



**TOWN OF
BROOKLINE, NEW HAMPSHIRE**

PLANNING BOARD

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PLANNING BOARD MEETING

Minutes

September 16, 2010

Present: Alan Rosenberg, Co-Chair, Voting
Mike Papadimatos, Co-Chair, Voting
Richard Randlett, Member, Voting
Ron Pelletier, Member, Voting
Kevin Gorgoglione, Selectmen's Representative, Voting
Dana MacAllister, Alternate, (Voting for Ron for case 2010-2:J-41-1,J-41-3)
Valérie Maurer, Town Planner

Absent: Paul Anderson, Alternate.

7:00pm Meeting started

Minutes

Ron moved to approve the minutes of the August 19, 2010 Planning Board meeting as written. Mike seconded. Voted yes 3-0.

Richard moved to approve the minutes of the September 02, 2010 Planning Board meeting as written. Mike seconded. Ron abstained for the first case hearing that night. Voted yes 4-0.

Log Cabin at Corner of Bond Street and Route 13

Valérie said Dennis LeBaron would like to open 2 businesses at the Log cabin location. One will be an electronics service and repair business and one a retail sales of various homemade gifts and clothing business. This building has been used for retail for a long time so she recommended that Dennis be allowed to start and then come back to the Planning Board in 6 months for an update. **Valérie** said that she did not believe that a formal site plan review was necessary and her only request was that the street line be painted on the corner of Bond Street so the people traveling from route 13 onto Bond Street don't drive onto the parking lot in front of the building. **Dennis** said he has asked and that line was going to be painted within the next couple of days. **Valérie** said these was another person who has expressed interest in setting up a hot dog cart in that parking lot but said if this building is occupied he has permission from the owner of the restaurant at 99 Route 13 to use the parking lot while the restaurant is closed.

Dennis said the electronic business was established 4 years ago called LeBaron Brothers Audio, LLC. He is the owner and only employee. He would like to be open Wednesday to Saturday 10:00am to 8:00 pm. The second business would be a retail business called Grandmothers House, LLC. His wife would

like to sell various homemade gifts & clothing. This will also be open Wednesday to Saturday 10:00 am to 8:00 pm. On Mondays that are holidays they would like to be open. From 10:00 am to 5:00pm. **Alan** suggested that they change the hours to Sunday – Saturday 10:00am to 8:00pm. This way if they do want to open for more hours during the week they will not have to come back to the Planning Board. **Dennis** said the only change to the outside will be a sign and he will work with the Building Inspector. If there are any changes to the interior of the building he will work with the Building Inspector as well. **Kevin** asked if the Fire Department should inspect the building. **Scott Knowles** (Fire Department) said he hasn't been in awhile and would be happy to set up an inspection. Previous tenants have always kept a fire extinguisher in the log cabin.

Mike made a motion to add this letter to the file allowing a new electronic business and a retail store at this located on lot #H-25 in the log cabin and schedule a 6 month follow up with the Planning Board. Richard Seconded. Vote yes 5-0.

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, Daryl Pelletier (Abutter at 2 Route 13, lot J-42), and Dennis LaBombard (LaBombard Engineering, INC. / Town Engineer)

Ron recused himself from this case. **Alan** asked Dana to vote for Ron for this case. **Dana** agreed. **Randy** said this is a continuation of the September 2, 2010 meeting and they have changed the driveway access from Route 13 to Laurelcrest Drive on Lot J-41-14. **Valérie** said she attended the Conservation Commission meeting on September 14 and they were concerned with the proposed driveways on future lot J-41-1 and water runoff. **Randy** said there was mention of a culvert being placed under this proposed driveway at the last meeting. He will add a note to the plan. **Alan** opened the meeting to the public. **Daryl** said there is still a water issue behind lot J-42. If you look at the plan it doesn't show water but there is water in that area and he doesn't want it to run into his driveway. **Randy** said they will do what ever they need to do to reroute the water so it doesn't affect any driveways and make a note on the plan. **Wes** said his concern was the well for lot J-42 is on proposed lot J-41-14; there will need to be an easement so they can get to it. The shed for lot J-42 is on lot J-41-14 as well. **Ron** said that shed has been moved and is no longer on lot J-41-14. **Al** said he will discuss an easement with the owner of J-42 for the well. **Jerry** said the water behind lot J-42 runs for months. **Randy** said it is not a wetland; there are no wetland soils or species (vegetation). A culvert will take care of the water drainage. **Dennis** said the rain garden for lot J-41-13 is not shown on this plan. **Randy** said he will put an easement on the plan and add the rain garden. There are no water problems on these lots. **Valérie** said there will be grading on this plan. **Randy** said yes he will add that to the plan also. **Alan** said what ever happens across the street with the workforce housing subdivision, there will be rain gardens on this one and they will be recorded with the plan. **Jerry** asked who will enforce this if someone buys the lot and takes the rain garden out to plant grass. **Randy** said he can add a note to the plan and add an easement. There is no water problem here. There is a retention basin that never has water in it. **Alan Sheppard** asked what will be cut and forested on lot J-41-1 and J-41-13. **Al** said just enough to open for house, septic and well. We will not do clear cutting.

Mike moved to approve case number 2010-2: J-41-1, J-41-3-Patenaude-4 Lot Subdivision with the following conditions:

- 1. All fees associated with the case review shall be paid prior to issuance of a permit by the building Inspector.**

2. **The applicant shall submit 8 paper copies of the final plan and a permanent, reproducible Mylar.**
 3. **The proposed lot is subject to an impact fee per the Brookline Zoning Section 2100, in three separate amounts. The impact fees of \$222.14 (for ambulance facility), \$1304.24 (for Brookline School System), and \$1843.17 (for Hollis/ Brookline Coop Middle School) are payable to the Town of Brookline at the time of Certificate of Occupancy is issued for each new lot (3 total).**
 4. **Driveway easement to be reviewed by Town Council.**
 5. **Culvert, rain garden, easements notes added to the plan.**
- Richard Seconded. Vote yes 5-0.**

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/Owner), Roger Goscombe (Realtor for Patenaude Construction), Scott Knowles (Brookline Fire Department), Wes Whittier (Brookline Ambulance/Emergency Management Director), Jerry Farwell (Road Agent), Dennis LaBombard (LaBombard Engineering, INC. / Town Engineer), André Basque (abutter 9 Baldwin Drive Lot #J-41-9), Allen Sheppard (abutter at 2 Laurelcrest Drive lot #J-41-2)

Randy said that a site walk was held on Monday September 13th. **Randy** said they have revised the common driveways; the three common driveways are now a through way. We will need to go to the Zoning Board for a variance because the current ordinance only allows 4 houses off a common driveway. **Alan** said road standards are in the regulations and is not an ordinance. The discussion last meeting was a through road would knock out to many lots. If this was an ordinance you would need a variance but when it is part of the regulations, the Planning Board can waive it. **Randy** said a private road isn't allowed there and there is no other option than to go to the ZBA. **Al** asked if they would like to see a private road built to town standards. **Alan** said he would like to turn this discussion over to the Fire Department, Emergency Management /Ambulance Director, Road Agent, and Town Engineer. **Wes** said he would like to see the road go through and have it become a Town Road. Private Roads and Common Driveways are not necessarily maintained adequately after a snow storm for access by emergency vehicles. If it is a through road there will be two points of access. If the road is blocked emergency crews could work from both ends to get through in case of another ice storm or a tornado. **Alan** said a big concern would be the maintenance if this is not a town road. **Scott** asked what the width of the road would be. **Randy** said it has to be 20 feet of plowed space. **Scott** said similar to what Wes said, the Fire Department finds it easier to have a through road. Maintenance would be a concern if it was a private road. **Jerry** asked Al if this will be paved. **Al** said yes, that was the goal. **Al** said that the bond and inspections for a road would raise the cost of this project. **André Basque** said he is not interested in helping people all winter when they are not maintaining the road. **Valérie** said at the moment there is no time limit for a developer to finish a road but this will be voted on later during this meeting when the Board held a public hearing for subdivision and non-residential site plan regulations. If amendments are voted on tonight, they would apply to any application submitted. This doesn't apply to common driveways. **Scotty** said who's to say someone builds in the middle and then the road doesn't go through. It is a gamble with this economy. **Jerry** suggested phasing this project and after 2 or 3 lots you would have to finish the road. **Al** said finishing the road is what cost the most. **Andre Basque** asked what the workforce housing buildings will look like. **Al** said they are 1,500 square foot small capes with garage about 600sf. Max. Value of the lots is set by the metropolitan Nashua area get by the Census. **Randy** asked the Planning Board if they would support the common driveway going through. If so we would apply for a variance with the Zoning Board asking for relief from section 1806. I would think the ZBA would like to hear from the Departments if they are all in support of this. **AL** asked if someone

from the Planning Board could attend the ZBA meeting. If any questions arise someone that has been involved with the process can answer there questions. **Valérie** said she would attend the ZBA meeting for the Planning Board. **Al** said they are trying to get support from all the department heads. **Randy** said there are legal documents being reviewed by Town Counsel that states who will maintain what on the through common driveway. The Planning Board, Fire Department, Emergency/ Ambulance Director, and Town Engineer all agreed that the through road is the best idea. The Road Agent said he would rather not add another road and cost the tax payers more money. **Valérie** said if this is common driveway there will need to be a granite post at the beginning of the driveway per the zoning ordinance. **Alan** said there will be street signs at both ends of the through common drive. Maybe you could add the granite post omission to the ZBA variance application. **Scott** said they can enforce the rules of a road but what happens if someone blocks the road. **Randy** said it will all be in the legal documentation that they are not allowed to.

Mike moved to type up a letter of support to the Brookline Zoning Board of Adjustment in support of granting a waiver from section 1806 of the Brookline Zoning Ordinance to allow more than 4 homes having access from a common driveway and not require a granite market for this common driveway. Richard Seconded. Vote yes 5-0.

Alan said they are still waiting for Town Counsel to rule on weather the wetlands can be included in the building lot. **Valérie** said she met with the Conservation Commission and their concerns were:

1. Wetlands not being excluded from lot calculations.
2. They would like to see some kind of a plan that would show the tree cutting plans.
3. They are concerned about to much tree cutting and erosion that may occur.

Randy said they will provide a plan that shows what will be cut and drainage. **Dennis** said he will need a plan of the through common driveway. **Alan** said they will also need the common driveway documents and easement wording before the next meeting. **Jerry** asked about utilities. **Al** said they will be underground. **Valérie** asked all departments supporting a common driveway connecting Baldwin Drive and Averill Road to write a letter of support to the Zoning Board for the October 13 meeting.

Ron moved to continue case number 2010-3: J-41, J-41-10, 11, 12-Patenaude-Workforce Housing Subdivision to the October 21, 2010 Planning Board meeting. Kevin Seconded. Vote yes 5-0.

Public Hearing

Proposed Amendment to Subdivision and Non-Residential Site Plan Regulations

Alan said most of these corrections are housekeeping changes. **Alan** read the proposed changes:

Amendments to Subdivision and Non-Residential Site Plan Regulations

SUBDIVISION REGULATIONS

3.1.17, Procedure, Conditional approval – Add the following wording: “*Whenever a plat is recorded to memorialize an approval issued by the Board, the final written decision, including all conditions of approval, shall be recorded with or on the plat*” RSA 676:3,III

4.8.05, Roads – Add the following language: “*Except for roads designated as private roads, all roads shall be property deeded by the applicant to the Town of Brookline by a Warranty Deed.*”

Open Space Development – Section 4.12

4.12.02, replace the reference to section 3.1.25 by 3.1.32

4.12.03, add the following: “The 50-foot perimeter setback, *or a value as deemed necessary by the Planning Board*, is a buffer between (...)”

Appendix A, A.5(g), Road Construction, Replace last sentence: (...). *There shall be a minimum of one (1) year and a maximum of five (5) years between placing the base pavement and the completion of the finish paving course. The top course shall not be applied until at least one calendar year has passed from the date of the completion of the base course.*

Richard moved to approve the changes as noticed for the September 16, 2010 public hearing for the Subdivision Regulations. Ron Seconded. Vote yes 5-0.

Alan read the proposed changes for the Non-Residential Site Plan regulations:

NON-RESIDENTIAL SITE PLAN REGULATIONS

3.2.09, Procedure, Conditional approval - add the following wording: “*Whenever a plat is recorded to memorialize an approval issued by the Board, the final written decision, including all conditions of approval, shall be recorded with or on the plat*” RSA 676:3,III

Richard moved to approve the amendments as published and noticed for the September 16, 2010 public hearing for the Non-Residential Site Plan Regulations. Kevin Seconded. Vote yes 5-0.

Road

Alan said there is a mechanism in place that could allow for a private road.

Alan read Subdivision Regulations Section:

Section 4.8 Roads - Any subdivision which requires road system layout and construction shall have such improvements installed in accordance with the following:

Section 4.8.4 - Upon satisfactory completion of the road system as judged by the Road Inspector, Road Agent, and Planning Board, said road system will be presented by the Board of Selectmen, for acceptance by the Town, in the approved manner. (8/21/97)

Alan said what if they put in a road on the Workforce Housing plan where the three common driveways are going to go through and that road is never turned over to be accepted by the Town. Then it will be a private road.

Alan said because this is a regulation it can be waived by the Planning Board.

Alan said we would need to come up with wording for a private road. Different specifications. **Valérie** said it is in the Zoning Ordinance that there needs to be a \$1,000 driveway bond.

Master Plan Update - Survey Committee

Valérie said she email everyone a copy of the survey for comments. The Board made a few suggestions.

Richard said it took him about 12 minutes to take this survey. **Alan** said it took him about 10 so about 10-12 minutes to complete a survey isn't bad. **Valérie** said the Master Plan Steering Committee meets

again on the 9/21/2010 at the Brookline Event Center. The Committee is waiting for the Planning Board blessing on the contents of the survey.

Richard moved, with the thanks of the Planning Board, to allow this survey created by the master plan survey committee to be made available to the public. Ron Seconded. Vote yes 5-0.

Master Plan Update – Forum Committee

Alan said the Forum Committee has set a date for the public Forum. October 22, 2010 about 6:00 - 6:30 pm at RMMS. We have permission from the school. The custodians will be there to help set up and pick up. The Woman's Club has volunteered to help provide soup, sandwiches, and desserts. RMMS does not have a peanut policy.

Capital Improvements Committee Update

Alan said Paul is not in attendance tonight so he will give the Board an update as best as he can. He has volunteered to help with the CIP this year. They will need to schedule a meeting pretty soon. Paul has found 5 people for the committee. **Alan** thought it would be a lot easier this year if they could keep everything electronic because there is too much paper and it is easier. They should also get there responses back faster.

Richard moved to adjourn at 9:40 pm. Kevin Seconded. Vote yes 5-0.

Alan Rosenberg, Co-Chair _____

Mike Papadimatos, Co-Chair, _____

Kevin Gorgoglione, Selectmen's Representative, _____

Richard Randlett, Member, _____

Ron Pelletier, Member, _____

Dana MacAllister, Alternate, Voting for Ron for case 2010-2: J-41-1, J-41-3-Patenaude - 4-lot Subdivision _____

**The next Regular Planning Board meeting will be 10/7/2010.
Minutes submitted by Kristen Austin.**