



**TOWN OF
BROOKLINE, NEW HAMPSHIRE**

PLANNING BOARD

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PLANNING BOARD MEETING

Minutes

August 02, 2012

Present: Alan Rosenberg, Co-Chair (voting)
Dana MacAllister, Co-Chair (voting)
Ron Pelletier, Member (voting)
Darrell Philpot, Selectmen's Representative (voting)
Valérie Maurer, Town Planner

Absent: Richard Randlett, Member, Judy Cook, Alternate and Kevin Gorgoglione, Alternate.

7:00 PM- Meeting start

Minutes

Ron made a motion to approve the Planning Board minutes of June 21, 2012 as written. Dana seconded. Vote yes 3-0.

Road Bond – Wildwood Drive - Philip Chandler

In attendance for this discussion Bennett Chandler.

Alan said the Planning Board received a letter from the Town Engineer that stated he would recommend the bond in the amount of \$47,000 for the completion of phase two of Wildwood Road. **Alan** read the proposed letter to the Selectmen "During the August 2, 2012 meeting, the Planning Board reviewed the August 01, 2012 letter from Town Engineer, Dennis LaBombard, regarding a Road Construction Bond of Phase 2 of Wildwood Road.

The Planning Board recommends a performance guarantee for the amount of \$47,000 for the completion Phase 2 of Wildwood Road (Sections 19+000 to 29+25).

The Performance Guarantee shall be set in accordance with amended section 4.8 and 4.9 of the Subdivision Regulations amended on August 2, 2012 and be in place prior to the issuance of any building permit."

Valérie said she added the wording "Performance Guarantee" do to the recent change in the Regulations.

Valérie also said Dennis was unable to make it to the meeting tonight.

Dana made a motion to send the letter of recommendation to the Board of selectmen. Ron seconded. Vote yes 4-0.

Bennett asked if they completed more work on the Road in the next month or so if they could come back and have this Performance Guarantee reduced. **Alan** said yes.

Letter from Town Administrator – Revocation of Adamyk Subdivision Suspension Lots H-130 (Cider Mill Estates) and 138-2 (Maplewood Estates)

Alan said the Town Administrator, Tad Putney, has sent along a letter requesting the Planning Board revoke the suspension of the subdivision for lot H-130 (Cider Mill Estates) and H-138-2 (Maplewood Estates).

Alan said apparently there has been a resolution to the original reason for the revocation.

Alan said Valérie has prepared a letter for the Planning Board to send to the Board of Selectmen. **Alan** read the letter:

“During the August 02, 2012 meeting, the Planning Board discussed your request to revoke the subdivision approval for the lots H-130 and H-138-2.

The Planning Board feels confident that, since the Town has obtained all necessary securities to complete the requested improvements to both subdivisions, the action to suspend the subdivision taken by the Board on November 17, 2011 can now be revoked.

As of today, the Planning Board allows the Building Inspector to issue building permits for the above mentioned properties.”

Valérie said there was also a letter from the fire department stating that the installation of a cistern has not been done for fire protection and the hammer head also was not built towards the end of Cider Mill Road.

Alan read the Letter from the Fire Department dated September 11, 2007: “The proposed revision of Cider Mill Road by Keith Adamyk changes the requirements of the Fire Department for fire protection. Originally, with Cider Mill being connected to Sargent, we would be able to gain access to the fire protection drafting site on Sargent Rd. eliminating the need to close down Cross Rd. and Pepperell Rd. in the event of a fire.

Now, however, if Mr. Adamyk puts a hammerhead after lots H-130-2 and H-130-15, he would need to install a 30,000 gallon cistern to provide adequate fire protection. If you have any questions, please feel free to call. Sincerely, Charles E. Corey, Sr.”

The Board reviewed the original plan from the Cider Mill Subdivision. **Valérie** said that this issue is separate from revoking the suspension of the building permits for lots H-130 and H-138-3. This is something that will have to be handled when the building permit is issued.

Dana made a motion to send this letter revoking the suspension to the Board of Selectmen. Darrell Seconded. Vote yes 3-1 with Alan voting no.

PUBLIC HEARING

Subdivision and Non-Residential Site Plan Regulations Amendments

Alan read Subdivision Regulations

- | | |
|------------------|--|
| Section 2 | Revise Definition of “Active & Substantial Development or Building”
Add Definition of “Substantial Completion”
Add Definition of “Performance/Maintenance Guarantee” |
| Section 3 | Include minor subdivision to engineering review |
| Section 4 | Request printable .pdf plan
Emphasis that letter from utility easement request must be provided
Request all conditions of approval to be printed on final plan
Revise Sub-Sections 4.8, Roads and 4.9, Bonding, to request “Performance and Maintenance Guarantees”, eliminate the word “bond”, request all “Guarantees” to be reviewed by Town Counsel and/or Consulting Engineer, request all “Guarantees” to be self-calling |
| Section 7 | Specify that a certificate of occupancy will not be issued until final report from Town Engineer |

Appendix E Checklist: to match proposed amendments to the regulations.

Darrell moved to approve the amendments to the Brookline Subdivision Regulations as noticed. Dana seconded. Vote yes 4-0.

Alan read **Non-Residential Site Plan Regulations**

- Section 2** Revise Definition of “Active & Substantial Development or Building”
Add Definition of “Substantial Completion”
Add Definition of “Performance/Maintenance Guarantee”
- Section 3** Request printable .pdf plan
Request additional information on final plat
Request all conditions of approval to be printed on final plan
Request legal data being approved by Town Counsel prior to recording of final plat
- Section 6** Revise the entire sub-section 6.6, Bonding , to request “Performance and Maintenance Guarantees”, eliminate the word “bond”, request all “Guarantees” to be self-calling
Add new paragraph to request all “Guarantees” to be reviewed by Town Counsel and/or Consulting Engineer, request all “Guarantee” to be self-calling.
- Section 7** Related to the issuance of a Certificate of Occupancy
- Appendix B** Checklist: to match proposed amendments to the regulations.

Darrell moved to approve the modifications made to the Brookline Non-residential Site Plan Regulations as submitted. Dana seconded. Vote yes 4-0.

Bennett said in regard to the Guarantee being self calling and if the town does nothing. **Darrell** said the Town gets the money.

Valérie said the developer should also be on top of that. **Darrell** we will proactively be monitoring that.

Case Review – 2012-2:H-139,H-140 – Lot Line Adjustment & 2- Lot Subdivision

Ron Pelletier (owner of lot H-139 & H-140) recused himself from this discussion as a Planning Board Member.

This Lot line adjustment and 2-lot subdivision is for Ron & Kathy Pelletier. The property is located at 28 Proctor Hill Road.

Ron said this is a minor lot change. They received state subdivision approval for this plan in 2010. They are waiting for the State to approve the driveway permit. **Valérie** said the applicant is proposing the property line relocation between lot H-139 and lot H-140, then the subdivision of lot H-140 into 2 lots, creating new lot H-140-1. **Valérie** said the proposed lot line revision will move a Parcel “A” (1.815 acres) from Lot H-140 to lot H-139 and a Parcel “B” (1.259 acres) from Lot H-139 to H-140. Pre lot line: Lot H-139 = 5.4 acres and Lot H-140 = 5.510 acres. Post Lot Line: Lot H-139 = 5.873 acres and Lot H-140 = 4.953 acres. **Valérie** said the only issue was the fact that the Brook runs through the lots and they do not have the required 80,000 square feet of contiguous dry land but Ron applied to the Zoning Board of Adjustment and received a variance. **Valérie** said she reviewed a copy of the draft ZBA minutes and her understanding was the ZBA felt that because this plan was started well before the change to the Regulations in March of 2012 and that they had state subdivision approval that they should grant the variance. **Ron** said the abutters were not at the ZBA hearing so he is assuming they do not have an issue with this plan. **Valérie** said the fees have been paid and

the abutters notified. **Darrell moved to accept application 2012-2: H-139, H-140. Dana Seconded. Vote yes 3-0.**

Valérie said because this road is a State road there will be no off site improvement fees but impact fees will be associated with the new created lot.

Alan read the conditions of approval from the Staff Report:

- All fees for application review and meeting attendance shall be paid prior to the recording of the final plan.
- The applicant shall submit 8 paper copies of the final plan, one permanent, reproducible Mylar and one printable 11"x17" electronic .pdf format.
- The proposed lot H-140-1 is subject to impact fees per the Brookline Zoning Section 2100, in three separate amounts. The impact fees of \$222.14 (for ambulance facility), \$1,304.24 (for Brookline school system) and \$1,843.17 (for Hollis/Brookline Coop Middle School) are payable to the Town of Brookline at the time the Certificate of Occupancy is issued.
- The applicant shall provide a check for the amount of \$25.00 payable to Hillsborough County Treasurer (**NOT** to the Town of Brookline) at the time the final and approved plat is submitted to the town.
- A letter from Meridian Land Services stating that all bounds have been set shall be provided prior to the issuance of a building permit for Lot H-139 and H-140-1.
- A NHDES driveway permit shall be obtained and copy provided to the Town prior to the issuance of a building permit for lot H-140-1.
- All final written decisions, including all conditions of approval, shall be recorded with or on the plat.

Dana moved to approve the application 2012-2: H-139, H-140 Lot Line Adjustment with the conditions listed on the staff report previously read. Darrell seconded. Vote yes 3-0.

CIP

Alan said he would like to go as paperless as possible this year, working on PDF forms that can be filled out and returned by email.

Economic Development Group

Dana said they have three meetings set up so far. They also have an upcoming business forum that Ron Pelletier has graciously offered the use of the Brookline Event Center.

Mixed Use Committee

Ron said they haven't had a meeting since the grant was approved. They need to decide who will be keeping track of volunteer time spent on this project. Hopefully, they will be moving forward with this now that the grant has been approved. The grant they received was in the amount of \$26,000.

Sign Ordinance Discussion

The Board agreed to hold off on discussion on a sign ordinance until they receive more information from the Economic Development and the Mixed Use Zoning Committees as it has come up in many discussions.

Duval- Hood Road Home Business

Valérie said the Duval's from 42 Hood Road contacted her asking if they could use the garage for the home business in addition to what was approved. The abutters (40 Hood Road) have called a few weeks ago and

complained about noise after 4:00pm. She passed the message along to the Code Enforcement Officer and he had gone out to have a discussion with the homeowner. The noise was not business related so he didn't see anything wrong. **Valérie** said that she doesn't have a written report yet but will ask for one for the Planning Board file.

If they use the garage it will be closer to the abutter's home. She is asking tonight if this is a significant enough change to have them come into the Planning Board and request to expand by adding the use of the garage to the business plan. **Alan** said he thought it was a significant enough change to have them come back in. **Ron** said there is such a conflict between neighbors it would be best if they came into asked. The Board agreed.

Amended Charter 2011-2014 Town Center (Mixed Use) Committee Charter

Alan said he would like to discuss what happened at the Board of Selectmen meeting on Monday July 24, 2012. The Board of Selectmen had made a change to the Charter for the Mixed Use Zoning Committee.

Darrell said they changed the wording to state that the committee would have to report back to the Board of Selectmen at the completion of the project. **Alan** read the change to the charter it now states "Upon completion, the draft work product shall be returned to the Board of Selectmen for review, input, and a decision regarding further implementation."

If mixed use is approved by the Board of Selectmen, the Mixed Use Committee shall do the following (...) and it goes on to list what they shall do at completion. **Alan** said that is not exactly kosher; it is for the Town to decide on an ordinance and it is for the Planning Board to decided what ordinance will go on the Ballot.

Ron said it was a little upsetting; he and Brian Rater just happened to be at this meeting to get a signature. Without warning the BOS decided to change the wording of the Mixed Used Zoning Committee Charter without a heads up or even an invitation to their meeting. **Ron** asked who the Governing Body of this Committee is now, the Planning Board or the Board of Selectmen. **Darrell** said the Board of Selectmen.

Zoning Ordinance Section 603.03

As of March 2012 Section 603.03 of the Brookline Zoning Ordinance states "Land Area. Each building lot shall have at least 80,000 contiguous square feet, excluding wetlands."

Ron asked if they could discuss this section when it comes time to discuss the Zoning Regulations again.

Alan said if 40,000 square feet of contiguous dry land is sufficient for open space why isn't it in residential.

Valérie said to keep the building envelope big enough. **Alan** also I believe we were trying to make it accessible from a town road. **Valérie** said if you have a different rule for every case because we keep changing the ordinance it gets confusing. The Board has discussed this for a long time to come up with language that was consistent.

Ron made a motion to adjourn at 9:00 pm. Dana Seconded. Vote yes 4-0.

Alan Rosenberg, Co-Chair _____

Dana MacAllister, Co-Chair _____

Ron Pelletier, Member _____

Darrell Philpot, Selectmen's Representative, _____

**The next Regular Planning Board meeting will be 8/16/2012.
Minutes submitted by Kristen Austin.**