

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

**Friday, January 20, 2017**

- I. 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: (none).
  - C. Members and Alternates absent: Jim Freeman, Dianne Smith and Geary Ciccarone.
  - D. Members Tardy: (none)
- III. Appointment of Alternates per RSA 673:11, 673:12.**  
(No alternates were present for appointment.)
- IV. Public Comments.**  
(None).
- V. Public Hearing to Review Proposals to Amend the Zoning Ordinance.**
- A. At 6:32 PM Chairman Rick Surette called the public hearing to order.
  - B. Chairman Rick Surette explained the procedure for the public to address the Planning Board as outlined in the Rules of Procedure.
  - C. The following documents were distributed to Planning Board members and the public.
    - 1. Nonconforming Use Working Document 11/17/16 (attached).
    - 2. Proposed Changes to the Zoning Ordinance Before and After 010317 (attached).
    - 3. ADU Working Document 12/15/16 (attached).
  - D. Rich Zacher explained the purpose of the proposed language change in the Zoning Ordinance regarding non-conforming lots accordingly;
    - 1. A non-conforming lot is generally less than two acres.
    - 2. If the owner of a non-conforming lot wanted to modify a structure, the present regulations required that the ZBA consider the location of the septic system and well on the owner's lot.
    - 3. Because the well and septic system were prohibited from being impacted, the ZBA felt obligated to approve a variance for the modification of such proposed structure.
    - 4. The proposed language to amend the Zoning Ordinance would specify that a request to modify a structure on a non-conforming lot would be prohibited from impacting an

- abutter's well or septic system but the ZBA may require the owner of the proposed structure change to move their septic system.
- E. Chairman Rick Surette explained the purpose of the proposal to amend the Zoning Ordinance in regard to Accessory Dwelling Units accordingly;
    - 1. Attached ADUs are somewhat similar to apartments that are either within or added to the present structure.
    - 2. The present Zoning Ordinance contains language that regulates ADUs, however the State Legislature has enacted regulations that the Brookfield Zoning Ordinance did not comply with. One of the Zoning Ordinance requirement that was in non-compliance was the regulation concerning minimum square footage of an ADU.
    - 3. The proposed changes regarding ADUs will simplify the language of the regulations and reflect state legislative changes.
  - F. David Champy II explained that changes to the definitions section of the Zoning Ordinance is also being proposed.
  - G. Ed Comeau explained that the proposed changes are regarding attached ADUs, exclusively.
  - H. The following questions were presented to the Planning Board;
    - 1. There is no minimum square footage? Rob Collins explained that though no minimum area is required, the ADU must provide utilities and means for cooking, washing, bathing and sleeping.
    - 2. Must the ADU be occupied? Rob Collins answered that there is no such requirement.
    - 3. Is an exterior entrance required? Chairman Rick Surette answered that an exterior door is not required but an interior entrance is required from the rest of the house.
  - I. At 6:46 PM Chairman Rick Surette closed the public hearing.

## VI. Deliberation.

- A. **Motion: Rob Collins made a motion to place the ADU warrant article proposal on the ballot.** Second: Chairman Rick Surette. The motion passed unanimously.
- B. **Motion: Rob Collins made a motion to place the Article IV Non-Conforming Use warrant article proposal on the ballot.** Second: Ed Comeau. The motion passed unanimously.

## VII. Proposed Wording of Warrant Articles.

- A. Proposed wording regarding ADUs-
  - 1. Chairman Rick Surette read an email from Attorney Laura Spector-Morgan proposing the wording for the ballot question to amend the Zoning Ordinance accordingly;

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.

2. **Motion: Rob Collins made a motion to accept the wording of Zoning Ordinance amendment No. 1.** Second: David Champy II. The motion passed unanimously.
- B. Proposed wording regarding non-conforming lots-
1. After Chairman Rick Surette read an email from Attorney Laura Spector-Morgan proposing the wording for the ballot question there was a general consensus that more details were needed to provide the voter with the necessary understanding of the intent.
  2. Chairman Rick Surette requested that the administrative assistant email the Town Attorney a request for a resubmission.
  3. Chairman Rick Surette scheduled a special Planning Board meeting for January 27, 2017 to review the newly worded resubmission from the Town Attorney.

## VIII. Announcements/Correspondence/Mail.

1. A copy of *Town and City* magazine will be available in the office.
2. A copy of *Convene* magazine will be available in the office.
3. A copy of a plat recording the transfer of land from Fred Perrone to the Edna C. Cann conservation was sent to the Planning Board for filing. There was some discussion as to whether another copy should be submitted to the Assessor Clerk. Rich Zacher volunteered to converse with the Assessor Clerk to confirm if there is a necessity of retaining dual records.

## IX. Review and Possible Approval of the December 15, 2016 and the January 3, 2017 Meeting Minutes.

1. A copy of the December 15, 2016 and January 3, 2017 meeting minutes was distributed to Planning Board members.
2. **Motion: Ed Comeau made a motion to accept the December 15, 2016 and January 3, 2017 meeting minutes as submitted.** Second: David Champy II. The motion passed unanimously.

X. **New Business-**  
(None).

XI. **Old Business-**  
(None).

XII. **Public Comments**  
(None).

**XIII. Member Comments**

- A. Ed Comeau talked about proposed legislation that is being reviewed by the state legislature and suggested that the Planning Board would be interested in reviewing the proposed language before it is approved. Chairman Rick Surette commended Ed Comeau for his work in tabulating the changes that are incorporated in the planning and land use RSAs.
- B. Ed Comeau commented that he was concerned about lobbyists who are being paid by taxpayer money to lobby against state representatives who are elected by the people. He also added that he has co-sponsored a bill that would make it illegal for lobbyists to receive taxpayer money.
- C. Rob Collins notified those present that two Planning Board positions are available for re-election.

**XIV. Adjournment**

At 7:20 PM the Planning Board meeting was adjourned.

Respectfully submitted by  
George Nick, Administrative Assistant.

\_\_\_\_\_ Date 1/28/17

**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.

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.

**In Article X of the Zoning Ordinance change the following:**

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

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.

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

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

## Approved

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.