

BRISTOL  
ZONING BOARD OF ADJUSTMENT  
September 4, 2018

**APPROVED:**

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AGENDA: 18SE05 & 18SE06 SPECIAL EXCEPTIONS: PATRICIA MILLER, 11 Hobart Road, #217-040  
18SE07 SPECIAL EXCEPTION: B. A. BARNARD ENT. INC. / PATRICIA MILLER, 59 Silver  
Shores Drive, #111-012

ATTENDING: Richard LaFlamme (Vice Chairman), Lorraine Bohmiller, Larry Denton, Ashley  
Dolloff, Melody Mansur

ABSENT: Alan DeStefano (Chairman – away), Sathesh Mani

OTHER: Christina Goodwin (Land Use Manager), Tyler Simonds (Planner), applicants and public

The meeting opened at 6:01p.m. Ms. Mansur was asked to the table to replace Mr. DeStefano.

**MINUTES OF JULY 10, 2018:**

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

**MINUTES OF AUGUST 14, 2018:**

One correction had been made: page 1, under Motion for Rehearing, 2<sup>nd</sup> paragraph, 1<sup>st</sup> line, replace  
“Bohmiller” with “Bohmiller”.

L. Denton made a motion, second by L. Bohmiller, to approve the minutes as amended. The motion  
carried with one abstention.

**NON-PUBLIC MINUTES OF AUGUST 14, 2018:**

L. Denton made a motion, second by L. Bohmiller, to approve the non-public minutes for August 14,  
2018 as read. The motion carried with one abstention.

**18SE05 SPECIAL EXCEPTION: PATRICIA MILLER – Reopen Restaurant**

**18SE06 SPECIAL EXCEPTION: PATRICIA MILLER – Kayak & Paddleboards, etc.**

Ms. Miller is looking to purchase 11 Hobart Road. Present owner, MaryAnn Parkhurst brought in the  
plan and photos. Ms. Miller explained that she wishes to reopen the restaurant, ice cream, and rental  
unit and to rent kayaks and paddleboards. She intends to have 4 15' x 20' boat racks at the back of the  
property (off the parking lot).

Mr. Denton asked why she was brought in for a Special Exception for the kayaks, etc. It was explained  
that the Planning Board thought that the best description would be a Recreational Facility which  
requires Special Exception.

**SPECIAL EXCEPTIONS: PATRICIA MILLER continued:**

A. Dolloff made a MOTION, second by L. Bohmiller, to ACCEPT THE APPLICATIONS AS COMPLETE.

Ms. Parkhurst explained that Ms. Miller wishes to purchase her property, reopen the restaurant and ice cream sections and continue to rent the second floor apartment. Mr. Denton asked why this needs a Special Exception and was told that the time to reopen had lapsed.

The public input, for or against, was asked for with no response. The chairman closed the public portion of the hearing.

**18SE05**

The Board went over the criteria:

1. Only allowed by Special Exception from III, 3.2f of the Zoning Ordinance
2. Appropriate location because – it has always been a restaurant. The board agreed.
3. Will not adversely affect the character of the neighborhood – it has always been in this location, has a view of the Lake and there are other restaurants close by.  
L. Denton made a motion, second by A. Dolloff, to approve #3. The motion carried.
4. No nuisance or serious hazard – there is adequate parking, a crosswalk for pedestrians, and has great traffic flow.  
L. Denton stated that it is a busy area but still no reason to deny this. He made a motion, second by L. Bohmiller, to approve #4. The motion carried.
5. No excessive or undue burden on Town services or facilities –  
L. Denton made a motion, second by L. Bohmiller, to approve #5. The motion carried.
6. No significant effect to public health, safety, and general welfare of the neighborhood -  
L. Denton made a motion, second by L. Bohmiller, to approve #6.

L. DENTON MADE A MOTION, SECOND BY L. BOHMILLER, TO APPROVE THE SPECIAL EXCEPTION FOR THE REOPENING OF THE RESTAURANT, ICE CREAM, AND CONTINUED RENTAL OF THE APARTMENT. The motion CARRIED AND THE SPECIAL EXCEPTION NOTICE OF DECISION WAS SIGNED.

**18SPE06**

Ms. Miller read her answers to the criteria. Mr. Denton asked about the location of the boat racks. Ms. Parkhurst stated that there was an old trailer back there which has been removed. Ms. Bohmiller asked if this will be year round and was told that the restaurant will be but the boats, etc. will not. Ms. Bohmiller asked where the boats will be stored. Ms. Miller answered that she plans on selling them at the end of each year. The paddleboards can be easily stacked and stored in the basement.

The public was asked for input for or against and there was no response. The chairman closed the public portion of the hearing and the board went over the criteria.

1. Only allowed by Special Exception from III, 3.2f of the Zoning Ordinance.
2. Appropriate location because – of the location to the Lake with access nearby and there are presently no current rental sites for kayaks and paddleboards.  
L. Denton made a motion, second by A. Dolloff, to approve criteria #2. The motion carried.

**SPECIAL EXCEPTION: PATRICIA MILLER continued:**

3. Will not adversely affect the character of the neighborhood – A. Dolloff made a motion, second by L. Bohmiller, to approve criteria #3. The motion carried.
4. No nuisance or serious hazard – L. Denton made a motion, second by L. Bohmiller, to approve criteria #4. The motion carried.
5. No excessive or undue burden on town services or facilities – L. Denton made a motion, second by L. Bohmiller to approve criteria #5. The motion carried.
6. No significant effect on public health, safety, and general welfare of the neighborhood – A Dolloff made a motion, second by L. Bohmiller, to approve criterial #6. The motion carried.

A. DOLLOFF MADE A MOTION, SECOND BY L. DENTON, TO APPROVE THE SPECIAL EXCEPTION FOR KAYAK RENTAL (RECREATIONAL FACILITY). The motion CARRIED.

**18SE07 SPECIAL EXCEPTION: B. A. BARNARD ENT., INC./PATRICIA MILLER**

L. Bohmiller made a motion, second by L. Denton, to accept the application as complete. The motion carried.

Mr. Denton asked clarification that this is for a 4' crawl space and a new septic. Mr. Matt Barnard pointed out the area where the new septic will be placed. Mr. Barnard then asked if they can correct the application to a 2<sup>nd</sup> story loft instead of a second story as the Condo. Association requires it to be a loft. Also, they wish to amend it to a 3' crawl space. The new height will be similar to the white cottage shown in the pictures. The crawl space is to be cement. As the height does not change overall, the Board stated that they are okay.

Mr. Barnard then read over the criteria. The public was asked for opinion for and against and there were none expressed. The public portion of the hearing was then closed.

Mr. Denton asked if the board should talk about this as a second story or a loft. Sharon Lorah, President of the Association stated that a loft is open and this is what is allowed in their documents. The board felt that it did not affect the height issue either way. And they went over the criteria:

1. Allowed by Special Exception to IV, 4.12c, 3a.
2. Appropriate location and size – the existing building is there and will remain in the same footprint. There are no buildings behind to obstruct the view. The use will remain residential. Mr. Denton stated that the building will remain in the same footprint and a loft will not impact anyone behind them. L. Denton made a motion, second by L. Bohmiller, to approve criteria #2.
3. Will not adversely affect the character of the area – Other houses in the area have lofts as well and the use will remain residential. Mr. Denton stated that with a Special Exception we ask for the least amount of impact. Ms. Dolloff stated that the only change besides height is going from seasonal to permanent. It will not affect the character of the neighborhood. A. Dolloff made a motion, second by L. Bohmiller, to approve #3. The motion carried.
4. No nuisance or serious hazard – L. Denton made a motion, second by L. Bohmiller, to approve criteria #4. The motion carried.
5. No excessive or undue burden on town services or facilities – L. Bohmiller made a motion, second by A. Dolloff, to approve criteria #5. The motion carried.

**SPECIAL EXCEPTION: PATRICIA MILLER/MATT BARNARD**

6. No significant effect on public health, safety, and general welfare – Ms. Bohmiller stated that the septic will be an improvement. A. Dolloff made a motion, second by L. Denton, to approve criteria #6. The motion carried.

L. DENTON MADE A MOTION, SECOND BY A. DOLLOFF, TO APPROVE THE SPECIAL EXCEPTION FOR THE INCREASE IN HEIGHT TO MS. MILLER’S RESIDENCE. The motion CARRIED and the Notice of Decision was signed.

Ms. Goodwin reminded Ms. Miller that she will now need a Site Plan for the Restaurant property, as well as a building permit.

**COMMUNICATIONS:** None.

**NEXT MEETING:** Our next meeting will be the Rehearing of the Appeal in the Turner case. It will be held on Tuesday, September 25, 2018 at 6:00pm for the public. The Board will meet with our attorney at 5:30p.m. in a non-public portion of the meeting.

With no other business before the Board, L. Denton made a motion, second by A. Dolloff, to adjourn at 7:23pm.

Respectfully submitted,  
Jan Laferriere,  
Admin. Assistant  
Land Use