



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

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**PLANNING BOARD MEETING
Minutes
October 7, 2010**

Present: Alan Rosenberg, Co-Chair, Voting
Mike Papadimatos, Co-Chair, Voting
Richard Randlett, Member, Voting
Ron Pelletier, Member, Voting
Dana MacAllister, Alternate
Paul Anderson, Alternate
Valérie Maurer, Town Planner

Absent: Kevin Gorgoglione, Selectmen's Representative, Member.

7:00pm Meeting start

Minutes

Richard moved to approve the minutes of the September 16, 2010 Planning Board meeting as amended. Alan seconded. Vote yes 4-0.

Case Review NRSP # 2010-D: D-18-15, Darcey Klein, Office Trailer for Dog Breeding Home Business

In attendance for this hearing Darcey & Michael Klein (applicants), Mark Gath & Lynn Giblin (abutters, 17 Mountain Road), Melissa Vela (abutter, 15 Mountain Road), and Paul Moverman (abutter, 16 Mountain Road).

Valérie said Darcey Klein has submitted an application to move a 10x48 ft office trailer into her yard to breed dogs, specifically Chihuahuas. Currently there is a trailer at this location and no building permit was pulled. This is also an office trailer. The Board will need to discuss:

1. If the proposed home business will “preserve the character of the residential neighborhood and provide residents freedom from nuisance and potential negative impacts resulting from commercial activity in the residential area”.
2. The Board needs to discuss if the “The home business must be secondary to the use of the property as a residence”.

There were no comments from the Health Officer. He was unavailable for comments but he performs yearly inspections of all facilities in town as requested by the State.

Valérie said Section 1702.02 of the Brookline Zoning Ordinance states “The home business can occupy up to 25% of the combined gross floor area of the existing home and/or any accessory structures, or 1,500 sf.” The gross floor area of the existing home is 2,546 sq/ft (assessing property card). The applicant calculated that the proposed area to be used the home business is 704 sq/ft (224 sq/ft, part of the house and 480 sq/ft proposed 10x48 trailer)

The Building Inspector pointed out Section 701 of the Brookline Zoning Ordinance that states “No trailer or manufactured house shall be occupied or maintained as a living unit except in an approved Manufacturing Housing District.

The Building Inspector went out to inspect this property and there is currently a trailer on the property there. There are no permits on file for this trailer. **Darcey** said she didn’t realize they had needed approval. The Building Inspector sent a letter to the owner.

Valérie said all fees have been paid and abutters notified. The application for a home business is all set.

Mike asked what size the trailer is that is located on the property now. **Darcey** said its 8x16 and can be moved with a truck. **Paul** asked if the trailer that is there can be used as part of the 25% calculation for the home business. **Valérie** said because the trailer is there illegally that can not be included in the 25% for the home business per Section 1702.02. If the proposed trailer was in place that could be used to calculation the home business sf.

Valérie said **Darcey** would like to breed Chihuahuas and they will not be going outside. **Darcey** said the ticks around this area carry deadly diseases and she will not allow them out. **Alan** asked if the plan is to move out the small illegal trailer and replace with the larger 10x48 trailer. **Darcey** said yes.

Alan moved to accept application NRSP #2010-D:D-18-15, Darcey Klein, office trailer for Dog Breeding Home Business. Ron Seconded. Vote yes 4-0.

Richard pointed out Section 1705.04.” Home businesses shall not involve the on-site use or storage of heavy equipment such as back-hoes, graders, dump trucks, tractor trailers, semi-trucks and other large vehicles or stationary equipment of an industrial nature. When a controversy arises as to whether a certain piece of equipment or vehicle falls into the class of prohibited heavy equipment, the Planning Board shall make a finding as to whether or not such equipment or vehicle is prohibited as part of the home business operation prior to taking final action on the application.”

Richard said he would say it is a building of industrial nature and we should state that on record. **Dana** looked at the picture of the office trailer and said he though it was borderline. **Darcey** said this area will be landscaped and our house is set back from the road so you won’t be able to see it from the road. She would like it to blend in with the property not stick out.

Lynn Giblin asked if this property is sold will this home business go with the property if it is sold. **Valérie** said this will go with the homeowner. It will be recorded that way. **Lynn** said they can see the smaller trailer that is there now and is worried the new larger trailer will be very visible. Especially in the Fall/Winter when all the leave are gone. **Melissa Vela** said she is across the street and can see the trailer that is there now. **Michael Klein** said they have done some landscaping and dug out the side of the hill to fit the trailer in and would be willing to do more to satisfy the abutters. **Alan** asked if the dogs are an issue right now. **Lynn** said they could hear them barking but that is it. **Alan** asked if there is a lot of traffic to the home. **Darcey** said they only have one car at a time come in and it is not very often. She likes to meet them so she can see where the dogs are going. **Melissa** asked if this is a good area to breed these dogs if you can’t allow them to go outside. **Darcey** said they are lap dogs they are indoor pets. **Darcey** said she has called the state about licensing and they have continuously told her that she is all set until she has more than 40 dogs or 10 litters in a year. The area where the dogs stay is cleaned multiple times a day. The

abutters reviewed a site plan and photos of the trailer. **Melissa** asked if this will be attached to the house. **Darcey** said yes with a mud room that faces the road. The trailer is lower than the house. **Paul Moverman** asked what the trailer was used for previously. **Darcey** said it was an office trailer her girlfriend owns. She used to run a payroll business out of that trailer. **Lynn** said she would feel better if there was a note on the card that the next owner wouldn't be able to run a dog breeding business that could be expanded. **Valérie** said there would also be a compliance hearing in a year for the home business and if there are any issues you can come back in to discuss them. **Alan** said before then if you have any issues you can let us know. **Mike** said the Board should make a finding on Section 1705.04. **Melissa** asked if there will be a lot of people going to the house. **Darcey** said no. **Richard** asked if they have checked their deed for any covenant restrictions because that area has a lot of covenant restrictions. **Darcey** said they haven't checked yet. **Richard** said he does not like the idea of a commercial building in a residential neighborhood. **Alan** asked abutters how the existing trailer is working out. **Lynn** said she noticed it but it is also half the size of the proposed trailer. **Melissa** said that she is trying to sell her property across the street and can see the existing trailer from her living room. **Mark** said just as long as it's not a deterrent to selling the property. **Alan** asked if they were to build a 10x48 foot shed to raise the dogs in what would be the difference. **Ron** said that the difference is that it would not be a commercial building. **Alan** read through Section 1702.02 of the Zoning Ordinance again. **Valérie** said it states "and/or" but you can only calculate what percentage can be used for the home business by what is on the property right now. **Richard** said combined means home and trailer. The trailer currently on the property is not legal and should not count toward the calculation of the square footage allowed for the home business. **Alan** read section 1705.04 again and said he thinks that refers to heavy equipment for example rock pulverizing equipment. **Mike** said they should make a finding on whether or not the trailer is considered commercial equipment. **Alan made a motion that the Planning Board makes a finding that the 10x48 foot office trailer would not fall into the class of heavy equipment as stated in Section 1705.04 of the Brookline Zoning Ordinance.**

No one seconded the motion. The motion dies.

Alan made a motion that the Planning Board makes a finding that the 10x48 foot office trailer does fall into the class of heavy equipment as stated in Section 1705.04 of the Brookline Zoning Ordinance. Richard Seconded. Vote yes 4-0.

Mike said with that finding the 10x48 trailer can not be used for this home business.

Darcey said they can use the trailer that is there already.

Alan said the proposed hours are 9-5 and that complies with the ordinance. The neighbors don't seem to have a problem with parking. Right now there doesn't seem to be a nuisance issue. It comes down to gross floor area. **Mike** asked if they use the trailer that is already there would they need to fill out a new application. **Paul** asked if this application can be modified in the middle of the hearing. **Valérie** said the Board could continue the hearing to a certain date because the type of activity for the home business does not change but she recommended sending another letter to all abutters to inform them of the modification in the application (proposed use of the existing trailer). **Alan** said the applicants will have to go to the Building Inspector and make sure the smaller trailer is there legally, get all the necessary permits. **Valérie** asked if they could provide pictures of the smaller trailer prior to the next meeting.

Alan moved to continue application **NRSP # 2010-D: D-18-15 to the regularly scheduled Planning Board meeting on November 4, 2010. Ron Seconded. Vote yes 4-0.**

2011 Proposed Budget

Valérie said she already has submitted a proposed budget to the Board of Selectmen; submission was due October 4th. She also provided a draft warrant article in order to finalize the Master Plan update. The

Planning Board is scheduled to meet with the Board of Selectmen and Finance Committee on October 25, 2010 to discuss.

Master Plan Update

Valérie said the survey is completed and will be on the website Friday. This will take about 10 to 12 minutes to complete and there will be hard copies available to fill out also.

Alan said the Forum Committee has scheduled October 22, 2010 to hold the public forum at RMMS on Milford Street from about 6:00pm. The Women's Club will provide soup and sandwiches. We also have people soliciting the local businesses for donations. **Alan** said he has asked Ron Pelletier to post a notice on the Brookline Media Center (Brookline Auction Gallery) sign and he will email Kevin Gorgoglione to see if Absolute Mechanical can post something on their sign also.

Capital Improvement Plan

Paul said they have had the first CIP meeting a couple of weeks ago. **Valérie** has sent out notices to all the Departments. They will meet with the departments at the fire station on October 26, 2010 and November 9, 2010 at 7:00pm with the Department heads. **Paul** also said Linda Saari will be representing the Selectmen.

Richard moved to adjourn at 9:15 pm. Alan Seconded. Vote yes 4-0.

Alan Rosenberg, Co-Chair _____

Mike Papadimatos, Co-Chair, _____

Richard Randlett, Member, _____

Ron Pelletier, Member, _____

**The next Regular Planning Board meeting will be 10/21/2010.
Minutes submitted by Kristen Austin.**