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**TOWN OF
BROOKLINE, NEW HAMPSHIRE
ZONING BOARD OF ADJUSTMENT**

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

<http://www.brookline.nh.us>

**BOARD OF ADJUSTMENT
MINUTES
Wednesday, March 21, 2018**

Present: George Foley, Member, Chairman
Peter Cook, Member, Vice-Chairman
Webb Scales, Member, Clerk
Kevin Visnaskas, Member
Jill Adams, Alternate
Charlotte Pogue, Alternate (voting for Marcia)

Absent: Marcia Farwell, Member

George asked Charlotte to vote for Marcia. Charlotte agreed.

Case 410

George read the hearing notice.

Notice is hereby given that a hearing will be held at or about 7:30pm on Wednesday, March 21, 2018 in the Town Hall meeting room. Applicant 364 Route 13 LLC, c/o Edward & Joan Delage is requesting a Special Exception under Section 2600 b of the Brookline Zoning Ordinance to allow a “family-operated” ice cream shop in the residential zone. Lot B-20-1 is located at 346 Route 13 consisting of 0.76 acres.

In attendance for this hearing Joan and Edward Delage.

Also present for the case: Abutter

George said fee have been paid and abutters notified.

George read section **2600.00 b**. *Permit in the Residential-Agricultural District an industrial or commercial use which a public hearing demonstrates that it can meet the requirements of Section 500, paragraphs 502 (v) and 503 and is not otherwise detrimental to the neighborhood.*

George read section **502 v**. *Any commercial use which does not offend by emission of smoke, dust, gas, noise, odor, or fumes*

Joan said the only noise that they may have is from kid that may be there.

George read **Section 503.01 Frontage**. Every building lot shall have at least 150 feet of frontage.

Ed said they have adequate frontage.

George read **section 503.02 Setbacks:**

a. Front. Each structure shall be setback at least 30 feet from the front lot line.

503.02 b. Side and Rear. Each structure shall be at least 15 feet from side and rear lot lines. In the case of a corner lot, the side distance shall be increased to 25 feet on the side bordering the frontage.

Ed said they meet all set back requirements.

George read **Section 503.04 Site Coverage.** No more than seventy-five percent (75%) of the gross area of any lot may be occupied by structures and impervious surfaces. Commercial buildings, structures and parking areas in existence as of March 12, 1996 that exceed the permitted lot coverage within the district may be maintained at, or rebuilt to, the existing level. Any increase in impervious area will not be permitted.

George read **Section 503.05 Building Requirements.**

1. Height: Except for structures not intended for human occupation (such as chimneys, water towers, and church spires), maximum building height is 35 feet, calculated from the average finished ground level adjoining the building at all exterior walls.

2. Accessory Buildings: Accessory buildings of 100 square feet or less shall not require a building permit but shall be required to meet all setback requirements and Section 300.00, General Provisions.

Webb read **Section 901.01** Where a lot in separate ownership, the deed to which is duly recorded on or before 12 March 1968 and which is recorded and taxed according to the 1972 tax records of the Town of Brookline, NH, does not conform to the area and frontage requirements of the zone in which it is located, such lot may be used for any purpose permitted in that zone on said date provided that such use conforms with the requirements of the Water Supply and Pollution Control Commission (WSPCC).

The Board agreed this is a lot of record.

In attendance for this hearing were Amie and Mike George from 4 Runala Road (they are directly across the street for the back side of this lot) they were concerned that they had staked off an area across the street for another entrance off Ruonala Road. Amie's concern is that it is right across the street from their home and they have a hard time pulling out onto Ruonala Road they had to install an entry way off Nicholes Avenue. Ed explained that the stakes are there to mark where the septic will be. Amie also mentioned they had moved rocks from the stone wall and it looks like it could be wide enough for a driveway. Ed said they will have the rocks moved back into place once the septic is in place. The rocks were moved so they could get the equipment in to install the septic system.

Peter made a motion that the Board finds that in order to avoid being detrimental to the neighborhood the business only take access from Route 13. Seconded by Webb. Vote yes 5-0.

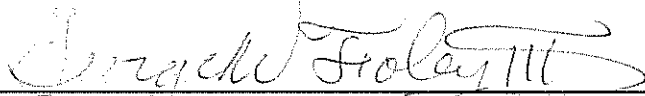
Webb made a motion to Grant the Special Exception in the case of 410 from Section 2600 b of the Brookline Zoning Ordinance. Seconded by Peter Vote yes 5-0.

Minutes

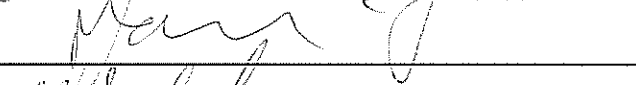
Webb moved to approve the Zoning Board minutes of February 14, 2018 as written. Seconded by Kevin. Voted Yes 5-0.

Peter moved to adjourn at 8:30 pm. Seconded by Kevin. Voted YES 5-0.

George Foley, Member, Chairman



Peter Cook, Member, Vice-Chairman



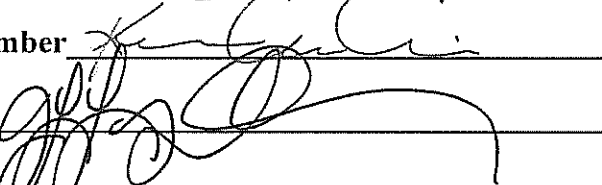
Webb Scales, Member, Clerk



Kevin Visnaskas, Member



Jill Adams, Alternate



Minutes submitted by Kristen Austin.

