



**TOWN OF
BROOKLINE, NEW HAMPSHIRE**

PLANNING BOARD

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PLANNING BOARD MEETING

Minutes

April 21, 2016

Present: Eric Bernstein, Co-Chair (voting)
Alan Rosenberg, Co-Chair (voting)
Richard Randlett, Member (voting)
Brendan Denehy, Selectboard Representative (voting)
Ron Pelletier, Member (voting)
Jill Adams, Alternate

Absent: Valérie Rearick, Town Planner

Minutes

Alan moved to approve the minutes of the March 17, 2016 Planning Board Meeting Minutes as amended. Richard seconded. Voted YES 5-0.

Code of ethics

Alan made a motion to adopt the recommended Code of ethics for 2016. Ron seconded. Voted YES 5-0.

Letter to DOT

Eric said there is a letter that has been written from the Planning Board to William Lambert from the NH DOT Bureau of Traffic. This letter supports the Selectboard request to reduce the speed limit for the intersection of Route 13 and Route 130. Kevin Gorgoglione asked if the letter could be read so everyone knows what the Planning Board is sending.

Alan read the letter: *"As Co-Chair of the Planning Board, I attended the Monday, March 28th, 2016 public meeting during which time Michael Dugas from the NH DOT presented the proposed safety improvements at the Intersection of NH 13 and NH 130 (Milford Street). On several occasions, the Brookline Planning Board discussed the traffic issues at this intersection and various accidents that occurred at the location and further north on Route 13, all the way to North Mason Road.*

Speed limit has been a concern for many years as many vehicles use the southbound breakdown lane to pass vehicles turning on Route 130 or further north, turning onto businesses' parking areas without slowing down. Additionally, and as discussed during the March 28th meeting, the

area of Route 13 where there are a number of businesses, the post office and Brookline Safety Complex creates more a 'business district' pattern of travel, very similar to the area just to the south where the speed limit is already 35 miles per hour.

Brookline had too many accidents that could have been avoided with a lower speed limit that the 50 miles per hour currently in place.

The Planning Board has recently approved the site development for a Dunkin' Donuts at this intersection and requested that "no parking" signs be considered in order to avoid large trucks to park on the side of Route 13 potentially blocking the sight for vehicles entering or exiting Route 130.

On behalf of the Brookline Planning Board, I respectfully ask you to consider the following:

- Extend the 35 miles per hour speed zone on Route 13 up to the intersection of North Mason Road,*
- Install "no parking" signs on both sides of Route 13 especially near the future Dunkin' Donuts restaurant.*

I appreciate the opportunity to share the Brookline Planning Board recommendations and look forward to seeing them incorporated into the project."

Brendan said he would like to speak against reducing the speed limit in this area to 35 miles per hour this area he doesn't believe it is enforceable. He said he would support a reduction to 45 mph for this length of road.

The Board discussed the letter and also agreed they should add wording about how dangerous the intersection of Mason Road and Route 13 and reducing the speed limit to 35 mph in this area would be a good buffer for people to slow down well before this intersection.

Richard made a motion to authorize Alan to sign this letter after the proposed changes have been made. Ron seconded. Voted YES 4-1. Eric, Alan, Richard, and Ron voted in the affirmative and Brendan was opposed.

NRSP 2016-E: E-15, Camp Tevya, New Duplex Boys Cabin & Septic System

In attendance for this hearing; Randy Haight with Meridian Land Services, Jerry Farwell owner CL Farwell Construction and Johnathan Cohen, Property Owner/ Applicant.

Randy said on the north end of the site they are looking to add a boys cabin this will be a duplex built all the way toward the end. One side will be handicapped accessible. They have applied for a Shoreland permit with DES.

Alan made a motion to accept application NRSP 2016-E: E-15. Ron seconded. Voted YES 5-0.

Alan asked when they planned to have this completed. **Jerry** said they will be done by the time they open for this season. He is working with the Building Inspector and the Fire Department as well.

Alan made a motion to approve application NRSP 2016-E: E-15 with the following conditions:

- All fees for case review and/or inspections shall be paid
 - The applicant shall provide 4 copies of the final plan
 - Prior to the issuance of a Certificate of Occupancy, the Fire Department and the Building Inspector should provide the Planning Board with satisfactory review reports.
- Richard seconded. Voted YES 5-0.

NRSP 2016-F: C-9-1, Kathy Ferro, Home Business “Lemon Tree Essentials”

In attendance for this hearing: Kathy Ferro Owner/Applicant.

Kathy said she makes and sells all-natural skin and hair care products from her home. She said she only make the products at home and sells them at a retail store and on line. She doesn't have customers come to her home. She also has a new business name “Khantily LLC”.

Richard made a motion to accept application NRSP 2016-F:C-9-1. Ron seconded. Voted YES 5-0.

Alan asked if deliveries will be picked up at her home. **Kathy** said she will deliver the packages and pick up packages at the post office. She said she will also deliver to the retail store herself.

Brendan made a motion to approve NRSP 2016-F:C-9-1. Ron seconded. Voted YES 5-0.

2016-SignCUP-A: E-22-2. Dunkin' Donut Monument Sign

In attendance for this hearing: Brad Westgate, Attorney for Mr. Motta, Joel Dillion, D.D. General Manager, Kevin Gorgoglione, Abutter, and Keith LaFrance, Abutter.

Brad said he is here tonight to present the monument sign plans. He showed the Board the Plans and the design of the sign. This sign is the usual Dunkin Donuts sign that you see from the road. The proposed sign exceeds the dimensions for Monument Signs allowed in Section 1606.01 of the Zoning Ordinance. The sign will be 77 square feet. The ordinance only allows for 75 square feet and the height of the sign they are proposing will be 20 feet high. The Zoning Ordinance allows 15 feet. This is why they are here tonight asking for a conditional use permit.

Brad said this sign was placed higher for vehicle safety in this location. There are 6 criteria in this application Brad read through all of them:

1. Signs can be permitted by conditional use under Section 1602.00. Signs that do not fully comply with the Sign Ordinance provisions are allowed by a conditional use permit.
2. The development in its proposed location will comply with all requirements of this section, and with the specific conditions or standards established in the ordinance for the particular use because:
 - The proposed sign is a typical Dunkin Donuts Monument (or freestanding) Sign, which includes reference to the drive-thru. Commercial signs are allowed in the Industrial /Commercial District. Given the property's location at Route 13 and Route 130 intersection, distinct signage provides motorists with more advance notice of the restaurant's location.
 - The sign would be located adjacent to the entrance/exit of the restaurant, best identifying that location. The sign would be six (6) feet in height with the top of the sign being twenty (20) feet above ground level. If restricted to fifteen (15) feet above ground level, the bottom of the sign would only be nine (9) feet above ground level, providing less visibility for further-away motorists and less sight distance for vehicles existing the site's driveway.

3. The use will be compatible with the neighborhood and with adjoining or abutting uses in the area in which it is to be located because:
 - The Dunkin Donuts restaurant is an allowed use in the Industrial/Commercial District. Motorists would expect to see the customary Dunkin Donuts signage. The neighborhood is a commercial zone and thus the permitted uses and permitted signage are compatible.
4. The use will not have a substantial adverse impact on vehicular or pedestrian safety because:
 - The Monument (free standing) Sign would actually enhance vehicular and pedestrian safety by giving more advance notice of the Dunkin Donuts shop's location, especially with the sign being immediately adjacent to the entrance/exit to the shop. The higher sign allows it to be seen by motorists further away and gives better clearance for visibility than a lower sign would provide. In short, the sign will not hamper motorists' visibility.
5. The use will not have a substantial adverse impact on the appearance and visual quality of the surrounding neighborhood. In evaluating visual impact, the Planning Board may consider architectural and design elements because:
 - The proposed sign is customary and usual for a Dunkin Donuts restaurant, compatible with its use, and anticipated to be seen in a standard commercial location.
6. The use will be adequately serviced by necessary public utilities and by community facilities and services of a sufficient capacity to ensure the proper operation of the proposed use because:
 - Adequate utilities will be provided to the restaurant to allow the sign to operate properly.

Staff report also suggests the following conditions of approval:

- The final plans of the Non-Residential Site Plan shall be updated with information about the proposed Pylon Sign (sheet 10 of 16): side view, detailed dimensions, lettering, colors and materials.
- A note regarding this Conditional Use Permit for the Pylon Sign shall be added to the final plans of the Non-Residential Site Plan (Notes on Sheet 1 of 16).

Brad also introduced Joel Dillion to the Board. Joel is the General Manager for all the Southern New England Restaurants.

Alan made a motion to accept application 2016-SignCUP-A: E-22-2. Dunkin' Donut Monument Sign. Ron seconded. Voted YES 5-0.

Richard asked if this was a standard Dunkin Donuts Monument Sign. **Joel** said yes; the last four models (restaurants) have used this sign. **Alan** asked how long this sign will be lit. **Brad** said from until a half hour after close and before open. **Jill** asked what the hours will be. **Brad** said he

believes the hours will be about 5:00 am to 9 or 10 pm. That is the corporate standard. **Kevin Gorgoglione** asked about the sign in comparison to his own sign (Absolute Mechanical sign located at 2 Quimby Road). **Brad** explained where the two signs were in comparison to each other and that at an about 700 feet distance, they will line up for a brief second as you are driving on Route 13. **Keith** said this sign is higher than the Absolute Mechanical sign. It will this be seen from the residential neighborhood located behind this business. He also doesn't believe that the height is going to be detrimental to the business. **Brad** said with the added height they are just trying to make this a safer intersection. **Alan** asked what portion of the absolute sign is lit. **Kevin** said the entire sign is lit. **Jill** asked if anyone thought they should hear back from the DOT in regards to reducing the speed limit to 35 mph. **Ron** said they would hear anything back soon and the Board can't base its decision on the application on a future DOT decision. **Eric** said no time frame was mentioned. He believes the added two feet for safety reasons is not a bad idea. **Eric** said they will need a revised plan for the files with the denoted width measurement and a note regarding conditional use was permitted by the Planning Board.

Brendan made a motion to grant the conditional use permit with the fore read conditions.

Ron seconded. Voted YES 5-0.

Jill said she is not voting tonight but would like added to the record that she is not in favor of this per section E which states "The use will not have a substantial adverse impact on the appearance and visual quality of the surrounding neighborhood."

Public Hearing Bed and Breakfast

Eric read the public hearing notice. The Board decided to repost this hearing due to an incorrect date listed on the original public hearing notice.

Committee Updates

Economic Development Committee

Eric said at the last meeting they had discussed the next Bridal Show that is scheduled for October 2, 2016. The next newsletter will be out late May 2016, and they are still reaching out to local business. The newsletter will feature two new businesses in this edition; a new vineyard on Averill Road and the Alamo Restaurant soon to be open on Route 13.

Selectboard

Brendan said they are working on the sidewalk and trails project. **Ron** asked if they will be looking into the intersection of Cross Road and Route 130. There was a bad accident there and they should look into the safety issue concerning this intersection. **Brendan** said yes; they will be looking into the safety of that intersection.

Brendan said they are also looking into the future of Melendy Pond. Darrell Philpot suggested they discuss it with Nashua Regional Planning Commission.

Conservation Commission

Brendan said the good news is the Pipeline application has been suspended.

NRPC

Jill said the next meeting is in June. They will be holding a summit in Laconia on May 12th from 3pm to 8pm and she is allowed to invite 3 guests. If anyone is interested in going to please let her know. She will not be able to make the June meeting and will need someone from the Planning Board to go in her place. The meeting starts at 7:00pm. She will find out what the day is and get back to everyone with a reminder.

Wood Burning Furnaces

Eric said there was some discussion about Wood Burning Furnaces at Town Meeting. Valerie has pulled together some information on Rules and regulations from other Towns and has handed it out to the Board for review. **Ron** said they are heavily regulated. **Alan** said he had mentioned at Town Meeting that we do not have any regulations on these. The State has rules that they will have to defer to. **Jill** said you may be surprised that some insurance companies will nip the problem with Wood Burning Furnaces in the bud.

ADU

Eric said SB 146 has passed and he believes there maybe a conflict with our ordinance so Valerie said she would look into that also. We will have to wait until next meeting to see if there is anything that will need to be changed.

Richard made a motion to adjourn at 8:35 pm. Ron seconded. Voted YES 5-0.

Eric Bernstein, Co-Chair _____

Alan Rosenberg, Co-Chair, _____

Richard Randlett, Member _____

Brendan Denehy, Selectboard Representative, _____

Ron Pelletier, Member, _____

**The next Regular Planning Board meeting will be May 19, 2016.
Minutes submitted by Kristen Austin.**