



TOWN OF
BROOKLINE, NEW HAMPSHIRE
ZONING BOARD OF ADJUSTMENT

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

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Telephone (603) 673-8855
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BOARD OF ADJUSTMENT
MINUTES

Wednesday May 26, 2021
7:30pm

Present: Peter Cook, Chairman
Archer Batcheller, Vice Chairman
Webb Scales, Member, Clerk
Dave Partridge, Alternate

Absent: Marcia Farwell, Vice- Chairman Kyle Lotring, Member (not sworn in as of 5/26/2021) and Charlotte Pogue, Alternate

Peter said they are meeting electronically and remotely under the governor's Executive Order 2020-04 and Executive Orders #12 and #23.

ZBA Case 433

Peter read the hearing notice "Applicant Volker Joseph is requesting a Special Exception under Section 2005 of the Brookline Zoning Ordinance to allow an Accessory Dwelling Unit above the existing detached garage on his Lot J-61-37 located at 10 Wallace Brook Road in the Residential / Agricultural zone consisting of 5.480 acres."

Peter said the Board has to find the following Zoning Board Section 2005 (a) that the use of the accessory dwelling unit is secondary and accessory to that of the structure to which it is attached and section 2005 (b) that the accessory dwelling unit is developed in a manner which maintains the appearance as a single-family residence. The Board agreed they both apply to this application.

Volker said he has lived in Brookline for 11 years and he bought the house and the detached garage was on the property. he would like to finish the storage space above the garage to living space. He was forced out of his office in Boston due to Covid and now works at home, so they need more room. This will be used for family purposes maybe in the future the in-laws may live there but for now this will be for his family use. He said he has spoken to the Building Inspector and he will need to add a secondary exit from the second floor for fire safety and that will be the only change to the outside of the building. **Dave** asked if the lower level will still be a garage. **Volker** said yes it will be. **Archer** asked about the interconnected fire alarm system. **Volker** said he will also have an interconnected fire alarm system.

Peter made a motion that the Board find that that the use of the accessory dwelling unit is secondary and accessory to that of the structure to which it is attached. Dave seconded. Roll call vote Peter, Dave, and Archer all vote yes. Webb Abstained.

Webb asked if the third bay of the garage would be used for the ADU. Volker said not he parks his two vehicles and his tractor in the garage and that will not change.

Peter made a motion that the Board finds that the accessory dwelling unit is developed in a manner which maintains the appearance as a single-family residence. Dave seconded. Roll call vote Peter, Dave, Archer, and Webb all vote yes.

Peter made a motion to grant the special exception under Section 2005 of the Brookline Zoning Ordinance to allow an Accessory Dwelling Unit above the existing detached garage on his Lot J-61-37. Dave seconded. Roll call vote Peter, Dave, and Archer all vote yes. Webb Abstained.

Appoint/ Reappoint Chairman, Vice Chairman, and Clerk

Webb made a motion to appoint Peter Cook as the Chairman for the upcoming year. Dave seconded. Roll call vote Peter, Dave, Archer, and Webb all vote yes.

Dave made a motion to appoint Webb Scales as the Clerk for the upcoming year. Peter seconded. Roll call vote Peter, Dave, Archer, and Webb all vote yes.

Peter made a motion to appoint Archer Batcheller as the Vice-Chairman for the upcoming year. Webb seconded. Roll call vote Peter, Dave, Archer, and Webb all vote yes.

Recommend Alternate

Peter said Dan Marcek is in attendance and is interested in becoming an alternate to on the ZBA. Peter made a motion to recommend to the Selectboard the Dan Marcek be appointed to the ZBA as an Alternate with a term expiring in March of 2024. Roll call vote Peter, Dave, Archer, and Webb all vote yes.

Code of Ethics

Dave made a motion to adopt the Code of Ethics as recommended by the Selectboard at the April 6, 2021 meeting. Webb Seconded. Roll call vote Peter, Dave, Archer, and Webb all vote yes.

Rules of Procedure

The Rules of procedure were not forwarded to the board before this meeting so this line item will be added to the next meeting.

Adjourn

Archer made a motion to adjourn at 8:15 pm. Peter seconded. Roll call vote Peter, Dave, Archer, and Webb all vote yes.

Peter Cook, Chairman, _____

Archer Batcheller, Vice-Chairman, _____

Webb Scales, Member, Clerk, _____

Dave Partridge, Alternate, _____

Minutes submitted by Kristen Austin.

ZBA Meets when need on the second



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**TOWN OF
BROOKLINE, NEW HAMPSHIRE
SELECTBOARD**

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

Selectboard@brooklinenh.us

<http://www.brooklinenh.us>

Recommended Code of Ethics

Non Binding Resolution passed at the March 2005 Town Meeting:

1. Purpose

The proper operation of democratic government requires that public servants be independent, impartial, and responsible to the people; that government decisions and policy be made through the proper channels of governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government members to perform their duties without conflicts between their private interests and those of the citizens they serve.

The purpose of this code is to establish guidelines for the ethical standards of conduct for public servants. As such, the Town of Brookline

- Expects our public servants to act in the best interest of the town.
- Expects public servants to disclose, whenever possible, any personal, financial or other interests in matters affecting the town that come before them for action.
- Expects public servants to remove themselves from decision making if they have a conflict of interest.
- Expects public servants to be independent, impartial, and responsible to their fellow townspeople in their actions.
- Expects that the public servant's decisions and policies be made through the proper channels of government.

2. Definitions

Conflict of Interest – A situation or circumstance where a public servant's personal, pecuniary or financial interests have the potential to interfere with the proper exercise of a public duty.

Pecuniary Interest – Any advantage in the form of money, property, commercial interest or anything else, the primary significance of which is economic gain; it does not include economic advantage applicable to the public at large, such as tax reduction or increased prosperity of the town.

Personal Interest – Interest in a matter, aside from official interest as a function of a public servant's position, which is more direct than that of the public at large and would influence the action of the public official.

Public Servant – All officers and employees of the Town, whether elected, appointed, paid, volunteer, or anyone acting in a position other than as a member of the general public. A person is considered a public servant upon their election, appointment, or designation as such, although they may not yet officially occupy that position.

Recuse – To remove or excuse oneself from participating in a specific action or discussion due to a conflict of interest. Recusal means to remove oneself completely from all further participation as a public servant in the matter in question. Public servants who have been recused shall immediately leave the room or shall seat themselves with the other members of the public at large who are present. When recused, public servants shall not participate in further discussions unless they clearly state for the record that they are doing so only as a general member of the public. A recused public official is effectively a member of the general public and shall not deliberate nor vote on the matter in question.

3. Code of Ethics

Public servants shall avoid conflicts of interest.

Public servants shall recuse themselves and shall not take part in the decision-making process of any matter before the town in which they have a personal or pecuniary interest. Members of the Planning Board and Zoning Board of Adjustment are further bound by the provisions of RSA 673:14.

Public servants shall not directly or indirectly solicit gifts or accept or receive any gift (whether in money, services, loans, travel, entertainment, hospitality, premises or in some other form), under circumstances in which it could be reasonably inferred that the gift was intended to influence them in the performance of their duties or was intended as a reward for any recommendation or decision on their part.

Public servants must not disclose or improperly use confidential information obtained in the course of their duties.

No public servant shall use town letterhead or stationery for any purpose other than official town business. Members of boards, committees, and commissions may only use town letterhead for purposes approved by their respective board, committee or commission.

No member of a board, committee, or commission shall speak on behalf of their respective board, committee or commission unless authorized to do so by their respective board, committee, or commission. This is not to suggest that individual members cannot speak publicly, but rather to emphasize that they should clearly state they are speaking only on their individual behalf and not represent himself or herself as speaking for the board, committee, or commission.

Adopted by Board of Selectmen – June 13, 2011

Adopted by Board of Selectmen – April 2, 2012

Adopted by Selectboard – April 1, 2013

Adopted by Selectboard – March 17, 2014

Adopted by Selectboard – March 30, 2015

Adopted by Selectboard - March 28, 2016

Adopted by Selectboard – April 24, 2017

Adopted by Selectboard – April 9, 2018

Adopted by Selectboard – May 6, 2019

Adopted by Selectboard – April 6, 2020

Adopted by Selectboard – April 5, 2021