

BRISTOL
ZONING BOARD OF ADJUSTMENT
October 3, 2017

APPROVED:
11/7/17 __jrl_____

AGENDA: 17SE03, SPECIAL EXCEPTION: RAY PARKHURST for WOODLAND REALTY TRUST,
JOSEPH & CONSTANCE CUNEO, 167 W. Shore Rd., #3, #108-038

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

ABSENT: -----

OTHER: Applicant Representative, Public

The meeting opened at 6:02p.m.

Minutes of September 5, 2017:

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

17SE03, SPECIAL EXCEPTION: RAY PARKHURST for WOODLAND REALTY TRUST/JOSEPH & CONSTANCE CUNEO:

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

Mr. Parkhurst stated that the cottage is way under present safety requirements. The kitchen is a 3' wide area. It is made up of 2" x 4" timber with 2' on the center roof. There are 2 bedrooms, a small bath with 32" shower. They wish to move the bedrooms to a second story. In doing so, they will change to the National codes. They will use the same footprint so as not to lose the grandfather status. They intend to remove the "bump-out" portion. The foundation is in dire need of repair so they plan on removing the cottage portion and pour new concrete and re-bar. The height will go from 19'9" to 32'.

Mr. Denton asked to clarify that there is no special exception for the basement; just removing the cottage to fix the basement. And he asked how many rooms they have now. Mr. Parkhurst answered that he was correct with the first statement and that there are 2 bedrooms, a bath, galley kitchen, living/dining area and it had a porch at one time. Mr. DeStefano asked if they were leaving the foundation so as to retain grandfather status only and Mr. Parkhurst answered yes. Ms. Bohmiller asked if the land was common area and Mr. Parkhurst stated that it is and is split evenly between the four cottages. Mr. DeStefano asked if there is a right-of-way there and Mr. O'Hara, abutter, stated that there used to be.

SPECIAL EXCEPTION: PARKHURST/CUNEO continued:

Mr. Parkhurst then went over the criteria:

1. Specific site is an appropriate location and adequate size: It is existing with no problems except for the condition of the structure. It is a residential structure in a residential neighborhood.
2. The use will not adversely affect the character of the area: It will complement the area as the existing cottage is in disrepair. The use will remain the same and be more attractive.
3. No nuisance or serious hazard to vehicles or pedestrians: It is to be built in the same footprint. Existing parking is adequate for the use.
4. Will not place excessive or undue burden on town services or facilities: It will retain the same amount of bedrooms and bathrooms, will use less electricity with added insulation and updated bathroom fixtures, and be less of a fire hazard.
5. No significant effect upon public health, safety, and general welfare of the neighborhood: No change of use, rooms will be larger with better egress and a safer kitchen and bath area.

Mr. DeStefano asked the age of the present cottage and was told it was built in the 1940's. He then asked for public comment for the project and there was none.

Mr. DeStefano asked for comment against. Andy O'Hara Senior, abutter in back, stated that the present cottage is only 3 ½' from the boundary not 5'. He is not happy as he intends to build a house on his property and the new height will block his view. There is already one cottage that blocks the view now. Mr. O'Hara added that there is water that comes down that is stopped by some cement and it flows all over. We have lost pegs between the two properties. Alan Barnard put them in and 3 are now missing and one was driven down into the ground and had to be dug out. The owner of record for the property beside the Cuneo property is Mrs. O'Hara.

Mr. DeStefano asked why they haven't considered moving the cottage out of the setback. He feels that with so much damage, the foundation shall need to be completely re-done. Mr. Parkhurst said that moving it forward would impact the parking area and they tried to stay in the footprint to keep the grandfather clause. He would need to measure to see if it is possible to move it. It might drop the height 1' to 2' only.

Ms. Bohmiller asked if it is a walk-in basement and was told that it is. She suggested that they might dig the basement deeper to make the height lower. Mrs. O'Hara mentioned the drainage where someone filled in the ditch. Mr. DeStefano explained that only the height is under the ZBA's purview. Mrs. O'Hara then stated that it will cause them to lose some view.

Mr. DeStefano asked Mr. Parkhurst about concerns over the height. Mr. Parkhurst stated that cottage #4 is already 2 stories and is taller than what #3 will be. Mrs. O'Hara asked if #3 is rented and was told that it is not. Patty Alberts, interested in buying the cottage, asked about insulation and Mr. Parkhurst stated that it is heated but not insulated right now. Mr. DeStefano asked if it has town water and was told that it does and the water is shut off for the winter. Mr. DeStefano mentioned putting the water line deeper and Mr. Parkhurst stated that it is down 4'. He added that, if they have to take the foundation down, they probably could move it forward. At this time, Mr. DeStefano closed the public comment portion of the hearing.

SPECIAL EXCEPTION: PARKHURST/CUNEO continued:

Mr. DeStefano stated that they are looking to make the new cottage considerably higher, they are not planning on changing the footprint, and the new plan will make a better layout. Ms. Bohmiller added that moving it forward would make it more conforming. Mr. Denton asked how many of the other cottages are higher and was told that #4 is higher and there are two others in the neighborhood that are higher. Ms. Bohmiller asked if anything is blocking them and was told no. Mr. Denton thought that it might be a problem if it is being used more of the year but it is to be used the same as now. The only problem might be for the abutters. Mr. DeStefano reminded the Board that this ordinance was designed to protect the view of abutters. Mr. Denton stated that he would like to see them review the situation and also talk with the abutters to see if they can come to an agreement. The Board agreed.

L. Denton made a MOTION, second by R. LaFlamme, to CONTINUE THIS HEARING TO NOVEMBER 7, 2017 AT 6:00P.M. The motion CARRIED.

Mr. Denton asked permission to look at the abutters' property to better determine the situation and was given it. Mr. Parkhurst added that anyone can call him and he will be glad to take them up to see the property.

COMMUNICATIONS: -----

UNFINISHED BUSINESS: -----

NEW BUSINESS: Ms. Laferriere mentioned a ZBA seminar that she, Mr. Daniels, and Ms. Kelly attended which mentioned that each criteria should be voted on and, if denied, a vote should be taken on a motion stating the reason(s).

NEXT MEETING: The next ZBA meeting is to be held November 7, 2017 at 6:00p.m. Folks have until Oct. 13th to apply for that date.

With no other business before the Board, R. LaFlamme made a motion, second by A. Dolloff, to adjourn at 6:50p.m.

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