



TOWN OF
BROOKLINE, NEW HAMPSHIRE

PLANNING BOARD

P.O. BOX 360 – 1 Main Street
BROOKLINE, NH 03033-0360

Telephone (603) 673-8855
Fax (603) 673-8136

kristen@brookline.nh.us valerie@brookline.nh.us
<http://www.brookline.nh.us>

PLANNING BOARD MEETING

Minutes

February 16, 2017

Present: Alan Rosenberg, Co-Chair (voting)
Eric Bernstein, Co-Chair (voting)
Richard Randlett, Member (voting)
Ron Pelletier, Member (voting) (recused himself from case 2017-1: H-75)
Brendan Denehy, Selectboard Representative (voting) (arrived at 7:15pm)
Jill Adams, Alternate (voting for Ron for Case 2017-1:H-75)
Valérie Rearick, Town Planner

Minutes

Richard made a motion to approve the minutes of the December 15, 2016 Planning Board Meeting Minutes as written. Ron seconded. Vote yes 4-0.

NRSP #2016-I:B-62, Daniel Davison, Home Business

In attendance for this hearing: Daniel Davison (owner).

Dan said he has a small carpentry business at his home. The employees go directly to a job site so there will not be any employee parking at his home. He has a home office and a small equipment shed that he uses for storage. He would like to put a small sign out in front of his property. **Valérie** said this is a simple home business application. Dan is here because it is in a residential neighborhood. **Eric made a motion to accept application NRSP #2016-I: B-62. Ron seconded. Vote yes 4-0.**

Valérie said there are two driveway entrances one in and one out. There are no employees on site and no storage of anything except tools. If in the future there are any changes he would just need to let the Planning Board know.

Eric made a motion to approve application NRSP #2016-I: B-62. Ron seconded. Vote yes 4-0.

2017-1: H-75, Clover Hill Realty Trust, 15-lot open space subdivision with waiver of road length.

In attendance for this hearing: Susanne DeSanctis (owner), Randy Height (Meridian Land Services), Laurie Perrault (Attorney).

Ron recused himself from this case. **Alan** asked Jill to vote for Ron for this case. **Jill** agreed.

Alan suggested they start with the Waiver request. **Alan** read the waiver request from the application dated 12/16/2016:

“The above subdivision was the subject of a lawsuit, Jack Flanagan v. Town of Brookline - Docket No. 226-2015- CV-0557, Hillsborough County Superior Court Southern District, which lawsuit resulted in a finding that the Planning Board acted unreasonably and unlawfully by treating the 2004 waiver of road length determination as final regarding the 2015 subdivision amendment. That order stated that the case be remanded to the Planning Board for further proceedings (See the last paragraph of Court's Order dated September 30, 2016).

I request a hearing and the granting of a waiver from Section 4.8.01, appendix A3a and section 5.1.06 of the Subdivision Regulations, which regulations provides that the length of a dead-end street shall not exceed twelve hundred (1,200) feet in length and to allow a dead-end road of two thousand eight hundred sixty-nine and seven hundredths (2,869.07) feet

Pursuant to Section 6.1.01, this request for a modification of the regulation regarding road length 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 modification will properly carry out the purposes and intent of the Master Plan and of the subdivision regulations.

The applicant submits and requests the Planning Board find that strict conformity to the regulations regarding road length would pose an unnecessary hardship to the applicant in this case because an additional Road would need to be built approximately 1100 feet in length from Proctor Hill Road. The additional Road would be next to a bridge & Rocky Pond Brook and would need to cross nearly 200 feet of wetland, for which a dredge and fill permit is not supported by the Brookline Conservation Commission. Therefor a waiver of the road length would not be contrary to the spirit or intent of the subdivision regulations. Alternatively, the specific circumstances relative to the subdivision and conditions of the land in such subdivision indicate that the waiver will properly carry out the spirit and intent of the regulations.”

Randy reviewed the plan with the Board and showed them what would be impacted to create a new access off of Route 130. In 2004 we staked it out and walked the property with the Planning Board and the Conservation Commission. Neither Board supported the access over the wetlands so they requested a waiver for the length of the road. In 2006 another waiver requests was granted but the hardship was not spelled out in the motion that granted the request. Due to the court’s decision to have this reviewed this plan as a new one. **Randy** said he went to the Conservation Commission in January they do not support the wetlands crossing. **Alan** read the letter from the Conservation Commission: *“At the January 10, 2017 Conservation Commission meeting the Board reviewed the plan for Case 2017.1: H-75 and the road length of the proposed subdivision. The census of the Board is that there is nothing contradicting the previous Boards letter and would support the granting of the waiver request due to the significant amount of wetland disturbance the alternative would cause.”* **Alan** also read the letter from the Fire Department dated January 10, 2017 which stated they noted the proposal of the 30,000 gallon cistern, which will cover the fire protection requirement for this subdivision.

They have requested that the cistern be up and running before a certificate of occupancy is issued. They also noted that they are in the process of changing from a 5" to a 6" NFS thread connection. They stated they are concerned about adding 1,300 more feet to an already dead-end road. **Alan** said they are concerned about the length of the road but didn't spell out any specific concerns. **Valérie** said at the time when this was originally request Chief Corey said that they had one chainsaw now everyone on the department has one. A tree blocking the road now wouldn't be a problem like it originally was. **Brendan** said Buddy Dougherty and Jay Chrystal were on the Conservation Commission when they had originally walked the property in 2004 with the Planning Board and the developer. **Richard** asked why the length of a dead end road is so restrictive. **Alan** said at the time he believe it had to do with the length of hose on the fire truck. There will be cistern 1200 feet away from everything. Alan said if this proposed road was to go in it would disturb the wetlands in contradiction to the position of the Conservation Commission. It would also contradict a number of sections of the Master Plan's Natural Resources section. Rocky Brook is specifically called out in the Natural Resource Section 4.1 Watersheds. Also during the 2010 survey the residents supported the conserving natural resources. **Eric** said they had all listed it as top priority in their land use section. **Brendan** said the location of second entrance onto Route 130 would be a hardship. **Randy** said the hardship is also trying to conform to the Master Plan. **Alan** said to summarized the sections of the Master plan that would be affected Section 2 Natural Recourses Vision for Brookline "Preserving Brookline's natural resources is critical to maintaining the Town's rural character and fostering its overall vision for the future", Section 3.1 Support for Natural Recourse Protection in Brookline "residents of Brookline demonstrated broad support for natural resource conservation at the 2010 Master Plan Forum as well as in their response to the 2010 Master Plan Survey.", Section 3.2 Role of the Town of Brookline "preserving the natural resources that are so critical to its quality of life and community character.", "Brookline Zoning & land Use Ordinance 1100 Wetlands Conservation District which purpose is to prevent the destruction, pollution, or alteration of wetlands, which provide valuable natural services to the community." Section 4.1 Watersheds – Description of Wetlands Locations in Brookline which called out specifically Rocky Pond Brook, and section 4.1 Brookline's Wetlands Conservation District Ordinance " The purpose of this ordinance is to control and guide land use to prevent the destruction, pollution , or alteration of wetlands."

Brendan made a motion to grant the waiver request for the length of road because the Planning Board find that strict conformity to the regulations regarding road length would pose an unnecessary hardship to the applicant in this case because an additional road would need to be built approximately 1,100 feet in length from Proctor Hill Road. The additional road would be next to a bridge and Rocky Pond Brook and would need to cross nearly 200 feet of wetland, for which a dredge and fill permit is not supported by the Brookline Conservation Commission. Therefore, a waiver of the road length would not be contrary to the spirit or intent of the subdivision regulations. Alternatively, the specific circumstances relative to the subdivision and conditions of the land in such subdivision indicate that the waiver will property carry out the spirit and intent of the regulations and the Masterplan citing the Natural Resource Chapter Sections 2, Natural Recourses Vision for Brookline, Section 3.1 Support for Natural Resources Protection in Brookline, Section 3.2 Role of the Town of Brookline, Section 4.1 Watersheds. Seconded by Richard. Vote yes 5-0.

Eric made a motion to accept application 2017-1: H-75, Clover Hill Realty Trust. Brendan seconded. Vote yes 5-0.

Randy said due to the new regulations requested by the State there will be closed drainage and curbing for this subdivision. This has reduced the 16 lot subdivision to a 15 lot subdivision. They have address all of the Town Engineers concerns. **Valérie** said the only changes were the drainage and the curbing. Richard asked about the curbing why it is asphalt and not granite curbing. Randy said asphalt is easier to construct. **Valérie** asked what the first section of Sawtelle Road had for curbing.

Randy said there is no curbing at all. Alan read the conditions of approval:

- All fees associated with the case review & meeting time (Town Engineer, Town Planner, and Town Counsel) shall be paid prior to the recording of the final plan.
- All new building lots are subject to an impact fee per the Brookline Zoning Section 2100, in four separate amounts. The impact fees of \$222.14 (for ambulance facility), \$1,304.24 (for Brookline school system), \$1,843.17 (for Hollis/Brookline Coop Middle School) and \$345.83 (New Police Station) are payable to the Town of Brookline at the time the Certificate of Occupancy is issued for each lot.
- Any engineering issues and/or recommendations identified by Town Engineer must be addressed and resolved prior to recording the plan at the Registry of Deeds.
- Any new and/or updated deeds shall be submitted and reviewed by Town Counsel prior to the recording of the final plan.
- A letter from the Surveyor shall be received stating that all bounds are in place before a Certificate of Occupancy is issued for each lot.
- The applicant shall submit 8 paper copies of the final plan and a permanent, reproducible Mylar.
- A check in the amount of \$25.00 payable to Hillsborough County Treasurer shall be provided in order to record the final plan.
- The Financial Guarantees (Performance / Maintenance Guarantee) shall be submitted to the Planning board, for filing with the Selectboard, prior to the issuance of a building permit.
- Any changes to the final plan shall be submitted to the Board for review and approval.
- All conditions of approval shall be printed on the final plan prior to its recording.
- Final inspection of the cistern by the Fire Department.

Eric made a motion to approve application 2017-1: H-75, Clover Hill Realty Trust, 15 lot subdivision with the conditions of approval as stated. Richard seconded. Vote yes 5-0.

NRSP# 2017-A: C-36,C-36-2, Gerekos Realty, Chrysanthi's Parking Extension

In attendance for this hearing Spiros Gerekos.

Valérie said this is an application proposing to expand the parking area servicing the existing restaurant. Spiros approached the Town about expanding the parking area. So to do that he needed to come to the Planning Board. There will be no additional access just expanding parking. The parking area is located on a separate lot part will be paved. **Spiros** said some will be rap material for the snowmobiles in the winter to park the other half of the parking lot will be asphalt. He is looking to improve the safety as there have been many accidents in front of his restraint. This will mean better flow and more parking areas.

Eric made a motion to accept application NRSP# 2017-A: C-36,C-36-2, Gerekos Realty, Chrysanthi's Parking Extension. Ron seconded. Vote yes 5-0.

Eric asked if he was eliminating any existing parking. **Spiros** said no he wants to create more parking spaces and eliminate the need for people to park on the side of the road. This will create 29 more parking spots. **Brendan** asked if there will be additional lighting for the newly created parking areas. **Spiros** said yes they will have PSNH Lighting on the telephone pole that already exists there. There will also be a second light on a pole installed as well. He will also put up a fence along Route 13 so no one can pull in or out from this parking area. He will still be using the same entrance and exit that exists now. **Brendan** said he doesn't want the new light to effect the traffic on Route 13. **Spiros** agreed. The Board suggested Spiros contact the State just to verify where the fence will need to go so it is out of the state setbacks.

Eric made a motion to approve application NRSP# 2017-A: C-36, C-36-2, Gerekos Realty, Chrysanthi's Parking Extension with the condition that any future change to the properties shall be submitted to the Planning Board for review and approval. Richard seconded. Vote yes 5-0.

Committee updates

Conservation Commission

Brendan said the Conservation Commission has a signed P&S on 78 acres. There will be a bond request at town meeting. The purchase price is 1.2 million dollars. One third of the total purchase price has already been raised. The plan is to pay the bond with money received through Land Use Change Tax. This purchase will have a zero tax impact.

Selectboard

Brendan said they will also have a few open space lots that will need to be accepted at town meeting.

Sidewalk and Trail Committee

Alan said the town was approved for the TAP grant. They will be building the pedestrian bridge by the stone bridge on Mason Road.

Economic Development Committee

Ron said they will be holding the Chili Cook off on Sunday February 19, 2017 from Noon to three at the Brookline Event Center. There was an article in the Hippo about it. They are still looking in to the three signs that will be located at the entry into Brookline. **Richard** said he received the newest EDC Newsletter in the mail. **Richard** said Valerie did a great job on the newsletter.

Planning Board Member/ Alternate terms

In attendance for this meeting was Christopher Duncan he is interested in becoming part of the Planning Board and has attended the January meeting also.

Richard made a motion to recommend to the Selectboard that Christopher Duncan be appointed as an alternate member of the Planning Board with a term expiring on March 31, 2020. Ron seconded. Vote yes 5-0.

Valérie said Richards Planning Board term expires on March 31, 2017. **Richard** said he would sign up for another term. **Eric made a motion to recommend to the Selectboard that Richard Randlett**

**be reappointed to the Planning Board as a full member with a term expiring on March 31, 2020.
Ron seconded. Vote yes 4-0.**

March Planning Board Meeting

The Planning Board also decided to move the March meeting to March 23, 2017 just in case town meeting is continued into another night.

Richard made a motion to adjourn at 8:35 pm. Ron seconded. Vote yes 5-0.

Alan Rosenberg, Co-Chair, _____

Eric Bernstein, Co-Chair _____

Richard Randlett, Member, _____

Ron Pelletier, Member _____

Brendan Denehy, Selectboard Representative, _____

Jill Adams, Alternate, _____

**The next Regular Planning Board meeting will be March 23, 2017.
Minutes submitted by Kristen Austin.**