

BRISTOL
ZONING BOARD OF ADJUSTMENT
August 1, 2017

APPROVED as amended:

9/5/17 __jrl_____

AGENDA: 17SE01, SPECIAL EXCEPTION: JACQUELINE ELLIOTT, 27 Don Gerry Rd., #108-016.026

ATTENDING: Alan DeStefano (Chairman), Richard LaFlamme (Vice Chairman), Lorraine Bohmiller

ABSENT: Larry Douglas, Ashley Dolloff (had come but had to leave)

OTHER: Liz Kelly (Planner), Peter Daniels (Land Use Officer), public

The meeting opened at 6:55p.m. as a mistake had been made and the hearing was advertised for 7:00p.m.

Minutes of April 4, 2017:

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

SPECIAL EXCEPTION: JACQUELINE ELLIOTT

Mr. DeStefano explained that there are only 3 members present and in order to approve, all 3 would have to be in agreement. It is up to Ms. Elliott as to whether or not she wishes to proceed. Otherwise, the hearing can be postponed to the September ZBA meeting. Ms. Elliott chose to continue.

Ms. Laferriere read the application, the abutters notified, and where the hearing was noticed. She added that there were no phone calls, written responses, or Department Head concerns received. Mr. DeStefano stated that he knows the applicant though not in a close capacity and Mr. LaFlamme said that he knows one of those in attendance. No-one voiced opposition due to conflict of interest and the two remained at the table. Mr. DeStefano then explained the procedure for a Special Exception.

The Board looked at the proposed building and at the photos of the present condition. It was noted that there are conflicting elevation measurements for the new building and Ms. Elliott assured them that the height is to be 21'.

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

Ms. Elliott explained that she wants to tear down the present cottage and replace it with something new that has a nice roof line. There are no properties behind her that would be affected. She wished the minutes to reflect that the new cottage is to be 21' high.

She then went through the requirements for a Special Exception:

1. Use is only allowed by Special Exception per – Article V, Section 5.4

ELLIOTT SPECIAL EXCEPTION continued:

2. The specific site is an appropriate location and of adequate size for use because – there are no abutters behind this cottage.
3. The use will not adversely affect the character of the area – it will help the character because the current cottage is falling down.
4. There will be no nuisance or serious hazard to vehicles or pedestrians – it is in the middle of the condominium complex.
5. Will not place excessive or undue burden on town services and facilities – it is a tear down replacement and has private septic and is currently supplied with town water.
6. No significant effect resulting from such use upon the public health, safety, and general welfare of the neighborhood – There will be none.

Glenn, 24 Don Gerry Rd., said that he has seen nothing in the plans. A gentleman with Ms. Elliott stated that there are all kinds of structures and this will be similar to the neighborhood. The private septic is shared with one other cottage. The town water gets shut off and it will remain seasonal.

Mr. DeStefano suggested that they see DES about Shoreland Protection. Ms. Bohmiller asked about the foundation and was told that it will be a 4' crawl space. Glenn stated that this complex is on a hill and they spent a lot for a natural swale behind the Elliott cottage. There is no longer ice build-up under the cottages. He wants to be sure that it remains okay. He added that the Condominium did approve her plan. George Delancey, abutter, wanted to be sure that the new cottage does not get into the swale. He was assured that they have no intent to disturb anything. Mr. Delancey mentioned that the new cottage will be 4' longer. The applicants stated that any infringement would affect themselves more than anyone else. Mr. DeStefano stated that the Association has asked to be in attendance when the cottage comes in. He added that there is a law preventing water to run onto another property when a project is done. Ms. Elliott stated that the new cottage will make things better and the gentleman added that they are 8' – 10' from the swale

Mr. DeStefano said that they will need a building permit and to see DES to be sure that the State has no issues. He then closed the public portion of the hearing.

With no further comments or questions from the Board, R. LaFlamme made a MOTION, second by L. Bohmiller, to APPROVE THE SPECIAL EXCEPTION FOR JACQUELINE ELLIOTT. It was noted that the ZBA can only vote on the height issue. The vote was APPROVED, 3 FOR and the Notice of Decision was signed.

OTHER:

Mr. LaFlamme stated that he and Ms. Laferriere attended the State OEP Conference and will be attending training in Holderness next month. Ms. Laferriere added that she has purchased the OEP procedures book for ZBA but has not had time to read it as yet.

With no other business before the Board, they adjourned at 7:30p.m.

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