

**BRISTOL ZONING COMMISSION
MINUTES
REGULAR MEETING OF MONDAY JANUARY 22, 2024**

CALL TO ORDER:

By: Chairman Provenzano

Time: 6:00 P.M.

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

ROLL CALL:

MEMBERS	NAME	PRESENT	ABSENT
REGULAR MEMBERS:	David White (Chairman)	X	
	Thomas Marra (Vice Chairman)	X	
	Richard Goodwin (Secretary)	X	
	Richard Harlow	X	
	John LaFreniere	X	
ALTERNATE MEMBERS:	Michael DeRoehn	X	
	Sara Mangiafico	X	
STAFF:	Robert M. Flanagan, AICP, City Planner	X	

Chairman White called the meeting to order at 6:00 P.M.
New Commissioner Peter Caruso was in the audience.

PLEDGE OF ALLEGIANCE:

Chairman White reminded the Commission the next regular meeting was Monday, February 12, 2024.

ADMINISTRATIVE MATTERS:

RECEIPT OF NEW APPLICATIONS:

ADMINISTRATIVE MATTERS:

1. Approval of Minutes
 - a. Approval of Minutes – December 6, 2023 special
 - b. Approval of Minutes – December 11, 2023 regular

Chairman White designated regular Commissioners LaFreniere, Goodwin, Harlow and White to vote on the December 6, 2023, regular meeting minutes. He also designated alternate Commissioner DeRoehn to vote on the December 6, 2023, regular meeting minutes.

MOTION: Move to approve the minutes of the December 6, 2023, special meeting.

By: DeRoehn

Seconded: LaFreniere.

For: DeRoehn, Goodwin, Harlow, LaFreniere and White.

Against: None.

Abstained: None.

Chairman White designated regular Commissioners LaFreniere, Goodwin, Harlow and White to vote on the December 11, 2023, regular meeting minutes. He also designated alternate Commissioner DeRoehn to vote on the December 11, 2023, regular meeting minutes. A member of the public audience explained they were unable to review the minutes on the City's Website.

MOTION: Move to approve the minutes of the December 11, 2023, regular meeting.

By: Harlow

Seconded: LaFreniere.

Commissioner Harlow stated he was against approving the minutes because the public audience was unable to view them on the City's Website because of technical difficulties.

For: Marra, Goodwin, LaFreniere and White.
Against: Harlow.
Abstained: None.

RECEIPT OF NEW APPLICATIONS:

- 2. Application #2487 – Special Permit for recycling center or facility at 95 Wooster Court, Assessor's Map 42, Lot 4; I (General Industrial) zone; Shahil Kantesaria, applicant.

Chairman White designated regular Commissioners LaFreniere, Goodwin, Harlow, Marra and White to vote on Application #2487.

Attorney James Ziogas, 104 Bellevue Ave., representing the applicant, explained the request was for a Special Permit for a wholesale redemption center. The applicant would have contracts with local grocery stores. He explained the process for collecting bottles from grocery stores. The various companies would then collect their brand bottles from the applicant's facility. The facility would have access to the highway and to a few different towns. He explained the public process for redeeming bottles at local grocery stores. The applicant would pick up the bottles from the facilities.

Commission inquiries: Attorney Ziogas explained the site may require abatement.

Staff explained the Town of Plainville was sent a referral. He spoke with the Plainville Town Planner and he was in support of the application. Attorney Ziogas noted he spoke with the Plainville Town Planner who would like the applicant to appear before the City because the majority of the property was in Bristol.

MOTION: Move to schedule Application #2487 for a public hearing for the February 12, 2024, regular meeting of the Commission.

By: Marra

Seconded: LaFreniere.

For: Marra, Goodwin, Harlow, LaFreniere and White.
Against: None.
Abstained: None.

The application is scheduled for public hearing.

Item #4, Public Hearings, was taken out of order.

Chairman White designated regular Commissioners LaFreniere, Goodwin, Harlow, Marra and White to vote on Item #4, Public Hearings.

MOTION: Move to take Item #4, Public Hearings, out of order.

By: Harlow

Seconded: Marra.

For: Marra, Goodwin, Harlow, LaFreniere and White.
Against: None.
Abstained: None.

- 4. Application #2482 – Change of Zone from R-15 (Single-Family Residential) zone to BG (General Business) zone at 27 Matthews Street, Assessor's Map 19, Lot 24; 250 Terryville Avenue, LLC, applicant – (Public Hearing continued from December 11, 2023)

Chairman White designated regular Commissioners LaFreniere, Goodwin, Harlow, Marra and White to vote on Application #2482. Attorney James Ziogas, 104 Bellevue Ave., representing the applicant, explained he filed a letter of withdrawal on January 4, 2024, with the City Planner.

MOTION: Move to accept the withdrawal of Application #2482 - Change of Zone from R-15 (Single-Family Residential) zone to BG (General Business) zone at 27 Matthews Street, Assessor’s Map 19, Lot 24; 250 Terryville Avenue, LLC, applicant.

By: Marra

Seconded: Harlow.

For: Marra, Goodwin, Harlow, LaFreniere and White.

Against: None.

Abstained: None.

The application is withdrawn.

PUBLIC HEARINGS:

- 3. Application #2480 – Proposed amendments to the Zoning Regulations to allow for Unified Residential Developments by Special Permit and Site Plan in the R-15/RM (Single-Family Residential/Mixed Residential Overlay) zone; Attorney Timothy Furey and Charles Talmadge, applicants – *(Public Hearing continued from December 11, 2023)*

Chairman White designated regular Commissioners LaFreniere, Goodwin, Harlow, Marra and White to vote on Application #2480.

Attorney Timothy Furey, 43 Bellevue Ave., representing the applicants, reviewed his presentation for the proposed amendments to the Zoning Regulations. He explained a positive referral was received from the Planning Commission at their October 11, 2023, meeting. The application was continued for the applicant to resolve comments. He reviewed the application timelines.

Charles Talmadge, 225 North Main St., Development Planning Solutions, LLC, representing the applicants, reviewed a PowerPoint presentation with limits of the proposed amendment. He explained the original application had a conservative method. The goal of the application was for multiple units on separate lots. However, there were comments from Staff. He reviewed the revised application with more detail that would be synchronized with the new Regulations.

Commission inquiries: Attorney Furey reviewed the current Regulations that allowed 5 three family units that does not require a Commission review. But the proposed Regulation would allow for more comprehensive developments with a Commission review.

Staff explained the new Regulations allowed for three family units with a Zoning Permit.

Attorney Furey explained this application was significantly different than the initial application, which addressed the City Planner’s concerns. The Commission may approve the application or the applicant may withdraw the application.

Chairman White was more comfortable with this application versus the initial application but there was a large amount of data to review. Staff preferred to not go forward with the application because there may be some members of the public that may want to comment on the application and there have been a substantial changes to the original text. He reviewed the GIS Mapping of the R-15/RM zones within the City. The Commission, Staff and Attorney Furey had a discussion regarding voting on the application.

No one else spoke in favor of the application.

No one spoke against the application.

Attorney Furey requested to withdraw Application #2480. He explained a new application would be filed to the Land Use Office.

MOTION: Move to accept the withdrawal of Application #2480 – Proposed amendments to the Zoning Regulations to allow for Unified Residential Developments by Special Permit and Site Plan in the R-15/RM (Single-Family Residential/Mixed Residential Overlay) zone; Attorney Timothy Furey and Charles Talmadge, applicants.

By: Marra

Seconded: Harlow.

For: Marra, Goodwin, Harlow, LaFreniere and White.

Against: None.

Abstained: None.

The application is withdrawn.

- 5. Application #2483 – Special Permit for 1) Motor vehicle repair and service facility and 2. the display or sale of new or fully operable used motor vehicles at 137 Terryville Road; Assessor’s Map 67, Lot 16; I (General Industrial) zone; Charles R. Ebersol, Jr., applicant.

Chairman White designated regular Commissioners LaFreniere, Goodwin, Harlow, Marra and White to vote on Application #2483.

Attorney Charles Ebersol, Jr., 19 Mason St., Torrington, representing the applicant, explained the applicant has been a tenant at 137 Terryville Rd. for a long time with State of CT permits. He explained the applicant is in the process of purchasing 121 Terryville Rd. for the same uses as 137 Terryville Rd. The two requests were Special Permits under 1) Motor vehicle repair and service facility and 2.) the display or sale of new or fully operable used motor vehicles. He reviewed the narrative of the current and the proposed uses of the properties, if the permits are approved. There is an existing building and parking lot for the existing uses on the site. The applicant also owns a property to the west. The applicant’s goal was to get the same type of approval for 121 Terryville Rd.

Staff inquiries: Attorney Ebersol explained if the applications are approved the applicant would apply for a Site Plan, which included merging the properties. He explained the status of the used vehicles for sale and vehicles to be totaled and removed from the property.

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

The hearing #2483 is closed.

By: Marra Seconded: LaFreniere.

For: Marra, Goodwin, Harlow, LaFreniere and White.
Against: None.
Abstained: None.

Staff reviewed the documents for Application #2483. He explained the property was near an inland wetlands area/flood zone. He explained the applicant does not need to be present at the six-month review of the plan.

MOTION: Move that Application #2483 – Special Permit for 1) Motor vehicle repair and service facility and 2. the display or sale of new or fully operable used motor vehicles at 137 Terryville Road; Assessor’s Map 67, Lot 16; I (General Industrial) zone; Charles R. Ebersol, Jr., applicant, be approved with the following stipulation:

- 1. That the applicant return to the Zoning Commission at the July 8, 2024 Regular Meeting of the Commission and report on the progress made in submitting a Site Plan application for the property.

By: Marra Seconded: Harlow.

For: Marra, Goodwin, Harlow, LaFreniere and White.
Against: None.
Abstained: None.

The application is approved with stipulation.

- 6. Application #2484 – Special Permit 1) Motor vehicle repair and service facility and 2. the display or sale of new or fully operable used motor vehicles at 121 Terryville Road; Assessor’s Map 67, Lots 14 & 16B; I (General Industrial) zone; Charles R. Ebersol, Jr., applicant.

Chairman White designated regular Commissioners LaFreniere, Goodwin, Harlow, Marra and White to vote on Application #2484.

Attorney Charles Ebersol, Jr., 19 Mason St., Torrington, representing the applicant, explained the property owner is in the process of selling the property to the owner of 137 Terryville Rd. As previously discussed, if the applications are approved, the applicant of Application #2483 (and #2484) would merge the properties for one facility. The request is for a Special Permit for 1) Motor vehicle repair and service facility and 2) the display or sale of new or fully operable used motor vehicles. He reviewed the persons associated with the contracts.

Assessor's Office has the property at 530 Stevens St. He would work with the Engineering Dept. to change the address. He explained the property has City sewer and water services.

He explained the old school was 72,000 sq. ft. and the new school would be 130,000 sq. ft. There would be 203 total parking spaces. He explained the new school would be updated to today's modern standards. The new school would be constructed with the old school remaining in place, and then the old school would be demolished. The new school would be compliant with the various agency approvals. He explained the property is in the Aquifer Protection Agency area and there is an application later in the meeting. The ConnDEEP had no concern with the uses of this property.

Mr. Scitorale gave his presentation for the 4 Phase construction plans of a new school. He explained the plan complied with the recent new State EMS Regulations of the ConnDEEP. He reviewed the construction of the stormwater systems, property regrading and the erosion control systems. He explained the plan met all the Zoning Regulations, which included the building height. He explained the ADA parking spaces complied with the Regulations. He reviewed the traffic pattern on the site. He explained there was some parking expansion area if needed in the future. There are 195 parking spaces required and 203 parking spaces were provided. He spoke with the City Engineer regarding the high ground water elevation in this area. He reviewed the underground storm water system on the property so it would not affect the neighbors. He reviewed the water service for the building and the Fire Dept. He explained he has been working with Eversource for the natural gas system and the easement for the property. He explained he was working on some light trespass for the photometric plans, which should be resolve with lowering the fixtures.

Staff explained in 2012 an underground oil tank was determined by the Aquifer Protection Agency to be a non-regulated activity. But this heating would be replaced by natural gas and making the site safer.

Mr. Scitorale explained the underground detention system was compliant with the ConnDEEP Aquifer Regulations.

Commission inquiries: Mr. Scitorale explained the building and the parking lot have catch basins and the underground detention system would compensate for the high ground water elevations.

Mr. Ulman reviewed his traffic report for Felice and Stevens St. He explained there is a sidewalk on Stevens St. to Stafford Ave. He explained the peak AM and PM traffic counts. He detailed his review of the ConnDOT roadway reports from January 1, 2018 to June 30, 2023. The sight lines were 480 ft. on Stevens St. and 500 ft. on Felice Rd. The level of service on Felice Rd. would go from a service level "A" to "B." He recommended the school monitor the drop off and pick up areas, to remain an acceptable level and for increased queuing. He recommended that signage be added to the site. His view was the placement of the facility would not have any adverse effects on the traffic in the area. Mr. Ulman explained the plan required an ConnOSTA application review.

Commission inquiries, respectively: Mr. Ulman explained the one-way traffic to the east would be for buses. He explained the entrance from Felice Rd. would be a two-way street. He explained the increase in parent drop offs has not decreased with the COVID-19. Mr. Scitorale reviewed the bus traffic pattern on the site.

Attorney Ziogas explained the BOE's intentions when there are two schools on the property.

Commission inquiries: Staff explained the Site Plan should not be approved this evening because Staff has to review the plans. The Site Plan would have stipulations with the two schools on the site.

Mr. Lane reviewed the floor plans. He explained the 44 ft. building height with an average building height of 32.4 ft. He would create a table with building heights. He explained the building elevations with the Commission. He explained the security system that starts at the main entrance.

Mr. Scitorale also briefly reviewed the ADA accessible routes to the site and on-site accessibility amenities. He would review the ADA parking spaces as requested by Staff. He explained the geo-tech report would be sufficient for the site.

Staff reviewed the documents for the application. He noted the City Engineer was reviewing neighbor's properties for previous flooding concerns. He explained there was also an Aquifer Protection Area application for this site in the meeting following the Zoning Commission meeting.

The following person was not in favor or against the application: Andrew Lacart, Felice Rd., had concerns there were no sidewalks on Felice Rd. He inquired if the kids walking down the street in the road was addressed.

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

Staff reviewed a PowerPoint presentation regarding the annual report he has to prepare each year. He reviewed the new buildings that were approved and the square footages, which total 534,000 sq. ft. of new development for 2023.

ADJOURNMENT:

MOTION: Move to adjourn at 8:54 P.M.

By: White

Seconded: Harlow.

For: Marra, Goodwin, Harlow, LaFreniere and White.

Against: None.

Abstained: None.

This meeting was taped.

Respectfully submitted,

Nancy King
Recording Secretary

David White, Chairman

Richard Goodwin, Secretary