

Chair Provenzano designated regular Commissioners White, Harlow, Marra, Gagnon and Provenzano to vote on Application #2457.

Staff explained Application #2457 was discussed with the Chair this afternoon. The application was before the Commission approximately 8 years ago and there were some neighbor concerns at that time. The applications were taken in the order received. He recommended the application be scheduled for a public hearing on February 13, 2023. The public hearing signs are required to be posted by January 31, 2023.

MOTION: Move that Application #2457 be scheduled for a Public Hearing at the next Regular Meeting of the Zoning Commission on: February 13, 2023.

By: White

Seconded: Harlow.

For: White, Harlow, Marra, Gagnon and Provenzano.

Against: None.

Abstained: None.

The application is scheduled for public hearing.

4. Application #2458 – Special Permit for 1) fast-food restaurant; 2) drive-up facilities and 3) car wash at 1251 and 1265 Farmington Avenue; Assessor's Map 49, Lots 28 & 29; BG (General Business) zone; Bristol Endurance Properties, LLC.
5. Application #2459 – Site Plan for 1) fast-food restaurant; 2) drive-up facilities; 3) car wash and 4) medical office building at 1251 and 1265 Farmington Avenue; Assessor's Map 49, Lots 28 & 29; BG (General Business) zone; Bristol Endurance Properties, LLC.

Chair Provenzano designated regular Commissioners White, Harlow, Marra, Gagnon and Provenzano to vote on Application #2458 and Application #2459.

Staff recommended that the public hearings be scheduled for February 13, 2023. Also, he spoke with Attorney Furey this afternoon to post the public hearing signs by January 31, 2023.

MOTION: move that Applications #2458 and #2459 be scheduled for a Public Hearings at the next Regular Meeting of the Zoning Commission on: February 13, 2023.

By: White

Seconded: Harlow.

For: White, Harlow, Marra, Gagnon and Provenzano.

Against: None.

Abstained: None.

The Applications #2458 and #2459 were scheduled for public hearing.

6. Application #2460 – Special Permit for parking on a separate lot under the same ownership within 500 feet of building entrance for a 152,000 s.f. mixed use development at east of North Main Street and north of Hope Street; Map 30, Lot 5 and Map 26 Lots 6, 7 & 8; BD-1 (Downtown Business) zone; Carrier Construction Incorporated, applicant.
7. Application #2461 – Special Permit to reduce the baseline number of off street parking spaces for a 152,000 s.f. mixed use development at east of North Main Street and north of Hope Street; Map 30, Lot 5 and Map 26 Lots 6, 7 & 8; BD-1 (Downtown Business) zone; Carrier Construction Incorporated, applicant.
8. Application #2462 – Site Plan for a 152,000 s.f. mixed use development at east of North Main Street and north of Hope Street; Map 30, Lot 5 and Map 26 Lots 6, 7 & 8; BD-1 (Downtown Business) zone; Carrier Construction Incorporated, applicant.

Chair Provenzano designated regular Commissioners White, Harlow, Marra, Gagnon and Provenzano to vote on Applications #2460, #2461 and #2462.

Staff recommended the public hearings for Applications #2460, #2461 and #2462 be scheduled for March 13, 2023.

MOTION: Move that Applications #2460, #2461 and #2462 be scheduled for a Public Hearings at the March Regular Meeting of the Zoning Commission on: March 13, 2023.

By: White

Seconded: Harlow.

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

The Applications #2460, #2461 and #2462 are scheduled for public hearings.

Attorney Furey requested Applications #2460, #2461 and #2462 be scheduled for a special meeting because he would be out of town on March 13, 2023. He requested the Staff comments in February. The applicants want to start construction in the spring.

Staff explained that the special meeting scheduled for February 22, 2023, would have to be in the City Hall West, Meeting Room 1, at City Hall.

MOTION: Move to re-schedule Applications #2460, #2461 and #2462 that had been scheduled for March 13, 2023, be moved to a special meeting on February 22, 2023.

By: White Seconded: Harlow.

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

The Applications #2460, #2461 and #2462 are re-scheduled for a special public hearing.

- 9. Application #2463 – Special Permit for removal of earth materials at 266 and 280 Pine Street; Assessor’s Map 3, Lot 43A and 44; BHC (Route 72 Corridor Business) zone; Cumberland Farms, Inc., applicant.

Chair Provenzano designated regular Commissioners White, Harlow, Marra, Gagnon and Provenzano to vote on Application #2463.

Staff explained that the applicant’s attorney, Mr. Williams, was not in attendance this evening, but would attend the March 13, 2023, Public Hearing.

MOTION: Move that Application #2463 be scheduled for a Public Hearings for the March Regular Meeting of the Zoning Commission on: March 13, 2023.

By: White Seconded: Harlow.

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

The application is scheduled for public hearing.

- 10. Application #2464 – Revision to an Approved Site Plan for to provide additional parking (25 spaces) at 266 and 280 Pine Street; Assessor’s Map 3, Lot 43A and 44; BHC (Route 72 Corridor Business) zone; Cumberland Farms, Inc., applicant.

Chair Provenzano designated regular Commissioners White, Harlow, Marra, Gagnon and Provenzano to vote on Application #2464.

MOTION: Move that Application #2464 be moved to New Business on the March 13, 2023, agenda so that the Commission can review the application at that meeting.

By: White Seconded: Harlow.

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

The application is scheduled for New Business.

PUBLIC HEARINGS:

- 11. Application AZR-22-2 – Proposed amendment to the Zoning Regulations to add a density requirement for Housing for the elderly, including congregate housing and life care facilities (Section V.A.3.i.) for the R-10, R-15, R-25 & R-40 (Single-Family Residential) zones; Initiated by: Bristol Zoning Commission – (Public Hearing continued from December 12, 2022).

Chair Provenzano designated regular Commissioners White, Harlow, Marra, Gagnon and Provenzano to vote on Application #AZR-22-2.

The Commission acknowledged receipt of the following items in their electronic packets: a Revised proposed amendment entitled "AZR22-2: Proposed Amendments to the Bristol Zoning Regulations, Bristol Zoning Commission, Draft for Public Hearing: dated December 12, 2022, Revised Draft: dated November 10, 2022, 2022 Regulation – Current Text and Proposed Text"; a page with links to the 1.) Bristol 2022-27 Affordable Housing Plan, Planning Commission, Bristol, CT, Adopted May 23, 2022; 2.) 2020 Planning for Affordability in CT, Affordable Housing Plan and Process Guidebook, dated December 2020; 3.) 2018 Bristol Plan of Conservation and Development: 2015 (PoCD), Planning Commission, City of Bristol, CT, Revised to April 1, 2018; 4.) 2017 Analysis of Impediments to Fair Housing Report: Analysis of Impediments to Fair Housing and Affirmatively Furthering Fair Housing a Report to the Bristol Development Authority, Prepared by Mark Pellegrini AICP Delivered August 2017; 5.) 2013 Guide to Zoning for Fair and Open Communities: A Guide to Zoning for Fair and Open Communities, Connecticut Fair Housing Center, dated June 2013; a page entitled "Elderly Housing Density Calculation, undated"; Pages entitled Article 3 – Residential Districts and Uses from the towns of Brookfield, Danbury (b. Development Standards), Farmington (Section 9. Senior – Active Adult Housing Zone (S-A)), Greenwich (§6-114 Greenwich Municipal Code), New London (Zoning Regulations of the City of New London Amended To July 10, 2018, PAGE IV-11); Norwalk (§ 118-400); Plainville (Section 1.04), Stamford (dated November 1, 2022, Page 9-73), Torrington (Page 102)"; a memorandum November 29, 2022, regarding Application #AZR-22-2, a negative referral to the Zoning Commission from Planning Commission regarding Application AZR-22-2; a memorandum dated November 2, 2022, from the Zoning Commission to the Planning Commission, regarding Application #AZR-22-02 a referral of Proposed Amendment to the Zoning Regulations; a memorandum dated November 2, 2022, from the Bristol Zoning Commission to the Town Clerks of Burlington, Farmington, Plainville, Plymouth, Southington and Wolcott, regarding Application #AZR-22-2 Referral of Proposed Amendment to the Zoning Regulations; a memorandum dated November 2, 2022, from the Zoning Commission to Therese Pac, Bristol Town and City Clerk, regarding Application #AZR22-2 a Referral of Proposed Amendment to the Zoning Regulations; a memorandum dated November 2, 2022, from the Zoning Commission to the Northwest Hills Council of Governments (NHCOG), Regional Planning Commission – Zoning Regulation Referral, and Emily Hultquist – NHCOG – (via email), regarding AZR22-2 a Referral of Proposed Amendment to the Zoning Regulations; a Zoning Referral Form (CRCOG) dated November 2, 2022, from the Zoning Commission to the Northwest Hills Council of Governments (NHCOG), Regional Planning Commission – Zoning Regulation Referral, and Emily Hultquist – NHCOG – (via email), regarding a Referral of Proposed Amendment to the Zoning Regulations; a memorandum dated November 2, 2022, from the Zoning Commission to the Capital Region Council of Governments (CRCOG), Regional Planning Commission – Zoning Regulation Referral, and Christopher Henchey – CRCOG – (via email), regarding Application #AZR22-2 a Referral of Proposed Amendment to the Zoning Regulations; a CRCOG Response Memorandum dated November 18, 2022, from CRCOG to the Bristol Planning And Zoning Commission, regarding Referral #Z-2022-159 a Report On Zoning Referral Z-2022-159: Proposed zoning amendment to include a maximum unit density for special permit uses within Single-Family Residential Zones; a CRCOG Response Memorandum dated November 18, 2022, CRCOG to the Bristol Planning And Zoning Commission, regarding Referral #Z-2022-166 a Report On Zoning Referral Z-2022-166: Proposed zoning amendments to add a density limit for housing for the elderly, including congregate housing and life care facilities of 4 units per acre; a memorandum dated November 2, 2022, from the Bristol Zoning Commission to the Naugatuck Valley Council of Governments (NVCOG) and the Regional Planning Commission – Zoning Regulation Referral NVCOG (via email), regarding Application #AZR-22-2 a Referral of Proposed Amendment to the Zoning Regulations; a Staff Referral Report dated November 10, 2022, from Joanna Rogalski, Senior Regional Planner, NVCOG, to Planning Commission, CEO, and City Planner of Bristol, Capitol Region Council of Governments (CRCOG), Northwest Hills Council of Governments (NHCOG), and Naugatuck Valley Council of Governments (NVCOG), and Regional Planning Commission (RPC) representatives, regarding NVCOG FILE NO.: BRIS-34-110322-Z; a report, from Robert Flanagan, entitled "Housing Density, AZR 22-2, Why Care About Density?"; a page, undated entitled "Proposed to Add a Definition for Housing for the Elderly"; and a page entitled "Potential Regulations for Elderly Housing."

The following items were submitted into the record: a page entitled "Elderly Housing Density Calculations, undated" (submitted by Attorney Timothy Furey.) Also, a page of notes dated November 28, 2022, from the November 28, 2022, Planning Commission Meeting, regarding Housing Density: AZR 22-2; a list of options that included options for the Zoning Commission's vote; Examples of Types of Housing; Housing Density; Examples of More Homes, Less Yards; and Exclude Steep Slopes/Visual Examples of Slopes (submitted by Robert Flanagan, City Planner.)

Chair Provenzano explained to the same persons that attended the December 2022 meeting that any additional comments be of a new content because the Commission has the comments from that meeting.

Staff explained that the proposal was for an amendment to the Zoning Regulations to add a density requirement of 4 units per acre for Housing for the elderly, including congregate housing and life care facilities. Staff met with Attorney Mark Ziogas, Attorney Timothy Furey and Charles Talmadge and they submitted a document of their ideas for the application. Staff explained that there is an agreement on basic standards for occupancy for the units. The ideas submitted for consideration also added language to the Adaptive Reuse Regulations and would define elderly housing. The ideas submitted also would provide three different levels of units; a base of 8 units per acre; Level 1 (10 units per acre); Level 2 (12 units per acre.) In addition, with the property size they would add densities and amenities. Staff's opinion was that the amenities proposed should be required as part of any plan and applicants shouldn't be granted a density bonus for providing amenities.

No one else spoke in favor of the application.

Against: None.
Abstained: None.

The application is approved with stipulations.

13. Application #2453 – Special Permit for 1) housing for the elderly and 2) accessory parking structure at Map 20, Lot 92-A Jennings Road; Assessor's Map 20, Lot 92-A; R-15 (Single-Family Residential) zone; D'Amato Realty, LLC, applicant.

14. Application #2454 – Site Plan for 1) housing for the elderly and 2) accessory parking structure at Lot 92-A Jennings Road; Assessor's Map 20, Lot 92-A; R-15 (Single-Family Residential) zone; D'Amato Realty, LLC, applicant.

Chairman Provenzano explained that Applications #2453 and #2454 would be heard concurrently but voted on separately. She also designated regular Commissioners White, Harlow, Marra, Gagnon and Provenzano to vote on Applications #2453 and #2454.

The Commission acknowledged receipt of the following items in their electronic packets: a Supporting Documents Report dated January 5, 2023, revised date January 10, 2023, from Robert Green Associates, regarding Patricia D'Amato Residences Annex, Jennings Rd.; a copy of Application #2209, dated November 2, 2015; a narrative, undated; a letter dated January 16, 2023, from KWH Enterprise, LLC, Kermit Hua, T.E., to Robert Green Associates, LLC, reference Traffic Impact of Patricia D'Amato Residences Annex, Jennings Rd.; and the first set of Site Plan Committee Review comments dated December 30, 2022 (first review); January 20, 2023 (second review.)

The following persons reviewed Applications #2453 and #2454 with the Commission: Attorney James Ziogas, 104 Bellevue Ave.; Jason Davis, AIA, the applicant's architect, of QA & M, LLC, 195 Scott Swamp Rd., Farmington; Brian Meccariello, of D'Amato Realty, 10 Main St.; and Kermit Hua, T.E, the applicants traffic engineer, of KWH Enterprise, LLC, 277 Reservoir Ave., Meriden.

Staff explained that a new set of comments was put into the packet later this afternoon. The Staff has commented, but the Engineering Department has not had a chance to comment yet.

Attorney Ziogas explained the comments from Nancy Levesque, P.E., City Engineer, were addressed, but she has not responded to them yet. This project was for Phase II, Patricia D'Amato Residences Annex, to compliment Phase I. The Special Permit request is for elderly housing (55 years and older.) The Site Plan is for a parking structure on the side and underneath the proposed building. The design was similar to the former Jennings School building previously constructed and it would be integrated with the neighborhood. He met with the existing residents and the neighbors to discuss their concerns. The quality of the building retrofit came out very nice and this would retain elderly Bristol residents.

Attorney Ziogas explained 77 parking spaces are required. There are 29 interior parking spaces (under the building) and 48 exterior parking spaces. The parking structure is the same height as the school. The building had 77 dwelling units. The driveway accesses are on Jennings Rd. for Phase I and Phase II. The parking structure had an ingress and egress (north side) and an exit only (south side). On average 50 parking spaces were utilized, so there are excess parking spaces for visitors and visiting health care workers. There is a covered canopy for the driveway entrance to the building.

Mr. Davis, A.I.A., reviewed the landscaping plan; design of the parking canopy for the building; and layout. There would be a landscaped buffer for the neighbors (south/west.) A retaining wall and a fence would be constructed on the south side of site for the high elevation and for screening the first floor of the building. The lighting plan had no light trespass. The amenities would also service the existing Jennings Apartments residents. The dwelling units are from 500 sq. ft. to 1,000 sq. ft. and were all handicapped accessible. The trash is picked up inside the parking garage and taken off-site. The buildings were self-contained with no mechanical structures outside of building.

Mr. Davis explained the parapet was 4 ft. high. He explained the building to the left has building access with a vestibule and a stairway with an elevator. The garage door is 12 ft. high. Attorney Ziogas would review if electric car charging stations would be available for the facility.

Attorney Ziogas explained the garage door is a two-way ingress and egress. The door to the south is an exit only. His view was the plan complied with the Regulations.

Staff read into the record the outstanding comments dated January 20, 2023, with the applicant's responses. Attorney Ziogas explained the applicant needed to respond to the City Engineer's comments when they are received.

The following persons spoke in favor of the application: Alan Tice, 291 Farmington Ave., Jennings School; Diane Tice, 291 Farmington Ave.; Shelia Marcinski, 291 Burlington Ave.; Wanita Parent, 291 Burlington Ave.; and Diane Gravlin, 76 Jennings Rd.

Mr. Tice explained there have been no complaints for the facility since he has lived there. The property is well maintained. His view was the new construction would likely be the same quality asset and the plan would complement the area.

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

MOTION: Move that Application #2454 – Site Plan for 1) housing for the elderly and 2) accessory parking structure at Lot 92-A Jennings Road; Assessor’s Map 20, Lot 92-A; R-15 (Single-Family Residential) zone; D’Amato Realty, LLC, applicant, be approved, with the following stipulations:

1. The Site Plan shall not be signed off until all remaining staff comments have been addressed and the plan revised accordingly.
2. The width of the required 20’ food landscape buffer to the rear of the property has been modified as depicted on this site plan for this application.
3. All site improvements which have not been satisfactorily completed by the time a Certificate of Occupancy is applied for shall be bonded in accordance with Section XI.A.16. of the Zoning Regulations. The performance bond shall be posted by the applicant with the City before the Certificate of Occupancy is issued.

By: White Seconded: Marra.

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

The Application #2454 is approved with stipulations.

Chair Provenzano reminded the Commission at 9:31 P.M. and there was a 10:00 P.M. curfew. The Chair, the Commission and Mr. Flanagan thought the agenda may be concluded by 10:00 P.M.

OLD BUSINESS:
No old business.

NEW BUSINESS:

15. Application #2456 – Revision to an Approved Site Plan for child daycare center and housing for the elderly at 291 Burlington Ave.; Assessor’s Map 20, Lot 92; R-15 (Single-Family Residential) zone; D’Amato Realty, LLC, applicant.

Chair Provenzano designated regular Commissioners White, Harlow, Marra, Gagnon and Provenzano to vote on Application #2456.

The Commission acknowledged receipt of the following items in their electronic packets: a narrative, undated; a letter dated January 16, 2023, from KWH Enterprise, LLC, Kermit Hua, T.E., to Robert Green Associates, LLC, reference Traffic Impact of Patricia D’Amato Residences Annex, Jennings Rd.; a copy of Application #2209, dated November 2, 2015; and a Supporting Documents Report, dated December 5, 2022, entitled “Patricia Amato Residences Annex, Jennings Rd.” from Robert Green Associates.

Attorney James Ziogas, 104 Bellevue Avenue, representing the applicant, explained when Phase I was designed it was over parked. They needed 97 parking spaces, but the plan had 111 parking spaces. Similar to the last application, there are 30 to 35 unused parking spaces. The property line would be relocated for the 10 parking spaces for the lot that the Commission just approved. Each property had the correct number of parking spaces for the Revision to an Approved Site Plan application. The lot line and the parking spaces would be relocated. With the properties merged there was sufficient parking.

Commission inquiries: Attorney Ziogas explained if the property is sold in the future, the old and new phase, respectively, would have 97 and 77 required parking spaces. The properties would be independent properties. If one building is sold in the future, each building had the required amount of parking and there is a cross easement to enter the Jennings Terrace property.

Staff explained a Mylar map would be filed on the Land Records and the final property line would not move. The parking spaces depicted on the map would be independent for each property.

MOTION: Move that Application #2456 – Revision to an Approved Site Plan for child daycare center and housing for the elderly at 291 Burlington Ave.; Assessor’s Map 20, Lot 92; R-15 (Single-Family Residential) zone; D’Amato Realty, LLC, applicant, be approved, with the following stipulation:

1. The Site Plan shall not be signed off until all remaining staff comments have been addressed and the plan revised accordingly.

By: White

Seconded: Marra.

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

The application is approved with stipulation.

CORRESPONDENCE:

- 16. City Ordinance Section 13-124 & 13-125
 - a. 145 Farmington Ave.
 - b. 820 Farmington Ave.

Staff explained conversations with Attorney Meaghan Miles representing Curaleaf and their preparation of an application to go before the City Council. The process for preparing these applications was explained. Only two hybrid retailers are allowed in the City. Curaleaf has applied for a hybrid retailer license.

Staff explained Trulieve’s attorney, Andrew Glassman, contacted the office about the preparation needed for their application. The Trulieve facility has transferred their medical marijuana license from East Main Street to Farmington Avenue and that has been approved by the City Council. Trulieve has applied for a hybrid retailer license as well.

Once the approvals are received, Curaleaf and Trulieve would proceed to the City Council. These item was for informational purposes only and to brief the Commission on the process.

Staff explained the delivery facility mentioned earlier in the meeting, will be required to meet the 250 ft. radius from schools and the other uses listed in the ordinance. Staff also explained that Mr. Gomes, ASLA, AICP, of FHI Studio, provided an updated version of the rewrite for the Zoning Regulations, and a copy was distributed to the Commission this evening.

Chair Provenzano requested a workshop with Mr. Gomes for elderly housing. She wants to discuss the closed application for elderly housing and comments from the attorneys and citizens.

Staff’s view was if the Commission were to discuss the finer points of any elderly housing Regulation outside of the Public Hearing process, an applicant may feel that the Commission is pre-judging applications that have already been filed. Staff wants to protect the process. Chair Provenzano would discuss her concerns with the Corporation Counsel’s Office.

CITY PLANNERS REPORT:

There was no City Planners report.

ADJOURNMENT:

MOTION: Move to adjourn at 9:51 P.M.

By: White

Seconded: Harlow.

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

This meeting was taped.

Respectfully submitted,

Nancy King
Recording Secretary

Louise Provenzano, Chair

Thomas Marra, Secretary