

BRISTOL
ZONING BOARD OF ADJUSTMENT
May 1, 2018

APPROVED:
6/5/18 __jrl_____

AGENDA: 18VAR01 VARIANCE: GARY WILSON, 43 Swiss View Drive, #111-082
MEET WITH LAND USE MANAGER, CHRISTINA GOODWIN

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

ABSENT: Ashley Dolloff (work conflict)

OTHER: Christina Goodwin (Land Use Manager/Assessing Assistant/Health Officer),
Liz Kelly (Planner)

The meeting opened at 6:04p.m. with a quorum.

MINUTES OF APRIL 3, 2018:

R. LaFlamme made a motion, second by L. Denton, to approve the minutes as read. The motion carried with one abstention.

18VAR01 VARIANCE: GARY WILSON

Ms. Laferriere read the application, the list of abutters notified, and where the application was advertised. She added that there was no written correspondence, telephone calls or Dept. Head comments received. The Board looked over the application.

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

Mr. Wilson stated that he is looking for relief in order to build a garage at 24' in height instead of the allowed 20' height for an accessory building. Mr. Denton asked the location in relation to the hill and was shown.

The criteria for a Variance were then addressed:

1. Contrary to Public Interest: The new garage will not block access or anyone's view.
2. Spirit of the Ordinance: This is in regard to health, safety, prosperity, convenience, and general welfare. Mr. Wilson felt that it would only be for keeping him from blocking anyone's view. There is no one who would be blocked by this project.
3. Substantial Justice: Mr. Wilson would like a 10' ceiling on the first floor in order to store his boat and have enough headroom on the second floor for a workshop. At 20', it would only allow 5 ½' there.

WILSON VARIANCE continued:

4. No diminution of surrounding properties: No views or site lines would be impacted and Mr. Wilson felt that it will add value..

5. Hardship: Mr. Wilson has a private setting with lots of trees. If he builds according to the Ordinance, it relinquishes his proposed use.

Mr. Denton asked if it would be a 12/12 pitch to maintain the 20'. Mr. Wilson stated that it would and he tried looking at a Gambrel but did not feel it would fit either. Mr. DeStefano asked if it is to have a metal roof and was told that it will. Mr. Wilson continued by saying that he could bring it down to a 5' or 6' pitch but was concerned about aesthetics. Ms. Bohmiller asked why he doesn't want to go with the Gambrel and was told that it doesn't help with the ceiling height. He would like both storage space and a workshop on the second level. Mr. Denton asked how long Mr. Wilson's boat is and was told that it is 24'. Ms. Bohmiller added that you also need to include the tongue and Mr. Wilson said that would make it 29'.

At this time, Mr. DeStefano asked for comments for and against and there were none and Mr. DeStefano closed the public portion of the hearing.

The Board deliberated:

1. Contrary to Public Interest = R. LaFlamme made a MOTION, second by L. Bohmiller, to APPROVE THIS REQUIREMENT AS HAVING BEEN MET. The motion CARRIED.

2. Spirit of the Ordinance: Mr. Denton felt that the Spirit of the Ordinance is to protect the neighbors. L. Denton made a MOTION, second by R. LaFlamme, to APPROVE THIS REQUIREMENT AS HAVING BEEN MET. The motion CARRIED.

3. Substantial Justice: Mr. Denton felt that the design is around the boat. L. Denton made a MOTION, second by L. Bohmiller, to APPROVE THIS REQUIREMENT AS HAVING BEEN MET. The motion CARRIED.

4. Diminution of Properties: Mr. Denton stated that there are no neighbors in the sight line. Mr. DeStefano added that the height would not necessarily cause diminution. R. LaFlamme made a MOTION, second by L. Bohmiller, to APPROVE THIS REQUIREMENT AS HAVING BEEN MET. The motion CARRIED.

5. Hardship: Mr. Denton stated that this is always the hardest requirement to satisfy. He is not sure that the land causes a hardship; it is more the usage than the land. Mr. DeStefano added that the garage can be built. Ms. Bohmiller agreed. L. Bohmiller made a motion, without a second, to DENY THAT HARDSHIP HAS BEEN MET. A discussion followed in which it was mentioned that the roof could be a different shape. Mr. Wilson was asked how high he wanted the second floor and he answered 7 ½'. Mr. DeStefano stated that a different configuration could lead to turning it into living space down the line. R. LaFlamme made a MOTION, second by L. Bohmiller, to DENY HARDSHIP AS NOT BEING MET. The motion CARRIED.

WILSON VARIANCE continued:

R. LaFlamme made a MOTION, second by L. Bohmiller, to DENY THE VARIANCE OF GARY WILSON AS HARDSHIP WAS NOT MET. The motion CARRIED and the Notice of Decision was signed.

MEET WITH CHRISTINA GOODWIN, LAND USE MANAGER

Ms. Goodwin explained that the Land Use Dept. is working to improve the process for the Boards. We intend to send materials to the Board a week and a half before the meeting via e-mail. The agenda will still come out the Friday before. Mr. DeStefano felt that this is good as it allows the Board to inform themselves better. Ms. Goodwin added that, should the Board respond to the Land Use Dept., they should send to all three of us (Ms. Kelly, Ms. Laferriere, and herself) as only she is here full-time.

Ms. Goodwin then brought up the issue of off-premise signs. She stated that the Land Use employees must remain neutral. She went on to say that, in the last case sent to the ZBA, the applicant should not have been told that it should not have come before this Board and she pointed out the section of the Ordinance that requires this. When some of the Board stated that the Selectmen had already approved it, Ms. Goodwin told them that the Selectmen only can give approval to use the town property location but have no jurisdiction over the sign itself. She stated that this sign did not meet the criteria for Yard sale or Seasonal signs. They are open all the time though the sign only goes down in the Square on weekends. She has been dealing with this issue and several of these folks for some time trying to get everyone in compliance.

Ms. Goodwin stated that we are looking at the sign ordinance now with the Planning Board's permission. Again she pointed to the letter M section in the sign ordinance as it stands now. Ms. Goodwin added that, if the Zoning Board sees something that they feel needs to be changed, they are welcome to bring it to the Land Use folks; use Ms. Kelly or herself as the liaison. The Economic Development Committee is also using them in this way.

Mr. DeStefano asked to bring his comment to the Select Board in which he feels that they need to hire more people in the Land Use Dept. so it has time to be more efficient. Ms. Goodwin stated that she has not recommended adding help as yet. Right now we are working on Building Code education. She mentioned a building on North Main St. where the new buyer has found garbage and old building debris under the floor and the beams are just sitting on it. We had a second case where the garage had to be completely rebuilt as it was not sturdy enough to withstand the winter.

Mr. DeStefano brought up the issue of the Berkshire Hathaway off-premise sign. Ms. Goodwin explained that we have not had time enough to address the real estate signs. Mr. DeStefano mentioned that, in Bridgewater, Selectman Woolner removes the off-premise real estate signs and gives the owner 24 hours to retrieve it or it goes into the dump. Ms. Goodwin stated that we have to be consistent. Mr. DeStefano feels that Real Estate signs should be kept in the Ordinance. Ms. Goodwin added that she is going to send letters out to the agents. We keep their signs 30 days when we find them.

-4-
ZBA Minutes
5/1/18

MS. GOODWIN continued:

Ms. Goodwin explained that there is to be a Charrette for Kelley Park May 18 and 19 and that the ZBA will be invited to a special meeting with the key players on the 18th at 3:00pm (before the public portion). Ms. Bohmiller mentioned the check list and a discussion followed. Ms. Laferriere showed a copy of a tracking sheet that the Land Use Dept. is using now.

Ms. Goodwin and Ms. Kelly were thanked for coming in and talking with the Board.

COIMMUNICATIONS: -----

NEXT MEETING: The next ZBA meeting is scheduled to be held June 5, 2018 at 6:00pm Applicants have until May 11, 2018 to apply.

With no other business before the Board, R. LaFlamme made a motion, second by L. Denton, to adjourn at 7:10pm. The motion carried.

Respectfully submitted,
Jan Laferriere,
Land Use Admin. Assistant