



TOWN OF
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PLANNING BOARD MEETING
Minutes
June 18, 2015

Present: Alan Rosenberg, Co-Chair (voting)
Dana MacAllister, Co-Chair (voting – arrived at 7:30 pm)
Richard Randlett, Member (voting)
Eric Bernstein, Alternate (voting for Ron)
Valérie Rearick, Town Planner

Absent: Brendan Denehy, Selectboard Representative, Ron Pelletier, Member, and Judy Cook, Alternate.

Alan introduced Jill Adams to the Board. Jill said she is interested in joining the Planning Board.

Alan asked Eric to vote for Ron. Eric agreed.

Case Review 2015-5: H-75- Clover Hill Realty Trust –Amendment to case 2004-15, Open Space Subdivision, with Revised Drainage Controls and Easements

In attendance for this hearing Randy Haight, Meridian Land Services, George Razzaboni, Razzaboni Home Builders, and Attorney Robert Parodi.

Randy said they attended the board's meeting in January of 2014 and had obtained a waiver request to extend Sawtelle Road from the Planning Board. They are here tonight to see if the Board will reaffirm that waiver request to allow the extension of the dead end road. Since the January meeting they have retained approval from the State. Randy said that he has updated the easements and added a note to the plan stating that this plan supersedes plan 33824 (original subdivision plan) and 38441 (recorded without board's signature). He has also submitted this to Dennis LaBombard, Town Engineer, along with stormwater calculations, but he has not heard anything back from him yet. Valérie said she had spoken to Dennis and he has not had a chance to review them yet. Alan said the only challenge for this subdivision would be with RSA 674:39 (a): *“Active and substantial development or building has begun on the site by the owner or the owner's successor in interest in accordance with the approved subdivision plat within 24 months after the date of approval, or in accordance with the terms of the approval, and, if a bond or other security to cover the costs of roads, drains, or sewers is required in connection with such approval, such bond or other security is posted with the city, town, or county in which there are located unincorporated towns or unorganized places, at the time of commencement of such development”* Alan stated that, in his own opinion, he doesn't think there has been a sufficient amount of work done to this development. Bob stated that even though there has not been road construction, there has been 2 deeds to the town and easement work done. This is a unique situation and he believes that the open space subdivision recorded in 2005 is vested because of the amount of deed work that has been done. Alan agrees that it is a unique situation but the road hasn't

been done and the lots are not cut in. Plus we have had zoning changes, for example the underground utilities and drainage changes. **Randy** said that unless the board states what should constitute an active and substantial development or building, the board should entitle the subdivision to the 5-year exemption. **Bob** said after the plan was recorded and the deeds were conveyed, that was the start of the Subdivision. **Randy** said that lots H-41-3 and H-41-4 were part of this subdivision as they were associated with lot line adjustment and easements. This two lots have been built on and easements have been recorded. Also, because of the reconsideration for the elderly housing, this plan was shut down and no additional work could be done. **Bob** pointed out the last part of RSA 674:39-IV “*The Planning Board may, for good cause, extent the 24-month period set forth in subparagraph I(a)*”.

Bob said this plan also lists that there will be underground utilities now. **Bob** asked if the Board agreed that there has been a substantial amount of work done on this plan. **Alan** said he couldn’t commit to that at this time. **Eric** asked if all the improvements you have cited were done within the last 24 months. **Randy** said no. **Bob** said the deeding was done within 24 months after the plan was recorded. **Randy** said there were five deeds that reference the recorded plan. **Alan** said he thought the Board should reach out to Town Counsel and get his legal opinion before they go further. The Board agreed. **Bob** asked if they could have Town Counsel contact him if he has any questions regarding this case. **Valérie** said she will pass that along when she contacts Mr. Dresher (Town Counsel).

Minutes

Richard moved to approve the minutes of the May 21, 2015 Planning Board Meeting Minutes as amended. Dana seconded. Vote yes 4-0.

Discussion - revising the definition of Structure – Septic System for Lot D-89-10

In attendance for this discussion Charlie Corey.

Charlie said he would like the Planning Board to not consider a septic system a structure so that all people would not have to apply to the Zoning Board for approval when the septic system is in the setback, which pushes back when the system can be put in. He is trying to replace a failed system at the moment and the Building Inspector has stated this would need to go to the Zoning Board for a Special Exception. **Valérie** said that the Board cannot change the definition of “buildable area” which is in the Zoning Ordinance: “*An area compatible to accommodate a house site (or commercial structure of so planned) and all required utilities such a water supply and wastewater disposal. The buildable area is the area of a lot excluding wetlands, land with slopes over twenty-five (25) percent, water bodies, regulatory floodways, setback requirements, and land restricted from development by easements covenants or other legal restrictions.*” Wastewater is a part of that the buildable area. Also, in all sections of the NH DES Code of Administrative rules for Sewage Disposal Systems, a sewage disposal system is referred to as a “structure”. **Charlie** stated he thought that maybe in the future the Planning Board would want to change that as to avoid everyone with small lot to have to go to the Zoning Board for approval to put a septic system in the setbacks. **Dana** suggested they survey surrounding towns to find out what they do in this situation. **Valérie** said if the town would go by the state rules regarding the size of the setback, it would be easier and the building inspector would not have to stamp each proposed plans before they are sent to the DES for approval. **Charlie** stated the septic system he is working on now, the lot was created in 1992 and the septic system which is in the setback has failed and now needs to be replaced. The replacement system will be for a 4 bedroom instead of a 3 bedroom home about 12 feet longer which will go into the building setback. **Valérie** said if the new system was the same size it would have been fine. Replacing it with a bigger system that will go into the setback would require a Special Exception or a Variance, depending on the proposed additional encroachment, from the Zoning Board. **Eric** said if this was a replacement in the same size then you wouldn’t need to go to the Zoning Board at all. The Board agreed to look into what other town’s regulations are.

Discuss Underground Utilities

Valérie said that, if we read the minutes when the Board had originally talked about underground utilities, the intent was to have the requirement for all new lots being created. Town council has agreed that it is what

he got from the minutes also. The Board agreed that the initial intent of the wording for the subdivision and site plan regulations was any new lot would require underground utilities. **Alan** said we will just need to clean up the wording in the regulations. The Board agreed.

Bed and Breakfast Ordinance

Valérie said she believe the Board has already reviewed this proposed Ordinance. If anyone would like to add or adjust anything to please let her know and email comments. She will compile all comments and suggestions she will receive for the Board’s consideration at the next meeting. They may also have to look at the sign ordinance to accommodate this proposed ordinance.

Master Plan Update – Implementation Chapter

Valérie said the Master Plan *Implementation Chapter* needs to be updated. She has added side notes to the chapter of what the Board has accomplished and if there are any new plans for the future. The Board agreed they should look into Mixed Use Zoning again. **Valérie** said she will put together some information.

Capital Improvement Plan

Alan said he will be working on this this weekend.

Economic Development Committee

Valérie said that the Committee is doing very well and is very busy. They have been meeting every month and continue their contacts with businesses. The latest EDC Newsletter was just released. They will be holding the Bridal Showcase that will be held on October 3rd, 2015. They will also be hosting another Chili/Soup/Chowder Cook- Off in February. This will be a yearly event held in Brookline. The *Taste of the Area* will be happening again late fall at the Event Center. The Committee held an Open House for wedding professionals at the Brookline Chapel and they had a great turn out. Many of businesses who attended have signed up to have a booth at the Bridal Showcase.

Accessory Dwelling Unit Committee

Dana said they will be scheduling a meeting this summer.

Possible New Member

Alan explained to Jill Adams that if she is interested in joining the Planning Board, we recommend that she attends a few meetings and if she is still interested the Board will make a recommendation to the Selectboard to appoint her as an Alternate Member. **Jill** agreed.

Richard made a motion to adjourn at 8:50pm. Dana seconded. Vote yes 4-0.

Alan Rosenberg, Co-Chair _____

Dana MacAllister, Co-Chair _____

Richard Randlett, Member _____

Eric Bernstein, Alternate _____

**The next Regular Planning Board meeting will be July 16, 2015.
Minutes submitted by Kristen Austin.**