decision.

6. **Variance:** Please add a Note memorializing the approved variance.
  - **Resolved:** Note A added to Sheet No. 1 of 13, revision C dated July 7, 2022
7. **Name:** Please consider adding a name to the development – even if there are no plans for a sign.
  - **Resolved:** Community at Village Brook
8. **Signs:** Will a sign be added at the entrance or wayfinding signs in the development be used?
  - **Note:** waiver requested regarding sign
9. **Tree stumps:** will they removed or remain on site? Please note on the plan. If they are to remain on site, at a note and the location.
  - **Partially resolved:** Noted on Sheet 4 of 13 but Notes 30 & 30.1 on Sheet 7 of 13 revision C dated July 7, 2022 describe use of stumps without showing the stump location. Please add note and location on the same sheet.
10. **Snow storage:** Locations are marked on current draft but add a Note on Page 3 stating that the Town of Brookline shall not be responsible for any road maintenance, snow removal, etc. unless or until the road is accepted by the Town of Brookline.
11. **Existing well:** Please note that this well is going to be discontinued.
  - **Resolved:** Sheet No. 3 and 4 of 13, revision C dated July 7, 2022
12. **Existing house:** Please note that this will be demolished. What are the plans for that location?
  - **Resolved:** Sheet No. 3 and 4 of 13, revision C dated July 7, 2022
13. **Pump house road:** Will an easement be needed for the gravel access drive to the pump house?
  - **Resolved:** Easement provided 2022.08.08
14. **Fire Protection System:** Please provide an easement for the Town to access this location for fire suppression and any testing the Fire Chief deems necessary. Maintenance and repair will be the responsibility of the Association.
  - **Resolved:** Easement provided 2022.08.08
15. **Stormwater:** Please provide a maintenance plan including annual inspections and annual reporting to the Town.
16. **Preconstruction meeting:** Please add a preconstruction meeting with the Town Engineer to the construction sequence and in the SP -5 notes.
  - **Partially resolved:** Please note this project is in Brookline.
17. **Compliance:** Please identify the methods for age-restricted compliance and the Association Documents describing the process. (2207.00 Compliance)
  - **Resolved:** Legal documents and bylaws provided 2022.08.08
18. **Error Page 3/12:** Reference Plan 1 needs the recorded plan number added.
19. **Error Page 4/12:** *Zoning Summary – last row, should read Open Space (Note 6);* define all symbols used in the Existing Features key
20. **Clarify Page 7/12:** Notes 2 & 3 are unclear and appear to be in conflict.
  - **Resolved:** Sediment and erosion control will be determined at the Preconstruction meeting.
21. **Road Status:** The Applicant understands that the road status is outside the purview of the Planning Board. The Applicant proposes to construct the road to Class V standards as noted on the plan (Revision D) and the remainder of the way will be constructed to shared driveway standards. The Planning Board may, by consensus, decide a preference for the road standards this will be built to, but the acceptance of a road is determined by the Selectboard or at a vote in the affirmative at Town Meeting.
22. **Excavation Permit:** The Applicant is proposing to excavate 65,000 to 75,000 cubic yards of material from this lot. This exceeds the definition of “incidental” in Brookline which is defined:  
*Incidental excavation of earth that will not remove more than 1,000 cubic yards of earth from the site. In the event that the project will result in the removal from the site more than 1,000 cubic yards, the project will be considered incidental provided that all of the required state and local permits have been issued.*

The Board should determine if the proposed excavation will need a Brookline Excavation Permit. No material should be removed from the site until a Brookline Excavation Permit (if needed), an Alteration of Terrain Permit, and a driveway permit have been issued. The Board should clarify when trucks may enter and exit the site, and if there are limits on the days of week or number of trucks per day excavating material. The Board should consider a bond for reclamation.

### **COMMENTS FROM OTHER DEPARTMENTS**

Conservation Commission: Declined to comment

Emergency Management:

Fire Department: 06.07.22 & 07.14.22 (summary – letter attached)

- a) No parking sign for the area near fire protection system
- b) Fire protection system needs to meet volume specifications
- c) Need legal documents in order
- d) Need to make sure emergency services can access the community center and consider doing the same for residences.
- e) Club house must meet current fire safety standards
- f) Club house must be inspected twice per year

New Letter: If the fire suppression meets the standards stated, then it will be adequate. The FD would like to confirm this before any Cos are issued.

Building Inspector:

Selectboard:

Town Engineer: (summary – letter attached)

- a) A shoulder must be added to the roadway section to protect the edge of the road
- b) Stormwater: Clarify stormwater management around sidewalks, show stormwater flow on the plan that is described in stormwater report, review flow from adjacent lot H-40-1, review catch basin location in intersection, locate the Jumbo Infiltration Basin noted in the detail but not on plans, include all the detail for the berm adjacent to the infiltration basin, and provide an Operations and Maintenance Manual for the stormwater infrastructure, clarify material at the base of the infiltration basin
- c) Clarify use of Cape Cod berm over Town Regulations
- d) Add a stop sign where road intersects Main Street and verify sight distance at intersection with Main Street, clarify how the existing curb cuts will be removed
- e) Provide detail on retaining wall
- f) Lighting will need to be clarified including bollard lights and street light noted if adding

New comments (Nov 10, 2022): acceptable from an engineering perspective

DPW: asked to keep the road private and consider the density of the building if an off-site improvement is required (letter attached)

Town Counsel: Documents from 2022.08.08 were reviewed by counsel. Who found them thorough and compliant with state and federal law. He proposed no changes.

### **COMMENTS FROM ABUTTERS/PUBLIC**

1. Nashua River Watershed Association.07.14.22 – review and comments attached.
2. Email from Dennis Bechis.07.18.22 – review of potential amount of material to be excavated from the site. Two attachments with analysis – attached

Possible conditions of approval for the excavation (preconstruction):

- 1) Days/hours of operation for the excavation – Monday through Friday 7 AM to 5 PM.
- 2) Inform the truck drivers about the location of the school bus stop and likely times of pick up. Truck drivers need to be extra cautious during morning pick up times and afternoon drop off times.
- 3) Limit the loads taken off-site per day – 30 trips/day
- 4) Trucks will start off on state roads but may end up on town roads depending on customers.
- 5) A temporary construction entrance must be constructed to reduce dust/dirt on the road. This will need to be constructed before excavation takes place and be approved by the Town of Brookline. This will be constructed to the standards specified in the NH Stormwater Manual Volume 3 Section 4.2 Temporary Construction Exit.
- 6) Completion of an AoT permit and a driveway permit.
- 7) Requirement to get an intent to cut and intent to excavate.
- 8) Keep the topsoil on site to be reused in the reclamation – Soil stockpile must be maintained according to the standards specified in the NH Stormwater Manual Volume 3 Section 4.1 Soil Stockpile Practices. Specify location to be noted of stockpile and methods of maintenance in the plan.
- 9) Town review and comment on a spill prevention plan that must include local contacts.
- 10) Nashua River Watershed Association review of the SWPPP and Spill Prevention Plan – this should include restrictions on any repairs to vehicles onsite.
- 11) No vehicles shall be fueled on site.
- 12) No excavation shall be permitted within four (4) feet of the seasonal high-water table. A waiver could be granted by the Planning Board for this requirement if it is shown that further excavation will not adversely affect water quality.
- 13) Performance guarantee for the excavation that meets the standards of the Excavation Site Plan Review Regulations Section X: Performance Guarantee.
- 14) Excavation plan showing the buffers that must remain in place during the excavation to reduce impacts on health, safety, welfare of abutters, impact to the Nissitissit River, and Town residents. Buffer must be designed to reduce noise, dust, visual impact and protect endangered species.
- 15) Reclamation plan shall be the final approved site plan dated XXXXXXXX.
- 16) Excavation must be completed within two (2) years of site plan approval. A letter with the Notice of Decision including the conditions of approval must be recorded at the Hillsborough County Registry of Deeds.
- 17) Appeal of any decision should remain the normal process through the Zoning Board of Adjustment.

## Potential Conditions of Approval

1. Conditions of approval for the Lot Line Adjustment 2022-1:H-36,H-42,H-43, must be met and the recorded number be added to the Site Plan
  - a. All fees associated with the case review and meeting attendance shall be paid prior to the recording of the final plan.
  - b. The applicant shall submit 4 (instead of 8) paper copies of the final plan and a permanent, reproducible Mylar.
  - c. The applicant / representative shall provide a labeled and pre-paid mailing tube to send the final Mylar to the Registry of Deeds,
  - d. All conditions of approval shall be noted on the final plan.
2. Letter from a surveyor certifying the bounds were set for the Lot Line Adjustment provided to the Town of Brookline.
3. All fees for site plan review and meeting attendance by the Town Engineer and Town Planner shall be paid prior to the issuance of a building permit.
4. Prior to construction, the conditions of excavation shall be met.
5. Preconstruction conditions for excavation shall be recorded in a letter at the Hillsboro County Registry of Deeds.
6. The applicant shall submit a digital file along with eight (8) hard copies of the plan and a permanent. Copies of all legal documents shall be submitted prior to building permits being issued.
7. A site restoration bond shall be required before excavation begins.
8. Inspections needed during excavation & construction should be reviewed by the Planning Board to ensure that conditions are being met.

## Findings of Fact

Met the Housing for Older Persons Ordinance and Site Plan regulations with the noted requested waivers and two variances.