

BRISTOL
ZONING BOARD OF ADJUSTMENT
July 10, 2018

APPROVED:
9/4/18 __jrl_____

AGENDA: 18SE03 SPECIAL EXCEPTION: MIKE & MICHELE HENLEY, 116 Holiday Hills, #110-033
18SE04 SPECIAL EXCEPTION: NORTHSTAR CONTRACTORS LLC, 87 Brown's Beach Rd.,
#104-141

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

ABSENT: Lorraine Bohmiller (illness at home)

OTHER: Liz Kelly (Planner), applicants and public

The meeting opened at 6:00p.m. Mr. DeStefano stated that we have one member absent and asked the applicants if they wished to continue. Both did.

MINUTES OF JUNE 26, 2018:

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

SPECIAL EXCEPTION: MIKE & MICHELE HENLEY

Ms. Laferriere read the application, the list of abutters notified, where the hearing was noticed and stated that they had received no telephone calls or written correspondence regarding this case. There were no comments from Department Heads.

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

Mr. Henley presented photos. He stated that the present cottage has 2' x 3' construction and needs to be rebuilt as they wish to retire there. They have owned the property for 14 or 15 years. Mr. DeStefano asked if they have a full foundation and was told that there isn't; it is just a crawl space and part of that is caving in. They only use it in the summer right now.

The criteria were gone over:

2. Appropriate location and adequate size: It is a 100' x 100' lot and the new house will have a smaller footprint (36' x 28') and is to be a 2-story. It will not affect the view of anyone. Mr. Henley verified that the new house will be 10' higher.

3. Use will not adversely affect the character of the area: There are other houses that are bigger and higher. The new house will look nice and not block anyone's view. It will fit the neighborhood.

HENLEY SPECIAL EXCEPTION continued:

4. No nuisance or serious hazard to vehicles or pedestrians because: This will remain as always. No impact to traffic and be the same number of bedrooms.

5. Will not place excessive or undue burden on town services or facilities: Will not. There is private septic and to remain their retirement home. They currently have town water.

6. No effect upon public health, safety, or general welfare of the neighborhood: It is a small house and most of the neighbors are family. All of the kids seem to be buying their parents places.

PUBLIC COMMENT:

Sandra Lively, abutter to the rear, has no objection but would like the Henley's shed to be moved out of the setback. Mr. DeStefano explained that this is not under the ZBA's jurisdiction; they can only look at the height issue. You will need to see the Land Use Office about that. Mr. Henley said that he has done a beautiful patio back there. Mr. DeStefano asked if it is in the setback and Mr. Henley answered that he never measured it. Mr. DeStefano stated that he needs to speak with the Land Use Office to address this. Mr. Denton asked why he hadn't considered a ranch and Mr. Henley stated that it would be 65; long and would block everything. Mrs. Lively stated that she never received a notice (one had been sent by certified mail). Mr. DeStefano again stated that the primary issue for this Board is to not impede views. The property in question is surrounded by trees in the back. Ms. Lively stated that she can only see the Lake from her 3rd floor attic window and doesn't think that the new building will not interfere.

The PUBLIC portion was then closed and the Board went into deliberation going over each criteria:

2. Meets the setbacks. L. Denton made a motion, second by R. LaFlamme to approve criteria #2. The motion carried.
3. R. LaFlamme made a motion, second by A. Dolloff, to approve criteria #3. The motion carried.
4. This is going from a house to a house. L. Denton made a motion, second by R. LaFlamme, to approve criteria #4. The motion carried.
5. R. LaFlamme made a motion, second by A. Dolloff, to approve criteria #5. The motion carried.
6. There is no change of use. L. Denton made a motion, second by R. LaFlamme to approve criteria #6. The motion carried.

R. LaFlamme made a MOTION, second by L. Denton, to APPROVE THE APPLICATION FOR MIKE AND MICHELE HENLEY. The motion CARRIED and the Notice of Decision was signed. Mr. DeStefano explained that there is a 30-day appeal time.

SPECIAL EXCEPTION: NORTHSTAR CONTRACTORS LLC/MICHAEL & DEBORAH FARRELL

Ms. Laferriere read the application, the abutters notified, where the case was advertised, and stated that there were no telephone calls or Dept. Head comments. There was one e-mail received. The Board looked over the application. When questioned, Wesley Hayes (owner of Northstar) stated that the dotted line on one plan is the impact area. He added that there will be no change to the back deck; only the height of the house and they are to add the bathrooms. They wish to add a deck to the front.

NORTHSTAR/FARRELL continued:

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

Mr. Hayes stated that the rear deck will not be raised. They only intend to cut it for the bathroom addition. The front deck will be new. Mr. DeStefano questioned the photo that showed the house in January which is dated 2018. There are no stairs to the door on the side. Mr. Farrell stated the photo is dated wrong as it was done when the foundation was done in 2013. Mr. Hayes added that the steps are there now.

Mr. Hayes continued to say the Farrell's wish to make this more of a home. This will include a bump-out for the bathroom and the loft bathroom upstairs. The main floor will be an open great room.

The criteria were gone over:

2. Appropriate location and of adequate size for the use: Similar to abutting properties and neighborhood. Many have 2nd floor loft areas. The new building will not block views or encroach on the ROW.

3. Will not adversely affect the character of the area: The building is consistent with surrounding properties. It will complement the other dwellings nicely.

4. No nuisance or serious hazard to vehicles or pedestrians: No impact to the grounds surrounding the property. The property currently services two vehicles parking which enter onto a private gravel driveway. The new renovations will not affect this.

5. Use will not place excessive or undue burden on town services or facilities: It will remain as residential use. There is no impact on town services or facilities and the roadway is private.

6. No significant effect resulting from such use upon the public health, safety, and general welfare of the neighborhood in which it is located: It is in keeping with its current residential use. Neighbors will not be negatively affected. The renovation will be in compliance with current building code standards.

Mr. DeStefano asked if the front deck will affect parking. Mr. Hayes answered that it should not affect it at all. Mr. Denton mentioned that the deck comes out 7'. Mr. DeStefano stated that the side is encroaching the setback and Ms. Kelly stated that it would need a Variance. Mr. Hayes said that these are conceptual plans. Ms. Dolloff felt that these issues will be handled when they apply for their Land Use permit. Mr. DeStefano felt that we should point out the issues of parking and setbacks.

PUBLIC COMMENT:

Neil Fist, abutter to the rear, stated that it will not affect his view. Philip Galante, abutter to the south side (and author of the e-mail received), stated that he is in opposition of the setbacks. The rear deck is 2 ½' from Mr. Galante's boundary line. He has erected a fence for some privacy. He feels that the deck height will be increased when they fill in. Mr. Hayes assured him that there is to be no change to the

NORTHSTAR/FARRELL continued:

height of the deck and Mr. Denton asked clarification. Mr. Hayes again stated that there will be no change to the rear deck.

Mr. Galante mentioned that the new deck will wrap around and be in the setback. Mr. DeStefano stated that a variance would be needed in order to do that. He felt that grandfathering is there, at this point, unless the Land Use permit says otherwise. Mr. Hayes questioned if the steps could be put back and Mr. Denton asked if the existing foundation is out of the setback. Mr. DeStefano felt that it is. Mr. Galante stated that he has no problem with going up; just with the setbacks. Ms. Kelly stated that the Land Use permit would ensure that.

With no other comments, the Public portion of the hearing was closed and the Board went into deliberation. Mr. Denton mentioned that the Board is only dealing with the 10' 6" increase in height. The criteria were addressed:

2. This is the same footprint for height. R. LaFlamme made a motion, second by L. Denton to approve criteria #2. The motion carried.
3. Other homes in the area have done the same. A. Dolloff made a motion, second by L. Denton, to approve criteria #3. The motion carried.
4. Mr. Denton brought up the point about parking and Mr. DeStefano felt that Planning should look at this. Also that the height of the deck does not increase. L. Denton made a motion, second by A. Dolloff, to approve criteria #4. The motion carried.
5. Adding a bathroom. Also, one on the 2nd floor. R. LaFlamme made a motion, second by A. Dolloff, to approve criteria #5. The motion carried.
6. This won't affect anything. L. Denton made a motion, second by R. LaFlamme, to approve criteria #6. The motion carried.

R. LaFlamme made a MOTION, second by L. Denton, to APPROVE THE SPECIAL EXCEPTION FOR NORTHSTAR CONTRACTORS LLC WITH THE CONDITION THAT THERE WILL BE NO ELEVATION OF THE EXISTING DECK. The motion CARRIED and the Notice of Decision was signed.

Mr. DeStefano explained the 30-day appeal time.

With no other business before the Board, the meeting adjourned at 7:40pm.

Respectfully submitted,
Jan Laferriere,
Land Use Admin. Assistant