

**BRISTOL ZONING COMMISSION
MINUTES
SPECIAL MEETING OF MONDAY APRIL 18, 2022**

CALL TO ORDER:

By: Chair Provenzano

Time: 5:30 P.M.

Place: City Hall

ROLL CALL:

MEMBERS	NAME	PRESENT	ABSENT
REGULAR MEMBERS:	Louise Provenzano (Chair)	X	
	Michael Massarelli (Vice Chair)	X	
	Richard Harlow	X	
	David White (Secretary)	X	
	Thomas Marra		X
ALTERNATE MEMBERS:	Marc Gagnon	X	
	Aileen Abrams	X	
	Richard Goodwin	X	
STAFF:	Robert M. Flanagan, AICP, City Planner	X	
	Andrew Armstrong, Assistant City Planner	X	

PUBLIC PARTICIPATION:

There was no public participation.

ADMINISTRATIVE MATTERS:

1. January 31, 2022 – Special Meeting Minutes

Chair Provenzano designated regular Commissioners Massarelli, White, Harlow and Provenzano to vote on the January 31, 2022, special minutes. She also designated alternate Commissioner Gagnon to vote on the January 31, 2022 special minutes in place of Commissioner Marra with his absence at the January 31, 2022 special meeting.

MOTION: Move to approve the minutes of the January 31, 2022, special meeting.

By: Massarelli

Seconded: Harlow.

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

Against: None.

Abstained: None.

NEW BUSINESS:

1. Special Permit – Standards for Approval:
 - a. August 2021 – FHI Meeting Presentation
 - b. August 2021 – Statutory Changes
 - c. March 2022 – FHI Direction on Character

The Commission acknowledged receipt of the following items in their electronic packets: a report entitled "City of Bristol Zoning Regulations Update Zoning Commission Meeting, dated August 16, 2021, regarding CT Public Act 21-29: Zoning Enabling Act.

A memorandum dated July 7, 2021, regarding 07072021 Public Act No. 21-29 Outline and Summary, to NVCOG Chief Elected Officials, from Savannah-Nicole Villalba, AICP Candidate Regional / Municipal Planner, Subject: Public Act No. 21-29 Outline and Summary. A page describing "8. Standards for Approval" and a Guidance on PA 21-29 states the following, from Francisco Gomes, AICP, ASLA Senior Project Manager, FHI studio.

Staff reviewed the items with respect to the use of character in any denial that may be before the Commission, especially with the current Standards of Approval for Special Permits. The Commission is encouraged to not use character as part of any denial motion. Mr. Gomes has offered the advice that this issue can be resolved by removing the references to character "with language that articulates clear and explicit standards" of approval. Mr. Gomes suggested that this issue can be addressed during the Phase 1 rewrite and those changes/revisions can be adopted as part of that initial rewrite process later this summer.

The Commission agreed with this approach.

OLD BUSINESS:

2. Review and discussion of:

- a. Format/nomenclature options
- b. Key Issues from the line-by-line review

A copy of the Bristol, CT, Draft Zoning Regulations, Originally Effective, December 21, 1990, 2022 Revision, Effective Month Day, 2020, was forwarded to the Commission for review.

Mr. Gomes forwarded to the Commission and Staff a Draft of the Revised Zoning Regulations, up to Page 41. The Draft is an opportunity for the Commission to see the format that has been adopted and to gauge if they are comfortable with the layout. The general consensus was that the format looked good and was acceptable, and that Mr. Gomes should proceed with the reformatting.

The following items were reviewed by Mr. Gomes with the Commission and Staff:

1. Section 6.3.8 – Business and Professional offices in R-10 & R-15 Residential zones, of the reformatted Regulations. The question of the threshold of the eight person limit was discussed and how it was arrived at in a previous Zoning text amendment. Mr. Gomes suggested that the threshold be tied to the Gross Floor Area (G.F.A) of the building and the Commission did not have any concerns with this proposed change.
2. Section 7.3.3 – Parking or Open Space Structures; the question was asked, would this use also require a Zoning Permit and the response was yes; Mr. Gomes suggested that this be clearly spelled out in the rewrite and that was acceptable to the Commission.
3. Section 7.3.8 Antennas or Communication Structures was discussed; Mr. Gomes asked why there was no upper limit on the height requirements for this type of application. The consensus was that there should be an upper limit and Mr. Gomes will work to define this further for the Commission.
4. Section 7.3.13 Accessory Dwelling Unit – Mr. Gomes asked the Zoning Commission "may" allow an expansion of a building foundation to accommodate an Accessory Dwelling Unit; Mr. Gomes suggested that there should be some clearly defined parameters and Staff and the Commission
5. Section 7.4.7.B. & C. – Parking and Storage of Vehicles – Mr. Gomes asked if the statement "in a fully enclosed structure" was still needed in this section that regulates the parking of commercial vehicles (those vehicles in excess of 10,000 lbs) in Residential zones. The Chair noted that she has observed many properties in the city that appear not be in compliance with this Regulation and that this particular statement should be kept. Staff concurred.
6. Parking Regulations:
 - a. The usage of the phrase "excessively long" to describe rows of interior and perimeter parking spaces in the current Regulations was raised by Mr. Gomes. The phrase was deemed to be too vague and should be changed to a more quantifiable term.
 - b. The phrase "curbed planting strips" in the current Regulations does not take into consideration that curb less strips could be used with engineered breaks in the curbing that should be allowed so that runoff could be absorbed into the planted islands. This would be a consideration for Low Impact Development (LID) and will be considered in the re-write.
 - c. The current Regulations state "The floors used for parking within an aboveground parking structure which is part of the principal building shall not be included in calculating a buildings height." After some discussion, it was decided that this bonus to a developed should be retained.

- d. The Commission "may" allow the parking aisles for two small car parking spaces to be reduced by two feet; Mr. Gomes asked if this should just be allowed and the general consensus was yes – the word "may" should be eliminated.
- e. Current Regulations: Driveways shall cross the street line so that the angle between the center line of the driveway and a line perpendicular to the street right-of-way line, measured at such street line, does not exceed 30 degrees.

Mr. Gomes' suggested alternative:

Driveways shall intersect the street line within 30 degrees of perpendicular as measured between the centerline of the driveway and the right-of-way line. It was agreed that the alternative was much clearer and concise.

- f. Current Regulations: Except for those which serve single- or two-family dwellings, all driveways, parking areas and loading areas shall have a surface of permanent bituminous or concrete paving, with an adequate base course to support the volume of vehicular traffic anticipated.

Mr. Gomes suggested alternative:

Add pavers or pervious pavement be acceptable surface treatments. OK with Commission.

- g. Current Regulations: Finished grades for parking areas shall not exceed three percent

Mr. Gomes suggested alternative:

Finished grades for parking areas shall not exceed three percent except for areas that do not serve accessible spaces, which can be five percent. No objection was heard from the Commission.

7. Soil and Erosion Regulations

Current Regulation: No development the disturbed area of which is cumulatively more than one-half acre in area shall be undertaken in any zoning district unless certification therefor in compliance with the provisions of this Section and of Section IX.G. (Stormwater Management) has first been obtained from the Commission or its designated agent.

Mr. Gomes suggested alternative:

Development activity that will disturb more than one-half acre in cumulative shall require certification in compliance with the provisions of this Section and Section IX.G. (Stormwater Management) from the Commission or its designated agent prior to the initiation of development activity. This was generally OK but further study and revised wording may be needed.

8. Removal of Earth Materials

Current Regulation: For an earth removal operation not associated with an approved Site Plan or an approved subdivision plan, a timetable for the completion of the earth removal operation and a concept plan showing the possible re-use of the property after completion of the earth removal operation. At a minimum, the concept plan shall show existing natural features such as wetlands and watercourses, wooded areas and rock outcroppings; existing contours and proposed final contours at intervals of not more than five feet; and a preliminary layout of proposed streets, lots, open spaces, buildings, parking areas, site access and utilities, as may be applicable to the proposed development. A determination by the Commission that the concept plan is acceptable shall not constitute approval of the plan by the Commission, nor shall it constitute an obligation on the part of the applicant to construct the proposed development shown on the plan.

Mr. Gomes question:

Is this a quarry or operation for the sale of earth materials from a site?

The answer was yes, it is a quarry operation.

9. Special Permits

- a. Any Special Permit approved by the Commission shall require a Site Plan application to be submitted and approved in accordance with the provisions of Section XI prior to the issuance of a Building Permit. The applicant may choose to submit the Site Plan application concurrently with or subsequent to the Special Permit application.

Mr. Gomes question:

Why subsequent to? Isn't this information needed to make a decision about the Special Permit application?

Answer: Pursuant to State Statute, a Special Permit can be applied for and granted by the Commission prior to the submission of a Site Plan. This was done for the daycare facility and senior housing approvals granted for Jennings School. The applicant came back with a Site Plan a few months after the Special Permit approval.

- b. Conditions and Safeguards – In granting a Special Permit, the Commission may attach such conditions and safeguards as may be required to protect the public health, safety and general welfare and to ensure continued compliance with these Regulations. Such conditions and safeguards may include, but shall not be limited to:
- c. A maximum number of employees;
- d. Hours of operation;
- e. Periodic review and renewal of the Special Permit by the Commission to determine continuing compliance therewith;
- f. A date of expiration of the Special Permit;

Mr. Gomes statement:

This may not be allowed pending a Supreme Court case regarding a municipality's right to place a time limit on Special Permits.

- 3. FHI Meeting Presentation
 - a. January 2022

A copy of the City of Bristol, Zoning Regulations, Update, Zoning Commission Meeting 1/31/22, from FHI studio was supplied to the Commission to provide continuity as to where the last meeting Regulation Re-Write meeting left off.

Next Steps:

The next meeting of for the Regulation Re-Write process tentatively scheduled for July.

ADJOURNMENT:

MOTION: Move to adjourn at 7:40 P.M.

By: Harlow

Seconded: White

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

Against: None.

Abstained: None.

This meeting was taped.

Respectfully submitted,

Nancy King
Recording Secretary

Louise Provenzano, Chair

David White, Secretary