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**Board of Appeals Meeting Minutes  
Tuesday, May 21<sup>st</sup>, 2019 at 6:00 p.m.  
Bristol Town Office**

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*Committee Members present: Don Means, Robert Cushing, Rob Davidson and Harry Lowd, III  
Absent: Roberta Albright*

*Also present: Jessica Westhaver, Joseph Rose*

*Public: Christina Musser and Terry Lagasse*

**The meeting was called to order at 6:00 p.m. by Robert Cushing.**

The board welcomed three new members, Robert Cushing, Rob Davidson and Harry Lowd, III.

**House Keeping –**

- Discussion for position of Chair and Vice Chair.
  - Means nominated Robert Cushing for Chair. Davidson made a motion for Cushing, Means Seconded; all in favor for Cushing as Chair.
  - Cushing nominated Don Means for Vice Chair. Davidson made a motion for Means, Cushing Seconded; all in favor for Means as Vice Chair.
- Appointments for the board were discussed as new members coming onto a board that has not met since 2017. Rob Davidson was filling a vacated position for Jeannette Wordock who resigned from the board due to time constraints. Terms are as follows:
  - Don Means - 2020
  - Roberta Albright - 2020
  - Rob Davidson - 2020
  - Robert Cushing - 2021
  - Harry M. Lowd, III – 2021
- Discussion was held surrounding the number of meetings held for the board. They will now meet at least twice (2) a year. Once right after Town Meeting to designate Chair and Vice Chair, and once in the fall to touch base.

**New Business –**

- **Public Hearing on Building Replacement/Setback Issue for Lagasse 24 Foster Rd (Tax Map 004 Lot 134):**
  - The board invited Terry Lagasse to state his request for the hearing. Currently Mr. Lagasse owns parcel 004-134 which is 3.82 acres. The parcel consists of three (3) dwellings; his personal residence at 2152 Bristol Rd, a rented mobile home at 18 Foster Rd, and a rented mobile home at 24 Foster Rd. Mr. Lagasse has made numerous improvements and rebuilding of the mobile home at 24 Foster Rd over the years.
    - The mobile home was placed on the parcel in 1982. He is looking to replace the current mobile home, which is a 1982 14 x 56 Oxford, with a new mobile home that would be 14 x 72. He would need to extend the slab on both sides to accommodate the new structure.

- The current mobile home sits 42.5 feet from the road. It does not conform to the current Land Use Ordinance (most recently amended on 03/20/2018). The current ordinance requires a setback of 50 feet from the edge of a traveled way.
  - Currently, the well that services both mobile homes is located directly ten (10) feet behind the mobile home that he wishes to replace. The well and septic lines run parallel behind the mobile home (underground) to both mobile homes.
- The board discussed that there is no grandfather clause in the LUO to allow for the replacement of a current non-conforming structure. The original Setback Ordinance was established in 1979. The mobile home was placed in 1982. There is no documentation of a variance to support or deny the placement of the mobile home closer than the fifty (50) foot setback.
- It was discussed that relocating the piping and lines for the well and septic are costly and cumbersome, it is not impossible. Moving these would allow for the mobile home to move back to the required setback.
- The board moved forward to put the request through the “Undue Hardship Dimensional Variance” test.
  - 1. Has the application shown that strict application of the ordinance to the applicant and the applicant’s property would cause undue hardship?
    - NO
  - Below are the findings of fact
    - 1a. The land in question cannot yield a “Reasonable Return” unless a variance is granted?
      - NO
      - Reason: The property is understood to be equally equitable with or without the replacement of the mobile home.
    - 1b. The need for a variance due to the unique circumstances of the property and not to the general conditions in the neighborhood?
      - NO
      - Reason: None Given
    - 1c. The granting of a variance will not alter the essential character of the locality.
      - YES
      - Reason: None Given
    - The hardship is the result of action taken by the applicant or a prior owner?
      - YES
      - Reason: The mobile home was placed in a non-conforming setback in 1982. No documentation to prove or disprove if there was a variance allowing the placement. The setback ordinance was adopted in 1979.
- **VOTE:** On the basis of the above findings of fact and Conclusions of Law, the Board of Appeals voted 4-0 to deny the application for variance.

- Mr. Lagasse was informed he would receive this decision in writing and how he would proceed if he would like to appeal the decision.

Meeting adjourned at 6:55PM. The next meeting will be held in the fall of 2019 on a yet to be determined date.

Respectfully submitted,  
Jessica Westhaver  
Staff Liaison