



TOWN OF
BROOKLINE, NEW HAMPSHIRE
BOARD OF ADJUSTMENT

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BOARD OF ADJUSTMENT
MINUTES

Wednesday, September 10, 2008

Present:

Peter Cook, Chair
George Foley, Vice-Chair
Marcia Farwell, Clerk
Charlotte Pogue, Alternate
Webb Scales, Alternate

Absent:

David Beauchamp, Member & John Ganos, Member.

Zoning Ordinance Discussion

The Board discussed section 800 in the zoning ordinance specifically the wording of Section 800.01 c. and the sketch in Section 800.03. With no suggestions for this section of the zoning ordinance the Board decided to set up a joint meeting with the Planning Board.

Case 346, 49 South Main Street, K-26

In attendance for this hearing Margaret and John Monachelli, Cindy Robbins (Realtor for Sharon Zarin), Curtis and Martha Riendeau (Abutters at 47 South Main Street), Ron Pelletier (Planning Board Member), Clarence Farwell, (Planning Board Member).

Peter read the hearing notice “this is a request from **Margaret Monachelli (prospective buyer)** for an area variance to allow a small animal veterinarian business from the existing barn. From Brookline Ordinance section 602.01, 1702.02, 1702.05, and 1705.05. This property is located at 49 South Main Street, Lot K-26.” **Peter** asked Kristen if the fees were paid and the abutters notified. **Kristen** said yes. **Peter** asked if the current owner of the home had any issues with this proposal. **Cindy Robbins** said no she does not. **Peter** said if this application is denied the owner can’t come back to the Zoning Board with a similar application a second time. **Cindy** said she understood that. **Peter** said two members are absent tonight. The two Alternates will vote in their place. We still have a five member board. You must have a vote of 3 in the affirmative to prevail. **Margaret** said she is a Veterinarian, graduated in 1992. She worked in Vermont and then in New York. For 10 years she worked at the Amherst Animal Hospital and for the past 2 years has worked in Nashua. She likes the idea of being able to have a veterinarian business at her home because she has two small children and can spend more time with them. She likes Brookline, it is a good distance from Nashua and it doesn’t have a veterinarian practice. **Margaret** said the

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abutters are supportive and the Planning Board seemed to be supportive as well. **Margaret** said she intends to keep the barn looking like a barn. She would need the entire main floor for the practice, which is about 2000 square feet. There is a loft which I would eventually like to use as an office if possible. I would also be using one stall in the basement of the barn as storage of dog and cat food. **Margaret** said she also recalculated the number of trips that would be created by the business and she thinks she can keep it under 24 trips. The square footage and the number of employees are her only issues. **George** asked if the access is off South Main Street. **Margaret** said yes, we should be able to fit 6 across in that parking lot. **Peter** asked if she would live in the house. **Margaret** said yes. **George** reviewed the application we have to deal with the Square footage for the business, number of trips, and number of employees. **George** said with a full day of appointments you don't think the number of trips will be an issue. **Margaret** said yes, she had overestimated when filling out the original application. **Marcia** asked how many employees she thought she was going to need. **Margaret** said besides herself 3 others, later on she may need 6-8 depending on how things go. **Marcia** said she supports the idea the ordinance just don't support it. **Ron** said the Planning Board was constrained by the ordinance. **Peter** asked Ron if the Planning Board had any other issues. **Ron** said at first the traffic but the abutters said there shouldn't be an issue and the other businesses held at this location never had a problem. **George** asked what the measurement of the barn is. **Margaret** said 40x50 feet. **Cindy** said Sharon had horse trailers in and out of there all the time and she never had an issue. **Curtis** said he lives right next door to this property and the only time traffic is heavy is about 8:00 am and is calm all day until about 5:30pm.

Peter said they should run down the application:

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

Applicant answer: The property would still have a home that is a residence and the business would be within the barn and would be designed to retain its antique barn appearance.

George said maintaining the rural character. **Webb** said it has also been used as a business in the past.

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

Applicant answer: The business would provide a needed service to the people and the Town of Brookline.

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

a. the zoning restriction as applied to the property interferes with the reasonable use of the property, Considering the unique setting of the property in its environment such that:

Applicant answer: The property has been on the market for a year. Potential buyers have been deterred because of the high volume of traffic on Route 13 and South Main Street. Two of the three edges of this triangular shaped lot are abutting busy roads.

Martha said if the potential buyers had small children traffic would deter them from buying this property. **Peter** said the he feels the unique condition of this lot is the barn. The Board agreed.

b. that no fair and substantial relationship exists between the general purpose of the zoning ordinance and the specific restriction on the property because:

Applicant answer: This intersection is no longer an appealing residential zone. It is surrounded by busy roads, there is a business across the street on South Main Street, and there are businesses across Route 13.

c. the variance would not injure the public or private rights of others since:

Applicant answer: This is an opportunity to allow a business to take advantage of this location that has high visibility to the public while retaining a residential appearance.

4. Granting the variance would do substantial justice because:

Applicant Answer: 1. Sharon Zarin would be able to sell the property.
2. The Town would benefit from the services of the business.

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

Applicant Answer: The appearance of a country home and barn would be retained.

Marcia asked if they would be putting a bathroom in the barn. **Margaret** said yes she would and they would replace the septic if it needed it. **Webb** asked how they will be disposing of waste. **Margaret** said medical waste will be picked up by a service. We will also have a wash tub and a sink that will drain into the septic. **Peter** asked if Margaret could tell them how many square feet she would need in total as well as the total number of employees she thinks she will need. **Margaret** was figuring the square footage total of the stall in the basement, the second floor and the loft when Peter asked if 3000 square feet would work. **Margaret** said yes. **Webb** said we can raise the limit but it doesn't mean it has to be used. **Margaret** said she could possibly need 9 employees plus herself, not right now but when business picks up. **Peter** asked if she was still sure about the 24 trips. **Margaret** said that will be fine.

George motioned to approve the area variance permitting the applicant, Section 1702.02, up to 3000 square feet of the existing barn for a home business, Section 1702.05, not to exceed 9 employees in addition to the inhabitants of the home, and will leave Section 1705.05 as is no more than 24 business related trips per day. Seconded by Marcia.

Webb said they should amend the motion to clarify the Square footage (25% or 1500 which ever is less) varying the entire square footage as 3000 for that section.

Webb motioned to amend the previous motion to allow the applicant, Section 1702.02, up to 3000 square feet of the existing barn for a home business varying the entire square footage for this section., Section 1702.05, not to exceed 9 employees in addition to the inhabitants of the home, and will leave Section 1705.05 as is no more than 24 business related trips per day. Seconded by George. Vote yes 5-0.

The minutes from the previous meeting 8/13/2008 were signed.

Marcia motioned to adjourn the meeting at 9:00. Seconded by Charlotte. Vote yes 5-0.

Minutes submitted by Kristen Austin.

_____ **Peter Cook, Chair**

_____ **George Foley, Vice-Chair**

_____ **Marcia Farwell, Member**

_____ **Webb Scales, Alternate**

_____ **Charlotte Pogue, Alternate**