



**TOWN OF  
BROOKLINE, NEW HAMPSHIRE**

**BOARD OF ADJUSTMENT**

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**BOARD OF ADJUSTMENT**

**MINUTES**

**Wednesday, May 09, 2012**

**Present:** Peter Cook, Chair  
George Foley, Vice-Chair  
Webb Scales, Clerk  
Kim Bent, Member  
Charlotte Pogue, Alternate, (Voting for Marcia)

**Absent:** Marcia Farwell, Member.

Peter asked Charlotte to vote for Marcia tonight. Charlotte agreed.

**Minutes**

Webb moved to approve the November 16, 2011 Zoning Board of Adjustment minutes as amended. Peter seconded. Vote yes 3-0.

Webb made a motion to approve the Minutes of March 21, 2012 as written with the addition of a signature line for Charlotte Pogue. Charlotte seconded. Vote yes 3-0.

**Appoint / Reappoint Chairman, Vice-Chair, and Clerk**

George made a motion to reappoint Peter Cook as the Chairman, George Foley to be the Vice-Chairman, and Webb Scales to be the Clerk. Kim seconded. Vote yes 4-0.

Peter asked Charlotte to vote for Marcia tonight. Charlotte agreed.

**Case 363**

Peter read the hearing notice:

“Thomas and Charlene Lavey are requesting a Special Exception to allow the construction and occupancy of a 672 sf attached accessory dwelling unit on a 2.080 acre lot. Brookline Zoning and Land Use Ordinance, Section 2000.00. The property is located at 4 Nichols Avenue in the Residential /Agricultural district Lot B-33-7.”

Tom said he went through the ordinance and just answered every section. They would like to add the accessory dwelling unit for his father in-law who, for health reasons, will need assistance. Peter said this is exactly why this ordinance was created originally. Peter asked Tom to go down the list that he had put together.

**2002.01** Accessory Dwelling Units shall be secondary and accessory to a principal single family dwelling unit or accessory building.

Applicant answer: The proposed addition will be connected and accessible to the primary residence through the primary dwelling's living room.

**2002.02** In granting a special exception, the Board of Adjustment must find that the secondary unit is developed in a manner which does not alter the character or appearance of the principal dwelling unit as a single family residence.

Applicant answer: The proposed addition will appear as an extension to the primary residence with the end entrance garage. Front windows will match existing house's windows.

**2002.03** Only one accessory dwelling unit shall be allowed per principal dwelling unit and/or lot.

Applicant answer: There is no other accessory dwelling unit on the lot.

**2002.06** Any necessary additional entrances or exits shall be located to the side or rear of the building whenever possible.

Applicant answer: The proposed addition will have a back door entrance.

**Tom** said an exit will be located out to the living room and one out to the garage and one out to deck in back yard. We didn't want to see two front doors on the front of the home.

**2002.07** An Accessory Dwelling Unit shall not be considered to be an additional dwelling unit for the purpose of determining minimum lot size.

Applicant answer: Not applicable.

**2002.09** Attached or detached accessory dwelling units shall have two (2) means of egress, other than a window, shown on a plan that shall be submitted and approved by the Fire Department and the Building Inspector prior to filing an application for special exception with the Zoning Board of Adjustment.

Applicant answer: The proposed addition will have a rear door and a door entering the primary residence through the living room. Plans are approved by the Fire Chief and the Building Inspector.

**Tom** said the plans were approved by the Building Inspector and the Assistant Fire Chief

**2002.11** The gross living area of an accessory dwelling unit shall not be less than 350 square feet and not greater than 1,000 square feet.

Applicant answer: The proposed addition will be 672 sf.

**2002.12** The above grade gross living area of the principal dwelling shall not be reduced to less than 1200 square feet.

Applicant answer: There will be no reduction to the primary residence.

**2002.14** A building permit for an accessory dwelling unit must be approved and issued prior to the construction. An attached accessory dwelling unit shall have an interconnected fire alarm system.

Applicant answer: No construction has occurred, but if approved by the zoning board we will obtain a building permit.

**2002.15** The Emergency Management Director shall determine the house number for the accessory dwelling unit at the time of building permit application.

Applicant answer: We will comply with the Emergency Management Director's determination of house number at the time of obtaining the building permit.

**2002.17** The driveway shall be designed to appear as a driveway of a single family residence, and no new curb cut from the street shall be constructed. Adequate off-street parking shall be provided to support the vehicles of the primary and accessory units.

Applicant answer: The proposed addition will have its own driveway.

**2002.18** The existing, replacement or proposed septic system must be certified by a licensed septic designer or engineer as adequate to support the accessory dwelling unit in accordance with New Hampshire RSA 485-A:38 and the Town of Brookline septic regulations.

Applicant answer: We had a new septic design made and approved by the state.

**Charlotte** asked if the ADU will have the garage underneath it. **Tom** said yes it will. **George** asked if the garage size is included in the 672 sf of the accessory dwelling unit as stated on the application. **Tom** said no the in-law will be 672 sf the garage is separate. **Peter** said just to clarify; you wish to build an addition of a secondary garage with its own driveway (curb cut) that will serve the primary dwelling unit. **Tom** said yes. **Peter** said permit for the new driveway and the secondary garage would come from the Building Inspector. Tonight you are looking for a special exception to get permission to build an ADU above the secondary garage. **Tom** said yes they are.

**Peter** said this is exactly what this ordinance was created for. **Webb** added that the application was wonderful. All the information needed was included.

**Peter** asked Kristen if fees were paid and abutter's notified. **Kristen** said yes.

**George moved to grant the special exception to allow an accessory dwelling unit in the existing residence on a 2.08 acre lot from Section 2000 of the Brookline Zoning Ordinance with the following conditions from the Fire Department:**

1. The new Accessory Dwelling Unit will need a life safety window installed in the bedroom that provides a clear opening of 5.7sq ft. (2009 NFPA 101 24.2.2.3.3)
2. Hardwired smoke detectors will need to be installed in the bedroom and outside the bedroom of the proposed accessory dwelling unit all of which are to be connected to the existing smoke detectors in the existing house. (2009 NFPA 101 24.3.4)
3. A carbon monoxide detector shall be installed outside the proposed bedroom of the accessory dwelling unit. (Saf-C 6015.04)
4. Hardwired heat detectors will need to be installed in the garage under the proposed Accessory dwelling unit and connected to the rest of the smoke detectors in the existing and proposed dwelling.
5. Any existing smoke detectors that are 10 years old or older are to be replaced in the existing house. (State of NH Fire Marshals Office and Brookline Fire Department)

**Webb seconded. Vote yes 5-0.**

### Case364

**Peter** read the hearing notice:

“Applicant Bennett Chandler is requesting a Special Exception allowing a home to be built with an attached accessory dwelling unit on a 1.330 acre lot. Brookline Zoning and Land Use Ordinance, Section 2000.00. The property is located at 39 Wildwood Drive in the Residential /Agricultural district Lot J-24-12.”

**Peter** asked Kristen if fees were paid and abutters notified. **Kristen** said yes.

**Bennett** said he has a new home to construct and the parent would like to live with the kids. They would like the new home to be built with a 690 square foot ADU. The garage would be the common entrance to the ADU

and the main home. Bennett handed the Board a map of the property and said the home will be built in the middle of the lot facing the street. There will only be one driveway to the home. **George** asked if he can meet all the set backs with this ADU included. **Bennett** said yes. **Bennett** said the new possible homeowners would like to leave a lot of foliage in the front of the property. **Peter** read thought all the points in the ordinance:

**2002.01** Accessory Dwelling Units shall be secondary and accessory to a principal single family dwelling unit or accessory building.

Board agreed.

**2002.02** In granting a special exception, the Board of Adjustment must find that the secondary unit is developed in a manner which does not alter the character or appearance of the principal dwelling unit as a single family residence.

Board agreed.

**2002.03** Only one accessory dwelling unit shall be allowed per principal dwelling unit and/or lot.

**2002.06** Any necessary additional entrances or exits shall be located to the side or rear of the building whenever possible.

**Bennett** said there will be an exit in the rear and through the side of building. There will also be access from inside the home through a mudroom and a laundry room.

**2002.07** An Accessory Dwelling Unit shall not be considered to be an additional dwelling unit for the purpose of determining minimum lot size.

**2002.09** Attached or detached accessory dwelling units shall have two (2) means of egress, other than a window, shown on a plan that shall be submitted and approved by the Fire Department and the Building Inspector prior to filing an application for special exception with the Zoning Board of Adjustment.

**Bennett** said he has had a stamp of approval from the Building Inspector and the Assistant Fire Chief.

**2002.11** The gross living area of an accessory dwelling unit shall not be less than 350 square feet and not greater than 1,000 square feet.

**Bennett** said the ADU will be 690 sf.

**2002.12** The above grade gross living area of the principal dwelling shall not be reduced to less than 1200 square feet.

**2002.14** A building permit for an accessory dwelling unit must be approved and issued prior to the construction. An attached accessory dwelling unit shall have an interconnected fire alarm system.

**Bennett** said the Assistant Fire Chief will require interconnected alarms.

**2002.15** The Emergency Management Director shall determine the house number for the accessory dwelling unit at the time of building permit application.

**Peter** said this will be handled by the Emergency Management Director Wes Whittier.

**2002.17** The driveway shall be designed to appear as a driveway of a single family residence, and no new curb cut from the street shall be constructed. Adequate off-street parking shall be provided to support the vehicles of the primary and accessory units.

**2002.18** The existing, replacement or proposed septic system must be certified by a licensed septic designer or engineer as adequate to support the accessory dwelling unit in accordance with New

Hampshire RSA 485-A:38 and the Town of Brookline septic regulations.

**Bennett** said this is a new home they will need septic approval from the State. Will get permission from State after the ZBA approval.

**George moved to grant the special exception to allow the construction of a home with an attached 690 sf accessory dwelling unit as presented on the applicants plan. Kim seconded. Vote yes 5-0.**

**Kim moved to adjourn at 8:30 pm. Webb Seconded. Vote yes 5-0.**

Minutes submitted by **Kristen Austin**.

**Peter Cook, Chairman** \_\_\_\_\_

**George Foley, Vice-Chairman** \_\_\_\_\_

**Webb Scales, Clerk** \_\_\_\_\_

**Kim Bent, Member** \_\_\_\_\_

**Charlotte Pogue, Alternate** \_\_\_\_\_