



TOWN OF  
**BROOKLINE, NEW HAMPSHIRE**  
PLANNING BOARD

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**PLANNING BOARD MEETING**  
**Minutes**  
**December 19, 2019**

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

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

The Board reviewed the mail folder.

**Approve Minutes**

Chris moved, seconded by Steve, to approve the minutes from the Thursday, November 21, 2019 meeting as amended; Voted yes 5-0.

**Sign Off-Site Improvements Agreement: Glendale Homes, J-7 Subdivision**

Eric moved, seconded by Chris, for Alan to sign the Off-Site Improvements Agreement with Glendale Homes “To pay \$1,550 per lot in lieu of off-site improvements” prior to the issuance of a building permit, for Lots J-7-1 through J-7-6 located off West Hill Road; Voted Yes 5-0.

**Cont. from November**

**Case#2019-9:F-11-4 (66 Old Milford Road) Claire Wendelgest 3 Lot Subdivision**

In attendance for this discussion was Randy Haight, Meridian Land Services Inc.

**Randy** said Meridian received a review from **Dennis LaBombard**, the Town Engineer, on Monday, and we were able to get the plans altered by Tuesday and submitted to **Val** via email on Wednesday with hard copies to **Dennis**, so we have everything in place. **Randy** said **Val** emailed a copy of a potential off-site improvement agreement with a letter from the Fire Chief a week and a half before. **Randy** said he offered changes to the agreement, based on the off-site improvement regulations, to make it similar to how it was offered before. **Randy** said he has received no response back. He said he altered the sight distance and grading on the plan as suggested by **Dennis**. **Randy** submitted a waiver request on behalf of the Wendelgests. **Alan**

said this is a request for granting a waiver from Section 5.1.11 of the subdivision regulations, which provides that all street intersections shall have all season safe sight distance of 400 feet in both directions and to allow the stopping sight distance of 300 feet looking southerly from the intersection of the common driveway with Old Milford Road. **Alan** said, per letter from the Town Engineer, ***“The speed limit for Old Milford Road is 30 mph, the Board may want to consider a waiver for reducing the 400 foot sight distance down to 300 feet, which is the AASHTO recommended stopping site distance for a speed of 40 mph. Reducing the required sight distance would reduce some of the required site disturbance along Old Milford Road. Pursuant to Section 6.1.01 of the subdivision regulations, this request for a modification of the regulation regarding all season safe sight distance is allowed when , in the opinion of the Board, specific circumstances surrounding the subdivision, or condition of the land in the subdivision, indicate that such modifications will properly carry out the purposes and intent of the Master Plan and of the subdivision regulations.”***

**Val** said the request is reasonable. **Eric** moved, seconded by **Chris**, for the Board to grant the waiver to reduce the site distance from 400 feet to 300 feet, to avoid unnecessary hardship for the applicant by minimizing the disturbance of the existing house and additional cost incurred to making those changes. **Voted Yes 5-0.**

**Val** said the **Building Inspector** reviewed the revised plans and questioned the bridge part of **Dennis’s** December 14<sup>th</sup> review. She said in the staff report, page 3, item 7 “items to be addressed” have not been addressed yet based on what the Building Inspector said. **Val** said they want the Board to approve, with conditions, but we don’t have plans for the bridge. **Val** said in **Dennis’s** report there was no objection to approval after everything has been done. **Alan** said that the note on the plan says the bridge deck design shall be submitted to the Town prior to construction. **Eric** said who at the Town would the design be submitted to, the Building Inspector or Town Engineer. **Val** and **Tad** both said the Town Engineer. **Val** said she would feel more comfortable with the conditions on the first page of the plan before any application for a building or driveway permit. **Randy** said that should specify the “two new lots” and be part of the condition of approval. **Randy** spoke to notes 10 and 13. He said there are two choices, one is the Fire Department’s proposal of a cistern for fire protection with a cost of \$21,000, the other is the off-site improvement fee which needs to be set by the DPW Director. **Eric** said the point is, there is a proposal of \$21,000 for a cistern, additional off-site improvements do not belong on here, he does not want to approve this without the off-site improvement agreement being clarified. **Val** said add conditions of approval by the Planning Board before the plan is recorded and printed, the final wording can be agreed upon between the Fire Department, Planning Board and the DPW. **Alan** said, in the past, there have been subdivisions with fire protection work done in lieu of off-site improvement fees, the Planning Board has to assume that construction will be done on those two lots, whoever chooses first, paves the way for sprinklers, if not, they will pay \$21,000 to the town for the cistern. **Val** said we need to have something finalized for Sharon to keep track of in the off-site improvements record. **Ron** said if the lots don’t sell for five years the price of construction will go up and then you are locked into this price. **Val** read the proposed off-site improvement agreement from Mike and said the language is clear, “whichever comes first, subdivision or transfer of lot”. She said this includes the existing house, maybe we could add to the wording. **Alan** said a fee in lieu of off-site improvements was presented to the applicant and they came back with a counter proposal, what we don’t have here is an agreement. **Eric** said that is the point and the reason for his reluctance to approve this as written. **Brian Wendelgest** said his mother told him that **Randy** told her she does not have to

worry about the \$21,000. He said the buyer will deal with the off-site improvements. **Brian** said the fire safety improvement expense should have been shared by everyone on the road through previous “betterment” agreements over the years. He added, his mother is not a builder or a developer, she is just a homeowner trying to sell her house and split two lots off the acreage. **Chris** said, is this really the Board’s decision or is it up to the landowner to choose from the options set forth by the Fire Department. **Alan** said this is not a typical subdivision, it is an existing house being divided into three lots. **Ron** said we should go back to option A and require sprinklers. **Mark Fessenden** said he just went through this process resulting in an off-site improvement fee of \$1,550 per lot. **Eric** said, just to be clear, the off-site improvement fees recently agreed upon for other subdivisions were specific to those individual cases and are not being used as the “offsite improvement fee” amount going forward. **Ron** said so let’s approve conditionally. **Chris moved, seconded by Eric, to approve Case#2019-9: F-11-4 with the following conditions:**

- **Strike Note 10 and reword stating that lots F-11-14 and F-11-15 shall be sprinklered.**
- **Strike Note 13 and reword stating the off-site improvement fee will be determined by the DPW Director and entered on the plan before recording.**
- **The off-site improvement agreement shall be recorded, prior to the recording of the final plan.**
- **Add additional note requiring the review and approval of the bridge deck design by the town engineer prior to the issuance of any driveway permit or building permit for lots F-11-14 and F-11-15.**
- **All fees associated with case review and meeting attendance (including via conference call) will be paid prior to the recording of the final plan.**
- **A letter from the surveyor must be received stating that all bounds are in place prior to the issuance of a certificate of occupancy.**
- **Applicant shall provide 8 paper copies of the final plan and 1 permanent, reproducible mylar.**
- **Conditions of approval shall be noted on the final plan.**

**The Board Voted Yes 5-0.** **Val** said she will inform the **DPW Director** of the decision and copy the Fire Department first thing tomorrow morning.

**Case#2019-10:A-6: (North Mason Rd). Jane Provins, 4-Lot Subdivision**

In attendance for this discussion was Michael Ploof, Fieldstone Land Consultants.

**Mike** said we had five waivers approved by the Board last month and two outstanding items presently. One is the wetlands crossing reviewed by the town engineer, and the other is the wetlands crossing permit from NHDES which is still pending. The Board reviewed the letter from **Dennis LaBombard** with the revisions made to the wetlands crossing. **Val** said everything is all set with this application. The Board discussed the conditions of approval.

**Chris moved, seconded by Ron, to approve Case #2019-10:A-6 with the following conditions:**

- **All fees associated with the case reviews and meeting attendance (including via conference call) shall be paid prior to the recording of the plan.**
- **A letter from Emergency Management shall be submitted confirming the street address for residential lot A-6-4 prior to the issuance of a building permit.**

- Any future development, commercial or residential, of newly created lots A-6-3 and A-6-4 shall be subject to off-site improvement recommendations from the DPW.
- Any further subdivision of any of the residential portions of the created lots A-6-3, A-6-4 and A-6-5 shall be subject to “Open Space” plan submission using the acres from the original lot A-6.
- The applicant shall submit 8 paper copies of the final plan and 1 permanent, reproducible mylar.
- All conditions of approval shall be noted on the final plan, including all four impact fees applying to lots A-6-4 and A-6-5. Impact fees are not applicable to lot A-6-3.

The Board Voted Yes 5-0.

**New Applications & Conceptual Discussions**

**NRSP #2019-G:G-40-11 (92 Russell Hill Road) Natalia Markelova, Home Business**

**Natalia** explained the nature of her business will be for Notary Public and Legal Services with flexible working hours and a casual style. She said she will also be traveling to some clients and will be involving partners in the future. **Val** said she met with Natalia previously and the Fire Department has done an inspection of the residence. **Val** said the parking is adequate because it will only be one client at a time. **Val** said there are no issues with this application. **Alan** said, the application is complete.

**Chris moved, seconded by Eric, to accept application #2019-G:G-40-11 for a home business located at 92 Russell Hill Road; Voted Yes 5-0.** The Board discussed conditions of approval.

**Eric moved, seconded by Chris to approve the application #2019-G:G-40-11 with the following conditions:**

- Fees for Staff application review and meeting(s) attendance shall be paid within 1 month of approval.
- If applicant intends to have a sign on the property, a sign permit shall be applied for with the Building Inspector.
- The applicant shall discuss any changes to her activities with town Staff to ensure compliance with the regulations.
- There will be a compliance hearing one year after the date of approval of this application.

The Board Voted Yes 5-0.

**NRSP#2019-F:K-23-3 (63 Rte. 13) Joseph Gulla, 2 additional units to an approved storage units site plan.**

In attendance for this discussion was Nathan Chamberlin, Field Stone Land Consultants. **Alan** said this application is complete.

**Eric moved, seconded by Ron, to accept application #2019-F:K-23-3, addition of 2 storage units located at 63 Route 13; Voted Yes 5-0.**

**Val** said there are no big issue with this application. They received a Variance along the north commercial side and one proposed unit will be inside the setback, the other will be out. **Val** said the existing stonewall has been addressed with the Conservation Commission. **Nathan** said there are no plans at this time to put up a fence. **Val** said she would like to see the fence done before any of the work is started, for the residences behind the property. **Nathan** said he will need to clarify with the applicant fence or no fence. **Val** said one detail from the original

site plan suggested shrubs along route 13. She suggested lilac bushes. **Robert Walsh** of 31 South Main Street, said he was hoping the fence would be required to keep the business separate from the residences. **Mark Fessenden** agreed with **Robert**. **Eric** said at minimum, we would be looking for the fence abutting residential lots on the backline corner to corner. **Val** said if the fence is just in back, the final site plan doesn't need the gate or Knox Box. **Chris** moved, seconded by **Eric**, to approve application #2019-F:K-23-3 with the following conditions:

- Fees for Staff application review and meeting(s) attendance shall be paid within 1 month of approval.
- A rear security fence abutting the residential lots K-23-2 and H-106 shall be installed prior to issuance of a Certificate of Occupancy. The applicant needs to clarify "proposed rear fence" or "proposed perimeter fence", if perimeter fence, the Fire Department will need to be notified of the existence of the Knox Box before CO.
- There shall be no storage of hazardous material or bulk fuels in any of the units.
- The Planning Board shall review any changes/modifications to the site plan as approved during the (December 2019) public hearing.

The Board Voted Yes 5-0.

#### Conceptual Discussion (N. Mason Rd) DPW Garage

**Tad** said the Selectboard deferred this plan to 2021.

#### Updates from Planning Board Sub-Committees

##### CIP

**Alan** said we will have the CIP on Monday. **Val** said she will send whatever she has. **Tad** said, he received input on the companion piece for the CIP.

##### Economic Development

**Tad** said we've identified an individual to take the bridal show and run it.

##### Driveway Committee

**Ron** said he and **Chris** submitted recommendations from different departments about the driveways.

##### Well Committee

**Alan** said last meeting we left things up in the air and deferred discussion to January. **Steve** asked about the Health Officer survey, **Tad** said there may be more to report before January.

##### 2020 To Do List

Make improvements to Off-Site Improvements rules. **Val** said Off-Site Improvements should be based on each individual subdivision. She said **Mike** has been working on it. **Alan** asked if it always has to be used for roads. **Val** said it can be used for any existing infrastructure. **Alan** said he wants to avoid another situation like we had tonight. **Alan** said we need to come up with a mechanism, so it is not just based on what the DPW says. **Eric** said consult a 3<sup>rd</sup> party.

**Alan** announced, there are plenty of alternate positions still available.

**Town Engineer Replacement**

**Tad** said he met with **Mike Vignale** from New Boston who is the person replacing **Dennis** for the Town of Hollis. **Tad** said he is a good value, two-person operation who works for other Planning Boards. **Tad** said he has a lower conflict of interest probability being from out of town, adding we should have **Mike** come to the next meeting to meet the Planning Board. **Tad** said he, **Mike, Dennis and Val** will be having a meeting.

**Co-Chairs Alan and Eric signed a reminder of meeting policies letter from the Planning Board, to applicants and engineering firms that have come before the Board in the last six months, in an effort to reinforce getting information in a timely fashion to review properly.**

**Eric moved, seconded by Steve, to adjourn the meeting; Voted Yes 5-0.**

**10:09 pm Meeting adjourned.**

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

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

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

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

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

**The next Regular Planning Board meeting will be January 16, 2020.**

**Minutes submitted by Sharon Sturtevant.**