

**Brentwood Board of Adjustment  
Minutes  
February 13, 2012**

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Members Present: Mike Hureau, Chairman                      Dick Rowe  
                          Andy Artimovich                                 Ken Christiansen, Alt  
                          Doug Cowie, Alt

Chairman Hureau opened the meeting at 7:03.

**Public Hearing:**

Applicant/property owner C. Paulette Sharp Revocable Trust, Jocelyn Sharp-Henning, Trustee requests a variance from Articles 300.002.006.005A, 300.002.006.006A, and 300.002.006.007A of the Brentwood Zoning Ordinance to permit the subdivision of the parcel, resulting in a lot of 2.00 acres with the existing house, and an undeveloped lot of 14.87 acres with frontage on Pine Road. Property is located on 53 Middle Road in the res/agr zone, referenced by tax map 212.016.

Hureau read the legal notice, the list of abutters legally notified, and the definition of a variance. He read a letter from Brentwood's Circuit Rider Planner, Glenn Greenwood as evidence of the required denial necessary from the PB for the Sharps to bring an appeal before the ZBA.

Present on behalf of the applicant were Attorney Steve Ells, Henry Boyd of Millennium Engineering and John Henning. There were several abutters present.

Ells stated that the existing 16 acre lot has the bulk of its frontage on Pine Road, but the home is located on the southern part with its frontage on Middle Road. The existing home is 21 feet from the west side property line where a 25 foot setback is required, and the setback from the center of the roadway is 62 feet, where 75 is required. The frontage on Middle road is about 170 feet, and town regulations require 200 when subdividing. He said these are all preexisting, non-conforming uses and legal, but once they ask for the new lot, they will need variance relief.

Ells proceeded with the 5 elements for the granting of the variance (on file). He said this request does not conflict with the ordinance such that it would violate the ordinance's basic zoning objectives, and the use is allowed in this zone. The proposal is for a reasonable use of the property and it shall not harm the public or private rights of others. He said the benefit to the public, if these ordinances are strictly enforced, is far outweighed by the harm to be suffered by the applicant and the proposal is entirely consistent with the area's present uses. The existing house lot has been in place for years. The proposed new rear lot line for the house lot shall have no negative impact on the value of surrounding properties. He said this is an unusually shaped property, the existing house has been in place for many years and its location shall not be changed. The frontage/width and setback requirements are intended to provide reasonable safe and desirable distance between houses. This proposal shall not have any negative impact of any of these objectives. Without the variance the applicant shall be required to have a lot for the house with 16+ acres where only two acres are required and shall not be able to make a reasonable use of 85% of the property. Christiansen asked how long the house has been there and Henning said it predates 1947.

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Abutter Kevin King was present and said he objects to this proposal. He abuts to the west of this site, and said it is a lovely field that he does not want to change. He is concerned about property values diminishing. He said this will harm his enjoyment of his back yard. Ellis said the Sharp's have a right for reasonable expectation to use their property for legal purposes. Boyd said they are only here tonight for the variance, not for development.

Having no further discussion, Hureau closed the discussion for public comment and worksheets were given to members. Cowie said there is no harm being done, they are not making the lot more non confirming than it is. Artimovich said the ZBA can only look at the one lot where the house is, and cannot consider any future expansion into lot two, that would go before the Planning Board. Hureau said he understands Kings concerns, but the petitioner is well within their rights.

The work sheets were completed and given to the chairman. The vote was unanimously in favor of granting the variance. A copy of the decision was given to Ellis, who thanked the Board for their time this evening.

Motion made by Rowe, 2<sup>nd</sup> by Cowie to approve the November 14, 2011 minutes: the motion carried with Christiansen abstaining as he was not present.

St. Hilaire asked if the Board of Adjustment would in the future accept a letter from the Planning Board as the required denial necessary for a property owner to go before the ZBA. Members unanimously agreed that this would be acceptable.

Motion to adjourn at 7:42 made by Artimovich, 2<sup>nd</sup> by Rowe: all were in favor.

Respectfully submitted,

Kathy St. Hilaire