



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

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**BOARD OF ADJUSTMENT
MINUTES**

**Wednesday, October 11, 2017
7:30pm**

Present: George Foley, Chairman
Peter Cook, Vice Chairman
Webb Scales, Member, Clerk
Marcia Farwell, Member
Jill Adams, Alternate (Voting for Kevin)

Absent: Kevin Visnaskas, Member and Charlotte Pogue, Alternate

George asked Jill to vote for Kevin. Jill Agreed.

Case 407

In attendance for this case Carol Burgess.

George read the hearing notice "Notice is hereby given that a hearing will be held at or about 7:30pm on Wednesday, October 11, 2017 in the Town Hall meeting room. Applicant Carol Burgess is requesting a Special Exception under Section 2000 of the Brookline Zoning Ordinance to allow an Accessory Dwelling Unit in the Basement of the existing home. Lot B-65-8 is located at 280 Route 13 Road consisting of 7.040 acres."

George asked if fees have been paid and abutters have been notified. Kristen said yes they have.

Carol said the basement has been finished for years it already has a full bathroom and in 2015 there was a flood and she is now replacing all the flooring and will replace the sheetrock on the walls. She said she would like to finish it and make it a living unit. This would allow her to keep the house and have someone there to help with the upkeep. George read the zoning ordinance section 2005 "The Zoning Board of Adjustment shall grant a special exception permitting an accessory dwelling unit upon finding that the applicant has demonstrated the following:

a. The use of the accessory dwelling unit is secondary and accessory to that of the structure in which the accessory dwelling unit is contained or to which it is attached."

Webb said they will need to consider the status of the apartment above the garage. Our ordinance only allows on apartment per dwelling. Jill said in the letter from the Building Inspector states the apartment over the garage does not have the required door in an interior common wall connecting the ADU to the main dwelling therefore, the apartment above the garage does not meet the requirement

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of an ADU as specified in the Brookline Zoning Ordinance. It is a separate apartment with a certificate of occupancy issued in 1994 for the garage and the apartment. **Webb** said when the space above the garage was built was the intention for it to be an ADU. **Jill** said the CO was issued for a garage with an apartment above it. **Marcia** asked when this was completed. **Carol** said it was finished in 1994. **Marcia** asked who lives in the apartment. **Carol** said a friend of hers lives in the apartment. **Peter** said she has enough land to allow a duplex. **Marcia** agreed. **Webb** said there is only one ADU allowed per principal dwelling unit. **Marcia** said there are two dwelling units on this property. **Marcia** said it is in there preview to consider this a duplex. **George** said this was built before the ADU Ordinance was added to the ordinance. **Carol** said the Building Inspectors letter is not very clear. **George** said in the Building Inspectors letter mentions rules of Estoppel in regards to this case which means all the rules were met and the CO was issued we can't go back and revisit this. **Jill** said the letter from the Building Inspector means we cannot call this an ADU because this has already been approved as an apartment. **Marcia made a motion to find that this property is a duplex. Jill seconded. Carol** said this would change the whole dynamic of this property. Her insurance would need to be changed. After a brief discussion **Marcia** said she would like to change the wording in this motion.

Marcia made a motion to find that this property is a two family dwelling. Jill seconds. Vote yes 5-0.

George read Zoning Ordinance 2005: Section a "The use of the accessory dwelling unit is secondary and accessory to that of the structure in which the accessory dwelling unit is contained or to which it is attached."

Section b "The accessory dwelling unit is developed in a manner which does not alter the character or appearance of the principal dwelling unit as a single-family residence."

Marcia made a motion that the Board finds that the use of the accessory dwelling unit is secondary and accessory to that of the structure in which the accessory dwelling unit is contained or to which it is attached (Section 2005 a) and that the accessory dwelling unit is developed in a manner which does not alter the charter or appearance of the principal dwelling unit as a single-family residence (Section 2005 b). Webb seconded. Vote yes 5-0.

Marcia made a motion to grant the request for the Special Exception to allow an Accessory Dwelling unit in the basement of the existing home on lot B-65-8 located at 280 Route 13 consisting of 7.040 acres according to the tax card. Jill seconded. Vote yes 5-0.

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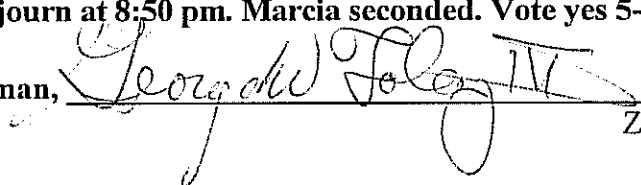
Webb made a motion to approve the minutes of July 12, 2017 as written. Marcia seconded. Vote yes 5-0.

Webb made a motion to approve the minutes of August 9, 2017 as written. Marcia seconded. Vote yes 5-0.

Adjourn

Webb made a motion to adjourn at 8:50 pm. Marcia seconded. Vote yes 5-0.

George W Foley III, Chairman,



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Peter Cook, Vice-Chairman, _____

McLean

Webb Scales, Member, Clerk, _____

Will Sch

Marcia Farwell, Member, _____

Jill Adams, Alternate, _____

[Signature]

Minutes submitted by Kristen Austin

