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**TOWN OF
BROOKLINE, NEW HAMPSHIRE
PLANNING BOARD
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**Minutes
June 18, 2020**

Present: Eric Bernstein, Co-chair (voting)
Alan Rosenberg, Co-chair (voting)
Chris Duncan, Member (voting)
Ron Pelletier, Member (voting)
Brendan Denehy, Selectboard Representative (voting)
Valérie Rearick, Town Planner

Eric called the meeting to order at 7:05pm. **Tad** noted we are meeting electronically and remotely under the governor's Executive Order 2020-04 and Executive Orders #12 and #23. In following with these orders, **Tad** asked each Board member to state where they are, why they are there, and who, if anyone, is in the room with them. All members responded.

Minutes

Chris made a motion to approve the May 21, 2020 minutes as amended. Seconded by Alan. Roll call vote Alan, Brendan, Chris, Eric, and Ron all voted yes.

At-Large Member Discussion and nomination for Capital Improvements Plan

Eric said there are three people that have volunteered to be the at large. **Valerie** said they are listed on the email in order they were received. **Eric** read from the list Jay Kramarczyk, Kyle Lotring, and Roger Ogden. They have all sent in a short paragraph explaining why they would like to volunteer. **Eric** asked the Board if they have all had a chance to read what they have sent. The Board said yes. **Alan** said he has worked with Jay Kramarczyk in the past and he is very active in town. **Alan** said Kyle Lotring is new to town and he believes it is great if he is willing to volunteer.

Alan made a motion to nominate Jay Kramarczyk as the 1st At-Large member of the Capital Improvements Committee. Chris Seconded. Roll call vote Alan, Brendan, Chris, and Eric all voted yes.

Alan made a motion to nominate Kyle Lotring as the 2nd At-Large member of the Capital improvement Committee. Chris seconded. Roll call vote Alan, Brendan, Chris, and Eric all voted yes.

Eric said Ron may be experiencing technical difficulties and was unable to vote.

Glendale Homes, G-39 subdivision, Common Driveway: Discussion currently gravel vs. paved on approved plan, discuss Dennis LaBombard inspection review, and review bond estimate.

In attendance for this discussion Dennis LaBombard, Town Engineer, for this project. Randy Haight, Meridian Land services. Romeo Dubreuil, Building Inspector.

Dennis said he has done a couple of inspections on this project and yesterday he went out again and they have added a layer of clean crushed gravel to the entire surface of the common driveway. He said he had an issue with the gravel they had put down initially: it had bricks and other debris in it. He was concerned with the grading of this common driveway in the future. Therefore, they added the new clean gravel on to it and he has no issues with this now. He said the regulations do not state that this common driveway needs to be paved but it is on the recorded plan. **Chris** said it takes a lot of time going through these plans and what is presented to us at the meetings. This was presented to us as a paved common driveway and at the last minute they are asking to change that. He believes the paved common driveway should go in as proposed and approved at the Planning Board meeting. **Eric** asked why the need to change it. **Randy Haight** said this was never intended to be a paved common driveway. This was an oversight on Meridian's part this had nothing to do with Glendale Homes. This common driveway is short and shallow and there was never any intention to pave this. **Eric** asked if Dennis had any concerns about this driveway being gravel vs. paved. **Dennis** said no; it is a flat driveway and the gravel is now stable. This is a structurally sound common driveway; he would have no issues with it not being paved. **Alan** asked if the drainage calculations were completed for a paved driveway and if they would need to be recalculated. **Randy** said the calculations would be the same. **Dennis** said they are asked to make the drainage calculations for a paved driveway. **Brendan** asked Valerie if any of the other Departments would have an issue with this not being paved. **Valerie** said she did not think they would mind as they rely on Dennis's review. She said most of the time, common driveways are not paved. **Chris** asked if there was a benefit to the town to have a gravel driveway vs. paved. **Eric** said this is going to be a private driveway so no benefit either way. **Dennis** said the apron is paved as to not do any damage to the town road. There will be a minuscule amount runoff from this common driveway. **Chris** said he would assume paving would be better. **Alan** asked if this has already been recorded. **Randy** said yes it has been recorded but the page that describes the driveway is not the part they record. **Romeo** said he is concerned with the legality of the Planning Board changing this after it has been recorded. If someone is to look at this plan in the future and see that it was to be paved and it was not. **Valerie** said the driveway specs are not recorded but they would need a letter stating that this information has been changed and add it to the Planning Board file and the town files. Just to clarify what has been decided if anything changes. **Randy** said they could provide a letter; that would be no problem. **Ron** said Randy was quite clear that this was a mistake and it was not caught. He does not see a problem allowing this to be a gravel common driveway. **Chris** said although this is a short common driveway and it will have minimal impact, this plan has already been recorded for almost a year and here we are in the eleventh hour looking to change what was approved at the planning board meeting. This has been happening quite a bit lately and he believe this should be paved as the plan was approved. They had abutters concerned with this subdivision and they have reviewed this plan and all the Departments had reviewed this plan as submitted with no issues. No one has had the opportunity to comment if we decide to change this at tonight's meeting. **Brendan** said is there a hardship if this is to be built as it was approved at the Planning Board meeting with a paved common driveway. **Randy** said there is no hardship; this was never meant to be a paved common driveway. That was never the concept. **Chris** said he believes this should be built according to what was approved.

Chris made a motion that the original decision of the Planning Board stands regarding the Subdivision of Lot G-39 and the paving of the common driveway. Brendan seconded. Roll call vote Alan, Brendan, Chris, and Eric voted yes. Ron voted no.

Valerie said they will need a bond if this is going to be a paved driveway. **Dennis** made a bond recommendation of \$12,000 for the paved common driveway. The Board agreed.

Chris made a motion to recommend to the Selectboard a bond in the amount of \$12,000 for the paving of the common driveway for the Lot G-39 subdivision, allowing Valerie to sign the

letter recommending the bond amount to the Selectboard. Alan seconded. Roll call vote Alan, Brendan, Chris, Eric, and Ron all voted yes.

Public Hearing –DPW Tree trimming on a scenic road

Eric read the public hearing notice “Pursuant to R.S.A. 231:158, the Brookline Planning Board will hold a public hearing at 7:00 PM on Thursday, June 18, 2020 to consider cutting a few trees on North Mason Road (a Scenic Road) between the intersection of Ben Farnsworth Road and lot C-58-7 on both side of the road to help with the maintenance of the dirt portion of the road by the Department of Public Works. The trees are and will be marked with blue ribbon.”

Alan made a motion to close the public hearing. Ron seconded. Roll call vote Alan, Brendan, Chris, Eric, and Ron all voted yes.

Alan made a motion that the Planning Board writes a letter allowing the DPW to cut the trees needed along the scenic road. Seconded by Chris. Alan, Brendan, Chris, Eric, and Ron all voted yes.

Alan made a motion to allow Valerie Rearick, Town Planner to sign the letter from the previous motion. Brendan Seconded. Roll call vote Alan, Brendan, Chris, Eric, and Ron all voted yes.

Case NRPS # 2020-B: J-53, 34 Route 13 Commercial Development

Eric said the applicants asked if this could be postponed to the July meeting.

Chris made a motion to continue application NRSP #2020-B: J-53 to the July 16, 2020 Planning Board meeting. Brendan Seconded. Roll call vote Alan, Brendan, Chris, Eric, and Ron all voted yes.

NRSP#2020-C:F-2-1. G&M Autumn Gue, Childcare expansion (181 Route 13)

Autumn said they are being bombarded with children and she would like to expand the childcare facility to two of the front units. Currently the childcare consists of the entire second floor. She would like to separate her largest classroom and use the larger units in the front. She has contacted the state for the licensing and approvals. **Alan made a motion to accept application NRSP#2020-C: F-2-1. Chris seconded. Roll call vote Alan, Brendan, Chris, Eric, and Ron all voted yes.**

Eric said his daughter is attending Scribbles (181 Route 13) if anyone thinks there is a conflict, he will recuse himself from this discussion. The Board agreed they did not see an issue. **Autumn** said all the kids will be dropped off out back where the current facility is located, and she is having a fenced in path built for them to travel from the back of the building to the front without having to walk down the driveway. **Eric** asked if there was access inside the building from the second floor to the first floor. **Autumn** said no. **Chris** asked if the entire second floor is all Scribbles. **Autumn** said yes. **Ron** said as a member of the Economic Development Committee he is pleased to hear that a business is doing so well it needs to expand. **Chris made a motion to approve application NRSP#2020-C: F-2-1 with the following conditions of approval:**

- **Fees for staff application review and meeting attendance shall be paid within a month of approval**
 - **Satisfactory reports from the Building and Fire Department shall be provided prior to the opening of the classroom**
 - **Any changes to the business shall be reviewed and approved by the Planning Board.**
- Ron seconded. Roll call vote Alan, Brendan, Chris, Eric, and Ron all voted yes.**

NRSP#2020-D:H-35, The Alamo Restaurant, Outdoor seating & Live Acoustic Music (99 Route 13)

In attendance for this hearing Pam and Al Mariano (applicants), Romeo Dubreuil, Building Inspector.

Pam said they have been open for about two years and they have been very successful. They were lucky enough to be able to throw together a patio for outside seating. They are looking to have acoustic music also. They had gone to the Selectboard and received temporary permission to use the patio and have acoustic music. She has heard no complaints about the music. The patrons are allowed to stay for 90 minutes. They also can not seat more than the State has allowed which is 54 people at a time, that includes inside and outside. **Valerie** said they are limited to the amount of people they can have due to the size of the septic. **Pam** said the tent will be removed around October and put back up around April. **Al** said weather permitting of course.

Alan made a motion to accept application NRSP#2020-D:H-35. Ron seconded. Roll call vote Alan, Brendan, Chris, Eric, and Ron all voted yes.

Brendan asked if there will be enough parking with the new patio area once you are back up to full compacity. **Al** said they are required to have 22 parking spaces and they have provided 30. They have been all marked out. **Valerie** agreed they have provided more parking than required. They are limited to the amount of people they can have due to the size of the septic. **Valerie** said she would like to add a condition of approval that the seating shall not exceed the states number of 54 which is in line with they size of the septic system. **Pam** said she will send a copy of the letter she receives from the State to the Planning Board.

Eric read the letter from Bingham Lumber: *"As an abutter of the property that the Alamo sits on, we received notification of the upcoming planning board meeting. We would like to express our complete support and approval of the Alamo Restaurant's proposed expansion of their outdoor seating area. We are so pleased to have a successful Restaurant in town and believe that we should all be offering our support to help them through the difficult business climate that the COVID-19 virus has created. It is refreshing to see so many people at our local establishments and we hope that the planning board does everything they can to make things easier for businesses in Brookline. Sincerely, Tom & Rebekah Bingham, Bingham Lumber, Inc."*

Pam said she received an email today from an abutter to this property in which she states she has no issues with this plan to have patio seating and acoustic music this was from Ginger and David Salisbury. **Pam** said she will forward the note to Valerie. **Chris** said on the first page of the staff report it states 60 quests. **Valerie** said that is the occupancy number the fire department signed off on, but the state has said due to the size of the septic system it can only handle 54 guests.

Chris made a motion to approve NRSP # NRSP#2020-D:H-35 with the following conditions:

- **Fees for staff application review and meeting attendance shall be paid within a month of approval**
- **Final inspections and final permits from the Fire Department and the Building Inspector prior to the August 2nd2020 deadline granted by the Selectboard in order to continue the outdoor seating.**
- **Any changes to the restaurant or the property shall be reviewed and approved by the Planning Board.**
- **Maximum seating allowed shall not exceed 54 to be in line with what the septic system will allow and a copy of the letter from the State in regard to the seating will need to be given to the Planning Board for the Case file.**

Ron seconded. Roll call vote Alan, Brendan, Chris, Eric, and Ron all voted yes.

Ron said again he is very happy to hear that businesses are doing well in Brookline and are expanding. The Board agreed.

Planning Board by Laws

Valerie said there have been no changes to the by-laws.

Brendan made a motion to re-adopt the Planning Board By-Laws. Chris seconded. Roll call vote Alan, Brendan, Chris, Eric, and Ron all voted yes.

Final Review of Proposed Amendments to the Subdivision and Site Plan Regulations

Valerie said she just want to know if the Board has any issues with the amendments that she has presented via email in order to hold a public hearing next month. Everything on the list has been discussed before but the one change under section 7.3 (g) Driveway greater than 10%. The Building Inspector suggests that removing the section giving him the authority to allow driveway with more than 10% slope would eliminate any loophole. The Board agreed to remove section 7.3(g) that makes it the decision of the Building Inspector.

Below, please find the final proposed amendments to the Town Regulations prior to the scheduled Public Hearing on July 16, 2020. Please, note the “YES” marks added after the January 2020 meeting when the Board agreed on the changes:

Subdivision Regulations

3.1.02 (a.), Preliminary Conceptual Consultation Phase – Add the following sentence: *“the applicants or their representatives or designees must attend a Conservation Commission meeting prior to discussion with the Planning Board.”* **YES**

3.1.10 – Change: “A ninety (90) day review period (...)” *to 65 days.* (same amendment to be made in the NRSP regulations) **YES**

4.6.06, Plat Requirements – Last sentence of 1st paragraph: change “should” by “*shall*”. **YES**

4.9.05, Roads – Change “Road Agent” to read “*DPW Director*” (last sentence). **YES**

4.12.04, Open Space Development – Add the following language: *“A pre-conveyance open space conservation easement deed shall be recorded and shall have an easement sunset upon conveyance to the Town or homeowner’s association”.* **YES**

5.3.01, Utilities – 4th line: Add the following: “All applications, *including a single lot subdivision*, which include the creation of a new or upgraded road, way, drive, street, **driveway**, or any other mean of access **to** a created lot for a new subdivision (...)” **YES**

5.3.01, Utilities – Add new wording with “options” if the utilities need to cross a road. Proposed additional language: *“A new driveway shall have underground utilities the entire way **to** the house. If the single new lot is **across** the street from an existing utility pole, overhead wires could be used, if desired by the developer/homeowner, from the end of the new driveway to the house.”* **YES**

7.3 (g) Driveway greater than 10%. Remove this sub-section. The Building Inspector suggests that removing the section giving him the authority to allow driveway with more than 10% slope would eliminate any loophole. The Driveway Committee agreed. **YES** (Note: more amendments were suggested by the Committee, but they are part of the zoning ordinance and will need to be presented at the March 2021 Town Meeting),

Appendix G, Cistern Specifications: #12: Change from 5” to 6” (as most of the fire trucks have a 6” suction - Fire Department request). **YES**

Non-Residential Site Plan Regulations

Title, Name of these regulations: change “Non-Residential Site Plan Regulations” to “*Site Plan Regulations*” as the Town has Home Businesses and Bed & Breakfasts regulations that are allowed in the Residential/Agricultural District. **YES**

3.3.03, Preliminary Conceptual Consultation Phase. Add the following language: *“For large Site Plans, the applicants or their representatives or designees must attend a Conservation Commission meeting prior to discussion with the Planning Board.”* **YES**

Appendix G, Cistern Specifications: #12: Change from 5” to 6” (as most of the fire trucks have a 6” suction - Fire Department request) **YES**

Alan made a motion to schedule a public hearing for July 16, 2020. Chris seconded. Roll call vote Alan, Brendan, Chris, Eric, and Ron all voted yes.

Tad said at this point the town hall is open to the public and they can meet here in the town hall meeting room following the social distancing rules and if the Board has more people than is allowed at the moment in the meeting room they can move the meeting upstairs which can also be televised.

Mail

Eric said there was a letter from a resident regarding wells and the drop well levels and the objection to more construction on Russell Hill Road. They are having Town Counsel reviewing this letter and they can discuss it after.

Well Water Committee

Chris said they had a meeting yesterday. They have done some great research already. They would like to know if the Planning Board gave them a directive. They have pulled together three items they believe the Planning Board would like them to have in the report.

- Potentially mandating a shared community well for residential homes of three or more (e.g., residential development).
- Greater assurance of a long-term sustainable yield from a single private well by increasing the testing standards beyond those of the state. A building or occupancy permit could not be granted until standards are met.
- Requiring a hydrogeological study performed prior to development of a site. Such a study should conclude the likelihood and viability of a long-term water supply within a proposed development.

The Board agreed to the proposed list. **Eric** said he thought that the request was to propose possible solutions that the Planning Board could act upon, what can the Planning Board allow or act upon regarding wells and new constructions. The Board agreed they should find out what the state will allow as they may have limits too. The Board agreed that the report should be submitted by September. If there are any suggested changes to the zoning, they will have time for the Planning Board to review, Town Counsel to review, and to finally hold a public hearing.

Adjourn

Alan made a motion to adjourn at 9:38 pm. Chris seconded. Roll call vote Alan, Brendan, Chris, Eric, and Ron all voted yes.

Eric Bernstein, Co-chair _____

Alan Rosenberg, Co-chair _____

Chris Duncan, Member _____

Ron Pelletier, Member _____

Brendan Denehy, Selectboard Representative _____

Minutes submitted by Kristen Austin

Next Scheduled Planning Board Meeting is July 16, 2020