

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

Thursday, December 15, 2016

- I. **Vice-chairman Chairman Rick Surette called the meeting to order at 6:30 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.**
  - A. A copy of *Town and City* will be available in the common office area.
  - B. An email response from Rachael Mack, GIS Planner from SRPC, accepting an invitation to the Planning Board meeting.
  - C. An email response from Attorney Laura Spector-Morgan regarding the proposed changes to the Zoning Ordinance.
- VI. **Review and Possible Approval of the November 17, 2016 Meeting Minutes.**

A hard copy of the November 17, 2016 Planning Board minutes was distributed to Planning Board members.

  1. After members reviewed the minutes the following was requested;
    - a. Add the attachment of the draft of proposed changes regarding ADUs to the October 20, 2016 minutes.
  2. **Motion: Rob Collins made a motion to accept the November 17, 2016 minutes as written.** Second: Vice-chairman David Champy II. The motion passed unanimously.
- VII. **New Business-**
  - A. Discussion of Thematic Maps with GIS Planner Rachael Mack.
    1. Rachael Mack gave a brief introduction regarding thematic maps accordingly;

- a. Rachael Mack displayed a map with a view of Brookfield’s boundaries.
  - b. She defined thematic maps as maps that display landmarks based on themes.
  - c. After requesting input, Planning Board members suggested the following be designated;
    - i. Town Hall.
    - ii. Town Office Building.
    - iii. Salt Barn.
    - iv. Add the name of the local road, Burwell Road.
    - v. Cemeteries.
  2. Chairman Rick Surette thanked Rachael Mack for her presentation.
- B. Scheduling of Public Hearings for Amending the Zoning Ordinance.
1. Chairman Rick Surette announced that an email from the Town Attorney was received which endorsed the proposed language change regarding non-conforming lots. Furthermore, the Town Attorney offered to write any warrant articles for the proposed changes.
  2. There was some discussion as to whether the Town Attorney should write the warrant articles for all the proposed changes to the Zoning Ordinance- including non-conforming lots, Attached ADUs, and Detached ADUs.

**VIII. Old Business-**

- A. Discussion of Changes to Article IV, 1a and b of the Zoning Ordinance.
  1. A copy of a document entitled, “Nonconforming Use Working Document 11/17/16” was distributed to Planning Board members (attached).
- 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. Dianne Smith, who attended the Eastern Lakes Housing Coalition in Ossipee, reported the following regarding ADUs;
    - a. The ownership of ADUs by a trust- Attorney Ben Frost stated that there is no standard and it is up to local ordinances whether owner occupancy will be required.
    - b. Size requirements- the word “accessory” requires that the structure be “incidental and subordinate” to the original structure.
    - c. Separate ownership of ADUs in distinction from the original structure- Attorney Ben Frost stated that ADUs are not duplexes (which are governed by RSA 356-B).
    - d. Prohibiting ADUs on single family dwelling workforce housing units- Attorney Ben Frost stated that single family dwelling workforce housing units cannot be excluded. After some discussion there was a general consensus that the Zoning Ordinance should remain as written until there is a case law that requires an amendment to Appendix C.
    - e. Manufactured housing are likely disallowed from an attached ADU.
    - f. There was no objection to having different zones where differing rules for ADUs could apply.

3. **Motion: Rob Collins made a motion to accept the ADU document as a working document.** Second: Chairman Rick Surette. The motion passed unanimously.
  4. **Motion: Rob Collins made a motion to strike item “vi” from the ADU Working Document.** Second: David Champy II. The motion passed unanimously.
  5. **Motion: Rob Collins made a motion to strike item “vii” from the ADU Working Document.** Second: Ed Comeau. After some discussion the motion was withdrawn.
  6. **Motion: Dianne Smith made a motion to define an ADU in Article X of the Zoning Ordinance as “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”.** Second: Rob Collins. The motion passed unanimously.
  7. Chairman Rick Surette requested that the administrative assistant amend the ADU Working Document according to the previous motion.
  8. **Motion: Rob Collins made a motion to strike item “vii. The ADU shall not be less than 350 square feet” from the ADU Working Document.** Second: David Champy II. The motion passed unanimously excepting one opposed.
  9. Chairman Rick Surette requested that the administrative assistant incorporate the wording in the ADU Working Document into the Zoning Ordinance as a proposed document.
  10. **Motion: Rob Collins made a motion to make the following changes to the ADU Working Document:**
    - a. After “d.” add “Accessory Dwelling Units (ADUs)”.
    - b. In item “iii” after “the” add “Single Family Dwelling (SFD)”.
    - c. In item “v” replace “will” with “shall”,
    - d. In item “v” replace “a” with “the” and “an” with “the”.Second: Ed Comeau. The motion passed unanimously.
  11. It was requested that the administrative assistant prepare before and after examples of the proposed changes for Article IV, ADUs, and Article X and to email copies to Planning Board members. Chairman Rick Surette stated that upon reviewing the emails the Planning Board a decision will be made of when to meet for scheduling public hearings.
- C. Detached ADUs
1. A document entitled, “DADU Proposal 12/15/16” was distribute to Planning Board members.
  2. **Motion: Rob Collins made a motion that the Planning Board accept the “DADU Proposal 12/15/16” document as a working document.** Second: Ed Comeau. The motion passed unanimously.
  3. Chairman Rick Surette postponed adding any changes to the Zoning Ordinance regarding detached ADUs until next year.

**IX. Public Comments.**

(None).

**X. Member Comments**

- A. Chairman Rick Surette referred to an email that inquired about Brookfield's setback ordinances. After some discussion it was decided that the administrative assistant should reply by referring them to the Moose Mountain Regional Greenway and provide them with a link to the Brookfield Zoning Ordinance on the Town's website.
- B. Dianne Smith reported that SRPC is reviewing projects of regional significance.
- C. Rob Collins expressed that the Planning Board may want to consider adding procedures to determine if there are tax liens before subdivisions or lot line adjustments are approved. Rob Collins suggested that the Planning Board consider this next year. Chairman Rick Surette requested that it be added to the March 2017 agenda.
- D. Rich Zacher reminded members of the Planning Board that January 25, 2017 is the deadline for signing up to be on the ballot.
- E. Chairman Rick Surette requested the administrative assistant to schedule the next Planning Board meeting for January 3, 2017 for the Planning Board to discuss the scheduling of public hearings.

**XI. Adjournment**

At 9:09 PM the Planning Board meeting was adjourned.

Respectfully submitted by  
George Nick, Administrative Assistant.

\_\_\_\_\_ Date 12/22/16

**Brookfield Zoning ARTICLE IV - NONCONFORMING USE**

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**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.

11/17/2016

Replace II,A,1,d with-

d. 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 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 a SFD will apply to the combination of the SFD and an ADU.
- vi. The floor area of the ADU shall not exceed one-thousand (1,000) square feet.
- vii. The ADU shall not be less than 350 square feet.
- viii. Separate ownership of the ADU and SFD is prohibited.
- ix. 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)”

**Add a new section after II,A,1,d:**

e. Detached Accessory Dwelling Units (DADU) are permitted subject to the following conditions:

- x. Not more than one DADU is allowed per lot.
- xi. The DADU shall be located on a lot with a single family dwelling (SFD).
- xii. Owner occupancy is required (either the DADU or SFD).
- xiii. Any town regulation applicable to a SFD shall apply to the combination of the SFD and the DADU.
- xiv. The floor area of the DADU shall not exceed one-thousand (1,000) square feet.
- xv. The floor area of the DADU shall not be less than 350 square feet.
- xvi. Separate ownership of the DADU and SFD is prohibited.
- xvii. If the owner fails to comply with the requirements of this section, the use of the DADU 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 DADU fails to comply with the requirements of this ordinance.

**Add the following definition to Article X:**

**Detached Accessory Dwelling Unit (DADU):** an accessory dwelling unit in an accessory building.