

**BRISTOL ZONING BOARD OF APPEALS  
MINUTES  
REGULAR MEETING OF TUESDAY, SEPTEMBER 1, 2020**

REGULAR MEETING OF SEPTEMBER 1, 2020  
MEETING ONLINE VIA WEB-EX AND  
COUNCIL CHAMBERS  
7:00 P.M.

**CALL TO ORDER:**

By: Chairman Rafaniello

Time: 7:03 P.M.

Place: City Hall

**ROLL CALL:**

Chairman Rafaniello called the meeting to order at 7:03 P.M.

| <b>MEMBERS</b>           | <b>NAME:</b>                              | <b>PRESENT</b> | <b>ABSENT</b> |
|--------------------------|---|----------------|---------------|
| <b>REGULAR MEMBERS:</b>  | Jerald Rafaniello (Chairman)              | X              |               |
|                          | Jeffrey Twombly (Vice Chairman)           | X              |               |
|                          | Richard Raymond                           | X              |               |
|                          | Alfred Radke, III                         | X              |               |
|                          | David Pecevich (Secretary)                | X              |               |
| <b>ALTERNATE MEMBERS</b> | Rory Ghio                                 | X              |               |
|                          | Tim Adamaitis                             | X              |               |
|                          | Richard Balsam                            | X              |               |
|                          | Edward Spyros, Zoning Enforcement Officer | X              |               |
| <b>STAFF</b>             | Robert Flanagan, City Planner             | X              |               |

**PUBLIC HEARINGS**

1. Application #3728 – Variance of minimum front yard at 277 Old Orchard Road; Assessor’s Map 9, Lot 3; R-25/OSD (Single-Family Residential/Open Space Development Overlay) zone, James S. Thompson, applicants.

Chairman Rafaniello designated regular Commissioners Twombly, Raymond, Radke, Pecevich and Rafaniello to vote on Application #3728.

The Board acknowledged receipt of the following items in their electronic packets: a letter undated from Mr. and Mrs. Kevin Jacobs, regarding no objections and seven photographs of the property, undated.

James Thompson, 277 Old Orchard Road, explained the request for the Variance to construct a 4 ft. X 20 ft. addition on the front of the house. Mr. Thompson explained the minimum Variance was 2.8 ft. He explained there was a rock wall and a lot of ledge on the property. The rear yard looks bigger than it is, but the rock mounds encroached the building envelope. As a result, there is only 1.2 ft. remaining for a front porch without encroaching the 40 ft. street setback. Based on this, it would be a minimal useable area. The plans would be consistent with the neighborhood. After he reviewed these plans with the neighbors, they supported the plans and that it would improve the neighborhood. He also received a letter of support from a neighbor.

After inquiries by the Board, Mr. Thompson explained the reason for the 2 ft. Variance was to go around the extension of the existing front entrance. He was unsure of the dimensions of the existing stoop, but there was also one step and the sidewalk in that area. If the step was re-adjusted and the plans towards the driveway direction would extend the step, but the step was not included in the plan or the encroachment. The steps would extend out from the new porch towards the street the four feet was the porch and the existing step and stoop would be removed. The steps were not factored into the plan going toward the driveway or the street because there were no finalized plans for the Variance.

The Board commented the porch was on the plan for the 2.8 ft. addition and the steps may go towards the street or the driveway. After inquiries by the Board, Commissioner Radke explained he had considered requiring a topography map for the application.

No one else spoke in favor of the application.  
No one spoke against the application.

The hearing is closed.

By: Twombly

Seconded: Raymond.

For: Raymond, Twombly, Radke, Pecevich and Rafaniello.  
Against: None.  
Abstain: None.

The Board member not in favor of the plans had a difficulty with the actual hardship of the property. He preferred the steps shown on the plans, which was standard for the Board. However, after reviewing the neighborhood, the porches were on the front of the houses.

The Board members in favor of the application agreed about the steps. They understood the reasoning for the porch on the front of the house that was constructed on the front property line, which was part of the difficulty. There was a need for the flush area because the door and the stoop are in front of the step. They were considering the safety of the steps and to have the landing for the step and the door. The difficulties were the contoured entrance and the drainage; the addition would be at a minimum. With the existing stoop and step, this plan would not be a significant change. The Board agreed there were no concerns with the Variance.

**MOTION:** Move that Application #3728 – Variance of minimum front yard at 277 Old Orchard Road; Assessor’s Map 9, Lot 3; R-25/OSD (Single-Family Residential/Open Space Development Overlay) zone, James S. Thompson, applicants, in accordance with the plot plan and information submitted.

By: Pecevich

Seconded: Twombly.

For: Raymond, Radke, Pecevich and Rafaniello.  
Against: Twombly.  
Abstain: None.

The application is approved.

2. Application #3729 – Certificate of Approval for general repairer’s license at 101 Park Street; Assessor’s Map 28, Lot 17-3; BN (Neighborhood Business) zone; Skytop Collision Center, LLC, applicant.

Chairman Rafaniello designated regular Commissioners Twombly, Raymond, Radke Pecevich and Rafaniello to vote on Application #3729.

Jeremy Berube, 101 Idlewood Road, Wolcott, explained the request for a Certificate of Approval to continue the use at 101 Park Street as a body shop and it would not be an expansion of the business on Broad Street. There would be no vehicles for sale.

After inquiries by the Board, Mr. Berube explained the previous property owner was Mr. Napolitano. The improvements to the property would be a 400 Amp service; upgraded office; a new paint booth; new windows; building façade and pave the parking lot. He would like to increase the traffic on the property. This location would only be for general repairer, there would be no vehicles for sale, no used vehicles for sale and no storage of vehicles. The existing property has a dealership license. He has two existing dealership licenses so he does not need an additional dealership license.

After inquiries by Mr. Flanagan, Mr. Berube explained the existing property owner has a dealer’s license (service vehicles, engines, transmissions and re-sell vehicles) that overrides a repairer’s license for basic repairs. He would be reducing the intensity of use for the property. There would be no tune ups or oil changes at the facility.

No one else spoke in favor of the application.  
No one spoke against the application.

The hearing is closed.

By: Twombly

Seconded: Raymond.

For: Raymond, Twombly, Radke, Pecevich and Rafaniello.  
Against: None.  
Abstain: None.

The Board commented they were very familiar with this property and the request was the similar to the existing use. After reviewing the property, the applicant has cleaned up the property and they have no concerns of the request. This would be a good use of the property and the area. They appreciated the applicant responding to the questions and to the type of work that would be done at the facility. The previous properties that the applicant has worked on improved the properties and there were no concerns.

**MOTION:** Move to approve Application #3729 – Certificate of Approval for general repairer’s license at 101 Park Street; Assessor’s Map 28, Lot 17-3; BN (Neighborhood Business) zone; Skytop Collision Center, LLC, applicant, in accordance with the plot plan and information submitted.

By: Pecevich

Seconded: Twombly.

For: Twombly, Raymond, Radke, Pecevich and Rafaniello.  
Against: None.  
Abstain: None.

The application is approved.

- 3. Application #3730 – Certificate of Approval for general repairer’s license at 115 Pine Street; Assessor’s Map 34, Lot 76A; BHC (Route 72 Corridor Business) zone; Joseph Robles, applicant.

Chairman Rafaniello designated regular Commissioners Twombly, Raymond, Radke Pecevich and Rafaniello to vote on Application #3730.

Joseph Robles, 33 Maxwell Drive, explained he was requesting a Certificate of Approval for a general repairer’s license at 115 Pine Street. Mr. Robles explained the repairs to be done were general repairs of general repairs, tire repairs and oil changes.

After inquiries by the Board, Mr. Flanagan explained this property had a previous approved request for a Certificate of Approval in November 2018 from the same property owner, Mr. Pryor. The property was empty for a while and the previous applicant did not occupy the property. Regarding the concrete pad, there were previous stipulations to do the work inside the building from the previous approved application. The proposed stripped area outside of the licensed area were in the same property line location and one of the property lines may be relocated slightly. The CT DMV wanted the area of work specified, which was on the plan.

After inquiries by the Board, Mr. Robles explained there are two working bays inside the facility. There are six parking spaces outside the facility. Any disabled vehicles would be parked inside the facility. The property would not be changed and the property would perform as a normal automotive business. The request was only for vehicle repairs; there would be no auto body repairs and no selling of vehicles. The plan had five vehicles, but the property owner mentioned a sixth vehicle may be parked near the building and not on the property line. He agreed to have the parking spaces stripped to have the appropriate parking spaces. He noted the vehicles on the abutting property go into this property frequently.

Mr. Flanagan reviewed the minutes of November 2018 in which Attorney Timothy Furey represented five vehicles would be parked outside and three vehicles would be parked inside the building.

No one else spoke in favor of the application.  
No one spoke against the application.

The hearing is closed.

By: Twombly

Seconded: Raymond.



**MOTION:** Move to approve #Application #3731 – Variance of minimum side yard at 112 Oak Hill Drive; Assessor’s Map 57, Lot 6; R-15 (Single-Family Residential) zone, William S. Pratt, applicant, in accordance with the plot plan and information submitted.

By: Pecevich Seconded: Twombly.

For: Raymond, Radke, Pecevich, Twombly and Rafaniello.  
Against: None.  
Abstain: None.

The application is approved.

**APPROVAL OF MINUTES**

5. Approval of Minutes – May 5, 2020

Chairman Rafaniello designated regular Commissioners Twombly, Raymond, Radke Pecevich and Rafaniello to vote on the May 5, 2020 minutes.

**MOTION:** Move to approve the minutes of the May 5, 2020, regular meeting.

By: Twombly Seconded: Raymond.

For: Twombly, Raymond, Radke, Pecevich and Rafaniello.  
Against: None.  
Abstain: None.

**MISCELLANEOUS**

6. The Board acknowledged receipt of the following items in their electronic packets: four letters dated August 13, 2020, from Therese Pac, Town and City Clerk, regarding the re-appointments of alternate member Rory Ghio; also, regular members David Pecevich, Alfred Radke, III, and Jeffrey Twombly.

Chairman Rafaniello congratulated the re-appointed Commissioners to the Board. He thanked them for their preparations and questions to applicants. The Board appreciated the Board and Staff for the applications being prepared for the meeting.

Mr. Flanagan noted alternate Commissioner Richard Balsam was appointed as an Alternate to the Board. Chairman Rafaniello congratulated Commissioner Balsam on his appointment to the Board. He encouraged him to ease into the process and to prepare to be a fully participating Commissioner in the future.

**ADJOURNMENT**

Chairman Rafaniello designated regular Commissioners Raymond, Twombly, Radke, Pecevich and Rafaniello to sit on the adjournment.

**MOTION:** Move to adjourn at 8:00 P.M.

By: Twombly Seconded: Raymond.

For: Raymond, Twombly, Radke, Pecevich and Rafaniello.  
Against: None.  
Abstain: None.

Respectfully submitted,

Nancy King  
Recording Secretary

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Jerald A. Rafaniello, Chairman

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David Pecevich, Secretary