



*City of Bristol
Zoning Board of Appeals*

**REGULAR MEETING - TUESDAY, OCTOBER 1, 2024
VIRTUAL (ONLINE ONLY) VIA ZOOM
6:00 P.M.**

INFORMATION FOR THE PUBLIC TO ACCESS THIS MEETING

Zoom Meeting link:

<https://bristolct-gov.zoom.us/j/86065394680?pwd=HiTLaljOxfljF66itCKxKv8LsvRmU5.1>

Meeting ID:

860 6539 4680

Meeting Passcode:

123456

Join by phone

1-929-205-6099

AGENDA

1. Call to Order
2. Public Hearings
 - a. Application #3809 – Variance requests for 1) maximum height for a fence of 4.5 feet and 50% open within the front yard and 2) fences located no closer than 3 feet from a front lot line or closer than 6 inches from any other lot line at 31 Poitras Road; Assessor's Map 1, Lot 30; R-15 (single-family residential) zone; Joshua Allen, applicant (Public Hearing continued from September 3, 2024 meeting).
3. Approval of Minutes
 - a. Regular Meeting - September 3, 2024
4. Adjournment

REMINDER: The next Regular Meeting of the Zoning Board of Appeals is: WEDNESDAY, November 6, 2024

Re: ZBA Application - Request for Continuation

Joshua Allen <joshuaallen81@comcast.net>

Mon 9/23/2024 11:10 AM

To: Andrew Armstrong <AndrewArmstrong@bristolct.gov>;

Cc: Nancy King <NancyKing@bristolct.gov>;

To whom it may concern,

I'm requesting a continuation to the November 6, 2024 meeting for ZBA application #3809. We are waiting on the land surveyor availability. We are currently on his list of customers to be done.

Thank You,
Joshua and Lisa Allen
[31 Poitras Rd](#)
[Bristol, CT 06010](#)
(860) 989-3425

On Sep 23, 2024, at 9:15 AM, Andrew Armstrong <AndrewArmstrong@bristolct.gov> wrote:

Hello Mr. Allen,

In order to have the public hearing for ZBA Application #3809 at 31 Poitras Road continued to the November 6th regular meeting, a written request for an extension of 30 days is required.

Can you please respond to this email and provide a request for an extension of the application for 30 days?

Thank you.

Andrew J. Armstrong
Assistant City Planner & Development Coordinator
Land Use & Economic and Community Development Departments
[111 North Main St.](#)
[Bristol, CT 06010](#)
(860) 584-6225
andrewarmstrong@bristolct.gov

For Office Use Only
APPLICATION NO. 3809
DATE FILED: 08-14-24
DECISION DATE: _____
DECISION: _____

**ZONING BOARD OF APPEALS
CITY OF BRISTOL, CONNECTICUT
APPLICATION FOR VARIANCE**

The undersigned Applicant hereby applies to the Bristol Zoning Board of Appeals for a variance of the Bristol Zoning Regulations.

Address or Location of the Property: 31 Poitras Road, Bristol, CT 06010

Assessor's Map No.: 1 Assessor's Lot No.(s): 30 Zone of the Property: R-15

Indicate the type of variance requested (e.g., lot area, side yard) and the Section of the Zoning Regulations being varied.
If more than one variance, list each separately.

Type of Variance	Section of the Zoning Regulations
Fence installed in Front yard shall have a maximum height of 4.5 ft and	Article III Section 11.3.1 (A)
50% open. No fence shall be located closer than three feet fro the front lot line	Article III Section 11.3.6 (B)
or closer than six inches from any other lot line.	

Briefly state the purpose of the proposed variance (e.g., "to build a two-car garage"): Install a 6ft vinyl fence on the south property line and along the west property line.

Briefly state the specific hardship which causes the need for the proposed variance: Exisging stone wall and several mature trees.

If any variances for this Property have previously been requested, indicate the application number, the date of ZBA action and the action taken: To install a 6ft vinyl fence on the south property line and along the west property line.

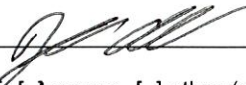
Other comments: _____

APPLICANT (If more than one, list on Page 2)

Name: Joshua Allen

Address: 31 Poitras Road City: Bristol State: CT Zip: 06010

Telephone No.: 860-989-3425 E-Mail: Joshua.Allen81@comcast.net

Signature:  Signature – (Printed/Typed) Joshua Allen

CHECK ONE: ☒ owner [] other (specify): _____

OWNER(S) OF RECORD (If other than Applicant; if more than one, list on Page 2)

Name: _____

Address: _____ City: _____ State: _____ Zip: _____

Telephone No.: _____ E-Mail: _____

Signature: _____ Signature – (Printed/Typed) _____

THIS APPLICATION MUST BE FILED IN PERSON NO LATER THAN 12 NOON ON THE DEADLINE DAY FOR APPLICATION SUBMISSION – NO EXCEPTIONS!

**CITY OF BRISTOL, CONNECTICUT
SUPPLEMENTARY INFORMATION**

For Office Use Only
APPLICATION NO. _____

Address or location of property: _____ 31 Poitras Road, Bristol, CT 06010

ADDITIONAL INFORMATION/COMMENTS (click inside the box below and begin typing)

Southside property has an existing stone wall 2 inches from the property line and several mature trees. We find that complying with the ordinance would present a practical difficulty because it would require an additional masonry work and removal of many mature trees from the property.

Westside property is a front yard lot for Evelyn road. The existing residential structure is built 21 ft from the west property line and contains a cement walk way to Evelyn Road from the rear exit of the structure with a cement steps adjacent to the west property line. A pool structure is located in this property. We find that complying with the ordinance would present a practical difficulty because it would prevent privacy and safety from local wild life activity (bear and coyote) and from the property. In compliance with the front yard variance regarding not installing a chain link fence, a 6ft vinyl fence will be installed on the south and west side.

We have identified neighboring properties with fences installed on front yard lots above the 4.5ft height maximum, more than 50% not open, and along the front property line. 87 Julia Road, 4 Village Street, 101 Village Street, 84 Village Street, 282 Candlewood lane, 712 Red Stone Hill Road, 781 Red Stone Hill Road, 147 Red Stone Hill Road, 159 Red Stone Hill Road.

ADDITIONAL APPLICANT

Name: _____ CHECK ONE: [] owner [] other: _____

Address: _____ City: _____ State: _____ Zip: _____

Telephone No.: _____ E-Mail: _____

Signature: _____ Signature – (Printed/Typed) _____

ADDITIONAL OWNER(S) OF RECORD

Name: _____

Address: _____ City: _____ State: _____ Zip: _____

Telephone No.: _____ E-Mail: _____

Signature: _____ Signature – (Printed/Typed) _____

Name: _____

Address: _____ City: _____ State: _____ Zip: _____

Telephone No.: _____ E-Mail: _____

Signature: _____ Signature – (Printed/Typed) _____

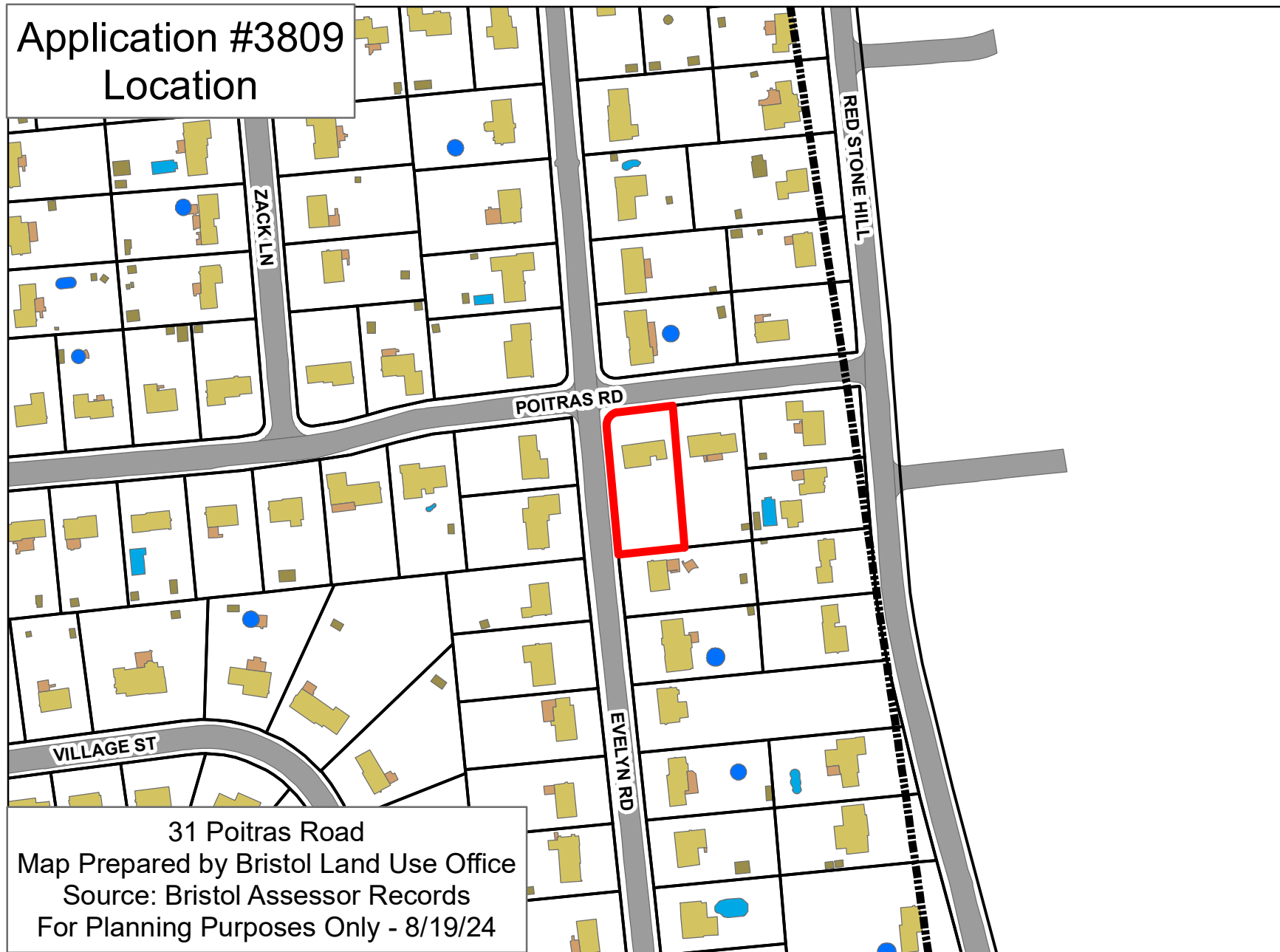
(OPTIONAL) SEND COPIES OF ALL CORRESPONDENCE TO:

Name: _____

Address: _____ City: _____ State: _____ Zip: _____

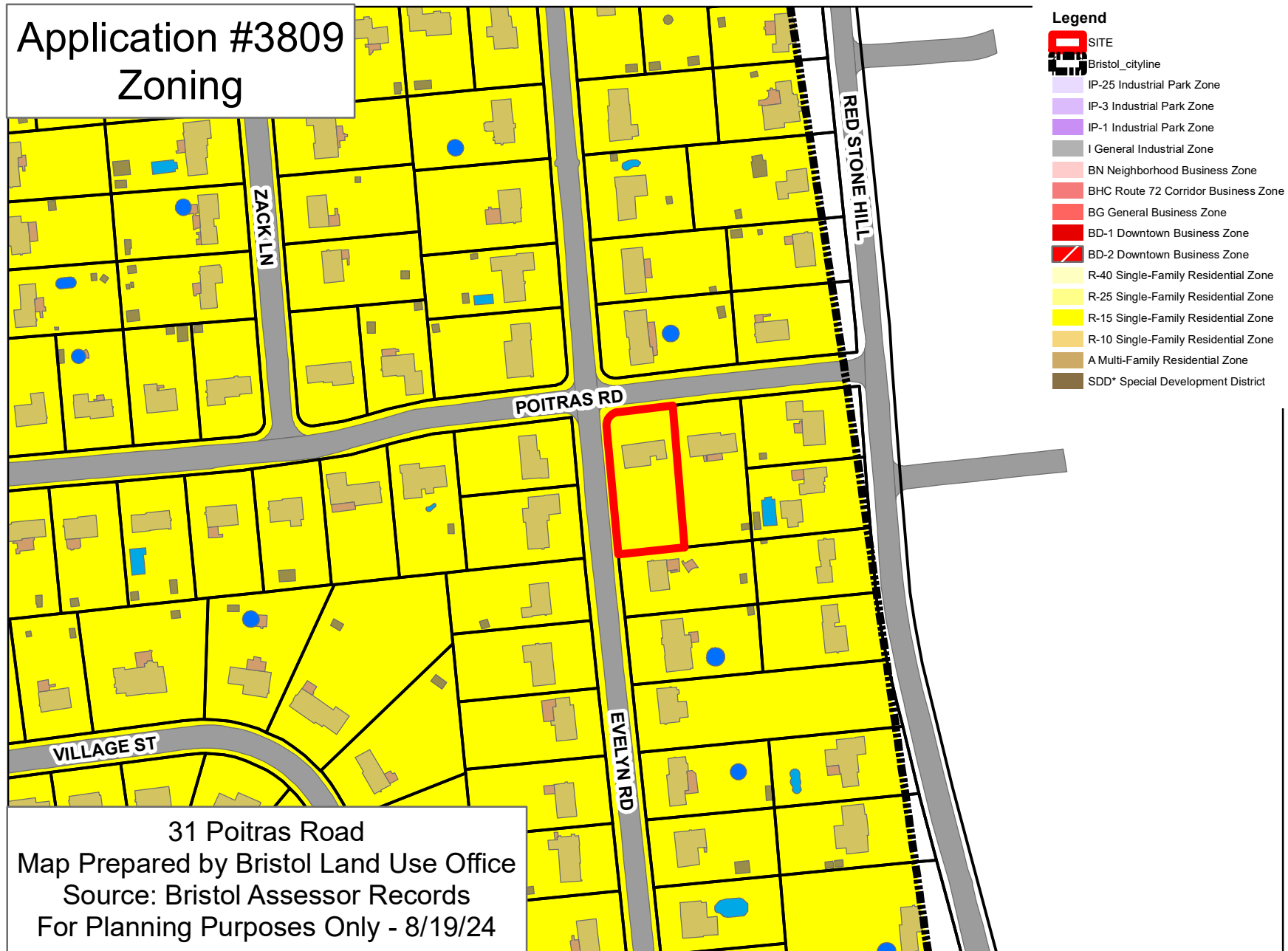
Telephone No.: _____ E-Mail: _____

Application #3809
Location



31 Poitras Road
Map Prepared by Bristol Land Use Office
Source: Bristol Assessor Records
For Planning Purposes Only - 8/19/24

Application #3809 Zoning



Application #3809
Aerial

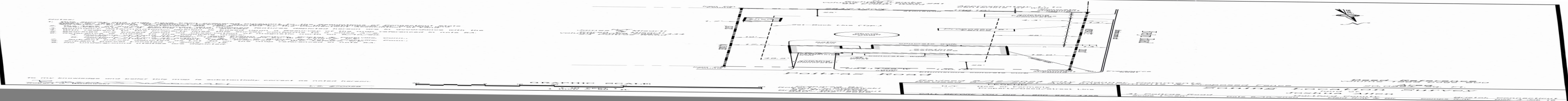


31 Poitras Road
Map Prepared by Bristol Land Use Office
Source: Bristol Assessor Records
For Planning Purposes Only - 8/19/24

Application #3809
Aerial



31 Poitras Road
Map Prepared by Bristol Land Use Office
Source: Bristol Assessor Records
For Planning Purposes Only - 8/19/24



**BRISTOL ZONING BOARD OF APPEALS
MINUTES
REGULAR MEETING OF MONDAY, SEPTEMBER 3, 2024
DRAFT MINUTES**

1. Pledge of Allegiance
2. Call to Order

By: Chairman Rafaniello

Time: 7:00 P.M.

Place: City Hall
111 North Main St.
Council Chambers
First Floor

MEMBERS		PRESENT	ABSENT
REGULAR MEMBERS:			
	Jerald Rafaniello (Chairman)	X	
	David Pecevich (Acting Chairman)	X	
	Richard Raymond (Secretary)	X	
	Alfred Radke, III	X	
	Richard Balsam	X	
ALTERNATE MEMBERS:			
	Rory Ghio	X	
	Liza Salgado-Sirko		X
	Miles Jennings	X	
STAFF:			
	Richard Brown, Chief Building Official		X
	Andrew Armstrong, Assistant City Planner	X	

Per the order of Chairman Rafaniello, the meeting was called to order at 7:00 P.M.

3. Public Hearings

- a. Application #3807 – Variance request for minimum side yard required for a smoking area overhang at 192 Pine Street; Assessor's Map 3, Lot 17; BN (Neighborhood Business) zone; Marc LeBoeuf, applicant.

Acting Chairman Pecevich designated regular Commissioners Raymond, Radke, Balsam, Rafaniello and Pecevich to vote on Application #3807. Chairman Rafaniello was remote and therefore allowed Commissioner Pecevich to serve as Acting Chair for the meeting in the event he had any technical or computer issues.

Attorney Sarah Ann Cohen, 580 Broad St., representing the applicant, described the applicant's property was reduced by the State of CT by eminent domain due to prior construction of Route 72. Attorney Cohen confirmed the lot size was "grandfathered in". Attorney Cohen explained there was a prior outdoor smoking area but during COVID-19 it was increased. The request was to construct a building overhang to allow for increased social distancing and protect customers from inclement weather. She claimed the construction would decrease the noise for the neighbors. She indicated the rear overhang was on the building prior to 2004.

Marc LeBoeuf, 192 Pine St., explained the fence on the property line was constructed when he purchased the property in 2012.

Board inquiries: Mr. Armstrong was unable to find any prior Variances for the overhang construction.

The Board recommended the proper permits be obtained if the application is approved or denied. The Board expressed the difficulty with applications when plans are constructed before an approval. The Board described the difficulty of setting precedence if the Board allowed construction prior to a public hearing with a self-created hardship. The Board commented on hardships pertaining to the property and not for financial reasons. The Board noted the business was successful after the RT 72 expansion that was done many years ago. The Board had difficulty voting on the application because the structure was built up to the property line without any space between the neighboring property.

Attorney Cohen agreed the applicant required the proper permit but the Variance was required to accomplish the construction. She disagreed with the self-created hardship. Attorney Cohen claimed the hardships were from the RT 72 expansion. Attorney Cohen contended the hardship was the business closing during COVID-19 and society changing after the pandemic. Attorney Cohen said the hardships were not in the applicant's control and stated the hardship was the existing lot size that existed since 1920 and the nature of the business. Attorney Cohen noted this business would bring people into Bristol, but there was a reduced traffic amount in the area. Attorney Cohen clarified the roof does not go onto the neighbor's property but also does not meet the current setback.

Board inquiries, respectively: Attorney Cohen agreed a gate may be added to the fence for safety purposes. Attorney Cohen added the fence was the same as 20 years ago. She explained customers were sitting outdoors 20 years ago on the property. Regarding safety, Attorney Cohen explained the dumpster was removed and only the overhang was constructed on the right side of the property. She verified the porch and overhang existed to the rear. Mr. LeBoeuf explained he spoke to the neighbors and there were no concerns. He also noted there was no gutters to the rear of the building but spoke to the neighbors to do this and there were no concerns.

Board inquiries: Mr. Armstrong explained the overhang was on the property line. Mr. Armstrong clarified the structure setback was 15 ft. He explained there may be some language for an overhang but not a structure that may possibly be permitted. Mr. Armstrong clarified a roof overhang may be permitted to divert water but not a wooden structure that is part of the building and the setback. He explained the overhang would be excluded because it was only about 1.5 ft. Mr. Armstrong noted a cloth canopy could possibly be applied for with the Zoning Enforcement Officer. But a canopy would not be able to meet the setback if it was considered a structure.

Attorney Cohen was concerned the space from the fence to the building does not meet the setback. She noted without the Variance there was no way to come into compliance. She was concerned a Variance was needed even if the request was not for an overhang. She reiterated the lot was undersized and does not meet the current requirements.

Mr. Armstrong explained a Variance may not be needed if this were a 1.5 ft. overhang that was allowed in the Regulations. Mr. Armstrong mentioned the photo shown on the screen of the overhang originated from the Building Permit file when work was stopped for not having permits.

The Board explained if a gutter were added to the rear of the building that would likely make the building more non-compliant. The Board clarified requesting a Variance up to the property line was a huge request. The Board noted options were usually discussed to reduce a Variance during the public hearing.

Mr. LeBoeuf explained the revised plan elevation was up to the 4 ft. X 6 ft. board. Mr. LeBoeuf inquiries: Mr. Armstrong explained the new survey submitted now has no note indicating an encroachment on the neighbor's property.

Attorney Cohen noted the cloth overhangs required more maintenance and would not protect the patrons from inclement weather.

Mr. Armstrong stated the Regulations were different for a cloth overhang versus a 1.5 ft. overhang.

The Board, Attorney Cohen and Mr. LeBoeuf discussed the options to get the property in more conformance while possibly providing an area for the customers. Acting Chairman Pecevich explained the Board may only vote on the plans provided for the application. Commissioner Raymond noted he could not vote in favor of the application with a good conscience.

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

The hearing is closed.

By: Raymond

Seconded: Radke.

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

Against: None.

Abstain: None.

The Board reviewed their comments. Commissioner Radke was concerned construction was done before the public hearing. Commissioner Radke's view was there were different options to minimize the Variance. He was against the request. Commissioner Raymond was concerned the Variance request was for 5 ft. and the area was only 5 ft. Commissioner Raymond was unable to vote

in favor of the application with the concerns he discussed this evening. Commissioner Balsam did not want to set precedence with the construction being done before the hearing and was concerned the construction was done without having received the proper permits. He was against the application. Commissioner Rafaniello was concerned the applicant was asking for forgiveness after the construction was done without the proper permits. Commissioner Rafaniello did not want to set precedence. His view was this was an undersized lot and this was a financial hardship. He noted the construction of RT 72 and the pandemic were over for a few years now. His view was that the arguments did not support this Variance. Acting Chairman Pecevich's view was there was not a real hardship for the property he noted there were good intentions for the customers, but the Board was required to vote on the Regulations. He was not in favor of the request.

MOTION: Move to approve Application #3807 – Variance request for minimum side yard required for a smoking area overhang at 192 Pine Street; Assessor's Map 3, Lot 17; BN (Neighborhood Business) zone; Marc LeBoeuf, applicant, in accordance with the plot plan and information submitted.

By: Raymond

Seconded: Rafaniello.

For: None.

Against: Radke, Raymond, Balsam, Rafaniello and Pecevich

Abstain: None.

The application is denied.

b. Application #3809 – Variance requests for 1) maximum height for a fence of 4.5 feet and 50% open within the front yard and 2) fences located no closer than 3 feet from a front lot line or closer than 6 inches from any other lot line at 31 Poitras Road; Assessor's Map 1, Lot 30; R-15 (single-family residential) zone; Joshua Allen, applicant.

Acting Chairman Pecevich designated regular Commissioners, Raymond, Radke, Balsam, Rafaniello and Pecevich to vote on Application #3809.

The following items were made part of the record: four photographs (submitted by Joshua Allen) and seven photos of the rock wall (submitted by Robin Lemke.)

The application was presented by Joshua Allen, 31 Poitras Rd. Mr. Allen said he and his wife would like to put a fence on the Evelyn Rd. side of the property. Mr. Allen stated the front yard Regulations had to be followed for Evelyn Rd. He noted the request was to put the fence 13 ft. from the curb line. He specified the fence was to protect the yard from wildlife and to protect their pets. The property was a licensed foster care facility and they would like to protect the children in the house. Mr. Allen noted the request was to put additional fencing on the south property line or rear yard with an existing rock wall that was few inches from the property line. Therefore, the fence had to be put right up against the property line because 6 inches away from the property line is the rock wall.

Board inquiries: Mr. Allen explained the fence on the south property line would be on their property with the rock wall inside the fence. He described the 6 ft. fence would be aligned and connect from Evelyn St. from the curb to the corner of the house. The distance from Evelyn St. to the fence would be 4.3 ft. The 6 ft. fence was for privacy and safety purposes. The property pin was not in the middle of the rock wall, but the fence would almost be on the property line. Mr. Allen explained there is a chain link fence of the neighbors on the east side of the property.

Board inquiries: Mr. Armstrong was unsure if the neighbor had to file for a Variance if the fence is constructed right on the property line. Mr. Allen explained there was 5 to 6 inches from the rock wall to the stake line and the proposed fence. He explained he and his wife would like to retain the rock wall and would agree to put the fence on the inside of the wall but there were large trees in this area.

Mr. Armstrong reviewed the setback Regulations for fences off the property lines. He clarified there is one Variance request for the rear south side of the property and one Variance for the front yard along the street.

Mr. Allen reviewed the photographs submitted into the record depicting the neighbor's properties, vegetation near the rock wall and the property line.

The Board was concerned the fence may be placed on the neighbor's property. The Board recommended the survey be reviewed because the survey did not have the distance from the rock wall, the property line and the neighbor's property line. The Board

discussed amending the south fencing to a chain link fence in a stipulation if the application is approved. The Board specified the print would not have to be changed but to put it as close to the wall as possible.

No one else spoke in favor of the application.

The following person spoke against the application: Richard Lemke, 95 Evelyn Rd. and Robin Lemke, 95 Evelyn Rd. Mr. Lemke lived on the south side of the property. He was concerned the fence would not be set back 6 inches from the property line and would actually go onto the rock wall because the distance varied from 3.5 inches up to 6 inches. He was concerned the fence would encroach on his property and wanted the fence to be 6 inches off the property line. He preferred the wall to be demolished to setback the fence because the neighbor structures cannot be on his property. He was unsure if a 4.5-inch post would fit within that area of the yard. Ms. Lemke had concerns about public safety near the stop sign for sight lines from Poitras Rd. She preferred the fence be setback 20 to 25 ft.

Mr. Allen inquiries: Mr. Lemke did not have a preference between a chain link fence or vinyl type fence.

Mr. Armstrong explained to Ms. Lemke the fence would only go to the rear corner of the house, not the front yard and noted the property line was had distance from the concrete curb so there would be no visual obstruction on Poitras Rd.

Mr. Allen responded to the neighbor comments. He described the post for the chain link fence being smaller than the area between the rock wall and the neighbor's property line. He pointed out the house was set back appropriately for the sight lines.

Commissioner Raymond suggested the application be continued to the October meeting to allow the applicant's surveyor to clearly put the distances near the rock wall and the applicant's rear property line on the plans.

Mr. Armstrong and the Board discussed the options for the application until the October meeting. Mr. Armstrong noted there was sufficient State timelines for the application to be continued.

Mr. Allen agreed to continue the public hearing until the October meeting.

MOTION: Move to continue Application #3809 – Variance requests for 1) maximum height for a fence of 4.5 feet and 50% open within the front yard and 2) fences located no closer than 3 feet from a front lot line or closer than 6 inches from any other lot line at 31 Poitras Road; Assessor's Map 1, Lot 30; R-15 (single-family residential) zone; Joshua Allen, applicant, to the October 1, 2024, regular meeting.

By: Rafaniello

Seconded: Raymond.

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

Against: None.

Abstain: None.

The application is continued.

- c. Application #3810 – Variance requests for 1) maximum height for a fence of 4.5 feet and 50% open within the front yard and 2) fences located no closer than 3 feet from a front lot line or closer than 6 inches from any other lot line at 70 Valmore Road; Assessor's Map 53, Lot 44; R-15 (single-family residential) zone; Klaudia Olechowska, applicant.

Acting Chairman Pecevich designated regular Commissioners, Raymond, Radke, Balsam, Rafaniello and Pecevich to vote on Application #3810.

The following items were submitted into the record: four photographs of the wall (submitted by Attorney Monika Gradzki.)

Attorney Monika Gradzki of the Gradzki Law Firm, LLC, 17 Lenox Place, New Britain, representing the applicant presented the request for a Variance to construct a fence on a rear lot. Attorney Gradzki explained the applicants recently purchased the property and have a dog, so they are requesting to construct a fence for privacy and safety purposes from nearby wildlife in the area. Attorney Gradzki stated the front yard was a hardship because the front of the house was near a retention pond. She confirmed the Variance was for the fence in the front yard and the remaining fence would comply with the Regulations. Attorney Gradzki stated the property line for the neighbor could have the exact same fence without getting a Variance. Attorney Gradzki made certain the fence would not encroach on any inland wetland areas. Her view was the fence would be more aesthetic as proposed.

Attorney Gradzki reviewed the alternate plan with a 3 ft. setback that would create an empty area between the properties if she complied with the existing regulation. Attorney Gradzki explained there were substantial inland wetlands on the property and the fence with an additional setback would limit the property. Attorney Gradzki requested approval for the Variance.

Klaudia Olechowska, 70 Valmore Rd., the homeowner, confirmed the fence would be 6 ft. high in the front yard for privacy and security purposes. Ms. Olechowska stated she wanted the plans to follow the Regulations. She noted this was a simple structure, but it would add safety and well-being to their family. Her view was the fence would be a commitment for safety and she requested approval of the Variance.

Board inquires: Ms. Olechowska explained she spoke with the new neighbors and noted the new neighbors also had dogs and they also wanted to construct a fence. Ms. Olechowska's new neighbor did not voice any concerns with the proposed fence.

No one else spoke in favor of the application.

No one spoke against the application.

The hearing is closed.

By: Raymond

Seconded: Radke.

For: Raymond Radke, Rafaniello, Balsam and Pecevich.

Against: None.

Abstain: None.

The Board concluded this was a difficult property and there was not much else that could be done with this odd-shaped property. The Board stated there were few options where to place the fence on the property. But there were no concerns with the plans. The Board agreed the difficulty was the interior lot. The Board added the hardship was the orientation of the front of the house. If the house was shifted to be oriented to the front yard, the Variance would likely not be necessary. The Board noticed there were also no neighbors in attendance against the application. This was a typical hardship with the topography of the size and shape of the lot with the front yard in a rear lot that usually does not cause any concerns.

MOTION: Move to approve Application #3810 – Variance requests for 1) maximum height for a fence of 4.5 feet and 50% open within the front yard and 2) fences located no closer than 3 feet from a front lot line or closer than 6 inches from any other lot line at 70 Valmore Road; Assessor's Map 53, Lot 44; R-15 (single-family residential) zone; Klaudia Olechowska, applicant, in accordance with the plot plan and information submitted.

By: Raymond

Seconded: Radke.

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

Against: None.

Abstain: None.

The application is approved.

d. Application #3811– Variance requests for 1) minimum rear yard and 2) minimum side yard at 300 Broad Street; Assessor's Map 43, Lot 100; I (Industrial) zone; 300 Broad Street Property LLC, applicant.

Acting Chairman Pecevich designated regular Commissioners, Raymond, Radke, Balsam, Rafaniello and Pecevich to vote on Application #3811.

Attorney Timothy Furey, 43 Bellevue Ave., representing the applicant, confirmed he filed two separate applications for the same property, Application #3811 and Application #3812. Attorney Furey explained Application #3811 was a request for a rear and side yard Variance for the front 2 buildings located at 300 Broad St. Attorney Furey reviewed the use for the buildings. He made clear when the property was sold the applicant worked with the City on the non-conformities, which he would discuss on the next application. He claimed the buildings had 300,000 sq. ft. of industrial space within the 4 buildings that were constructed before there were any Zoning Regulations. Attorney Furey reviewed how the applicant was remediating the property with the State of CT and the Economic Community Development department. He explained a Conservation Commission of the Inland Wetlands and Watercourses Agency approval was received for the remediation work. If the applications are approved, the buildings would be upgraded to modern facilities within a four-lot subdivision with the four buildings. Attorney Furey's applicant wanted to know if

they can own the property for feasibility reasons to lease the property. He indicated the plans required an application with the Conservation Commission of the Inland Wetlands and Watercourses Agency and also required a Planning Commission approval. Attorney Furey noted the Variance approvals were required to get the applicants to the additional agencies for the plans. Attorney Furey verified there is a common accessway that would be walled off.

Board inquiries: Attorney Furey indicated the dark lines on the plan is the alleyway space between buildings C and D. Attorney Furey reviewed how that party wall would be constructed in the open area if the Variance is approved and if the subdivision is approved. He explained two walls would not be constructed because the existing buildings are in place and this would be a valuable space for businesses. Attorney Furey verified with the subdivision everything on the property would be conforming except for the parking that would be reviewed under Application #3812. Because this was a floodway.

Commissioner Rafaniello reviewed the Variances with the Board. He clarified Building C had frontage on Broad St. and the request was for a rear yard Variance. He explained Building B was oriented towards the tower with a request for a side yard Variance.

No one else spoke in favor of the application.

The following person spoke against the application: Steven Donaghy, 94 Frederick St. Mr. Donaghy lived across the street from the property. Mr. Donaghy inquired where the parking lots would be located. He explained a bridge washed out during a flood because this was a floodway. He inquired if a buffer zone was required between the building during the subdivision. He suggested parking lots for each building and to demolish one building for a parking lot. Mr. Donaghy inquired at the Conservation Commission of the Inland Wetlands and Watercourses Agency meeting about a dye test to understand where the water was coming from that was inside the building. He was concerned about this water dye test because there was no Zoning Regulations when the building was constructed but now there is Zoning Regulations. Mr. Donaghy noted he would speak at all the upcoming meetings.

Attorney Furey responded to inquiries by Mr. Donaghy. Attorney Furey

Donald Palaia, 15 Magnolia Ave., inquired if the Application #3812 was for the parking.

The hearing is closed.

By: Raymond

Seconded: Radke.

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

Against: None.

Abstain: None.

The Board reviewed their comments. The Board indicated the building predated the Zoning Regulations because the building was quite old. The Board noted there was a prior parking lot but the concern this evening was the building on Broad St. so the property may be subdivided. The Board indicated if the application is approved the property required additional approvals by various Commission's. The Board was pleased the property and building were being improved and reused. The Board was not concerned with the property lines for the application and the subdivision. The Board stated this building would improve the City of Bristol for employment with some significant investment to the property. The Board was comfortable with the plan because the changes were confined to one property.

MOTION: Move to approve Application #3811– Variance requests for 1) minimum rear yard and 2) minimum side yard at 300 Broad Street; Assessor's Map 43, Lot 100; I (Industrial) zone; 300 Broad Street Property LLC, applicant, in accordance with the plot plan and information submitted.

By: Raymond

Seconded: Rafaniello.

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

Against: None.

Abstain: None.

The application is approved.

e. Application #3812 – Variance request for minimum parking spaces required per off-street parking requirements at 300 Broad Street; Assessor's Map 43, Lot 100; I (Industrial) zone; 300 Broad Street Property LLC, applicant.

Acting Chairman Pecevich designated regular Commissioners, Raymond, Radke, Balsam, Rafaniello and Pecevich to vote on Application #3812.

Attorney Timothy Furey, 43 Bellevue Ave., representing the applicant, reviewed the request for minimum parking spaces required per off-street parking requirements at 300 Broad Street with the existing four buildings. Attorney Furey compared this property with Application #3811 that was the same property. Attorney Furey indicated if the Variance and subdivision is approved for the property, the Sewer and Water Dept. wanted four independent services. He explained when Staff reviewed the tower development the non-conforming parking ratios (.54 of the 1) were assessed for the site, which were maintained for the four buildings. Attorney Furey noted the property would not be conforming but would not become more non-conforming. Attorney Furey explained the parking ratios are higher than any standards used in the Regulations. Attorney Furey outlined the parking chart dated August 15, 2024, in the narrative with the Board. Attorney Furey noted the 113 parking spaces across the river and located on Frederick St. would not be used because it was in the floodway. The Frederick St. parking was not included in the parking count. Regarding the neighbor's questions, Attorney Furey explained the Frederick St. parking would not be used or developed but to maintain this parking lot. He reiterated additional agency approvals were required for the property.

Board inquiries: Attorney Furey reviewed the common right of ways to the tower property and to the property. He overviewed the parking on the east side of the property that had to be renovated.

Thomas Daly of SLR, 99 Realty Dr., Cheshire, representing the applicant, reviewed the accessways to the property. Mr. Daly reiterated the parking area on Frederick St. was unnecessary for the tenants. He indicated he reviewed the previous parking with the property owner and the parking spaces were about the same. Mr. Daly verified there was no category in the Zoning Regulations for this property similar to manufacturing or warehousing. His view was the existing parking spaces of the ratio of 1 parking space per 1,000 per sq. ft. was the hardship for the property. The reasoning was the parking spaces would be required to be excessive on the property to comply with the Regulations. Mr. Daly's view was this parking would be under the warehousing category in the Regulations. He reviewed how the Institute of Engineering Manual categorizes warehouses across the country. Board inquiry: Mr. Daly explained this use was more of a warehouse facility not a manufacturing facility.

Board inquiries: Attorney Furey commented that the parking spaces would have individual owners and possibly shared owners later. Attorney Furey added there would be shared accessways but individual parking for each building for the required ratios. Attorney Furey indicated the potential of shared parking but would likely be unnecessary. Attorney Furey explained the parking does not include the 181-space lot that would be maintained and concluded a manufacturing use would not likely ever be a use on the site. He indicated there would be no development near the Broad St. area of the property.

No one else spoke in favor of the application.

The following persons spoke against the application: Steven Donaghy, 94 Frederick St. Mr. Donaghy was unsure why the parking spaces were placed near the tower area of the Theis Precision Steel, Inc. area with the first subdivision. Mr. Donaghy added more parking was placed in a different area that caused additional problems. He was in favor of not developing the 181-parking space parking lot. Mr. Donaghy called in complaints of debris. He and the City mows near the street. Mr. Donaghy was concerned about the impervious surfaces of the proposed and existing parking lots. He would like for the applicant to give the parking lot property currently underutilized and within the floodway to the City as a tradeoff for parking. Mr. Donaghy informed the Board of the concerns of the flooding in the floodway parking lot and requested the impervious surface be removed from the floodway parking lot on the east side of the property. He was concerned about the drainage system in the parking lot and buildings possibly draining to the Pequabuck River. He requested a detention pond to drain into the river and the property to retain their own water shed. He was not in favor of a bridge being constructed in the area again.

Mr. Armstrong reviewed with Mr. Donaghy that most of his concerns were with the Conservation Commission of the Inland Wetlands and Watercourses Agency. He indicated Mr. Donaghy's concerns were also a jurisdiction of the Zoning Commission.

The following person was not in favor or against the application, but had comments: Donald Palaia, 15 Magnolia Ave., indicated he was the executor for his brother's estate, David Palaia. Mr. Palaia represented that he and his brother donated a few abutting land parcels to the City. He suggested the applicant donate the land near the river to the Parks Dept. that may be able to make a greenway. Mr. Palaia claimed he would own land with a hatchery near Twining St. near the river that was donated to the City. His view was this was an opportunity for the City to have a nice park such as in Collinsville.

Attorney Furey agreed the neighbor's comments were for a different Commission. Attorney Furey clarified the concerns of the property would be constructed to work correctly. He said the applicant may be considering donating the property, but not during the

approvals process, but at some point, the opportunities may be discussed. Attorney Furey reiterated that the floodway parking lot would not be developed.

The hearing is closed.

By: Raymond

Seconded: Radke.

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

Against: None.

Abstain: None.

The Board said this was a well-presented application for the request of 305 required parking spaces with 152 recommended parking spaces. The Board stated there would be 152 proposed parking spaces based on warehouse use. The Board indicated the lot by Frederick St. would not be used by the facility. There were concerns raised were the authority of different Commission. The Board had no concerns with the request as presented. The Board concluded this was the start of the project and it was a well-documented plan with the ITE Manual recommendations. The Board denoted the former manufacturing uses have been reduced to today's standards. The Board agreed a small warehousing use with reduced parking would be a good fit for the facility.

MOTION: Move to approve Application #3812– Variance request for minimum parking spaces required per off-street parking requirements at 300 Broad Street; Assessor's Map 43, Lot 100; I (Industrial) zone; 300 Broad Street Property LLC, applicant, in accordance with the plot plan and information submitted.

By: Raymond

Seconded: Rafaniello.

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

Against: None.

Abstain: None.

The application is approved.

4. Meeting Minutes

a. Meeting Minutes – July 2, 2024

MOTION: Move to approve the minutes of the July 2, 2024, regular meeting.

By: Rafaniello

Seconded: Raymond.

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

Against: None.

Abstain: None.

5. Communications

a. City Council Appointment - Miles Jennings

b. City Council Appointment - Richard Raymond

c. New ZBA Regular Meeting Start Time – 6:00 P.M.

Acting Chairman Pecevich welcomed the new alternate Commissioner Jennings to the Board. He also congratulated regular Commissioner Raymond for being reappointed for an additional two years to the Board.

Acting Chairman Pecevich reminded the Board the next regular meeting of the Board was Tuesday October 1, 2024, at 6:00 P.M.

Mr. Armstrong noted to the Board that all meetings going forward would begin at 6:00 P.M. Mr. Armstrong welcomed the new alternate Commission Jennings to the Board.

6. Adjournment

Acting Chairman Pecevich designated regular Commissioners Raymond, Radke, Balsam, Rafaniello and Pecevich to vote on the adjournment. He also designated alternate Commissioner Ghio to vote on the adjournment in place of Commissioner Balsam.

MOTION: Move to adjourn at 9:40 P.M.

By: Raymond

Seconded: Ghio.

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

Against: None.

Abstain: None.

This meeting was taped.

Respectfully submitted,

Nancy King
Recording Secretary

Jerald A. Rafaniello, Chairman

Richard Raymond, Secretary