



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

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**BOARD OF ADJUSTMENT  
MINUTES**

**Wednesday July 27, 2022  
7:30pm**

**Present:**    **Peter Cook, Chairman**  
                 **Webb Scales, Member, Clerk**  
                 **Marcia Farwell, Member**  
                 **Dan Marcek Jr., Member**  
                 **Dave Partridge, Alternate (Voting for Archer Batcheller)**

**Absent:** **Archer Batcheller, Vice Chairman and Charlotte Pogue, Alternate**

**Peter** read the rules of the hybrid meeting.

- Any meeting attendees participating via Zoom are asked to activate the “mute” function until called upon by the chair
- Meeting attendees via Zoom must use the “raise hand” function under the “reactions” tab to participate in the meeting – and will be permitted to comment once and if called upon by the chair.
- Anyone providing comments during the meeting must first identify their name and address
- The “chat” function for Zoom participants will be disabled by the meeting administrator or otherwise not addressed; “chat” items will not be part of the public meeting/record
- Meeting attendees via Zoom will not be listed as attendees in the minutes (except Board members)
- The meeting’s physical location is the official meeting room. Should technical difficulties arise with the remote portion, the meeting will continue at the physical location.

**Peter** asked Dave vote for Archer tonight.

**ZBA Case 442**

**Peter** read the hearing notice “Applicant Anthony Campano is requesting a Variance from Section 603.02 b of the Brookline Zoning Ordinance to construct a 30x38 garage in the side and rear setback for Lot F-147 consisting of .300 acres, located at 11 Meetinghouse Hill Road.” **Peter** said the fees have been paid and abutters notified. **Tony** said he and his wife Sue own 11 Meeting House Hill Road. This is a recently renovated house. There is no basement, only a crawl space and a small mechanical area for the well. The attic has the heating and cooling system with all associated duct work with no storage in this area either. Upon completion of the garage, he will be able to safely store his tools and equipment needed to maintain a home and to not endanger any of the neighbors or the family. His lot is a non-conforming lot and this garage is forced to be located in the setbacks for the follow reasons listed on the plat plan submitted for tonight’s meeting. There are two curb cuts on this lot as the house was originally a two family residence in the 1800’s with two driveways. There is also a deck that he added to the back of the house. He has marked on the plat where there were some large boulders that couldn’t be moved to put the septic

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system on the plan. The proposed garage will be 8 feet into the rear setback and 5 feet in from the side setback. This put the garage 10 feet away from the septic which is a number that can't be negotiated. **Webb** asked where the 10 feet from the septic rule is located. **Steve Sacherski** (Brookline Building Inspector) said this is the NH DES codes. A House or a structure needs to be 10 feet from the leach field. **Webb** said when the leach field is installed it will change the grade so it will slope up toward the leach field. **Tony** said the leach field is installed already and it does slope in that direction he plans to build a retaining wall.

**Webb** said the garage is showing three bays, but the plan doesn't show how you are going to access it. **Tony** said the 2<sup>nd</sup> driveway stops at the back of the house where the deck is. That driveway will be extended to the garage. He will add reclaimed asphalt onto the driveway once it is completed.

**Webb** said you expect to be able to pull cars into all three bays. **Tony** said yes. **Marcia** said all the bays will be facing the road. **Tony** said yes. **Dave** said so you are proposing a huge garage, it has a bigger footprint than the house itself. How far into the setback are you going to go? You said 10 feet into the setback on one side and seven feet into the setback on the other side. It sounds like you could build a 28' x 20' garage without encroaching into the setbacks at all.

**Tony** said the septic is pushing this garage into the setback. He would hate to go smaller and then have to add a shed at a later date and need to come back to the Zoning Board again. **Marica** asked if he had thought to add a basement under the garage. **Tony** said there are boulders, and he doesn't believe he would be successful to get a basement under the garage. Also, with the ground water elevation he thinks there would be water intrusion if they were able to add a basement.

There is high ground water in this area. **Marcia** said is there going to be enough room for you to back fill this with the building this far into the setbacks. She believes he would need to go onto the abutting property to backfill this. **Tony** said he may have to use a wheelbarrow to backfill this. **Marcia** asked if this garage could be constructed a little smaller. **Tony** said he is really concerned with the storage that is needed. **Tony's** daughter said there are 6 cars total that the family has an excavator. Right now, she parks on the street. **Tony** said and that's not ideal and it would be nice to have room for all the vehicles. The excavator will be stored behind the garage.

**Dave** said by adding a two car garage and extending the driveway to the back of the lot you are increasing the amount of space you have for parking. You could also add a shed to the end of the garage that you could use for storage. **Tony** said aesthetically he wanted to make this something appealing for the neighbors. **Marica** said you have improved the neighborhood greatly with the house renovation. **Tony** said he would like everything neat and tidy and tucked away. To make it safe for the neighborhood. There are kids in the neighborhood. He wouldn't want a three sided open area that would still leave things exposed. **Dave** said he wasn't proposing a lean too off this garage he was proposing an additional bay off the side of the garage that can be used for storage with access through the second bay door. **Peter** asked if he has asked the owner of the abutting lot F-140 if they would want to do a lot line adjustment. **Tony** said he doesn't feel that there would be any interest in doing this. **Webb** suggested that they add the garage towards the front of the lot to the left side of the home. He believes that you could get a 2 car garage in this location. The house is already in the front setback and to add the garage toward the front would be less of an impact than what you are requesting. **Tony** said there is a propane tank, the ac units, and a sewer line on that side of the home. Not sure he'd be able to get cars in the driveway if they put a garage in that location. **Dave** said even if you build the garage in the front, you won't get more than a two car garage toward the front of the lot. In the back you have room to go 20' x 28' without going into the setbacks. You could even push it over a little and get a 20' by 38' size

garage, with two bays, and use the rest of it for storage and you still wouldn't be in the setbacks. **Tony** said I'm still going to be cutting down the amount of storage that I have with this. **Webb** said he believes Dave is saying if you change from a rectangular shaped garage to an L-shaped garage with the L-shape being storage instead of a car bay. **Marsha** said it seemed like he was trying to put a lot of garage in a very small space but you're not willing to reconfigure it into an L-shaped garage or create a 2 Bay garage just a little smaller. **Dan** asked if he has calculated out how much storage they actually need. **Tony** said he said they don't have a basement or attic for storage and they have limited closet space in the home now. He is also anticipating in the future that it would be nice to allow his daughters to store furnishings when they move from one apartment to another or move home etc. **Dan** said there are other options. **Tony** said yes but they are expensive. **Marsha** said fixing that house was a significant improvement to the neighborhood. This is a wonderful spot, but she thinks you are stretching your expectations with such a big garage. **Peter** said there was an abutter letter from the owners of lot F-140 to the back of this property. The letter states "Having spoken to Tony we understand he is unable to maintain the 15 foot set back. Understanding that, we would like to see the setback maintained as deep as possible. Thanks." **Dave** suggested that the applicant build a smaller garage about 28'x20' that will fit in that area and will not need to be placed in the setbacks. **Peter** said we haven't heard anything from any other abutters.

**Peter** read the application:

1. Granting the variance would not be contrary to the public interest because:

*Applicant Answer: the garage is located on private property and will not interfere with any public or private activities.*

**Marcia** said she has a concern about that building being so close to the side lot line. That's a pretty small margin of error. She wishes they had heard from the abutters on that side. **Webb** said evaluating the public interest for the setbacks is very difficult. The stated purpose is for light, space, and emergency access. Its hard to imagine how violating the setback is not contrary to the public interest. On the flip side this is 150' from the road and there is a large back lot behind it so the intrusion towards the Saari's property has a limited impact but the intrusion to the side lot would be significant. This is a wooded area and according to the plat you are going to remove trees and add an oversized garage. **Webb** said are you going to replace trees with what will now be a building. **Tony** said there is a stockade fence along the side abutter property line. **Webb** so you will have a five foot buffer between the building and the fence.

**Peter** said it is not what is there now, it is what is going to be impacted in the future, what may be there in two generations. The side setbacks are 15 feet on both lots, a total of 30 feet, another reason for setback is also for safety and emergency vehicles purposes. Fifteen feet on each side you are impacting what a future neighbor might want to do. **Susan** said so this setback is for fire. **Peter** said that is correct, they are not just for aesthetics. **Peter** said this is a pretty severe intrusion into the setback. **Steve Sacherski** (Brookline Building Inspector) said the setbacks came with zoning and this lot was created well before zoning. You are treating this like it is a 2 acre lot and it is only one-third of an acre. He doesn't have a two acre lot if he did, I could see having him adhere to the setbacks. They could put a shipping container in the setback if they wanted to. **Webb** said he would consider that a structure. **Steve** said but it is not, they are

allowed in the setbacks. **Peter** said right now it is a one-third of an acre and there is no encroachment into the side or rear setback, but the front has already been encroached upon. **Webb** said most of the grandfathering is for uses. The dimensional requirement still applies. He doesn't believe the ZBA is denying the applicant to use this lot as a residential lot. They are also not denying them the ability to build a detached garage they are simply requesting that it be reduced in size so it will not have to encroach into the setbacks. They are tasked with weighing the balance between the applicant's desire for an oversized garage versus the public interest in the setback. **Sue** said both neighbors have no issues with this garage. **Peter** said correct but they also need to consider the abutter that will be there in the future. The abutter that will be there once this lot is turned over a few times. **Tony** said because of how everything is laid out on this lot this garage is forced to be placed in this spot. **Webb** believes that this is not the only solution to your storage issues, there are other options. **Marcia** said she believes that this would be contrary to the public interest. **Dan** said he doesn't believe this is in the public interest. **Dave** said he doesn't see that cutting the setback down to five feet is in the public interest.

**Dave made a motion that the Zoning Board of Adjustment make a finding that reducing the setback to five feet is not in the public interest. Marcia seconded. Vote yes 5-0.**

**Dave made a motion that the Zoning Board of Adjustment deny the Variance request. Marcia seconded. Vote yes 5-0.**


**Michele Decoteau – Town Planner**

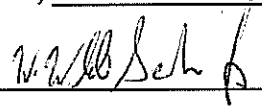
**Michele** said she is here tonight to introduce herself to the Board as the new Brookline Town Planner and hopes that the board will reach out to her with any proposed changes that may be needed to the Ordinance.

**Adjourn**

**Webb made a motion to adjourn at 8:48 pm. Marcia seconded. Vote yes 5-0.**

**Peter Cook, Chairman,** 

**Marcia Farwell, member**  
~~Archer-Batcheller, Vice-Chairman,~~ 

**Webb Scales, Member, Clerk,** 

**Dave Partridge**  
~~Charlotte Pogue, Alternate,~~ 

**Minutes submitted by Kristen Austin.**

**ZBA Meets when needed on the second Wednesday of the Month as needed.**