

**BRISTOL ZONING COMMISSION
MINUTES
REGULAR MEETING OF WEDNESDAY FEBRUARY 10, 2021**

CALL TO ORDER:

By: Chairman Provenzano

Time: 7:00 P.M.

Place: City Hall

ROLL CALL:

MEMBERS	NAME	PRESENT	ABSENT
REGULAR MEMBERS:	Louise Provenzano (Chairman)	X	
	Michael Massarelli (Vice Chairman)	A	
	Richard Harlow	X	
	David White (Secretary)	X	
	Thomas Marra	X	
ALTERNATE MEMBERS	Marc Gagnon	X	
	Susan Tyler	X	
	Blake DellaBianca		X
STAFF	Robert Flanagan, AICP, City Planner	X	
	Edward Spyros, Zoning Enforcement Officer	X	

Chairman Provenzano designated Commissioner Gagnon to vote on all the applications in place of Commissioner Massarelli with his absence this evening.

PLEDGE OF ALLEGIANCE:

ADMINISTRATIVE MATTERS:

1. Approval of Minutes – January 13, 2021

MOTION: Move to approve the minutes of the January 13, 2021, regular meeting.

By: White

Seconded: Marra.

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

Against: None.

Abstained: None.

2. Zoning Enforcement Officer's Report

The Commission acknowledge receipt of the following item in their electronic packets: the Zoning Enforcement Officer's report dated February 1, 2021.

Mr. Spyros explained he revised his report to compare items with the previous year.

The Commission appreciated the revised Zoning Enforcement Officers report as requested.

RECEIPT OF NEW APPLICATIONS:

1. Application #2388 – Change of Zone from BG (General Business) zone to A (Multi-Family Residential) zone at Lot 71A Lincoln Avenue; Assessor's Map 41, Lot 71A; Haber Capital Investments, LLC, applicant
2. Application #2389 – Special Permit for an outdoor dining area greater than 500 sq. ft. at Lot 10 Main Street; Assessor's Map 30, Lot 10; BD-1 (Downtown Business) zone; Cyr and Wilson Development, LLC, applicant.

MOTION: Move that Application #2385 – Site Plan for a drive-up facility at 172-176 East Main Street; Assessor’s Map 41, Lot 33; BG (General Business) zone; Ghio Family Limited Partnership, applicant, be continued to the March 10, 2021 regular meeting.

By: White

Seconded: Marra.

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

Against: None.

Abstained: None.

The Application #2385 is continued.

- 7. Application #2386 – Special Permit for a motor vehicle fueling station with a convenience store at 551 Farmington Avenue; Assessor’s Map 53, Lot 128G; BG (General Business) zone; Daily Mart, Inc., applicant.
- 8. Application #2387 – Site Plan for a motor vehicle fueling station with a convenience store at 551 Farmington Avenue; Assessor’s Map 53, Lot 128G; BG (General Business) zone; Daily Mart, Inc., applicant.

Chairman Provenzano designated regular Commissioners White, Harlow, Marra and Provenzano to vote on Application #2386 and #2387. She also designated alternate Commissioner Gagnon to vote on Applications #2384 and #2385 in place of Commissioner Massarelli with his absence this evening.

The following persons reviewed the applications, on behalf of the applicant, with the Commission: Attorney James Ziogas, the applicant’s attorney, 104 Bellevue Avenue; Tristan Wallace, P.E., the applicant’s engineer, Loureiro Engineering Associates, 100 Northwest Drive, Plainville, the applicant’s engineer and Kermit Hua, T.E., the applicant’s traffic engineer, KWH Enterprise, LLC, 277 Reservoir Avenue, Meriden.

Mr. Flanagan explained that Site Plan comment responses were received this afternoon, which he would review with the Commission, the applicant’s attorney, James Ziogas and the applicant’s engineer, Tristian Wallace, P.E. this evening.

Attorney Ziogas explained this was an existing use for a gas station for this corner property, which is located on Route 6 and Hepburn St. Attorney Ziogas explained this request was to construct a new building with the same property use with improvements to the property, which complied with the Route 6 Corridor Study. The property is .32 acres and has City sewer and water services. The previous use was a gas station and auto repair with a 1,270 sq. ft. building with six dispensers (E. to W.) 5 ft. from Route 6. The canopy location was previously granted by the Zoning Board of Appeals. They would demolish the building, canopy and the gas dispensers. A new 1,800 sq. ft. building (north side of property) would be constructed; six gas dispensers (N to S. direction); landscaping plan; 8 parking spaces (one handicapped parking space) in front of the building and a canopy.

The applicant gave up the front yard Variances, but were approved for rear yard Variances for the property to function and improve aesthetics. The hatch area is a walkway. The new gas pumps view would be minimized. The new canopy would be 27 ft. from the street line. The property is small and the building was put to the rear of the property to improve traffic flow on-site.

The existing Farmington Ave. driveway openings were reduced to 30 ft. each. The 76 ft. Hepburn St. driveway opening was reduced to 45 ft. The plan had reduced driveways, better landscaping and sidewalks that are were suggested in the Route 6 Corridor Study, which would be a significant improvement. The building would be improved significantly versus the existing building. They also have a traffic study for the Commission to review, which included delivery of gas to the site and access to Route 6.

Mr. Wallace, P.E., discussed the site access, storm water drainage, utilities and the lighting plan. Mr. Wallace explained this was the plan designed for the ConnDOT because the property is on a State roadway, which had an initial review and they are now reviewing the plans to address comments. The access from Rt. 6 to Hepburn St. would likely be the most frequent ingress and egress by tanker trucks. The existing site has no drainage or storm water management systems. The existing stormwater goes onto Rt. 6 and Hepburn Rd. into the catch basins. They are including a catch basin for the parking area and the roof to a detention system for a reduce peak flow with regrading for the 2 yr. to 100 yr. storms.

This is also an Aquifer Protection Area and separator row would be constructed, with infiltration systems for improvement of a the water quality. This is a small site and it was not feasible for a low impact development feature, but the detention system improved the water quality. The Water Department suggested to relocate and replace the sewer and water lines to Hepburn St. (N. on site.) They are not proposing any food preparation at this time, but possibly in a future design.

The lighting plan was wall mounted lighting and canopy under lighting. At the request of the Commission, Mr. Wallace reviewed the various lighting intensities. The newer LED lighting does not use shields.

Attorney Ziogas explained a detail was provided for the Site Plan Committee comments for safety protocols for the pumps and tanks, which is controlled by Conn DEEP. This was an existing gas station and they are now compliant with the Conn DEEP Regulations, but new dispensers required compliance. There is a safety protocol for spills.

Kermit Hua, T.E., reviewed the traffic study with the Commission. The previous business had 4 gas pumps and 2 diesel pumps. The diesel pumps that are not frequently used; the study was based on the net increase of 2 gas pumps. There are 62 peak A.M. trips and 84 peak afternoon trips. The peak volume is an increase of net trips from 56 to 84 afternoon peak hours. The approach counts during July (during a pandemic) were lower, so 2015 volumes were used. The intersection levels were level "C" during A.M. peak hours and level "D" for the afternoon peak hours. The driveways levels are "A, B and C." There are no major traffic deficiencies; the traffic levels are "C" and "D" during peak hours. The net increase is limited with the proposed configurations of the site.

Attorney Ziogas explained he would clarify Site Plan comments as Mr. Flanagan reviews them with the Commission. They were working with the State and the State has to approve a plan before the plan may be signed off on.

Mr. Flanagan explained the Site Plan comments were addressed, but new responses were received this afternoon. He explained Nancy Levesque, City Engineer, had responded to comments and was okay with the plans if the Commission and Staff agreed.

After inquiries by Mr. Flanagan, Attorney Ziogas explained the drainage overflows into ConnDOT catch basins were being reviewed by the ConnDOT. When the City signs off the Site Plan, the State would make adjustments. He explained the history of the pass-way, which went from Hepburn Street to the current Wal-Greens (that did not exist back then.) The Wal-Greens plaza has been re-designed and the pass-way that now goes to the Med Center was being negotiated to be released.

The pass-way could be stipulated to be resolved before the plan is signed off. No food preparation would occur on site. Excessive snow would be removed from the site similar to the larger plazas. The two existing driveway openings on Rt. 6 should remain because the site would not work efficiently if they were removed. But, the applicant has reduced all the driveway openings to accommodate access and deliveries, and to improve the property and the use.

There are non-conformities, but they are making the property more conforming. The 76 ft. driveway opening was reduced to 45 ft.; the landscaping was increased. To prevent contamination, the plan submitted by the Conn DEEP had safety protocols, but the existing safety emergency protocols would be extended.

After inquiries by Mr. Flanagan, Mr. Wallace explained the roof drainage was separated to the underground detention system. The maximum height of the retaining wall is 2 ft., so it does not require a structural engineering sign-off. There would be no grading rights required for neighboring properties because the work and the grading would be done on site. They are not doing any infiltration for water quality; therefore, with the system proposed no test pits were required.

Mr. Flanagan reviewed his comments he wanted resolved. The business hours are 5:00 A.M. to 11:00 P.M. Sunday through Saturday (7 days a week.) The comments were sent out and the applicant's engineers and they have responded. With the responses submitted, the City Engineers comments and the engineers review, the Staff is satisfied with the plans for approval, if the Commission agreed.

The Commission commented this plan was a good example for future applications to follow in the Route 6 Corridor.

After inquiries by the Commission, Attorney Ziogas explained there would be about two employees on site. The Variance approved was for parking and for the rear yard. Regarding employee parking, the gas pump area was considered as six parking spaces as well. There were no requirements for queuing, but they do not anticipate a queuing of vehicles. Most of the drivers are informed they can only access the property in one direction from the east and exit and take a left on Dorothy Rd. The tankards accessing the property from the west would not be able to make that right turn. Mr. Hua, T.E., explained the traffic study was for the driveways and the signalized intersection.

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

Mr. Flanagan explained he included the Zoning Board of Appeals minutes as they had safety concerns for the site. Mr. Wallace, P.E. made the point it was a pre-existing gas station. The Board eventually approved the application because they were Site Plan concerns. He promised them he would review those concerns with the Commission. Many of their concerns were resolved with the revised Site Plan responses.

After inquiry by the Commission, Mr. Flanagan explained the pass-way concerns would be under the Staff comments to be resolved.

The public hearing #2386 is closed.

By: White Seconded: Marra.

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

The public hearing #2387 is closed.

By: White Seconded: Marra.

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

This property was part of the Aquifer Protection Area and the business had requirements for this area for the onsite materials. After inquiries by the Commission, Mr. Flanagan explained the site would be new, but the Aquifer Protection Area permit would be a new application to memorialize the new use on-site. With the new configuration it was still a small site, but visually and for traffic it would be a safer site. It would be a significant upgrade to the site. It would enhance Rt. 6.

MOTION: Move that Application #2386 – Special Permit for a motor vehicle fueling station with a convenience store at 551 Farmington Avenue; Assessor’s Map 53, Lot 128G; BG (General Business) zone; Daily Mart, Inc., applicant, be approved.

By: White Seconded: Marra.

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

The Application #2386 is approved.

MOTION: Move that Application #2387 – Site Plan for a motor vehicle fueling station with a convenience store at 551 Farmington Avenue; Assessor’s Map 53, Lot 128G; BG (General Business) zone; Daily Mart, Inc., applicant, be approved with the following stipulations:

1. The Site Plan shall not be signed off until:
 - a. The accessway as shown on the Improvement Location Survey in favor of 525-539 Farmington Ave. is extinguished and then removed from the plan.
 - b. All remaining staff comments have been addressed and the plan revised accordingly.
 - c. All remaining comments from the Connecticut Department of Transportation have been addressed and the plans revised accordingly.

- 2. 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: Harlow.

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

The Application #2387 is approved.

OLD BUSINESS:

There was no old business.

NEW BUSINESS:

There was no new business.

CITY PLANNER’S REPORT:

- 9. Bristol Zoning Regulation Initiative:
 - a. Update on consultant selection process.

Mr. Flanagan explained he spoke with Roger Rousseau, Purchasing Agent, and Mr. Rousseau suggested that they interview the top four consultants. He and various Staff and the committee had an online meeting to discuss the positives and negatives of the consultant’s proposals. The Commission would review the final four proposals at their February 19, 2021 meeting. They would select a consultant in March and start reviewing the Regulations in the April/May time frame.

ADJOURNMENT:

MOTION: Move to adjourn at 8:28 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, Chairman

David White, Secretary