BRISTOL ZONING COMMISSION
MINUTES
REGULAR MEETING OF WEDNESDAY JULY 10, 2019

CALL TO ORDER:
By: Acting Chairman Cunningham
Time: 7:03 P.M.
Place: City Hall

ROLL CALL:

<table>
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<th>MEMBERS</th>
<th>NAME:</th>
<th>PRESENT</th>
<th>ABSENT</th>
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<tr>
<td>REGULAR MEMBERS</td>
<td>William Cunningham (Acting Chairman and Vice Chairman)</td>
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<td>Louise Provenzano (Secretary)</td>
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<td>Peter Del Mastro (arrived 6:50 P.M.)</td>
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<td>Michael Massarelli</td>
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<td>Richard Harlow</td>
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<td>ALTERNATE MEMBERS</td>
<td>Timothy Gamache (Alternate)</td>
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<td>Thomas Marra (Alternate)</td>
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<td>Marc Gagnon, (Alternate)</td>
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<td>STAFF</td>
<td>Robert Flanagan, City Planner</td>
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<td>Christopher Schaut, Assistant City Planner</td>
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PLEDGE OF ALLEGIANCE

ADMINISTRATIVE MATTERS:
1. Approval of Minutes – 5/8 Regular Meeting; 6/12 Regular Meeting; 6/12 Special Meeting; 6/26 Special Meeting

Acting Chairman designated regular Commissioners Del Mastro, Harlow, Provenzano and Cunningham to vote on the regular May 8, 2019, regular minutes. He also designated alternate Commissioner Marra in place of Commissioner Massarelli with his absence this evening and with his absence at the May 8, 2019 meeting.

MOTION: Move to approve the minutes of the May 8, 2019, regular meeting.

By: Provenzano
Seconded: Marra.

For: Marra, Harlow, Del Mastro, Provenzano and Cunningham.
Against: None.
Abstained: None.

Acting Chairman Cunningham designated regular Commissioners Del Mastro, Provenzano and Cunningham to vote on the June 12, 2019 regular minutes. He also designated alternate Commissioner Marra to sit in place of Commissioner Massarelli with his absence this evening. Acting Chairman Cunningham explained a correction was needed for the header of the minutes that had June 10, 2019, which should be June 12, 2019.

MOTION: Move to approve the minutes of the June 12, 2019, regular meeting minutes, as amended.

By: Provenzano
Seconded: Del Mastro.

For: Marra, Del Mastro, Provenzano and Cunningham.
Against: None.
Abstained: None.
Acting Chairman Cunningham designated regular Commissioners Provenzano and Cunningham to vote on the June 12, 2019 special minutes. He also designated alternate Commissioner Marra to sit in place of Commissioner Massarelli with his absence this evening.

**MOTION:** Move to approve the minutes of the June 12, 2019, special minutes.

By: Provenzano

Seconded: Marra.

For: Marra, Provenzano and Cunningham.

Against: None.

Abstained: None.

Acting Chairman Cunningham designated regular Commissioners Cunningham, Provenzano and Harlow to vote on the June 26, 2019 special minutes. He also designated alternate Commissioners Gamache and Marra to sit in place of Commissioner Massarelli with his absence this evening and with the absence of Commissioner Del Mastro at the June 26, 2019 special meeting.

**MOTION:** Move to approve the minutes of the June 26, 2019, special meeting.

By: Provenzano

Seconded: Harlow.

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

Against: None.

Abstained: None.

**RECEIPT OF NEW APPLICATIONS:**

1. **Application #2323 –** Special Permit for earth removal at 165 Warner Street; Assessor’s Map 55, Lot 49; R-25/OSD (Single-Family Residential/Open Space Development Overlay) zone; Bruce Porrini, applicant.

2. **Application #2324 –** Proposed amendments to the Zoning Regulations: (1) to define “unified downtown development projects” (Section II.B.); (2) to revise the characteristics of parcels and the minimum/maximum lot size (Section VI.C.10. & 10a.) for Unified Downtown Development Projects (UDDP) in the BD-1 (Downtown Business) zone; (3) to revise the criteria for one-story buildings (Section VI.C.11.b.2. & 3.) and to add requirements for parking on two or more lots (Section VI.C.11.b.5.) to the Allowable Modifications in a Unified Downtown Development Project (UDDP) in the BD-1 (Downtown Business) zone; Bristol Development Authority, applicant.

Mr. Flanagan suggested the Commission schedule these applications for the August 14, 2019 regular meeting. If the Commission had any questions on these applications they may contact him.

Acting Chairman Cunningham designated regular Commissioners Provenzano, Harlow, Del Mastro and Cunningham to sit on Applications #2323 and #2324. He also designated alternate Commissioner Gamache to sit in place of Commissioner Massarelli with his absence this evening.

**MOTION:** Move to schedule Application #2323 for a public hearing for the August 14, 2019, regular meeting of the Commission.

By: Provenzano

Seconded: Gamache.

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

Against: None.

Abstained: None.

The application is scheduled for public hearing.

**MOTION:** Move to schedule Application #2324 for a public hearing for the August 14, 2019, regular meeting of the Commission.

By: Provenzano

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

The application is scheduled for public hearing.

PUBLIC HEARINGS:

3. Application #2319 – Change of Zone from R-10 (Single-Family Residential) zone to BG (General Business) zone at 17 Barbara Rd.; Assessor’s Map 53, Lot 34; Jacek Associates, LLC, applicant.

Chairman Cunningham designated regular Commissioners Provenzano, Delmastro, Harlow and Cunningham to sit on Application #2319. He also designated alternate Commissioner Marra to sit in place of Commissioner Massarelli with his absence this evening.

The Commission acknowledged receipt of the following items in their electronic packets: referral memorandum to Therese Pac, Town and City Clerk, dated June 4, 2019; a referral memorandum dated June 4, 2019, from the Zoning Commission to the Planning Commission; a referral memorandum, dated June 20, 2019, from the Planning Commission to the Zoning Commission, regarding a positive referral and a Schematic Plan entitled “Zone Change Map, R-10 to BG, Assessor’s Map 53; Lot 34; 17 Barbara Road; Bristol, CT; Scale 1" = 40”, dated May 24, 2019, Prepared by Robert Green Associates, LLC.

Attorney Salvatore Vitrano, 135 West Street, on behalf of the applicant, reviewed the request for zone change from R-10 to BG for 17 Barbara Road on Lot 34. Attorney Vitrano explained the applicant had control of Lots 32, 33 and 34; Lots 32 and 33 are an existing BG zone. The intent was to merge the three lots and develop them with the construction of a commercial office or a similar building. If approved, the zone change would be effective when three lots are merged. Lot 34 is on Barbara Road and is an R-10 zone. The existing four curb cuts on Barbara Road and Farmington Avenue would be reduced to one curb cut. The two schematic plans showed the potential for one curb cut on Barbara.

No one else spoke in favor of the application.

The following persons spoke against the application: John Kalahan, 23 Barbara Road; Dorothy Kalahan, 23 Barbara Road and Thomas Rutkowski, 66 Tolland Road.

Among their concerns were the following: Mr. Kalahan had concerns of a potential development being right up against his fence. This was a nice urban area to live, but this plan would create noise. The businesses on the corner do not affect their area. Ms. Kalahan had concerns of the lot pavement altering the storm water drainage. She inquired of the buffer area contents. She was against having a view of a business building because this was a nice neighborhood area.

Mr. Flanagan reminded the Commission this was not a Site Plan application, but a Zone Change application and this was a potential preliminary schematic plan for the property and not the final development plan.

Mr. Rutkowski had concerns that Barbara Road has become a major cut through from Farmington Avenue to Mix Street and if a traffic study would be done based on the Barbara Road curb cut. If approved, if this would set precedent to request zone changes for neighbors.

Attorney Vitrano explained many of the concerns were related to a Site Plan application, which would come in the future. The Commission questioned if this would set a precedent and what they could do to prevent future zone change applications if necessary.

The following persons spoke again: Dorothy Kalahan and Tom Rutkowski. Ms. Kalahan explained the lot orientation was towards a house and not the Sprint business or a parking lot. Mr. Rutkowski was against this application because the residential encroachment was on smaller older lots, so it does not matter, there are existing residents. Also, the traffic safety in the area.

Mr. Flanagan read into the record the referral memorandum dated June 20, 2019, from the Planning Commission to the Zoning Commission. The Commission commented the Zone Change application was consistent with the Route 6 Corridor Study and it was a good idea to promote more business on Route 6. They preferred the curb cut on Barbara Road and potentially removing curb cuts from Farmington Ave. Regarding the residential encroachment, a property owner had to be willing to sell their property.

The hearing is closed.
Acting Chairman Cunningham reminded the Commission to deliberate about the zone change. Commissioner Del Mastro noted they had considerations of commercial encroachment into the residential area. Also, considerations of the next zone change application in addition to this evening’s application.

The remaining voting Commissioners’ opinions were the Zoning Regulations and the Route 6 Corridor Study were tools to help Bristol grow. They respected the neighbors, but this plan was to expand the property for it to grow and improve Bristol. If Bristol does not grow, it would not be a viable community. This was an existing commercial area that was changing and the area traffic would likely increase.

**MOTION:** Move that Application #2319 – Change of Zone from R-10 (Single-Family Residential) zone to BG (General Business) zone at 17 Barbara Rd.; Assessor’s Map 53, Lot 34; Jacek Associates, LLC, applicant be approved because:

1. 11.5.2. Goal – Manage development along the Route 6 corridor.
2. 11.5.3.1. Policies – Place priority on the re-use of previously developed sites and location of new development in existing commercial areas that encourages the adaptive re-use of existing resources while respecting the remaining residential character of the corridor.

The effective date of the zone change shall be the date on which a map and deed merging the lot at 17 Barbara Road (Assessor’s Map 53, Lot 34) with the lots at 5 Barbara Road (Assessor’s Map 53, Lot 33) and 797 Farmington Avenue (Assessor’s Map 53 Lot 32) is filed on the city Land Records.

By: Provenzano
Seconded: Marra.

For: Marra, Harlow, Provenzano and Cunningham.
Against: None.
Abstained: None.

The application is approved.

4. Application #2321 – Special Permit for a personal service establishment (licensed massage and skin care business) at 94 West Street; Assessor’s Map 29, Lot 123-A; R-15/BT (Single-Family Residential/Downtown/Neighborhood Transition Overlay) zone; Shina Cobbs, applicant.

Acting Chairman Cunningham designated regular Commissioners Harlow, Del Mastro, Provenzano and Cunningham as voting Commissioner on Application #2321. He also designated alternate Commissioner Gamache to sit in place of Commissioner Massarelli with his absence this evening. The Commission acknowledged receipt of the following item: a summary of the plans dated June 1, 2019, from Shina Cobbs, entitled “Proposal for Special Permit for Massage and Skin Care Business” (attached feedback sheets (3 Pages) dated June 2, 2019 “Feedback Sheets from Groupon Merchant Center from the Internet.”) The following item was submitted into the record: an email dated July 9, 2019, from Marco Palmeri, Director of Health, of Bristol-Burlington Health District, regarding Application #2321.

Shina Cobbs, 13 7th Street, Newington, explained her intent to open her an office in Bristol. Ms. Cobbs read into the record her summary of the plans dated June 1, 2019, which included therapeutic massage, skin care services, free classes and various services. She complies with all of the State of CT Regulations. Her businesses hours are Monday to Friday 10:00 A.M. to 6:00 P.M., Saturday 10:00 A.M. to 4:00 P.M. and closed on Sunday. She understood there were few parking spaces, but there would only be her vehicle and one client by appointment, which would not raise any concerns for the neighbors. There would be no walk-ins. Mr. Flanagan read into the record the email dated July 10, 2019 from the Bristol Burlington Health Department.

No one else spoke in favor of the application.
No one spoke against the application.
The hearing is closed.

By: Provenzano
Seconded: Gamache.

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

The Commission appreciated the Director of the Bristol Burlington Health Department comments to review the application with respect to these types of businesses have nationwide.

MOTION: Move that Application #2321 – Special Permit for a personal service establishment (licensed massage and skin care business) at 94 West Street; Assessor’s Map 29, Lot 123-A; R-15/BT (Single-Family Residential/Downtown/Neighborhood Transition Overlay) zone; Shina Cobbs, applicant, be approved.

By: Provenzano
Seconded: Gamache.

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

The application is approved.

5. Application #AZR19-2 – Proposed amendments to the Zoning Regulations, initiated by the Bristol Zoning Commission:

Acting Chairman Cunningham designated regular Commissioners Harlow, Del Mastro, Provenzano and Cunningham as voting Commissioner on Application #2321. He also designated alternate Commissioner Marra to sit in place of Commissioner Massarelli with his absence this evening.

The Commission acknowledged receipt of the following items in their electronic packets: a copy of the draft Regulations entitled "AZR19-2: Proposed Amendments to the Bristol Zoning Regulations, Bristol Zoning Commission, Draft for Public Hearing: June 12, 2019"; a memorandum dated April 1, 2019, from Nancy Levesque, former Assistant City Engineer and City Engineer, regarding the Regulation being in compliance with the State requirements for the City’s requirements; a referral memorandum dated June 4, 2019, from the Bristol Zoning Commission to the Capital Region Council of Governments; a memorandum dated June 24, 2019, from the Capital Region Council of Governments to Bristol Zoning Commission, regarding their response; a referral memorandum dated June 4, 2019, from the Bristol Zoning Commission to the Northwest Hills Council of Governments; a memorandum dated June 4, 2019, from the Northwest Hills Council of Governments to the Bristol Zoning Commission regarding their response; a referral memorandum dated June 4, 2019, from the Bristol Zoning Commission, to the Naugatuck Valley Council of Governments; a memorandum dated July 3, 2019, from the Naugatuck Valley Council of Governments to the Bristol Zoning Commission, regarding their response; a referral memorandum dated June 4, 2019, from the Bristol Zoning Commission, to Therese Pac, Bristol Town and City Clerk; a referral memorandum dated June 4, 2019, from the Bristol Zoning Commission, to the towns of Burlington, Farmington, Plainville, Plymouth, Southington and Wolcott; a referral memorandum, dated June 4, 2019, from the Bristol Zoning Commission to the Bristol Planning Commission; a referral memorandum, dated June 20, 2019, from the Bristol Planning Commission to the Bristol Zoning Commission, regarding their report and a positive recommendation and an Assessment, undated, from the Naugatuck Valley Council of Governments of their review of the Bristol Zoning Regulations of Storm Water Management, entitled “Municipal Separate Storm Sewer Systems (MS4) and Low Impact Development (LID), Local Regulation Assessment, City of Bristol.”

Mr. Schaut explained the existing Zoning Regulations would be modified to add Section IX.G. for Stormwater Management and reviewed each of the amendments associated with this application.

After inquiries by the Commission, Mr. Schaut explained that this was a new Regulation that was required. He explained that there were various towns in CT that had more significant Regulations. The Staff was comfortable with the proposed Regulations, which
the City Engineer’s memorandum also describes that the Engineering Department is comfortable with these proposed Regulations. The Engineering Department would be reviewing these Regulations within the context of new applications.

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

The hearing is closed.

By: Del Mastro                         Seconded: Harlow.

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

Against: None.
Abstained: None.

**MOTION:** move to approve Application #AZR19-2— Proposed amendments to the Zoning Regulations, initiated by the Bristol Zoning Commission: (1) Section IX.A.2. (Erosion and Sediment Control), (2) Section IX.A.5. (Erosion and Sediment Control), (3) Add new Section IX.G. (Stormwater Management), 4) Section XI.B.2.h. (Landscaping Requirements)

because:

The text amendment to the Regulations, as presented, would be consistent with the goals and policies of the 2015 Plan of Conservation and Development, amended to April 1, 2018, and specifically:

1. 14.4.8. Action Steps – Adopt regulations to require consideration of a “low impact development” approach to stormwater management as part of new development, when appropriate.

The effective date of the text amendment shall be August 5, 2019.

By: Del Mastro                         Seconded: Harlow.

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

Against: None.
Abstained: None.

The application is approved.

**OLD BUSINESS**
There was no old business.

**NEW BUSINESS**

6. Commissioner Appointment Letter

The Commission acknowledged receipt of the following items: a letter dated June 12, 2019, from Therese Pac, Town and City Clerk, regarding the re-appointment of Michael Massarelli as a regular member of the Commission.

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

**MOTION:** Move to add to tonight’s meeting agenda the following item as #8 under New Business. Discussion Application #2225, Revision to Approved Site Plan, for approximately 7,200 sq. ft. solar aquaponics greenhouse at 3 North Street, Assessor’s Map 22; Lot 33; BD-2 (Downtown Business) zone; Bristol Enterprises, LLC, applicant.

By: Del Mastro                         Seconded: Harlow.

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

Against: None.
Abstained: None.
The following items were submitted into the record: a summary of the plans undated and unsigned, regarding Bingham Place project; a tentative plan map, undated, with no legend block, entitled "Bingham Place with (SAG) "Accessory Structure," BD-2 zone, No Height Restrictions for Accessory Structures, Site Plan Modification Required"; a report entitled "The Solar Aquaponic Greenhouse, The Solar Aquaponic Greenhouse (SAG)" and Site Plan maps.

Charles Nyberg, Schadler Selnau Associates, 5 Waterville Road Farmington, explained he was in attendance for the Commission to consider the proposed information to allow an accessory structure and to allow Staff to work with the applicant’s civil engineer, the developer and himself to develop the Bingham Place project. Mr. Nyberg mentioned the applicant would be submitting a plan for the O’Connell School, but not this evening. Mr. Nyberg read into the record a summary of the plans undated and unsigned.

He explained the solar panel field that was previously approved by the Commission would be eliminated and replaced with the proposed structure. He reviewed the structure, its uses and layout, and how it fits within the development. His opinion was the building fits in with the Bingham Place project as an accessory structure.

Mr. Nyberg explained the solar panels are located on the slope of the roof and on the front of the building. The fish tanks are 6 ft. in grade and 4 ft. out of grade up to the first level of plantings. The building interior has a set of stairs and an elevator. This was a unique project and it was a green facility, which would benefit the school system.

After inquiries by the Commission, Mr. Nyberg explained this was an accessory use for Bingham Place. This was the initial phase of the plan. He explained Park Lane, LLC was the developer of Bingham Place. There may be excess solar power that would go back to the apartment complex’s benefit. An architect has developed this plan, but this was a concept plan for a 7,200 sq. ft. building.

Commissioner Provenzano was pleased this would benefit the community. The remaining Commissioners commented that they had to consider how it would affect the site. Commissioner Marra had to review the Regulations, but his opinion was this was not an accessory building. The Commission agreed with Commissioner Del Mastro in that they needed more detailed plans.

CITY PLANNER REPORT
Mr. Flanagan explained that he had discussions with the some Commissioners offline regarding murals. The City Arts and Culture Commission has contacted him regarding the prohibition on murals in the Regulations so that murals would be allowed to beautify the City. He was supportive of their efforts. He reviewed his research on how other towns in Connecticut have handled the regulation of murals, including Torrington. He suggested that the Commission ultimately remove the prohibition against murals. The Commission agreed to continue this item to the August agenda for more discussion.

ELECTION OF OFFICERS
The Commission agreed to continue the election of officers to the August meeting with the absence of Commissioner Massarelli this evening.

ADJOURNMENT
Acting Chairman Cunningham designated Commissioner Gamache to sit on the adjournment in place of Commissioner Del Mastro with his absence this evening.

MOTION: Move to adjourn at 10:07 P.M.

By: Del Mastro
Seconded: Harlow.

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

This meeting was taped.
Respectfully submitted,

Nancy King
Recording Secretary

William J. Cunningham, P.E. Acting Chair/Vice Chairman
Louise Provenzano, Secretary