



**TOWN OF  
BROOKLINE, NEW HAMPSHIRE  
PLANNING BOARD**

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**PLANNING BOARD MEETING  
Minutes  
July 17, 2014**

**Present:** Alan Rosenberg (voting)  
Richard Randlett, Member (voting)  
Brendan Denehy, Selectmen's Representative (voting)  
Eric Bernstein, Alternate (voting for Dana)  
Valérie Rearick, Town Planner

**Absent:** Dana MacAllister, Co-Chair, Ron Pelletier, Member, and Judy Cook, Alternate.

Alan asked Eric to vote for Dana at this meeting. Eric agreed.

**Excavation Rules and Taxes - informational discussion.**

Alan introduced Mary Pinkham-Langer whom works for the State at a Gravel Tax Appraiser with the Property Tax Appraisal Division.

Mary said she was asked to come down to review an excavation site as to whether it was a commercial excavation or not in May. Mary said a little background on the excavation tax in 1998 the excavation tax came into existence. It exempted earth from real estate tax once it was excavated. The intent to excavate doesn't just pertain to commercial but also anything that removes earth from a site for example landscaping or minor topographical changes. If it is over 1000 cubic yards an intent to excavate is required. Under 1000 cubic yards of earth the intent is not required. If a site needs to file an intent is to be determined by the regulator of that town. The regulator is the Planning Board. The intent to cut is a tax document and not a permit. Alan asked how you would know what amount of gravel is leaving the site. Mary said they know when they do the plans. Whether its ledge or earth it doesn't matter. Good plans are essential to determine how much earth will need to be removed. If material is being stock piled and not removed right away from a site they have until the end of the tax year to use it on site or it becomes taxable at the end of the tax year (April 1). Mary said she reviewed the town regulations and they are the same as the RSA 155e. The town regulations should be setting the guidelines as to what makes is a commercial site, major or minor landscaping project, or a topographical adjustment. Mary stated she has some sample excavation regulations from other towns she will email to the Board to review. She will also help to review the Brookline Regulations and make some suggestions if the Board wishes. The Board thanked Mary for coming down to discuss this with the Board and for her help in updating the regulations.

## Minutes

**Brendan moved to approve the minutes of the June 19, 2014 Planning Board Meeting as written.**

**Richard seconded. Vote yes 4-0.**

### Wildwood Drive, Release Maintenance Bond for Phase I.

In attendance for this discussion Dennis LaBombard (LaBombard Engineering & Town Engineer).

**Alan** read the letter submitted from Dennis LaBombard (Town Engineer) with no issues.

**Brendan made a motion to recommend to the Selectboard that they release the bond for Phase One of Wildwood Drive that is currently set in the amount of \$34,721.**

### Wildwood Drive, Phase III Drainage Change from DMH-2A to Detention Basin 2

In attendance for this discussion Dennis LaBombard (LaBombard Engineering & Town Engineer).

**Dennis** stated that they had hit ledge early and needed to make a small change to the original approved plan in regards to the drainage to the detention basin. **Dennis** said he would like the Planning Board to approve this small change to the drainage on the plan. **Brendan made a motion to recommend to the Selectboard that they approve the small change in drainage to Phase 3 of Wildwood Drive. Eric seconded. Vote yes 4-2.**

### Hobart Hill Road, Louis Drive – Maintenance Bond Renewal

In attendance for this discussion Dennis LaBombard (LaBombard Engineering & Town Engineer).

**Alan** read the letter submitted from Dennis LaBombard (Town Engineer) with no issues

**Brendan made a motion to recommend to the Selectboard that they accept the renewal of the maintenance Bond for the Hobart Hill Louis Drive. Eric seconded. Vote yes 4-0.**

### Bennett Road – Proposed cistern for lots H-138-4 and H-138-5

In attendance for this discussion Dennis LaBombard (LaBombard Engineering & Town Engineer) and Randy Haight (Meridian Land Services)

**Valérie** said the owner of lot H-138-4, #8 Bennett Road, would rather install a cistern on the property than install sprinklers in his home as is called for on the subdivision plan. The Fire Department has no issues with the plan for the cistern that has been submitted by the owner. Attorney Bob Parodi has submitted the easement wording. **Valérie** said the only concern she had was who would be taking care of the common driveway. **Randy** said Mr. Reny owns both lots at the end of Bennett Road. Lot H-138-4 and H-138-5. The second lot if needed can have a second cistern installed. This will have a paved apron and the town will not have to maintain it (per easement deed) but they can if it is needed. The easement wording will also give the town the right to plow to gain access to the cistern but not the whole driveway. They will need a waiver from note 12 of the original subdivision plan which states lot number H-138-4 will need to install fire sprinklers. **Valérie** said she will prepare a letter to go with the plan. This easement will be recorded and linked to the original subdivision plan along with the new cistern plan.

**Brendan made a motion to grant the waiver request from note 12 on the original subdivision plan (Plan 31799) to allow the owner to put in a cistern for lots H-138-4 and H-138-5. Eric seconded. Vote yes 4-0.**

**Rescission of Plan 37070, Patenaude/Bagley (Workforce Housing development)**

In attendance for this discussion Al Patenaude (Contractor), Melissa Tzanoudakis with Lyons & Tzanoudakis LLC (Representing Al Patenaude).

**Melissa** said originally Al Patenaude submitted an application for Workforce Housing. There are three requirements for subdivision approval, approval of a Workforced Housing Management Plan, and he had to get land from someone else to do this subdivision. The only thing that occurred was approval of the plan. The plan was recorded and entered into the Assessing system. The project is not going to go further so the owner would like to correct and rescind the plan to go back to the previous plan. **Valérie** said if the Planning Board rescinds this plan there will need to be another mailing to the abutters and the owner and they will need to wait thirty days before recording, just in case someone requests a hearing. **Alan** read the resolution wording:

***RESOLVED,***

*The Planning Board, having considered the foregoing, finds that based on the above information, the request from the applicants, John D. Bagley, 3 Greeley Road, Townsend, Massachusetts 01469 and Albert W. Patenaude Jr., Trustee of Laurelcresc Baldwin Drive Realty Trust, to rescind the subdivision plan is acceptable and REVOKES the recorded plan # 37037. The Board, pursuant to the authority granted to it under RSA 676: a, (I) (a), does hereby resolve as follows:*

- I. Mr. Patenaude has elected to terminate the project known at Pierce Pond Estates II, Workforce Housing Subdivision Plan, Tax Map Parcels J-41, J-41-10, J-41-11 and J-41-12.*
- II. Pursuant to RSA 676:4-a, II, notice of the within resolution shall be provided to the public, the applicant and all abutters and holders of conservation, preservation, or agricultural preservation restrictions, which notice shall advise of the right of any party receiving such notice to request a hearing with regard to the foregoing.*
- III. Pursuant to RSA 676:4-A, III, this Declaration of Revocation, dated and endorsed in writing by the planning board, and containing reference to the recording information for the plat, plan or other approval being revoked, shall be filed for recording with the registry of deeds, no sooner than 30 days after written notification or the revocation is served on the applicant or applicant's successor in interest, in person or by certified mail, or 30 days after any public hearing, whichever is later. (...) The declaration shall be recorded under the same name or names as was the original approval, as well as the names of subsequent owners, if any, of the land or part thereof subject to revocation, as identified by the municipality.*

**Brendan made a motion to approve the resolution as read. Eric seconded. Vote yes 4-0.**

**NRSP# 2014-C: F-142, Full Service Firearms Store, David Beauchamp, Home Business, 21 Meeting House Hill Road**

Here for this discussion David Beauchamp (Owner/applicant).

**David** said he presently has an antique furniture shop at his home. The economy has changed and so has his interests; he would like to open a firearms store. He will comply with AFT and The town's rules and regulations to do so. **Valérie** said the abutters have been notified and the fees have been paid. There is already a home business at this location. This application has been completed enough to be accepted. **Eric made a motion to accept application NRSP# 2014-C: F-142, Full Service Firearms Store. Brendan seconded. Vote yes 4-0.**

**Valérie** said David has gone through the home business check list and answered all the questions. A home business has already been approved at this location. It has been assigned a street number. The Fire Department does a yearly check. The Fire Department is requesting a Knox box at this location if the application is approved. **Valérie** said she spoke with Chief Quigley with the Police Department he stated he had spoken with Mr. Beauchamp a few weeks ago. He advised him that he didn't see any problems providing he meets the requirements put forth by the ATF. **David** said he plans on installing bars on the windows and he will have Protection One install the security system.

There were many people in attendance for this hearing both abutters and concerned citizens of Brookline. The main concerns was the location in the residential neighborhood and the close proximity to the school. After a lengthy discussion about the location of a gun shop in the residential neighborhood the applicant withdrew his application.

**NRSP# 2014-B: H-104, Brookline Barrel Mill, Gerald Farwell, 65 Rte. 13 – Case Continued from June 19.**

In attendance for this hearing is Jerry Farwell (Owner) and Dennis LaBombard, LaBombard Engineering (Town Engineer).

**Valérie** said that the Board conducted a site walk of the property on Saturday, July 12, 2014 at 10:00am with the owner. The Board saw where the piles of material will be stored and where the new pavement will be located. **Jerry** said he will not pave as much as to avoid going over 15% impervious surface that is allowed without a permit. **Valérie** said the Fire Department's letter will still need to be addressed. **Jerry** agreed.

**Dennis** said the only issue was the 16% impervious surface. Now that Jerry said he will be eliminating pavement to comply with the 15% impervious surface he is all set with the plan. **Alan** said to Jerry the plans will need to be updated with the new information. **Jerry** said he will have them revised. **Valérie** said the Conservation Commission had reviewed the plan presented tonight and had no issues. **Valérie** read proposed the conditions of approval:

- All fees for Staff application review and meetings attendance shall be paid.
- Any change of use or proposed modifications/additions to what is approved by the Board for the site shall be presented to the Board for review.
- All fire protection devices (exist lights, fire extinguishers) as requested in the Fire Department's letter dated June 18, 2014 shall be in place, functioning and inspected within one month of this approval and report from the Fire Department submitted to the Planning Board.
- If any, all regulated substance stored need to be inspected regularly by the Fire Department.
- Access from and to South Main Street shall be kept clear for Emergency Vehicles.
- Notes concerning the conditional Use Permits for regulated substances and for impervious surface exceeding 15% need to be added to the final plan.
- Any other conditions the Board will consider necessary.
- All conditions of approval shall be printed on the final plan – 4 copies need to be provided

**Richard made a motion to approve application NRSP# 2014-B: H-104, Brookline Barrel Mill with the conditions read. Brendan seconded. Vote yes 4-0.**

**Economic Development Committee**

**Valérie** said they had a short meeting on Monday but has no specific updates.

**Capital Improvement Committee**

**Alan** said he has no update.

**Driveway Grades (Regulation)**

The Board agreed to discuss this at the next meeting on August 21, 2014 during a workshop that will start at 6:00 pm. **Valérie** said they received a letter from Town Counsel that should be reviewed by the Board before the next meeting.

**Recreation Commission – Old Homes Days**

**Alan** said they had a letter in the mail from the Recreation Commission requesting someone from all departments to attend Old Home Days. They would like to have a tent set up for people to come and meet the people who work for the town. Old Home Days runs September 5<sup>th</sup>, 6<sup>th</sup>, and 7<sup>th</sup>. He thinks it is a great idea and believes that someone from the Board should attend.

**Possible Pipeline through Brookline**

**Alan** said there is a meeting Monday, July 21, 2014 at CSDA about the possibility of a pipeline going through Brookline. **Alan** said that the Hollis Planning Board was asked to look into the pipeline going through Hollis. **Alan** asked **Valérie** if she could contact the Hollis Planning Board to see what kind of information they have gathered. **Eric** said we should be prepared in advance.

**Eric made a motion to adjourn at 8:30 pm. Richard seconded. Vote yes 4-0.**

**Alan Rosenberg, Co-Chair** \_\_\_\_\_

**Richard Randlett, Member** \_\_\_\_\_

**Brendan Denehy, Selectmen's Representative** \_\_\_\_\_

**Eric Bernstein, Alternate (voting for Dana)** \_\_\_\_\_

**The next Regular Planning Board meeting will be August 21, 2014. Workshop will start at 6:00 pm.  
Minutes submitted by Kristen Austin.**