

**BRISTOL ZONING BOARD OF APPEALS
MINUTES
REGULAR MEETING OF TUESDAY, OCTOBER 6, 2020**

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.

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

Chairman Rafaniello designated Commissioner Twombly as Acting Secretary this evening with Commissioner Pecevich being remotely connected online.

PUBLIC HEARINGS

1. Application #3732 – Variance to allow a dumpster to be located within the front yard at 224 South Street; Assessor’s Map 31, Lot 220-2; R-15/RM (Single-Family Residential/Mixed Residential Overlay) zone, Wesley Cyr and Oliver Wilson, applicants.

Attorney Timothy Furey, 43 Bellevue Avenue, on behalf of the applicants, reviewed a background on how these properties were developed. He explained these properties were on the corner of South Street and Willis Street.

There were two properties with new construction of one three family house on each lot, which received Special Permit and Site Plan approval from the Zoning Commission. The properties were developed in a unified manner. The buildings are located to the rear of the properties with retaining walls along the back of the property leading up to the adjacent property, which are developed this way for a specific reason. The front portion of the properties were the old South Street, but was realigned towards the Memorial Boulevard school.

The properties on South Street had major gas and water lines, which service different areas of Bristol. The City transferred these properties to the property owners, but indicated they do not want structures constructed on these easement areas.

Charles Talmadge, 73 Meadow Street, Development Planning Solutions, on behalf of the applicant, reviewed the water lines, gas lines, water main, sanitary sewer, fiber optic communication and former easement in favor of the utility company that are in the front yard of these properties.

After inquiries by the Commission, Attorney Furey explained this was a subdivision of one lot into two lots.

Attorney Furey explained these lots were developed with common parking easements to function together and access easements between the buildings for sidewalk access and function. The two-three family homes allowed twelve total City trash/recycling barrels with the responsibility being the residents, which is a concern of them cooperating to maintain the property.

Therefore, the applicants are requesting an area (16 ft. X 5 ft.) for two dumpsters for maintenance with an independent company paid for by the applicants. The request is not for the enclosure, but for the dumpsters within the enclosure.

If the Variance is denied, the enclosure would be increased about 5 ft. to contain the twelve barrels. This property is in a gateway area and would be improved to compliment the area. The enclosure would have bollards, landscaping and white vinyl fencing. If the Variance is denied, the barrels would be put in the same location. If the Variance is approved the applicants would provide two dumpsters. The applicant's opinion was the barrels would detract from the look of the property, which is a gateway.

After inquiries by the Board, Mr. Flanagan explained there was a prohibition in the Regulations for the dumpsters in the front yard, so the applicant would not have been able to place the dumpsters in the front yard without a Variance.

Attorney Furey explained the hardship was the existing easements that had to be preserved. If the dwellings were to the front of the property, the dumpsters would have been located to the rear of the property. His opinion was this would keep the property maintained and be a quality product. The applicant had the right for the structure. Commissioner Twombly commented if the City services were utilized then the hardship was mute and a dumpster was not required.

The Board commented the barrels at the curb when put out for collection, would be about 75 ft. in length. But, the point of 75 ft. of curbing for the barrels in this area was a concern for drivers and how to protect the beauty of this gateway property.

At the request of the Chairman, Mr. Talmadge discussed the details of the enclosure of landscaping with white vinyl fencing, arborvitaes and low shrubbery. They would install a door if required.

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

Commissioner Jeffrey Hayden, Planning Commission, was in the audience and approached the lectern, but Mr. Flanagan urged him not to speak because it would be a violation of State Statute. Members of the Planning Commission and Zoning Commission may not address the Zoning Board of Appeals. He may speak on the application, but he needs to know of the concerns of Staff.

The hearing is closed.

By: Twombly

Seconded: Pecevich.

For: Radke, Pecevich, Raymond, Twombly, and Rafaniello.

Against: None.

Abstain: None.

The Board commented that it appeared as though the applicant was asking for a Variance after the fact. But, they understood the points of the attorney and they do not want to view twelve barrels on the property or on the curb.

They agreed with the fencing to screen the dumpsters. There would likely be concern with a door on the enclosure. If the concrete pad is made deeper, it should be constructed to block the view of the dumpsters. If there are stipulations for the application, then they would be okay with the Variance.

Commissioner Twombly had difficulty finding a hardship, but regardless the concern had to be resolved. He also does not want twelve barrels on the street. He agreed, reluctantly, with the request.

There may also be barrels or trash on the street with inclement weather for traffic safety. The dumpsters and enclosure would be a better solution. The application does not specify the dumpster would be screened and there should be something in place stating the dumpster would be screened in for the concrete pad.

MOTION: Move to approve Application #3732 – Variance to allow a dumpster to be located within the front yard at 224 South Street; Assessor's Map 31, Lot 220-2; R-15/RM (Single-Family Residential/Mixed Residential Overlay) zone, Wesley Cyr and Oliver Wilson, applicants, in accordance with the plot plan and information submitted, with the following stipulations:

1. A specification sheet shall be added to the plan that details the following:
 - a. The height of the enclosure (minimum of 6’ ft. in height) with a front door.
 - b. Arborvitaes (minimum of 4 ft. in height at planting) to screen the enclosure area shall be added to the plan.
 - c. Bollards shall be added to the plan.

By: Twombly

Seconded: Radke.

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

The application is approved with stipulations.

Attorney Furey stated he would work with Mr. Flanagan on the color and design and he would incorporate into the plan.

MISCELLANEOUS

2. Approval of Minutes of September 1, 2020

Chairman Rafaniello explained there was a correction required on Page 2 regarding topography, which was Commissioner Radke making that comment.

MOTION: Move to approve the minutes of the September 1, 2020, regular meeting, as amended.

By: Twombly

Seconded: Pecevich.

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

Chairman Rafaniello thanked the Commissioners for their investigations of the plan. He also mentioned this was the 100th year of the first Plan of Conservation and Development. He welcomed Commissioner Balsam to the Commission. He was discussing with Mr. Flanagan the Board and has a collective 102 years’ experience on the Board with all the years of service.

ELECTION OF OFFICERS

MOTION: Commissioner Twombly nominated David Pecevich as Secretary of the Zoning Board of Appeals. Commissioner Radke seconded the motion.

By: Twombly

Seconded: Radke.

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

MOTION: Commissioner Rafaniello nominated Jeffrey Twombly as Vice Chairman of the Zoning Board of Appeals. Commissioner Pecevich seconded the motion.

By: Rafaniello

Seconded: Pecevich.

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

MOTION: Commissioner Twombly nominated Jerald Rafaniello as Chairman of the Zoning Board of Appeals. Commissioner Pecevich seconded the motion.

By: Twombly

Seconded: Pecevich.

For: Radke, Pecevich, Raymond, Twombly and Rafaniello.

Against: None.

Abstain: None.

ADJOURNMENT

Chairman Rafaniello thanked all the Board members for their service and noted it was his pleasure to serve an additional year as Chairman.

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

By: Twombly

Seconded: Raymond.

For: Pecevich, Raymond, Radke, Twombly and Rafaniello.

Against: None.

Abstain: None.

Respectfully submitted,

Nancy King
Recording Secretary

Jerald A. Rafaniello, Chairman

David Pecevich, Secretary