



**TOWN OF  
BROOKLINE, NEW HAMPSHIRE**

**PLANNING BOARD**

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**PLANNING BOARD MEETING**

**Minutes**

**December 20<sup>th</sup> 2007**

**Present:** Alan Rosenberg, Chair, Voting  
Clarence Farwell, Selectmen's Representative, Voting  
Richard Randlett, Member  
Mike Papadimatos, Alternate (voting For Michele)  
Valérie Maurer, Town Planner

**Absent:** Michele Hakala, Co-Chair and Ron Pelletier, Member.

**7:00 PM** Alan declared the meeting open.

**Minutes**

Clarence made corrections to the previous minutes.

Clarence moved to approve the minutes of the December, 6<sup>th</sup> 2007 Planning Board meeting as corrected. Seconded by Mike. Vote yes 3-0. Richard abstained.

Alan asked Mike to Vote for Michele. Mike Agreed.

**Dennis LaBombard Re: Common Driveway, Rumore Way-KKM Invest. LLC, Case#2004-25:D-8**

In Attendance for this case: Keith Adamyk (KKM Investment LLC), Dennis LaBombard, (LaBombard Engineering).

Alan said that there is a letter in the mail from Dennis in regards to this common Driveway. Alan said Keith would like to get a Certificate of Occupancy for number 8 Rumore Way without having a granite marker installed. Dennis said it is more than just a marker. The culvert needs to be replaced and a granite bounds need to be set. Clarence asked where the culvert is that needs to be replaced. Dennis said by the 1<sup>st</sup> driveway on the right. Keith said it is there it was crushed when Verizon came to put in a pole but water can still run through it. Clarence said the granite marker sign is not in. Keith said it was broken when they pulled it off the truck. Dennis said the asphalt apron has been installed. Keith said the only thing left is the sign. The culvert that is crushed goes to the other lot where there is no house. Clarence asked if a new granite marker has been ordered. Keith said no. Alan said he would feel a lot better about it if a new marker had been ordered. Keith said he added #8 to the post that already reads #7 until a new marker is ordered and installed. Alan said the last granite bound would not be installed until May now. Dennis said a bond was put on this a year ago but he is not sure of the status of that. Valérie said we received a faxed copy of the bond renewal for \$10,000 from Western Surety Company. It is renewed with original bond number and is good until December 6<sup>th</sup> 2008. This is just a fax not the original copy that will need to be provided to Rena. Mike asked what the bond was for. Clarence said

roadwork. **Clarence** said this is an extension bond, do you have to original on file. **Valérie** said yes Rena has the originals. **Valérie** said the Building Inspector wanted to know if the work would be completed and wants a definite completion date sooner than the December date. June would be a better completion date. **Clarence** said it would depend on the weather. **Alan** asked if this bond was just for this one lot. **Clarence** said it is not for the lot, it is for the common driveway. **Dennis** said he has no objection to maintaining the bond but would like a deadline sooner than December. **Clarence moved to accept the \$10,000 bond renewal and issue a C.O. with the stipulation that no further building permit be issued until the Town Engineer's requests are completed for Rumore Way. Seconded by Richard. Vote yes 4-0.**

**Alan** said we should find out why the building permit was issued in the first place.

**7:30 pm Final Review of the Proposed Zoning Ordinance Amendments (final Public Hearing January 17, 2007)**

**Alan** opened the public hearing. **Valérie** said that, as discussed at the last meeting, she had contacted the abutters to the Patenaude/ Bagley property and asked if they would be interested in rezoning their lots.

J-42 opposed to changing, J-45 opposed to changing, J-46 was undecided but has no plan to have any commercial activity on the lot, J-44 have not heard from, and J-47 just a corner is in the Commercial Industrial zone and she had not heard from them either. **Alan** said they need to choose the wording.

**Brad Westgate** (Attorney for Al Patenaude) explained how he came to that language. After discussion, the Board agreed upon the wording below for Section 501.00.

**500.00 INDUSTRIAL-COMMERCIAL DISTRICT**

**501.00 Location**

*a. Bounded by NH Route 13 to the east; the portion of all lots (excluding lots J-41 and J-41-1) within 500 feet of NH Route 13, between the Massachusetts State Line and the northern boundary of lot J-20, and lot J-19.*

**Background:** *The properties involved in the proposed change of zoning district are surrounded by town owned land, residential lots and commercial lots with a residential use.*

**Clarence** was concerned that the warrant article sounds like the Planning Board is suggesting this change to J-41 and J-41-1. **Richard** said he didn't think the Planning Board should be part of anything that would reduce the amount of commercial / industrial property. **Valérie** said the warrant article has to be written that way; it is in the RSA's. At the bottom the Board can add whether it is in favor of this or not. **Clarence** said this is important enough to have the people decide. **Alan** said the phrase "as proposed by the Planning Board." this needs to say the contractor or owner. **Richard** asked if there is anyway they can make it known that, this is being requested by the owner not the Planning Board. **Valérie** said it can be added to the ballot.

**Clarence moved to present the 2<sup>nd</sup> version of proposed wording on the ballot for the town's people to make the decision. Seconded by Mike. Vote yes 3-1. Richard voted No.**

**1400.00 GROWTH MANAGEMENT / RESIDENTIAL PHASING ORDINANCE**

**1407.00 Sunset Clause**

*This article expires at Town Meeting ~~2008~~ 2011, unless the following occurs:*

*(Rest of the section unchanged)*

**Background:** *The Planning Board feels that the intent of the existing ordinance is maintained.*

Section 1400 was discussed. **Valérie** said her advice to the Board is to change the date from 2008 to 2011. They Growth Ordinance do not have to be reviewed every year it can go every three years and if we need to we can update in between the three-year period. **Richard** said this is the clearest report regarding the Growth Management Ordinance he has ever seen. **Valérie** said thank you.

**Richard moved to accept wording of Section 1407.00 and put on ballot. Seconded by Clarence. Vote yes 4-0.**

The Board Continued discussing the changes.

**2000.00                    ACCESSORY DWELLING UNITS ~~(IN-LAW APARTMENTS)~~**

**2001.00    Purpose**

~~For the purpose of~~ To provide expanded housing opportunities and flexibility in household arrangements to accommodate family members or non-related people of a permitted, owner or family occupied, single family dwelling, while maintaining aesthetics and residential use compatible with homes in the neighborhood, accessory dwelling units (ADU) shall be permitted by special exception granted by the Board of Adjustment in the Residential-Agricultural District.

**2002.00    Requirements/Limitations**

The Zoning Board of Adjustment shall grant such a special exception upon a finding that the applicant has demonstrated the following:

2002.01                    ~~Accessory Dwelling Units shall be secondary and accessory to a principal single family dwelling unit.~~

2002.02                    ~~In granting a special exception, the Board of Adjustment must find that the secondary unit is developed in a manner which does not alter the character or appearance of the principal dwelling unit as a single family residence.~~

2002.03                    ~~Only one accessory dwelling unit shall be allowed per principal dwelling unit and/or lot.~~

2002.04                    ~~An ADU is not permitted in any principal dwelling in which the owner of record of the principal dwelling does not personally reside.~~

2002.05                    ~~There shall be no alterations, enlargements, or extensions of the existing structure which alter its character or appearance as a single family residence (or other detached accessory structure, when applicable).~~

2002.06                    ~~Any necessary additional entrances or exits shall be located to the side or rear of the building whenever possible.~~

2002.07                    ~~An accessory dwelling unit shall not be considered to be an additional dwelling unit for the purpose of determining minimum lot size.~~

2002.08                    ~~Attached accessory dwelling units shall be designed to allow for re-incorporation into the principal dwelling unit.~~

~~2002.09~~ ~~At least one (1) common interior access between the principal dwelling structure and the accessory dwelling unit shall be maintained. A second means of egress from the accessory dwelling unit shall be provided for in accordance with the provisions of Section 2002.03. Attached or detached accessory dwelling units shall have two (2) means of egress, other than a window, shown on a plan that shall be submitted and approved by the Fire Department and the Building Inspector prior to filing an application for special exception with the Zoning Board of Adjustment.~~

The Board discussed Section 2002.09. **Valérie** said she contacted the Fire Department and the Building inspector and they had suggested the wording for this Section. **Valérie** said Scott said windows and ladders are no longer acceptable means of egress.

**Clarence** asked if the proposed amendments were going to Town Counsel for review before it is placed on the ballot. **Valérie** said yes.

~~2002.10~~ ~~Detached accessory dwelling units are only allowable when located on a lot that has twice the minimum required lot size. A detached accessory dwelling unit cannot be converted to a principal dwelling unit.~~

2002.11            The gross living area of an accessory dwelling unit shall not be less than 350 square feet or not greater than 1,000 square feet not to exceed 40% of the total heated above grade floor area of the principal dwelling.

2002.12            The above grade gross living area of the principal dwelling shall not be reduced to less than 1200 square feet.

~~2002.13~~ ~~Attached accessory dwelling units shall occupy no more than 40% of the total heated above grade floor area of the principal dwelling.~~

2002.14            A building permit for an accessory dwelling unit must be approved and issued prior to the construction of an accessory dwelling unit. An attached accessory dwelling unit shall have an interconnected fire alarm system.

2002.15            The Emergency Management Director shall determine the house number for the accessory dwelling unit at the time of building permit application.

~~2002.16~~ ~~Adequate off street parking shall be provided to serve the combined needs of the principal dwelling unit and the accessory dwelling unit.~~

~~2002.17~~ ~~Adequate provisions must exist or be made for ingress, egress and turning of vehicles within the site. The driveway shall be designed to appear as a driveway of a single family residence, and no new curb cut from the street shall be constructed. Adequate off-street parking shall be provided to support the vehicles of the primary and accessory units.~~

2002.18            The existing, replacement or proposed septic system must be certified by a licensed septic designer or engineer as adequate to support the accessory dwelling unit in accordance with New Hampshire RSA 485-A:38 and the Town of Brookline septic regulations.

**2003.00 Accessory Dwelling Unit Certificate of Occupancy Change of Ownership**

~~If a property containing an approved accessory dwelling unit is conveyed and the new owner wishes to maintain the accessory unit, the new owner shall apply for a certificate of occupancy for the dwelling unit. The purpose of this section is to ensure that one of the two dwelling units is owner~~

~~occupied.~~ Upon conveyance, the accessory dwelling unit shall be deemed reincorporated into the residence. The new owner of an accessory dwelling unit shall comply with Section 2001.00, Purpose.

**2004.00 Procedural Requirements**

2004.01 An application for special exception approval under the auspices of this Section shall include the following:

All Plans shall be submitted with any application for an accessory dwelling unit building permit should which denote, describe and/or identify the intended accessory dwelling unit area as such.

***The remaining of this section was not modified.***

**Background:** The proposed changes are to redefine the accessory dwelling units which expand housing opportunities.

**Section 2200 HOUSING FOR OLDER PERSONS**

**Section 2203.00 – Siting Requirements, Site**

**2203.02(b)3 Site Perimeter Buffer**

Each development must be situated within a permanently-protected, ~~undeveloped~~, site perimeter buffer identified on the site plan, not less than ~~50~~ 30 feet wide which, unless it is already ~~wooded and~~ satisfactory to the Planning Board, must be ~~landscaped planted and landscaped so as to~~ provide a visual barrier between the development and adjacent properties except where the Planning Board finds that a town-protected buffer already exists on an adjoining parcel. This buffer shall remain undeveloped except for access road(s), necessary storm water management controls that will allow the buffer to return to its natural state and additional landscaping if required by the Planning Board. The Planning Board may require an additional buffer width where unique circumstances of an abutting use or property warrant. The site perimeter buffer shall count towards the required minimum protected open space. Any perimeter buffer not part of the open space shall count toward the minimum protected open space but is not itself considered open space as described in section 1506.01 of the zoning ordinance, Open Space Management

**Background:** The proposed changes are 1. to reduce the minimum buffer width to 30 feet, 2. to clarify the requirements for permanently protected buffers, 3. to allow access to the development, and 4. to specify that the buffer is not considered open space as described in section 1506.01 of the zoning ordinance, Open Space Management

**2203.02(b)4 Setbacks and unit separation**

All structures shall be set back at least 25 feet from the ~~50-foot~~ site perimeter buffer. In addition, developments located on public roads must meet the standard building setbacks as specified for the applicable district in the Brookline Zoning Ordinance. All housing units / buildings must be separate by at least thirty-five (35) feet.

**Background:** The proposed change is to remove the mention of “50 feet” for the site perimeter buffer in order to match the amended section 2203.02(b)3.

**Section 2500.00 – BOARD OF ADJUSTMENT**

**Proposed Language:**

*Within thirty days after the adoption of this Ordinance and thereafter as terms expire or vacancies occur, The Board of Selectmen shall make appointments to a Board of Adjustment of five members conforming in duties to the provisions of Chapter ~~31~~ 674:33 of the NH RSA Annotated 1955 as amended. Thereafter, as terms expire or vacancies occur, the Board of Selectmen shall be responsible for filling vacancies and maintaining full membership on the Board of Adjustment. The Board of Adjustment here provided shall conform in membership and terms of office to the provisions of Section ~~37~~, Chapter 673:5, NH RSA, 1955 as amended. In addition to the general powers granted, said to the Board of Adjustment by ~~said~~ Chapter ~~31~~ 674:33, it may, in harmony with and subject to its provisions: (Remaining of the section unchanged)*

**Background:** The proposed change is to refer the correct NH RSA's that guide the Board of Adjustment in its duties.

The Board had no issued with the rest of the changes.

## OTHER BUSINESS

### **Big Bear Lodge – Proposed Elevator**

**Randy Haight** (Meridian Land Services LLC) said Deb, the manager of Big Bear, asked him to come to the Planning Board tonight with a plan showing where the elevator will be going. **Randy** said Paul Andre (Owner of Building) had stated previously that they would be adding an elevator to the building. **Randy** said the Building Inspector was not comfortable giving a building permit to the contractor until the Planning Board saw a plan. **Randy** handed out copies of the plan to everyone. **Randy** said it doesn't encroach on any setbacks. He described where it is going and what it will look like through the plans provided. **Clarence moved that the Planning Board find that the plan for the construction of an elevator at the Big Bear Lodge is ok. Seconded by Mike. Vote yes 4-0.**

### **March 2008 Meeting Schedule**

**Valérie** suggested that because of the Co-op District Annual meeting is on March 6 and the Town meeting on March 12, there might be only one P.B. meeting in March of 2008. Just so everyone is aware, the 6<sup>th</sup> will be canceled due to the School Board Meeting and the 13<sup>th</sup> should remain open in case the Town meeting runs over. The Board agreed. The only PB meeting will on March 20.

**8:30 PM Richard moved to adjourn the meeting. Seconded by Clarence. Vote Yes 4-0.**

**The next Planning Board meeting will be on Thursday, January 3<sup>rd</sup>, 2007.**

Minutes submitted by Kristen Austin.