

ZONING BOARD OF ADJUSTMENT

MINUTES

June 6, 2023

ZONING BOARD OF ADJUSTMENT

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APPROVED: 7/11/23

AGENDA: 23SPX02 - CHRONOPOULIS– 100 MANDI LANE - #205-012
23SPX07 – BOWERS - 401 NORTH MAIN STREET - #224-055
23VAR04 – HESS/LEWIS - 401 WULAMET ROAD - #103-014

ATTENDING: Alan DeStefano (Chair), Richard LaFlamme (Vice Chair), Larry Denton, Lorraine Bohmiller and Melody Mansur

OTHER: **Staff:** Christina Goodwin (Town Administrator) **via Zoom**, Joanne Bailey (Land Use Manager), Donna Sullivan (Land Use Administrative Assistant)

Applicants & Public: Chris Chronopoulos, Mike Littlefield, Laura Bowers, William Hess, Gerard Cellupica, Steve Favorite, Joseph B. Ciolino **via Zoom**

Chairman DeStefano called the meeting to order at 6:00 pm with a quorum present in the room.

MINUTES:

The Board reviewed the minutes of May 2, 2022. Ms. Mansur motioned to approve the minutes as written. Mr. LaFlamme seconded. The motion carried 5-0-0.

CASES:

23SPX02 - CHRONOPOULIS– 100 MANDI LANE - #205-012

Mr. DeStefano asked Ms. Sullivan to read the first case into the record.

Ms. Sullivan read the Special Exception Application 23SPX02 requesting allowance to keep a storage container on the property for longer than the allowed time limit. She noted notifications to abutters, advertising and postings done as required. She read the names of five abutters that were notified. She stated that no phone calls or written inquiries were received regarding this application and that Department Heads were notified and no comments were submitted.

Mr. DeStefano asked the Board for a motion for a complete application. After review of checklist, Ms. Bohmiller motioned to accept the application as complete. Ms. Mansur seconded. The motion carried 5-0-0.

Mr. DeStefano stated the process for review and voting on the application to the public and asked the applicant for a brief presentation of his application. Mr. Chris Chronopoulos stated his application was before the Board to keep an existing 8' x 20' storage container on his property for a longer period as allowed only by Special Exception of the Zoning Ordinance. He stated he used this storage container to store tools and equipment while doing construction on his residence.

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Mr. DeStefano asked for confirmation that this was an extension request for an existing storage container. Mr. Chronopoulos stated it was an existing container in use. Ms. Mansur asked how long he has had the storage container and how long he would want to continue to have the container on site. He stated he has been using it for about a year and would like to keep it permanently or as long as he can.

Mr. DeStefano asked the applicant to read the criteria questions and his replies to each on the application.

Mr. Chronopoulos read and elaborated on his replies to the criteria line by line.

Following this, Mr. DeStefano asked if there were any more questions from the Board. Mr. Denton asked if he would be improving this by putting this container on a cement slab. Mr. Chronopoulos responded that he did plan to improve the site with a cement slab to help secure the container. Ms. Mansur asked if he planned to make this look more like a shed. He replied that he planned to do some wood paneling to outside, paint the container and change the door to a garage door. Mr. DeStefano asked if there would be a roof structure placed over it. He responded that the container had a roof already, so a roof structure was not necessary. Mr. Denton asked what would be stored in it. Mr. Chronopoulos stated things like tools and garden equipment.

Hearing no other questions from the Board, Mr. DeStefano asked if anyone from the public would like to speak in favor of the application. Hearing and seeing no one, he asked if anyone wished to speak in opposition to the application. Hearing and seeing no one, he asked if the Board had any further questions or comments prior to closing the public hearing session on this application. Hearing and seeing no one, he closed the public session.

The Board moved on to consideration and decision on the criteria. Mr. DeStefano read the criteria questions line by line and asked for a motion and reason for each.

#2 – Mr. Denton motioned that criterion #2 regarding appropriate location and size **was met**, stating that the storage container location has met setbacks and requirements. Mr. LaFlamme seconded. The motion carried 5-0-0.

#3 – Mr. LaFlamme motioned that criterion #3 concerning adverse impact to character of the area **was met** because the applicant is making it look nice and it will blend in with the character of the area. Ms. Mansur seconded. The motion carried 5-0-0.

#4 – Mr. Denton motioned that criterion #4 addressing nuisance or hazard to pedestrians or vehicles **was met** because the location of storage container is away from street and no hazardous materials will be stored. Mr. LaFlamme seconded. The motion carried 5-0-0.

#5 – Ms. Mansur motioned that criterion #5 regarding excessive or undue burden on Town services **was met** because the container does not use any Town services. Ms. Bohmiller seconded. The motion carried 5-0-0.

#6 - Mr. Denton motioned that criterion #6 regarding no significant effect upon public health, safety and general welfare of the neighborhood **was met** because the container has been in use with no problems for the past year and the applicant is improving the container and its security in its location. Mr. LaFlamme seconded. The motion carried 5-0-0.

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Following this review, Ms. Mansur motioned to grant the Special Exception 23SPX02 as presented because the applicant has met all the criteria. Ms. Bohmiller seconded. The motion carried 5-0-0.

Mr. DeStefano stated the Notice of Decision would be processed and would be available from the Land Use Office in a few days.

23SPX07 – BOWERS - 401 NORTH MAIN STREET - #224-055

Ms. Sullivan read the 23SPX07 application for a short-term Airbnb rental into the record. She noted notifications to abutters, advertising and postings done as required. She read the names of abutters that were notified. She stated that one phone call was received from John Bianchi stating he had no concerns with an Airbnb as long as the guests behave and respect the property of others in the area. She added that Carol Rottenecker came into the office and stated she had no problems with an Airbnb at this location. Department Heads were notified, and no comments were submitted.

After review of checklist, Ms. Mansur motioned that the application was complete, Ms. Bohmiller seconded. The motion carried 5-0-0.

Mr. DeStefano asked the applicant, Ms. Bowers, to give a brief overview and reason for the application. Ms. Bowers stated that she enjoyed living in Bristol and wanted to share the beauty of the property and Bristol with others who might want to visit and stay. She started renting the property out with Airbnb and was notified that she needed a permit to do this at her location.

Mr. DeStefano asked the Board if they had any questions. Mr. Denton asked if she had rented to others before and for how long. She stated that she had done this for about 4 years before she knew she needed a permit to do so, and it was usually for a week, maybe two per rental. He asked how she did the rentals, and she explained her screening process and that she prefers families. Mr. Denton continued to ask about the Airbnb process for providing clients and marketing etc. Ms. Bowers explained this process. Mr. Denton confirmed with her that the house has capacity for 12 people. Mr. DeStefano asked if she would remain at home when renters come. She stated she did not, she stayed elsewhere. Ms. Mansur asked when she realized she needed a permit to do this activity in Bristol. She stated she heard about it from the Land Use Office.

Mr. DeStefano asked the applicant to read the criteria and her replies to the questions for the record. Ms. Bower read the criteria questions and elaborated on her responses to each. She answered questions from the Board regarding how often she rents the property, town sewer and water, and what was the maximum occupancy allowed for rental. She stated that she likes to rent in summer months but has done it in other seasons cautioning clients about snow situations etc. She stated she prefers to only have ten but allows up to 12 only.

Mr. DeStefano asked if there were further questions from the Board. Hearing none, he opened the floor for any of the public to speak in favor of the application.

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23SPX07 – BOWERS - 401 NORTH MAIN STREET - #224-055, continued

Mr. Cellupica spoke in favor of allowing the Special Exception because he can appreciate a property owner having the ability to make money doing this.

Mr. Favorite spoke in favor of allowing the Special Exception stating the history of the old ski hill on the property and that he is aware of the folks that rent the property and that they love the area, so they return, which is good for the community.

Mr. Littlefield of 435 N. Main Street, spoke in favor of allowing the Special Exception stating that he never knew she had been doing this for 4 years as there have been no issues.

Hearing no others who wished to speak in favor, Mr. DeStefano asked if anyone wished to speak in opposition of the application.

Mr. Cellupica spoke again with a concern, mentioning a problem with dark skies due to lights being left on at Ms. Bowers' residence. He enjoyed his night sky viewing and the lights made that difficult.

Mr. DeStefano stated that the Zoning Board of Adjustment had no purview when it comes to lighting or noise so this would be a concern to take to the Planning Board or Police.

With no other comments from the Public or Board, Mr. DeStefano closed the public hearing portion and the Board moved on to consideration and voting on criteria.

Mr. DeStefano read each of the criteria questions and asked for a motion on each.

#2 - Mr. Denton motioned that criterion #2 regarding appropriate location and size **was met**, noting that the home is serviced by Town water and sewer, with driveway, lot and home large enough to accommodate the number of guests allowed by the applicant. Ms. Bohmiller seconded. The motion carried 5-0-0.

#3 - Mr. Denton motioned that criterion #3 concerning adverse impact to character of the area **was met** because the applicant has used this property in this capacity for four years with no problems or complaints from neighbors. Mr. Laflamme seconded. The motion carried 5-0-0.

#4 - Ms. Mansur motioned that criterion #4 addressing nuisance or hazard to pedestrians or vehicles **was met** because the property is big enough, has a private driveway, will not be crowded, and traffic allowed is low so there should not be any issues. Mr. Denton seconded. The motion carried 5-0-0.

#5 - Mr. Laflamme motioned that criterion #5 regarding excessive or undue burden on Town services **was met**, noting that with the applicant's restriction to twelve people, the connection to town water and sewer, and a private driveway there should be no burden to town services. Ms. Mansur seconded. The motion carried 5-0-0.

#6 - Mr. Denton motioned that criterion #6 regarding no significant effect upon public health, safety and general welfare of the neighborhood **was met**, because there should be no issues or concerns for this due to applicant's demonstrated due diligence when choosing renters. Mr. Laflamme seconded. The motion carried 5-0-0.

Mr. Laflamme motioned that the Special Exception 23SPX07 be granted as applied for. Ms. Mansur seconded. The motion carried 5-0-0.

Mr. DeStefano congratulated the applicant and stated the Notice of Decision would be available from the Office in the next week or so.

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23VAR04 – HESS/LEWIS - 401 WULAMET ROAD - #103-014

Ms. Sullivan read application 23VAR04 to add onto an existing deck located in the Wetlands Ordinance setback into the record. She noted notifications to abutters, advertising and postings done as required. She read the names of six abutters that were notified. There were no phone calls or written responses received. Department Heads were notified and there were no comments received from any departments. She noted that Mr. William Hess would be presenting for Mr. and Mrs. Lewis.

Mr. DeStefano asked if there was a written authorization for Mr. Hess. This was with application.

Mr. Denton asked if there were any plans outlining the deck and setbacks as is and proposed. Mr. Hess noted the information on plans provided. Ms. Mansur asked why some of the pictures of the shoreline were included in the application. Mr. Hess responded that he liked to include as much as possible for an understanding of the lot and property, but no work would happen at waterfront area.

Mr. Laflamme motioned that the application was complete, Mr. Denton seconded, motion carried 5-0-0. Mr. DeStefano asked Mr. Hess to present his application and plans. Mr. Hess stated the applicants wanted to extend an existing deck along the front and to the side of the home to allow for upper floor egress and more room to enjoy the deck.

He stated the deck extension would provide fire safety egress for upper bedroom windows. He stated that the deck would remain ten feet from the house but extend along the front and to side to stairs so it would not go out any further into setback. Mr. Denton asked if it was necessary to have a fire safety egress. There was discussion about this not representing a hardship if not required.

Mr. DeStefano asked Mr. Hess to read the criteria and the responses into the record. As he read these there were several questions from the Board. In reference to Criterion #2 response, Mr. DeStefano asked if there was a previous variance to build the original deck which encroached on the Wetland Setbacks. Discussion followed regarding history of the property, the original footprint of original cottage that was demolished and rebuilt as it is now indicating that it should have had a variance. Mr. DeStefano was concerned about granting a further non-conforming use.

Mr. DeStefano was also concerned about the response to criterion #3 referencing a life safety issue without a second-floor egress because there is no evidence that this is required.

Discussion followed getting answers to the Board's questions before action on the application. Discussion included options of continuance for applicant to get further information to support the application or the Board moving forward tonight which could mean a denial. Ms. Bailey asked more questions about what needed to be researched to accommodate the continuance.

Mr. Laflamme motioned to continue this case to the July 11 meeting to allow the applicant time to research any previous Zoning Decisions and any life safety code issues. Mr. Denton seconded. The motion carried 5-0-0.

COMMUNICATIONS: NONE

UNFINISHED BUSINESS: NONE

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NEW BUSINESS: NONE

OTHER BUSINESS:

Ms. Bohmiller asked questions about the short-term rentals and whether everyone in town has to get a Special Exception permit to do Airbnb. There was discussion of zones that allow it and those that require the Special Exception Permit.

Mr. DeStefano asked about new cases coming in. Ms. Sullivan explained that there were a few in process that may or may not meet the deadline for next meeting.

NEXT MEETING: July 11, 2023

ADJOURNMENT:

With no other business before the Board, Mr. LaFlamme motioned to adjourn. Mr. Denton seconded. The motion carried 5-0-0. The meeting adjourned at 7:11 pm.

Respectfully submitted,

Janet F. Cote
Land Use Associate