

**BRISTOL ZONING COMMISSION
MINUTES
REGULAR MEETING OF WEDNESDAY JANUARY 8, 2020**

CALL TO ORDER:

By: Chairman Cunningham

Time: 7:04 P.M.

Place: City Hall

ROLL CALL:

MEMBERS	NAME:	PRESENT	ABSENT
REGULAR MEMBERS:	William J. Cunningham, P.E., (Chairman)	X	
	Louise Provenzano (Vice Chairman)	X	
	Peter Del Mastro	X	
	Michael Massarelli (Secretary)	X	
	Richard Harlow		X
ALTERNATE MEMBERS	Timothy Gamache (Alternate)	X	
	Thomas Marra (Alternate)	X	
	Marc Gagnon (Alternate)	X	
STAFF	Robert Flanagan, City Planner	X	

PUBLIC PARTICIPATION

There was no public participation.

PLEDGE OF ALLEGIANCE

ADMINISTRATIVE MATTERS:

1. Approval of Minutes – December 11, 2019 regular minutes; December 16, 2019 executive session and December 16, 2019 special meeting.

Chairman Cunningham designated regular Commissioners Cunningham, Del Mastro, Massarelli and Provenzano. He also designated alternate Commissioner Gamache to vote in place of Commissioner Harlow with his absence this evening.

MOTION: Move to approve the minutes of the December 11, 2019, regular meeting.

By: Gamache

Seconded: Provenzano.

For: Gamache, Del Mastro, Provenzano, Massarelli and Cunningham.

Against: None.

Abstained: None.

Approval of Minutes - December 16, 2019 Executive Session

Chairman Cunningham designated regular Commissioners Cunningham and Provenzano to vote on December 16, 2019 executive session minutes. He also designated alternate Commissioner Gamache to vote in place of Commissioner Harlow with his absence this evening; alternate Commissioner Marra to vote in place of Commissioner Del Mastro with his recusal at the December 16, 2019 Executive Session meeting; and alternate Commissioner Gagnon to vote in place of Commissioner Massarelli with his absence at the December 16, 2019 Executive Session meeting.

MOTION: Move to approve the minutes of the December 16, 2019 Executive Session.

By: Gamache

Seconded: Provenzano.

For: Gagnon, Marra, Gamache, Provenzano and Cunningham.

Against: None.

PUBLIC HEARINGS:

- 3. Application #2344 – Site Plan for earth removal at 134 and 142 Terryville Road; Assessor’s Map 67, Lots 4A-4, 3A, and 3PT5; I (General Industrial) zone; Collision Depot, LLC, applicant – (Public Hearing continued from December 16, 2019).
- 4. Application #2346 – Site Plan for a contractor’s yard at Lot 3PT5 Terryville Road; Assessor’s Map 67, Lot 3PT5; I (General Industrial) zone; Collision Depot, LLC, applicant – (Public Hearing continued from December 16, 2019)
- 5. Application #2345 – Special Permit for earth removal at 134 and 142 Terryville Road; Assessor’s Map 67, Lots 4A-4, 3A, and 3PT5; I (General Industrial) zone; Collision Depot, LLC, applicant – (Public Hearing continued from December 16, 2019).

Chairman Cunningham designated regular Commissioners Massarelli, Provenzano, Cunningham and Del Mastro to vote on Applications #2344, #2346 and #2345. He also designated alternate Commissioner Gamache to vote on Applications #2344, #2346 and #2345 in place of Commissioner Harlow with his absence this evening.

The following item was submitted into the record: an e-mail dated January 8, 2020, from Attorney James Ziogas, regarding the request to continue Applications #2344, #2345 and #2356 to the February regular meeting to respond to comments.

Mr. Flanagan explained he received the letter from Attorney James Ziogas, on behalf of the applicant, requesting to continue Application #2344, Application #2345 and Application #2346 to the February meeting.

Commissioner Massarelli read into the record the e-mail dated January 8, 2020, from Attorney James Ziogas.

MOTION: Move that Application #2344 – Site Plan for earth removal at 134 and 142 Terryville Road; Assessor’s Map 67, Lots 4A-4, 3A, and 3PT5; I (General Industrial) zone; Collision Depot, LLC, applicant, be continued to the next Regular Meeting of the Zoning Commission on February 12, 2020.

By: Provenzano Seconded: Gamache.

For: Gamache, Del Mastro, Provenzano, Massarelli and Cunningham.
Against: None.
Abstained: None.

The application is continued.

MOTION: Move that Application #2345 – Special Permit for earth removal at 134 and 142 Terryville Road; Assessor’s Map 67, Lots 4A-4, 3A, and 3PT5; I (General Industrial) zone; Collision Depot, LLC, applicant, be continued to the next Regular Meeting of the Zoning Commission on February 12, 2020.

By: Provenzano Seconded: Massarelli.

For: Gamache, Del Mastro, Provenzano, Massarelli and Cunningham.
Against: None.
Abstained: None.

The application is continued.

MOTION: Move that Application #2346 – Site Plan for a contractor’s yard at Lot 3PT5 Terryville Road; Assessor’s Map 67, Lot 3PT5; I (General Industrial) zone; Collision Depot, LLC, applicant, be continued to the next Regular Meeting of the Zoning Commission on February 12, 2020.

By: Provenzano Seconded: Gamache.

For: Gamache, Del Mastro, Provenzano, Massarelli and Cunningham.
Against: None.
Abstained: None.

The application is continued.

The Commission commented the applicant was very transparent on the application and went about the application the right way. Initially there were some concerns, but the neighbors had no oppositions, and there were no concerns after reviewing the plans.

MOTION: Move that Application #2338 – Special Permit for a home-based business (Burke Custom Arms) at 46 Willow Brook Road; Assessor’s Map 53, Lot 134-2-5; R-15 (Single-Family Residential) zone; Steven A. Burke, applicant, be approved.

By: Provenzano

Seconded: Gamache.

For: Gamache, Del Mastro, Provenzano, Massarelli and Cunningham.

Against: None.

Abstained: None.

The application is approved.

8. Application #2351 – Site Plan for environmental remediation activities at: 410 Emmett Street (Forest Glen) - Assessor’s Map 3, Lot 35-2; 420 Emmett Street (Pine Lake Commons) - Assessor’s Map 3, Lot 5-2; 511 Emmett Street (Pinewood Terrace) - Assessor’s Map 3, Lot 6; 155 Redstone Hill Road (Pond Ridge) - Map 3, Lot 35-1; 295 Redstone Hill Road (Redstone Commons) - Assessor’s Map 3, Lot 14-16; Pine Lake Park - Assessor’s Map 3, Lot 38; Superior Electric Holding Group, LLC, applicant.

The Commission acknowledged receipt of the following items in their electronic packets: a letter dated January 3, 2020, from Christina Hoffman, Permitting Lead, Wetlands Scientist, regarding response comments; the second set of Site Plan comments, dated January 8, 2020; a letter dated December 12, 2019, from the Zoning Commission, regarding the scheduled public hearing; a copy of a report entitled "*Superior Electric Site, Wetland and Stream Restoration Project, Site Plan Application, Prepared by: ERM Consulting and Engineering, Inc., on Behalf of Superior Electric Holding Group, LLC, Bristol, CT, dated December 4, 2019, Project No. 0514415*".

Chairman Cunningham designated regular Commissioners Massarelli, Provenzano, Del Mastro and Cunningham to vote on Application #2351. He also designated alternate Commissioner Marra to vote on Application #2351 in place of Commissioner Harlow with his absence this evening.

Mr. Flanagan explained this was the first application for the environmental remediation Regulations, which was amended into the Regulations a few months ago. The applicant was in attendance with the consultant to review their presentation.

Almudena Villanueva, Environmental Resources Management, Consulting and Engineering, Inc., 95 Glastonbury Boulevard, Suite 101, Glastonbury, on behalf of the applicant, explained she would review the inland wetlands restoration project. The goals were to remove the impacted sediments that migrated from the Superior Electric facility that downgraded to the inland wetlands, rivers banks and Pine Lake. The Regulation amendment was approved on November 13, 2019 (App. #2336); the plan has less than 15,000 cubic yards of materials to be removed and less than 15,000 cubic yards of materials to be brought on site. The remedial action plan would be designed by a licensed professional and be submitted to DEEP, which is also subject to the CT Transfer Act, which was started a long time ago with the DEEP program.

At the request of Mr. Flanagan, she reviewed the CT Transfer Act. For the most part the concerns were addressed, but there are residual concerns, but they are minor. The treated water went into the "Superior Pond" that migrated down into the waterways and impacted the inland wetlands area.

The pond has been remediated in 1980's/1990's that has the sediment capped in accordance with CT DEEP. The impact depth is one foot for 4.4 acres, but there are also access areas and water diversions areas to minimize risks. The work would be in three phased areas to mitigate the risks: west of Emmett Street; east of Emmett Street and Pine Lake. The plan would include the preparation of supporting areas of the sediment aeration, control measures, excavation, backfill and vegetation. The areas shaded yellow are for the equipment locations and for materials conditioning to be dried. The existing parking lot would be worked in to minimize disturbance and impact that required a permit.

After inquiries by the Commission and Mr. Flanagan, respectively, Ms. Villanueva explained the transfer of the property had required this action plan. The contaminant was cadmium (metal contaminants) at a low levels, which were an ecological risk and not a human risk.

The treatment is to dry the materials with the contaminants, which would remain on the property about 24 to 48 hours and then be transferred to a landfill. The existing capped materials were inspected for ten years, but the levels were safe for now. If the cap has an occurrence, it would be removed.

In response to Mr. Flanagan, she has not ever seen any capped containments deteriorate. They are remediating the area because it was a very large area to re-create the inland wetlands area. If the area is capped, they would not be able to remediate. The testing was done with a frack tank with the DEEP. The plans would be about six months for them beginning in March to October. They would monitor for ten years.

Mr. Flanagan explained the bond would be significant for this project, but the Commission may not require the applicant to clean up the capped sediment. The inland wetlands final approved plans were being prepared by the applicant. But, it should be continued to be monitored.

The Commission commented this concern of removing the capped materials was raised and it was discussed.

Mr. Flanagan explained there were no monitoring permits, but the City encouraged the applicants to monitor the property.

After inquiries by the Commission, Ms. Villanueva explained 720 trees would be removed and 1,000 trees would be installed. For toxic dust control, they would have a contractor, but the applicant would monitor the property. The materials would not be totally dried; therefore not create dust, but there would dust control with water. The frack tank water would be tested prior to discharge or treatment. They would discharge water on site if levels were acceptable. The water would not be contaminated and the water discharged would be from the system, which is tested before it is discharged. The materials are non-hazardous. The materials are sent to an independent laboratory. There would be track pads for the trucks, which is on the plans. The contractors would work with the plans and not work on the entire site, but in phases. They would monitor the work.

Albert Kinney Bonner, P.E., Environmental Resources Management, Consulting and Engineering, Inc., 95 Glastonbury Boulevard, Suite 101, Glastonbury, on behalf of the applicant, explained as the material is excavated it would have water, which they would not take off site. The water would be put in the treatment system in the frack tank, which would accumulate materials. But, that water was not discharged unless levels were acceptable. There were two methods of discharge of surface water and with the Water Pollution Control Department in a container for discharge, but they have to schedule a meeting. The plan would be done in phases from east to the west of the property, backfill and site restoration. He explained they would be responsible for any work on the property. The applicant would oversee the contractors.

The Commission requested the applicant request a Quiet OSHA approved Sound Back-Up Noise Reduction to reduce the noise for the area. Mr. Bonner agreed to the request.

No one spoke else spoke in favor of the application.

No one spoke against the application.

The following person was not in favor or against the application, but had inquiries: Mark Peterson, 97 Sterling Way. Mr. Peterson inquired of the agency the representatives represent. If this was just a remediation project or if there would be potential development. The landfill the materials would be transferred to. The environment effects if the remediation was not done. If there were any effects on the fish in Pine Lake.

Ms. Villanueva explained their company, but they do not represent any agencies. The plan would be done with CT Department of Energy & Environmental Protection (ConnDEEP) and the U.S. Army Core of Engineers (USACE), which is overseeing the project. They also represent the applicant, which has transferred the property, which was the reason for the application. This was just a remediation and restoration/vegetation plan. They do not know the landfill, but the contractors would tell them. If the property was not remediated, the affects would be not be short term, but long term on micro-species in the inland wetlands and waterways on the ecology and the environment. The concentrations would not have an effect on the fish in Pine Lake.

Mr. Flanagan reviewed the draft comments dated January 8, 2020 with the applicant's responses with the Commission. Particularly, the project construction bond, project performance bond and protecting the C and P pipe from the Superior Pond. The bond was estimated at \$475,000. There would be 10,000 cubic yards of materials excavated and 11,000 cubic yards of materials backfilled. There would be 560 truckloads of excavated materials and 620 truckloads for the backfill the materials. Staff was requesting the working hours of 7:30 A.M. to 4:00 P.M. with maintenance equipment to start of 7:00 A.M. (with additional emergency work hours) versus the request.

After inquiries by the Commission, respectively, Mr. Bonner explained there would be organic plants and PH and macro-nutrients for the soil materials, which would be tested and approved by them for the contractors. Ms. Villanueva explained on Emmett Street there would be a traffic control person.

The hearing is closed.

By: Provenzano

Seconded: Massarelli.

For: Marra, Del Mastro, Provenzano, Massarelli and Cunningham.

Against: None.

Abstained: None.

The Commission commented this was a good presentation and their questions were answered by the representatives. The applicant should implement these plans. This would be a big impact on the areas, but it would improve the environment for the area. They did not know there was contaminants in the area, but having them removed would be positive for the area.

MOTION: Move that Application #2351 – Site Plan for environmental remediation activities at: 410 Emmett Street (Forest Glen) - Assessor’s Map 3, Lot 35-2; 420 Emmett Street (Pine Lake Commons) - Assessor’s Map 3, Lot 5-2; 511 Emmett Street (Pinewood Terrace) - Assessor’s Map 3, Lot 6; 155 Redstone Hill Road (Pond Ridge) - Map 3, Lot 35-1; 295 Redstone Hill Road (Redstone Commons) - Assessor’s Map 3, Lot 14-16; Pine Lake Park - Assessor’s Map 3, Lot 38; Superior Electric Holding Group, LLC, applicant, be approved with the following stipulations:

- a. The operation shall be conducted in accordance with the following drawings, including all sedimentation and erosion control measures shown thereon: “Remedial Design Drawings For Superior Electric Site Wetland and Stream Restoration Project Bristol, Connecticut dated November 2019” and consisting of the Sheets 1 through 20, with a last revision date of January 2, 2020.
- b. A \$68,000 performance bond shall be posted by the applicant with the City prior to operations commencing.
- c. The Site Plan shall be valid for a period of five years from the date of approval.
- d. The hours of operation shall be Monday through Friday between 7:30 A.M. and 4:00 P.M.
- e. There shall be no operation on Saturdays, Sundays or holidays.
- f. Measures to control dust from the operation shall be applied as needed.
- g. The applicant shall sweep and remove the sand from along the frontage of the properties on an as-needed basis.

By: Provenzano

Seconded: Massarelli.

For: Massarelli, Provenzano, Del Mastro, Marra and Cunningham.

Against: None.

Abstained: None.

The application is approved with stipulations.

The Commission resumed Public Hearings, Item #11 (Application #2337)

- 11. Application #2337 – Special Permit for a home-based business (Holistic Healing) at 120 Steele Road; Assessor’s Map 28, Lot 239-101; R-15/RM (Single-Family Residential/Mixed Residential Overlay) zone; Karen Rokosa DeVille, applicant – (Public Hearing Postponed from December 11, 2019).

Chairman Cunningham designated regular Commissioners Massarelli, Provenzano, Del Mastro and Cunningham to vote on Application #2337. He also designated alternate Commissioner Gagnon to vote on Application #2337 in place of Commissioner Harlow with his absence this evening.

Mr. Flanagan explained the applicant had e-mailed Staff earlier this week that stated she was unable to attend this evening's meeting. He explained the Commission's options for the application. The application may not be postponed, but it may be opened and then immediately continue the application to the February meeting.

The Commission agreed they would like to review the application with the applicant.

MOTION: Move that Application #2337 – Special Permit for a home-based business (Holistic Healing) at 120 Steele Road; Assessor's Map 28, Lot 239-101; R-15/RM (Single-Family Residential/Mixed Residential Overlay) zone; Karen Rokosa DeVille, applicant, be continued to the February 12, 2020 regular meeting of the Commission.

By: Provenzano

Seconded: Massarelli.

For: Gagnon, Del Mastro, Provenzano, Massarelli and Cunningham.

Against: None.

Abstained: None.

The application is continued.

OLD BUSINESS

There was no old business.

NEW BUSINESS

There was no new business.

CITY PLANNERS REPORT

CORRESPONDENCE

ADJOURNMENT

Chairman Cunningham designated regular Commissioners Massarelli, Provenzano, Del Mastro and Cunningham to vote on the adjournment. He also designated alternate Commissioner Gamache to vote on the adjournment in place of Commissioner Harlow with his absence this evening.

MOTION: Move to adjourn at 9:10 P.M.

By: Provenzano

Seconded: Gamache.

For: Gamache, Del Mastro, Provenzano, Massarelli and Cunningham.

Against: None.

Abstained: None.

This meeting was taped.

Respectfully submitted,

Nancy King
Recording Secretary

William Cunningham, P.E., Chairman

Michael Massarelli, Secretary