

Planning Board Meeting Minutes
Town of Brookfield, NH
267 Wentworth Road
Brookfield, NH 03872

Special Planning Board Meeting

Thursday March 30, 2017

- I. Chairman David Champy II called the meeting to order at 6:33 PM.**
- II. Roll Call: Members, Alternates, Appointment of Alternates per RSA 673:11,673:12**
 - A. Members present: Chairman David Champy II, Vice-chairman Rob Collins, Ed Comeau, Steven Bailey, and Selectman Rich Zacher.
 - B. Alternates present: Dianne Smith.
 - C. Members and Alternates absent: Geary Ciccarone.
 - D. Members Tardy: (none).
- III. Appointment of Alternates per RSA 673:11, 673:12.**
 - A. Chairman David Champy II appointed Dianne Smith as an alternate for Geary Ciccarone.
- IV. Review of the Amended Brookfield Zoning Ordinance per March Town Meeting Vote.**
 - A. Chairman David Champy II requested the administrative assistant to inform Planning Board members of the changes to the Zoning Ordinance.
 1. Copies of the amended 2017 Brookfield Zoning Ordinance was distributed to Planning Board members.
 2. Documents exemplifying the proposed wording changes as compared to the 2016 Zoning Ordinance was distributed to Planning Board members (attached).
 3. A document verifying the approval of the changes by vote at the Brookfield Town Meeting was made available (attached).
 4. The administrative assistant pointed out the changes that were made to the amended Zoning Ordinance.
 5. Planning Board members reviewed and verified the changes to the Zoning Ordinance.
 - B. **Motion: Ed Comeau made a motion to accept the amended language of the Zoning Ordinance as presented.**
 1. Second: Vice-chairman Rob Collins.
 2. The motion passed unanimously.
 - C. Planning Board members certified the 2017 Zoning Ordinance by signing the signatory page (page 45 of 55).

- D. Chairman David Champy II requested the administrative assistant submit the signed Zoning Ordinance document to the Town Clerk for certification and to submit copies of the signature page to Planning Board members.

V. Member Comments.

- A. Representative Ed Comeau relayed, how upon request, Legislative Services had provided him with documentation of changes to RSAs regarding the Road Agent since 1861 and suggested that a historical accounting of the Brookfield Zoning Ordinance could also be accounted for through archival documentation.
- B. Vice-chairman Rob Collins asked if there were any communications from Geary Ciccarone regarding his attendance.
- C. Representative Ed Comeau asked if Charlie Shoemaker responded to an invite to the next Planning Board meeting to answer his questions regarding the town's wireless tower regulations. The administrative assistant reported that there was no response so far. Chairman David Champy II requested that the administrative assistant email Mr. Shoemaker again.
- D. Representative Ed Comeau notified the Planning Board that he had contacted Legislative Services to provide information verifying the Planning Board's authority for applicants to notify them of tax liens on any property that is proposed for subdivisions or lot line adjustments.

VI. Adjournment

At 6:56 PM the Planning Board meeting was adjourned.

Respectfully submitted by
George Nick, Administrative Assistant.

_____ Date 3/31/17

Present Zoning Ordinance;

ARTICLE II - DISTRICTS

A. Residential-Agricultural Zone (RA-1)

1. Permitted uses

- d. To address homeowner needs while maintaining single family residential aesthetics and quality, compatible with homes in the neighborhood, not more than one accessory dwelling unit (ADU) may be contained within a single family residence (SFR) only if the following conditions are met:
 - i. An ADU is not permitted in any (SFR) in which the owner of record does not maintain his principal residence.
 - ii. The ADU is clearly incidental and subordinate in extent, use, and purpose to the SFR. There shall be no alterations, enlargements, or extensions of the existing structure which alter its character or appearance as a single family residence. An ADU shall meet all zoning requirements including setbacks.
 - iii. The floor area of the ADU shall not exceed one-thousand (1,000) square feet or forty percent (40%) of the total combined habitable area of the SFR and the ADU, whichever is smaller.
 - iv. The ADU shall be not less than 350 square feet of heated habitable area. There shall be no more than one occupant per 250 square feet of habitable area.
 - v. The driveway shall be designed so as to appear as a driveway of a SFR, and no new curb cut from the street shall be permitted. Adequate off-street parking shall be provided to serve the combined needs of the SFR and its ADU.
 - vi. The SFR and its ADU shall comply with the requirements of RSA 48 A:14 and all other applicable building and fire codes, including, without limitation, the Life Safety Code. Both the SFR and the ADU shall be fitted with a fire and smoke alarm system such that any alarm sounds throughout both the SFR and the ADU.
 - vii. A building permit is required before beginning the conversion of any existing SFR to contain an ADU.
 - viii. A building permit is required before beginning the renovation or modification of an existing ADU.
 - ix. A Certificate of Occupancy must be obtained before an ADU may be occupied.
 - x. The septic system must be a State approved sewage disposal system which meets the State's requirements for the intended usage or the Town's minimum standards for use or occupancy, whichever is more stringent. RSA 485 A:38 and RSA 48-A:11.
 - xi. No ADU lawfully established pursuant to this ordinance shall be deemed to create or allow any subdivision of the property into separate fee estates by deed, use, or otherwise.
 - xii. If the owner fails to comply with the requirements of this section, the use of the ADU shall be terminated within 3 (three) months of the date of notice from the Board of Selectmen or its designee. The owner shall be subject to penalty under RSA 676:17 for each day the ADU fails to comply with the requirements of this

ordinance.

Present Zoning Ordinance;

ARTICLE X – DEFINITIONS

- O. Dwelling Unit, Accessory (ADU):** an independent living area, contained within either a single family residence or its accessory building which is clearly incidental and subordinate in extent, use and purpose to the principal dwelling, and where either structure is the primary residence of and is occupied by, the owner.

Present Zoning Ordinance;

ARTICLE X – DEFINITIONS

- N. Dwelling, Single Family (Dwelling):** a structure providing complete, independent living facilities for one family, including permanent provision for living, sleeping, eating, cooking and sanitation.

**Proposed Change;
Replace II,A,1,d with-**

ARTICLE II - DISTRICTS

A. Residential-Agricultural Zone (RA-1)

1. Permitted uses

d. Accessory Dwelling Units (ADUs) are permitted subject to the following conditions:

- i. Not more than one ADU is allowed per lot.
- ii. The ADU shall be contained within or attached to a single family dwelling.
- iii. Owner occupancy is required within the Single Family Dwelling (SFD) or the ADU.
- iv. There shall be an interior door between the SFD and the ADU within or attached to it.
- v. Any town regulation applicable to the SFD shall apply to the combination of the SFD and the ADU.
- vi. Separate ownership of the ADU and SFD is prohibited.
- vii. If the owner fails to comply with the requirements of this section, the use of the ADU shall be terminated within 3 (three) months of the date of notice from the Board of Selectmen or its designee. The owner shall be subject to penalty under RSA 676:17 for each day the ADU fails to comply with the requirements of this ordinance.

Proposed Change;

Change definition “O” alphabetical order as a definition of “ADU” accordingly;

ARTICLE X – DEFINITIONS

- C. Accessory Dwelling Unit (ADU):** a residential living unit, incidental and subordinate to the single family dwelling with which it is associated, that provides independent living facilities for one or more persons, including provisions for sleeping, eating, cooking and sanitation on the same parcel of land as the principal dwelling unit it accompanies.

Proposed Change;

Move definition “N” and place it in alphabetical order and begin the definition as “Single Family Dwelling (SFD)”

ARTICLE X – DEFINITIONS

- ZZ. Single Family Dwelling (SFD):** a structure providing complete, independent living facilities for one family, including permanent provision for living, sleeping, eating, cooking and sanitation.

**Present Zoning Ordinance;
ARTICLE IV - NONCONFORMING USE
A. Non-conforming lots.**

1.
 - b. Additional structures shall have setbacks as restrictive as possible. However, in no event may additional structures or additions to existing structures, jeopardize the ingress and egress of the lot, the septic system and well of the lot or the lot of any abutter.

Proposed change;

**ARTICLE IV - NONCONFORMING USE
A. Non-conforming lots.**

1.
 - b. Setbacks shall be as restrictive as possible. However, in no event may additional structures or additions to existing structures jeopardize the ingress and egress of the lot or the septic system or well of any abutting lot.

Official Warrant Ballot
Town of Brookfield
March 14, 2017
State of New Hampshire

1. To choose all necessary Town Officers for the coming year -
By Ballot (Majority Vote Required)

2. Are you in favor of Amendment No. 1 to the Brookfield Zoning Ordinance as proposed by the Brookfield Planning Board as follows: repeal the existing provisions regarding Accessory Dwelling Units ("ADUs") and adopt new provisions allowing one ADU per property, provided the ADU is contained within or attached to an existing single family dwelling, there is a door between the ADU and the single family dwelling, the owner occupies one of the units, and the units are in common ownership. All town regulations which apply to single family homes shall also apply to single family homes with ADUs. Additionally, to add a definition of Accessory Dwelling Unit and re-letter subsequent definitions. - By Ballot. (Majority Vote Required)

Yes 49 No..... 14

3. Are you in favor of Amendment No. 2 to the Brookfield Zoning Ordinance as proposed by the Brookfield Planning Board as follows: clarify that all changes, alterations, additions and new accessory buildings to existing non-conforming structures shall be required to provide for setbacks which are as restrictive as possible. The requirement that additional structures or additions to existing structures may not jeopardize the ingress and egress of the lot or the septic system or well of any abutting lot shall remain the same. - By Ballot. (Majority Vote Required)

Yes 51 No..... 14

Virginia M. Lundy
Town Clerk

SAMPLE