

**BRISTOL PLANNING COMMISSION
MINUTES
REGULAR MEETING OF MONDAY JUNE 26, 2023**

CALL TO ORDER:

By: Chairman Veits

Time: 6:00 P.M.

Place: City Hall, Board of Education – Auditorium, 129 Church Street

ROLL CALL:

MEMBERS	NAME	PRESENT	ABSENT
REGULAR MEMBERS:	Chairman William Vets (Chairman)	X	
	Commissioner John Soares (Vice Chairman)	X	
	Jon Pose	X	
	Tracey Bacchus	X	
	Christopher Nardi	X	
ALTERNATE MEMBERS:	Anthony Lorenzetti	X	
	Kenneth Rasmussen-Tuller	X	
	Robert M. Flanagan, AICP, City Planner	X	
	Nancy Levesque, P.E., City Engineer	X	
STAFF:	Andrew Armstrong, Assistant City Planner	X	

Chairman Veits called the meeting to order at 6: 08 P.M.

PLEDGE OF ALLEGIENCE:

PUBLIC PARTICIPATION:

There was no public participation.

ADMINISTRATIVE MATTERS:

1. Approval of Minutes
 - a. 5/22/23

Chairman Veits designated regular Commissioners Soares, Pose, Nardi and Veits to vote on the May 22, 2023, regular meeting minutes. He also designated alternate Commissioner Lorenzetti to vote on the May 22, 2023, regular meeting minutes.

MOTION: Move to approve the minutes of the May 22, 2023, regular meeting.

By: Pose

Seconded: Soares.

For: Soares, Pose, Nardi, Lorenzetti and Veits.

Against: None.

Abstain: None.

Chairman Veits designated regular Commissioners Soares, Pose, Nardi, Bacchus and Veits as voting commissioners this evening. He also designated regular Commissioner Pose as Acting Secretary this evening.

Chairman Veits reminded the Commission the next Regular Meeting of the Planning Commission is Monday, July 24, 2023.

STAFF REPORTS – PART A:

2. Land Use Commissioner Training
 - a. Fair Housing
 - b. Public Hearings

c. Q&A with Staff

The following persons reviewed the Staff Reports with the Commission:

Staff explained the CT Gen. Assembly required training for local Land Use Commissions. The Planning Commission is about one third of the way through their training. Attorney Peter Olson was in attendance to train the Commission on how to conduct a public hearing and fair housing. Also, Stephen Bynum, Fair Housing Officer and Sarah Larson, Deputy Superintendent, both from the Parks, Recreation, Youth and Community Services, City of Bristol, were in attendance to train the Commission on Fair Housing.

Attorney Peter Olson, 275 Greenwood Avenue, Bethel, explained Staff requested him to train the Land Use Commissions. He stated the CT Gen. Assembly required one hour of training on Affordable Housing.

Attorney Olson reviewed the Fair Housing Act. The general population expects to pay about 30% of their income towards housing. He reviewed the median incomes of Bristol. The Commission is required to review the need for Affordable Housing and implement Regulations in their PoCD. He reviewed items that may be done under Subdivision for open space and first cuts. Also, second cuts are exempt if used for affordable housing for the municipality or a non-profit. The need and eligibility of affordable housing should be assessed such as in the CT Gen. Statutes 8-30g and local/State Regulations.

Staff explained the Planning Commission wrote the Affordable Housing Plan within the last year. As such, Bristol was not subject to CT Gen. Statute 8-30g because there is 15.8% of affordable housing. Also, when the Planning Commission created the Affordable Housing Plan, the consultant reported that Bristol had a lot of natural affordable housing.

Attorney Olson explained the Fair Housing Act, a Federal Statute, prevented discrimination for various types of housing activities. He reviewed the definitions of disparate impact discrimination and familial status and Housing for Older Person Act. There is no data to know if the next generation would support these types of communities. As such, developers may have to drop or reduce restrictions.

Staff inquiries: Attorney Olson reviewed legacy rights in the Housing for Older Persons Act for housing leases and ownerships. He reviewed "Affordability Plans" for tenants of elderly housing units with income changes. People with children cannot be prevented from leasing units. The Commission needed to know if children are allowed in units to prevent any violations. The limits should not be in stipulations, which may not be enforceable later. The Commission had to make accommodations for handicapped persons including in Subdivision applications.

Staff explained the Zoning Commission added some ADA Accommodations to the Zoning Regulations within the last few years. He explained the ADA requests are now reviewed by the Zoning Enforcement Officer.

Attorney Olson noted with handicapped Regulations the Zoning Commission or the ZEO had to be careful because these Statutes were for the ZBA. But, if well defined, there should be no problems. The disability accommodations for site plans or subdivisions cannot be waived. Group homes cannot be prohibited. He reviewed the criteria to base their votes for applications.

Commission inquiries: Attorney Olson explained the term "character of the neighborhood" was eliminated from the Land Use Regulations, but that was not part of the Fair Housing Act.

Mr. Bynum explained their department handles low level discrimination concerns referred to by them to by the CT Fair Housing Organization. The CT Fair Housing Organization does the investigating and the Youth and Community Services manages the complaints. There are not a lot of complaints during the year. Their department usually reviewed credit scores, difficulty finding housing and low incomes. These populations tend to later turn into Fair Housing Organization concerns. He would provide Staff a list of Fair Housing data to provide to the Commission.

Attorney Olson noted the Fair Housing Act also applied to developers that may complain to the Federal Dept. of Justice.

Attorney Olson next reviewed how to conduct public hearings. The Statutes do not require a public hearing on site plans and subdivision applications. He reviewed application time limits, time limits for speakers, curfews, notices, and Staff reports that should be read into the record. There is no statutory guideline on how to conduct a public hearing, but the Commission should be fair to everybody. The Supreme Court was going in the direction of requiring expert testimony on applications. Any Commissioners with expertise should be identified. He reviewed how to close a public hearing and vote on applications.

Staff inquiries: Attorney Olson explained the process for tie votes which are considered a failed vote. If a site plan or subdivision is not voted on within 65 days, it is an automatic approval. If there was a meeting cancellation for an application with no extensions, a special meeting should be scheduled. He reviewed the process for property site walks. If a legal decision is never published, then the applicant can publish a notice within 15 days. If these are not done, the Statutes allow up to one year before the approval becomes final. An appeal cannot be filed until the notice is published.

RECEIPT OF NEW APPLICATIONS:

- 3. Application #433 – Subdivision (Cold Spring Farm – Phase 4) west of Village St. and Silo Rd. (20 lots) Assessor’s Map 1, & Lot 7B; R-15 (Single-Family Residential) zone; Industrial Builders & Realty Co.

Attorney James Ziogas, 104 Bellevue Avenue, representing the applicant, explained this was an application for Phase 4 for a 20-lot subdivision that was previously approved. The application was allowed to go dormant based on market conditions. This prevented attached pieces of property from being sold in different phases. The market changed during COVID-19 and the lots were sold. The applicant has no inventory to sell. If approved, there would be lots to sell within a year. The requirements were complied with during the approval, but a subdivision approval was required for this phase. The conservation easements were in place. His view was a public hearing was not needed because of the prior approval.

Commission inquiries, respectively: Staff explained the subdivision Regulations did not change substantially since the approval to affect the plan. As discussed previously, a public hearing was not required for a new or continued subdivision application. Attorney Ziogas explained this was the last phase of the Subdivision.

Staff reviewed the 2004 approved plans. Staff agreed a public hearing was not required. The property was 9.74 acres. He explained Attorney Ziogas would file an amended application to correct the R-10 zone. The application was referred to the CRCOG and the Town of Southington, but their Planners had no questions. He suggested the application be continued to the July 24, 2023, regular meeting for Staff to conduct a review. The request for this evening was for whether the application should have a public hearing or not.

Attorney Ziogas explained although the zone is R-10, the lots were designed to the R-15 lot standards to be consistent with the subdivision.

The Commission agreed a public hearing was not required. Staff reviewed the State timeline for the application.

Ms. Levesque agreed a public hearing was not required. She requested to do a review of the application for any updates on comments or details for any changes on LED or drainage.

MOTION: Move to place Application #433 – Subdivision (Cold Spring Farm – Phase 4) under New Business on the July 24, 2023, Planning Commission agenda and direct staff to conduct a review of Phase 4.

By: Pose

Seconded: Soares

For: Soares, Pose, Nardi, Bacchus and Veits.

Against: None.

Abstain: None.

The application is continued.

ZONING COMMISSION REFERRALS:

- 4. Application #2470– Proposed amendments to the Zoning Regulations to 1) add a definition for specialty food and beverage manufacturer and 2) add specialty food and beverage manufacturer as a Site Plan use in the BG (General Business) zone; Attorney James Ziogas, applicant.

Attorney James Ziogas, 104 Bellevue Ave., explained he worked with Staff on the amendments. He reviewed the request to add definitions and to allow this use as a permitted Site Plan use in the BG zone. The term wholesale business was allowed under Section VI.B.2.w. as a Site Plan, but was not defined in the Regulations. The request was to add the term specialty food and beverage manufacturer and the use would not be over 2,500 sq. ft. These uses are permitted in the I-zone but are not suitable for the I-zone as it is not a healthy environment. He explained as an example, he has a separate client that manufactures and wholesales dough in the I-zone to stores such as IGA, Big Y and Stop & Shop. This is permitted due to the retail sales aspect of the use. But, without the approval of a new definition, this type of wholesale use was possible.

The applicant manufactures edibles with marijuana oils that are not allowed in the BG zone now and would be wholesaled to Trulieve on RT 6. The applicant does not retail the products, but wholesales them to a vendor under a State license. He requested a positive recommendation to the Zoning Commission.

Commission inquiries: Attorney Ziogas explained the wholesale business is allowed in the I-zone, but the request would expand the uses in this zone. The 2,500 sq. ft. has been sufficient for these clients. The Commission does not want a large manufacturing company to go into the downtown area.

Staff explained the request was to allow these uses in the BG zone, but to allow them to expand in a cleaner environment. He reviewed the minimum lot areas in the I-zone and the BG zone.

Attorney Ziogas explained the minimum sq. coverage was 50% in the I-zone.

MOTION: Move to direct staff to forward the following report to the Zoning Commission:

The Planning Commission finds that the proposed amendments to the Zoning Regulations in Application #2470 would be consistent with the goals and policies of the 2015 Plan of Conservation and Development (POCD), amended to April 1, 2018, and specifically:

- a. Section 9.3.1.5. – Encourage the attraction of new business and industry to suitable locations in Bristol, and that the letter clarifying this be added to the record.”

By: Soares

Seconded: Pose.

For: Soares, Pose, Nardi, Bacchus and Veits.

Against: None.

Abstain: None.

The application is recommended for a positive referral.

CITY COUNCIL AND OTHER REFERRALS:

5. C.G.S. Section 8-24:

- a. Application #2471 – Site Plan for the construction of a 71,900 sq. ft. of a municipal parking structure at 30 Hope Street, Assessor's Map 30, Lot 9; BD-1 (Downtown Business) zone; City of Bristol, applicant.

Mr. Armstrong explained this request was for the new parking garage on Hope St. for the City of Bristol, which was not the parking garage for the City staff. This structure was for the new developments in the downtown area including the Carrier Construction project, Wheeler Clinic headquarters, and the general public. The applicant previously received approval from the ZBA for two Variances for the build to line and the building fenestration. These types of structures do not have sufficient windows and fenestration area. This was a three-level parking garage. The garage would be located on the curve of Hope St. on the existing surface lot.

Commission inquiries, respectively: Mr. Armstrong explained the location was in the area where the trees were removed this week. Staff explained the City of Bristol would be responsible for the liability of the parking garage.

Staff explained the area where the trees were removed was for Carrier Construction represented by Mr. Zipp. The six trees near the street would be replaced with a new streetscape. There would be 40 parking spaces in front of the Carrier Construction development and would have 198 parking spaces (some for Wheeler Clinic and possibly Bristol Hospital.)

Ms. Levesque explained the streetscape in front of the garage would have many parking spaces similar to the parking in front of City Hall. The trees needed to be removed because they were weak. The trees would be replaced with new trees and tree wells. The streetscape would continue to School St. and be similar to the Riverside Ave. streetscape. The plan was to increase the green space.

MOTION: Move to direct staff to forward the following report to the City Council:

The Planning Commission finds that the construction of a 71,900 sq. ft. of a municipal parking structure at 30 Hope Street would be consistent with the goals and policies of the 2015 Plan of Conservation and Development (POCD), amended to April 1, 2018, and specifically:

- a. Section 12.3.21. – Seek to address identified space/building needs on a timely basis.

By: Pose

Seconded: Soares

For: Soares, Pose, Nardi, Bacchus and Veits.

Against: None.

Abstain: None.

The C.G.S. Section 8-24 referral is recommended for a positive referral.

- b. Kern Park – Map 49 & Lot 8-3

Sarah Larson, Deputy Superintendent, City of Bristol, Parks, Recreation and Youth and Community Services, 51 High St., reviewed the updates for Kern Park. She explained her department received \$250,000 from American Rescue Fund (ARF) for the revitalization of Kern Park and a passive recreation area. There were 2 meetings and information on their Website for public outreach. Their consultant, SHI Studios and Design Co., designed Phase I, which is planned for this fall. The plan calls for the replacement of the tennis courts, paving and trees with a pollinator garden, educational signs, trails and a new entrance (Primrose Ln.) She explained the future projects of biofiltrations, management from school property, and evasive species management. She explained after the Commission’s consideration, this would go to the City Council.

Commission inquiries: Staff explained the plans on Farmington Ave. were approved for a commercial development for a medical office, car wash, and a restaurant. The rear portion of the Farmington Ave. site would remain open space with a 100 ft. buffer for Kern Park. A traffic light request has also been applied to the State of CT.

Ms. Levesque explained a meadow mix was proposed in the rear field. At the IW Commission meeting, the applicant was required to return to the IW Commission for any additional development in the rear corner of the property.

The Commission noted a correction to the letter from the City Clerk’s Office that should be to repair “trails” and not “trials.”

MOTION: motion to direct staff to forward the following report to the City Council:

The Planning Commission finds that the improvements of the Kern Park Master Plan would be consistent with the goals and policies of the 2015 Plan of Conservation and Development (POCD), amended to April 1, 2018, and specifically:

- 1. Section 12.3.2.3. – Ensure that municipal facilities are maintained in order to:
 - a. Enrich the public’s enjoyment of them;
 - b. Prevent physical deterioration
 - c. ensure their long term effectiveness

By: Soares

Seconded: Pose

For: Soares, Pose, Nardi, Bacchus and Veits.

Against: None.

Abstain: None.

The C.G.S. Section 8-24 referral is recommended for approval.

- c. Permanent easement (480 sq. ft.) easterly side of East Street

Mr. Armstrong explained this was a request for a 480 ft. easement on the east side of East St. that would be for long term maintenance to construct the bridge.

Ms. Levesque explained this was long term access for maintenance and for construction of the bridge. This required a construction easement and a permanent easement for the bridge to be constructed next year.

Staff explained the next item on the agenda was related to this item, but Staff wanted this in two motions for it to be clear for the City Council.

MOTION: Move to direct staff to forward the following report to the City Council:

The Planning Commission finds that a permanent easement of 480 sq. ft. on the easterly side of East Street would be consistent with the goals and policies of the 2015 Plan of Conservation and Development (POCD), amended to April 1, 2018, and specifically:

- 1. Section 13.2.1 – Provide for a comprehensive and integrated transportation system to best meet the needs of Bristol residents, businesses, and visitors.

By: Pose

Seconded: Soares.

For: Soares, Pose, Nardi, Bacchus and Veits.

Against: None.

Abstain: None.

The C.G.S. Section 8-24 referral is recommended for approval.

- d. East Street Bridge repair at Memorial Boulevard along with a temporary construction easement (984 sq. ft.) on the northerly border of Memorial Boulevard at East Street to facilitate the repair.

Mr. Armstrong explained the request was for a 984 sq. ft. temporary easement on the north side of Memorial Blvd. on East St. to repair the East St. bridge on Memorial Blvd.

Ms. Levesque explained the request is for a temporary easement for construction. The easement is granted and then the easement is granted back when the construction is finished. Then the easement goes away.

MOTION: make a motion to direct staff to forward the following report to the City Council:

The Planning Commission finds that that the repair of the East Street Bridge, and the associated temporary construction easement of 480 sq. ft. on the northerly border of Memorial Boulevard at East Street, to facilitate the repair be consistent with the goals and policies of the 2015 Plan of Conservation and Development (POCD), amended to April 1, 2018, and specifically:

- 1. Section 13.2.1 – Provide for a comprehensive and integrated transportation system to best meet the needs of Bristol residents, businesses, and visitors.

By: Pose

Seconded: Bacchus.

For: Soares, Pose, Nardi, Bacchus and Veits.

Against: None.

Abstain: None.

The C.G.S. Section 8-24 referral is recommended for approval.

OLD BUSINESS:

- 6. Application #324 – Bristol Crossing Subdivision – Request for extension of subdivision expiration date from June 25, 2023, to June 25, 2025, for: Phase 3 – Tevin’s Way Lots 14 through 25 (12 lots); Sachem Capital Realty, LLC; owner/applicant.

Mr. Armstrong explained this request was for the Bristol Crossing Subdivision, Phase 3, for a 2-year extension from June 25, 2023, to June 25, 2025. There is one more extension before the application expired.

Staff explained there was Statute changes. The application was approved in 2008. There is a \$583,660 bond in place with the City. The construction has not begun for this 12 lot Subdivision. He explained a lot of blasting was needed to develop this area.

Commission inquiries: Staff explained the application expired yesterday, but a judge would allow this application. Mr. Armstrong noted the request was received before the agenda deadline.

MOTION: make a motion to approve an extension of two years from June 25, 2023, to June 25, 2025, of the subdivision approval originally granted on June 25, 2008.\

This extension is for Application #324 – Bristol Crossing Subdivision – Phase 3 – Tevin’s Way Map 9 Lots 14 through 25 (12 lots) – Sachem Capital Realty, LLC; owner/applicant.

This extension is granted pursuant to the Connecticut General Statutes Section (C.G.S.) 8-26c (e), Public Act 21-34 and Section 2.09 (1) of the Bristol Subdivision Regulations which allows for extensions of subdivision approvals.

By: Soares

Seconded: Pose.

For: Soares, Pose, Nardi, Bacchus and Veits.

Against: None.

Abstain: None.

The application is approved.

NEW BUSINESS:

There was no new business.

STAFF REPORTS – PART B:

- 7. Additional Land Use Commissioner Training
 - a. Review of Land Use Board and Commission powers and functions
 - b. Additional Q&A with Staff

Staff explained he spoke with the Chairman earlier today and since this was a long day the Commission would resume its training next month. The Commission had a total of 3 of the 4 hours. He thanked the Commission for their time and effort. He explained the Planning Commission was the only Commission that has been trained.

- 8. Subdivision Status Report

Ms. Levesque reviewed the Subdivision Status report with the Commission. She explained the Bristol Crossings Subdivision, had a couple of lots being developed. The Bristol Crossings, Phase 3, (App. 324) had no status but was just extended this evening. Great Pyrenees Way is being constructed in the Town of Burlington for now. The applicant would apply for a street acceptance at some point. Laurentide Glen Subdivision, Phases 1, 2 and 3 were sold out. But, a few lots on Gino Rd., including Phase 4, were being constructed and working on lots. There were some building permits and certificates of occupancy issued recently. The Pine St. and Mitchell St. Subdivision has no status. The Blossom Estates Subdivision may possibly be in with a bond soon. The applicant was doing a lot of construction. The property was being stabilized and construction would begin on Phase 2. Perkins Meadow Subdivision had a couple of building permits issued. The Meadow View Farm Subdivision had no status.

Commission inquiries: Staff explained the applicant for the Dairy Queen project on Farmington Ave. had their finances, but then inflation increased the cost for the projects and may be unable to construct the project. He explained the Commission and Staff would decide if the next meeting and future meetings would start at 6:00 P.M. for the training and regular meetings.

Staff noted he received a request for the project for the Patterson School on Maple St. The applicant was sent some previous plans and was able to get 3 additional units versus 2 additional units.

ADJOURNMENT:

Motion was made by Commissioner Soares to adjourn.

Motion seconded by Commissioner Pose.

Motion carried 5-0.

The meeting adjourned at 8:30 P.M.

These minutes represent the proceedings of the meeting.

This meeting was taped.

Respectfully submitted,
Nancy King

Jon Pose
Acting Secretary
City Planning Commission

