



TOWN OF
BROOKLINE, NEW HAMPSHIRE
ZONING BOARD OF ADJUSTMENT

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**BOARD OF ADJUSTMENT
MINUTES**

**Wednesday October 12, 2022
7:30pm**

Present: **Peter Cook, Chairman**
 Archer Batcheller, Vice Chairman
 Webb Scales, Member, Clerk
 Dan Marcek Jr., Member
 Marcia Farwell, Member

Absent: **Dave Partridge, Alternate 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.

Minutes

Peter said they should review the minutes from the September 2022 and make sure there are no changes that are needed.

Case 444

Peter read the hearing notice “Applicant Meaghan & Antonio Silva are requesting a Variance from Section 603.03 of the Brookline Zoning Ordinance to allow the division of their 3.98 acre lot into one 2 acre lot and one 1.98 lot. Lot G-61-18 is located at 50 Taylor Drive.” **Peter** asked if the fees have been paid and the abutters have been notified. **Kristen** said yes to both. **Meaghan** (attending via zoom) said they recently bought this lot and are looking to divide the 3.98 acre property into one 2.00 acre lot and a 1.98 acre lot. The 1.98 acre lot will be 900 square feet smaller

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than the required 2 acres. They would like to divide the lot and sell the new lot as a building lot. There is a weather dependent creek that runs through the property which makes the land on the other side unusable to them. **Meaghan** said they believe this would benefit the town by splitting this lot allowing the town to have another building lot in this neighborhood to generate tax revenue. A lot of the lots in this neighborhood are smaller than the 2 acre requirement.

Peter said the application appears to be missing any information on wetlands; do you have any information on the wetlands. **Meaghan** said they have not had a land surveyor come out to look at the property, yet they wanted to make sure they would be able to get a variance first. **Webb** said the map that was provided in the packet has the wetland information included in it states there are 81,000 sf of wet area and 92,000 sf of dry area. This information was from the original subdivision plan. It looks like the reason your lot is double size is because of the number of wetlands.

Meaghan said when she checked the wetlands map it was not a protected area. The main source of water runs under the driveway and would remain on your lot. **Webb** said whether it looks wet or not does not constitute wetlands. **Webb** said you could have a wetlands soil scientist come out and survey your lot to see where the wetlands are. His assumption is that the reason your lot is so large is because there are so many wetlands. **Meaghan** said when she researched the variance and how to apply for it there was no requirement for this. There was no way for her to know that she needed wetlands information included in the application. **Webb** said the Ordinance section you have requested a variance from states (Section 603.03) "Each building lot shall have at least 88,000 contiguous square feet, excluding wetlands, water bodies and land in the 100-year floodplain." If you try to split this lot, there is no way you get an extra lot with 88,000 sf of contiguous dry land. Not that they cannot go forward with this case. **Archer** asked if the wet area is a part of your lot or the lot you would be creating. **Meaghan** said it would be a part of her lot. **Marcia** said you are not only asking to vary the size of the lot but the wetlands requirements as well.

Peter said without any wetlands information he would suggest that they give the applicant the option of withdrawing her application.

Meaghan said she would withdraw her application she was not aware that they needed the wetlands information to go along with this application.

Marcia made a motion to accept the applicant's withdrawal of this application. Peter seconded. Vote yes 5-0.

Archer said now if you would need to come back you would know that. **Meaghan** said she is an attorney and she researched this heavily and did not see anywhere where she needed the wetlands information included. This information is online through the State and in the interest of future applicants is there any way they could correct the information that they would need.

Minutes

Peter said he would suggest that they review the minutes from the previous meeting and make sure there are no corrections that would be needed and review at the next meeting. **Marcia made a motion that they review the minutes and potentially approve at the next meeting.**

Seconded Archer. Vote yes 5-0.

Adjourn

Marcia made a motion to adjourn at 9:00pm. Peter seconded. Vote yes 5-0.

Peter Cook, Chairman, _____

Archer Batcheller, Vice-Chairman, _____

Webb Scales, Member, Clerk, _____

Marcia Farwell, Member, _____

Dan Marcek Jr, Member, _____

Minutes submitted by Kristen Austin.

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