

BRISTOL
ZONING BOARD OF ADJUSTMENT
October 7, 2014

APPROVED as amended:

12/2/14 jrl_____

AGENDA: 14SE04, SPECIAL EXCEPTION: MONICA A. HART,
 471 Wulamat Road, #103-023
DECISION ON APPEAL OF ZAREMBA REHEARING BY
ANDY O’HARA JR.

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

ABSENT: -----

OTHER: Bruce Barnard, Jim Shokul, and an associate, Andy O’Hara Jr.,
 Seana Robie, Fred Schneider, Sandra Heaney, Clay Dingman,

The meeting opened at 6:05 pm.

MINUTES OF SEPTEMBER 2, 2014:

The following amendment was made: Page 7, 2nd paragraph, 4th line, replace “Homan” with “Holman”.

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

14SE04, SPECIAL EXCEPTION: MONICA A. HART/BRUCE BARNARD

The recording secretary read the application, abutters notified, where the hearing was advertised and stated that there were no telephone calls or written correspondence regarding this hearing.

Mr. Barnard presented the letter of permission to represent Ms. Hart and also the elevations and their dimensions of the existing building.

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

Mr. Tardiff, abutter at 471 Wulamat Road, asked to see a copy of the plan and it was then placed on the Board.

HART SPECIAL EXCEPTION continued:

Mr. Barnard stated that the Hart's have owned this property since 1971 when it was a Shaw subdivision of 4 lots. Mr. Hart has recently passed and Mrs. Hart wishes to enlarge it so as to accommodate her family. Jim Shokul will be the builder. As a height increase of up to 1' does not require a Special Exception, they are asking for an additional 8' for a total of 9'. The existing cottage is an old-type cabin which looks out of place for the neighborhood as all have been enlarged. Mr. Barnard pointed out the photos that he had submitted. The present location puts the cottage in a hole. The house across the street is a 2-story. Mr. Tardiff's, next door, is a little taller.

Mr. Barnard went on to explain that they wish to bring the first floor up even with the driveway so that they can access the building easily instead of going down stairs to reach it. They intend to pull the building away from the Lake to make it more conforming. The proposed lot coverage will be 16.9% where 20% is allowed. They have applied to the State Wetlands Bureau and are to put in 2 dry wells to take the water from the roof. The State prefers that they go up instead of building out, he added. There had been a septic approval restriction but, as laws have changed, this restriction has now been removed. The plan will be better for the Lake and more nearly like the abutters. The price will also be more like the neighborhood.

Ms. Heaney asked about the 50' setback from a Wetland (town requirement) where this will now be new construction. Mr. Barnard answered that the Lake is not a wetland and Mr. DeStefano stated that wetlands is not under this Board's jurisdiction.

Mr. Barnard then addressed the criteria listed on the application.

THE SPECIFIC SITE IS AN APPROPRIATE LOCATION AND OF ADEQUATE SIZE FOR THE USE: Setbacks have been maintained, Septic System is current, Shore land setback is greater than for the current structure. He added again about 1' higher being allowed, with 8' exception being asked. The increase is due to the slope of the land, better access to the proposed building, and to be more in line with the value of the abutters.

THE USE WILL NOT ADVERSELY AFFECT THE CHARACTER OF THE AREA: 3 of the 4 abutters have upgraded their homes to the level that is proposed.

THERE WILL BE NO NUISANCE OR SERIOUS HAZARD TO VEHICLES OR PEDESTRIANS: The setback from the road is greater than the Zoning requirement.

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HART SPECIAL EXCEPTION continued:

THE USE WILL NOT PLACE EXCESSIVE OR UNDUE BURDEN ON TOWN SERVICES OR FACILITIES: This is a replacement home with the same number of bedrooms and same number of residents on a town maintained road. The property is a year-round use.

THERE WOULD BE NO SIGNIFICANT EFFECT RESULTING FROM SUCH USE UPON PUBLIC HEALTH, SAFETY, AND GENERAL WELFARE OF THE NEIGHBORHOOD: No change of use. You cannot see the Lake from the road and there are no view rights on the deeds.

Mr. DeStefano stated that needing a Special Exception was done to protect views. A discussion followed as to what the abutter across the street would see. Mr. Barnard stated that the views from across the street would only run to each side of the building as trees block any view elsewhere.

Mr. Denton asked, if they only were allowed to go up 1', would the project continue and was told that it would not. The applicant needs more room for her family. Ms. Bohmiller asked the elevation of the abutter across the street versus what is proposed and Mr. DeStefano asked why it could not be pulled back more from the Lake. Mr. Barnard stated that the house across the street would still be higher and the proposed building cannot go further back due to the septic.

At this time, Mr. DeStefano asked for public comment. Mr. Dingman stated that he is neither for nor against but has some questions. He asked if, with the increasing surface area of the roof there will be additional run-off and are the catch basins large enough. Mr. DeStefano stated that they are here for the increased height and that the increase in lot coverage is still less than allowed. Mr. Barnard stated that the standard is 6" in 24 hours; the 2 dry wells can hold a minimum of 600 gallons each. There will be stone around and below these. The decks on the existing building would be about the same. Mr. DeStefano asked about gutters and Mr. Barnard stated that the pitch of the roof is down and the stone steps run-off will also be directed to the basins as well as grading. Mr. Dingman asked if there are changes to the septic and Mr. Barnard answered that they will relocate the tank and have amended the septic with the State.

Mr. Tardiff, asked about decks on the new building and was told that there is to be one on the shore side. Mr. Shokul stated that everything goes to the drain basins.

With no other comments, the public portion was closed and the Board began deliberations.

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HART SPECIAL EXCEPTION continued:

Mr. DeStefano recapped by saying that they wish to take down the existing cottage and build further back from the Lake. They are here for an 8' Special Exception of the height (total of 9').

The various criteria were then addressed:

APPROPRIATE LOCATION AND SIZE: Mr. Denton stated that there are improved setbacks and it is of adequate size and in an appropriate location.

L. Denton made a MOTION, second by R. LaFlamme, to APPROVE THIS CRITERIA. The motion CARRIED.

NO ADVERSE AFFECT TO THE NEIGHBORHOOD: Mr. Denton felt that the photos presented of the surrounding houses shows that this would not adversely affect them. L. Denton made a MOTION, second by A. Dolloff, to APPROVE THIS CRITERIA. The motion CARRIED.

NO NUISANCE OR SERIOUS HAZARD TO VEHICLES OR PEDESTRIANS: Mr. Denton stated that they plan on the same number of bedrooms and the same amount of people. It will be safer for the family. R. LaFlamme made a MOTION, second by L. Bohmiller, to APPROVE THIS CRITERIA. The motion CARRIED.

NO EXCESSIVE OR UNDUE BURDEN ON THE TOWN SERVICES OR FACILITIES: The Board felt that this falls under the same as the previous criteria. L. Denton made a MOTION, second by L. Bohmiller, to APPROVE THIS CRITERIA. The motion CARRIED.

NO SIGNIFICANT EFFECT ON THE PUBLIC BEACH, SAFETY, AND GENERAL WELFARE OF THE NEIGHBORHOOD: Mr. Denton stated that the view from the other side of the road is a bit of a question. Mr. DeStefano pointed out that this abutter was not present nor did they respond in any way. Mr. Denton said that he is not against the project and Ms. Bohmiller mentioned that it is just an 8' variance. L. Bohmiller made a MOTION, second by R. LaFlamme, to APPROVE THIS CRITERIA. The motion CARRIED.

R. LaFlamme made a MOTION, second by L. Bohmiller, to APPROVE THE SPECIAL EXCEPTION FOR MONICA A. HART. The motion CARRIED.

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DECISION ON THE APPEAL OF THE ZAREMBA REHEARING BY ANDY O'HARA JR.

Mr. DeStefano explained that we held the first variance and denied it. Following town council, the Board was advised to rehear the whole thing again and to remember that this is only for a change in parking. The rehearing was held and approved. We then received Mr. O'Hara's appeal and town council told us that we are to hear this as we would any appeal for rehearing.

In that case, Mr. DeStefano stated that, in order to rehear a case, there must be new information supplied. He asked Mr. O'Hara if he had this. Mr. O'Hara said that he had asked for an independent assessor regarding values. Mr. DeStefano stated that asked 5 different appraisers, Mr. Capone had worked on this by advertising, and Attorney Uchida tried to find several. No-one seemed to want to take this on. Mr. McLean, the original appraise came in to our last meeting with further statistics and answered all of our questions. After much discussion, it was determined that there is no proof of any change of value based on decreasing the parking.

Mr. DeStefano added that the next step will be with Planning and Wetlands and that Mr. O'Hara can go to those meetings and ask about the various issues that he has. He mentioned that the ZBA must go strictly by the wording of the application; they are a judicial Board.

Mr. Dingman suggested that anyone with input on the town would be welcome at the meetings regarding the Master Plan.

Mr. DeStefano again asked Mr. O'Hara if he had anything new and Mr. O'Hara mentioned statements that the plan might increase the value of Commercial properties but decrease Residents. Mr. DeStefano answered that the statistical data evidence presented showed no effect on anything Commercial or on rents. Mr. Denton added that Mr. McLain came back with much more data. Ms. Robie asked if Auto Trends intends to improve. Mr. Schneider, owner, explained that they will do some cosmetic improvements but they will be looking to retire before too many years. At that time, they will either sell their business as is or will rehab. the building down to the original size and sell.

R. LaFlamme made a MOTION, second by L. Bohmiller, to DENY THE APPEAL FOR REHEARING FOR ANDY O'HARA JR. The motion CARRIED.

COMMUNICATIONS: None.

OLD BUSINESS: None.

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NEW BUSINESS: The secretary asked the Board who wanted to order new Land Use Books as it is that time of year again. The Board responded and she will order them.

NEXT MEETING: As our next meeting would be Voting Day, we shall meet Dec. 2nd. instead. Applicants have until Nov. 7, noontime, to apply.

With no other business before the Board, R. LaFlamme made a motion, second by L. Bohmiller to adjourn at 7:50 pm.

Respectfully submitted,
Jan Laferriere, recording secretary