

**BRISTOL ZONING BOARD OF APPEALS  
MINUTES  
REGULAR MEETING OF TUESDAY, FEBRUARY 2, 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	
	Edward Spyros, Zoning Enforcement Officer	X	
<b>STAFF</b>	Robert Flanagan, AICP, City Planner	X	
	Andrew Armstrong, Assistant City Planner	X	

Chairman Rafaniello explained the order of the applications would be Applications #3743, #3740 and #3742, respectively. Items #3, #1 and #2 under Public Hearings were taken out of order.

**PUBLIC HEARINGS**

1. Application #3743 – Certificate of Approval for used car dealer license at 258 Riverside Ave; Assessor’s Map 30A, Lot 8; BHC (Route 72 Corridor Business) zone, First Class Auto, LLC, applicant.

Chairman Rafaniello designated regular Commissioners Raymond, Twombly, Radke, Pecevich and Rafaniello to vote on Application #3743.

The Commission acknowledged receipt of the following items in their electronic packets: a Motion for Judgement in Accordance with Stipulation, dated November 26, 2018, by Attorney Richard Lacey; A Certification of the Judgement, dated November 26, 2018, by Attorney Richard Lacey; a copy of the Stipulation, dated November 26, 2018, by Attorney Richard Lacey; an e-mail from Darlene Sawe to Robert Flanagan, City Planner, regarding Riverside Avenue and objections (attached sixteen photographs.)

The following item was submitted into the record: an e-mail dated January 26, 2021, from Tara Anderson of First Class Automotive to Robert Flanagan, City Planner, regarding the request to withdraw Application #3743.

**MOTION:** Move to accept the withdrawal Application #3743 – Certificate of Approval for used car dealer license at 258 Riverside Ave; Assessor’s Map 30A, Lot 8; BHC (Route 72 Corridor Business) zone, First Class Auto, LLC, applicant.

By: Twombly

Seconded: Pecevich.

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

Against: None.

Abstain: None.

The Application #3743 is withdrawn.

1. Application #3740 – Variance of minimum front yard for entry stairs at Lot 50 Fifth Street; Assessor’s Map 38, Lot 50 Fifth Street; R-10 (Single Family-Residential) zone, Jason Gorneault, applicant – (Public Hearing continued from January 5, 2021). WITHDRAWN.

Chairman Rafaniello designated regular Commissioners Raymond, Twombly, Radke, Pecevich and Rafaniello to vote on Application #3740.

The Board acknowledged receipt of the following item in their electronic packets: an e-mail dated January 4, 2021, from Kristine Landry to Robert Flanagan, City Planner, regarding objection to the Variance.

The following item was submitted into the record: a letter dated January 6, 2021, from Charles Talmadge, the applicant’s representative, regarding the request to withdraw Application #3740 because after speaking with the City Planner, it was determined that the survey had incorrect building setbacks; the building footprint was relocated a greater distance to the south and the stairs were revised to function as a side load stairway. The plan was in compliance with the setback Regulations and the previous application was not necessary.

At the request of Chairman Rafaniello, Mr. Flanagan explained the discrepancy with the plans. He explained (as described in Mr. Talmadge’s letter), that the side and rear setbacks were drawn incorrectly on the plans by the surveyor. The Regulation for corner lots (two frontages), is that the lot line opposite the smallest frontage is considered the rear line. Essentially, with the survey being redrawn, the side line became the rear line and the rear line became the side line to be compliant with the Regulations.

**MOTION:** Move to accept the withdrawal of Application #3740 – Variance of minimum front yard for entry stairs at Lot 50 Fifth Street; Assessor’s Map 38, Lot 50 Fifth Street; R-10 (Single Family-Residential) zone, Jason Gorneault, applicant.

By: Twombly

Seconded: Raymond.

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

Against: None.

Abstain: None.

The Application #3740 is withdrawn.

2. Application #3742 – Variance of minimum 50’ distance between driveway opening and street intersection (for corner lots) to allow a driveway at Lot 50 Fifth Street; Assessor’s Map 38, Lot 50; R-10 (Single Family-Residential) zone, Jason Gorneault, applicant – (Public Hearing continued from January 5, 2021).

The Board acknowledged receipt of the following item in their electronic packets: an e-mail dated January 4, 2021, from Kristine Landry to Robert Flanagan, City Planner, regarding objection to the Variance.

Chairman Rafaniello designated regular Commissioners Raymond, Twombly, Radke, Pecevich and Rafaniello to vote on Application #3742.

Charles Talmadge, 73 Meadow Street, on behalf of the applicant, explained the corrected plan had a revised date of January 26, 2021. As previously explained on Application #3740, the surveyor had incorrectly drawn the setback lines on the plans, which has now been corrected on the revised map as submitted with the building footprint shifted 10 ft. to the south.

This makes the plan compliant with the setback Regulations (Section IV.A.8.a.) This has been revised with the slight angle of the driveway and allowed the initial driveway cut to go from 23 ft. to 40 ft. His opinion was the Variance was not a large request because it was away from the intersection and there was a low level of traffic on Holden St.

After inquires by the Board, Mr. Talmadge explained the stairs were revised from a front entrance to a side entrance. There would be a two-car garage. The plans were orientated to the short side of the property versus the longer side of the property because the applicant has children and needed a yard, which is the reason for the yard being away from the intersection for safety concerns. The turn for the driveway was necessary to put the house near the front yard setback.

After inquiry by the Board, Mr. Flanagan explained the stairs as shown on the plans does not affect the request for the Variance application, but the Board should have a motion with a stipulation that the corrected plans must be submitted before the Variance is signed off and issued.

No one else spoke in favor of the application.

The following persons against the application: Bruce Pinette, 79 Fifth Street, on behalf of his neighbors; William and Christine Tarchini, 75 Holden Street and Jane Kayes; 144 Fifth Street.

Mr. Pinette had concerns of this being a small neighborhood and changing the frontage to Holden St. The plans were revised, but he had insufficient time for review. He disagreed with the survey plans because no surveyors were on the property. The front of the house would be the front of the house, but they are creating a loophole with the house setback. He had concerns of the street setbacks; a revised plan has not been submitted; therefore, the application should not be approved until the revised plan is submitted.

Ms. Tarchini explained her conversation with Mr. Flanagan regarding the various yards, but understood there was not much they can do about the plans. She had concerns of the house being close to her house. Mr. Tarchini had concerns of this being a builder's house to maximize the sq. footage in order to sell it and it was not a personal home for the applicant. He agreed with the suggestion of constructing on the opposite side of the property versus being away from the intersection. Ms. Kayes had concerns of the house being too large for the lot.

After inquiries by Mr. Pinette, respectively, the Board explained to Mr. Pinette that the frontage and stairs would be towards Holden St. The revised plans were submitted on January 26, 2021, which correctly reflects the changes except for the side steps of the clients request. Corner lots generally have two front yards.

The neighbors house would be about 18 ft. away from this constructed house and 10.2 ft. to the property line. On the GIS system the neighbor's house footprint was about 8 ft. away. A foundation certificate would not be issued until the location of the house foundation complied with the Regulations.

The Chairman noted if the plan was set back an additional 10 ft. for the driveway entrance to make it narrower, it would improve the plan. The Board commented the driveway may also be reduced with a one car.

The following person spoke again: Bruce Pinette, 79 Fifth Street and Christine Tarchini, 75 Holden Street.

After inquiries by Mr. Pinette and Ms. Tarchini, respectively, the Chairman explained to Mr. Pinette the house would have a front entrance with a landing and the steps towards Holden St. (documented on the plans). If approved, the Variance would not be certified by the Land Use Office until the corrected drawing is submitted.

After inquiries by Ms. Tarchini, Mr. Talmadge explained for either situation the bus stop was on Fifth St., which would not have any impact on the driveway on Holden Street, which was a benefit for no conflict on Fifth Street. The Chairman explained the distance of the driveway was reduced to 23 ft. from 40 ft., which may possibly be reduced an additional 5 ft. To Mr. Tarchini, Mr. Talmadge explained the applicant purchased this property with the intentions of relocating his family to a smaller house on this property.

The Board had concerns of constructing the driveway that was two cars wide and one car depth, but the opposite side of the property had sufficient area for a garage under the house with parking for four vehicles, which would not affect the property with more side yard on Holden Street.

The hearing is closed.

By: Twombly

Seconded: Raymond.

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

Against: None.

Abstain: None.

The Board members in favor of the application commented that the applicant did what they could to setback the house from the setback lines. The 40 ft. driveway distance away from the intersection was an improvement and progress.

They agreed if this is a raised ranch, the driveway could be re-designed to eliminate the request for the Variance. With the plans submitted, with exception of the driveway, it meets the Regulations. They understood the neighbor's concerns, but the house may be constructed 8 ft. from the property line and the house will actually be constructed 10.2 ft. from the property line.

The Board members against the application commented that this was a small property and the applicant is trying to maximize the house sq. footage. They were unsure of the reasons for the driveway location versus putting it on the right side of the property.

The lot was undersized, but the house may be reconfigured to a smaller house or retain the house size and put the driveway on Fifth St. They appreciate the possible reduction of the driveway. This was a self-created hardship. They agreed with the self-created hardship based on the house position and the 40 ft. setback of the driveway entrance is in violation of the Regulations. They are usually strict with these Regulations and made applicants redesign their plans to accommodate the 50 ft. setback.

**MOTION:** Move to approve Application #3742 – Variance of minimum 50’ distance between driveway opening and street intersection (for corner lots) to allow a driveway at Lot 50 Fifth Street; Assessor’s Map 38, Lot 50; R-10 (Single Family-Residential) zone, Jason Gorneault, applicant, in accordance with the plot plan and information submitted, with the following stipulations that the corrected drawing for the side facing stairway on the front of the house be approved before submitted.

By: Pecevich

Seconded: Twombly.

For: Radke and Raymond

Against: Pecevich, Twombly and Rafaniello.

Abstain: None.

The application is denied.

**MISCELLANEOUS**

3. Approval of Minutes – January 5, 2021

Chairman Rafaniello designated regular Commissioners Raymond, Twombly, Radke, Pecevich and Rafaniello to vote on the January 5, 2021 minutes.

**MOTION:** Move to approve the minutes of the January 5, 2021, regular meeting.

By: Twombly

Seconded: Pecevich.

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

Against: None.

Abstain: None.

**ADJOURNMENT**

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

**MOTION:** Move to adjourn at 7:56 P.M.

By: Twombly

Seconded: Pecevich.

For: Twombly, Pecevich, Raymond, Radke 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