

ZONING AND LAND USE ORDINANCE for the town of BROOKLINE, N.H.

An ordinance to promote the health, safety, convenience and general welfare of the community by regulating the use of land in the Town of Brookline.

ARTICLE I

PREAMBLE

In pursuance of Authority conferred by Chapter 31, Sections 60 - 89, N.H. Revised Statutes Annotated, 1955, and for the purpose of promoting the health, safety, morals, property, convenience and general welfare, as well as efficiency and economy in the process of development, of the inhabitants of the incorporated Town of Brookline, New Hampshire by securing safety from fire, panic and other dangers, providing adequate area between buildings and various rights of way, by preserving the rural charm now attached to our town, the promotion of good civic design and arrangements, wise and efficient expenditure of public funds, and the adequate provision of public utilities and other public requirements, and by other means, now therefore the following ordinance is hereby enacted by the voters of the Town of Brookline, New Hampshire, in official annual meeting convened.

ARTICLE II

DISTRICTS

For the purpose of this ordinance the entire Town of Brookline shall be divided into two districts which shall be called

- A. The Industrial-Commercial District
- B. The Residential-Agricultural District

ARTICLE III

GENERAL PROVISIONS

- A. No junk yard or place for the storage of discarded machinery, vehicles, glass, paper, cordage, garbage, refuse, or other waste or discarded materials shall be maintained in the Town, exclusive of the area known as the Town Dump.
- B. No owner or occupant of land shall permit fire or other ruins to be left, but shall remove same to ground level within one year.
- C. Sanitary Protection
 1. No waste waters or sewage shall be permitted to run free into a public water body or be discharged in any way that may be offensive or detrimental to health.
 2. All dwellings and sanitary systems should be constructed and maintained in accordance with standards set and enforced by the New Hampshire Water Resources and Pollution Control Commission.
- D. Land Requirements for Dwellings
 1. Frontage - Every building lot shall have a minimum frontage of 150 feet.
 2. Front Yard - There shall be between the nearest right of way and the extreme front of any building a minimum depth of 30 feet.
 3. Side and Back Yard - No building shall be located nearer than 15 feet to the pro-

perty lines of any abutter.

4. Minimum Land Area - No lot shall be less than 40,000 square feet.

ARTICLE IV

INDUSTRIAL-COMMERCIAL DISTRICT

A. Location

1. The Industrial-Commercial Districts shall be the area within 500 feet of Route 13 from the Massachusetts State Line as far north as Bond Street on the Easterly side and as far North as Mason Road on the Westerly side of Said Route 13 and the area within 500 feet of Route 13 from a point 500 feet South of Route 130 North to Old Mason Road, on both sides of said Route 13.

B. Uses permitted

1. All uses permitted in the Residential-Agricultural District shall be permitted in the Industrial-Commercial District.

2. Any Industrial or Commercial use

which does not offend by emission of smoke, dust, gas, noise, odor, or fumes and

- a. Is located at least 30 feet from the edge of the right-of-way and not less than 20 feet from each side and rear boundary.

- b. Provides adequate parking facilities for freight and delivery trucks, employee parking and for vehicles attracted to the business.

ARTICLE V

RESIDENTIAL-AGRICULTURAL DISTRICT

A. Location

1. All areas of the town not designated as Industrial-Commercial District shall be the Residential-Agricultural District.

B. Uses permitted

1. Single-family and two family dwellings.
2. Churches, synagogues, parish houses, convents, hospitals, sanatoriums, day nurseries and kindergartens, recreational and community center buildings and grounds for games and sports.
3. Municipal buildings, schools and institutions of higher education.
4. Residences may be used to house uses by the owner or tenant as offices for doctor, engineer, architect, lawyer, real estate and insurance, or other recognized profession, or home occupation such as hair-dressing, barber shops, dress-making, manufacture of craft products for sale, or manufacture of food products except that the number of persons employed at any one location shall not number more than four persons in addition to the owner or tenant.
5. Farming and forestry activities are permitted when incidental to primary residential use, but any use injurious, obnoxious or offensive to the neighborhood

is prohibited.

6. Home produce and products may be bought and sold and exposed for sale.

ARTICLE VI

MOBILE HOMES

A. Every mobile home occupied as a dwelling in the Town of Brookline shall be located in a licensed Mobile Home Park, except as provided in paragraph B below.

B. The provisions of this section shall not apply to the continued use and occupancy of any mobile home used as a dwelling as of the date of the passage of this Section, nor to a mobile home hereafter acquired as a replacement by the owner of a mobile home so used. Provided, however, that if a mobile home occupied as a dwelling as of said date shall be moved from its present location the subsequent use of such mobile home must comply with the provisions of Paragraph A of this section.

ARTICLE VII

MOBILE HOME PARKS

DEFINITION - A parcel of land containing at least five acres, upon which one or more Mobile Homes are parked or intended to be parked for living purposes.

A. Mobile Home Park licenses shall be issued by the Board of Selectmen, upon application of the owner of the park, annually, and shall expire on the 15th day of March following their issuance. Such licenses must be posted in a conspicuous place on the premises at all times. An initial fee of \$25.00 shall be charged for said license with a renewal fee of \$5.00.

B. Any application for such a license must be made in writing to the Board of Selectmen, accompanied by a text and map to describe the proposed location of the park, the lot layout, and plans for water supply, sewage disposal, for drainage, and for street layout and construction.

C. No Mobile Home Park shall be established or operated without a permit from the Board of Selectmen.

D. Mobile Home Parks may be located in this town provided they meet the provisions set forth in the following paragraphs:

1. Mobile Home Parks shall be 200 feet distant from the nearest dwelling, at least 100 feet from the edge of the nearest public right of way; have an entrance 50 feet in width.

2. Each Mobile Home space shall contain a minimum of 10,000 square feet and shall have a frontage of not less than 100 feet on a roadway of not less than 50 feet.

3. Such spaces shall be clearly defined and mobile homes shall be so parked as to comply with the Front Yard, Side and Back Yard requirements for residences in a Residential District.

4. In all Mobile Home Parks roadways shall be well drained, graveled, hard-surfaced or paved and maintained in good condition and shall be lighted at night.

5. No lot shall contain more than one mobile home.

6. Areas shall be provided for the parking of motor vehicles. Such areas shall accommodate at least the number of vehicles equal to the number of mobile home spaces provided.

E. Each Mobile Home Park shall have a resident on the premises who is in charge of the park. It shall be the duty of said person in charge of the Park to maintain at all times a register of all persons occupying mobile homes in said park, showing for each the name and address, serial number of all mobile homes and registration number of all vehicles and the date of entrance and departure and to

maintain the Park in a clean, orderly and sanitary condition at all times.

F. Before any permit for a Mobile Home Park shall be issued the Board of Selectmen shall determine that said Mobile Home Park will not be injurious or detrimental to the neighborhood in which it is to be situated.

ARTICLE VIII

NON-CONFORMING USES AND BUILDINGS

A. Any non-conforming use of land or building (other than uses specified) may continue in their present use, except that any non-conforming use or building may not be

1. Changed to another non-conforming use.

2. Be re-established after discontinuance for one year except to use conforming to this ordinance.

3. Extended or enlarged except by approval of the Board of Adjustment.

4. Rebuilt after damage exceeding 50% of its value.

ARTICLE IX

ENFORCEMENT

A. It shall be the duty of the Board of Selectmen, and the Board is hereby given power and authority to enforce the provisions of this ordinance.

B. Upon well-founded information that this ordinance is being violated the Selectmen shall take immediate steps to enforce the provisions of this ordinance by seeking an injunction in the Superior Court or by any other legal action.

ARTICLE X

BOARD OF ADJUSTMENT

Within thirty days after the adoption of this ordinance and thereafter as terms expire or vacancies occur, the Board of Selectmen shall make appointments to a Board of Adjustment of five members conforming in duties to the provisions of Chapter 31 of the N.H. Revised Statutes Annotated, 1955. Thereafter as terms expire or vacancies occur, the Board of Selectmen shall be responsible for filling vacancies and maintaining full membership on the Board of Adjustment.

The Board of Adjustment here provided shall conform in membership and terms of office to the provisions of Section 37, N.H. Revised Statutes Annotated, 1955. In addition to the general powers granted said Board of Adjustment by said Chapter 31, it may, in harmony with and subject to its provisions;

A. Permit a non-conforming temporary use for an initial period of not more than one year. A permit may be renewed by the Board of Adjustment for a period of not more than one year (total period not to exceed two years).

B. Permit in the Residential-Agricultural District an Industrial or Commercial use which, at a public hearing, demonstrates that it can meet the requirements of Article IV paragraphs B-2; B-2a; and B-2b and is not otherwise detrimental to the neighborhood.

ARTICLE XI

AMENDMENTS

This ordinance may be amended when the proposed amendments have been given at

least two public hearings at least fifteen days apart, notice of which has been published in a paper of general circulation in the town and notice thereof also posted in at least three public places in town. Copies of the proposed amendments shall be on file, and copies shall be made available, at the office of the Town Clerk two weeks prior to the date of the meeting at which action is to be taken and a copy of the proposed amendment shall be on display the day of the meeting. The following question shall be placed on the official ballot by the Town Clerk; Shall the zoning amendments as proposed by the planning board be adopted for this town?

ARTICLE XII

PENALTY

Every person, persons, firm or corporation violating any of the provisions of this ordinance shall be fined not more than ten dollars upon conviction for each day such violation may exist.

ARTICLE XIII

SAVING CLAUSE

The invalidity of any provision of this ordinance shall not effect the validity of any other provision.

ARTICLE XIV

WHEN EFFECTIVE

This ordinance shall take effect upon its passage.

ARTICLE XV

BUILDING PERMITS

A. Any person before commencing on the erection or exterior alteration of any building or structure must first obtain a permit duly granted for such erection or alteration by the Building Inspector.

B. Fees;

1. For permits covering construction, additions or alterations not exceeding \$15,000. the fee shall be \$5.00.

2. For permits covering construction, additions or alterations exceeding \$15,000. the fee shall be \$10.00

C. Expiration

1. If construction has not commenced within six months from the date of issuance of the permit, it shall be void.

ARTICLE XVI

BUILDING INSPECTOR

The Building Inspector shall be the second Selectman. The Building Inspector shall issue any and all permits requested when such permit is in accordance with the provisions of this ordinance.

(This ordinance was passed at the annual Town Meeting of March 12, 1968)