



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

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**Planning Board  
Minutes  
March 18, 2021**

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

**Alan** called the meeting to order and noted that they are meeting remotely under the governor's Executive Order 2020-04 and Executive Orders #12 and #23. In following with these orders, he 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 (February 18, 2021)**

**Brendan made a motion to approve the minutes of February 18, 2021 as written. Seconded by Eric. Roll call vote Alan, Brendan, Eric, and Ron all voted yes. Chris abstained.**

**Membership – Appointment/Reappointment of Members/Alternates, Recommendations to the Selectboard**

**Alan** said his term expires at the end of March 2021. He is willing to sign up for another term.

**Eric moves to recommend to the Selectboard that Alan Rosenberg is reappointed as a full member for a three-year term expiring March 31, 2024. Ron seconded. Roll call vote Alan, Brendan, Chris, Eric, and Ron all voted yes.**

**Alan** said there are 5 alternate positions open on the Planning Board. We received an email from Eric Pauer stating he is interested in becoming an alternate on the Planning Board.

**Eric** said he has been in attendance for the last half dozen or so meetings. He and his wife have lived in town for 26 years. He was in the military. He has a background in engineering. **Eric** said that he would entertain a recommendation for a three-year alternate term. **Chris made a motion to recommend the Selectboard appoint Eric Pauer as an alternate member of the Planning Board for a three-year term expiring in March 31, 2024. Ron seconded. Roll call vote Alan, Brendan, Chris, Eric, and Ron all voted yes.**

**P.B. By-Laws, re-adoption (no proposed changes from 2020)**

**Alan** said there have been no changes proposed to the by laws for 2021. **Eric made a motion to adopt the unchanged bylaws for 2021. Chris seconded. Roll call vote Alan, Brendan, Chris, Eric, and Ron all voted yes.**

**SP#2021-A:F-2-1 – Jennifer Lynch, Nail Salon, 181 Route 13.**

**Jennifer** said she owns the hair salon at 181 Route 13 now and would like to open the empty unit next to her as a nail salon.

**Alan** said the application looks completed, the fees have been paid, and the abutters have been notified.

**Chris made a motion to accept application SP#2021-A: F-2-1 – Jennifer Lynch, Nail Salon, 181 Route 13. Seconded by Eric. Roll call vote Alan, Brendan, Chris, Eric, and Ron all voted yes.**

**Valérie** said this is a simple application. Jenn is not planning to do any work to the unit. If she would like to add a sign she can use the space and can add a sign the same size that was there. She has a slot on the free-standing sign in front of the building along Route 13 for this unit. There is plenty of parking at this location already. She can't open until the Fire Department goes in and does an inspection of the unit.

**Valérie** read the conditions of approval.

- All fees for case review, Staff meeting attendance and inspections shall be paid by the applicant within 15 days of receiving the invoice.

- If the applicant intends to have a sign on the building, a sign permit shall be applied for with the Building Inspector.

- A satisfactory report from the Fire Department shall be provided prior to the opening of the nail salon.

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

**Eric made a motion to approve application SP#2021-A: F-2-1 – Jennifer Lynch, Nail Salon, 181 Route 13 with the conditions of approval read by Valérie. Seconded by Eric. Roll call vote Alan, Brendan, Chris, Eric, and Ron all voted yes.**

**Ron** said he is very happy to see a Brookline business expand.

**SP#2021-B:G-45-9 – Laureen MacLean, Home Business: Winterberry Farm, 14 Winterberry Road.**

**Laureen** said she would like to bring back the farm program. Her daughter said she would be helping her. They will be opening the classes to adults and children. It was very popular the first time they ran the program and would like to open it back up again.

**Alan** said the application looks complete, the fees have been paid, and the abutters have been notified.

**Chris made a motion to accept application SP#2021-B:G-45-9 – Laureen MacLean, Home Business: Winterberry Farm, 14 Winterberry Road. Seconded by Eric. Roll call vote Alan, Brendan, Chris, Eric, and Ron all voted yes.**

**Valérie** said this program was originally started in 2002 as a summer camp for kids. Now Laureen wants to open an educational center for kids and adults for farming activities. They have animals and gardens and would like to open it up to the public. She is proposing gardening, woodworking, cooking etc. She is also planning on using part of the barn for this. There is a limitation on the square footage she can use in the barn due to the Home Business Section of the Zoning Ordinance. She will need to install a hard-wired phone and some emergency lights. No parking on the roadway shall be allowed. She has provided a map that shows where the parking areas would be. She will need a water test in case someone drinks the water on the property. There is no swimming in the pond on the property. Laurie is aware of most of these because she has already had a similar education program at this location that was very popular.

**Ken Madsen** (abutter10 Winterberry Road) said he just received the notice and it didn't have a lot of detail listed on it. He is concerned with the noises that would be created, the hours of operation, and the traffic because this is a cul-de-sac. He would also hope they would make sure the septic can handle the extra people that would be in attendance. **Laurie** said the Camp will start at about 9:00 am Monday thru Friday. They will have porta potties at this location. They can only have 24 trips to the house a day and the last time they had done this they had a van and would meet the parents somewhere and pick up the kids. This keeps the total amount of trips down. They also have a farm stand at this location, but it will be by appointment only to keep the number of trips down to a minimum.

**Valérie** read the proposed conditions of approval:

- Prior to the beginning of the any activities, the applicant shall provide the Board with:

- List of all counselors (name and age)

- Copy of the First Responder / EMT's proof of certification

- Copy of the liability insurance for the education center (program description and location)
- Copy of all State licenses prior to the start of the camp
- Copy of the water testing
- Satisfactory Inspection Report from the Fire Department prior to the start of any activities.
- Water testing results provided to the Board
- Proof of liability insurance, with the name of the program.
- All fees for application review and Staff meeting attendance shall be paid.
- A compliance hearing shall be held in the spring of 2022 if the applicant intends to run the home business in 2022.

**Brendan made a motion to approve application SP#2021-B:G-45-9 – Laureen MacLean, Home Business: Winterberry Farm, 14 Winterberry Road with the conditions of approval read by Valérie. Seconded by Ron. Roll call vote Alan, Brendan, Chris, Eric, and Ron all voted yes.**

**Discuss Proposed Petition Warrants Articles for Special Town Meeting on March 28th, 2021**

**Alan** said they had a work session last week and the Board will need to make a finding regarding the petition warrant article that refers to a moratorium. (*See wording for the Petition warrant article below*). **Alan** said the Board has also received a letter from the Brookline School Board that recently meet. At the meeting they made two motions that passed: the first one to support the moratorium on the 80-unit workforce housing development, and the second to support a study committee to review the impact of the 80-unit workforce housing on the Brookline School System. The letter also stated they predicted an increase in students in grades K through 6 from 557 to 618 using New England School Development Council (NESDEC). The letter also states that the transportation cost would increase. **Tad Putney** (Town Administrator) said the increase in enrollment is predicted in the next 18 months due to COVID-19. This is an increase of 11% in student in a year and a half. **Alan** said, to clarify, the increase due to COVID-19 was specifically called out as the driver of this increase. **Tad** said that is correct. This does not include an increase due to workforce housing.

**Alan** said the petition warrant article specifically calls out workforce housing but not any other development. **Alan** read the petition warrant article:” *Shall the Town of Brookline impose a 365-day moratorium on any development that is intended to qualify as workforce housing under the Town of Brookline, NH Zoning and Land Use Ordinance? The moratorium shall be effective immediately upon the vote and shall include but not be limited to: approval of any development that is intended to qualify as workforce housing by the Planning Board, land acquisition, surveying, tree removal, or any other physical alteration of any land within the Town of Brookline for a development that is intended to qualify as workforce housing.*”

**Alan** said it is not the type of development but the speed of the development. **Peter D’Agostino** said that is correct; 20 single family residences could be equally as devastating to the school system.

**Alan** said he could support a moratorium per RSA 674:23 for 12 months specifically because of the school situation. The Board now has concrete evidence that the school would not be able to handle this amount of new residences. **Brendan** asked if the moratorium would be for all buildings. **Alan** said yes. **Alan** read RSA 674:23 section VI: “*An ordinance under this section may provide for a special exception or conditional use permit to allow development that has minimal or no impact on the circumstances giving rise to the moratorium or limitation*”.

For example, a housing for older persons wouldn’t exacerbate the school issue. The finding should address all residential building and not call out just workforce housing. **Eric** asked if they should have an ordinance in front of the Legislative body. **Peter** said this would be a Town Ordinance as opposed to a Zoning Ordinance.

After a lengthy discussion the Board was concerned with the procedure and the wording of the finding and agreed they would need to come up with the appropriate wording for the finding. They also need to include the RSA in the finding that would allow a moratorium to be put in place if the towns people so choose. The Board will hold a special meeting on Wednesday March 25, 2021 at 7:00 pm to discuss appropriate wording for a finding. They agree the moratorium should be put in place but need the appropriate wording for a finding to put before the legislative body at the special town meeting.

## **NH RSA 674:23 Temporary Moratoria and Limitations on Building Permits and the Approval of Subdivisions and Site Plans.**

I. Upon recommendation of the planning board, the local legislative body may adopt or amend an ordinance establishing a moratorium or limitation on the issuance of building permits or the granting of subdivision or site plan approval for a definite term.

II. An ordinance may be adopted under this section in unusual circumstances that affect the ability of the municipality to provide adequate services and require prompt attention and to develop or alter a growth management process under RSA 674:22, a zoning ordinance, a master plan, or capital improvements program.

III. An ordinance under this section shall contain:

(a) A statement of the circumstances giving rise to the need for the moratorium or limitation.

(b) The planning board's written findings, on which subparagraph III(a) is based, which shall be included as an appendix to the ordinance.

(c) The term of the ordinance which shall not be more than one year.

(d) A list of the types or categories of development to which the ordinance applies.

(e) A description of the area of the municipality, if less than the entire municipality, to which the ordinance applies.

IV. An ordinance under this section shall be based on written findings by the planning board which:

(a) Describe the unusual circumstances that justify the ordinance.

(b) Recommend a course of action to correct or alleviate such circumstances.

V. An ordinance under this section may provide for the exemption from the moratorium or limitation of those types or categories of development that have minimal or no impact on the circumstances giving rise to the moratorium or limitation.

VI. An ordinance under this section may provide for a special exception or conditional use permit to allow development that has minimal or no impact on the circumstances giving rise to the moratorium or limitation.

VII. Additional ordinances may be adopted under this section only if they are based on circumstances that did not exist at the time of any prior ordinance. The authority to adopt ordinances under this section shall not be used to circumvent a municipality's need for a growth management ordinance under RSA 674:22.

## **Mark Fougere, Housing Needs analysis Scope**

**Valérie** said Mark Fougere sent a scope of work to the planning Board for consulting services on the housing need in Brookline.

### **Fougere Planning Scope:**

1. Review NRPC's Regional Housing Needs Analysis as it relates to Brookline. Discuss with NRPC officials details of findings from this analysis.

2. Working with the town's assessing department, review existing property assessments and housing profile (unit types). Adjust the assessments taking into consideration the equalization ratio. Also review all recorded sales over the last 12 months.

3. Based on the review of the town's housing stock, present opinion as to the Town's position as it relates to the Needs study.

4. Review local school age children data to provide the Town with an indication of potential school impacts. Discuss findings with the School Superintendent to gain understanding of potential impact.

### **Cost:**

Fougere Planning: 12 - 17 hours @ \$85/hour = \$1,020 - \$1,445

**Total Not to Exceed Cost: \$1,445.**

Project timeline 30 - 45 days

The Board agreed to have Mark work on this project. **Alan** said they should be able to update this information annually.

**Eric made a motion to have Mark Fougere undertake a review of Brookline's housing stock not to exceed \$1,445, and the project is to be completed in 30 to 45 days. Ron seconded. Roll call vote Alan, Brendan, Chris, Eric, and Ron all voted yes. 5-0 yes.**

## **Well-Water Committee, Re: Goals, Charter for 2021**

**Alan** said the last Well Water Committee did an excellent job. They will need to get a new Committee formed and they will need to create another Well Water Committee and a list of what they would like them to accomplish. **Valérie** said Lyndsay Machado is not in attendance for tonight's meeting and believes they should add this to the next agenda and see if she is able to attend the next Planning Board Meeting. She also is interested in joining this Committee. The Board agreed.

**Economic Development Committee**

**Eric** said Valérie has put together a great spring newsletter. **Valérie** thanked Tad (Town Administrator) for his help on this newsletter.

**Adjourn**

**Brendan made a motion to adjourn at 9:30 pm. Chris seconded. Roll call vote Alan, Brendan, Chris, Eric, and Ron all voted yes. 5-0 yes.**

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

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

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

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

**Brendan Denehy, Selectboard Representative** \_\_\_\_\_

**Minutes submitted by Kristen Austin**

**Next Scheduled Planning Board Meeting is April 15, 2021**