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**TOWN OF
BROOKLINE, NEW HAMPSHIRE**

PLANNING BOARD

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PLANNING BOARD MEETING

Minutes

September 2, 2010

**Present: Alan Rosenberg, Co-Chair, Voting
Mike Papadimatos, Co-Chair, Voting
Richard Randlett, Member, Voting
Ron Pelletier, Member, Voting, Ron left at 8:45
Dana MacAllister, Alternate, Voting for Ron
Valérie Maurer, Town Planner**

Absent: Kevin Gorgoglione, Selectmen's Representative and Paul Anderson, Alternate.

7:00pm Meeting start

Minutes

Richard moved to approve the minutes of the August 5, 2010 Planning Board meeting as amended. Ron seconded. Vote yes 4-0.

Case 2010-2: J-41-1, J-41-3-Patenaude - 4-lot Subdivision

In Attendance for this hearing Randy Haight (Meridian Land Services), Al Patenaude (Patenaude Construction) and Daryl Pelletier (Abutter at 2 Route 13, lot J-42).

Ron recused himself from this case. **Alan** asked Dana to vote for Ron. **Dana** agreed.

Randy said he added the two stump dumps and labeled the fire protection area as requested by Valérie. **Valérie** said the applicant is proposing a lot line revision between Lot J-41-1 and J-41-3 and the creation of 3 new lots from the existing lot J-41-1. The only issues are the street number is marked on the plan but needs to be confirmed by the Emergency Management Director. The current residents at 2 Laurelcrest Drive will have to change their mailing address to #6. The well head and a shed for abutting lot J-42 but are located on proposed lot J-41-14. **Valérie** said this was also mentioned in the report of the Emergency Management Director Wes Whittier. **Randy** said the well already exists and there is really nothing we can do about it. It would be up to the owner of J-42 to ask for an easement on to J-41-14 to access the well. This is an issue between both owners. **Valérie** said they will also need a driveway permit from the NHDOT for the proposed access to lot J-14-14 which will be off Route 13. There were

no comments from the Building Inspector, the Road Agent and the Conservation Commission has not seen the plan, they do not meet until 9/14/2010.

Randy said this was originally “Pierce Pond Estates” Subdivision a single family conventional subdivision with 11 lots. The zoning was commercial / Industrial and the zoning was changed and these lots became residential / Agricultural.

Mike made a motion to accept plan # 2010-2: J-41-1, J -41-3. Richard seconded. Vote yes 4-0.

Daryl Pelletier asked if they were able to put the driveway for lot J-41-14 into the setback. **Randy** said it is a building set back not a non disturbance buffer so they are able to put the driveway in. **Daryl** said there are also wetlands surrounding Lot J-42. **Randy** said the water runs from behind Lot J-42 toward Laurelcrest Drive and Route 13. **Valérie** asked if there will be a culvert installed under the driveway for lot J-41-14. **Randy** said yes. **Alan** asked Valérie if there were any conditions of approval. **Valérie** said the fees have been paid and the abutters notified. The Conservation Commission has not yet had a chance to review this plan. **Alan** said they are meeting on September 14th; we could have comments by September 16th Planning Board Meeting. The Board agreed. Due to the amount of wetlands the Board should wait for comments from the Conservation Commission. **Ron** said the Town Engineer may be able to attend on September 16th as well. **Valérie** said the Town Engineer did review this plan and he had no comments. **Mike moved to continue case number 2010-2: J-41-1, J-41-3-Patenaude-4 Lot Subdivision to the September 16th 2010 Planning Board meeting. Dana Seconded. Vote yes 4-0.**

Case 2010-3: J-41, J-41-10, 11, 12-Patenaude- Workforce Housing Subdivision.

In Attendance for this hearing Randy Haight (Meridian Land Services), Al Patenaude (Patenaude Construction) Roger Goscombe (Realtor for Patenaude Construction), Vivian Ciaramitaro (Abutter at 5 Averill Road), Jim Caulfield (Abutter at 5 Muscatanipus Road), and Clarence Farwell (Town resident).

Randy said they have 4 existing lots J-41, J-41-10, J-41-11, and J-41-12 which exists of 21.466 acres. We are proposing turning the 4 lots into 14 lots. This will consist of 7 market value homes and 7 Workforce Housing single family houses. This site has a nice plateau and is very dense with a young stock of trees. There are three common driveways that will access 4 homes off each; this is all the zoning will allow us. We will ask the Brookline Historical Society for name suggestions for those common Driveways at a later date. **Randy** said they have done all drainage calculations and Dennis LaBombard (Town Engineer, LaBombard Engineer, Inc.) has reviewed the plan. We have made all changes that he has requested. Also, Valérie had made a couple of suggestions that we have corrected as well. **Randy** said if there was a provision in the Zoning for 6 houses off a common driveway they would have done that. **Valérie** said the Fire Department and Emergency Management said they would like to see a road go through, connecting Baldwin Drive and Averill Road instead of the proposed 3 common driveways.

Randy said per the Zoning Ordinance we could not put the road through. That would make the cost of the subdivision prohibitive for workforce housing; there is a cost cap. **Valérie** said there is only 100ft between the common driveways end to end. She didn't think the purpose of the zoning was to have two parallel common driveways. **Randy** said there is 30 feet of space between those two common driveways. There is plenty of room for snow in the winter. Safety wise we could extend the common driveways at the end so people can plow right through and extend the easement. **Valérie** said the major concern is safety for emergency vehicles and for the residents. **Al** said when they first discussed workforced housing the Planning Board said the Zoning didn't allow for the plan we originally brought in. You asked for a plan that meets zoning and this plan does. **Valérie** said the plan can meet zoning and still have a safety concern. **Al** asked what is unsafe about this plan. **Valérie** said this could be confusing

for the emergency vehicles the possibility of going down the wrong driveway. **Al** said a town road will take away at least three lots from this subdivision. **Randy** said the issue is a town road will take up to much land and will drive up the cost. **Dana** asked if this could be a private way. **Randy** said that is not allowed. **Valérie** asked about snow storage on Baldwin Drive. Right now, the snow is stored at the proposed location of the 2 common driveways. **Al** said the snow will go where it goes now this is a town road. **Randy** said they will also be installing rain gardens on these lots for drainage. They are a foot deep and filled with bark mulch instead of soil so the water drains through. This area is all sand; you can't put water into it fast enough. The retention basin that has been there since the original subdivision has never had water in it. Rain gardens will take care of themselves. **Randy** said he thinks the application is complete and is ready for acceptance. **Alan** asked if they had everything to accept the plan. **Valérie** said that the fees have been paid and the abutters notified but we have no legal documents yet (proposed easements, deeds, covenants, etc...). **Al** said they have the easements' wording. **Alan** asked if they could submit the documents. **Al** said that he would email/fax the documents tomorrow to Valérie. **Valérie** also discussed the lot size and how they were calculated including the wetlands; in all regulations and ordinances, Brookline excludes wetlands from the calculations. **Randy** said it doesn't say "dry land only" in Workforce Housing. It calls it out in **Valérie** said whether is it for Housing for Elderly Persons, Open Space or conventional subdivisions, lots' requirement is based on dry land only.

Valérie read page 2 of 5 of the Staff report: "*– Zoning Ordinance Section 631, Conflict states: "If any provision of this Section is in conflict with the provisions of any other provisions of this ordinance, the more restrictive provision shall apply, except for any provision relating to reductions in standards for lot size, setbacks, or density, in which case the provisions of this Section shall apply." "Staff believes that "standards for lot size" do not imply "characteristics of land" which is defined by physical attributes such as terrain, soil type, slopes (Webster's Dictionary)."*

Randy said they are waiting on State approval for the subdivision. We only need 80 feet of frontage and at least an acre of land and we have that.

Richard asked if any of the driveways would be accessed off Averill Road. **Randy** said when the original subdivision was approved they had voluntarily put a non disturbance buffer to leave that slope as. Due to that non-disturbance buffer there can be no access from Averill Road for lots J-41-10 and J-41-22.

Richard moved to accept plan number 2010-3: J-41, J-41-10, 11, 12-Patunaude – Workforce Housing Subdivision. Dana Seconded. Vote yes 4-0.

Alan read a letter sent by an abutter:

"Since we are unable to be present at the meeting for the mention case, here are our concerns and requests.

- 1. We are concerned about the negative impact of cutting down the trees would have on the environment, water retention (going down Route 13 and adjacent properties) and the noise coming from Route 13.*
- 2. There does not seem to be any plan to replant any trees, like it happened to our property. Only one tree was replanted in our backyard and all crooked and damaged despite promises to get more trees in the surrounding area and between property lines. We request that there is written proposal on how they would replace/replant those trees.*
- 3. We are also concerned that the arrival of Workforce Housing will affect our property value.*
- 4. Impact of common driveways with the snow removal instead of having a street. We would favor having street/road instead of common driveways.*

Best Regards,

Andre Basque and Maryse Laflamme

9 Baldwin Drive Brookline NH 03033"

Clarence Farwell asked who was going to oversee the rules and regulations for workforce housing.

Randy said it will be a third party the Town would appoint but it is not spelled out in your zoning.

Alan read Zoning Ordinance Section 629:2 “Assurance of continued affordability, *Workforce ownership housing units must retain the development criteria and affordability standards herein for a minimum period of thirty (30) years with a renewable clause through a suitable deed restriction, easement and/or mortgage deed instrument deemed acceptable to the Brookline Planning Board and as monitored through reports provided to the Brookline Planning Board by the designated third-party agent prior to the time of unit sale or resale.*”

Alan said there should be language in the deeds an a third party will manage that. The Town is not responsible for monitoring and the Planning Board will be notified when lots change hands. **Clarence** asked if it was up to the developer to come up with the wording. **Alan** said yes. **Clarence** said he was just worried about the 30 to 50 years from now. **Randy** said that’s why it is recorded and there will be special wording to go with the sale of the property. It will be more than just wording on a deed.

Vivian Ciaramitaro asked if there has been a study done to ensure there will be no negative affect to the environment. **Randy** said they have added storm water management guidelines to the plan and the Town engineer has reviewed and commented and we have made the changes suggested by him. **Alan** said most of these trees will be taken out. **Al** said he will come up with a cutting plan for the Board to review. For the most part what we cut will be replaced with septic and wells. **Jim Caulfield** said Averill Road has a steep slope with trees are those trees going to stay? **Randy** said yes they will stay there was a non-disturbance buffer added when the first subdivision was approved. **Jim** said this area is all beach sand. **Ron** said there seems to be a discrepancy with how the ordinance is read as far as wetlands being included in the total lot amount. Should we go to Town Counsel? **Alan** said because there is an interpretation issue we should ask Town Counsel. **Jim** asked if there is a size limitation on Workforce Housing buildings. **Randy** said yes there is. The home can’t be any bigger than 1,500 square feet and no more than 2 bedrooms. **Vivian** asked what the basic cost would be and how it would affect the market value of homes in the surrounding area. **Alan** said the workforced housing is based on a percentage of the median gross income in a certain radius. **Randy** said that information is determined by the census. **Roger Goscombe** said the workforce housing home will be in the \$220,000 to \$230,000 range. **Randy** said it’s a moving target. **Vivian** said assuming that each family has 2 children how would that affect the school system. **Randy** said there is no way to determine the impact on the schools. These would be starter homes for young couples and no children. When they need more room they would move on to purchase a bigger home. **Alan** said he read an article on the “gray” of New Hampshire, because the younger generation cannot afford to purchase homes in New Hampshire, they move to other states and the average age of people in towns has been increasing. **Al** said New Hampshire is second to Florida as far as age. **Alan** said he thinks they should schedule a site walk. The Board agreed. **Valérie** said she will invite the Conservation Commission as well. The Board agreed to a site walk on September 13, 2010 at 7:00am. **Valérie** said this will be posted. **Alan** said for next meeting we will need Conservation Commission comments, wording for legal documents, and an answer from Attorney Drescher (Town Counsel) re: lot requirements. **Dana** asked if they can revisit the plan connecting the two roads. **Richard** said that he also would like to see the road going through and asked if they could come up with specs for a private road instead of a town road. It would take up less square footage. **Randy** said they could connect the two common driveways and put a gate with a Knox box in between.

Randy said he thinks the point of workforce housing is to do something different and that why he believes the lot sizes are ok.

Dana moved to continue case number 2010-3: J-41, J-41-10, 11, 12-Patenaude-Workforce Housing Subdivision to the September 16th 2010 Planning Board meeting. Richard Seconded. Vote yes 4-0.

Richard moved to adjourn at 9:10 pm. Mike Seconded. Vote yes 4-0.

Alan Rosenberg, Co-Chair _____

Mike Papadimos, Co-Chair _____

Richard Randlett, Member _____

Ron Pelletier, Member, Voting _____

**Dana MacAllister, Alternate
Voting for Ron (first case)** _____

**The next Regular Planning Board meeting will be 9/16/2010.
Minutes submitted by Kristen Austin.**