

BRISTOL
ZONING BOARD OF ADJUSTMENT
September 3, 2019

APPROVED:

See minutes of 10/1/19__jrl_____

AGENDA: 19SPX02 SPECIAL EXCEPTION: WOODLAND REALTY TRUST c/o COREY N. GIROUX ESQ.,
167 W. Shore Rd., #108-038.3
19VAR08 VARIANCE: PAUL FLEMMING, 109 W. Shore Rd., #108-013
19VAR09 VARIANCE: STEVEN P. COFFILL, 866 Lake St., #216-098
19VAR01 VARIANCE: GERALD BRADFORD, 64 Shore Drive, #111-037

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

ABSENT: Richard LaFlamme (Vice Chairman), Jackie Elliott (Alternate)

OTHER: Christina Goodwin (Land Use Manager), applicants, public

Meeting opened at 6:02p.m. with a quorum. Ms. Dolloff sat in for Richard LaFlamme.

MINUTES OF AUGUST 6, 2019:

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

19SPX02 SPECIAL EXCEPTION: WOODLAND REALTY TRUST c/o COREY N. GIROUX, ESQ.

The Admin. Assistant read the application, abutters notified, where the hearing was advertised, and stated that there were no phone calls, written correspondence or Dept. Head comments received.

L. Denton made a MOTION, second by M. Mansur, TO ACCEPT THE APPLICATION AS COMPLETE. The motion CARRIED.

Atty. Giroux explained that the structures cover 3,702 sq. ft. and the lot is 24,050 sq. ft. which comes to .1539 % of lot coverage. There are 4 buildings on the lot and they predate the Zoning Ordinance. The cottage in question is the oldest of the cottages and seriously needs updating. They wish to increase the height by 9' so as to incorporate the bedrooms and to meet current roof standards.

Mr. Denton asked what the safety issues are and was told they need new ingress and egress doors and replacement windows, electrical wiring, plumbing. Mr. Denton asked if the windows will be increased in size and was told that they will. Ms. Bohmiller asked about the foundation and Atty. Giroux answered that it will have a full foundation with a door. Mr. DeStefano added that he recalls that the present foundation is cracked.

Atty. Giroux then addressed the criteria:

1. Proposed use – only allowed by Special Exception IV, 4.12.C3.
2. Appropriate location and of adequate size – It has been used better than 80 years. It will continue as a residential use, will meet safety and construction requirements, and will be similar to others in the neighborhood.

WOODLAND REALTY SPECIAL EXCEPTION continued:

3. Will not adversely affect the character of the area – This is the same as in #2. It will be more esthetic and be similar to others.
4. No nuisance or serious hazard to vehicles or pedestrians – There will be no added traffic except while the contractors are doing the building. There are no sidewalks and the cottage sits well back from the road.
5. Will not place excessive or undue burden on Town services or facilities – The cottage is served by septic and by town water. The use will remain as it is now. They may use less water due to the efficiency once renovated.
6. No effect on the public health, safety, and general welfare – The only effect will be an improvement. The new ridgeline will be lower than others on the property or those in the neighborhood except for Bungalow Village.

Mr. DeStefano asked a comparison to the house on the South and was told that it is to be 7' lower. It will be higher than the North side due to the topography. It meets all criteria, Atty. Giroux added. Mr. DeStefano asked why this is a Special Exception in our Zoning Ordinance. Atty. Giroux read the reasons listed such as overcrowding. Mr. DeStefano added that it is so as not to impede an abutters' view. Atty. Giroux answered that it does not say that in the Ordinance but the applicants reduced the ridge to address previous concerns. Mr. Denton asked what is behind this cottage and was told that it is a steep undeveloped, unbuildable, landlocked piece of property. To the North is a stream. The view to the East is not obstructed. Ms. Goodwin mentioned that there is a deteriorating shed there.

Mr. DeStefano asked for public comments in favor of the project and there were none. He then asked if anyone was against and abutters Andrew Sr. and Dorothy O'Hara stated that they own the piece in back as well as the one beside this property. Mr. DeStefano asked Mr. O'Hara to come forward and show where he intends to build. It was determined where this would be so as to be away from the stream and found that it would impair the view from there.

With no other comments, the public portion of the hearing was closed and the criteria was discussed:

1. L. Denton made a motion, second by L. Bohmiller, that this criteria has been met. The motion carried.
2. L. Denton made a motion, second by L. Bohmiller, that this criteria has been met as it is in the same footprint but a little higher. The motion carried.
3. M. Mansur made a motion, second b L. Bohmiller, that this criteria has been met as the map makes it clearer as do the photos. The motion carried.
4. L. Denton made a motion, second by M. Mansur, that this criteria has been met. The motion carried.
5. M. Mansur made a motion, second by L. Denton, that this criteria has been met as it is the same use with the same amount of bathrooms. The motion carried.
6. L. Denton made a motion, second by M. Mansur, that this criteria has been met as it makes it safer and they made a change to the height from what they previously were asking for. The motion carried.

L. Denton made a MOTION, second by M. Mansur, THAT ALL CRITERIA HAS BEEN MET FOR THE SPECIAL EXCEPTION. The motion CARRIED.

WOODLAND SPECIAL EXCEPTION continued:

Mr. DeStefano stated that he feels that it is a shame that neighbors don't get along. He then explained the 30-day appeal period and signed the Notice of Decision.

19VAR08 VARIANCE: PAUL FLEMMING

Mr. DeStefano read the e-mail received asking that this case be withdrawn.

19VAR09 VARIANCE: STEVEN COFFILL

Ms. Laferriere read the application, abutters notified, where the hearing was advertised, and stated that there were no phone calls, written correspondence, or Dept. Head comments received. Ms. Goodwin explained that when the State was notified, as this is in their right-of-way, they misunderstood and thought the deck was to be placed in the front of the house. She e-mailed them back but has not heard from them again as yet. She added that there used to be stairs there which needed to be removed and they would like it to be a deck.

A. Dolloff made a MOTION, second by L. Denton, that this application is complete though the State answer is not. The motion CARRIED.\

L. Denton made a MOTION, second by L. Bohmiller, to CONTINUE THIS HEARING TO OCTOBER 1, 2019 AT 6:00PM. The motion CARRIED.

19VAR10 VARIANCE: GERALD BRADFORD/MATT GREENWOOD

Ms. Laferriere read the application, abutters notified, where the hearing was advertised and stated that there were no phone calls, written messages or Dept. Head comments received. Ms. Goodwin explained that these folks received a Variance by when the addition was built, it became a little larger than what was approved.

L. Denton made a MOTION, second by M. Mansur, that THE APPLICATION IS COMPLETE. The motion CARRIED.

Mr. Greenwood explained that previously, he had drawn lines parallel to the side setbacks not realizing that the house is square and makes it difficult to attach those angles.

The criteria was then addressed:

1. Not contrary to the public interest – this will not impact the abutters properties and will enhance the property value. It is on the back side of the cottage so will not impact the road side.
 2. Spirit of the Ordinance – The setbacks are very tight as well as the lot. The lot size was plotted before Zoning rules took effect.
 3. Substantial Justice – The applicant would be able to appreciate the luxury of a full bathroom and a place to get off the main drag of a very busy and noisy Shore Drive.
 4. Values of surrounding properties will not be diminished – this project will enhance the property and increase its value. It will look more like the others on each side of it.
- 5A1. No fair and substantial relationship between the public purposes – The applicant has no choice but to build within the setbacks due to the shape of the lot.

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BRADFORD VARIANCE continued:

5Aii. The project is reasonable – the value of the property will be enhanced. It will have little to no impact on the back yard adding a well deserved charm to the cottage.

5B. Hardship – When the cottage was designed and constructed, it was set up for short term stays. Now the use is for a longer term of the full season occupation.

Mr. Denton asked about the lot and Mr. Greenwood answered that the lots were cut into triangles while the house is square.

Mr. DeStefano asked for public comment in favor. Ron St. Cyr, abutter, stated that he is closest to this side and has no complaints.

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

L. Denton made a MOTION, second by M. Mansur, to vote on the criteria as one as this is due to the shape of the lot and the squareness of the house. The motion CARRIED.

L. Denton made a MOTION, second by M. Mansur to APPROVE THE BRADFORD VARIANCE AS PRESENTED. The motion CARRIED. Mr. DeStefano mentioned the 30-day appeal time and signed the Notice of Decision.

NEW BUSINESS: The October ZBA meeting will be held here but the November meeting will be in the new building.

COMMUNICATIONS: None.

NEXT MEETING: The next ZBA meeting will be held October 1 at 6:00pm. Applicants have until Sept. 6th to apply.

With no other business before the committee, A. Dolloff made a motion, second by L. Denton, to adjourn at 7:13p.m.

Respectfully submitted,
Jan Laferriere,
Land Use Adm. Assistant

