

**BRISTOL ZONING COMMISSION
MINUTES
SPECIAL MEETING OF MONDAY JANUARY 18, 2023**

CALL TO ORDER:

By: Chairman Provenzano Time: 5:30 P.M. Place: City Hall West – Meeting Room One – Second Floor

ROLL CALL:

MEMBERS	NAME	PRESENT	ABSENT
REGULAR MEMBERS:	Chair Provenzano (Chairman)	X	
	David White (Vice Chairman)	X	
	Richard Harlow	X	
	Thomas Marra (Secretary) (arrived 5:40 P.M.)	X	
	Marc Gagnon	X	
ALTERNATE MEMBERS:	Joseph Kelaita	X	
	Aileen Abrams		X
	Richard Goodwin	X	
STAFF:	Robert M. Flanagan, AICP City Planner	X	
	Andrew Armstrong, Assistant City Planner	X	
CONSULTANT:	Francisco Gomes, ASLA, AICP, of FHI Studio	X	

Chair Provenzano called the meeting to order at 5:30 P.M.

PUBLIC PARTICIPATION

There was no public participation.

Chair Provenzano reminded the Commission the next Regular Meeting of the Zoning Commission is Monday, January 23, 2023.

ADMINISTRATIVE MATTERS:

1. Approval of Special Meeting Minutes:
 - a. 12/7/22

Chair Provenzano designated regular Commissioners White, Harlow, Goodwin, Gagnon and Provenzano to vote on the December 7, 2022, special meeting minutes. She also designated alternate Commissioner Goodwin to vote on the on the December 7, 2022, special meeting minutes with the absence of Commissioner Marra this evening at this time.

MOTION: Move to approve the minutes of the December 7, 2022, special meeting.

By: White Seconded: Harlow.

For: White, Harlow, Goodwin, Gagnon and Provenzano.
Against: None.
Abstained: None.

NEW BUSINESS:

2. Review and discussion of:
 - a. FHI Meeting Presentation
 - i. January 2023

The Commission acknowledged receipt of the following items in their electronic packets: a copy of the documents from the January 18, 2023, Special Meeting, entitled "City of Bristol, Zoning Regulations, Update, Zoning, Commission Meeting, and January 18, 2023." A copy of the Bristol, CT, Draft Zoning Regulations, Working Draft, dated January 12, 2023, entitled "Bristol, CT, Draft Zoning Regulations, Originally Effective December 21, 1990, 2023 Revision, Effective Month Day, 2023"; an e-mail, undated, from Robert Flanagan, City Planner, regarding a reminder of the special meeting on December 7, 2022, at 5:30 P.M., for the Regulations re-write City Hall West in Meeting Room One – Second Floor; a copy of the Zoning Regulations, entitled "Zoning Regulations, City of Bristol, CT, Effective: December 21, 1990, Amended to: November 10, 2022"; a copy of the Bristol 2015 Plan of Conservation and Development (final), Effective Revised to April 1, 2018;

Mr. Gomes reviewed his January 2023 PowerPoint presentation based on best practices with the Commission starting with the Special Permit and Site Plan amendments made within the last month. Next, he reviewed Commissioner Marra's suggestions from November and December 2022. He then examined the Commission's review of the draft Regulations, Change Log and the next steps.

Mr. Gomes explained Phase I is continuing to be reviewed, and is near the end. The Community Engagement is in Phase III. Next, the Commission would schedule a public hearing; adopt the Regulations; and have training for the Commission and Staff on how to use the Regulations. At the last meeting the Commission discussed Prohibitive Uses; changes to Permitted Uses; Height Changes; Parking Regulations; Miscellaneous; and Updated Graphics which are now in the draft Regulations. He and Mr. Flanagan are now organizing the Special Permit and Site Plan Regulations.

Staff explained to the Chair the difference between the language in the draft Regulations (Pg. 89) and the language in the link that was provided was an unintended error. His view was the Special Permit and Site Plan Regulations needed to be strengthened for application submittal, application requirements, approval criteria, and potential application denials. These were revised with Mr. Gomes' work and an existing Town's Regulations. The application submittal criteria was not listed in the Regulations for the public and included digital documents. He reviewed the amendment for the list of requirements for Special Permits and Site Plans for application submittals.

The Chair explained the Commission may have some edits next month after the Commission reviews the differences of the document provided and the document reviewed this evening.

a. Special Permit and Site Plan recommendations

The Commission acknowledged receipt of the following items in their electronic packets: a page undated, to amend the Special Permit and Site Plan Standards of Approval, entitled "*1. Amend Special Permit Standards of Approval – Remove Character and Replace with "Design" and "Intensity"*"; a page, undated, of the existing and proposed definition of the word "character"; a copy of the Bristol Zoning Regulations, (partial copy), entitled "*Zoning Regulations, City of Bristol, CT, Effective: December 21, 1990, Amended to: November 10, 2022, Section X, Special Permits, and Section XI, Site Plans (Pgs. 100 to 110)*" and a copy of Commissioner Thomas Marra's comment/suggestions entitled "*Review, Re-Write City of Bristol, CT, Zoning Regulations, Generated By: Tom Marra, Generated On: October 27, 2022, T. Marra, Zoning Re-Write, dated October 27, 2022.*"

Staff explained the CT Gen. Assembly changed the meaning of the word character to base denials for some towns. The word character needed be deleted from the Regulations. He created a list of standards of approval from a. to g. to give the Commission a basis for approvals or denials for applications. He would provide a version of the draft Regulation at next month's meeting to review.

The Chair had concerns with one item on the list for approvals of the Plan of Conservation and Development (PoCD) because the Zoning Commission was not bound by a recommendation from the PoCD from the Planning Commission. Mr. Flanagan would remove this item from the list of approvals as suggested. The Commission agreed to review this item next month with the technical difficulties this evening and the different versions provided to them. The Commission agreed to schedule the next special meeting on February 22, 2023, at 5:30 P.M.

Mr. Gomes explained most of the changes were made to the Special Permit and Site Plan Regulations that should be consistent with the prior version and the printed version. He continued reviewing the changes where Mr. Flanagan left off. He explained changes were made to the following sections: VI.2.2. Special Permit application requirements; VI.2.8. standards for approval; and VI.2.9. Inland Wetlands and Watercourses applications, Also, there were no Regulations for paper and digital map copies required for application submissions, which was included under Site Plans XVI.3.5. additional Site Plan requirements.

Mr. Gomes next reviewed Commissioner Marra's list of suggested amendments and also answered his questions regarding the Regulations. He explained some suggestions were made to the Regulations, some had to be discussed, and some should not be in the Regulations. Regarding the I-zone (General Industrial) zone, Commissioner Marra suggested to allow sports facility as a permitted use because they are a permitted use in the I-zone.

Mr. Gomes noted sports facilities were added to the I-zone. Regarding Prohibitive Uses, the Commission identified a specific section for Prohibitive Uses in a few previous meetings.

Mr. Gomes had the following comments about Commissioner Marra's list of Prohibitive Uses (in parentheses): Air B&B facilities (These were considered short term rentals); chemical incinerators (The City has a modern waste facility and they do not want to prohibit these); Cult facilities and offices (These cannot be prohibited because of freedom of speech and freedom of religious practices); Drug injection facilities (The Commission should discuss this item because this is State regulated); Militia camps and headquarters (Mr. Gomes did not comment); Nuclear Bomb Silos (Mr. Gomes was unsure if Bristol would construct these structures);

Commissioner Marra was pleased that Air B&B facilities would not be regulated in Bristol. Regarding chemical incinerators, there are companies that incinerate medical waste and fertilizer waste. He had concerns of waste being put into the air or ground. He had a concerns of inappropriate cult facilities, offices and buildings, which are not State regulated.

Chair inquiries: Mr. Gomes explained if no additional facilities besides Covanta were wanted in Bristol then this would be listed as a Prohibitive Use. Covanta would be grandfathered in. If a use was not on the Prohibitive Uses list that does not mean it is not allowed because chemical incinerators may be argued that it is part of a manufacturing process. There would be innumerable Prohibitive Uses to list to prohibit, but the ones on the Prohibitive Uses list were definitely prohibited.

The Chair suggested the Commission review the Prohibitive Uses list again. She noted chemical incinerators such as Covanta were a controversy in Bristol because they were recently granted a medical waste incineration facility.

Regarding a prohibited use, if a use is not in the Regulations, it is not allowed. If a use is listed in the Regulations, it is allowed. If it is on the Prohibitive Uses list, then the use is probably bad.

Mr. Gomes reviewed Adaptive Reuse of Existing Non-Residential Principal Buildings with the density limits to 1,000 sq. ft. per dwelling. This was the amount when the use was adopted to control the number of units constructed in a building, irrespective of the size of the building. The State does not restrict based on the number of units and the Building Code allows units at 200 sq. ft.

Commissioner Marra's view of Adaptive Reuse of Existing Non-Residential Principal Buildings was the cost of sites were excessive for young persons for houses or young or older business-persons (up to 10 acres). This should be reduced to make it more feasible and business friendly.

Mr. Gomes reminded the Commission this review was Phase One to make the Regulations more usable, to respond to Statute changes and to correct errors. The next phase would be for more substantial changes.

Regarding fitness clubs, Mr. Gomes explained a Special Permit was required and these were permitted with a Zoning Permit, if it has a tennis court, racquet court (or similar) because of the site work and footprints.

Regarding nurseries, Mr. Gomes preferred to review this item in the next phase of Community Engagement.

After a brief discussion regarding ground mounted solar panels, Mr. Gomes explained there were some changes made to make ground mounted solar panels that would make it more feasible for people apply. The screening requirements were removed but the Regulations had screening for utilities that would be enforceable or applicable to them. The screening would screen the view. His view was eventually the solar companies would have colored solar panels/structures. He explained item G. may state the "the perimeter of the solar array shall comply with the screening requirement of the Regulations section" or something similar. He noted solar companies are not that advanced to have colored solar panels/structures yet.

Commissioner Kelaita noted the aluminum steel has to be anodized to protect it. Also, depending on the thickness of the galvanized steel, it was better to be painted. But it was even better to be electro painted to last a long time.

The Commission and Mr. Gomes agreed the industry was not ready for the Commission to require colored solar panels and structures. But, the screening may be maintained for the solar panels and structures, which was an existing Regulation.

The Commission agreed to item G. may state the "the perimeter of the solar array shall comply with the screening requirement of the Regulations section" or similar language.

Regarding signage, Mr. Gomes explained the Commission should discuss signage in Phase Three because there was a lot of work to do on that section. The changes would be substantial. The Commission would change the way the signage was regulated. The signage would be content neutral (remove message); specific purpose; size and location; structure and construction; and area of the signage. The Commission would not regulate signage based on the category.

Regarding tag sales, Mr. Gomes noted these were under Accessory Use Section, under the Temporary Use Section.

Regarding temporary structures, Mr. Gomes noted there is a 90-day limit.

Regarding temporary structures, Commissioner Marra explained there is no time frame mentioned for vacant lots for temporary trailers for temporary jobs, which are an eyesore for neighbors. The intent was to remove them expediently and give the ZEO the authority. Commissioner White requested the term temporary structures be defined better.

Mr. Gomes explained there was no requirement for an Inland Wetlands (IW) approval prerequisite for Zoning approval or Zone Change application because the zone change occurs before the IW application. The IW application was in response to a project.

Regarding completion of a development over 20 acres, Mr. Gomes explained Section 9.1.8.d. provided options for owners of open space property by the association, to either donate to a land trust or donate to the City.

Regarding landscaping and site features, Mr. Gomes explained the screening requirement was in this Section 11.1.4.b. and would be retained for the ground mounted solar Regulation.

Regarding LED outdoor lighting, Mr. Gomes explained the industry was going towards LED lighting, which were more efficient and beneficial to the developers. He was unsure if a regulation was required. Also, item G. mentioned the lighting requirements for lighting pollution and control. Chair Provenzano requested data from Mr. Gomes for dark sky lighting to prevent lighting pollution.

Regarding dumpsters, Commissioner Marra did not want a prerequisite, but a sketch for approval of roof, fence and basic requirements to follow. Mr. Gomes explained regulations would be required to enforce the requirement. Commissioner Goodwin explained they have to define permit dumpsters and temporary dumpsters for roof work. The Commission agreed there should be a Regulation for the dumpsters. Mr. Gomes would work on this item.

Regarding off street parking, Mr. Gomes explained there were many small changes, but the Commission can make substantial changes as to how the Regulations are represented and measured. He explained this item was for the amount of parking for different pieces and how parking was measured.

Commissioner Harlow preferred to keep the off-street parking open to have additional discussions for the upcoming applications for the Carrier Construction, Inc. project. He had concerns of the new curb cuts protruding into the right of way and sight lines for pedestrians. He would like to have guidelines for this section.

Chair Provenzano wanted to discuss the Tables, but there were items to discuss such as senior housing. Mr. Gomes preferred to discuss this item in the next phase.

Mr. Gomes inquiries: Commissioner Marra would like the Regulations for fill to be more descriptive. But for the private sector he was unsure if that should be a requirement to enforce. He noted the City Engineer would check this at her discretion.

Chair inquiries: Mr. Gomes explained if a site is contaminated, then DEEP regulated the properties and their environmental status. He would have to review this section. But, for Special Permit uses the Commission may include the environmental status of a property, its use, and granting of a special permit. He would have to review if an application may request the applicant divulge if a property is contaminated. For administrative applications, the Commission may make that a requirement.

Chair Provenzano noted if they do not have the contaminated list it was sometimes difficult to keep track of these properties. Commissioner Kelaita suggested to add the word "environmental" between the words "not and contaminated" at the end of the sentence. Commissioner Marra suggested the application had an option to guarantee that no environmentally unsound materials be brought to the site and place the liability on the applicant. Mr. Gomes noted there were DEEP references that may be made on the applications.

