

City of Bristol Zoning Regulations Update

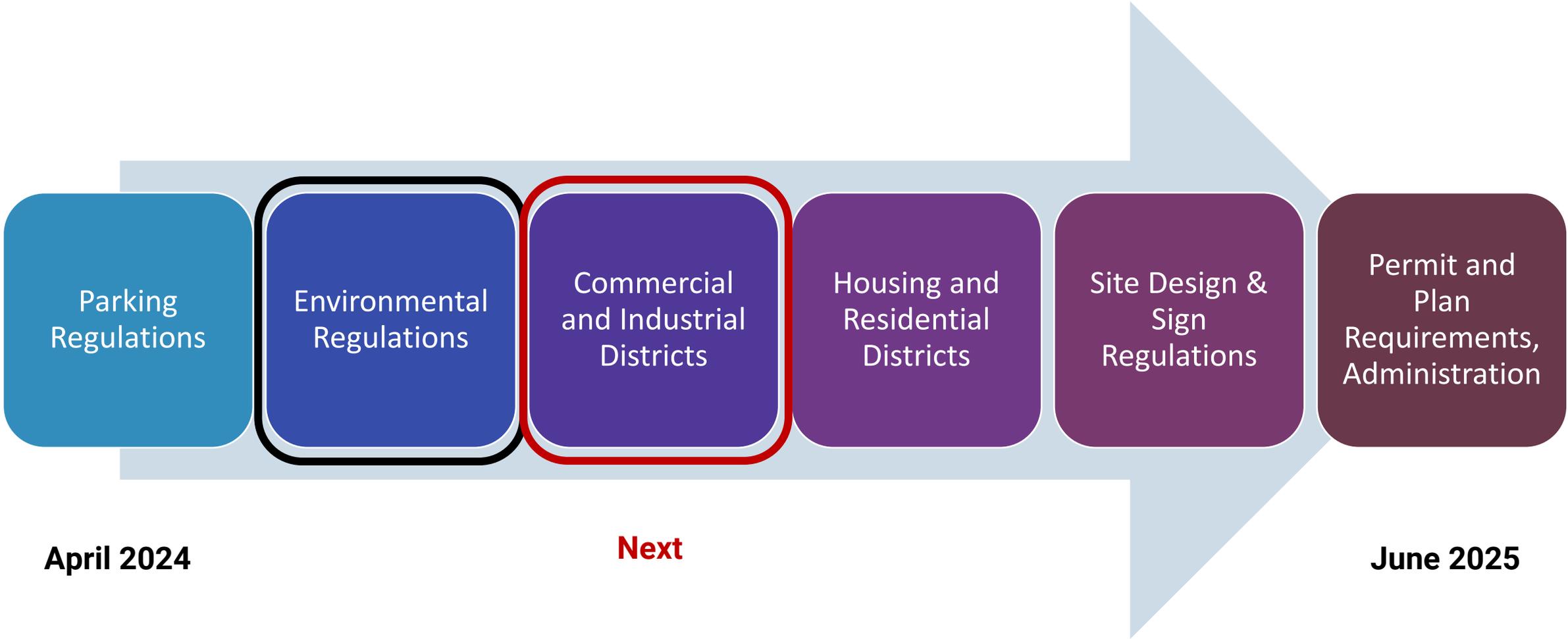
Zoning Commission Meeting 9/12/24



Agenda

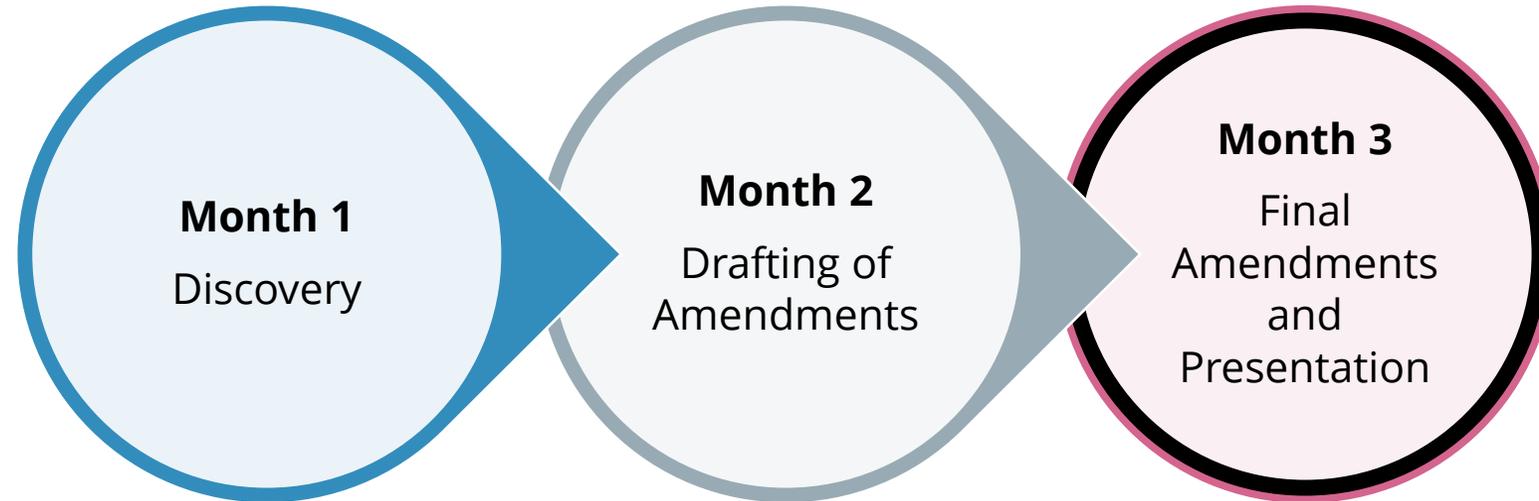
1. Review Phase 3 schedule
2. Review recommended amendments to environmental regulations and revisions made since last meeting.
3. Discuss/identify date for public presentation of environmental regulations.
4. Next steps

Phase 3: Work Sequence



Phase 3: Work Cycles

Environmental Regulations



Online Survey

We will promote the survey as part of our promotion of the Environmental Regulations Presentation.

What are *your* thoughts on land use and development in Bristol?

The City of Bristol is in the process of updating its zoning regulations to better manage growth and development across the City. The goals of this effort include simplifying the regulations, better supporting development in commercial districts, and supporting the development of housing that is appropriate to the City's residential areas.

Please participate in the survey below to share your thoughts.

Scan the QR code to take a ten-minute survey or visit:
www.surveymonkey.com/r/bristolzoning



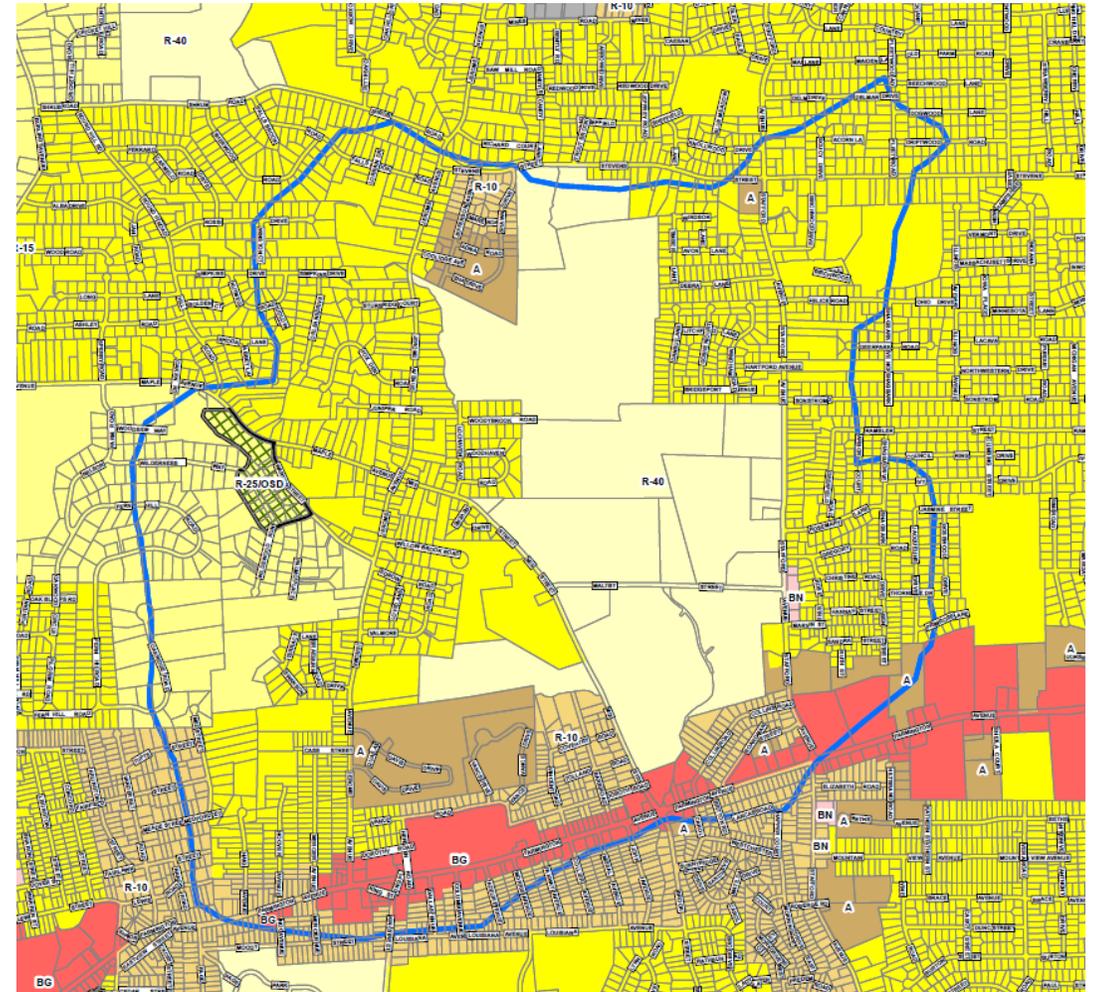
Learn more at:
www.ct-bristol2.civicplus.com/1060/Zoning-Regulations-Rewrite

Recommended Amendments

- Recommendation 11: Provide reference to the Aquifer Protection Area Regulations
- Recommendation 12: Increase the permitted height of Ground Mounted Solar Energy Systems.
- Recommendation 13: Strengthen regulations for the protection and planting of trees
- Recommendation 14: Provide a Sustainability Incentive
- Recommendation 15: Provide Riparian Corridor Protection Regulations
- Recommendation 16: Update Soil and Erosion Control Regulations
- Recommendation 17: Amend Removal of Earth Materials and Filling of Land Regulations
- Recommendation 18: Update Stormwater Management Regulations

R11 Reference Aquifer Protection Area Regulations

- Add a new section, **Section 15.7 Aquifer Protection Areas**, that states that “All land uses shall be subject to the Aquifer Protection Area Regulations of the City of Bristol”.
- Add a requirement to **Section 16.3.5 Site Plan Requirements** that the Site Plan identify whether the site is located within an Aquifer Protection Area (APA) and if partially located within an APA, provide the boundaries of such on the Site Plan.



R12. Ground Mounted Solar Energy Systems

- Increase maximum height of solar panels from 14 feet to 20 feet if located above parking spaces in commercial and industrial districts.
- Requires amendment of Section 5.4.9.C.
- We have found no building code that requires minimum clearance distances below panels.
- The Fire Marshal has the authority to review ground-mounted solar proposals to ensure they don't obstruct Fire Department access needs and are otherwise compliant with Fire Code.



North Main Street, West Hartford

R13. Protection and Planting of Trees

Amend Section 11.1 Landscaping Requirements, Section 11.1.2 General Requirements as follows:

- Eliminate existing items K and L and replace with the following requirements:
- Require preservation or replacement of existing non-invasive trees in good condition that are over 12 inches in caliper.
- Require replacement of existing non-invasive trees in healthy condition on a one-for-one basis. Replacement trees to be provided on- or off-site.
- Provide a payment-in-lieu-of planting option and direct payments towards tree-planting citywide and maintenance of street trees. This requires establishment of such a fund by municipal ordinance.

R13. Protection and Planting of Trees

Add the following requirement to Section 11.1:

- K. The removal 10 or more trees over 12 inches in caliper or the clearcutting of 1,000 sf or more of land containing trees more than 12 inches in caliper shall require a report to be provided to the Land Use Department by an arborist licensed in the State of Connecticut prior to the removal of such trees. The report shall indicate the number of healthy, non-invasive trees over 12 inches in caliper proposed for removal. Such trees shall be marked with ribbons prior to removal.

Add the following requirement to Section 16.3.5, item C of Site Plan Requirements:

- C. The location of healthy, non-invasive trees over 12 inches in caliper that are planned for removal, or areas including such trees shall be shown on the Site Plan. A quantity of such trees planned for removal shall also be indicated on the Site Plan.

R13. Protection and Planting of Trees

The Office of Legislative Research has two reports relevant to municipal authority to regulate tree removal and planting through its zoning authority.

- Report 2006-R-0242 states the following:
 “Municipalities can restrict clear-cutting and other forest practices on proposed new development requiring wetland, subdivision, and zoning approval.”
- Report 2006-R-0690 states the following:
 “The statutes do not specifically address whether a municipality could require a developer to plant trees to replace those removed during residential construction, and we could find no relevant case law. But it appears that a municipality could impose this requirement under its broad land use powers.”

9/11/24, 3:43 PM Clear Cutting for New Construction

Topic:
MUNICIPALITIES; ZONING; CONSTRUCTION INDUSTRIES; LAND USE; WOOD;
Location:
TREES;



November 13, 2006 2006-R-0690

REPLACEMENT TREES FOR NEW CONSTRUCTION

By: Kevin E. McCarthy, Principal Analyst

You asked whether a municipality could require a developer to plant trees of a certain size (caliper) to replace trees removed during residential construction. The Office of Legislative Research is not authorized to give legal opinions, and this memo should not be considered one.

REPLACEMENT TREES FOR NEW CONSTRUCTION

The statutes do not specifically address whether a municipality could require a developer to plant trees to replace those removed during residential construction, and we could find no relevant case law. But it appears that a municipality could impose this requirement under its broad land use powers. CGS § 22a-320 requires that zoning and subdivision regulations include provisions for soil erosion and sedimentation control. Since trees, and in particular mature trees, can significantly reduce soil erosion and sedimentation, it appears that a municipality could require developers to plant trees to replace the ones lost in the development process in order to protect the affected lots and neighboring properties from runoff and related problems. More generally, the law gives municipalities broad powers in zoning land and regulating subdivisions. CGS § 8-2 requires that zoning regulations promote health and general welfare and allows municipalities permit certain land uses or structures only with a special permit or special exception. Subdivision regulations must ensure that the development does not jeopardize health and public safety. Similarly, CGS § 22a-37 *et seq.* requires municipalities to regulate construction and certain other activities in wetlands to reduce their environmental impact on the wetlands. The planting of trees to replace those lost to development might be one way to meet these requirements.

Representatives of the Connecticut chapter of the American Planning Association (CCAPA), the Home Builders Association of Connecticut, the UConn Center for Land Use Research and Education, and the Connecticut Association of Conservation and Inland Wetland Commissions are not aware of any municipal ordinances that require the planting of replacement trees. Chris Wood, CCAPA's legislative liaison, notes that subdivision

<https://www.cga.ct.gov/2006/rpt/2006-R-0690.htm> 1/2

R13. Protection and Planting of Trees

Municipalities have limited authority to restrict clear cutting if it is conducted for the purposes of the harvesting of timber.

PREEMPTION OF LOCAL FOREST PRACTICES REGULATION (CGS § 23-65F ET SEQ.)

The law preempts municipalities from regulating certain forest practices. By law, forest practices are activities that may alter the physical or vegetative characteristics of forest land that is undertaken in connection with the harvest of commercial forest products. "Forest land" is a portion of a parcel of land (1) that is at least one acre in size and meets other criteria and (2) that has no structures, maintained landscaping, accessway or other improvement. Commercial forest products are those produced from forest land in amounts greater than 50 cords, 150 tons, or 25,000 board feet of wood, whichever measure is appropriate, in any 12-month period.

The preemption does not apply if the harvest is undertaken to convert forest land to other uses and the conversion has been approved by the planning or zoning commission (under certain circumstances, the wetlands agency also must also approve).

R14. Sustainability Incentive

- Add Section 15.9 Sustainability Incentives that provides a sustainability incentive that is based upon a points system. The incentive would allow an increase in lot coverage (such as up to 25%) in exchange for the provision of:
 - LEED building
 - Tree cover
 - Native plants
 - On-site capture of stormwater
 - On-site solar
 - Geothermal heating or cooling
 - Gray water use
 - Pervious, Porous, or Permeable Pavement
 - Green Roofs
 - Electric Vehicle Charging (above required)
 - Bicycle Parking (above required)
 - Public Sidewalks (above required)
 - Dark Sky Compliance

R15. Riparian Corridor Protection

- Add Section 15.8 Riparian Corridor Protection where improvements would be restricted within 25 or 50 feet of rivers and brooks.
- Limit to rivers and major brooks such as the:
 - Pequabuck River
 - Eight Mile River
 - Birge Pond Brook
 - Copper Mine Brook
 - Hancock Brook
 - Polkville Avenue Brook
- Consider requiring a 25 foot or 50-foot riparian zone.

THE CASE FOR RIPARIAN CORRIDOR PROTECTIONS



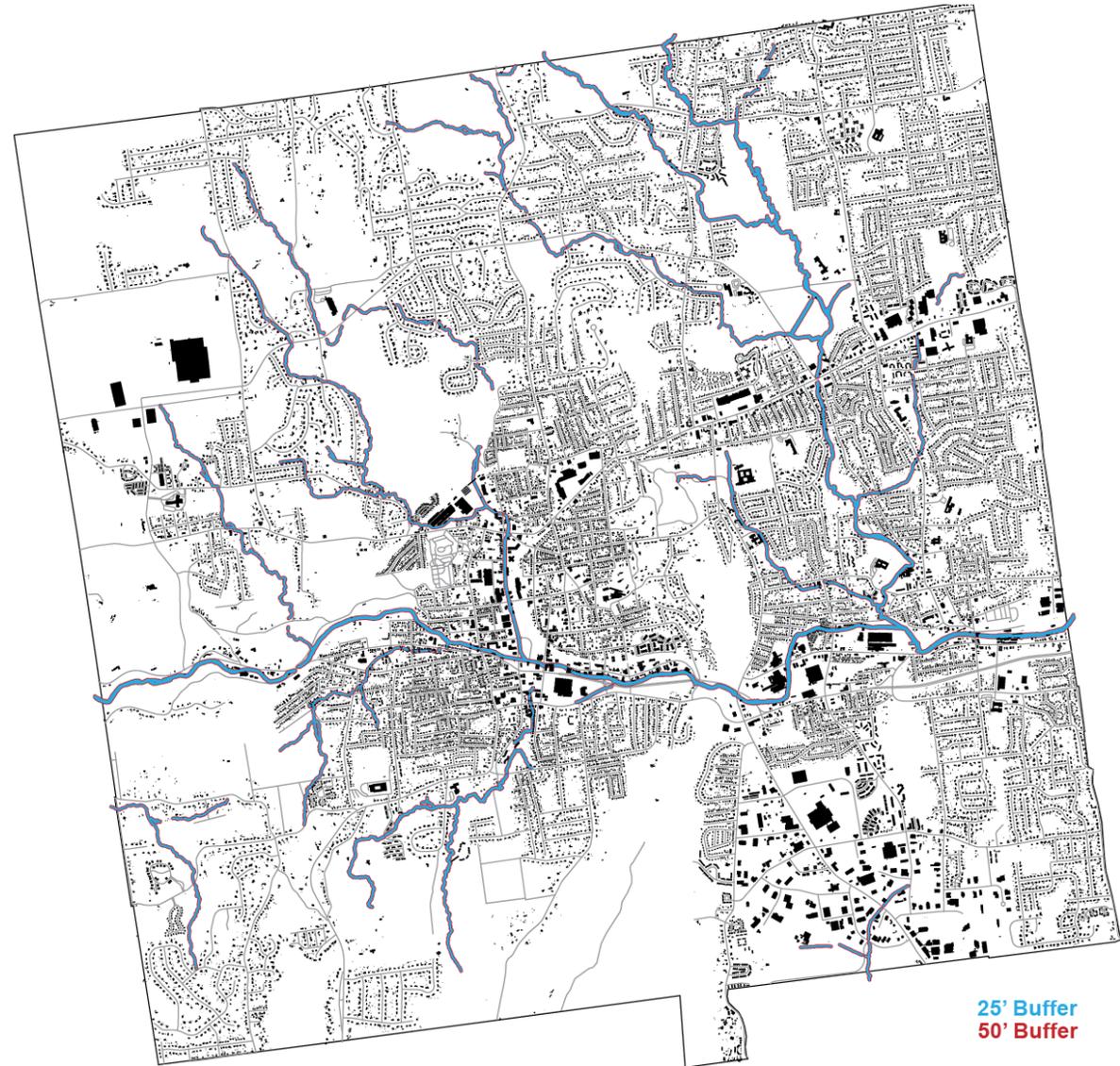
Zoning Strategies to Reduce Pollution of Inland Waters and Resultant Hypoxia of Long Island Sound

August 10, 2021
 Western Connecticut Council of Governments
 1 Riverside Road, Sandy Hook, CT 06482
<http://westcog.org>



R15. Riparian Corridor Protection

- The impact of riparian corridor protection regulations depends on the following factors:
 - The extensiveness of the hydrologic network that the regs apply to.
 - The required buffer distance.
- At either distance, the riparian zone would capture a significant number of principal and accessory structures: residential, commercial, and industrial.
- The 50-foot zone captures about twice as many structures as the 25-foot zone.



R16: Update Soil Erosion and Sediment Control Regulations

15.1.1 Purpose

This Section is designed to further the purposes set forth in **Section 22a-326** of the Connecticut General Statutes relative to soil conservation in the State of Connecticut

Section 22a-329 is a more appropriate reference

15.1.5 Erosion and Sediment Control Plan

Update references to guidance documents:

- Connecticut Guidelines for Soil Erosion and Sediment Control (**2024**), Refer to Chapter 3.
- Remove reference to Connecticut Stormwater Quality Manual (**2024**) as there is no content that guides the development of a soil erosion and sediment control plan.

R17: Removal of Earth Materials and Filling of Land Regulations

- Revise language as follows:
 - 15.2.2 General Provisions
 - ~~A. Except as otherwise provided herein, there shall be no removal of earth materials from any property in any zoning district.~~
 - A. The removal of earth materials shall be conducted in accordance with Sections 15.2.3 through Section 15.2.7 below.
- Change references in Section 15.2.3 and 15.2.6 from “Temporary Permit” to “Zoning Permit”
- Amend Section 15.2.5.B to apply the requirements only to Earth Removal Operations
- Require reporting over a full 12-month period. The current reporting period is only 6 months.
- State that the filling of land shall require a “Site Plan approval” by the Commission instead of “the approval of the Commission”.

R18: Update Stormwater Management Regulations

- Provide references to the current version of the Connecticut Stormwater Quality Manual (2024).
- Add requirements that all Site Plan and Special Permit applications involving stormwater infrastructure provide a long-term maintenance plan and authorize inspections by the City.
- Improve clarity of language regarding process of allowing modifications to the application of the regulations.

Public Presentation

OCTOBER

2024

We will conduct a virtual presentation of the environmental recommendations on 10/24 at 6:00 pm

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

Next Steps

- Finalize recommended environmental regulation amendments
- Initiate review of Commercial, Industrial and Mixed-Use Districts
- Conduct virtual presentation of environmental regulation recommendations

Next Meeting

OCTOBER

2024

Our next meeting is
Thursday, October 10th
at 5:00 pm

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		