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**TOWN OF
BROOKLINE, NEW HAMPSHIRE**

PLANNING BOARD

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PLANNING BOARD MEETING

Minutes

July 18, 2019

**Present: Eric Bernstein, (voting)
Chris Duncan, Member (voting)
Ron Pelletier, Member (voting)
Peter Keenan, Alternate, (Voting for Alan)
Drew Kellner, Selectboard Representative (voting)**

Absent: Alan Rosenberg, Co-Chair, Jill Adams, Alternate and Valérie Rearick, Town Planner

Eric asked Peter to vote for Alan. Peter agreed.

Minutes

Eric said the minutes from February will need to wait until the next meeting.

Chris made a motion to approve the minutes of June 20th, 2019 as amended. Peter seconded.
Vote yes 4-0.

Capital Improvements Plan – Brendan Denehy: Discuss Joint meeting with Selectboard and Finance Committee

In attendance was Brendan Denehy, Selectboard.

Brendan said the Selectboard has been discussing how to improve the Capital Improvement Plan process. At the moment they received the CIP at the very end of the budget process. They would like to start the budget process using the CIP from the previous year until the new one is ready. The Selectboard would like to hold a joint meeting between the Planning Board and the Selectboard. They would like to hold the meeting on the regularly scheduled Selectboard meeting on September 9, 2019. At this meeting he would like the Planning Board to explain to the Selectboard and the public how they come up with the CIP and how it is used. The Board agreed.

Case# 2019-3: J-18-Dunton Family Real Estate: 2-lot Subdivision

In attendance for this discussion was Randy Haight with Meridian Land Services, Dennis LaBombard, LaBombard Engineering (Town Engineer), Mike Wenrich, DPW Director, Keith Dunton, applicant and Trustee of this land.

Randy said the Dunton Family still feels really strongly against moving the stone walls and widening this part of the road and have agreed to the offsite improvements. **Eric** asked if there had been any response from the DPW Director. **Mike** said he is not against building as a whole but we need to do it correctly and effectively. We have an infrastructure that already doesn't handle the traffic safely or in a way that can be maintained in any sort of reasonable manner. There is nowhere to put the snow in the winter. Trees overhang this area, so ice and snow are an issue throughout this whole corridor. Two trucks cannot pass at this point in the road. Paving and widening the road will speed up traffic but luckily this is not a through way to another town. It is pretty much the core residents that live there, and they have their mail and deliveries, so it is kind of self-governing. A \$1,500 off site improvement amount will not solve anything as far as what is needed to improve this area. It may allow for grading a few times for a year. The underlying problem still remains if we continue to develop this road. This is a class 5 road in our town, and it needs to be treated as such. If not, then they cannot continue to add to the load that this is already seeing in his perspective. **Eric** said at the last meeting they said the stone walls that line the road in this area have boundary markers in them and the tree do also, and they are close to the road. **Eric** asked Mike if he or Dennis had any ideas on how to widen this road. **Mike** said at the moment the road width is marker to marker so without gaining more space for the town it's tough to say to how this could be improved. **Dennis** said he knows where this narrow stretch of corridor is located, and he agrees it needs an upgrade at this point. **Mike** said he just happened to take a municipal class on the subject of off-site improvement and had spoken to a few people and one had suggested he speak with a Mark Fougere he has a firm in Milford NH and they calculate off site improvement fees for any new subdivisions. He had emailed Valérie with this information to see if the Board would recommend that we use his services to come up with an amount for off-site improvements. **Drew** said he is familiar with Mirk, he consults for Hollis NH. **Drew** said isn't there an RSA that would allow the Town to remedy this situation. **Randy** said that would be eminent domain and the town would have to write that up, create a plan, and then take it to court and that would take years. This is a signal lot they are proposing this application doesn't warrant that. This plan was created to satisfy the will. **Eric** said he would struggle to approve this plan without having an agreement on some sort of improvement to this section of road between the owners and the Public Works Department. **Chris** agreed that this section of road is very narrow and there should be some sort of improvement plan for that stretch of road. **Keith Dunton** said he doesn't believe this plan will solve this problem area. He also believes that if you pave this area you would have an even bigger issue. **Drew** said he is not comfortable splitting Lot J-8 into two lots and exasperating the issue without an agreement to improve this section. **Drew made a motion to continue case # 2019-3: J-18-Dunton Family Real Estate: 2-lot Subdivision to the August 15th, 2019 Planning Board meeting. Ron seconded. Vote yes 5-0.**

Case # 2019-5: G-39 – David & Amy Fessenden: 4-lot subdivision off Russell Hill Road.

In attendance for this discussion was Randy Haight with Meridian Land Services, Mike Wenrich DPW Director, Dennis LaBombard, LaBombard Engineering (Town Engineer), Katrina & Graham Loff (Abutter at 90 Russell Hill Road) Nicole & Chris Kravitz (Abutter at 70 Russell Hill Road), Sandra Stronkowski (abutter at 88 Russell Hill Road), Lindsay & Jason Machedo (resident at 72 Russel Hill Road) David and Amy Fessenden (Applicants).

Randy said this is located on the paved part of Russell Hill Road. Over the last three years the east side of the road has been built up. This lot is on the western side of the road a total of about 17.5 acres and will be creating 4 residential lots. There is a small seasonal brook that flows through this

property, so they have initiated the wetlands crossing permit to cross at the smallest part of this wetland area. They will end up disturbing about 350 feet. He has spoken with the Conservation Commission at the July 2019 meeting and they wanted the culvert pipe at the crossing to be dug down into the ground so there will be a smooth entering and exiting of the pipe. This means they will need to put it about 9 inches into the ground further than originally planned. They have upgraded the drainage calculations to reflect this change. **Eric** said abutters have been notified and fees paid. **Chris made a motion to accept case # 2019-5: G-39 – David & Amy Fessenden: 4-lot subdivision off Russell Hill Road. Drew seconded. Vote yes 5-0.**

Dennis said he hasn't sufficient time to review the plan again. He had emailed Randy changes that needed to be made to the original plan and the new plan was dropped off to him last night. He said it looks as though at least half of the issues were corrected some still need to be tweaked. The design engineer doesn't like to go by the State Standards for determining the percolation rate in the infiltration basins and added a note that states they will do a test onsite. He believes this should be done before a plan is approved. If not, you are just assuming that it will work. **Dennis** said if you wish to make that a condition of approval, he would be ok with that, but he would suggest not signing the plan to be recorded until after that step is taken, he would also like to see the results. **Chris** said there are 8 issues from the Town Engineer that needed to be corrected, he is not comfortable leaving that many issues open and approving a plan. It also looks like the third access off the common drive seems to be left up in the air. **Randy** said to clarify this common driveway, there are two house-lots that will take access of the common driveway; the third lot will have access off Russell Hill Road. Lot G-39 only has access to the back of the lot from the common driveway. **Chris** said in the draft of the easement it states the owner of Lot G-39 has the right to access the back of their lot but there is no liability on the owner of lot G-39 if there is any damages to this common driveway that may occur. **Drew** said if they log the back of lot G-39 for example and damage the common driveway according to the common driveway agreement, they have no responsibility to pay for the improvement to the driveway. **Randy** said we know the house for lot G-39 will be built off Russell Hill Road. The sole responsibility to maintain this common driveway will be for the two house-lots (Lot G-39-1 and G-39-2) that will have access off this common driveway. That is why they have written it up that way in the easement. **Randy** said he could add language that states if lot G-39 damages the common driveway by accessing the back of their lot they will be responsible for that if the Board feels that it needs to be fixed. **Katrina Loff** (Abutter at 90 Russell Hill Road) asked what lots would be taking access off Russell Hill Road according to this new plan. **Eric** said Lot G-39 and G-39-3 will be accessed from Russell Hill Road and Lot G-39-1 and G-39-2 would be accessed off the common driveway. **Katrina** asked where the driveways would be located. **Randy** said the driveways are located on the plan and that should be the approximate area they will be located. It won't be cast in stone until they apply for a driveway permit. **Katrina** said when they chose to purchase the land and build a house in this location, they were told that there would not be any building on the other side of the road, and they were not the only ones. As a resident it is very frustrating that they were told that no one would ever build across the street that was part of their reason they bought there. They were told it was conservation land. She understands it has nothing to do with the Fessenden's. It was disheartening to get that letter in the mail especially because one of those houses will be directly across from her home it is like adding salt to the wound. **Eric** said he understands, and it is a shame that they were misled like that. **Jason Machedo** (resident at 72 Russell Hill Road) said we just talked about building one house on that stretch of road (for the last case) and they are against that due to the traffic congestion on that road and now not only a football field away they are looking to add 4 more houses. **Mike Wenrich** said it will add congestion to that area; yes, there is a paved way around but

everyone is impatient and they will take the shorter route and this infrastructure is over used as it is; they need to address that issue first. **Eric** said sticking to the road directly adjacent to the property are there any concerns with that portion of road. **Mike** the area that was paved last year it is winter binder only and it is not completed and not ready to take on more traffic. **Jason** said it is already starting to crack in areas. **Mike** said he doesn't doubt it this, will need a topcoat on it to handle more traffic.

Graham Loff (Abutter at 90 Russell Hill Road) said: have there been any engineering studies done as far as traffic is concerned in this area or is there going to be something that will be factored into this subdivision? Also is this going to be 4 single family homes or multifamily homes. **Eric** said they will be single family lots. **Mike** said when they did the paving on Russel Hill last year, he had purchased a Stop sign for the bottom of Russell Hill Road to slow traffic from getting bottle necked into Averill Road. However, when they started talking about this, he had left the signs in his office and didn't want to change traffic patterns and then need to change them again. In the short term if anyone is interested in a stop sign at the end of Russell Hill Road, please let him know it is ready be put up. It won't solve the underlying problem. **Katrina** asked if there is a plan to pave Russell Hill Road going north. **Mike** said no. The other side would need to be engineered and that is not as easy a fix. **Graham** asked if the common driveway would be a named way and whose responsibility is it to plow and maintain. **Eric** said this will not be a named way and the sole responsibility will be on the lot owners who share this driveway. **Eric** read the staff report and said the well radius was a concern of the Conservation Commission as it was in the setback area. **Randy** said he addressed that at the Conservation Commission meeting and stated that this is an accepted use in a setback. **Lindsay Machedo** (resident at 72 Russel Hill Road) said our kids attended the schools last year and we bring our kids to the bus stops at either end of Russell Hill Road or Averill Road because the bus company refuses to have the buses drive down Russell Hill Road because it is so narrow. Now there are already two congested school bus stop areas at each end of Russell Hill Road. If they are talking about building more homes in this area, they will need to take this into consideration also. **Jason** said this means there will be more foot traffic in this area. **Lindsay** said we have to drive almost a half mile to a mile to get the kids to the bus stops as it is. **Jason** said the last place the bus can turn around is Quinten Drive and the Averill Road, West Hill, junction. The consideration of widening this road has to be looked into. **Lindsay** said it is also really scary how close it is to drive down this road if someone is driving toward her, she will pull off to the side. **Mike** said to address the other side of Russell Hill Road heading toward Mason Road it is an unimproved road. It is a perception thing about how narrow that road is and the ditch lines that are there are not safe. **Jason** said it is a four-foot drop into the ditches on both sides of the road there. **Mike** said there is nothing you can do except have this road engineered to bring it up to class five town road specs which is quite a way down the road and a lot of money needed to have it completed. The people have the desire to live here but we need the infrastructure to support that. He will be working with Tad (Town Administrator) on traffic studies in town trying to get away from dirt roads in the future.

Katrina said she tried to get the bus company to drive down Russell Hill Road also and she was told it was a safety issue as to why they would drive down that road and along that stretch of Averill Road; it doesn't matter what time of year it is it is terrible. It only takes one rainstorm to create potholes. She understands that it is a safety concern but if you're going to add additional people into the road it is something they will need to look into. **Nicole Kravitz** (Abutter at 70 Russell Hill Road) said she has two jobs and goes out in either direction, she drives a Chevy Tahoe and no matter what the weather condition, her vehicle is sliding, and gravel is coming up underneath it. Even when she turns onto Averill Road, she can barely see anyone coming and she sits up pretty high. **Jason** said even when you are driving the speed limit and coming around that corner, it is very dangerous; you

can't see people until they are right in front of you. **Nicole** said she just doesn't think the infrastructure is there to support this. **Jason** said it is amazing how many more cars there are with the last few houses have been built. **Chris Kravitz** (Abutter at 70 Russell Hill Road) said coming out of Mason up on Russell Hill, he was backed into by an oil truck. And you want to add more traffic on this road? He leaves every morning at 3am to go to Boston for work and the animals are out there. Where are they going to go especially where this is conservation wetlands. Where are those animals going to go? I have a dog, she's a big dog, she will go after them. What's going to stop the bears from coming in and the wolves from coming in and taking things like our kids or cats? If they want to build, they should do their part in giving us a safe road. We all bought here for a reason. **Lindsay** said adding more traffic to this without fixing anything is the issue. She is not against development, she just believes this road needs to be improved. It's a safety issue at the moment. **Drew** said he views this a bit differently than the first case because this has been paved, site lines are fine, and drainage is fine. He doesn't believe that this subdivision should be responsible for the area of Averill Road that needs to be improved. **Mike** said in his opinion the Russell Hill Road subdivision was a premature subdivision and now is the time to get this fixed. The \$1,500 off site improvement number is an arbitrary number and that also needs to be updated. **Eric** said so there is nothing in the realm of offsite improvement that will fix this. **Mike** said no; that \$1,500 off site improvement is something they have lived with for years and that also need to be addressed. Fixing this infrastructure is not the sole responsibility for this new subdivision.

Eric read the emailed letter in regard to this case:

"In response to the certified letter that was sent to me in for the proposed development on Russell Hill Road, I am forwarding this letter.

As I have no issue with the development of lot #39 1-4, one of the concerns I have is the common driveway for G-40. This is being used as a dump for stumps, gravel, and other trash. We were told that the lots behind us, that are accessed by the common driveway, were next to be developed and something would be done with the stumps and debris. Since we've been here starting October 2018, those piles have only grown in size and truthfully, we are unable to find our corner/survey marker. We now believe it is under the growing piles of stumps. Our concern with the development of lot #39 1-4 is that the dumping will only increase.

Our other concern with the development is the wear and tear on Russell Hill which was just paved last Nov. The dirt roads on both sides of Russell Hill quickly become impassable with regular car traffic, never mind the added truck traffic which will only exacerbate this condition. These are the concerns I have with development lot #39 1-4.

Thank you.

*Sandra Stronkowski
88 Russell Hill Road"*

Randy said they will not be bringing the stumps from this subdivision to that lot they will be disposed of properly on the lots listed on the plan. **Sandra** said lot G-40 has been completed for some time now and they are still dumping there every day so where this dumping is coming from. **Eric** said whoever is dumping behind you, I assumes is the owner of that lot. This new development here in front of us tonight would not be dumping there. **Drew** said your best recourse is to go to the town hall review the subdivision plan and find out where the stump dump should be on that lot. **Peter Cook** suggested she speaks to the Code Enforcement Officer. **Eric** agreed that is another avenue. **Eric** said this application will not increase the dumping on lot G-40. **Chris** said he believes the driveway left some questions and Dennis's comments need to be reviewed also and he would be

hesitant to approve this application tonight. **Dennis** said it would be easier if they approve the plan after everything is done. **Drew** agreed this application has enough open items that it could be continued to the next meeting.

Drew made a motion to continue case # 2019-5: G-39 – David & Amy Fessenden: 4-lot subdivision off Russell Hill Road to the August 15th Planning Board meeting. Chris seconded. Vote yes 5-0.

NRSP # 2019-C: F-128 – Ender (Andy) Ozgur: Pure Foods & Drinks, LLC, to reopen the convenient store at 12 Main Street.

In attendance for this discussion was Ender (Andy) Ozgur (applicant) and Cheri Lace (Owner of 12 main Street, Lot F-128), Peter Cook (Abutter at 10 Main street)

Andy said he just leased 12 Main Street. He would like to reopen just as it was; no improvements to the building are needed but they will have all organic food. He had a very successful organic food store in New York. They will be selling convenient items like milk, eggs, bread, butter, produce, and some groceries just like before but everything will be organic. He also plans to carry prepared food, salad, breakfast, coffee, juice, and smoothies to go. We will be open every day 6:00am to 8:00pm. They already have the handicap parking area.

Eric said fees have been paid and abutter notified. **Chris made a motion to accept NRSP # 2019-C: F-128 – Ender (Andy) Ozgur: Pure Foods & Drinks, LLC, to reopen the convenient store at 12 Main Street. Drew seconded. Vote yes 5-0.**

Eric said you went to the Zoning Board for a variance which was required. **Peter Cook** said the decision from the Zoning Board was that he didn't need a variance, but it was granted.

Eric said there are a few waivers that you will be looking for:

- b. 8 copies of site plan prepared by land surveyor
- g. Bearing and distance of property lines and source of the information
- i. High Intensity Soils survey
- m. & n. Rendering of existing or proposed building or addition, etc.
- o. Location of buildings within 50 feet of the parcel, roads and driveways within 200 feet
- p. Storm drainage plan
- q. topography
- r. Special Flood Hazard Areas
- s. Utilities
- u. Soil and Erosion Control plan
- v. Copies of easements, covenants and deed restrictions
- w. Copies of federal, state and local permits

Chris asked about the federal, state and local permits; these pertain to any site improvement permits not food licenses because they normally ask for copies of the food licenses. **Eric** said yes, that is correct. They will need copies of any food licenses that they may get and a copy of the water test.

Drew made a motion to waive the items as stated in the staff report due to the property having no substantial changes and this was the preexisting use. Chris seconded. Vote yes 5-0. Vote yes 5-0.

Eric asked about the water testing. **Andy** said yes it was test and found to be perfect; he just needed to add a filter. **Eric** asked if he could drop a copy of the water testing to the office. **Andy** said he had also gotten a food processing license. **Eric** asked him to also drop a copy of that at the Town Hall as well. He asked if he would need a liqueur license. **Cheri** (Building Owner) said he will not be selling liquor so there will not be a liquor license.

Peter Cook (abutter at 10 Main Street) stated he has no road frontage and has an easement through this lot (F-128) to access his driveway. He is not sure that the previous owners had to go through this process. He doesn't believe the previous owners had to go through all of this when they opened the store. **Cheri** said they did go to the Planning Board. **Peter** said he doesn't believe he was notified of that. He is all for a successful business but he this this applicant has had to jump through a few more hoops than the previous owner. He would like this to go smoothly and he would like to have a successful business open there. **Graham Loff** asked if there will be dedicated parking spots for the store and the dance studio. **Cheri** said they had never had a problem with parking and people understand where to park for the dance studio upstairs and the store out front, they are also aware of Peter's driveway that is off the store parking lot. **Graham** asked when you will be opening. **Andy** said he was waiting for this meeting to happen and after tonight he will start ordering food and be open in a couple of weeks.

Drew made a motion to approve NRSP # 2019-C: F-128 – Ender (Andy) Ozgur: Pure Foods & Drinks, LLC, to reopen the convenient store at 12 Main Street with the conditions as follows:

-Fees for staff application review and meeting attendance shall be paid within a month of approval.

-The applicant shall provide results from water testing.

-Any changes to the business shall be reviewed and approved by the Planning Board.

-The applicant shall also provide a copy of the food processing license to the Planning Board.

Chris seconded. Vote yes 5-0

Sub Committee Updates

Driveway Committee

Ron said they have met twice. The second meeting was with several department heads. **Chris** said we they have heard from everyone except the Building Inspector. **Ron** said he and Valerie Ogden were going to meet with him. They just need to make a time to do so. **Mike** said it seemed like more of a safety meeting. As far as how they handle driveways procedurally in the future, he has a lot of input. **Ron** said this is the time to bring it up. So, they can change it now. **Chris** said it started with the slope of the driveway and now there are just so many other issues that have come up.

Off Site improvement update amount

Drew said it sounds like the DPW director would like to have the off-site improvement looked into after the discussions had here tonight. **Eric** said it is listed in the subdivision regulations. **Mike** said Tuesdays class (his regular monthly municipal meetings) just happened to apply to off-site improvement and development. **Eric** asked if they could have Valérie (Town Planner) put together a list of what other towns off-site improvement fees are. **Drew** said he thought Tad already had a list like that. **Mike** said they should be set on a case by case basis and is not a set fee. Every subdivision is different. The Board agreed that this is something that should be looked into. **Eddie Arnold** (Selectboard Member) said if they create a subcommittee, he would like to volunteer to be involved with that.

Economic Development Committee

Eric said that they discussed sign the Selectboard has approved the signs and the funding for them.

Drew said there was an overage, so he and Eddie Arnold have been soliciting extra funds.

Drew made a motion to adjourn at 9:07 pm. Peter seconded. Vote yes 5-0.

Eric Bernstein, Member, _____

Chris Duncan, Member, _____

Ron Pelletier, Member _____

Peter Keenan, Alternate _____

Drew Kellner, Selectboard Representative, _____

The next Regular Planning Board meeting will be August 15, 2019.

Minutes submitted by Kristen Austin.