

BRISTOL
ZONING BOARD OF ADJUSTMENT
October 16, 2018

APPROVED:
12/4/18__jrl__

AGENDA: REHEARING OF THE MOTION OF APPEAL FROM THE PLANNING BOARD DECISION
FOR TURNER COTTAGES LLC

ATTENDING: Richard LaFlamme (Vice Chairman), Lorraine Bohmiller, Larry Denton, Ashley Dolloff,
Melody Mansur (alternate)

ABSENT: Alan DeStefano (Chairman), Sathesh Mina (Alternate - resigned)

OTHER: Christina Goodwin (Land Use Manager), Tyler Simonds (Planner), Attorney Whitley,
Attorney O'Connell and applicants/public

A non-public meeting with Attorney Whitley began at 5:40pm with Christina Goodwin taking the minutes. The Board returned from non-public at 6:00pm.

**REHEARING OF THE APPEAL FROM PLANNING BOARD DECISION FOR TURNER COTTAGES, LLC: W.
Scott O'Connell, Esq., representative**

The meeting opened at 6:03pm. Ms. Mansur was designated to replace an absent Zoning Board member as is allowed by statute.

A MOTION was made and seconded to SEAL THE NON-PUBLIC MINUTES: YES = L. BOHMILLER, A. DOLLOFF, R. LAFLAMME. (Mr. Denton and Ms. Mansur had not arrived as yet).

Ms. Laferriere read the application for the rehearing, the list of abutters notified, where the case was advertised, and stated that there were no telephone calls or Dept. Head comments but we did receive one piece of correspondence.

Attorney O'Connell stated that they do not feel that the Zoning Ordinance is not ambiguous so administrative gloss is not applicable. The law cannot change the language. It specifically states that a Special Exception is required for boat storage in the Lake district. The Planning Board exceeded their authority in this case. A Special Exception is required. We (the applicants) request that there be no boat storage without a Special Exception. We also request that condition #10 be struck. The Camelot Acres Association is in support of this. Attorney O'Connell added his thanks to the town office and staff for their professional help.

Ms. Goodwin then read the letter sent in by Turner Cottages, LLC. Attorney O'Connell mentioned that there is no definition of "facility" and Turner Cottages have said that they are a facility.

REHEARING continued:

Art Richer, Turner Cottages, stated that he feels this is straight forward. They are not a commercial entity. He asked that the Board read the Turner letter again and then make a decision. Ms. Goodwin pointed out the paperwork submitted to the Board and Attorney O'Connell which includes the definition of "commercial", facilities mentioned, boat storage sample cases, boat storage history in Zoning, boat storage by district (which is not allowed anywhere but in the Lake district), and a copy of the Zoning map.

With no other comments or questions, the Board voted to go back into non-public session per 91-A:3,II (I) Consideration of Legal Advice Provided by Legal Counsel. YES: L. Bohmiller, A. Dolloff, L. Denton, R. LaFlamme, M. Mansur.

Ms. Goodwin again took the non-public minutes.

The Board reconvened at 6:50pm with a MOTION to SEAL THE NON-PUBLIC MINUTES. The motion CARRIED unanimously.

With no additional comments or questions, Mr. LaFlamme closed the public session and directed the Board to the deliberation portion of the meeting.

Mr. Denton felt that a lot of this case falls under the word facility which has no definition. The abutters have made a compelling argument that "commercial" has been written for other uses. Commercial was used since 1991. Other definitions have been enacted. Ms. Goodwin pointed out that prior to 1991, boat storage was an allowed use. In 1991, it required Special Exception for the Lake district.

The Board contemplated whether or not boat storage is ambiguous. Mr. LaFlamme felt that this is a hard one for the Board to look at and Mr. Denton added that there is still some ambiguity but not enough to deny the applicant's argument. Ms. Bohmiller agreed. She added that 8.15 facility has no definition; it should have been shown as commercial or residential. It is very difficult to understand when referred to as a facility.

L. Denton made a MOTION, second by A. Dolloff, to GRANT THE REHEARING APPEAL, TO ADD TO THE SITE PLAN THAT BOAT STORAGE IS ONLY BY SPECIAL EXCEPTION, BUT TO DENY EXCLUDING CONDITION #10. The motion CARRIED and the Notice of Decision as signed. Attorney O'Connell and Attorney Whitley were thanked.

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REHEARING continued:

The Board had a short discussion on the process that is to follow now. It will be up to the Land Use department and the Selectmen as to enforcing or not the residential storage of boats on properties in the Lake district or to just enforce from here on out.

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L. Bohmiller made a motion, second by M. Mansur, to approve the minutes as read. The motion carried.

COMMUNICATIONS: -----

NEXT MEETING: There will be no November meeting due to elections. The next ZBA meeting will be held December 4. We have two continued cases thought the McLarey's may be changing their plan and may withdraw. The other case is the Lannon Lot Line Adjustment. Folks have until Nov. 9 to apply.

With no other business before the Board, L. Denton made a motion to adjourn at 7:13p.m.

Respectfully submitted,
Jan Laferriere,
Land Use Admin. Assistant