

## Change of use Determination

Change or Expansion of Use: the creation, alteration, modification or enlargement of a non-residential use which increases, intensifies or otherwise negatively impacts any of the following: site lighting, sewage, water, drainage, pedestrian or vehicular traffic, parking or loading, sign usage, landscaping or buffer zones, site access, noise, or other public health, safety or welfare consideration.

Situations not ordinarily constituting "change or expansion of use" include: a mere substitution in tenant, owner, service or product, with no impact regarding the above considerations; interior remodeling which does not increase square footage. Whether a "change or expansion of use" occurs is a determination to be made by the planning board (11/19/91).

**Applicant:** Brookline's Finest

**Address:** 106 Route 13

**Map/Lot:** G-53 -I

**Last approved Site Plan:**

**Case #21** – Non-Residential Site Plan for restaurant and lounge - 1985. This site plan showed traffic flow, wells, and septic locations. Septic system dated to 1972 with approval NHWSPC #29132. Showed 82 parking spaces with 15 dedicated to employee parking.

**Case #31** - Non-Residential Site Plan - 1987 – revise the parking – only handicapped spaces near middle floor were to be paved. Previous restaurant was for Barnside Restaurant and this was changing to a pizza place. The Site Plan review was triggered by the need for building permits. May not have received final approval due to an error on the subdivision plan.

**Case #159** – Subdivision of G-53 into 2 lots. G-53-I would contain 5 acres rather than the 2 acres proposed. This was done to alleviate parking and access problems. The Planning Board agreed that a NRSP would be presented after Subdivision was recorded. The Subdivision was changed by the applicant and the Board required information on parking and access.

**Case #1991-5: G-53, G-53-I** - Lot Line Adjustment between G-53 and G-53-I. G-53 ended up at 103,722 acres and G-53-I was 17 acres.

**Case #1999-D: G-53-I** Non-Residential Site Plan – This included information on

**NRSP #2005-D:G-53** Non-Residential Site Plan – Karate Academy on lot G-53. This included 18 parking spaces near the building and access granted through G-53-I.

**Case # 2006-I:G-53, 53-I** – Lot Line Adjustment – This Lot Line Adjustment (Recorded at HCRD #34737) moved the two commercial buildings to a single lot G-53-I.

2006 Zoning was amended to include the northern boundary of lot G-53-1 to the commercial district.

2006 – Sign Master Plan Developed

**NRSP 1999-D:G-51-2007** – Revision of 1999 Site Plan – Planning Board agreed to a Monday through Sunday 6:00 am – 1:00 am hours of operation for the poker for charity.

Use	Current	Proposed	
Site Lighting	1999 Site Plan – <i>Lighting shall be both building mounted and pole mounted and shall be directed away from Route 13 and abutters.</i>	No change proposed	No change in lighting was proposed during the case review 2004 for Kung Garden.
Sewage	Location noted on 1985 and subsequent plans	No change proposed	
Water	Location noted on 1985 and subsequent plans	No change proposed	
Drainage	Updates were proposed in 1999		
Traffic (car or ped)	Location noted on 1985 and subsequent plans	No change proposed	
Parking/Loading	Parking locations noted on various plans but no determination of the number of spaces per use.	2248 square feet of kitchen, retail, and seating. $2248/300 = 7.49$ 24 seats@1 spot per four seats = 6 30 parking spots PLUS staff on largest shift.	Other uses on parking lot include Kelci's Hair (3 stations@ 1.5/station, plus 3 staff = 7.5) and trails on G-053. 110 acres of trails, Unclear how many spaces needed and how to manage parking for an off-site use. Estimates 55 spaces for peak trail use (2 spaces/5 acres). Urge Andres Institute to develop a Special Events Parking Plan to include using the old

			dirt lot, using parking attendants, and temporary cones/signs along Route 13 to manage cars.
Sign Usage	Per ZBA Case 332, Sign Master Plan with 80 Square feet for Big Bear	No change proposed	
Landscape or buffer	Not noted		
Site Access	1985 Site Plan – Route 13 entrance should be 30 or 25 feet wide	No change proposed	
Noise	1985 Site Plan: Unreasonably loud music which is unreasonably disturbing is prohibited	No music is proposed by Brookline's Finest	
Public Health			
Public Safety			Parking must be IN spaces or on the pavement.
Public Welfare			