

BRISTOL
ZONING BOARD OF ADJUSTMENT
December 5, 2017

APPROVED:

4/3/18 jrl

AGENDA: MOTION FOR REHEARING, 17SE03 SPECIAL EXCEPTION: RAY PARKHURST for
 WOODLAND REALTY TRUST, JOSEPH & CONSTANCE CUNEO, 167 W. Shore Rd.,
 #3, #108-038
 MOTION FOR REHEARING, 17VAR07 VARIANCE: SCOTT LIBBY FOR GERALD H. W.
 BRADFORD JR., Shore Drive, #111-037

ATTENDING: Alan DeStefano (Chairman), Lorraine Bohmiller, Larry Denton, Ashley
 Dolloff

ABSENT: Richard LaFlamme (conflict)

OTHER: Ray Parkhurst, Joe Jr. & Jodie Cuneo

The meeting opened at 6:05p.m.

MINUTES OF NOVEMBER 7, 2017:

A. Dolloff made a motion, second by L. Denton, to approve the minutes as read. The motion carried with one abstention.

MOTION FOR REHEARING: 17SE03 SPECIAL EXCEPTION: RAY PARKHURST FOR WOODLAND REALTY TRUST, JOSEPH & CONSTANC3E CUNEO

Mr. DeStefano read the directions for a Motion for Rehearing and then directed the Board to page 34, Special Exception.

A. Dolloff made a motion, second by L. Bohmiller, to open the motion for discussion. Mr. Denton expressed that he did not feel that the Board had not made an error in judgement according to what was presented. Mr. DeStefano stated that, whether or not the lot behind was buildable does not come under the Zoning Board's jurisdiction. This decision must be for an error in judgement from the Board. He then asked the applicants in attendance if they have anything to say.

Mr. Parkhurst, Representative for this case, stated that the elevation is over 30' which puts any proposed building, on the abutting lot, over the proposed height of the applicants' proposed building. The only problem would be the 40' high trees. Mr. Parkhurst added that there is no egress to the lot from the Newfound Sands property (as shown in the paperwork included in the motion. Joe Cuneo Jr., attending this evening, is willing to remove the trees as well as the shed.

Mr. DeStefano stated that the Zoning Ordinance ruling was done to protect the abutters from impeding their view. Mr. Parkhurst stated that this house is small. Mr. DeStefano said that the Board has to

CUNEO MOTION FOR REHEARING continued:

determine if they made an error in judgement in order to rehear a case. Mr. Denton mentioned that the foundation is cracked and needs repair. It is the second story that is the issue. Ms. Bohmiller asked why the cottage couldn't be brought forward and become lower that way. Mr. DeStefano explained that, in bringing it forward, it would impede the view more. Mr. Parkhurst felt that they could pitch the roof down some.

Jodie Cuneo (wife of Joe Jr.) stated that they own the cottage next to #4. They feel that there is new information in that the land above is landlocked. She stated that her in-laws are retired and the insurance company is turning them down due to the condition of cottage #4. This cottage will not be as high as the one two-story that is already in existence on this lot.

Mr. Denton asked if they feel that the Board made an error in not considering all the information or that more information has come in. Mr. Cuneo Jr. stated that the issue is about the view and he would like to request a site visit from the Board. Looking from the area cut for building a house, the view would not be obstructed. Mr. DeStefano answered that a site visit could be requested if the Board determines to rehear the case.

Mr. Parkhurst stated that Mr. O'Hara (abutter in question) has been ill and his moods fluctuate making it difficult to work with him. A discussion followed. Ms. Dolloff thought that the Spirit of the Ordinance is relevant in this case. Mr. DeStefano added that there is strong opposition of the height and the view. Mr. Denton asked what relevance the documents included has and both Mr. Parkhurst and Ms. Cuneo felt that they prove that the abutter's lot is landlocked and cannot be built on. Mr. Parkhurst pointed out the document that shows the access through Newfound Sands (former Bungalow Village) was nullified some time ago. A discussion followed in which it was mentioned that a property cannot become landlocked and that the egress at the time was to be through the O'Hara's adjoining property.

Ms. Bohmiller suggested that a rehearing would mean a whole new hearing with notification, etc. and, maybe it would be just as well to come in with a whole new Special Exception which shows the changes that have been mentioned tonight.

L. Bohmiller made a MOTION, second by L. Denton, to DENY THE MOTION FOR REHEARING BASED ON THEIR COMING BACK WITH A NEW SPECIAL EXCEPTION THAT INCLUDES THE CHANGES. The motion CARRIED. Mr. Denton explained that the Board has denied the motion based on the information they had been given at the original hearing. He added that they need to re-apply as a completely new plan. Ms. Laferriere then gave them the time schedules for the next hearing date. Mr. Parkhurst did not feel that they could meet that date (this coming Friday) so would look to meet the deadlines for a February hearing.

MOTION FOR REHEARING: SCOTT LIBBY FOR GERALD BRADFORD JR.

Mr. Denton stated that he was not sure of what error the Board had made at that hearing. It was generally felt that the problem had been with the representative as he stated again in the rehearing motion.

LIBBY/BRADFORD REHEARING continued:

L. Denton made a MOTION, second by A. Dolloff, to DENY THE MOTION FOR REHEARING FOR SCOTT LIBBY/GERALD BRADFORD JR. The motion CARRIED.

The Board held a discussion of the differences between the two cases as a general instruction. With no other business before the Board, A. Dolloff, with a second by L. Bohmiller, moved to adjourn at 6:55p.m. The motion carried.

Respectfully submitted,
Jan Laferriere,
Land Use Adm. Ass't.

