

**BRISTOL ZONING COMMISSION
MINUTES
REGULAR MEETING OF MONDAY MARCH 13, 2023**

CALL TO ORDER:

By: Chairman Provenzano Time: 7:00 P.M. Place: Board of Education,
Auditorium, 129 Church Street

ROLL CALL:

| MEMBERS | NAME | PRESENT | ABSENT |
|--------------------|---|---------|--------|
| REGULAR MEMBERS: | Chair Provenzano (Chairman) | X | |
| | David White (Vice Chairman) | | X |
| | Thomas Marra (Secretary) | X | |
| | Richard Harlow | X | |
| | Marc Gagnon | X | |
| ALTERNATE MEMBERS: | Joseph Kelaita | X | |
| | Aileen Abrams (arrived 7:04 P.M.) | X | |
| | Richard Goodwin | X | |
| | Robert M. Flanagan, AICP, City Planner | X | |
| STAFF: | Andrew Armstrong, Assistant City Planner | | X |
| | Edward Spyros, Zoning Enforcement Officer | X | |

Chair Provenzano called the meeting to order at 7:00 P.M.

PLEDGE OF ALLEGIANCE:

Chair Provenzano reminded the Commission the next regular meeting was April 10, 2023, and the next special meeting was March 29, 2023.

ADMINISTRATIVE MATTERS:

1. Approval of Minutes:
 - a. February 13, 2023
 - b. February 22, 2023

Chair Provenzano designated regular Commissioners Harlow, Marra, Gagnon and Provenzano to vote on the February 13, 2023, regular minutes. She also designated alternate Commissioner Kelaita to vote on the February 13, 2023, regular minutes.

MOTION: Move to approve the minutes of the February 13, 2023, regular meeting.

By: Harlow Seconded: Marra.

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

Chair Provenzano designated regular Commissioners Harlow, Marra and Provenzano to vote on the February 13, 2023, special minutes. She also designated alternate Commissioner Kelaita to vote on the February 13, 2023, special minutes.

MOTION: Move to approve the minutes of the February 22, 2023, special meeting.

By: Harlow Seconded: Kelaita.

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

2. Zoning Enforcement Officer's Report

a. February 2023

The Commission acknowledge receipt of the following item in their electronic packets: a copy of the Zoning Enforcement Officers report dated March 1, 2023.

Mr. Spyros reviewed his report for February 2023 with the Commission.

RECEIPT OF NEW APPLICATIONS:

There were no new applications.

PUBLIC HEARINGS:

2. Application #2457 – Change of Zone from R-10 (Single-Family Residential) zone to BG (General Business) zone at Map 54 Lots 34, 35 & 36 Farmington Avenue; Assessor's Map 54, Lots 34, 35 & 36; MMTD Associates, LLC, applicant – (Public Hearing continued from February 13, 2023).

Chair Provenzano designated regular Commissioners Harlow, Marra, Gagnon and Provenzano to vote on Application #2457. She also designated alternate Commissioner Kelaita to vote on the Application #2457.

The Commission acknowledged receipt of the following items in their electronic packets: a memorandum dated January 31, 2023, from the Bristol Planning Commission to the Bristol Zoning Commission, regarding a negative referral Application #2457, Change of Zone from R-10 (Single-Family Residential) zone to BG (General Business) zone at Map 54 Lots 34, 35 & 36 Farmington Avenue; Assessor's Map 54, Lots 34, 35 & 36; MMTD Associates, LLC, applicant; a memorandum dated January 23, 2023, from the Bristol Zoning Commission to the Bristol Planning Commission, regarding Referral of Proposed Map Amendment; a memorandum dated January 23, 2023, from the Bristol Zoning Commission to the Bristol Town and City Clerk, regarding Referral of Proposed Map Amendment; a copy of the Bristol Zoning Commission Regular Meeting minutes of August 12, 2015; an e-mail dated February 13, 2023, from Thomas O'Connor to Robert Flanagan, City Planner, regarding an addendum to comments regarding Mercier Avenue comments; an e-mail dated January 28, 2023, from Thomas O'Connor to Robert Flanagan, City Planner, regarding Subject: Rt. 6 / Mercier Ave Hearing; a letter undated, from Leilani O'Connor, 108 Mercier Avenue, regarding objections; letters received in the Land Use Office on January 30, 2023, from Lindsey Rivers; Leilani O'Connor; Karen Washington; Michael Dryburgh; and Lawrence E. Tallman; n e-mail from Keith and Catherine Rosenfeld to Robert Flanagan, City Planner, dated January 30, 2023, regarding Application #2457 Zoning Commission Referral; and pages from the Route 6 Corridor Study, entitled "ROUTE 6 Issues and Opportunities"; "Pages 1 to 3, Proposed Land Use Strategy - Land Use Typology Definitions: Route 6 Corridor – Bristol, Connecticut, dated August 8, 2016" and a Google aerial photograph of the property, undated.

The following items were submitted into the record on March 13, 2023: an e-mail from Thomas and Leilani O'Connor to Robert Flanagan, City Planner, regarding objections to the application. A map from the 2015 PoCD and 2018 PoCD of Mercier Ave. east and west and map of the Route 6 Corridor Plan.

Staff reviewed the discussions with Commissioner Marra regarding some questions in the R6CS on constructing houses near the retail areas. He reviewed the areas of Farmington Ave. that may have areas for zone changes with new zones. There was a TMU zone on Mercier Ave. that was never put in place that permitted professional offices. This TMU zone may be acted on with the Zoning Re-Write or discussed at the meeting.

The Chair explained to the public the Commission has the notes from last month's meeting. She asked the public to only speak if they did not speak at last month's meeting or if there were new concerns. Also, there was no new items presented since last month.

Attorney Mark Ziogas, 88 Valley St., representing the applicant, reviewed his responses from the public from last month's meeting. He explained there was not a recommendation this site to not be commercial, but there was a concern of the site for a long time. His view was this area would eventually become the retail corridor. The downtown area was not constructing retail businesses. The applicant cannot prevent the traffic and drug activities on Mercier Ave. If the site is developed, the problems may decrease from report it appropriately.

No one else spoke in favor of the application.

Commissioner Goodwin read into the record the e-mail dated March 13, 2023, from Thomas and Leilani O'Connor, RE: objections.

The following persons spoke against the application: Leilani O'Connor, 108 Mercier Ave.; Robert Sherman, 95 Mercier Ave.; Lola Sherman, 95 Mercier Ave.; Lawrence Tallman, 415 Farmington Ave.; Judy Tallman, 415 Farmington Ave.; Mark Connoy, 38 Case St.; Lindsey Rivers, 120 Mercier Ave.; Keith Rosenfeld, 82 Hoover Ave.; Eric Madsen, 70 Oak Hill Dr.; Michael Dudko, 116 Lewis Rd. and Karen Washington, 101 Mercier Ave.

Their concerns were of the three lots potentially being merged to the four lots. The residential zone to a commercial zone would affect a lot of neighbors. The commercial properties lighting. There were concerns of traffic. The neighbors preferred to construct a house versus a business. The R6CS identified this area as a transition zone with medium density. The book by Robert Fuller described three types of spot zoning. The BG zone creeping into the neighborhoods. The PoCD showed this site as a residential site and there were alternative plans. This was for the neighbor's defense and the State Statutes asked the Commission to do this.

Commissioner Harlow read into the record the allowed uses with a Special Permit without a change of zone.

In response to the Chair of public comments, Attorney Ziogas explained the applicant cannot prevent the existing or future traffic concerns in the area. Only the City can install a do not turn on Mercier Ave. to prevent traffic concerns. The zone prohibited apartment buildings that the applicant would have built. There was no end user yet. He explained the reasons the fourth lot would not be part of the zone change. Also, the applicant cannot put sidewalks on a property they do not own.

Staff explained the application would require a supermajority to be approved.

The hearing is closed.

By: Harlow

Seconded: Marra.

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

The Commission noted Rt. 6 was the commercial area now and its development needed to be controlled. The site was never intended to be a commercial use. Commissioner Marra and Abrams were in favor of the development. A traffic study was needed for Rt. 6 during the Zoning Rewrite. The Chair read a portion of the Guiding Policies in the neighbors favor, but it would not always be this way. This application was more difficult than the prior application with the discussions this evening and unanswered questions. Commissioner Harlow referenced the Planning Commission's recommendations (Mercier Ave. to Oakland St.) to the west should remain residential until the TMU has been adopted. Commissioners Provenzano and Harlow were not in favor.

MOTION: Move that Application #2457 – Change of Zone from R-10 (Single-Family Residential) zone to BG (General Business) zone at Map 54 Lots 34, 35 & 36 Farmington Avenue; Assessor's Map 54, Lots 34, 35 & 36; MMTD Associates, LLC, applicant, be denied because the Zoning Commission finds that the proposed zone change, as presented, is not consistent with the goals and policies of the 2015 Plan of Conservation and Development, amended to April 1, 2018.

By: Harlow

Seconded: Marra.

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

The application is denied.

- 3. 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 and 29; BG (General Business) zone; Bristol Endurance Properties, LLC – (Public Hearing continued from February 13, 2023).
- 4. 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 and 29; BG (General Business) zone; Bristol Endurance Properties, LLC – (Public Hearing continued from February 13, 2023).

Chair Provenzano explained that Applications #2458 and #2459 would be heard concurrently but voted on separately.

Chair Provenzano designated regular Commissioners Harlow, Marra, Gagnon and Provenzano to vote on Applications #2458 and #2459. She also designated alternate Commissioner Abrams to vote on Applications #2458 and #2459 in place of Commissioner White with his absence this evening.

The Commission acknowledged receipt of the following items in their electronic packets: the first set of Site Plan Review Committee comments dated December 13, 2022, Revised December 20, 2022, Revised March 6, 2023 Date of First Review: 2/3/23, Date of Second Review: 3/13/23; a Technical Note TN 2.01 Minimum and Maximum Burial Depth for Corrugated HDPE Pipe (per AASHTO, dated March 6, 2023; a narrative report for the proposed development Located at: 1251 & 1265 Farmington Avenue Bristol, Connecticut Prepared for Submission to: Bristol, CT Prepared for: Targeted Endurance Bristol, LLC 209 Royal Turn Road North Ponte Vedra, FL 32082; a traffic study report, entitled DTS Provident, Intelligent Land Use, Traffic Impact Study, December 12, 2022; a letter dated February 9, 2023, from Attorney Timothy Furey to Robert Flanagan, City Planner, regarding Site Plan 1251-1265 Farmington Ave., Application #2459; Site Plan Review Committee comments, Plan Dated: December 13, 2022; Revised December 20, 2022 Date of First Review: 2/3/23; Date of Second Review: 2/24/23; a letter dated February 9, 2023, from Attorney Timothy Furey to Robert Flanagan, City Planner, regarding Site Plan 1251-1265 Farmington Ave., Application #2459; a Narrative For the Proposed: Proposed Development Located at: 1251 & 1265 Farmington Avenue Bristol, Connecticut Prepared for Submission to: Bristol, Connecticut Prepared for: Targeted Endurance Bristol, LLC 209 Royal Turn Road North Ponte Vedra, FL; a Stormwater Management report, dated November 23, 2022, Revised dated December 20, 2022, Prepared by BL Companies; a traffic study, prepared for DTS Provident, Intelligent Land Use, Traffic Impact Study, Farmington Avenue Commercial Development, City of Bristol, Hartford County, Connecticut Prepared for Bristol Endurance Properties, LLC, 209 Royal Turn Road North Ponte Vedra, FL 32082 Prepared by DTS Provident Design Engineering, LLP One North Broadway White Plains, New York December 12, 2022 Revised February 6, 2023 DTSP Project No. 0968; a letter dated February 9, 2023, from Attorney Timothy Furey to Robert Flanagan, City Planner, regarding Site Plan 1251-1265 Farmington Ave., Application #2459 and Renderings from Google Earth of the property and the adjacent properties, undated.

The following persons, representing the applicant, reviewed Applications #2458 and #2459: Attorney Timothy Furey, 43 Bellevue Ave.; Kevin Hixson, P.E., of BL Companies, 355 Research Prkwy., Meriden; Carlito Holt, P.E., Daniel Steinburg, 1 Ketchum St, Westport, one partner of the project and William Baker, 208 Royal Turn Rd. North, Ponte Vedra, FL.

Attorney Furey explained he received the comments today and in February. The site was 8.96 acres. The applicant was entitled to one free cut and a subdivision was not required. The request was to construct a 1) a fast-food restaurant; 2) drive-up facilities; 3) car wash and 4) medical office building. The goal was to put their doctors into one medical building for the region. If nothing else is approved, only the medical building would be sufficient. If the medical facility is denied, the plan would be lost for the City. The applicant received IW Commission approvals for a boundary change and an IW application. The traffic report was reviewed at last month's meeting, which would improve the traffic and turning movements of the Shelia Court area. The traffic report level of service would go from a service level "E" to a service level "A."

Attorney Furey reviewed the comments of the most concern of the City Engineer and the City Planner. There were comments that were a surprise because some things did not change from December. Some of the comments were the Commission's purview.

Regarding City Engineer comments: If the underground system is insufficient, concrete would be used for the system. The light poles would be relocated in coordination with ConnOSTA, ConnDOT and Mr. Gambino's company, which may be stipulated. The applicant representatives acknowledged additional lighting may be required. Note #33 would be removed from the plans.

Regarding City Planner comments: The driveway (39 ft. wide/127 ft. street line), traffic light, one curb cut, additional turning lanes and any street changes required ConnOSTA and State approvals. There would be buffers near the condominiums, loading area and near the existing medical facility. If the landscaping plan was insufficient for the existing medical facility, it would be represented to the Commission. There is a very historical tree to be preserved on the site.

The following various items would be provided (for the plans): a final floor plan; the loading spaces would be screened; EVC infrastructure; 23 future parking spaces with details; a draft reciprocal easement document and a cross easement.

Attorney Furey noted Staff does not think the plan design was appropriate.

Mr. Holt explained they do not want to add traffic to the Farmington Avenue area without any traffic controls because of the additional turning lanes to process the additional traffic with a longer "green-time" for Farmington Ave.

Commissioner Gagnon suggested a speedbump walkway to prevent speeding traffic versus the horizontal crosswalk, as discussed.

Attorney Furey reviewed new comments from today as of March 13, 2023.

Staff’s concern was the car wash should not be constructed this close to the existing medical office, but it was the Commission’s final decision. At this time the Commission agreed to finish the agenda this evening for all the applications.

Attorney Furey disagreed with Staff and this was an appropriately designed plan with minor comments to address. The car wash and the restaurant may not be turned/redesigned because those uses would not be on the property. The applicants want to benefit from selling the property. He reiterated Staff’s concerns were addressed in his presentation.

Mr. Hixson reviewed the comments and the applicant responses. The applicant would screen the medical building on the adjacent property. If the screening was insufficient, that part of the property would be undevelopable. The additional two buildings were not oversized and appropriately designed. The applicant would provide items to make sure they are happy with the development.

Staff explained Application #2458, had three Special Permits. The Section VI.B.3.n.o. & a.a. was for a fast-food restaurant. Also, the drive-up window and the car wash were a Special Permit.

The medical office building was a Site Plan use.

The hearing #2458 is closed.

By: Harlow

Seconded: Abrams.

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

Against: None.

Abstained: None.

MOTION: Move that 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 and 29; BG (General Business) zone; Bristol Endurance Properties, LLC, be approved.

By: Harlow

Seconded: Abrams.

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

Against: None.

Abstained: None.

The application #2458 is approved.

The hearing #2459 is closed.

By: Harlow

Seconded: Marra.

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

Against: None.

Abstained: None.

The Chair commented the standard stipulations were recommended for Application #2459. The various items discussed would be placed on the plans. If there were any comments disagreed on, the applicant would represent the concerns. Her view was the plans were reasonably designed, appropriately developed and safe.

MOTION: Move that 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 and 29; BG (General Business) zone; Bristol Endurance Properties, LLC, 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. 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: Harlow

Seconded: Abrams.

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

The Application #2459 is approved with stipulations.

- 5. 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 Harlow, Marra, Gagnon and Provenzano to vote on Application #2463. She also designated alternate Commissioner Goodwin to vote on Application #2463 in place of Commissioner White with his absence this evening.

The Commission acknowledged receipt of the following items in their electronic packets: the first set of Site Plan Committee Review comments, Date of Committee Review: 2/23/23; a letter dated January 12, 2023, from Joseph Williams, to Louise Provenzano, Chair of the Zoning Commission, regarding filing the applications, the site, their proposal, compliance with site plan standards, compliance with special permit for earth removal standards; an authorization letter dated January 12, 2023, from 266 Pine, LLC, to Chair Provenzano; a stormwater management report, dated January 12, 2023, entitled “Stormwater Management Report, Proposed Parking Lot Expansion, 266 and 280 Pine Street and Emmett Street, Bristol, CT, prepared by VHB”; and a letter dated January 11, 2023, from Mark Vertucci, P.E., P.T.O.E., vice president, of Fuss and O’Neill, regarding a Traffic Impact Statement.

Mark Grocki, P.E., Project Manager of VHB, 100 Great Meadow Rd., Wethersfield, representing the applicant, reviewed the request for the existing Cumberland Farms, LLC. The request was to expand the parking lot by 25 parking spaces. About 8,000 cu. yds. of material would be excavated and 600 cu. yds. of materials would be used for the base for the parking lot. The trucks would access the site from Pine St. or Emmett St. A fence would be constructed to limit the vehicles and control the trucks on the site. During construction, the customer vehicles would not be allowed to egress onto Pine St. Staff inquiries: Mr. Grocki explained a ConnDOT encroachment permit and demolition permit were required for the house and the driveway curb cut. The curb cut on Pine St. would remain as existing.

Staff explained to the applicant’s attorney that Saturday earth removal hours were not allowed. Also, the City Engineer was satisfied with the calculations for the bond amount today.

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

The hearing #2463 is closed.

By: Harlow

Seconded: Marra.

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

Commissioner Marra explained this was a good design with how construction would occur and the application was in order.

MOTION: Move that 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, 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 operation shall be conducted in accordance with the following drawings, including all sedimentation and erosion control measures shown thereon: "Parking Lot Expansion 266 & 280 Pine Street (Route 72) Bristol, CT. with an original date of January 12, 2023 and a last revision date of March 8, 2023."
3. A \$287,500 performance bond shall be posted by the applicant with the City prior to operations commencing.
4. The Special Permit shall be good for a period of two years from the date of issuance.
5. The hours of operation shall be Monday through Friday between 7:00 A.M. and 4:00 P.M for the site work, and 7:30 A.M. and 4:00 P.M. for the trucking operations.
6. There shall be no operation on Saturdays, Sundays, or holidays.
7. Measures to control dust from the operation shall be applied as needed.
8. The applicant shall sweep and remove the sand along the frontage of the property on an as-needed basis.
9. The maximum allowable slope of 3-to-1 shall be modified in accordance with Section IX.B.5.c. of the Zoning Regulations and a maximum allowable slope of 2-to-1 permitted in its place, as shown on the approved Site Plan.
10. The required 100-foot undisturbed buffer shall be reduced as shown on the approved Site Plan and in accordance with Section IX.B.5.b.(3) of the Zoning Regulations, in order to match the proposed contours of the development to existing contours.

By: Harlow

Seconded: Goodwin.

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

The application #2463 is approved with stipulations.

After inquiry by the Commission, Attorney Timothy Furey, 43 Bellevue Avenue, agreed to allow Application #2464, under New Business, to be heard next on the agenda.

MOTION: Move to pivot to New Business and hear Application #2464 next on the agenda.

By: Harlow Seconded: Marra.

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

OLD BUSINESS:
There was no old business.

Item #7, under New Business, Application #2464, was taken out of order.

NEW BUSINESS:

6. Application #2464 – Revision to an Approved Site Plan 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 Harlow, Marra, Gagnon and Provenzano to vote on Application #2463. She also designated alternate Commissioner Goodwin to vote on Application #2463 in place of Commissioner White with his absence this evening.

The Commission acknowledged receipt of the following items in their electronic packets: a letter dated January 12, 2023, from Joseph Williams, to Louise Provenzano, Chair of the Zoning Commission, regarding filing the applications, the site, their proposal, compliance with site plan standards, and compliance with special permit for earth removal standards; an authorization letter dated

amendment to the Zoning Regulations is hereby referred to the Planning Commission for a report; a referral memorandum dated February 3, 2023, from the Bristol Zoning Commission to the Bristol Town and City Clerk, regarding Referral of Proposed Amendment to the Zoning Regulations; a referral memorandum dated February 3, 2023, from the Bristol Zoning Commission to the Town Clerk’s of the towns of Burlington, Farmington, Plainville, Plymouth, Southington and Wolcott, regarding Referral of Proposed Amendment to the Zoning Regulations; a Zoning Referral Form, from the Bristol Zoning Commission to the CRCOG, dated February 2, 2023; a Zoning Regulation Referral memorandum dated February 3, 2023, from Bristol Zoning Commission to the Capital Region Council of Governments (CRCOG) Regional Planning Commission, regarding Referral of Proposed Amendment to the Zoning Regulations; a Zoning Regulation Referral memorandum dated February 17, 2023, from the CRCOG to the Bristol Planning and Zoning Commission, regarding a report on Zoning Referral Z-2023-21: Proposed zoning amendment pertaining to updates in regulation regarding elderly housing; a Zoning Regulation Referral memorandum dated February 3, 2023, from the Bristol Zoning Commission to the Northwest Hills Council of Governments (NHCOG) Regional Planning Commission – Zoning Regulation Referral Emily Hultquist – NHCOG – (via email), regarding Referral of Proposed Amendment to the Zoning Regulations; a Zoning Regulation Referral memorandum dated February 3, 2023, from the Bristol Zoning Commission to the Naugatuck Valley Council of Governments (NVCOG) Regional Planning Commission – Zoning Regulation Referral NVCOG (via email), regarding Referral of Proposed Amendment to the Zoning Regulations; and a Zoning Regulation Referral memorandum dated November 2, 2022, from the Bristol Zoning Commission to the Northwest Hills Council of Governments (NHCOG) Regional Planning Commission – Zoning Regulation Referral Janell Mullin – NHCOG – (via email), regarding Referral of Proposed Amendment to the Zoning Regulations.

The following persons representing the applicant reviewed Application #2465 with the Commission: Attorney Timothy Furey, 43 Bellevue Ave. and Charles Talmadge of Development Planning Solutions, 225 North Main St. His associates included Attorney James Ziogas, 104 Bellevue Ave.; Attorney Mark Ziogas, 88 Valley St. and Charles Talmadge, 225 North Main St.

Attorney Furey reviewed the proposed amendments and definitions for elderly housing. He and his associates drafted these amendments after the Commission proposed 4 units per acre. The proposed Regulations followed the Federal Fair Housing Act and included language from the Federal Fair Housing Act and the State Statutes. There were some definitions in the Regulations for congregate housing. He reviewed the proposed densities and amenities list. The existing facilities would require a Special Permit.

Mr. Talmadge explained the two proposed definitions for elderly housing and congregate housing. There were some existing definitions for adaptive reuse for residential units, but not for age limits. The amendment has a new Section XI. to replace density with square ft. for existing buildings.

After a brief overview of the proposed amendments and the reasons the Commission was unable to discuss the suggestions at a public meeting, Attorney Furey agreed to the suggestion to withdraw the application. This was done so that Attorney Furey and his associates may discuss the items at the Zoning Rewrite meeting without an application pending. The next Zoning Rewrite Meeting was on March 29, 2023.

Attorney James Ziogas explained the complaints of the public not being unable or allowed to attend the Zoning Rewrite meetings. These items should be discussed before the meeting.

Attorney Furey agreed to withdraw Application #2465 and to submit a letter to the Land Use Office.

Staff explained Public Act 21-29 of the CT Gen. Statutes has stated there cannot be a minimum apartment sizes, which would be discriminatory. But, it cannot go above the minimum of the Building Code.

MOTION: Move that Application #2465 – Proposed amendments to the Zoning Regulations to 1) add a definition for Housing for the Elderly; 2) separate Housing for the Elderly from Congregate Housing and Life Care Facilities; 3) add specific language that addresses Housing for the Elderly as an adaptive reuse of existing structures and 4) add provisions for construction of new Housing for the Elderly in the R-10, R-15, R-25 & R-40 (Single-Family Residential) zones; Attorney Timothy W. Furey, applicant, accept the withdrawal of Application #2465.

By: Harlow

Seconded: Marra.

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

Against: None.

Abstained: None.

The application is withdrawn.

Staff explained the next Zoning Rewrite meeting was on March 29, 2023, in Meeting Room 1, City Hall at 5:30 P.M. He would send the agenda to Attorney Furey and his associates.

Chair Provenzano declared a recess at 11:38 P.M.; the meeting resumed at 11:43 P.M.

8. Application #2466 – Change of Zone from R-15 (Single-Family Residential) zone to A (Multi-Family Residential) zone at north of Washington Street, east of Stafford Avenue and west of Pleasant Avenue, Lot 181 Fair Street; Assessor's Map 44, Lot 181; Rockwood Hills Financial, LLC, applicant.

Chair Provenzano designated regular Commissioners Harlow, Marra, Gagnon and Provenzano to vote on Application #2466. She also designated alternate Commissioner Kelaite to vote on Application #2466 in place of Commissioner White with his absence this evening.

The Commission acknowledged receipt of the following items in their electronic packets: a memorandum dated February 3, 2023, from the Zoning Commission to the Planning Commission, regarding a Referral of Proposed Map Amendment; a memorandum dated February 28, 2023, from the Planning Commission to the Zoning Commission, regarding a positive referral and a memorandum dated February 3, 2023, from the Bristol Zoning Commission to the Bristol Town and City Clerk, regarding Referral of Proposed Map Amendment.

Chair Provenzano explained a super-majority vote was needed because a 300 ft. frontage requirement exception was requested. Her view was this application was spot zoning. She reminded the Commission this was just a zone change and there were no proposed plans.

Attorney James Ziogas, 104 Bellevue Ave., explained he had a meeting with the public to answer their questions. The neighbors had concerns. The site access was on Fair St. with a driveway and a gate (162 ft. wide.) If approved, this would remain as the access. The prior use was an industrial zone that made telephone poles (with cresol.) The Fontaine site on Pleasant St. was part of that former business. The site is 3.3 acres. The applicant tried to figure out a plan for the property in this transition zone. Constructing a street was unfeasible. The Planning Commission recommended to rezone the site from R-15 zone to A zone and to construct condominiums (max. 24 units/48 vehicles.) This would require a site plan and special permit. The Chair explained that market rate housing was not low-income housing.

Staff read into the record the list of permitted Site Plan uses (without required Special Permits) and permitted Special Permit uses. If approved, there may be a maximum of 8 units per acre.

Attorney Ziogas reviewed Section 4.4, of the Planning Commission's Affordable Housing Plan, RE: retaining and providing new affordable housing. This plan would provide affordable housing. The Planning Commission recommended approval of this request. His view was any plans would improve the site. The neighbors would have concerns on buffers, traffic and cresol from the prior use on the site. The applicant may only control the debris on their property. This site was not on the ConnDEEP contaminated list.

The following person spoke in favor and against the application: Mitzy LaRose, 60 Fair St. She had concerns of living opposite of the entrance. In her backyard was a lot of housing and vehicle debris. The kids do not play in the yards because of the traffic. The neighbors put up arborvitaes to keep the kids and items in the yard. She was in favor development of the site because of all the debris. But, she had concerns in the future this would become low income housing and non-owner occupied.

The following persons spoke against the application: Kirsten Ackley, 89 Fair St.; Todd Raymond, 30 Fair St.; Maryann Walczyk, 61 Vernon St.; Ann Marie Harmon, 49 Fair St.; Troy Harmon, 49 Fair St.; Raymond Colello, 60 Fair St.; Penny Critchley, 35 Vernon St., Forestville and Mark Bougie, 89 Pleasant Ave

Among their concerns were the following: This was a quiet neighborhood. There were concerns of traffic. The attorney stated there was no proposed plans, but the application stated apartments or condominiums in the area. The frontage was supposed to be 300 ft. The owner of the telephone pole business painted telephone poles with cresol (carcinogen) for many years. The property not being tested correctly or adequately as with modern testing. The cresol affecting waterways. The cresol prevented developers from developing the property.

Responding to the neighbors', Attorney Ziogas explained a traffic study was not required because this was only a zone change application. The concern of animals was part of living in any city. If there is a cresol problem, he inquired if he would live there his whole life and not have effects. If the site is not developed, any cresol concerns would not be resolved. The frontage is 162 ft. on Fair St. The debris was removed from this site, not the Fontaine site, which was not the applicant's property.

Staff explained if the property is not contiguous that 300 ft. of frontage was needed. But the Regulations provide a process of a supermajority vote for a Zone Change application.

The Commission commented they do not know when or if the site was ever tested for cresol. If a house or 24 units are constructed the cresol would be able to be determined. The frontage changed, but was not listed for this site. If the site was tested for just the new lot, it would not be shown. Approving the application meant the Commission was okay with contamination.

The hearing is closed.

By: Harlow

Seconded: Kelaita.

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

Against: None.

Abstained: None.

The Commission had concerns of the minimum frontage of 162 ft. versus the 300 ft. Regarding pollution, if the lot was clean there were no concerns. If the lot was polluted, there were major concerns. This property was in the middle of a residential zone, so the property was really a residential zone. There were businesses on Stafford Ave. The Commission explained to the neighbors eventually something would be constructed on the property. The Chair agreed and this is why it was spot zoning. Also, because this was a residential zone, the R-15 zone, the frontage, the contamination and the environment. The Commission did not take lightly rezoning from R-15 zone to an A-zone.

MOTION: Move that Application #2466 – Change of Zone from R-15 (Single-Family Residential) zone to A (Multi-Family Residential) zone at north of Washington Street, east of Stafford Avenue and west of Pleasant Avenue, Lot 181 Fair Street; Assessor’s Map 44, Lot 181; Rockwood Hills Financial, LLC, applicant, be denied because The Zoning Commission finds that the proposed zone change, as presented, is not consistent with the goals and policies of the 2015 Plan of Conservation and Development, amended to April 1, 2018.

By: Harlow

Seconded: Gagnon.

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

Against: None.

Abstained: None.

The application is denied.

ADJOURNMENT:

Chair Provenzano designated regular Commissioners Harlow, Marra, Gagnon and Provenzano to vote on the adjournment. She also designated alternate Commissioner Kelaita to vote on the adjournment in place of Commissioner White with his absence this evening.

MOTION: Move to adjourn at 12:30 A.M.

By: Harlow

Seconded: Kelaita

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

Against: None.

Abstained: None

This meeting was taped.

Respectfully submitted,

Nancy King
Recording Secretary

Louise Provenzano, Chair

Thomas Marra, Secretary