



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

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**BOARD OF ADJUSTMENT
MINUTES
Wednesday, August 12 2015**

Present: George Foley, Member, Chairman
Peter Cook, Vice Chairman
Webb Scales, Member, Clerk
Marcia Farwell, Member
Kevin Visnaskas, Member
Jill Adams, Alternate

Absent: Charlotte Pogue, Alternate

Case 387

George read the hearing notice "Applicants Steven & Ann Count of 230 Route 13 are requesting a Special Exception under Section 2000 of the Brookline Zoning Ordinance to allow an existing Accessory Dwelling Unit in the home. Lot D-38 is located at 230 Route 13 consisting of 1.500 acres."

George said fees have been paid and abutters have been notified.

Steven said they had bought the home with the apartment in it and the renter. At the time of purchase they were informed that the town knew about it and they were all set. They have since found out that the Town was not aware and they are here tonight to make this a legal apartment. This was a coffee shop and then an apartment before they purchased the property. After they purchased the property they had also come into the Zoning Board to be allowed to open a coffee shop and then they had changed it back into an apartment. **Ann** said in order to refinance this property it needs to be a legal apartment. **George** asked where the apartment was located in the house. **Steven** said on the tax card sketch it is on the right if you're looking at it from the street the 22x24 area. **George** said that's 528 square feet. .

George read through the point in the Zoning Ordinance Section 2000.

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

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

Ann said they have a front entrance and a side entrance.

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

2002.09 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.

George said they do have the exits but will need to go to the Fire Department and the Building Inspector for approval. **Ann** said a plan was submitted for the coffee shop and that was approved is that acceptable. **Webb** said they will need to approve this as a dwelling and not a coffee shop but you should be able to use the same plan.

2002.11 The gross living area of an accessory dwelling unit shall not be less than 350 square feet and not greater than 1,000 square feet.

George said they have already calculated the 528sf ADU.

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

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

Steven said the fire alarms are already interconnected.

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

George said they would just need to speak with Lee Duval the Emergency Director to get a number for the Apartment.

2002.17 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.

Ann said they have plenty of parking because of the coffee shop that used to be there.

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.

Steven said the apartment has its own septic system. It was installed for the coffee shop.

Kevin asked if there were any other means of egress. **Ann** said there is a utility room between the main house and the apartment they have access to.

Marcia made a motion to grant the special exception from section 2000 of the Brookline Zoning Ordinance to allow the accessory dwelling unit contingent upon the plan being approved by the Fire Department, the Building Inspector and Emergency Management per section 2002.09 and 2002.15 of the Brookline Zoning Ordinance. Webb seconded. Vote yes 5-0.

Steven said just to clarify they just needed the Fire Department and the Building Inspector to ok the In-law apartment plan and get a street number from emergency management and then send a letter to the Zoning Board for this to be an approved dwelling. **George** said yes they will be all set after that.

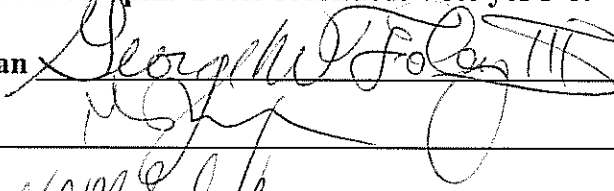
Minutes

Marcia made a motion to approve the June 10, 2015 and the July 8, 2015 minutes as written. Webb seconded. Vote yes 5-0.

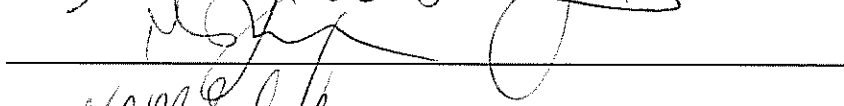
Adjourn

Marcia made a motion to adjourn at 7:55pm. Peter seconded. Vote yes 5-0.

George Foley, Member, Chairman



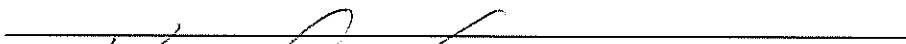
Peter Cook, Vice-Chairman



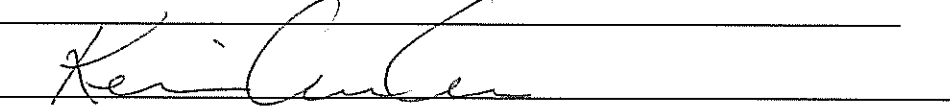
Webb Scales, Member, Clerk



Marcia Farwell, Member



Kevin Visnaskas, Member



Minutes submitted by Kristen Austin

~~Aug 2015~~

L Oct 2015

L Nov 2015

L Dec 2013

L Dec 2015
12/11/15

Decision Notice
NBA/APP

2016 02.10