



**TOWN OF
BROOKLINE, NEW HAMPSHIRE**

PLANNING BOARD

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PLANNING BOARD MEETING

Minutes

August 22nd, 2013

Present: Alan Rosenberg, Co-Chair,
Dana MacAllister, Co-Chair
Ron Pelletier, Member
Brendan Denehy, Selectboard's Representative
Valérie Rearick, Town Planner

Absent: Richard Randlett, Member, Judy Cook, Alternate, & Kevin Gorgoglione, Alternate

7:05 PM

Dana opened the meeting and read the Public Hearing Opening Statement

Minutes

Brendan moved to approve the June 20, 2013 minutes as written. Ron seconded. Voted YES 3/0.

Brendan moved to approve the July 18, 2013 minutes as written. Ron seconded. Voted YES 4/0.

Road Bonds

Present: Philip Chandler, Canney Hill Estates and Dennis LaBombard, Town Engineer

Canney Hill Estate - Wildwood Road – Philip Chandler

The Board reviewed the July 30, 2013 report from Dennis LaBombard related to Phase One (maintenance) and Phase Two (construction) of Wildwood Road and related securities. The bonds for both phases are to expire on October 9th, 2013.

Alan moved to make a recommendation to the Selectboard to renew the existing \$34,721 maintenance bond for Phase I of Wildwood Road until the summer of 2014. Seconded by Ron. Voted YES 4/0.

Alan moved to make a recommendation to the Selectboard to renew the \$34,650 construction bond for Phase II of Wildwood Road. The bond amount was reduced in March 2013 from \$43,500 to \$34,650. Seconded by Ron. Voted YES 4/0.

Hutchinson Hill Estate – Withee Drive – Gerry Tanguay

The Board reviewed the August 01, 2013 report from Dennis LaBombard regarding the construction bond for Withee Drive

Alan moved make a recommendation to the Selectboard to set a \$72,000 construction bond for the completion of Withee Drive. The amount includes leaching basins that still need to be constructed. Seconded by Ron. Voted YES 4/0.

Case Review

NRSP # 2013-A:H-35, Len & Lisa Simone, "Mad Hatter Bar & Grill " Lot H-35, 99 Route 13, Continued from May 16 & July 18, 2013

Len Simone was present.

Valerie went over her updated Staff Report and the additional documents received from the applicant. All State inspections were conducted and a "Permit to Operate a Place of Assembly" was issued by the Fire Department for a maximum of 60 persons (excluding employees). This number is based on the capacity of the new septic system that was recently installed, not on the square footage of the building. Water was tested and the results came back as acceptable.

Valerie said that a few days ago Len Simone provided an updated / hand drawn plan showing the location of the proposed access/exit of the property along Route 13. The Board discussed that fact that neither the Board nor the Town would be responsible for any modifications to the Route 13 right-of-way since it is a State road and that the property owner and/or the applicant would solely be responsible for any improvement.

Dana said that there could be a problem with the river that is right behind the building and the Board could request that the applicant submits a professionally drawn site plan. The current plan is not to scale, does not show the wetland buffer. Non residential site plan regulations have a section with the submission requirements. **Valérie** said that the Board has on several occasion waived some sections of the NRSP because there was no change to the outside of the building and no impact on the land. The Board asked Len Simone to file an application because the proposed business is not going to be a family restaurant as it was before but more like a bar with some food served. The use is different but no change to the structure is being done, at least for now.

Dana said that the parking spaces were not defined on the plan and questioned whether or not there would be enough spaces. **Alan** said that there have been plenty of parking spaces on the property and it should not be an issue.

Alan said that regarding the proposed improvement to the access to the property from Route 13, the Board should not be held responsible in any way. Any changes should be the entire responsibility of the property owner or the applicant and this should be part of the conditions to approve the case.

Brendan said that the Board could waive the entire section 6.1.01 of the NRSP (Submission Requirements) as well as the Appendix B (checklist) since not all listed requests apply to this application. The Board agreed.

Brendan moved to waive Section 6.1.01 and the appendix B of the non-residential site plan regulations because the footprint of the building is not changing and the applicant has provided all the documents and information requested by the Board. Seconded by Alan. Voted YES 4/0.

The Board discussed the proposed deck addition that is showing on the submitted plan. **Len Simone** said that he was not going to build it right now. He was reminded that any plan to build a deck or any addition will have to be discussed with the Conservation Commission first and reviewed by the Planning Board because of the wetlands in the back of the building. **Len Simone** said that the deck would not be built as shown of the plan but would go on the far left of the building instead. This would reduce any impact during the construction. The Board told Len that a professionally drawn site plan will be necessary in order to have a plan to scale showing wetlands, property lines, etc. on file.

Valérie went through the proposed conditions of approval for the application. The Board added, as previously discussed, that improvements and/or changes in the Route 13 Right Of Way shall be a the property owner/applicant responsibility.

Alan moved to approve the NRSP # 2013-A:H-35 with the following conditions:

- All fees for case review (Staff's report and meeting attendance) shall be paid within 3 weeks of the day of the site plan approval,
- Applicant provides an acceptable response to the NH Route 13 Access Management Study recommendations pertaining to this site and meet with the Board within 6 months after the opening of the facility.
- Improvements and/or changes in the Route 13 Right Of Way shall be at the property owner/applicant responsibility.
- The applicant shall meet with the Planning Board and the Conservation Commission prior to filling a building permit for the proposed future deck.
- Any intent to make any modification and/or change within the property including but not limited to addition, transformation, or outdoor activities as approved at the August 22, 2013 meeting shall first be submitted to the Board for review.
- A Certificate of Occupancy may be issued at the discretion of the Building Inspector with the above listed conditions.

Ron seconded the motion. Voted YES 4-0.

Business Meeting

Sign Ordinance

Members continued the review of the proposed amendments as previously discussed in the spring. The first main item was the "subdivision signs" (section 1602.07). **Alan** questioned why "naming" signs should be treated differently. **Dana** suggested not allowing any sign at all for subdivisions; this would solve the problem with signs deteriorating. **Alan** said that with the signs being removed before the issuance of the last C.O. but with the C.O., what does the developer get out of this? We could change this with "before the last lot is sold". **Valerie** said that when the Planning Board approves a subdivision, the requirement could be part of the conditions of approval and printed on the final plan as part of the "notes". **Dana** asked about having a bond in place; this might be a better way to go and it would cover the cost of removal if the town has to take care of it. **Alan** said that the Board had to deal with this in the past and took the example of Cider Mill Estate when a \$100 bond was issued, then the town had to cut a check to reimburse the realtor. We should look at the last lot sold regardless of who owns it, the developer or a future home owner.

Valerie said that the issue is how to monitor the sale of the lot; the assessing department would need to get the property transfer information, and then inform the building inspector. Kristen Austin does not receive information before at least 2 weeks after the property transfer happens. **Alan** said that there is a simple way to do handle this: if a sign does not go up, there is no need to take it down.

Ron questioned why the Board would tell a developer that he cannot put a sign up. We have been focusing and discussing the Laurelcrest sign many times but all other signs in town look great. **Ron** took the example of Canney Hill Estates (Wildwood Drive) which is beautiful. The Bear Hill subdivision sign on Old Milford Road is also well maintained. Instead, we should tell the developer that if the sign is not maintained, we will take it down. **Alan** said that we could have the Code Enforcement Officer taking care of that. As discussed before, it was mentioned that the sign at Laurelcrest was in the right of way. **Alan** talked about of the sign for the Caspian Rug Gallery that was put in the ROW and the NH DOT cut it down immediately. **Dana** said that having the stipulation about taking the sign down prior to the issuance of the last C.O. is at least one mechanism we would have in place. **Ron** agreed saying that we could have the sign removed if it is not taken down.

Alan said that proposed section 1602.09 (b), Maintenance, could be use for all signs. **Dana** said that we also could use this section and add it to the “general sign requirements” section 1603.00.

Going back to section 1602.07, **Dana** said that the Board might want to treat both types of sign separately. It could read: “*sign “naming” a new subdivision are allowed only with Planning Board approval and shall be kept in good condition*” and remove the last sentence: (and shall be removed prior to the issuance of the cast certificate of occupancy). **Dana** said that a permit should be issued for the “name” sign, not for the subdivision itself. **Dana** asked if the Board wanted any restriction on the subdivision signs. **Alan** said that restriction are already in place with the “prohibited signs” section such as no moving, blinking, flashing and rotating signs. **Dana** asked about dimension restrictions and mentioned the sign ordinance used in Milford where they have a chart with what is allowed by type of development and for each of their districts. **Alan** said that he personally likes the idea of having a chart because it is clear. **Ron** said that the size should depend on the location; for example home business sign should not be large ones. **Dana** said that corner lot properties should be allowed for larger signage and this would work for many businesses along Route 130 as well as the one on Route 13. For instance the home business at the corner of Bohanon Bridge Road and Rte 130 would benefit from larger signage. The animal hospital is another home business having frontage on Route 13 and South Main Street.

The need for people to go to the ZBA to get a variance from the sign ordinance lead to a discussion about the possibility of having the signs being part of the regulations, not the zoning ordinance. **Valerie** said that having regulations versus an ordinance could be easier since the Board could review sign applications on a case by case basis but she was not sure if this would be possible. For example, if a proposed sign exceeds the maximum dimension by 1 or 2 square feet, people have to go to the ZBA, regardless of the size of the property or building. **Alan** said that he liked the idea; it would be a great approach. We should look into it and the legal ramifications, the process, the need to have a ballot at town meeting, etc. **Ron** said that this would give more flexibility, depending on the location. **Dana** said that might eliminate any loophole. The Board discussed having all proposed signs that are part of applications for a non residential site plans or home businesses being reviewed by the Planning Board. The sign(s) would then become part of an application. They would then receive a permit from the Building Inspector. All other existing signs (replacement, etc.) and that are within the allowed dimensions would go directly to the Building Inspector. **Alan** said that with regulations, all sign applications would go to the Planning Board; with an ordinance, excess in signage square footage need to get a variance the ZBA. **Ron** said that going to the ZBA can be difficult because of the criteria they have to discuss.

Brendan went back to the issue of sign maintenance and suggested moving section 1602.09 (b) to the General Requirements (section 1603.00) and creating a new 1603.05 section. **Brendan** said that a new language could be as follow: “*Maintenance: All signs shall be kept in a good repair for reasons of public safety and aesthetic. It will be at the discretion of the Building Inspector to require repair or removal*”. **Alan** said that instead of moving the section (b), we could add that section to the general requirement using the same language.

The Board discussed the proposed (new) section 1602.09. **Alan** said that he liked the idea of Continuance, Maintenance, Alteration and Removal. **Dana** said that the 50% damage or deterioration can be subjective. Is it the paint fading? Who is going to make the determination? **Ron** said that it should be at the Code Enforcement Officer’s discretion but again, there are not many signs that would be affected. It is not in a developer’s best interests to have a deteriorating sign.

The Board discussed the “Monument Signs” section (new proposed requirements, section 1605.01). **Dana** suggested waiting until the Board has more information regarding the possibility of switching the “signs” from the zoning ordinance to the site plan regulations to continue the review of the proposed amendments. **Valerie** will look into it and will contact the NRPC.

Alan said that packets were sent to all Department Heads and he started to receive completed documents. He was in contact with the Eric Horton from the SAU and explained to him the purpose of the Brookline CIP and the reasons why information submitted by the schools was important during the budget season. **Alan** said that Eric would send his forms early September.

Economic Development Committee (EDC)

Valérie said that the Economic Development Committee would be at the Ball Field on Saturday August 24th from 11 am to 3:00 pm during Old Home Days.

Alan moved to adjourn the meeting at 9:10 pm. Ron Seconded. Vote YES 4-0.

Alan Rosenberg, Co-Chair _____

Dana MacAllister, Co-Chair _____

Ron Pelletier, Member _____

Brendan Denehy, Selectboard's Representative _____

**The next Regular Planning Board meeting will be held on September 19, 2013.
Minutes submitted by Valerie Rearick**