



TOWN OF  
BROOKLINE, NEW HAMPSHIRE  
BOARD OF ADJUSTMENT

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BOARD OF ADJUSTMENT  
MINUTES

Wednesday, December 12th 2007

**Present:**

**Peter Cook**, Chair, **George Foley**, Vice-Chair, **Marcia Farwell**, Clerk, **David Beauchamp**, Member, **John Ganos**, Member, **William Owens**, Alternate.

**Absent:**

**Charlotte Pogue**, Alternate, **Webb Scales**, Alternate.

**Case 343 Lot F-150:**

In attendance for this case: Chuck Bunker.

**Peter** said it is at or about 7:30 and we have a full five-member board to hear this case.

**Peter** read the hearing notice:

“This is a request by Charles & Mary Bunker for an Area Variance to allow the construction of a porch within the front setback. Brookline Zoning and Land Use Ordinance, Section 603.02.a. The property is located at 1 Meetinghouse Hill Road, in the Residential /Agricultural district Lot F-150.”

**Kristen** said the fees have been paid and notices were sent out to the abutters, two were not picked up from the Post Office.

**Chuck** said he would like to build a narrow porch on the Meetinghouse Hill Road side of the house about 7ft x 21 ft. **Peter** said this is a compact lot, the encroachment of the house is grandfathered so there will not be any further encroachment on the setback. **John** asked how far the corner of the house is to the stonewall. **Chuck** said about 25 ft. The building inspector had measured it. **Chuck** said when the Town replaced the sidewalk he lost a little frontage, just a couple of feet. **Bill** said this is the front of the house because the address is 1 Meetinghouse Hill Road but says this is the side of the house. **Marcia** said the front of the house is where you gain access to the home so we have to consider the 30-foot setback. **George** said they do not have a plan that shows where the lot line is so they cannot make a decision on this tonight. **Peter** said if the Building Inspector said it is going to be 5 feet into the 30-foot setback means he knows where to measure. **George** said not necessarily; the Building Inspector is not here to ask. **Bill** said it is a nonconforming structure because it is already involved in the setbacks. **Peter** said three sides of this house is frontage. **Marcia** asked if they could just go down the points in the application. The Board agreed, Marcia read:

1. The proposed use would not diminish surrounding property values because:

Applicant Answer: The porch is an addition to an existing home, which will increase the value of the dwelling. The Board agreed.

2. Granting the variance would not be contrary to the public interest because:

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Applicant Answer: A sidewalk was recently constructed along the same side of the property. It is unlikely anymore town encroachment will be needed. The Board agreed. **John** said that according to urban planning guidelines a porch is safer to have in a neighborhood. People are outside sitting on the porch rather than sitting inside the house.

3. Denial of the variance would result in unnecessary hardship to the owner because:

- a. The following special conditions of the property make an area variance necessary in order to allow the development as designed.

Applicant answer: Existing home and original home constructed 1780's.

**John** said the house sits on a triangular lot, and three sides of the house have frontage.

- b. The same benefit cannot be achieved by some other reasonably feasible method that would not impose an undue financial burden because.

Applicant answer: The existing house cannot be moved.

The Board agreed.

4. Granting the variance would do substantial justice because:

Applicant answer: Adding a porch would beautify the property and add to the value.

The Board agreed.

5. The use is not contrary to the spirit of the ordinance because:

Applicant Answer: The encroachment is only for a porch and is only present for a segment. The property widens as the porch progresses and porch will not protrude past the original "jog" of the house.

The Board agreed.

**Marcia** asked if it was just a corner of the porch that will be encroaching on the setback. **Chuck** said yes.

**Bill** said he thinks Chuck is making every attempt to conform. **John** said he is not increasing the encroachment. **George** said we don't know where the edge of the property is so we don't know what the encroachment will be.

**David motioned to grant the area variance under section 603.02. (a) and allow the construction of a porch in the front setback. Seconded by Marcia.**

**George** said he thinks he has a chance at a legal matter if he applies for a special exception.

**Peter** said not having plans and measurements does not help. **George** said if we don't know where the property line is we cannot grant this. **George** said this porch could be built on town property, we don't know. **Peter** said the Building Inspector's measurement should suffice as dimensional advice. **George** said it is not his job. **Bill** said yes it is; he is the code enforcement officer.

**Peter** said we need a vote on this now that the motion has been made. **Vote yes 4-1.**

**Peter** asked Marcia as the ZBA Clerk, if she could you advise the applicant as to what kind of materials they should bring to the meeting in the near future.

**Marcia motioned to adjourn the meeting at 8:30 pm. Seconded by George. Vote yes 5-0.**

**David motioned to adjourn at 9:45. Seconded by Marcia. Vote yes 5-0.**

The Board reviewed the mail.

The minutes from the previous meeting were signed.

**Minutes submitted by Kristen Austin.**

\_\_\_\_\_ **Peter Cook, Chair**

\_\_\_\_\_ **George Foley, Vice-Chair**

\_\_\_\_\_ **Marcia Farwell, Clerk**

\_\_\_\_\_ **David Beauchamp, Member**

\_\_\_\_\_ **John Ganos, Member**

\_\_\_\_\_ **William Owens, Alternate**