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**TOWN OF  
BROOKLINE, NEW HAMPSHIRE**

**PLANNING BOARD**

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**PLANNING BOARD MEETING**

**Minutes**

**October 17, 2019**

**Present: Alan Rosenberg, Co-chair (voting)  
Eric Bernstein, Co-Chair (voting)  
Chris Duncan, Member (voting)  
Ron Pelletier, Member (voting)  
Steve Russo, Selectboard Representative (voting)  
Valérie Rearick, Town Planner (Via Phone at 7:33 until meeting adjourned)**

**Absent: Peter Keenan, Alternate, and Jill Adams, Alternate**

**Minutes**

**Chris Made a motion to approve the September 19, 2019 minutes as amended. Eric seconded. Vote yes 4-0.**

**Road Bond Sawtelle**

**Dennis LaBombard** (Town engineer), LaBombard Engineering LLC, stated that he has gone out last Friday to check Sawtelle Road. The base pavement was placed last fall and several houses have been constructed or are under construction. The gravel access road and parking area are in place at the end of the road and the infiltration basins have been completed. The cistern appears to be complete and operational. He recommends that the bond be reduced to \$147,000. This will be a reduction of \$94,500.

**Eric made a motion to authorize Valérie Rearick to write and sign a letter recommending the Selectboard to reduce the road bond for Sawtelle Road to \$147,000. Chris seconded. Vote yes 5-0.**

**Countryside Drive Extension**

In attendance for this hearing **Dennis LaBombard** (Town engineer) LaBombard Engineering LLC, **Mark Fessenden** (landowner) and **George Razzaboni**, Razzaboni Home Builders (developer).

**Dennis** said one issue is the wetland crossing at the section towards Ben Farnsworth Road the culvert is included in phase 2 of this project and he is worried that the permit to install the culvert will expire before phase 2 is started. He asked that it be added to phase 1. The second issue is the easement labeled “potential” easement. It is not an easement and it should be a statement about a potential temporary turn around. The easement listed is a slope and drainage easement that includes

the road. He wants to make sure that the town attorney is aware of that. **Dennis** said he received a “Drainage Exhibit” and a 2-page summary; but not a full set of the storm water drainage calculations. This exhibit and report show an increase in volume of runoff for all 3 observation points. Randy has indicated that the State AOT makes some allowances for the rate of flow based on rounding off numbers. The Brookline Zoning Ordinance does not allow us to do that. Runoff volumes to the southwest increase by over 100 percent. You cannot approve a plan that violates zoning. **Mark Fessenden** asked what zoning ordinance section they were referencing to. He said in the letter from Dennis dated May 31, 2019 it stated section Zoning Ordinance Section 1106.g but that section was not in place at the time of plan approval in 2018. **Alan** reviewed the Zoning Ordinances and he found that the same wording was in place, but that section of the Zoning Ordinance was all renumbered. When the subdivision was approved it was listed as section 1105.03 which reads “ *There shall be no net increase in peak flow or overall volume of stormwater runoff in the Wetland Conservation District as a result of any development, in accordance with “Stormwater Management and Erosion and Sediment Control for Urban and Developing Areas in New Hampshire”, DES, RCCD, 1992, and Chapter ENV-Ws 415 of the “NH Code of Administrative Rules. Calculations shall be based on 2 and 10 year storm events.”* **Dennis** said they can’t approve a plan that violates town Zoning so they would need to go to the Zoning Board for a variance from this section. This was a condition of approval at the time. **Mark** said they were issued a waiver from Subdivision regulations 5.2.03. **Dennis** said that was to waive an easement. **Alan** said they cannot waive the Ordinance so it looks as though they will need a variance. **Dennis** said the State has approved this plan, but they do not take into consideration the Town Ordinances. **Alan** said they should have the town counsel review the easement for the turnaround. **Dennis** said he can add a note that states the culvert will be put in during phase one of the project. **Alan** said they should have Valérie review the state approval form.

The Board called Valérie Rearick for case reviews.

**NRSP#2019-E:H-104-2, Patriot Holdings, LLC, Self-Storage Units**

In Attendance for this meeting Nathan Chamberland from Fieldstone Land Consultants PLLC, Dennis LaBombard, LaBombard Engineering (Town Engineer), Danny and Gina Bent (Current owners of lot H-104-2), and Joseph Gulla.

**Alan** said fees have been paid and abutter notified.

**Chris made a motion to accept application NRSP # 2019-E:H-104-2, Patriot Holdings, LLC, Self-Storage Units. Ron seconded. Vote yes 5-0.**

**Nathan** said this parcel is located in the Commercial/Industrial Zone along Route 13. They are looking to add three different sized buildings for more diversity in the unit sizes. There is a wet field to the north and they have stayed out of the 50-foot wetlands buffer. There will not be any bathroom facilities this location will only have storage units. There is an existing wetland crossing at the entry way of the lot off Route 13; they will be making that a little bigger. He said they slope the buildings to deal with drainage now. He reviewed the drainage and runoff with the Board. He said Dennis had reviewed the plan and requested some changes they are reflected in this plan presented here tonight. There will be outside lights installed but there will be no light trespass at all at this location. **Nathan** said there is a waiver request for High Intensity Soils map. They will need a conditional use permit from Section 1306.00 because they are in the Aquifer Protection Zone. They have also submitted a storm water management plan. **Valérie** said Dennis should review this before the Board does anything. She also said the snow storage should be clearly indicated on the plan, taking under

consideration the location of the wetland area that should be protected; the amount of impervious surface should be clearly indicated either on the plan or added to the general notes, and the distance between the development and the fire pond at the corner of Lorden Lane needs to be added to the Locus plan. **Danny** said there is another fire pond located behind the Sunoco Station just to the north. **Nathan** said he would add both fire drafting sites on the plan. **Eric** read the Fire Department comments:

- 1. A Knox box shall be installed*
  - 2. There shall be no storage of hazardous materials or bulk fuels in any of the units,*
- Both aforementioned items are currently addressed in the general notes section of the site plan that was given to our office on September 16, 2019.*

**Chris** asked Nathan to point out the snow storage on the plan. **Nathan** said it is not marked on this plan, but it can be added. **Alan** read the Conservation Commission concerns:

- 1. Concern with location of snow storage on this lot.*
- 2. Request no salt use on this property in the winter*
- 3. Want to follow the same contingencies established for the other self-storage facility*

**Valérie** said she is not sure if this addresses all the concerns from the BCC. They have also requested no salt use on this lot. **Alan** said what they have requested follows the same contingencies established for the other self-storage facility. Can we check to see what those contingencies were? **Nathan** said he will add the note about no salt use on this property to the plan. **Joe Gulla** stated he and Jeremiah Boucher (Patriot Holdings, LLC) will be partnering on this project. The storage units at 63 Route 13 and this location will all be owned by the same person. **Chris** asked if the waiver request should be done tonight or should they wait until Dennis has a chance to review the updated plan. **Valérie** said you can wait until you are ready to approve the plan. **Chris made a motion to continue application NRSP # 2019-E:H-104-2, Patriot Holdings, LLC, Self-Storage Units. Eric seconded. Vote yes 5-0.**

#### **NRSP#2019-D: E-15, Camp Tevya, Yurt Village**

In attendance for this discussion Randy Haight, Meridian Land Services Inc., Dennis LaBombard (Town Engineer) LaBombard Engineering. Johnathan Cohen, Owner Camp Tevya, and Jerry Farwell, CL Farwell Construction.

**Alan** said fees have been paid and abutter have been notified.

**Chris made a motion to accept application NRSP #2019-D: E-15, Camp Tevya, Yurt Village. Ron seconded. Vote yes 5-0.**

**Randy** said this is a proposal for a Yurt village, a bath house and a new community building at Camp Tevya. The Yurts will be built on pillars. The proposed bath house will have its own septic. The Conservation Commission stated the wetlands setback was missing where the new bath house is located. That wetland area is under 3,000 square feet and doesn't require a setback. The Fire Department would like the new community building to be sprinkled. **Valérie** said the Building Inspector said there are no building codes for the Yurts at this time and he may ask for engineered plans for those buildings. The Emergency Management Department would like the buildings numbered in case of emergencies. **Johnathan Cohen** said he is working with two different companies regarding the Yurts and they have engineered plans that will explain how it will handle snow loads. **Alan** read the conditions of approval:

- All fees for case review, meeting time, and/or inspections shall be paid prior to the issuance of a Certificate of Occupancy.
- 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 shall provide the Planning Board with satisfactory review reports.

**Eric made a motion to approve application NRSP#2019-D: E-15, Camp Tevya, Yurt Village. Ron seconded. Vote yes 5-0.**

**Case#2019-8:J-7, Glendale Homes, 7-Lot Subdivision (including 1 non-buildable)**

In attendance for this discussion Randy Haight, Meridian Land Services Inc., Dennis LaBombard (Town Engineer) LaBombard Engineering, Gerald Tanguay (Glendale Homes), Mike Wenrich, Brookline DPW, and JP Royea Lieutenant / Fire Inspector Brookline Fire Department.

**Alan** said this applicant is proposing a subdivision of lot J-7 in 6 residential lots and 1 non-buildable lot. Fees have been paid and abutters notified.

**Eric made a motion to accept case #2019-8:J-7, Glendale Homes, 7-Lot Subdivision (including 1 non-buildable). Steve seconded. Vote yes 5-0.**

**Randy** said this a 17.8-acre site located on West Hill Road and Averill Road. They are proposing to subdivide this into 7 lots, one non-buildable lot and 6 buildable lots. The one non-buildable lot encompasses Wallace Brook and that lot will be deeded to the town. All the single family lots have 200 feet of road frontage. Fire drafting site is located across the street the furthest house is 1,235 sf away. **Randy** said per Valerie's requested this and the 25% slopes have been listed on the plans. He has also added the flood plain note which is depicted on the map. The Fire Department requested the dry hydrant be changed to a drafting basin. **Valérie** said the Conservation Commission Concerns were:

1. *Would like to know what the plan is for drainage, run off and future landscaping due to the multiple slope and high impact wetland areas. Either a person to present this or a letter explaining how it would be handled.*
2. *An oversized culvert be installed and dug down to give it a natural bottom.*
3. *Request a third party review the wetlands for this subdivision plan."*

**Valérie** said she is not sure exactly what they mean by the third request. Lot J-7 will be deeded to the town and it abuts town property. **Randy** said they are not adding a culvert in this area. The culvert listed on the plan is an existing culvert. **Valérie** said after receiving the recommendation from the DPW, she has typed up the offsite improvement agreement for \$1,550.00 a lot for lot J-7-1 thru J-7-6 which can be signed tonight by all parties if this plan is approved. **Randy** said he added note nine which speaks to the offsite improvement agreement. **Eric** asked read note 7 that states the contractor will update the dry hydrant. **Chris** asked if there was a time frame to do this. **JP** said they are looking to update them all and he would like to see this one done before the first CO is issued. **Randy** said he would update note 7 with the time frame requested. **Mike** said he had Mike Frazier review the plan with him and this was a huge help when it came to come up with the offsite improvement amount. He will be using his services in the future. We need to fix the Averill Road issue and they should at least put a topcoat of pavement on West Hill Road. He is on the Selectboard agenda to explain the issue with Averill Road and he would be in at a later date to discuss how to correct it with the Board. Adding more houses in this area will only make this worse; it will need to be addressed, whether they make it a one-way road or come up with a better solution. **Dennis** said he had gone out with Mike to review drainage. Six new lots will create new runoff, not sure if that will create another issue. There are no proposed catch basins to catch any added runoff. **Gary Jacobson**

(Abutter at 85 Averill Road) said he owns 40 acres in this location, and he didn't hear anything about them making it a one-way road. He also doesn't want to see this area paved. If you want to widen this road you would need to move the stone walls and those walls are boundary markers. He thinks the town should declare it a class 6 road. This is the first he had heard of this being made into a one-way road and that would be disastrous. **Alan** said there is an issue with this area, and they will need to formally discuss how to correct this. **Maggie Dolfini** (abutter at 10 Beaver Pond Drive) said that she is very concerned about the wells and she doesn't know if this will be addressed appropriately. During dry times she has a neighbor across the street whose well has run dry temporarily and she wants to make sure the town will be looking out for their best interest, so it doesn't happen to them. **Stephen Dolfini** (abutter 10 Beaver Pond Drive) said he is concerned with the vernal pool in this area and with all the new wells going in he was wondering if that will affect his well. How close will these houses be to his. **Randy** said at this stage they create the lots, then the septic design comes next and that drives where the house will go. They do not know where the houses will be placed yet. **Dennis Comeau** (Resident at 76 Russell Hill Road) said they have had 4 well failures on Russell Hill Road in the last two months. **Tim Hill** (abutter at 74 Russell Hill Road) asked if there were any plans to add a stop sign in this area or speed limit signs. He wants the town to be aware of the safety concerns in this area. Someone is going to end up getting hurt. **Sarah Dunton** (abutter Averill Road) asked if there is going to be that much construction in this area, if there is any way they can get the constructions vehicles to come up the paved roads and not the dirt roads. **Dennis Comeau** said he is not an abutter but his well went dry. My well static depth dropped 250 feet in ten months after construction. Several other neighbors have had the same issue. The remediation was to have a bigger pump put in and to go over 200 feet deeper. This is happening to other homes on the street; we have had four well failures in this area. He would like the town and the board to be aware of the issue and would like to know what they are going to do about it. **Tad Putney** (Town Administrator) said that there were two well failures this week alone. **Dennis Comeau** (Resident at 76 Russell Hill Road) would like to know if the board has any thoughts about doing a hydro study in this area if they are going to continue to allow new home to be built. **Stephen Dolfini** said if all the wells dry up in this area then they would have to go to a municipal well and that would be a situation. **Lyndsay Machado (resident at 72 Russell Hill Road)** said that she lost her well in August the day after the August meeting in which the 4-lot subdivision was approved across the street. She has done a lot of research since then. Construction was completed on their house in July 2018. They lost there well on August 16, 2019. Their neighbor at 76 Russell Hill Road lost their well on 9/10/2019. Our well dropped 300 feet within a year. They were the first to lose there water then 2 weeks later Dennis lost his well. The neighbors had gotten together to discuss what they were going to do and agreed they would attend the August Planning Board meeting where they had the 4-lot subdivision on the agenda, they were all against that subdivision for other reasons. When all the well issues had come up, they drafted an email to Tad Putney. Through her research through Department of Environmental Services and of wells and aquifers there is no requirement to test aquifers regulated through the state at all to make sure where you are building that there will be enough water to supply all the new homes. Twelve houses were built on a road that already had water issues. Majestic Gates Farm has had three wells dug and they are all currently dry and unusable. They are having water trucked in for the horses. On a shared aquifer the more wells you dig, the more development you have, the larger the strain you put on the aquifer. For example, in the town of Hampstead NH, there were residents on Main Street whom had wells and the Hampstead Area Water Company installed a well at the end of Main Street and started operation when that happened the residents up the street lost their wells. Some residents had paid money to fix their wells

and install new ones. The residents kept losing those wells. Some research was done and they found that the new well at the end of Main Street had been the reason all their wells went dry. We are facing a four-lot subdivision going across the street from the 12-lot subdivision that is now having well issues. This 4-lot subdivision is being cleared they have not started construction, but there is a concern about the well issues they are having now. There is a very real threat that with this new subdivision they would lose more wells. There is no real information to provide that this aquifer can sustain the new 4 lots never mind the 6-lot proposal on the agenda tonight. They were late and unable to appeal the 4-lot subdivision but with this new proposed subdivision, they are still in the same general vicinity and there is a real concern that the aquifer will not be able to handle these new homes and more wells will go dry. Our neighbor at 70 Russell Hill Road received a quote to fix their well for \$10,000 and they have only been there a year. The couple at 92 Russell Hill Road is being quoted \$400 just to have the company come out to look at it and that doesn't include what the cost to fix the issue would be. She believes there is enough evidence to prove that the rapid development going on is affecting the aquifer and with no real information on whether the aquifer can sustain these new homes. She spoke to a contractor that said water issues in this town are not uncommon. The guy that dug our well originally had told us that when the well on the Russell Hill Subdivision were put in, he lost his water and lives on Lost Valley Road. This is a potential problem for West Hill Road, Lost Valley and this end of Averill Road. Every time you crack into that bedrock you have no idea where or what will happen to that water unless you do a hydrogeological study. On Tuesday night, someone posted on Facebook that Russell Hill Road residents were having water trouble. Nothing has been done about it the issue. If the town is being told on public record that there is a water issue in a rapidly developed area like the Russell Hill Road area, we are all within a five mile radius and nothing is being done about it, it would be negligence to ignore this issue by the town. 33% of the original 12 lot subdivision is having water issues.

She has also involved Tad Putney in the bussing issue. Currently there are two bus stops: one by Quentin Drive and one at the intersection of Averill Road and Cleveland Hill Road. No bus will travel down Russell Hill Road from Quentin Road to Averill Road. However, there are roads like Lost Valley Road. Almost every house has kids, and they are all driving up to the Quentin Drive bus stop. The bus stops are crowded now because they all need to drive there kids so far to the bus stop. She had called the bus company and they came out to review the road. They confirmed that the road is too narrow, and they would not be able to have the bus go down this street. They are not safe enough to travel down with the bus. The roads are structurally unsafe. She told the bus company about the 4-lot subdivision that was approved and about the proposed 6 lot subdivision to be added to this area and he told me to contact the superintendent of the schools and explain to him what is going on. As it stands right now the buses are already at max capacity. The superintendent told her he would go to Russell Hill Road and review the area to see if they can add another bus stop. He confirmed that the roads are not safe and are too narrow for the bus to go down. Everyday when she comes home from work, she almost hits the cars that are waiting for the kids to come off the bus. This is a safety issue. Even if you slow down to a snail's pace. Someone is going to get hurt in this area. This issue also cannot be ignored. She can't stress enough how much they need to conserve natural resources. Testing needs to be done further before anymore construction is done. **Katrina Loff** (resident at 90 Russell Hill Road) said she is one of the lots right across the street from the new 4-lot subdivision and her neighbors water pressure has decreased a lot and the well water is brown since they started clearing the land across the street and they haven't even started digging yet. From a resident's perspective, it is a terrible feeling to wake up and wonder if they will have water today. She also applauds Mike for bring up the issue with Averill Road. All these new houses are going to make the

situation worse. **Erica Hill** (74 Russel Hill Road) said she hasn't had a water issue yet, but she also wakes up and wonders when her house will be affected by it. She supports everything that Lyndsay has stated. She doesn't expect people to stop building but just asks that they are doing it responsibly. You can't expect people to live in houses with no water. She has the same concerns as the other residents. She hopes that the town will be responsible when considering another development like this. **Lyndsay** said she spoke with Tad and in order to offer a compromise if these lots want to be approved, she believes some sort of hydrogeological study should be done to ensure they will all have water and road improvement should be done to create a solution to the bus issue. She has no issue with people trying to develop. Her issue is the development and no study's done to ensure the safety of everyone that lives in the area. **Dennis Comeau** (Resident at 76 Russell Hill Road) said he would be happy with a hydrogeological study; he would feel better about the situation and if there is water that's great news. However, if there is an issue, in good faith for the future residents, it is reasonable to think there will continue to be problems with the well issues they are having right now. He has no issue with new house and residents. We just need to add more people and houses responsibly. We have a busing problem because we have a road problem. The busing issue would take care of itself if the road was improved. **Lyndsay** said there is also a department at DES that helps towns come up with committees that have water issues. She also suggests that they should add some ordinance about properly test the aquifer or water issue. **Randy** said they have never done a hydrogeological study and there are no states laws requiring the developer to have one done. **Lyndsay** said although there may be no state laws requiring you to do this, the State allows towns to come up with their own laws as they see fit when problems arise and now that the town is aware that there is an issue, and this is a costly and expensive one, she suggests they come up with an ordinance. **Alan** said this seems to be an issue that they will need to look into adding an ordinance in the future, but this subdivision is in front of us now and there are no ordinances in place at this time. In his opinion, there is enough evidence to suggest that there is an issue in this area and maybe a study is not an unreasonable request. **Eric** said he would agree but there has been a lot of talk about legal responsibility and negligence and he would like to know if there has been any discussion with town counsel about the issues and whether or not the board can require such a study be completed or what would happen if they were to approve this subdivision. **Tad Putney** (Town Administrator) said no, at this point he was concerned to hear what the issues were with the wells. He wanted to see what was presented tonight and see how the board wanted to proceed with this. This problem may not go away. After some research there is one or two towns that are offering lessons on this, Hampstead NH was a unique situation. **Tad** said they may have to look outside of Brookline to see. **Steve** said there are two issues the narrowness of Averill Road and the well water issue. This is more than just Russell Hill Road; it's also the road around it and this added development will not help the situation. **Valerie** said this needs to be addressed it may be easier to make it a town ordinance. Maybe the Selectboard, Planning Board and the Conservation Commission could look into this together. **Tad** said he is aware of at least one town that requires a certain amount of water in the well before a building permit is issued. **Tad** said one challenge is that we don't have an ordinance on the books now but asked what tools could be available to help this along. **Alan** said while there is no ordinance in place that address this, he believes that Section 4.2 character of land would be helpful it states:

*Section 4.2.02. Land of such character that it cannot be safely used for building purposes because of exceptional danger to the health or peril from fire, flood, or other menace shall not be platted for residential occupancy, nor for any other uses as may increase danger to health, life, or property or*

*aggravate the flood hazard until appropriate measures have been taken by the owner or his agent to lessen such hazards.*

*Section 4.2.03. Lots created shall provide adequate capacity for sanitary sewage disposal.*

*Section 4.2.04. Sites shall conform to all regulations of the Board, the Zoning Ordinances, Water Supply and Pollution Control Regulations, and other applicable by-laws, ordinances and regulations at Federal, State and Local levels.*

**Alan** in his opinion the board could be justified in asking for the water study. **Randy** said the Water Supply and Pollution Control was another name for DES that just didn't get changed in the Subdivision Regulations. **Steve** said no access to water could be a health issue and a fire issue. **Eric** agrees with that in spirit, but he would also like to consult with town counsel also. Just to make sure whatever they agree to is legal. **Chris** said a lot of good points have been brought up at this meeting and a lot of things need to be investigated and he agrees with Eric they should seek legal counsel assistance. **Alan** asked Valerie to contact town counsel. **Valerie** said yes, she will contact town counsel, she will try to come up with some solutions to what they are facing from tonight's meeting. **Alan** said they will need potential next steps for this application for November's meeting. **Chris made a motion to continue Case#2019-8:J-7, Glendale Homes, 7-Lot Subdivision (including 1 non-buildable) to the November 21, 2019 Planning Board meeting. Steve seconded. Vote yes 5-0.**

**Case#2019-9:F-11-4, Claire Wendelgest, 3-Lot Subdivision**

In attendance for this discussion Randy Haight, Meridian Land Services Inc., Dennis LaBombard (Town Engineer) LaBombard Engineering, Mike Wenrich, Brookline DPW, and JP Royea Lieutenant / Fire Inspector Brookline Fire Department.

**Alan** said fees have been paid and abutter notified.

**Chris made a motion to accept Case#2019-9:F-11-4, Claire Wendelgest, 3-Lot Subdivision. Eric seconded. Vote yes 5-0.**

**Randy** said this is an existing 12-acre lot with an existing house. There is a storm culvert on this location that was built in the late 1800. They are proposing two back lots that will be 5 acres each. These are back lots and only required 30 feet of frontage. The drafting site is a seasonal site. The Fire Department has requested that the two homes be sprinkled unless they upgrade the Rideout Road fire suppression easement to a 10,000-gallon cistern. **Valérie** said in the Fire Department comments, they mentioned that the cistern could be cheaper than sprinkling the two houses and a 10,000-gallon cistern could service 42 other homes in the area. **Alan** read fire department letter from the Staff report "(September 23, 2019 Staff had a short conversation regarding the fire hole located at the corner of abutting lot F-20. It may not provide proper fire protection. Pending written report from the Fire Department).

Letter dated September 25, 2019:

"(...). *The following are our requirements:*

1. *The fire protection site that will serve this location is a seasonal one and does not meet the requirements of NFPA 1142 and any homes built on the proposed lots would have to have sprinkler systems, OR*

2. *As a collaborative effort with the Public Work Department, and in conjunction with the off-site improvements section of the Zoning/Land Use Ordinance, Section 2105.01, placing a 10,000-gallon cistern on the current easement located at 4 Rideout Lane, is recommended as part of a conditional requirement of this plan.*

*We have looked extensively into several alternatives to provide fire protection for the lots that are proposed and given that the cost of a 10,000-gallon cistern is the same combined cost of adding a sprinkler system to both proposed buildable lots, we feel that having a cistern is the best alternative because it not only provides protection the two proposed lots, it also provides protection to the whole neighborhood. I should also be noted that the site work would be done by the Brookline Public Works Department with help from members of the Fire Department to help keep the overall cost of the project down. This would save the applicant several thousand dollars.*

*We have included a project analysis sheet to hopefully clarify why we are recommending the cistern option rather than a sprinkler system, being necessary for the possible buildable lots.*

*Should you have any questions, or concerns, feel free to contact me at the firehouse. A representative from the Fire Department will be at the meeting to address questions as they come up.*

*Charles E. Corey, Fire Chief””*

**Randy** said one of the Conservation Commission’s concerns was the culvert they thought was being installed. The culvert on the plan exists and they are not planning on adding one. **Randy** said Valérie had also mentioned two quarries that are on the property. They are not on the plan, but he can look into that.

**Randy** said Dennis had also asked for site distance for the driveways. **Valérie** said she suggests a site walk of this property. The main concern here is the Village Brook and it is tough to see on the plan. All of Dennis’s items need to be addressed. There are also two abutters of this property from Halfyard Drive that walk the trails on this property, and they are very concerned with preserving this area. They understand that it is private property and not town owned land. The owner has made a statement after hearing about the neighbor’s concerns. **Alan** read the letter from the owner:

*“I, Claire E. Wendelgest who resides at 66 Old Milford Road, Brookline, NH, do not now or in the near future intend to sell my sub-divided lots, abutting Half Yard Properties. When the time comes and I do intend to sell, I would give consideration to the families that are abutting my property. No real estate, nor developers have contacted me about this land, nor have I contacted any company.”*

**Valérie** said there are a couple of quarries on this lot, but she doesn’t believe this plan will affect them. The wetlands crossing seems to be minimal.

**JP** said this is a unique situation. The water hole on the plan is not a viable water hole. We recognize this as a seasonal water hole. You could sprinkle the two new homes, but you have the opportunity to update a fire hole that would service 42 houses including these two new lots for the same cost as sprinkling the two homes. We have the ability to do most of the work to upgrade this fire hole.

**George Razzaboni** asked how big the cistern will be. **JP** said it would be about 10,000 gallons.

**Mike** said they will need to see what size cistern they can fit in that easement area. **Valérie** said whatever they propose, they should run it by Town Counsel. She suggested the Fire Department and DPW come up with an official proposal and submit it to town counsel for review. **Darcie Gonsalves** (abutter at 72 Old Milford Road) said she can hear that river all year round she is not sure where they are going to put the driveways but is worried that her front yard will be a swimming pool once they do put them in. **Michelle Jimeno** (abutter at 10 Halfyard Drive) said there are old snowmobile trails that people use. They park at the end of Halfyard Drive to use the trails. She had put out doggie bags and a trash receptacle and it is used by the people who use this trail. They also have a game camera

in this area and have caught all kinds of wildlife on camera in this area. Our well is right up against the well radios for one of the new lots and that is a concern to her. She said this new plan shows the vernal pool that is located on the property. She is also concerned because the East branch of the Village Brook are the headwaters to the Nissitissit River. She has been doing a lot of research and was unaware of how important the headwaters are. She said Piscataquog Land Conservancy just purchased 200 acres in Mason to protect this river. In 2017 Brookline also purchased 75 acres to protect this river and put it under the Wild and Scenic designation. She has also asked the Conservation Commission if they would consider purchasing this land to preserve the trails.

**Michelle Cole** (Abutter at 13 Halfyard Drive) said she was concerned with preserving this area also and the stream. The letter from the owner has no bearing on this, she could turn around and do anything. The way these new lot lines are drawn up, as an abutter, she couldn't purchase one of these lots and attach it to her lot. She doesn't understand the u-shaped lot that is being proposed. **Darcie** said having another driveway right next to hers would be tough. The Board agreed to hold a site walk on Saturday October 26, 2019 at 8:00am meeting at 66 Old Milford Road.

**Chris made a motion to continue case #2019-9:F-11-4, Claire Wendelgest, 3-Lot Subdivision to the November 21, 2019 Planning board meeting. Seconded by Eric. Vote yes 5-0.**

#### **NRSP#2019-F:F-2-1, Jo-Jo Jade Clark, Tattoo Parlor, Stoney Ledge**

In attendance for this hearing Jo-Jo Clark, applicant.

**Alan** said this is an application proposing to establish a Tattoo Parlor at 181 Route 13 (Stoney Ledge). All abutters have been notified and fees have been paid.

**Eric made a motion to accept application NRSP#2019-F:F-2-1, Jo-Jo Jade Clark, Tattoo Parlor, Stoney Ledge. Chris seconded. Vote yes 5-0.**

**Alan** said it looks like the hours would be open 7 days a week 8 am to 9 pm and this will be by appointment only. **Jo-Jo** said that is correct. She is planning to be a one-person operation. She is already licensed by the State of New Hampshire. **Valérie** said she is all set and will only need to install a sink. The property owner Autumn Gue has send in a letter stating she can apply for this non-residential site plan. She will not need a building permit for signs for this application, she can use what is there. **Alan** read Tom Moran's (abutter to the Property) letter "*As the Trustee of the Ruth M. Moran Family Trust I have no objection to occupancy of a unit of the Plaza for a Tattoo business. As the former owner of the Plaza, the Trust rented a unit to Laurie Wake for something like 10 years. She was a sole practitioner and maintained a substantial clientele over those years until retiring for health reasons. She was a perfect tenant, talented, always on time with the rent and the kind of person any landlord or town would welcome as one of our businesses.*"

**Chris made a motion to approve application NRSP#2019-F:F-2-1, Jo-Jo Jade Clark, Tattoo Parlor, Stoney Ledge with the following conditions:**

- **Fees for Staff application review and meeting(s) attendance shall be paid within a month of approval.**
- **Any changes to the business shall be reviewed and approved by the Planning Board.**

**Chris seconded. Vote yes 5-0.**

#### **Countryside Drive Extension**

**Randy Haight** (Meridian Land Services) said he missed the discussion at the beginning of the meeting regarding the Countryside Drive Extension and he would just like to say that drainage calculations are not an exact science. We have State approval for this subdivision approval. Dennis had quoted a 2019 Zoning Ordinance section about no increase in drainage and this plan was

approved years earlier so this is not applicable to us. **Eric** said they had discussed this earlier and found the section had been renumbered but the wording was in the ordinance it was just under another number during the time of this subdivision approval. **Randy** said they have an AOT permit they had done 7 iterations of the drainage calculations he believes they have met the spirit and intent of the laws so they shouldn't have to apply to the ZBA for a variance. They are meeting the intent of the law. **Alan** said his inclination is to defer to the Town Engineer on this plan and he is stating you need to go to the ZBA for a variance for the drainage calculations. **Eric** said this is going to make him less likely to accept a plan with conditions in the future. **Randy** said he respectfully disagrees and believes it is ludicrous that they need to go to the ZBA for a variance. He also suggests this section of the Ordinance be changed in the future.

**Public Hearing for Zoning Amendments**

**Alan** announced that the first public hearing for Zoning Amendments will be held on November 21, 2019.

**Sub Committee Updates**

**Capital Improvements**

**Alan** said the packets went out this morning for this years CIP.

**Driveway Committee**

**Ron** said they have not met.

**Economic Development Committee**

There was no update from EDC.

**Eric made a motion to adjourn at 11:00 pm. Chris seconded. Vote yes 5-0.**

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

**Eric Bernstein, Co-Chair,** \_\_\_\_\_

**Chris Duncan, Member,** \_\_\_\_\_

**Ron Pelletier, Member** \_\_\_\_\_

**Steve Russo, Selectboard Representative,** \_\_\_\_\_

**The next Regular Planning Board meeting will be November 21, 2019.  
Minutes submitted by Kristen Austin.**