



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

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**BOARD OF ADJUSTMENT
MINUTES
Wednesday August 9, 2023
7:30pm**

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

Absent: **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.

Case 452

Peter read the hearing notice “**Applicant Nolan & Alana Justice** are requesting a **Special Exception under Section 2005.00 (a) & (b)** of the Brookline Zoning Ordinance to allow an accessory dwelling unit to be built above a detached garage for their **lot C-4-3**, located at **122 North Mason Road**, consisting of **2.39 acres**.”

Peter asked if fees had been paid and abutter notified. **Kristen** said yes.

Nolan said they have an 1,800 square foot home. They have three children and are growing out of their home. At first, they were just looking for added garage space, but this is a good opportunity to add living space for a tenant or one of the kids to live there when they are old enough or to use it for the in laws in the future. He had Meridian survey the land and due to the wetlands and

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setbacks this is the only spot they can build this garage. They could fit a 32 x 32 garage in this one area located on the plan presented. There is forest area all around that area, some will be removed but most will remain. They tried to keep it as close to the house as possible, this building will be similar in appearance to the home. **Marsha** asked if the intention is to use this as an ADU later and not now. **Nolan** said that is correct now they would use it as added living space for his family. **Peter** said there is a garage attached to the home now. **Nolan** said yes, they do have an attached garage but there is no space above it. **Peter** said the proposed garage will measure 32x32 which is 1,024 sf. If you don't include the square footage for the stairs, it would be under 1,000 sf. **Nolan** said that it's correct he tried to keep it under 1,000 sf. **Peter** said that is something the Building Inspector will have to take into consideration when he reviews the plans. **Webb** said you will need two means of egress per our Zoning Ordinance, and you only have one on the plan. **Dan** asked if this was going to be built right away or are you just going through the process. **Nolan** said he has plans to build this now. **Marcia** said in her opinion, this looks like a second dwelling unit on one lot. **Dan** agreed. **Webb** said the Zoning Ordinance only allows one dwelling unit per lot. **Marcia** asked how far away from the house will the garage be built. **Nolan** said it's about 50 feet from the house. **Marsha** asked how this would not look like a second dwelling unit. **Nolan** said this is the only place on this lot that we could entertain building this garage due to the wetlands. **Webb** said looking at the plan it looks like there would have been enough space to build this garage closer to the house. **Nolan** said that space is not buildable because of the wetlands, setbacks, and the propane tank is also located there. **Webb** said it would be easier to build the garage and then when you decide to finish the second floor come into the ZBA for the Special Exception. **Dan** said he is having a hard time with this one, this just looks like two dwellings on one lot.

Abutter Louis Lopez stated they were concerned with the characterization of the neighborhood. He would like to know if the intention is to use it for business, as he has a lot of boats. He would like to make sure this isn't going to be used for business or a commercial use. **Marcia** stated if he wanted to have a business in this garage, he would need to go to the Planning Board also.

Peter read Zoning Ordinance Section 2005:

- a. The use of the accessory dwelling unit is secondary and accessory to that of the structure in which the accessory dwelling unit is contained or to which it is attached.
- b. The accessory dwelling unit is developed in a manner which does not alter the character or appearance of the principal dwelling unit as a single-family residence.

Webb said he has a hard time with detached, if the utilities are housed in the garage below the ADU, then the ADU is using one garage bay and suddenly 60% of the building is being used for the ADU. **Marcia** asked if the applicant had met all the other criteria. **Webb** said this plan has not been approved by the Fire Department or the Building Inspector. Per our Zoning Ordinance Section 2004.01 "Plans approved by the Fire Department and the Building Inspector denoting, describing and/or identifying the intended accessory dwelling unit area as such shall be submitted with any application for any accessory dwelling unit and shall show (2) means of egress from the accessory dwelling unit other than a window." The plan has not been reviewed by those two departments.

Webb made a motion that the Board finds the use of the accessory dwelling unit is secondary to the principal dwelling unit being that it is less than 1,000 square feet and the principal dwelling unit is over 2,000 square feet and per the plan presented the accessory

dwelling unit will be developed in a manner which does not alter the character or appearance of the principal dwelling unit as a single family residence. Archer seconded. Vote yes 4-0, with one abstention.

Webb made a motion to Grant the Special Exception for case 452 Noland & Alana Justice, to allow an Accessory Dwelling Unit to be built above a detached garage located at 122 North Mason Road, consisting of 1.229 acres with the condition that the plan is approved by both the Fire Department and the Building Official and complies and conforms with all of Section 2000. Archer seconded. Vote yes 4-0, with one abstention.

Peter said your request for a special exception has been granted. You will be receiving written notice of this decision in a few days, and it will be available tomorrow. You, the Select Board, the abutters, and anyone directly affected by this decision have the right to request that the Board hold a rehearing on this case. A request for a rehearing must be submitted in writing to the Town Offices no more than 30 days from today and must fully explain why the Board should grant a rehearing. A request for a rehearing is a necessary precondition for appealing the Board's decision to Superior Court. In the absence of a request for a rehearing, the decision will become final and unappealable.

Case 453

Peter read the hearing notice "**Applicant Caitlin & Purak Parikh** are requesting a **Special Exception under Section 2005.00 (a) & (b)** of the Brookline Zoning Ordinance to allow an accessory dwelling unit to be built above a detached garage for their **lot K-57-3**, located at **8 Peterson Road**, consisting of **2.060 acres**."

Peter asked if fees had been paid and abutter notified. **Kristen** said yes.

Applicant Caitlin Parikh was in attendance with her contractor Shawn from Dream Barns. **Shawn** said this will be a detached garage with a 709 sf ADU on the second floor. There is a septic plan in place to upgrade the septic system. They submitted the plan to the Building Department, and he was told to get the Special Exception first. **Shawn** said there will be no extra driveway, or a new curb cut. **Peter** asked if the existing house has an attached garage. **Caitlin** said there is an attached garage, but it has been converted into a woodshop. **Dan** reviewed the plans and asked about the stairs and about the square footage. **Shawn** said the IRC code defines living space and bathrooms, mechanical rooms, stairs, and anything less than 7 feet tall is not included in living. **Marcia** asked if this will be an in law apartment. **Caitlin** said yes this will be living space. They have a lot of extended family, and this will give them more flexibility to accommodate them.

Webb made a motion that the Zoning Board finds that the use of the accessory dwelling unit is secondary to the principal dwelling unit is contained or to which it is attached. Archer seconded. Vote yes 4-0, with one abstention.

Webb made a motion that the Board finds that the accessory dwelling unit is developed in a manner which does not alter the charter or appearance of the principal dwelling unit as a single-family residence. Marcia seconded. Vote yes 4-0, with one abstention.

Webb made a motion to Grant the Special Exception for Caitlin & Purak Parikh to allow an accessory dwelling unit to be built above a detached garage for their lot K-57-3, located at 8 Peterson Road with the condition that the plan is approved by both the Fire Department and the Building Official and complies and conforms with all of Section 2000. Seconded by Marcia. Vote yes 4-0, with one abstention.

Peter said your request for a special exception has been granted. You will be receiving written notice of this decision in a few days, and it will be available tomorrow. You, the Select Board, the abutters, and anyone directly affected by this decision have the right to request that the Board hold a rehearing on this case. A request for a rehearing must be submitted in writing to the Town Offices no more than 30 days from today and must fully explain why the Board should grant a rehearing. A request for a rehearing is a necessary precondition for appealing the Board's decision to Superior Court. In the absence of a request for a rehearing, the decision will become final and unappealable.

Adjourn

Marcia made a motion to adjourn at 7:55 pm. Archer seconded. Vote yes 5-0.

Peter Cook, Chairman, _____

Archer Batcheller, Vice-Chairman, _____

Webb Scales, Member, Clerk, _____

Dan Marcek Jr, Member, _____

Marcia Farwell, Member, _____

Minutes submitted by Kristen Austin.

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