



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

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**BOARD OF ADJUSTMENT
MINUTES**

**Monday, June 10, 2020
7:30pm**

Present: Peter Cook, Vice Chairman
Marcia Farwell, Member
Webb Scales, Member, Clerk
Dave Partridge, Alternate
Charlotte Pogue, Alternate

Absent: George Foley, Chairman, and Charlotte Pogue, Alternate

Peter called the meeting to order at 7:30pm and noted that they are meeting electronically and remotely under the governor's Executive Order 2020-04 and Executive Orders #12 and #23. In following with these orders, **Peter** asked each Board member to state where they are, why they are there and who, if anyone, is in the room with them. All members responded.

Peter said George Foley has sold his home in Brookline and is no longer a member of the Brookline Zoning Board of Adjustment

Nominate Chair, Vice-Chair, and Clerk

Marcia made a motion to nominate **Peter Cook** as the Chairman, **Marcia Farwell** to be the Vice-Chairman, and **Webb Scales** to be the Clerk of the Brookline Zoning Board of Adjustment for this year. **Webb** seconded. Roll call vote **Peter**, **Marica**, and **Webb** all vote yes. **David** and **Charlotte** abstained.

Peter asked **Charlette** and **Dave** to vote in place of the now two vacant member positions. They both agreed.

Peter said the applicant is entitled to a five member Board and tonight with the two alternates filling in for the two vacant member position we can provide five people for this hearing.

Case 425

Peter read the hearing notice "Applicant **Robert Waite** is requesting a Variance from Section 1702.02 of the Brookline Zoning Ordinance to allow the expansion of an existing home business

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beyond the maximum size. Lot J-50, 21 Averill Road is in the residential / Agricultural zone consisting of 2.700 acres.” **Peter** said fees have been paid and abutter notified.

Bob Waite said he and his daughter Beth Waite are in attendance for this zoom meeting. **Bob** said they have reached the capacity of what we can accomplish with the barn they are currently in and with the COVID Executive orders the tasting room is only allowed half of the amount of people that they have planned for. Our production has moved to the level where they need a new location and more room. They are planning on building another barn which will not be seen from the road. The location is next to the barn they are already using, and it is a duplicate footprint of the barn that is in existence and they are using now. **Marcia** said the vineyard is to the right correct and the barn will be toward the left. **Bob** said the new barn will be behind the main house. **Webb** said the purpose of the new building will be for production purposes. What they run into now is once they produce the wine and get it into the wine cellar, they don’t have enough space to store all the wine bottles. Currently half of the tasting room is being used for production. With the new building they can move the production out of the tasting room entirely and accommodate more people while being able to social distance per the executive orders. **Peter** said the new construction is 100% devoted to the business. **Bob** said yes. **Marcia** asked if there would be any bathrooms added or water issues that would cause any septic issues that would need to be addressed. **Bob** said they will be using the same methods regarding the production that they have been using so nothing will change there. The waste aspect after production of the grapes and the blueberry’s when they are done, they have someone who will take the residual product from the grapes and berries so nothing will end up in the septic. **Webb** asked how he was directed to the ZBA. **Bob** said initially when he came into discuss the expansion of the business everyone felt it would be inside the normal growth of the business but once Valerie reviewed the size of the barn they are currently using and calculating it with the new one that will be the same foot print. There was conflict as to whether the square footage of the new barn would put them over the allowed square footage allowed by the zoning home business section. **Webb** said you have a house in a residential agricultural district and several outbuilding that are related to an agricultural purpose of growing grapes which is allowed in your zone and in addition, you have a home based wine tasting business. Which buildings are allocated for the home business and what is allocated to the agricultural business? **Bob** said the tasting are part of the agricultural side its like growing peaches and people want to taste it before you buy it. The production area is in the top part of the barn. Currently he would say about 500 sf is allocated to just the store itself. During the harvest everything is production area. **Webb** asked if they have parties or receptions here. **Bob** said yes, they have tours through the winery, and they do have wine events and tastings. **Webb** said you were referred to us by Valerie (Town Planner) who said the business part of your endeavor is to large for the zoning regs. **Bob** said in her calculations the vineyard and winery take up all but 300 sf of what is allowed in a home based business. **Webb** his concern is the zoning permits farming purposes and that to him means growing grapes and he believes processing them. **Webb** said he believes Bob needs to look at the home business and the store as two different parts to the business. **Bob** said they also went to the state agricultural department for advice and they put all the business as a farm based business. The echo tour and having the event or parties at the vineyard. **Dave** said is everything you are doing is agricultural related then you would not need a variance. **Bob** said that what they thought but the wording is and or. **Dave** said if the state says all your business is agricultural then we don’t need to grant a variance. **Webb** said its fine line between growing grapes and processing it for wine and having the store, parties and events. **Webb** said in his opinion he would need approval from the Planning Board for the tours and events so that would go toward the home business and

not the agricultural portion of the business. **Marcia** asked Bob what he was looking for a variance from exactly. **Bob** said the total square foot of what the home business ordinance allows. **Peter** asked what 25 % of his home would be. **Bob** said

Tasting room 800 sf total that's already here and they w

Marcia have we heard from any neighbors. **Kristen** said no haven't heard from any neighbors.

Bob said he sees them often. There is a very large area between his house and the neighbors.

Dave said once this is finished 800 sf would be the wine tasting and 1,600 sf would be for the production and that wouldn't count because its agricultural. The question is does this bring them over the 1,500sf limit. **Marcia** said the Planning Board has already approved the home business.

Bob said yes. They had also gone back and asked if the 2 acres of the vineyard are already approved as part of the outdoor tasting room and the vineyard. **Peter** seem to be three types of structure the residents the agricultural structure the structure that involves the business. Has the Planning Board realized that this new part of the structure will be another agricultural area? if so then you wouldn't need to be here for a variance. **Bob** said yes that area is specifically to produce the grapes. **Bob** said he had spoken to the Building Inspector about the new building and he had no issue with that. **Webb** said the ordinance sates 25% of the existing home or 1,500 sf feet whichever is less. If we take all the buildings what the total square footage. **Bob** said if you are just using the residence its about 1,200 sf we can use for the business. **Webb** said if you build the new barn that will include the total footprint which would give you an even bigger footprint.

Webb said you are looking to get up to 800 sf for the tasting room. **Bob** said that is correct. **Dave** said that is under the amount allotted. You are still in compliance after the new building is built. **Dave** suggest they make a finding.

Marcia made a motion that the Board finds that the Variance is not required because the space intended to be used by the Home Business -- namely the Wine Tasting and other public-facing portions of the business, in contrast to the cultivation and production of wine, which are permitted agricultural activities -- will not exceed 1500 sq. ft. nor 25% of the gross floor area of the structures, especially when the proposed building is completed. **Webb** seconded. Roll call vote **Dave**, **Webb**, **Marcia**, **Peter**, and **Charlette** all voted yes.

Adopt the Code of Ethics

Marcia made a motion to adopt the code of ethics as recommended by the Selectboard. **Dave** seconded. Roll call vote, **Peter**, **Marcia**, **Webb**, **Dave** and **Charlette** all voted yes.

Adjourn

Marcia made a motion to adjourn at 8:15 pm. **Dave** seconded. Roll call vote **Dave**, **Webb**, **Peter**, **Marcia**, Vote yes 3-0.

Peter Cook, Chairman, _____

Marcia Farwell, Vice-Chairman, _____

Webb Scales, Member, Clerk, _____

Dave Partridge, Alternate _____

Charlotte Pogue, Alternate Charlotte Pogue

Minutes submitted by Kristen Austin.