

**BROOKFIELD BOARD OF ADJUSTMENT
MEETING MINUTES
February 12, 2019**

PRESENT: BOA Members Tom Allen, Jeff Kimmel, Mardee Sanchez and Theresa White, Administrative Officer Stuart Edson, and Members of the Public AJ LaRosa, Kirkpatrick family (Brendan, Maritza, James Sr., Margaret and James Jr.), Justin Poulin, Zoe Newmarco, Joseph Marcum and William Drinkwine.

Chair Kimmel called the meeting to order at 7:02 p.m.

Introductions were made of everyone present.

Appeal of Administrative Officer's Decision re: permits for Drinkwine, Marcum & Mayo

Kimmel handed out information on interested persons and inquired as to who would be participating interested persons. Mr. LaRosa would be representing the appellants (Brendan and Maritza Kirkpatrick and James and Margaret Kirkpatrick), Administrative Officer Stuart Edson and permittees Joe Marcum and Will Drinkwine.

The Kirkpatricks appealed two permits issued by Mr. Edson for the following reasons:

1. There is no septic system in place for the home referred to as a "camp" in permit #2018.19 and therefore the "camp" is non-compliant and no additional permits should be granted to expand the "camp" until it is fully compliant.
2. The "barn" permit is in appropriate because the subject building is not used as a "barn". It appears it is used as guest quarters and/or a brewery. In either case, it needs waste and water disposal and therefore also required a septic connection. There is not septic connection or water disposal connection apparent in the application for the "barn" and therefore should be denied.

The following pertinent information was provided to the BOA during the hearing (person who provided the information is noted):

1. There is case law indicating that if a building is not in compliance then no permits can be issued for it until it is compliance. (LaRosa)
However, there is nothing in state statute nor the Brookfield Land Development Bylaws ("Bylaws") prohibiting additional permits for non-compliant buildings from being issued simply because previous conditions have not been met. Each permit is evaluated on its own merits. (Edson).
2. There was no reason to deny the permit for the addition to the camp as it met the requirements of the Bylaws. (Edson)
3. A state potable water supply and on-site wastewater disposal system permit from the state was just issued for two 1-bedroom dwellings. The system has not yet been installed. It will be used to serve the camp to convert it to a year-round residence and to serve the apartment in the garage. (Drinkwine and Marcum)
4. While guests have camped in the barn, no one has lived there. (Marcum)
5. There is a home brewing operation set up in the barn. Approximately 10 gallons are made and it is not for commercial sale. (Marcum)
6. There is no running water or plumbing in the barn. Water is hauled in if it is needed. The brewing waste is fed to the chickens. (Marcum)
7. The 2015 permit to change the use of the camp to a residence has expired. A new application and permit will be needed to begin this work. Per Section 3.2.K of the Bylaws, the date of that new permit will establish the timeline for completion. (Edson)

Allen/Sanchez moved to deny the appeal with respect to the barn as the objections are not factual, subject to verification by the Administrative Officer, and to deny the appeal regarding the issuance of the permit for the addition to the camp as it was appropriate for it to be issued. The motion passed 4-0-0.

Allen/White moved to require the Administrative Officer, under §3.17 of the Bylaws, to issue a certification of use for the barn after verification that the uses of it are in compliance with the permit. The motion passed 4-0-0.

White/Allen moved to amend the first motion to require inspection of the barn by the Administrative Officer within 30 days of the written decision for this appeal. Sanchez accepted the amendment and it passed 4-0-0.

Sanchez/White moved to close the hearing. The motion passed 4-0-0 and the hearing closed at 8:11 p.m.

Respectfully submitted,

Mardee Sanchez