

**BRISTOL ZONING BOARD OF APPEALS  
MINUTES  
REGULAR MEETING OF TUESDAY, APRIL 6, 2021**

**CALL TO ORDER:**

By: Chairman Rafaniello

Time: 7:04 P.M.

Place: City Hall

**ROLL CALL:**

Chairman Rafaniello called the meeting to order at 7:04 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	
<b>STAFF</b>	Robert Flanagan, AICP, City Planner	X	
	Edward Spyros, Zoning Enforcement Officer	X	
	Andrew Armstrong, Assistant City Planner	X	

**PUBLIC HEARINGS:**

1. Application #3751 – Certificate of Approval for general repairer and used car dealer license at 96 East Main Street; Assessor’s Map 41, Lot 36-1; BG (General Business) zone; Blasius of Bristol, LLC, applicant.

The Board acknowledged receipt of the following items in their electronic packets:

Chairman Rafaniello designated the regular Commissions Twombly, Raymond, Radke Pecevich and Rafaniello to vote on Application #3751.

Attorney Alfred Morrocco, 200 Summer Street, representing the applicant, explained they spoke with Mr. Flanagan and he suggested to get a ConnDMV license. The property is in the Forestville area of Bristol. The property has always been a motor vehicle use. They were unaware applications were required and they had to resolve numerous concerns. This is a small lot, but they received approvals from the Inland Wetlands and a Floodplain application that the Inland Wetlands Commission for surface and storm water runoff, which a retention pond.

There were four areas within the inland wetlands; the retention pond would support the storm water runoff (one inch) to permeate into the ground, which was required by the Inland Wetlands Commission. They also received approvals from the Zoning Commission for a Special Permit and Site Plan. The Special Permit was for the property, but there was no change to the building. The property was cleaned up and some bituminous pavement was removed from the property. The existing millings were removed.

After inquiries by the Board, Attorney Morrocco explained the applicant has the ability to repair vehicles inside the building. The repairs inside the building were stipulated with the Special Permit and Site Plan because they do not want to repair vehicles outside of the building. The applicant required approval from the ConnDMV, Zoning Board of Appeals, Inland Wetlands Commission and the Zoning Commission. When a vehicle is sold a new vehicle would be put in its place.

Chairman Rafaniello reviewed the Board’s responsibilities of these applications for the ConnDMV with the Board.

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

The hearing is closed.

By: Twombly

Seconded: Pecevich.

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

The Board commented the building had a similar use and there were similar uses in the area; therefore, there were no concerns. Hopefully the applicant would maintain the property as stated. There were no safety concerns. The plans would improve the area and the neighbors had no concerns.

**MOTION:** Move to approve Application #3751 – Certificate of Approval for general repairer and used car dealer license at 96 East Main Street; Assessor’s Map 41, Lot 36-1; BG (General Business) zone; Blasius of Bristol, LLC, 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.

- 2. Application #3752 – Variance of minimum lot area for land acquisition to allow intersection improvements at 13 Divinity Street; Assessor’s Map 29, Lot 56/26; BG (General Business) zone; Connecticut Department of Transportation, applicant.

The Board acknowledged receipt of the following items in their electronic packets:

Chairman Rafaniello designated the regular Commissions Twombly, Raymond, Radke Pecevich and Rafaniello to vote on Application #3752. He requested the applicant to explain at a high level the nature of Applications #3752 to #3755. He also explained Applications #3752, #3753, #3754 and #3755 would be heard concurrently, but voted on separately.

Matthew Geanacopoulos, 2800 Berlin Turnpike, Connecticut Department of Transportation, on behalf of the applicant, explained the ConnDOT has a project on Route 72 and Route 69 for improvements. As part of this project, portions of properties would be acquired from property owners along the front or rear of those properties. The project would close Divinity Street at Landry Street and shifting Rt. 72 to the north slightly and extending Pratt Street through Divinity Street/Rt. 72/Park St.

The plan included streetscape and sidewalk improvements. For these reasons, there was a partial acquisition for 13 Divinity Street. The existing sidewalk would be re-built and a slightly reconstructed driveway. They have to make sure the sidewalk has adequate width in the public right of way. They are proposing a parking lane on the corner of Rt. 72/Park St. and the sidewalk would continue on Divinity St. The request for the Variance was for whenever the condemning authority has to acquire property to make it less than the Zoning Regulations requirement, they must seek a Variance.

If it were eminent domain, they must purchase the property in total. If the Variance is denied there are three options of redesigning the sidewalk to stay off the property; acquire property by an easement (their recommendation); or acquire the property in total. The reason for the Variance was for the State’s and the property owners’ best interest for a clear right of way ownerships.

The following person spoke in favor of the application, but had some concerns: Robert O’Donnell, 62 El Toro Drive, had concerns of between his building and the old West End Club there were concerns of storm drainage. When the utility work was done, the drain was blocked up, so now the storm water gets about 1.5 ft. high when it rains. He has spoken to the Public Works Department and there was no response, but they said a project was going to be done and they would address it then. So, now it wanted the problem addressed. The drain does not go anywhere, but there are two pieces of sidewalk. His business is at 13 Divinity St.

In response, Mr. Geanacopoulos explained improving the drainage was part of the project, but he was not a drainage engineer. However, they would review this concern and someone would meet with him to review the project. He would also be able to meet with him to discuss the plans.

No one spoke against the application.

The hearing is closed.

By: Twombly

Seconded: Pecevich.

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

Against: None.

Abstain: None.

The Board commented this was part of the overall improvement of the west of Bristol. A lot of due diligence was taken into consideration on the needs and requirements. If Mr. O'Donnell was okay with the acquisition, proposed parking and improvements, then there were no concerns. The hardship is the sq. ft. required, so there was no reason to not agree with this application.

**MOTION:** Move to approve Application #3752 – Variance of minimum lot area for land acquisition to allow intersection improvements at 13 Divinity Street; Assessor’s Map 29, Lot 56/26; BG (General Business) zone; Connecticut Department of Transportation, 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.

- 3. Applicant #3753 – Variance of minimum lot area for land acquisition to allow intersection improvements at 15 Park Street; Assessor’s Map 28, Lot 1; BG (General Business) zone; Connecticut Department of Transportation, applicant.

The Board acknowledged receipt of the following items in their electronic packets:

Matthew Geanacopoulos, 2800 Berlin Turnpike, Connecticut Department of Transportation, on behalf of the applicant, explained this application was a little more complicated. There were two locations of acquisition on Divinity Street and Park Street where the existing sidewalk is located, the width is needed for the sidewalk to connect from Park St. to Divinity St. The acquisition was on the north side of the property. The main travel way was in the same location. But, Pratt St. was being widened to allow for an easier turn from Pratt St. to Park St. As such, the sidewalk would be shifted to the south.

After inquiries by the Board, Mr. Geanacopoulos explained the existing building would remain. There would be a small area in the parking area, but not buildings would be revised. As of now, there would be a reduction of one parking space. He would speak with their appraiser to determine how the parking spaces configuration.

No one else spoke in favor of the application.

No one spoke against the application.

The hearing is closed.

By: Twombly

Seconded: Pecevich.

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

Against: None.

Abstain: None.

The Board commented the hardship was the sq. ft. of the property for the required area improvements, but there were no concerns with the application. The area businesses had no concerns with the one reduced parking space.

**MOTION:** Move to approve Applicant #3753 – Variance of minimum lot area for land acquisition to allow intersection improvements at 15 Park Street; Assessor’s Map 28, Lot 1; BG (General Business) zone; Connecticut Department of Transportation, applicant, in accordance with the plot plan and information submitted.

By: Pecevich

Seconded: Twombly.

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

Against: None.

Abstain: None.

The application is approved.

4. Application #3754 – Variance of minimum lot area for land acquisition to allow intersection improvements at 19 Divinity Street; Assessor’s Map 29, Lot 55/25; BG (General Business) zone; Connecticut Department of Transportation, applicant.

The Board acknowledged receipt of the following items in their electronic packets:

Matthew Geanacopoulos, 2800 Berlin Turnpike, Connecticut Department of Transportation, on behalf of the applicant, explained this application was similar to the applications with the sidewalks, but except for the corners of the property, the sidewalk would be relocated a larger distance from the building. Where Park Street starts to curve, the sidewalk would curve with it. The sidewalk on the right easterly corner they would install the new sidewalk to connect from Park St. to Divinity St. The line shown on the front of the property was to show the right of way. Also, the 24-inch drainage pipes on Rt. 72 the State would be install that went up to the steps, but the steps would not be affected.

After inquiry by the Board, Mr. Geanacopoulos explained Divinity St. would be closed off from Landry St. to near the pizza restaurant.

No one else spoke in favor of the application.

No one spoke against the application.

The hearing is closed.

By: Twombly

Seconded: Pecevich.

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

Against: None.

Abstain: None.

The Board agreed with Commissioner Board agreed with the comments of Commissioner Twombly as with the previous applications, to allow for safe access and a safe sidewalk for these plans. There were no concerns. This allowed for more area because the sidewalk would be at a large distance.

**MOTION:** Move to approve Application #3754 – Variance of minimum lot area for land acquisition to allow intersection improvements at 19 Divinity Street; Assessor’s Map 29, Lot 55/25; BG (General Business) zone; Connecticut Department of Transportation, applicant, in accordance with the plot plan and information submitted.

By: Pecevich

Seconded: Twombly.

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

Against: None.

Abstain: None.

The application is approved.

- 5. Application #3755 – Variance of minimum lot area for land acquisition to allow intersection improvements at 42 Divinity Street; Assessor’s Map 28, Lot 2; R-15/RM (Single-Family Residential/Mixed Residential Overlay) zone; Connecticut Department of Transportation, applicant.

The Board acknowledged receipt of the following items in their electronic packets:

Matthew Geanacopoulos, 2800 Berlin Turnpike, Connecticut Department of Transportation, Newington, on behalf of the applicant, explained this plan was similar to the 15 Park St. property with the same need because Pratt St. was being extended and Park St. has to be widened to the south for vehicles turning onto Park St. For these reasons, the sidewalk has to be reduced on this property. He was unsure if this was used as a parking space.

After inquiry by the Board, Mr. Armstrong explained he would provide the Board a map of the overall plan from School St. to Park St. to Divinity St. for a prospective of the plan.

After inquiry by the Board, Mr. Geanacopoulos explained there were no buildings on Park St. for this property, but it fronts on Divinity St. With Divinity St. being closed, there were no plans proposed for the property to prevent vehicles from passing through it, but they would review that concern. He reviewed the area on the Internet, which was unable to drive from Park St. to Divinity St. The driveway access was on Park St. The parking was behind the house. There will be a turn from Park St. to Divinity St., but they had to go through Pratt St. The existing right turn from Divinity St. to Pratt St. would be closed.

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

The hearing is closed.

By: Twombly

Seconded: Pecevich.

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

The Board commented this property was in alignment with the project and it lined up property to property. There were no concerns.

**MOTION:** Move to approve Application #3755 – Variance of minimum lot area for land acquisition to allow intersection improvements at 42 Divinity Street; Assessor’s Map 28, Lot 2; R-15/RM (Single-Family Residential/Mixed Residential Overlay) zone; Connecticut Department of Transportation, applicant, in accordance with the plot plan and information submitted.

By: Pecevich

Seconded: Twombly.

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

The application is approved.

**MISCELLANEOUS**

**APPROVAL OF MINUTES**

- 6. Approval of Minutes – March 2, 2021

After inquiry by Chairman Rafaniello, Ms. King explained the corrections were made to the minutes as requested.

**MOTION:** Move to approve the minutes of the March 2, 2021, regular meeting, as amended.

By: Twombly

Seconded: Pecevich.

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

The following person had concerns: Michael Gagnon, 18 Park St. and 377 Hamlin Road, Hamlin, Maine, had concerns of realigning Park St. Years ago when there were public hearings, they were taking his house and a total of 5 houses on the corner of West St., Park St. and Divinity St. Chairman Rafaniello explained to Mr. Gagnon that this property was not of discussion with at this time.

**ADJOURNMENT**

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

**MOTION:** Move to adjourn at 8:12 P.M.

By: Twombly

Seconded: Pecevich.

For: Raymond, Radke, Pecevich, Twombly 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