

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

Tuesday, January 3, 2017

- I. Chairman Rick Surette called the meeting to order at 6:31 PM.**
- II. Roll Call: Members, Alternates, Appointment of Alternates per RSA 673:11,673:12**
 - A. Members present: Chairman Rick Surette, Vice-chairman David Champy II, Rob Collins, Ed Comeau, and Selectman Rich Zacher.
 - B. Alternates present: Dianne Smith.
 - C. Members and Alternates absent: Jim Freeman and Geary Ciccarone.
 - D. Members Tardy: (none)
- III. Appointment of Alternates per RSA 673:11, 673:12.**
 - A. Chairman Rick Surette appointed Dianne Smith as an alternate for one of the absent members of the Planning Board.
- IV. Public Comments.**

(None).
- V. Announcements/Correspondence/Mail.**

(None).
- VI. Old Business-**
 - A. Discussion of Changes to Article IV, 1a and b of the Zoning Ordinance.
 1. A document entitled, “Nonconforming Use Working Document 11/17/16” was distributed to Planning Board members (attached).
 2. **Motion: Chairman Rick Surette made a motion to accept the proposed change of Article IV, 1, b of the Zoning Ordinance.** Second: Rob Collins. The motion passed unanimously.
 - B. Discussion of Changes regarding ADUs in the Zoning Ordinance.
 1. A document with proposed changes to the Zoning Ordinance with regard to ADUs was distributed to Planning Board members (attached).
 2. **Motion: Chairman Rick Surette made a motion to accept the proposed changes of Article II, A, 1, d and Article X, O, C, and ZZ of the Zoning Ordinance.** Second: Rob Collins. The motion passed unanimously.
 3. A document entitled, “Proposed Changes to the Zoning Ordinance Before and After 122416” was distributed to Planning Board members (attached). After some discussion regarding the document’s examples of how the Zoning Ordinance would be amended,

Chairman Surette designated that the administrative assistant should display the “Before and After” document in the public area of the Office Building as two separate documents- one for changes regarding ADUs and the other for changes regarding Non-conforming Use.

- C. Scheduling of Public Hearings for Amending the Zoning Ordinance.
 - 1. The following was proposed as wording for the publication announcing the public hearing for amending the Zoning Ordinance;
 - a. to simplify language in regard to Accessory Dwelling Units and to comply with state mandated changes (RSA 674: 71-72),
 - b. amending Article IV for Non-conforming Use regarding additional structures or additions to existing structures as it relates to septic systems and wells to allow for better compliance for setbacks.
 - 2. After some discussion Chairman Rick Surette announced that the public hearing to review the proposed amending of the Zoning Ordinance would take place on January 20, 2017.
 - 3. Chairman Rick Surette announced that the Planning Board meeting which is regularly scheduled for the third Thursday of the month (January 19, 2017) would take place on January 20, 2017.
 - 4. Chairman Rick Surette requested that the administrative assistant perform the following duties;
 - a. Submit the public hearing wording for publication to the newspaper.
 - b. Submit a public notice that the Planning Board meeting would be changed from January 19, 2017 to January 20, 2017.
 - c. Request that the Town Attorney submit proposed wording for possible warrant articles.

VII. Member Comments

- A. Rich Zacher asked if there was any extra room in the cabinets of the common office for the Cemetery Committee to place their files. After brief discussion it was determined that there was at least one cabinet that the Planning Board was not using.

VIII. Adjournment

At 7:38 PM the Planning Board meeting was adjourned.

Respectfully submitted by
George Nick, Administrative Assistant.

_____ Date 1/10/17

Brookfield Zoning ARTICLE IV - NONCONFORMING USE

Proposed Changes

A. Non-conforming lots.

Nothing in this ordinance shall prevent the continued use of lawfully developed nonconforming lots. More specific provisions regarding changes to existing structures on nonconforming lots, or the initial development of nonconforming lots, are found below.

1. The zoning ordinance shall apply to any changes, alterations, additions and new accessory buildings that may be added to these existing structures. The Zoning Board of Adjustment is authorized to grant Special Exceptions to allow certain changes, alterations, additions and new accessory buildings not in conformance with the zoning ordinance provided the following criteria are met and the construction complies with the spirit of the zoning ordinance:

- a. Frontage setback of the existing structure, if less than 50 feet, will be the limit of any additional structures, alterations, or structures of any kind.

- 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.

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.

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

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.

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;

- 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.

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.

Proposed Change;

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

- 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.

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;

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

- 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.

Replace II,A,1,d with-

d. ADUs are permitted subject to the following conditions:

- viii. Not more than one ADU is allowed per lot.
- ix. The ADU shall be contained within or attached to a single family dwelling.
- x. Owner occupancy is required within the SFD or the ADU.
- xi. There shall be an interior door between the SFD and the ADU within or attached to it.
- xii. Any town regulation applicable to a SFD will apply to the combination of the SFD and an ADU.
- xiii. The floor area of the ADU shall not exceed one-thousand (1,000) square feet.
- xiv. The ADU shall not be less than 350 square feet.
- xv. Separate ownership of the ADU and SFD is prohibited.
- xvi. 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.

In Article X of the Zoning Ordinance change the following:

Change definition “O” {“within or attached to” changed to “associated with” and place it in alphabetical order as a definition of “ADU”.

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