



TOWN OF
BROOKLINE, NEW HAMPSHIRE
PLANNING BOARD

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PLANNING BOARD MEETING
Minutes
July 19th, 2018

Present: Eric Bernstein, Co-Chair
Chris Duncan, Member
Tom Humphreys, Selectboard Representative
Ron Pelletier, Member
Peter Keenan, Alternate
Jill Adams, Alternate (voting for Alan)
Valérie Rearick, Town Planner

Absent: Alan Rosenberg, Co-Chair

Minutes

Chris made a motion to approve the June 21st, 2018 minutes as corrected. Tom seconded. Voted YES 3-0.

Inquiry

Margaret & John Monachelli, discussion about zoning district for lot K-26 (Animal Hospital)

Margaret explained that the Animal Hospital has been running as a home business for 6 years, and has now over 3,000 clients and 1,000 patients, and 3 doctors. We are open 6 days a week. We continue to grow, in double digits over the past year. As a home business, we are constrained by the limitations. We feel more like a business, although we live on the premises. If we continue to grow, it would make sense to expand to the house. We would move out of the house. We would like to discuss the possibility to change the property from residential to commercial zone. **Margaret** said that Valerie has put together information showing the location of the property showing abutting lots that are commercial. **Ron** said that the property was originally commercial. **Eric** explained what the process would be to potentially change the zoning for the lot, going to town meeting in March.

There are commercial properties on one side of the property and residential on the other side.

Valerie said that prior to having a public hearing to present the proposed zoning change, the Board may want to have a meeting with the abutters to see if there would be any input.

Margaret said that this is not something she want to do immediately but is thinking about it. She would need to move out, find another location to leave as the zoning change would not allow her to live on the property.

Sometimes, animals stay overnight, and if it was changed to commercial, would someone be able to stay during the night, “live” there. **Eric** said that someone would be able to be there to sleep,

not to live. This potential future situation was compared to running a medical practice where people take shifts.

Changing the zoning for one lot could be “spot zoning” but for this property, it may not be the case. **Margaret** said that she did not want to do the change right now but wanted to discuss this first with the Board and see what would need to be done. She is still thinking about it. **Eric** said if she wants to pursue, the best would be to meet with the Board early summer next year to have the necessary time to discuss it, talk to abutters, and have public hearings in the fall prior to putting the article on the ballot for March 2020.

Conservation Commission. Reducing wetland buffer from 50’ to 25’

Drew Kellner said that the same confusion happened on the BCC agenda as it happened tonight. The BCC is not proposing changing the wetland buffer town wide but there is a resident that would need to go to the ZBA because of a structure encroaching on the wetland buffer. Reducing the wetland buffer fall under section 1103.11 and requires a Special Exception being granted by the ZBA if 3 conditions are met. However, Section 1106.00 guides Special Exceptions applications needs to be submitted, including findings of fact from the Conservation Commission. We had a similar case when Jerry Farwell remodeled his structure on Lake Potanipo. He had to go to the ZBA and BCC, back and forth, to be able to do the improvements. In the current case, BCC had to find that the property was not near a prime wetland.

Eric said that we have 2 different sections here: 1103.11 and 1106.00 that speak to Special Exception. This needs to be looked at, be clarified.

Tom asked who set the 50’ buffer. **Drew** said that it was the Planning Board, with input from the BCC, and it was done a long time ago.

Jill asked if it would be possible for the BCC and Planning Board to work together to review this section of the ordinance.

Drew said that the ZBA could also offer input. At the minimum, the applicant should go to the ZBA first, then to the BCC, not the opposite.

After further discussion about the procedure to apply for a Special Exception and/or Variance, it was agreed that conflicts between 1103 and 1106 should be looked into.

Chris said that the Board should add language to the Zoning Ordinance about conflict & severability specifying that if there is any conflict with other local, state, or federal regulations, the more stringent standard should apply; something similar to the language in one of the ordinances from Litchfield recently discussed.

The Board agreed that this section of the zoning ordinance needs to be revisited. **Jill** said that she would like to help as she is also on the ZBA.

After **Eric** asked, Valerie explained that the Planning Board would need to agree on the new wording, before scheduling a public hearing. **Eric** said that October 18th meeting would be the last one to discuss final amendments. We need to have a sub-committee to look at the ordinance, possibly get Web Scales input (as he offered in the past to work on it). If necessary, the Board could have an extra meeting, only to talk about this section of the ordinance. **Peter** also volunteered to be part of the group to look at the wetland ordinance.

Ron moved to create a Wetland District Sub-Committee, with Jill and Peter representing the Planning Board. Seconded by Chris. Voted yes 5-0.

Drew will email Webb to see if he would like to be on the Committee.

Drew also brought the review process when a new subdivision is being proposed. The BCC offers input on whether an open space versus a conventional subdivision could better fit the area. There is a current application in front of the Board and the BCC is wondering if the Board is considering the statewide Wildlife Action Plan put together by the NH Fish and Games. **Drew** presented a map that was prepared the NRPC showing the wildlife habitat in Brookline. When

the Board looks at a proposed plan, there may be some benefit to looking at this map, and in general, add this to the review process.

The Board discussed the process to decide going for an open space versus a conventional plan for a new subdivision. **Valerie** explained that there is no notification to abutters when the Board has a conceptual discussion with a developer. The conceptual meeting serves as giving guidance to the developer on what direction to take when filling a formal application. Also, the applicant/representative should meet with the BCC to get their input.

Eric said that when we have a “conceptual” item on the agenda, we may want to be more specific and precise that the discussion will be to determine what type of plan to go with, as it was the case, a conventional versus an open space subdivision.

Regarding the final decision on what type of plan is preferred, the BCC provide input, but the Planning Board has the final say. For better clarification, Valerie will check the wording in the subdivision regulations regarding conceptual discussions with the Board. Also, make sure that future agendas specify the type and purpose of conceptual discussion (i.e. choosing open space v/s conventional plan).

Valerie will also add wording about plans submission requirements prior to conceptual discussion to give other Town Committees/Departments enough time to review prior to the meeting with the Board.

Economic Development Committee

Valérie said that she has been working on the September 30th Bridal Show.

Melendy Pond Planning Committee

Chris presented the progress done by the Committee.

Adjourn

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

Eric Bernstein, Co-Chair _____

Ron Pelletier, Member _____

Chris Duncan, Member _____

Tom Humphreys, Selectboard Representative _____

Jill Adams, Alternate _____

**The next Regular Planning Board meeting will be August 16, 2018.
Minutes submitted by Valérie Rearick.**