



TOWN OF
BROOKLINE, NEW HAMPSHIRE
ZONING BOARD OF ADJUSTMENT

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BOARD OF ADJUSTMENT
MINUTES
Wednesday, September 14, 2016
7:30pm

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

Absent: Charlotte Pogue, Alternate and Jill Adams, Alternate

Case 398

In attendance for this hearing Katherine (Kasey) Connors (Applicant) and Felix & Eleanor Monius (abutters).

George read the hearing notice "Applicant Katherine Connors is requesting a Special Exception under Section 2000 of the Brookline Zoning Ordinance to allow an Accessory Dwelling Unit. Lot H-46 located at 15 Main Street consisting of .50 acres."

George ask if fees have been paid and abutter notified. **Kristen** said yes.

Katherine stated that she is looking to put the home up for sale and would like to list it as having a legal apartment. In 2002 she moved back in and renovated the carriage house (attached to the home). Her realtor realized that it was not recorded with the Town as a legal in law apartment. **Katherine** said she has been there for 14 years, originally they were going to come to the Zoning Board they hired PM Mackay and had submitted plans to renovate this space. Then her father passed away so they didn't go through the whole process and withdrew the Zoning Board application. They did end up renovating the carriage house and she has lived there for the past 14 years as her mother's care taker. It wasn't until just recently that they realized this was never approved as an in law apartment. **Marcia** said it is an in-law apartment right now. **Kathrine** said yes she has lived there for 14 years as her mother's caretaker. Since her mother passed she has been living in the house and she has had a friend living in the ADU. **Webb** said the building permit that was pulled was to renovate building permit was issues to renovate the living room and loft. There is nothing about adding a bedroom or implementing an ADU. **Marcia** said correct but it is there now.

George asked if this is attached to the house. **Katherine** said yes it is. **Webb** asked if there is a door that goes from the main house to the ADU. **Katherine** said yes. The Board reviewed the floor plan that was

submitted by PM Mackay in 2002. **Katherine** reviewed the plan with them. They discovered the plan submitted is not what accurate as to what is there now. **George** said they will need a more accurate plan so they know what they are approving. The Board asked about the septic system. **Katherine** said she spoke to Meridian Land Services and they said this septic system is grandfathered. She has never had a problem with the septic and it has always been well maintained. She handed the Board plans for a new septic system that were drawn up in 2010. She spoke with Tom Carr from Meridian today and he said he was willing to update these plans to meet today's specifications. **Peter** said the septic needs to be able to accommodate the correct amount of bedrooms. The Board asked her if she knows how big the ADU is. **Katherine** said it's about 1,300 sf not including the entrance hallway. **Webb** read Zoning Ordinance Section 2002.07 that states the ADU can't be greater than 1,000sf he asked how many bedroom in the main house. **Katherine** said 3 bedrooms in the main house. **Webb** said the tax cards states 6 bedrooms. **Katherine** said we could have five bedrooms upstairs but they are not being used as bedrooms. **Webb** said you have a total of 5 bedrooms plus the ADU. A total of 6 bathrooms and the new septic design plan is only for 4 bedrooms. **Katherine** said this can be updated. **Webb** asked if she would be putting in the new septic before she sells the property. **Katherine** said she will not put it in before she sells it. **Webb** said he believes that until the septic is in place you couldn't market it as a legal ADU. **Peter** said with the new state law coming into effect you could market it as a home with a possibility of a legal ADU. Something to consider. **Kevin** said if you don't replace the septic then he can't see how they could grant this special exception.

Felix Monius stated that his property goes right behind hers. This is a large building and it is jammed right up against his property. He is worried about the impact more people are going to have on this lot, on a small lot. Were in a drought at have been for a couple of years, were are 18 inches behind at this point. He doesn't believe he should be impacted so if the town wants to make some sort of judgment on this he want to know if they will fix it if something goes wrong. He doesn't want to have to haggle with the property owner to fix something that may be affecting his land. All he is saying is someone has to be responsible other than the people who will be occupying this property. He believes if the town is making a judgment on this that they should be responsible for this. **Felix** said if this gets out of hand there should be some way he can go to the town and state if the homeowner is not doing what they need to do there should be some course of action. **George** said in our zoning the town has approved a way for someone to have an in-law apartment. They do need to meet the criteria before that could be grated. They are only here discussing the Accessory Dwelling Unit. The Board is only saying that they can have an ADU if she meets the criteria. **Felix** said he understood and asked what if something happened with the new septic. **George** said the owners of that property are responsible for their septic per state law. We can't grant this ADU unless the septic accommodates the number of bedrooms. **Marcia** asked if they could grant this if the new septic system is not installed. **George** said conditionally they could as long as the septic design is for the 6 bedrooms. **Marcia** said Katherine stated already that she will not be putting in a new septic before this property is sold. **George** said a condition of approval is only good for a year. **Marcia** said in section 2002.12 states "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." **Webb** said the design we have in front of us is stamped but only for 4 bedrooms. **Marcia** said she could have it redesigned. **Katherine** said yes she has already asked about redesigning the septic. **Webb** said that is fine but right now he doesn't see how they can grant this with a proposed septic system that only supports 4 bedrooms. **Marcia** said she would need to market it as would need a proposed septic system update. **Webb** asked what Katherine what there is now for a septic system right now. **Katherine** stated there is a 1,000 gallon tank and a 750

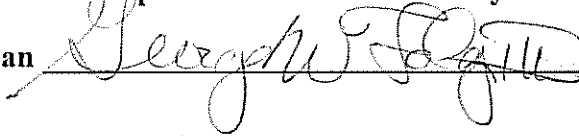
dry well. She just need to know what to do now to move forward. **Kevin** said these plans don't seem to be relevant to what is there now. You may want to have a more accurate plan so they can determine the square footage. **Marcia** she is not building a new building this is an existing barn that they want to convert into living space which is already done. The only issue we can hang our hat on is the septic. You need to make sure that you let any new owner know that this could be a legal in law apartment once there is an updated septic in place. **Webb** said the new owner could come in and ask for an ADU once they update the septic or a proposed septic system plan that accommodates 6 bedrooms. As of next year everyone can have an ADU in all homes you but you would still need to meet the septic requirements and this is one of the requirements. We cannot approve this without an updated septic system. **George** said you would need to market this property as it has the ability to have an in-law apartment you just need to meet this criteria. We could continue this case to the next month to give you enough time to have an updated septic design in place or you could withdraw your application but if you continue the case it gives you the extra time to figure out how you would like to go forward. **Katherine** stated she would like to continue the case to the next month.

Marcia made a motion to continue this case 398 to October 12, 2016. Peter seconded. Vote yes 5-0.

Adjourn

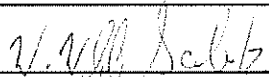
Marcia made a motion to adjourn at 8:30 pm. Peter seconded. Vote yes 5-0.

George Foley, Member, Chairman

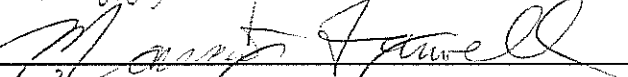


Peter Cook, Vice Chairman,

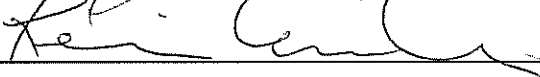
Webb Scales, Member, Clerk



Marcia Farwell, Member,



Kevin Visnaskas, Member



Minutes submitted by Kristen Austin

