

**ZONING BOARD OF ADJUSTMENT**

**MINUTES**

April 5, 2022

**APPROVED:** 5/3/22

**AGENDA:** ELECTION OF OFFICERS  
22SPX02 – PHILIP & SUSAN BRUNO – 61 COUNTRY CLUB RD #214-045  
22VAR01 – 260 LAKE STREET HOLDINGS LLC – 260 LAKE ST #112-069  
22VAR02 – JOHN SUNDBORG – 396 OLD STAGE RD #210-002  
22SPX03 – NORM HEBERT – 166 HEMPHILL RD #215-003

**ATTENDING:** Alan DeStefano (Chair – Via Zoom), Richard LaFlamme (Vice Chair), Larry Denton, Melody Mansur, Lorraine Bohmiller

**ABSENT:** Ashley Dolloff (alternate)

**OTHER:** Christina Goodwin (Land Use Manager), Lindsay Thompson (Land Use Administrative Assistant), public and applicants

Mr. DeStefano opened the meeting via Zoom with a quorum in-person 6:00pm.

**MINUTES OF FEBRUARY 15, 2022:**

The minutes of February 15, 2022, were not available for this meeting.

**ELECTION OF OFFICERS**

Mr. DeStefano opened the discussion for the election of officers. Mr. Laflamme motioned to approve Mr. DeStefano as Chair, seconded by Ms. Bohmiller. Mr. Denton motioned to approve Mr. Laflamme as Vice-Chair, seconded by Ms. Bohmiller. The motions carried as one vote 5-0-0.

**22SPX02, PHILIP & SUSAN BRUNO, 61 COUNTRY CLUB RD, #214-045**

Ms. Thompson read the application, abutters notified, and where the hearing was advertised. She stated that there were no written comments nor phone messages received from the public. The Land Use Department commented that the owners are going to need to apply for a Special Use Permit or dispute the wetlands delineation. The Water Department noted that the property is located within the wellhead protection area, which would require that best management practices. The owners are looking to retain a manufactured storage container for more than one year to be used for storage.

Mr. DeStefano inquired on screening regulations. Ms. Goodwin pointed out that there are no specific regulations, but it is under the Zoning Board purview to set those conditions on the approval. Ms. Goodwin explained the regulations on containers, which require a container that is proposed to be kept more than a year to be approved by a Special Exception. The Board reviewed the application. Mr. Laflamme made a motion, seconded by Ms. Mansur, that the application was complete. The motion carried 5-0-0.

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Mr. Bruno, property owner, explained that they live on the lake, with no garage, no basement and no room to store stuff. Mr. Denton inquired if the container was already onsite and if so, for how long. Mr. Bruno explained that it is on-site and has been for approximately two (2) years. Ms. Mansur asked why the owner has not considered building a shed on the property. Mr. Bruno stated he was not sure what he wanted to do with the property and added that there is an 8 X 10 shed also on the property. With no other questions from the Board, Mr. Bruno addressed the Special Exception criteria for the Board:

- Criteria 2. Appropriate location and adequate size – It is a very quiet and secluded area. The lot is large enough and won't be nuisance to the neighbors.
- Criteria 3. Use will not adversely affect the area – There will be no excavation and no trees removed.
- Criteria 4. No nuisance or hazard to vehicles or pedestrians – There is very low traffic, and the property isn't visited daily by the owner.
- Criteria 5. Will not place excessive or undue burden – No services are needed.
- Criteria 6. No significant effect resulting from use on public health, safety or welfare – No noise and infrequent use.

Mr. DeStefano opened the hearing to the public. There were no comments either in favor or in opposition to the application. There were no added questions / comments from the Board members. The Public Hearing was closed at 6:21pm. Mr. Laflamme motioned to take the application as one vote, seconded by Mr. Denton. The motion carried 5-0-0.

Mr. DeStefano felt that the Board needs to be mindful of the fact for screening from the public view or neighbors, whether it is a fence or shrubbery or something of similar nature. Ms. Bohmiller inquired if there was a size limit on the storage container. Ms. Goodwin confirmed that there is not.

Mr. Denton motioned that the application has met the Special Exception criteria, seconded by Ms. Bohmiller. Mr. DeStefano added an amendment that the storage container must be screened from the public view and that the property owner apply for a Special Use Permit or dispute the wetlands delineation. The Board members agreed to the amendment. The motion, as amended, carried 5-0-0.

Mr. DeStefano reminded the property owners of the 30-day appeal period.

#### **22VAR01, 260 LAKE STREET HOLDINGS, LLC, 260 LAKE ST, #112-069**

Ms. Thompson read the application, abutters notified, and where the hearing was advertised. Mr. Thouin questioned the abutters notified, as he felt that his property should have received notification. Ms. Goodwin advised that abutters, are done by the Land Use Office, by straight lines. The Zoning Board asked Ms. Goodwin to clarify this for future notifications as they felt that Mr. Thouin was an "aggrieved party" and should have received notification. Mr. DeStefano asked Mr. Thouin, since he was in attendance at the meeting, if he had any issues with the meeting

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moving forward and Mr. Thouin did not, so the meeting continued. Ms. Thompson said that there was one (1) member of the public that reviewed the file, but there were no public comments received. The Water/Sewer Department and the Fire Department provided comment which are located in the Board packets. The Board reviewed the application. Ms. Bohmiller motioned the application is complete, seconded by Ms. Mansur. The motion carried 5-0-0.

Mr. Eric Gordon and Mr. Joel Gordon recently bought 260 Lake Street, which is currently a seven (7) unit multi-family. They would like to make it eight (8) units by converting the space in the barn. Ms. Bohmiller asked where the added apartment would be found. Mr. Eric Gordon said that it would be on the first floor of the barn as the second floor already is a unit. Mr. Denton inquired on the number of units. Mr. Joel Gordon reported that they currently have six (6) units, but they are allowed for seven (7) units. He added that they are doing some rearranging in the building, which allows for the additional unit to be added in the barn. They were grandfathered for what exists but would need a Variance to add an additional unit and then once the Variance is completed, the project will go back to the Planning Board for the Site Plan approval. With no other questions from the Board, Mr. Joel Gordon presented the criteria for the Variance:

- Criteria 1. Not contrary to the public interest – The additional unit would not result in a change of use as it is currently operated as a multi-family dwelling, it does not change the footprint of the building and it upgrades the housing stock for Bristol providing a more efficient use of the property.
- Criteria 2. Spirit of the Ordinance would be observed – The spirit is not violated as the current use of the building is not changing. The access is through the Village Commercial district and will be in compliance with the Village Commercial zone and does not create any undue burden in the Village Residential zone.
- Criteria 3. Substantial Justice – The property is located in two (2) districts, both Village Residential and Village Commercial and the provision of the more stringent standards apply. All other properties along Lake Street that are also split have structures that are entirely located in Village Commercial. The actual location of this structure sits high above Lake St and is located in the Village Residential zone. Given the unique shape of this lot, it is the only property located outside the Village Commercial zone.
- Criteria 4. Values would not be diminished – The footprint of the building, nor the interior structure or use, would be changed, thus the impact to other properties would be neutral.
- Criteria 5AI. Unnecessary Hardship – The general public purpose of the Village Residential ordinance is to limit the property loading and traffic and to maintain consistency of use. Applying the Village Residential zoning to the 260 Lake Street property would result in applying zoning standards that would not help achieve the requirements of the district.
- Criteria 5AII. Reasonable use – The use is consistent with the existing use and is in coordination with all other properties on Lake Street.
- Criteria 5B. Hardship – The existing use of the property provides multi-family use and provides more flexible use of the property. Without the Variance this would be an unnecessary hardship on the property in relation to all other properties along Lake Street and based upon location of structure, the limitations of the Village Residential restrict the

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property owner from using the property in similar fashion to all other properties on Lake St.

Mr. DeStefano thanked the applicant for the well thought out application. Mr. Denton inquired on why the building location is a hardship because the owner cannot add another unit. Mr. Joel Gordon pointed out that the buildings on Lake Street are mostly all Village Commercial, but this lot would be limited by Village Residential even though it has no access from North Main Street. The hardship to this property is that the property is not being treated the same as every other property on Lake St. Ms. Bohmiller inquired on parking. Mr. Joel Gordon pointed out that there are eleven (11) parking spaces, which is compliant.

Mr. DeStefano opened the hearing to the public in favor of the application. There were no comments. Mr. DeStefano opened the hearing to the public in opposition to the application. Mr. Thouin stated he didn't know if he was for or against this application but inquired on any entrance changes. Mr. Joel Gordon pointed out the two (2) front entrances to both units. Mr. Joel Gordon stated there will be no lighting on the back of the property. Mr. Thouin inquired on brighter lighting added to the building. Mr. Joel Gordon stated that there is a new fixture that has been added to the front of the house. Mr. DeStefano added for clarity that the lighting would be under the Planning Board purview. Mr. Preble, an abutter, clarified if there would be any doors on the back of the property. Mr. Eric Gordon confirmed that the existing door on the back, will be removed. Mr. Denton inquired when the property was purchased and what the building was at that time. Mr. Joel Gordon confirmed that they purchased in late October, and it was a multi-family and rooming house with three (3) rooms sharing a kitchen. Mr. Denton inquired if they understood the Zoning when they bought it. Mr. Joel Gordon thought it was Village Commercial and were notified at the Planning Board meeting, that the property was split zoning. With no other comments from the Board or the public, the public hearing was closed at 6:58pm.

The Variance Criteria were addressed by the Board:

- Criteria 1. Not contrary to the public interest – Mr. Laflamme motioned that the application has met this criteria, seconded by Ms. Bohmiller. The motion carried 5-0-0.
- Criteria 2. Spirit of the Ordinance would be observed – Mr. Denton motioned that the application has met this criteria, seconded by Ms. Mansur. The motion carried 5-0-0.
- Criteria 3. Substantial Justice – Mr. Laflamme motioned that the application has met this criteria, seconded by Ms. Bohmiller. The motion carried 5-0-0.
- Criteria 4. Values would not be diminished – Ms. Mansur motioned that the application has met this criteria, seconded by Mr. Laflamme. The motion carried 5-0-0.
- Criteria 5AI. Unnecessary Hardship – Mr. Denton motioned that the application has met this criteria, seconded by Ms. Mansur. Mr. Denton felt that the added information on how the applicant found out about this requirement helped them meet this criteria. The motion carried 5-0-0.
- Criteria 5AII. Reasonable Use – Mr. Denton motioned that the application has met this criteria, seconded by Mr. Laflamme. The motion carried 5-0-0.

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- Criteria 5AB. Hardship – Mr. Denton motioned that the application has met this criteria, seconded by Ms. Bohmiller. Ms. Bohmiller felt that the two different zones applying to the property show the hardship. The motion carried 5-0-0.

Mr. Laflamme motioned to approve the Variance subject to the condition that the project meet the Department Head and Planning Board requirements and additional meet whatever requirements are more restrictive, seconded by Ms. Mansur. The motion carried 5-0-0.

Mr. DeStefano reminded the property owners of the 30-day appeal period.

**22VAR02, JOHN SUNDBORG, 396 OLD STAGE RD, #210-002**

Ms. Thompson read the application, abutters notified, and where the hearing was advertised. She said that there was one (1) walk-in to review the plans. The Land Use Department commented that the owner will need to file a Land Use Permit and a Class VI waiver. There were no other Department comments. The owner is looking for a Variance from the requirement of road frontage on a Class VI Road, in order to renovate structures. Mr. Denton inquired if there is an existing residence on the property. Mr. Sundborg advised that there was an existing house, which was dangerous, and the chimney collapsed, so the building was removed. Mr. Denton inquired if the Variance was granted, how many residential structures would be on the lot. Mr. Sundborg advised only one (1). Ms. Goodwin clarified that Class VI roads do not count for road frontage and the Town's Attorney informed the Land Use Department of the appropriate process for approving, which includes the Variance. Mr. Denton inquired on the liability to the Town. Ms. Goodwin said that the property owner would be required to sign a Class VI / Private Road waiver, which would be recorded with Grafton County Registry of Deeds.

Mr. DeStefano asked the Board to review the application to decide if it is complete. Mr. Denton motioned that the application was complete. There was no second to the motion. Ms. Mansur asked about a project narrative. There was confusion over the narrative, and it is missing from the application. Mr. Laflamme inquired on the elevation as he did not see a height for the proposed building. Mr. Sundborg pointed out that the height is shown on the outside of the floor plan. Ms. Goodwin asked if there was a picture of the existing building in comparison to the new building and there aren't specific elevations showing this in the application. Ms. Bohmiller motioned that the application is not complete, seconded by Mr. Laflamme. Ms. Bohmiller told the applicant that the Board needs a diagram and picture of what is being proposed. The application is continued to the May 3, 2022, meeting. The motion carried 5-0-0.

**22SPX03, NORM HEBERT, 166 HEMPHILL RD, #215-003**

Ms. Thompson read the application, abutters notified, and where the hearing was advertised. She stated that there was one walk-in to review the file, but no other public comments. The Water Department noted that the property is located within the wellhead protection area, which would require best management practices. The owner is looking to keep the container for more than one year for storage. The Board reviewed the application. It was pointed out by Land Use

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that there was not a separate project narrative for this application, in error. Ms. Mansur inquired if the Board could still move forward and Mr. DeStefano stated that the Board could, if they agreed. Ms. Mansur motioned that the application was complete, seconded by Mr. Laflamme. The motion carried 5-0-0.

Mr. Hebert, owner of the property, stated he needs storage as the house is 640sf and the crawl space gets too wet under the house. He does have a garage that has solar panels and no additional room. He has a temporary permit and would like to get it converted to a permanent use. He said that he didn't propose a shed, as it was cheaper to install the container and the container is movable and can be relocated to another property or state much more easily than a shed. He added that we live in a dangerous world and the container can be used as a faraday cage. Mr. Hebert questioned the process for a Special Exception, as his research found that if a property owner meets the requirements as set out in the Zoning Ordinance, then the owner doesn't have to prove any type of hardship. Mr. DeStefano clarified the process and that there are no questions on the application about hardship. Ms. Bohmiller asked if there is an actual picture of the property, other than the aerial provided. The Land Use staff shared the overlay on the Town's mapping. Mr. DeStefano inquired on the property location in relation to the Catterall Farm and Mr. Hebert reported that it is down the hill approximately ¼ mile on the left-hand side. With no other questions from the Board, Mr. Hebert addressed the Special Exception criteria with the Board:

- Criteria 2. Appropriate location and adequate size – There is no change to the existing use as the storage container has been on-site for a year and meets the setbacks. In addition, the lot coverage calculations put the property at only 12%.
- Criteria 3. Use will not adversely affect the area – The storage container is existing. It has been there for a year and the owner is here to convert to permanent. The container is grey and about 35 ft from the street and there have been no complaints.
- Criteria 4. No nuisance or hazard to vehicles or pedestrians – It is setback about 35 ft from the road. It has been in place and the nearest neighbor is about 500 feet away.
- Criteria 5. Will not place excessive or undue burden – No services are needed.
- Criteria 6. No significant effect resulting from use on public health, safety or welfare – The container has been here for a year. It has been very windy in the past and it is much better to keep the property inside a storage container and not submit to the wind at the top of the hill. This would be an improvement on the current conditions.

Mr. Denton inquired on how long the container has been on location. Mr. Hebert advised that the permit was issued in May 2021. Ms. Goodwin stated that the container would be approved on a permanent basis if the Special Exception is granted. Mr. DeStefano opened the hearing to the public in favor of the project. There were no comments. Mr. DeStefano opened the hearing to the public in opposition of the project. Ms. Ford, an abutter on the downhill side, asked about the ownership of the property. Mr. Hebert confirmed he is the owner. Ms. Ford raised her concern about the items already located on the property and the addition of a storage container on a scenic road. She pointed out gas tanks, a fire truck, and other debris. She stated the house

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is about the same size as the container. She also added that there were containers being blown around the property that she had concerns with what was in them. She is worried that items stored in the container could affect her well water. She feels that this property is an eyesore. She is also concerned with the operation of the property as it appears to be commercial. Mr. Hebert reported that he has owned this property for about 10 years. He has had issues with stuff blowing around and that is the intent of the container to keep that from happening. He has underground utilities being brought to the home, which is being renovated. Once the underground utilities have been finished, he anticipates that the property will be cleaned up, but doesn't understand how this applies to the siting of a storage container. Ms. Ford stated that it is just one more eyesore being added to the property. Mr. DeStefano inquired on the owner of Map/Lot #215-003-001. Ms. Goodwin confirmed that it is Mr. Hebert. Ms. Ford asked for clarification on what the Town can require with regard to use of the property. Mr. DeStefano inquired on limitations of a scenic road. Ms. Goodwin stated that the scenic road limitations are more for Towns, tree companies, utility, etc. and not the property owner. The RSA for scenic roads was shared with the Board.

Mr. DeStefano inquired about any comments from Department Heads. Ms. Goodwin added that the Water Department notes this property is in the wellhead protection area and must follow best management practices. Ms. Ford asked if the applicant could answer whether or not there are hazardous materials being stored on the property. Mr. DeStefano added that this is not under the Zoning Board's purview, but the applicant can answer if he chooses. Mr. Hebert felt there have been a lot of accusations on this property. He has permitted the renovations and the Fire Department has reviewed the propane tanks. He feels that these accusations are not in relation to the siting of a storage container. Mr. DeStefano advised that some of the concerns can be addressed by the Town but not the Board. Ms. Ford asked about the contents of the storage unit. Mr. DeStefano advised that the application is strictly for the placement of the storage unit and not what the applicant puts inside and that this would be entirely up to the Town to enforce. Ms. Ford added that if you look at the lot, there are a number of trees removed, small structures and debris and now a storage container, which is ugly and enough is enough on the property. Mr. Denton added that one of the questions on the application discusses whether the container adversely affects the area. Ms. Bohmiller inquired on the location of the container and why it is located in the front instead of the back. Mr. Hebert advised that the property is muddy and where the container is currently located is on the gravel and the best location. Mr. Hebert added that it has been there for a year and tonight was the first time he had been notified it is an eyesore. Mr. DeStefano stated that he has viewed this property for a number of years, and it has been an eyesore, which he thought the owner was working on cleaning up when renovations started. He stated that he felt the property owner could relocate the container out of view. Mr. Hebert responded that the container is in the correct location, and it would be extremely difficult to move to a different location. It isn't as easy as moving from the property. Ms. Bohmiller added that she still feels that this container could be relocated. The public hearing was closed at 8:02pm.

The Board addressed the Special Exception criteria:

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- Criteria 2. Appropriate location and adequate size – Ms. Bohmiller motioned that the applicant did not meet this criteria, seconded by Mr. Laflamme. She feels that the structure could be relocated to an appropriate location further back on the lot. The motion carried 5-0-0.
- Criteria 3. Use will not adversely affect the area – Mr. Denton motioned that the application did not meet this criteria, seconded by Ms. Bohmiller. He felt that the testimony tonight showed that the container was adversely affecting the area. The motion carried 5-0-0.
- Criteria 4. No nuisance or hazard to vehicles or pedestrians – Ms. Bohmiller motioned that the applicant did not meet this criteria, seconded by Ms. Mansur. She feels that the container is not set back enough from the road. The motion carried 3-2-0.
- Criteria 5. Will not place excessive or undue burden – Mr. Denton motioned that the application met this criteria, seconded by Mr. Laflamme. The motion carried 5-0-0.
- Criteria 6. No significant effect resulting from use on public health, safety or welfare – Mr. Laflamme motioned that the application has not met this criteria, seconded by Ms. Bohmiller. The motion carried 4-1-0.

Mr. Laflamme motioned that the application did not meet all the criteria of #1-#6 as required, seconded by Ms. Bohmiller. The motion carried 5-0-0.

Mr. DeStefano reminded the property owner of the 30-day appeal period.

**COMMUNICATIONS:** The Board received a “Thank You” card from Jan Laferriere on her retirement and the Board’s mention of her in the Town report.

**UNFINISHED BUSINESS:** None

#### **NEW BUSINESS:**

Ms. Goodwin pointed out that the by-laws and agenda were slightly different, so the agenda has been updated to match. Ms. Thompson showed the Board how the Planning Board is updating their agenda.

Ms. Goodwin reminded the Board members that once the updates to the Ordinance are completed, then printed copies will be provided.

Ms. Goodwin inquired on members who wish to attend the Planning and Zoning Conference and asked the members to let her know today so they could be signed up.

Ms. Goodwin emailed that the Planning and Zoning Handbooks have been updated and printed copies can be provided by the Land Use Office.



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**NEW BUSINESS continued**

Ms. Goodwin updated the Board on the proposed all committees meeting, which will be scheduled for May. It is a round table type session.

Ms. Goodwin stated that she will take back to the Planning Board, based upon tonight's meeting, screening requirements for the storage containers. She also provided an FYI about split-zoning lots being corrected over the next few years by the Planning Board.

**NEXT MEETING:** The next scheduled Zoning Board meeting is May 3, 2022, at 6:00 p.m. Mr. DeStefano may not be available for this meeting. Applications have until April 8, 2022, to be submitted.

With no other business before the Zoning Board, Mr. Laflamme motioned to adjourn at 8:19pm, seconded by Ms. Bohmiller. The motion carried 5-0-0.

Respectfully submitted,  
Christina Goodwin  
Land Use Manager