

BRISTOL
ZONING BOARD OF ADJUSTMENT
April 3, 2018

APPROVED:
5/1/18 __jrl_____

AGENDA: 18SE01 SPECIAL EXCEPTION: RAYMOND PARKHURST FOR C. DEBORAH PHILLIPS &
DAVID M. NICKLESS, 16 Woodland Rd., #104-160
18SE02 SPECIAL EXCEPTION: THOMAS B. FITZPATRICK, Central Square, #114

ATTENDING: Alan DeStefano (Chairman), Richard LaFlamme (Vice Chairman), Larry Denton, Ashley Dolloff

ABSENT: Lorraine Bohmiller (ill)

OTHER: Liz Kelly (Planner), Ray Parkhurst, Deborah Phillips and David Nickless, Tom & Annie Fitzpatrick

The meeting opened at 6:00p.m. with a quorum.

MINUTES OF DECEMBER 5, 2017:

R. LaFlamme made a motion, second by A. Dolloff, to approve the minutes as read. The motion carried.

18SE01 SPECIAL EXCEPTION: RAY PARKHURST FOR C. DEBORAH PHILLIPS & DAVID M. NICKLESS

Ms. Laferriere read the application, abutters notified, where the case was advertised and stated that there were no telephone calls, written responses, or Department Head comments.

R. LaFlamme made a MOTION, second by A. Dolloff, to ACCEPT THE APPLICATION AS COMPLETE. The motion CARRIED.

Mr. Parkhurst stated that the applicants have opted to go from a 12.6' roof to a 24.8' in deference to the neighbors (32' is allowed). He then read the narrative that accompanied the application and covered the 6 points of reasons. The footprint is a 28' x 40' plan. They wish to demolish existing cottage and sheds and build a new structure, which will be out of the current setbacks but with a higher than 1' increase in height due to an improved septic system that raises the ground level.

Mr. DeStefano asked why the septic is shown on the Lake side of the property. Ms. Phillips answered that the location is the only space to meet the setback regulations. Mr. Parkhurst added that DES has approved the plan. When Mr. Denton asked, Mr. Parkhurst pointed out the old cottage outline.

Mr. DeStefano asked for any public response and there was none. He then closed the public portion of the hearing.

Mr. DeStefano read the abutter letter from the Price's who are fine with the new plan. The reasons to allow special exception were addressed.

PARKHURST SPECIAL EXCEPTION continued:

1. Allowed per article 4.12 of the Zoning Ordinance.
2. Appropriate location and size: R. LaFlamme made a MOTION, second by L. Denton, that this reason is approved. The motion carried.
3. Will not adversely affect the character of the area: Mr. Denton asked if there will be fill as this building will be twice as high. Mr. Parkhurst explained that the new septic makes it 2' higher than it is now. They will bring it to grade level. They will add a full cellar instead of being on piers. Mr. Denton asked if it will still be one story and was told that it will be. Mr. DeStefano said it will be a raised ranch and this was affirmed.

L. Denton made a motion, second by R. LaFlamme, to approve this reason. The motion carried.

4. No nuisance or serious hazard to vehicles or pedestrians: R. LaFlamme made a motion, second by A. Dolloff, to approve this reason. The motion carried.
5. No excessive or undue burden on Town services or facilities: L. Denton made a motion, second by A. Dolloff, to approve this reason. The motion carried.
6. No effect on public health, safety, and general welfare of the neighborhood: R. LaFlamme made a motion, second by A. Dolloff, to approve this reason. The motion carried.

R. LaFlamme made a MOTION, second by A. Dolloff, to GRANT THE SPECIAL EXCEPTION. The motion CARRIED. The Notice of Decision was signed and Mr. DeStefano reminded the applicants that there is a 30-day time allowed for an appeal.

18SE02 TOM FITZPATRICK

Ms. Laferriere read the application, abutters notified, where the case was advertised and stated that there were no phone calls, written responses, nor Department Head comments received.

L. Denton made a MOTION, second by A. Dolloff, to ACCEPT THE APPLICATION AS COMPLETE. The motion CARRIED.

Ms. Kelly read her memo in which she had sent to Mr. Fitzpatrick explaining that the Select Board has given permission for him to use the town land for his sign. She also read Article IV, 4.11M in which off-premise signs must come to the ZBA for a Special Exception. She feels that the sign must meet dimensional standards whether it is considered a temporary or seasonal sign.

Mr. Fitzpatrick stated that he has been in business for 40+ years and the sign in the Square helps. He feels that it does not impede anything, is 44" high and is attached to the light pole with a small bungee cord. It is freshly painted.

FITZPATRICK SPECIAL EXCEPTION continued:

Mr. DeStefano asked how often it is placed in that location and Mr. Fitzpatrick answered that it is not out every weekend. He added that he used to have it in the garden area there. Ms. Kelly directed the Board to Section 4.11O.7 Seasonal off-premise signs. Mr. DeStefano asked how large the sign is and was told that it is 22" x 30". Ms. Dolloff stated that the Selectmen have approved this and it seems to be agriculture. Mr. Denton said that the size should conform to the Ordinance. Ms. Kelly asked under which category. Mr. Fitzpatrick stated that he paid for the sign permit last year. Mr. DeStefano felt that this whole thing is a waste of time and should not have come in to the Board. Bristol is rural and the Selectmen have already approved it. Mr. LaFlamme stated that it is a formality to cover the Ordinance.

L. Denton made a motion, second by R. LaFlamme, to determine this case with one vote. The motion carried.

Mr. Denton stated that it sounds like the barn sale sign is agriculture. Mr. Fitzpatrick stated that he sells a wide variety of things including some plants. Ms. Dolloff said that the Board needs to treat everyone the same. A discussion followed. Mr. DeStefano felt that it is up to the Planning Board to determine what kind of sign it is. Ms. Dolloff agreed. It is not an annual thing. Mr. Denton questioned that, if we grant this, will there be more signs. Mr. LaFlamme pointed the Board to 4.11A. Ms. Dolloff asked the location and Mr. DeStefano stated that this is up to the Selectmen. Ms. Dolloff added that the town has given up the space. Mr. DeStefano read the Selectmen's minutes in which they gave approval (12/7/17). He again stated that he did not feel that this should have come to this Board; it already has Selectmen approval. More discussion followed.

Mr. Denton felt that we should make a decision so as not to delay the applicant. Mr. LaFlamme felt that we should approve it as it meets the criteria as shown on the application. Mr. Denton felt that it is almost like eminent domain as it has been there every summer for 20+ years. Ms. Dolloff felt that it is before the ZBA because it says "Barn Sale" and not "Pick your own strawberries". The Board felt that the sign ordinance needs work and Ms. Kelly stated that she will bring it up to the Planning Board. Ms. Laferriere added that it is on the Planning Board's list but dogs and horses took precedence this year and they ran out of time. Mr. Denton felt the Board should vote on the application overall. This has been a special situation for over 20 years.

L. Denton made a MOTION, second by R. LaFlamme, to APPROVE THE SPECIAL EXCEPTION WITH THE FOLLOWING CONDITION: FOR A SEASONAL TEMPORARY BARN SALE SIGN FOR THE SALE OF USED GOODS. THE CURRENT SIGN HAS BEEN IN EXISTANCE FOR 22 YEARS PER THE APPLICANT. The motion CARRIED. Mr. DeStefano again expressed his concern about bringing this before the ZBA based on the rural atmosphere of Bristol.

ELECTION OF OFFICERS:

L. Denton made a motion, second by A. Dolloff, to re-elect Alan DeStefano as Chairman and Richard LaFlamme as Vice Chair. The motion carried.

With no other business before the Board, A. Dolloff moved to adjourn at 7:30p.m.

Respectfully submitted,

Jan Laferriere, Land Use Admin. Assistant