

**BRISTOL ZONING BOARD OF APPEALS
MINUTES
SPECIAL MEETING OF MONDAY, AUGUST 21, 2023**

CALL TO ORDER:

By: Acting Chairman Pecevich

Time: 5:00 P.M.

Place: Online Via Zoom

ROLL CALL:

Acting Chairman Pecevich called the meeting to order at 5:00 P.M.

MEMBERS		PRESENT	ABSENT
REGULAR MEMBERS:			
	Jerald Rafaniello (Chairman) (attended a portion)	X	
	David Pecevich (Acting Chairman and Vice Chairman)	X	
	Richard Raymond (Secretary)	X	
	Alfred Radke, III	X	
	Richard Balsam	X	
ALTERNATE MEMBERS:	Christopher Callahan	X	
	Michael Gregory Erosenko		X
	(Vacant)		X
STAFF:	Edward Spyros, Zoning Enforcement Officer		X
	Robert Flanagan, AICP, City Planner	X	
	Andrew Armstrong, Assistant City Planner	X	

Acting Chairman Pecevich called the meeting to order at 5:00 P.M.

STAFF REPORTS:

1. Land Use Commissioner Training
 - a. Presentation/Discussion with Attorney Olson:
 - i. Fair Housing

Mr. Armstrong explained that Attorney Peter Olson would review the Land Use Training with the Board that is required by the State Statute. Attorney Olson would first review the Fair Housing and Public Hearings. If there is sufficient time Attorney Olson would review Section b. this evening. Also, there would be a question-and-answer time at the end of the meeting.

Attorney Peter Olson, 275 Greenwood Ave., Bethel, explained the State Legislature had required that all Land Use Boards in the State of CT to have land Use Training on Fair Housing and Affordable Housing. He explained the State does not require this for the Board's employment. But, for the Zoning Board of Appeals (ZBA), the Board does not usually get applications regarding Fair Housing or Affordable Housing. The biggest concern of Fair Housing and Affordable Housing training for municipalities was there were usually not many items for Affordable Housing. He reviewed the types of applications the ZBA usually reviews at meetings. The Zoning Regulations Statutes Section 8-2 was the Board's governing authority, which included the development of Fair Housing and Affordable Housing. The biggest concerns for municipalities were the Appeals Act 8-30g. The latest Appeals List 2022 for Bristol had 14.56% of Affordable Housing, which makes Bristol exempt for this requirement. He reviewed the requirements of Affordable Housing units by the State of CT.

Mr. Armstrong inquiries: Attorney Olson was unsure if the median income has gone up significantly for Bristol, but the median income for the State of CT was \$94,000 five years ago. Now the State median income was \$119,000.

Mr. Flanagan inquiries: Attorney Olson explained the City of Bristol was in excess of the 10% of Affordable Housing Act at 3,800 housing units (15%) under Section 8-30g. There is 27,000 housing units and 11,000 units are needed to become non-exempt, but this would not happen. This concern was not anything to be concerned about anytime soon. If the census data for the region changes for Bristol, the median income would change for Bristol. The Fair Housing Act would protect the person with disabilities under the Fair Housing Act, if the person for instance, threatened a person.

Dr. Dawn Ledger, of Economic and Community Development, 111 North Main St., explained there was a misunderstanding by the public of the official designation of Affordable Housing. There is a sense there is a shortage of available units, but there is not because the market rates have gone up. There are fewer affordable units available. But this does not mean the houses are designated as Affordable Housing. Regarding high lease rates, there are a lot of landlords not leasing buildings because of a lot of undesirable tenants. This causes a lot of problems and conflict for people who are looking for leases.

Attorney Olson explained the leases were high in the State because of the historic low vacancy.

Board inquiries: Attorney Olson explained the Affordable Housing (8-20g) applied to both rental and for sale houses.

Attorney Olson reviewed the Housing for Older Persons Act (HOPA) for discrimination against older persons. An eviction was not based on the disability, but the eviction depended on the threat of a person.

ii. Public Hearings

Attorney Olson reviewed the processes for Public Hearings and ZBA applications. He explained all ZBA applications required a public hearing. He reviewed the State timelines, extensions and posting of properties for the public hearings. The notice of the public hearing has to be read into the record. Not required, but he suggested the Staff comments be read into the record for the Board, Staff and the public audience. Also, the Board or Staff should notify the public where to find the comments. The State Statutes were vague on how to conduct a public hearing but the overall principle is to be fair to all persons for the meeting. He reviewed some details of how to conduct a public hearing of the persons and professionals that should be allowed to speak on an application/request. He reviewed motions to close and to vote on final decisions on applications. The Board should state a reason when voting in favor or against the application.

Dr. Ledger inquiries: Attorney Olson explained the motions do not have to be written/stated in a positive reference.

Mr. Flanagan inquiries: Attorney Olson explained if there is a cross examination for an application with a person(s) that are not professionals, the Board should not respond or answer any of those questions. The Board's authority was to process applications and direct persons to Staff. He reviewed how the Chairman should direct persons such as these for the Board. He reviewed how the Board should process applications that are denied without prejudice. If the applications that are denied without prejudice applies for additional applications, this should be done 6 months after the initial application with a different application/plan. He suggested the Board's motions for approval or denial that the Board state a reason on the record. He suggested if a site walk is needed, to conduct the site walk when the application is opened and the site walk should be recorded.

The Board and Staff thanked Attorney Olson for his efforts this evening for his presentation.

With the problems of unwanted guests appearing at this evening's meeting, Attorney Olson reviewed with Mr. Armstrong how to create a safer Zoom meeting. Mr. Flanagan noted he would assist Mr. Armstrong with this concern.

Mr. Flanagan explained there would be no regular ZBA meeting in September and he would schedule a special meeting for additional training.

- b. Presentation/Discussion with Staff:
 - iii. Overview of the History of Planning
 - iv. Review of Land Use Board and Commission powers and functions

At this time the Board did not review Presentation/Discussion with Staff, i. Overview of the History of Planning and ii. Review of Land Use Board and Commission powers and functions. The Board had a total of one and a half hours of training.

- c. Q&A with Staff

ADJOURNMENT:

Acting Chairman Pecevich designated regular Commissioners Raymond, Balsam, Radke and Pecevich to vote on the adjournment. He also designated alternate Commissioner Callahan to vote on the adjournment.

MOTION: Move to adjourn at 6:28 P.M.

By: Raymond

Seconded: Radke.

For: Raymond, Balsam, Radke, Callahan and Pecevich.
Against: None.
Abstain: None.

Respectfully submitted,

Nancy King
Recording Secretary

Jerald A. Rafaniello, Chairman

Richard Raymond, Secretary