



TOWN OF
BROOKLINE, NEW HAMPSHIRE

PLANNING BOARD

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PLANNING BOARD MEETING

Minutes

January 16, 2014

Present: Alan Rosenberg, Co-Chair, (voting)
Dana MacAllister, Co-Chair (voting)
Richard Randlett, Member, (voting)
Ron Pelletier, Member (voting)
Brendan Denehy, Selectboard Representative (voting)
Valérie Rearick, Town Planner

Absent: Judy Cook, Alternate & Kevin Gorgoglione, Alternate.

Minutes

Brendan made a motion to approve the Planning Board minutes from December 19, 2013 as amended. Dana seconded. Vote yes 5-0.

Road Bonds – Hutchinson Hill Estates – Ames Road

The Board reviewed the letter from Town Engineer Dennis LaBombard. **Alan** read “After inspection Dennis had found all work to be substantially complete. A few minor items to be completed or verified including the addition of the street lights, adding a street sign and a spring inspection of the area downstream of HW14 and the inlet and outlet to the outlet structure 5. The street lights and the street sign are both on order. The total phase three construction bond estimate was \$252,656.25. He recommends a maintenance bond in the amount of \$25,300.00 ten percent of the construction bond estimate.”

Brendan made a motion that the Planning Board recommends to the Selectboard that they accept Ames Road and set a maintenance Bond for \$25,300.00. The bond should be maintained for 2 winters and might be released in the summer of 2015 after a final satisfactory review from the Town Engineer Dennis LaBombard. Richard seconded. Vote yes 5-0.

Road Bonds – Stonehouse Estates – Hobart Hill Road and Louis Drive

The Board reviewed the letter from Town Engineer Dennis LaBombard.

Alan read “Hobart Hill Road and Louis Drive have been completed in general accordance with the drawings approved by the Planning Board back in 2003. There were a few changes along the way:

1. A section of Hobart Hill Road from approximately station 10+00 to 12+00 is not centered in the right of way.

2. Some sections of drainage pipe & structures were eliminated; CB401 to the detention basin and CB201 to FES 104.
3. A culvert was added near station 23+40 (to replace CB201).
4. The proposed fiberglass cistern was changed to a cast in place concrete one.
5. The gabion retaining walls near station 36+50 were changed to a precast concrete system.
6. The guardrail ends were changed to another model (old ones are no longer available).
7. A catch basin was added where HW 102 is shown (at the request of the homeowners on lot F-104-35) and piping added toward Rocky Pond Road.
8. Some of the ditch line along Louis Drive was filled in and a pipe added along lot F-104-9.

Most of the above items were discussed with the Planning Board (and Road Agent) during the construction are more minor in nature. I just think it is important to document them somewhere in the event that people try to refer back to the approved drawings in the future.

At this time I would recommend acceptance of both of these roads by the Town. This would start the “two winter” maintenance bond period so that those could be released in the spring of 2015.”

Richard made a motion that the Planning Board recommends to the Selectboard that they accept both Hobart Hill Road and Louis drive converting the construction bond into a maintenance bond to be set at \$99,900 (\$84,500 for Hobart Hill Road and \$15,400 for Louis Drive) to cover two winters as specified in the subdivision regulations. This bond could be released in the spring of 2015 after a final inspection is conducted by the town engineer. Ron seconded. Vote yes 5-0.

Case review 2013 – 5:D-24, Ernest Felzani, 8 lot subdivision, Mountain Road. Continued

In attendance for this discussion Randy Haight (Meridian Land Services), Kyle Burchard, Meridian Land Services, Dennis LaBombard, Town Engineer (LaBombard Engineering), Ernest Felzani owner. Abutters in attendance for this hearing Wallin, Keith and Lisa (Lot D-25-2), Maguire, Matt (Lot D-25-3), Marquette, Wayne & Patricia (Lot D-18-13), Leith, Diane & Allen (Lot 57-18), Brzowski, James (Lot D-20-17), Hallett, Kathleen (D-20-19), and Ouelette, Rachel (Lot D-20-20), Hubert, Fred, (Lot D-20-23), Lane, Jason (Lot D-57-20), Turner, Larry (Lot D-57-17).

Valerie said since the last meeting the Board held a site walk on January 11, 2014 at 1 PM. A final review of the plan by the Town Engineer, the Fire Department, and the Planning Board was completed with a few issues. Meridian submitted an updated plan and all issues were addressed. This plan is within the town regulations. All lots and the road are conforming. The easement wording will still need to be submitted for review by town counsel.

Valerie said at the last meeting they discussed a streetlight that needed to be placed at the new intersection. **Valerie** said she spoke with the town administrator and he suggested looking at the shield PSNH installed on the street light at the intersection of Bohannon Bridge Road and Route 130. The applicant could contact PSNH to see if they would do the same on Mountain Road when installing the street light for the new road .

Randy said we are amendable if PSNH agrees. This also depends on what side of the street this will be located on. **Randy** said they are also asking for a waiver from the town’s 400 foot sight distance. **Alan** read the letter from Meridian dated 1/9/2014: “*On behalf of Ernest L. Felzani, Jr., Meridian Land Services, Inc.*”

requests the granting of a waiver from Section 5.1.11 of the Subdivision Regulations, which regulation provides that all street intersections shall have all season safe sight distance of four hundred (400) feet in both directions and to allow the all season safe sight distance of three hundred and nine (309) feet looking northerly from the intersection of Wright Road with Mountain Road.

Pursuant to Section 6.1.0 I, this request for a modification of the regulation regarding all season safe sight distance is allowed when, in the opinion of the Board, specific circumstances surrounding the subdivision, or condition of the land in the subdivision, indicate that such modification will properly carry out the purposes and intent of the Master Plan and of the subdivision regulations.

The applicant submits and requests the Planning Board find that strict conformity to the regulations regarding all season safe sight distance would pose an unnecessary hardship to the applicant in this case and a waiver of the all season safe sight distance would not be contrary to the spirit or intent of the subdivision regulations. Alternatively, the specific circumstances relative to the subdivision and conditions of the land in such subdivision indicate that the waiver will properly carry out the spirit and intent of the regulations.”

Randy said The ASTRO standard suggests 200 feet for a safe intersection. Currently there is a sight distance of 309 feet to the north and 390 feet to the south at this intersection. **Alan** read the letter from Meridian Land Services on behalf of Ernest L Felzani JR, Meridian land services Inc. requests the granting of a waiver from section 5.1.11 of the subdivision regulations, which regulations provide that all Street intersection so have all season safe days sight distance of 400 feet in both directions and to allow all season safe sight distance of 309 feet looking northerly from the intersection of white road with mountain road.

Pursuant to section 6.1 .01, this request for a modification of the regulation regarding all season safe sight distance is allowed when, in the opinion of the board, specific circumstances surrounding the subdivision, or condition of the land in the subdivision, indicate that such note modification or properly carry out the purposes and intent of the master plan and of the subdivision regulations. **Dana made a motion to grant the waiver on the sight distance from section 5.1.11 of the Brookline Subdivision Regulations that requires 400 foot sight distance because of the town engineer recommendation and Astro policy 2011 edition based on that report which is listed the safe distance of 200 feet. Brendan seconded. Vote yes 5-0.**

The abutters are concerned with their wells and the blasting that will occur during construction of the road and lots. The main concern is the low water yield at the moment and if the blasting will affect the wells. **Alan** said a petition was submitted by the abutters of Westview and Mountain Roads. **Alan** read the letter “Pursuant to town subdivision regulations, the Planning Board has the authority require that the developers purchase a surety bond to cover the costs associated with propose subdivision development. As abutters we are requesting that the Board invoke its power pursuant to section 4.9.01 to require that Mr. Felzani purchase a bond that will fund the cost to establish a baseline on all abutting wells that documents both the well quality and yields. We also request the developer fund the cost of quarterly testing to ensure there is no deviation from preconstruction baselines. Given the historical low yields of our wells we are concerned that this development made reduce are well yields and if hydro-fracting is required on the proposed lots we are concerned that our wells may be contaminated in the process. The best management practices that are outlined below would ensure that our properties are not adversely impacted by the proposed development.

The information to establish a baseline would be gathered by a professional consultant engineer or hydro geologist to evaluate the available weld data and the bedrock hydrology. This would include documenting in advance the construction parameters of the existing wells in the event an adverse impact occurs and the supply is diminished or quality affected. This documentation would be at the expense of the developer and

done in cooperation with the homeowners in the affected areas. This information would include, but is not limited to:

- documented well depths
- well yields
- static water levels
- water quality tests information

This should also cover events with evidence of unforeseen negative impact outside of the schedule and will be available to affected abutters during, and for two years following, completed construction. In the event a negative impact is determined to have occurred affecting either water quality or flow the developer is responsible for timely repair and resolution of the problem to the satisfaction of the homeowner and either meeting or exceeding previous quality and/or flow parameters.

We request that all applications to the Planning Board be suspended, regardless of their place in the process, until the new wording/practices are in place. It is critical that we protect our water supply and quality and have the financial responsibility of this rest with the builder.

Please see the attached file PDF from the Department of environmental services to understand the concerns further. In particular "Attachment A" directs local Planning Boards to adopt wording in advance of development in order to protect drinking water quality and supply.

<http://des.nh.gov/organization/commissioner/pip/publication/wd/documents/wd-10-12.pdf>

Alan said this petition was signed by most of the abutters. **Alan** read Section 4.9.01 of the Subdivision Regulations "Prior to the issuance of a building permit, a Performance Guarantee or other surety shall be submitted to the Planning Board (for filing with the Board of Selectmen), by the subdivider, developer, or his successors, in an amount sufficient to cover the cost of construction or completion of streets, public improvements, drainage structures, traffic signals, setting road bounds and bounds at angles of individual lots, public parks or recreation areas or other such improvements as required by the Board as shown on the Final Plot." **Alan** said although the Board acknowledges the concerns of the abutters this section does not give them the power to require a bond for these reasons. We should look into this for the future. **Dana** asked **Valerie** if the were anything like this was done in any surrounding towns. **Valerie** said she did not believe so. **Randy** said they do not know the amount of blasting that will be needed until they start construction. **Dana** said if there is an issue it would end up being a civil matter. **Alan** reviewed the letter from the Road Agent which states that he recommends off site improvement amount to be \$1,500 for each lot D-24 thru D-24-7. **Valerie** read the conditions of approval:

- All fees associated with the case review (Town Engineer, Town Planner, Town Counsel) shall be paid prior to the recording of the final plan.
- All new building lots are subject to an impact fee per the Brookline Zoning Section 2100, in four separate amounts. The impact fees of \$222.14 (for ambulance facility), \$1,304.24 (for Brookline school system), \$1,843.17 (for Hollis/Brookline Coop Middle School) and \$345.83 (New Police Station) are payable to the Town of Brookline at the time the Certificate of Occupancy is issued for each lot.
- The applicant needs to meet with the Selectboard to sign the Off-Site Improvement agreement.
- Off-Site Improvement agreement shall be recorded before or at the time the final plan is recorded. Off- Site Improvement fee is to be paid that the time a building permit is issued.
- A letter from the Surveyor shall be received stating that all bounds are in place before a Certificate of Occupancy is issued for each lot.
- The applicant shall submit 8 paper copies of the final plan and a permanent, reproducible Mylar.

- The Financial Guarantees (Performance / Maintenance Guarantee) shall be submitted to the Planning board, for filing with the Selectboard, prior to the issuance of a building permit.
- Any additional conditions as deemed necessary by the Board.
- All conditions of approval shall be printed on the final plan prior to its recording.
- All Easement wording should be reviewed by Town Council before the plan is recorded.

Dana moved to approve Subdivision plan 2013-5: D-24 with the conditions of approval previously mentioned. Ron seconded. Vote yes 5-0.

Phil Chandler, Canney Hill Woods (J-24) Phase 3, amendments. Continued

In attendance for this hearing Randy Haight, Meridian Land Services, Dennis LaBombard, LaBombard Engineering (Town Engineer), and Bennett Chandler, Owner.

Randy said this is an amendment to the original plan they are now proposing to complete phase 3 and would like to extend the sidewalk all the way to the end of the road and change the common driveway to access three lots instead of two. This will require redoing some drainage. They have received State approval for the Alteration of Terrains Permit. This plan will be recorded and will supersede plan # 35939. **Valerie** asked what the A, B, and C marked on the plan are in reference to. **Randy** said they reference the easements that pertain to the plan. **Alan** said the only condition of approval would be the \$25 for the L-Chip. **Valerie** said also any fees for the Town Engineer and staff. The Board agreed on the two conditions. **Dana made a motion to approve the amendments to the Canney Hill Woods Phase 3 Subdivision plan as presented with the conditions of approvals previously mentioned. Seconded by Richard. Vote yes 5-0.**

George Razzaboni, waiver request – Sawtelle Road extension.

In attendance for this hearing Randy Haight, Meridian Land Services, Dennis LaBombard, LaBombard Engineering (Town Engineer), and Attorney Robert Parodi, George Razzaboni, , Razzaboni Home Builders.

Ron recused himself from this discussion. **Alan** said just for the record he purchased his home from George Razzaboni 18 years ago but does not feel he needs to recuse himself. The Board reviewed the letter from Attorney Bob Parodi. **Randy** said in 2004 it was suggested that the road go through to Route 130 adding another intersection of Route 130. This would extend the road about 11,000 feet and crossing about 200 feet of wetlands. **Randy** said in 2006 there was a plan for elderly housing on lot H-75 of which went to court and the judge ruled that the waiver for the length of the road was not granted correctly as hardship was not stated. The waiver was first granted by the Planning Board in 2004 with the Clover Hill Estates subdivision and it was supported by the Conservation Commission.

Alan read:

“The subdivision plan was approved in 2004 and since then, the following has occurred, all as a direct result of the approval of Plan # 33824 of the Hillsborough County Registry of Deeds:

1. Deed of parcel A was recorded
2. Deed of parcel C was recorded
3. There was the creation of a cistern area for both this subdivision and the initial Sawtelle Road Subdivision.
4. A deed of Lot H-41-3 was recorded by a third party
5. A deed of Lot H-41-4 was recorded by a third party
6. Approval and recording of Plan # 34531, which was a lot line adjustment between Lot H-138 and H-41-4 then provided that all frontage for Lot H-41-4 was on this plan

7. The Open Space Lot H-75 was deeded in fee to the Town and recorded
 8. An access easement over the proposed road and a parking area was deeded in fee to the Town and recorded
 9. Town obtained approximately 275 feet of Sawtelle Road by a deed recorded
- The specific circumstances of this subdivision, including what has occurred since the approval of the subdivision in reliance on the said approval, indicate that the waiver will properly carry out the spirit and intent of the regulations.”

Dennis said he had no issues with granting the waiver. **Randy** said they wanted to get this approved with the hardship listed before they go forward with this plan and more money goes out.

Dana moved to grant the waiver request from section 4.8.01 of the Subdivision Regulations to allow a dead end road of 2,869.07 feet with the following findings:

- **The waiver would be consistent with the intent of the Master Plan and subdivision regulations that aim to preserve wetlands,**
- **Strict conformity to the regulations regarding road length would pose an unnecessary hardship to the applicant:**
 - **Not granting the waiver would force the applicant to construct a road of over 1,100 feet in length with one less house lot and with the necessity to encroach on over 200 feet of wetlands,**
 - **Granting the waiver would properly carry out the spirit and intent of the subdivision regulations and in fact would further the goal of creating conditions favorable to health, safety, convenience and prosperity,**
 - **Granting the waiver would avoid an additional new curb cut on an already busy Route 130 (Proctor Hill Road),**
 - **Granting the waiver is consistent with a waiver request to extend the same road by 2,869.07 feet that was unanimously granted by the Board and supported by the Conservation Commission back in July 15, 2004.**

Seconded by **Richard**. Voted Yes 4-0. **Ron Pelletier** had recused himself.

Richard made a motion to adjourn at 9:45 pm. **Brendan** seconded. Vote yes 5 -0.

Alan Rosenberg, Co-Chair _____

Dana MacAllister, Co-Chair, _____

Richard Randlett, Member _____

Ron Pelletier, Member _____

Brendan Denehy, Selectboard Representative _____

The next Regular Planning Board meeting will be February 20, 2014.

Minutes submitted by Kristen Austin.