

BRISTOL ZONING BOARD OF APPEALS
MINUTES
REGULAR MEETING OF TUESDAY, APRIL 2, 2019

CALL TO ORDER:

By: Chairman Rafaniello

Time: 7:00 P.M.

Place: City Hall

ROLL CALL:

Chairman Rafaniello called the meeting to order at 7:00 P.M.

MEMBERS	NAME:	PRESENT	ABSENT
REGULAR MEMBERS:	Jerald Rafaniello (Chairman)	X	
	Jeffrey Twombly (Vice Chairman)	X	
	Richard Raymond (Secretary)	X	
	Alfred Radke, III	X	
	David Pecevich	X	
ALTERNATE MEMBERS	Morris Rippy Patton, IV		X
	Rory Ghio	X	
	Tim Adamaitis	X	
STAFF	Christopher Schaut, Assistant City Planner	X	

After inquiry by Chairman Rafaniello, Attorney Timothy Furey, 43 Bellevue Avenue, on behalf of the applicants for Applications #3704 and #3705, agreed to allow the Board to review the applications in the order of #3706, #3704 and #3705.

MOTION: Move to change the order of the public hearings this evening with Application #3706 to be first.

By: Twombly

Seconded: Radke.

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

Against: None.

Abstain: None.

PUBLIC HEARINGS

The Application #3706 was taken out of order.

1. Application #3706 – Variance of minimum side yard to construct an addition at 62 Pine Street; Assessor’s Map 3, Lot 3-2; BHC (Route 72 Corridor Business) zone; 62 Pine St. LLC, applicant.

Brian Andrews, 187 Catering Road, Wolcott, on behalf of the applicant, explained there was an existing multi-family house that was constructed partly into the side yard setback. Mr. Andrews explained he would be renovating the property with some exits, stairwells and an enclosure on the front of the dwelling that would extend 12 feet that would encroach into the side-yard setback. The dwelling was 8 feet from the side property line and the zone requires a 15 foot setback. The addition would be 8.3 feet from the property line since the house is on an angle compared to the property line.

After inquiries by Board, Mr. Andrews explained the garage was on the west side of the property and would be demolished to remove the nonconformity. There would be no additional encroachments. The porch would be enclosed and squared off.

No one else spoke in favor of the application.

No one spoke against the application.

The hearing is closed.

By: Twombly

Seconded: Raymond.

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

Against: None.

Abstain: None.

The Board commented the hardship was the existing skewed location of the house to one side. The applicant would not extend past the existing dwelling on the side. There would not be any additional encroachments. Therefore, there were no concerns with the application. The Board was please the garage nonconformity was being removed from the west side of the property.

MOTION: Move to approve Application #3706, Variance of minimum side yard to construct an addition at 62 Pine Street; Assessor's Map 3, Lot 3-2; BHC (Route 72 Corridor Business) zone; 62 Pine St. LLC, applicant, in accordance with the plot plan and information submitted.

By: Raymond

Seconded: Twombly.

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

Against: None.

Abstain: None.

The application is approved.

2. Application #3704 – Variance of finished grades for parking areas shall not exceed three percent to construct a unified residential development at 301, 321, 313, 307, 295 Main Street and 48 Summer Street; Assessor's Map 26, Lots 194A, 199, 198, 196, 194 and 197; R-15/BT (Single-Family Residential/Downtown/Neighborhood Transition Overlay) zone; Carrier Construction Inc., applicant.

The Board acknowledged receipt of the following items in their electronic packets: Exhibit A: Property and Owner List, undated; an email dated March 5, 2019, from Attorney Roger Chiasson, regarding authorizing Attorney Timothy Furey to sign documents; a memorandum dated March 26, 2019, from Nancy Levesque, P.E., Assistant City Engineer, regarding the review of the property.

Attorney Timothy Furey, 43 Bellevue Avenue, on behalf of the applicant, reviewed the project and explained the applicant worked with the Staff for one year on the plans before submitting the application. Engineering staff suggested that the applicant seek a variance of the grading requirements for parking in order to reduce the need for retaining walls due to the slope of Main Street. Attorney Furey explained the initial plans had extensive retaining walls to meet the 3% requirement. By increasing the grade for parking, retaining walls were significantly reduced or eliminated altogether and the excavation necessary for the development was reduced 50%. The letter from the Assistant City Engineer provided support to ensure the property would be safe from an accessibility standpoint.

Commissioner Raymond read into the record the letter dated March 26, 2019.

No one else spoke in favor of the application.

The following persons spoke against the application: Steve Coan, 331 Main Street; Amy Coan, 331 Main Street and Thomas Doyle, 120 High Street. The concerns included squeezing the maximum number of units on the property with minimum buffer, area properties being in a National Historic District, storm drainage and runoff, erosion, lack of plantings or rain gardens, accessibility for handicapped persons due to the increased grade, insufficient parking in the area already, single family nature of the surrounding area, and compatibility with the existing neighborhood.

Chairman Rafaniello explained that many of the neighbors' concerns were relevant to the applications in front of the Zoning Commission on April 10, 2019 rather than with the Variance applications in front of the Zoning Board of Appeals tonight.

Attorney Furey explained City Engineering Staff reviewed the plans and made suggestions. The grading Variance would reduce the need for larger retention walls that would have long term effects on Federal Hill. There were various multi-family houses in the area. There would only be a slight change of grade. The plan would not affect any values of historical structures because they are not in this area. This was not part of the Boards' determination for a hardship and the applicant has demonstrated there was a hardship for the property.

Mr. Schaut explained there was a local historic district that only encompasses part of Federal Hill, which had jurisdiction on house exteriors. This property is not within that district. The National Historic District is a designation that is not restrictive like a local historic district and pertains to structures, not vacant lots.

The following persons spoke again: Amy Coan; Thomas Doyle and Steve Coan. The concerns included the delineation of what is considered downtown versus what Attorney Furey considers downtown, the number of multi-family versus single-family houses,

the increased grade, the impact on the neighbors, and that the application was being acted on before the Zoning Commission approved the development applications.

Mr. Schaut explained that State Statute requires any Variance application be acted on by the Zoning Board of Appeals before a Zoning Commission can act on a Special Permit or Site Plan application. Chairman Rafaniello explained the Board was not approving the development plans, but only voting on a modification to the grading requirement.

The hearing is closed.

By: Twombly

Seconded: Raymond.

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

Against: None.

Abstain: None.

The Board commented that the slope going both directions on the property was a hardship trying to work with the grade, particularly on Main Street. The memorandum by the Assistant City Engineer indicated they reviewed the change in elevation and were okay with it. They agreed they do not want to view a ten foot retaining wall if the grade was at 3%, a lower wall with the increased grade would be better. The applicant did a good job to conform to the downtown Regulations. There would be an underground storm drainage system versus no system with a lot of storm water runoff. The applicant was within most of the parameters of the Regulations. They were in favor of the Variance.

Commissioner Twombly’s opinion was this was a good plan, but disagreed with the hardship. The letter from the Assistant City Engineer was a little vague and he was unsure of his opinion.

MOTION: Move to approve Application #3704, Variance of finished grades for parking areas shall not exceed three percent to construct a unified residential development at 301, 321, 313, 307, 295 Main Street and 48 Summer Street; Assessor’s Map 26, Lots 194A, 199, 198, 196, 194 and 197; R-15/BT (Single-Family Residential/Downtown/Neighborhood Transition Overlay) zone; Carrier Construction Inc., applicant, in accordance with the plot plan and information submitted.

By: Raymond

Seconded: Twombly.

For: Radke, Pecevich, Raymond and Rafaniello.

Against: Twombly.

Abstain: None.

The application is approved.

- 3. Application #3705 – Variance of no dumpster shall be located within the front yard or within the required side or rear yards adjacent to any residential zone to construct a unified residential development at 301, 321, 313, 307, 295 Main Street and 48 Summer Street; Assessor’s Map 26, Lots 194A, 199, 198, 196, 194 and 197; R-15/BT (Single-Family Residential/Downtown/Neighborhood Transition Overlay) zone; Carrier Construction Inc., applicant.

The Board acknowledged receipt of the following items in their electronic packets: Exhibit A: Property and Owner List, undated and an email dated March 5, 2019, from Attorney Roger Chiasson, regarding authorizing Attorney Timothy Furey to sign documents.

Attorney Timothy Furey, 43 Bellevue Avenue, on behalf of the applicant, explained this second recommendation was from Staff to request a Variance for the location of a dumpster because of the shape of the lot. He explained when the six lots are merged the area where the dumpster is proposed is considered a rear yard setback. He reviewed other potential locations for the dumpster per the Regulations, which we all closer to side property lines abutting residential properties. They were trying to put the dumpster in the most unobtrusive location, but he would take recommendations from the Board. Attorney Furey explained the hardship was the unique shape of the property that creates side and rear yards.

The following persons spoke in favor of this application: Steve Coan, 331 Main Street. Mr. Coan explained he reviewed the plans and this was the best location for these dumpsters.

The following person spoke against the application: Thomas Doyle, 128 High Street. Mr. Doyle felt that the dumpster location allowed for maximum units on the property and that in order to properly locate the dumpster, the number of units should be reduced. He encouraged the Board to consider this carefully.

Chairman Rafaniello reiterated to Mr. Doyle the Board was not voting on the scale of the plans, just the location of the dumpster. The Board suggested Mr. Doyle attend the Zoning Commission meeting to voice his concerns with the plans.

The hearing is closed.

By: Twombly

Seconded: Raymond.

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

Against: None.

Abstain: None.

The Board agreed there was a hardship for the location of the dumpster. The applicant is trying to be a good neighbor and this location was the least obtrusive with easiest access and farthest from the neighboring properties. The hardship was vague, but the dumpster location had the least impact on the neighbors and was logical. Therefore, the plan was sufficient.

MOTION: Move to approve Application #3705, Variance of no dumpster shall be located within the front yard or within the required side or rear yards adjacent to any residential zone to construct a unified residential development at 301, 321, 313, 307, 295 Main Street and 48 Summer Street; Assessor’s Map 26, Lots 194A, 199, 198, 196, 194 and 197; R-15/BT (Single-Family Residential/Downtown/Neighborhood Transition Overlay) zone; Carrier Construction Inc., applicant, in accordance with the plot plan and information submitted.

By: Raymond

Seconded: Twombly.

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

Against: None.

Abstain: None.

The application is approved.

MISCELLANEOUS

4. Approval of Minutes – Regular Meeting of March 5, 2019

MOTION: Move to approve the minutes of the March 5, 2019, regular meeting.

By: Twombly

Seconded: Pecevich.

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

Against: None.

Abstain: None.

The March 5, 2019 minutes were approved.

5. Continued discussion on sign posting requirements

Mr. Schaut explained the Board had a discussion at the March meeting regarding sign postings for Appeal applications. If a public hearing sign is required for Appeal applications, this would affect the public hearing if the sign posting is not satisfied. Also, City required an existing \$25.00 deposit from applicants, but Staff wants a \$50.00 deposit for signs not returned to the City to prevent losing costs of replacing the sign(s.) There were also concerns of signs being returned in a timely manner.

After inquiries by the Board, Mr. Schaut explained there have been neighbors inquiring why signs were not posted for Appeal applications. Legal notices are published in the Bristol Press and on the City’s website to notify the public. It is up to the Board to decide if public hearing signs would be required for Appeal applications. The Board decided to continue not requiring sign postings for Appeal applications.

6. Mr. Schaut explained the City is working on posting a job notice for the Zoning Enforcement Officer's position. Guy Morin, Chief Building Official was acting Zoning Enforcement Officer (with an assistant) at this time until someone is hired. If there are any zoning concerns, the Board should contact Mr. Morin.

ADJOURNMENT

MOTION: Move to adjourn at 8:30 P.M.

By: Twombly

Seconded: Raymond.

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

Against: None.

Abstain: None.

Respectfully submitted,

Nancy King
Recording Secretary

Jerald A. Rafaniello, Chairman

Richard Raymond, Secretary