

**BRISTOL ZONING COMMISSION
MINUTES
REGULAR MEETING OF MONDAY, NOVEMBER 14, 2022**

CALL TO ORDER:

By: Acting Chair White

Time: 7:00 P.M.

Place: Board of Education,
Auditorium, 129 Church Street**ROLL CALL:**

MEMBERS	NAME	PRESENT	ABSENT
REGULAR MEMBERS:	Louise Provenzano (Chair)		X
	David White (Secretary & Acting Chair))	X	
	Thomas Marra (Acting Secretary)	X	
	Richard Harlow	X	
	Marc Gagnon		X
ALTERNATE MEMBERS:	Aileen Abrams	X	
	Richard Goodwin	X	
STAFF:	Robert M. Flanagan, AICP, City Planner	X	
	Andrew Armstrong, Assistant City Planner	X	
	Edward Spyros, Zoning Enforcement Officer	X	

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

PLEDGE OF ALLEGIANCE:

Acting Chair White reminded the Commission the next regular meeting was on Wednesday, December 12, 2022.

ADMINISTRATIVE MATTERS:

1. Approval of Minutes
 - a. September 19, 2022
 - b. October 17, 2022

Acting Chair White designated regular Commissions Marra, and White to vote on the September 19, 2022, regular meeting minutes. He also designated alternate Commissioners Goodwin and Abrams to vote on the September 19, 2022, regular meeting minutes in place of Commissioner Harlow with his absence at the September 19, 2022, regular meeting.

Commissioner Marra explained a correction was needed on Pg. 4, in the 7th paragraph, the existing states 3 of the 4 members voting against the stated experts. But, he thought this should be modified to state there was 4 "Inland Wetlands members."

The Commission agreed with the correction.

MOTION: Move to approve the minutes of the September 19, 2022, regular meeting, as amended.

By: Marra

Seconded: Abrams.

For: Goodwin, Marra, Abrams and White.

Against: None.

Abstained: None.

Acting Chair White designated regular Commissions Marra, Harlow and White to vote on the October 17, 2022, regular meeting minutes. He also designated alternate Commissioners Goodwin and Abrams to vote on the October 17, 2022, regular meeting minutes in place of Commissioners Provenzano and Gagnon.

MOTION: Move to approve the minutes of the October 17, 2022, regular meeting.

By: Abrams

Seconded: Marra.

For: Marra, Goodwin, Abrams and White.
Against: None.
Abstained: None.

2. ZEO Report – November 2022

The Commission acknowledge receipt of the following item in their electronic packets: the Zoning Enforcement Officer's report dated November 2, 2022.

Mr. Spyros reviewed his report with the Commission. The violation at the Nuchie's building has been resolved.

3. Yearly Meeting Schedule – 2023

The Commission acknowledge receipt of the following item in their electronic packets: the 2023 Yearly Meeting Schedule for the Commission, dated November 1, 2022. Mr. Flanagan noted the 2023 Yearly Meeting Schedule was recorded in the City Clerk's Office on November 2nd. The meetings would be at the Board of Education in the same room.

RECEIPT OF NEW APPLICATIONS:

4. Application #2447 – Special Permit amendment for 1) motor vehicle repair and service facility and 2) the display or sale of new or fully operable motor vehicles at 96-98 East Main Street; Assessor's Map 41, Lot 36-1; BG (General Business) zone; Blasius of Bristol, LLC, applicant.

Acting Chair White designated regular Commissions Marra, Harlow and White to vote on Application #2447. He also designated alternate Commissioners Goodwin and Abrams to vote on Application #2447 in place of Commissioner Provenzano and Gagnon with their absence this evening.

Mr. Flanagan explained he spoke with the applicant's attorney, Alfred Morrocco, this afternoon and the applicant and there is currently pending litigation for this property and this use. The reason the application has been filed is to comply an order of the court. Attorney Morrocco had no concerns with scheduling a public hearing.

There were certain parameters when a Site Plan was not needed for a property, which can be determined by the Commission or the ZEO. The current proposal would be an increase of vehicles for sale of about 35 vehicles on the property, which was the major change for the property. The applicant submitted a map for the Special Permit. He suggested the applicant submit a Site Plan for the property before the next deadline to be accepted at their next meeting. The property never adhered to the Special Permit or the Site Plan that was approved in March 2021.

Commission inquiries: Mr. Flanagan explained a public hearing was not required, but the Commission would vote on the site plan after it is received.

MOTION: Move that Application #2447 – Special Permit amendment for 1) motor vehicle repair and service facility and 2) the display or sale of new or fully operable motor vehicles at 96-98 East Main Street; Assessor's Map 41, Lot 36-1; BG (General Business) zone; Blasius of Bristol, LLC, applicant, be scheduled for a Public Hearing at the next Regular Meeting of the Zoning Commission on: December 12, 2022.

By: Harlow

Seconded: Marra.

For: Marra, Goodwin, Abrams, Harlow and White.
Against: None.
Abstained: None.

The application is scheduled for public hearing.

5. Application #2448 – Special Permit for a motor vehicle repair and service facility at 735 Farmington Avenue; Assessor's Map 53, Lot 12 (BG (General Business) zone; EOC Development, LLC, applicant.
6. Application #2449 – Site Plan for a motor vehicle repair and service facility at 735 Farmington Avenue; Assessor's Map 53, Lot 12 (BG (General Business) zone; EOC Development, LLC, applicant.

Acting Chair White explained that Application #2448 and #2449 would be heard concurrently and be voted on separately.

Acting Chair White designated regular Commissions Marra, Harlow and White to vote on Application #2448 and Application #2449. He also designated alternate Commissioners Goodwin and Abrams to vote on Application #2448 and Application #2449 in place of Commissioner Provenzano and Gagnon with their absence this evening.

Mr. Flanagan explained if these applications are approved, the two houses on site would be demolished. The proposal is to construct a new building for oil changes and vehicle emissions testing.

MOTION: Move that Application #2448 and Application #2449 be scheduled for a Public Hearing at the next Regular Meeting of the Zoning Commission on: December 12, 2022.

By: Harlow

Seconded: Goodwin.

For: Marra, Harlow, Goodwin, Abrams and White.

Against: None.

Abstained: None.

The Application #2448 and Application #2449 are scheduled for public hearing.

7. Application #2450 – Revision to an Approved Site Plan for fuel oil and heating fuel storage facility at 351 Minor Street; Map 66; Lot 263-2; Christopher Armstrong, applicant.

Acting Chair White designated regular Commissions Marra, Harlow and White to vote on Application #2450. He also designated alternate Commissioners Goodwin and Abrams to vote on Application #2450 in place of Commissioner Provenzano and Gagnon with their absence this evening.

MOTION: Move that Application #2450 – Revision to an Approved Site Plan for fuel oil and heating fuel storage facility at 351 Minor Street; Map 66; Lot 263-2; Christopher Armstrong, applicant, be moved to New Business after Election of Officers on tonight's meeting agenda.

By: Harlow

Seconded: Marra.

For: Harlow, Marra, Goodwin, Abrams and White.

Against: None.

Abstained: None.

The application is moved to New Business after Election of Officers on tonight's meeting agenda.

8. Application AZR-22-2 – Proposed amendment to the Zoning Regulations to add a density requirement for Housing for the elderly, including congregate housing and life care facilities (Section V.A.3.i.) for the R-10, R-15, R-25 & R-40 (Single-Family Residential) zones; Initiated by: Bristol Zoning Commission.

Mr. Flanagan explained this application was a proposed amendment that was e-mailed to the Chair and Vice Chair previously. The new amendment would have the word "dwelling" inserted so that the amendment will read 4 dwelling units per acre. This would make the Regulation clearer and similar to the existing Regulations. If the Commission votes on to accept this application this evening, the revised language would be added to the amendment. Mr. Flanagan read into the record the proposed draft amendment.

Mr. Flanagan explained Commissioner Abrams asked at the last meeting if the language would affect the facility at the corner of RT 6 and North Main St. and what the density of the development is. He explained the facility on RT 6 and North Main St. had 60 units per acre but would not be affected by this amendment.

The amendment would be for residential zones/densities only. The amendment at this time would not be applied to the business zones or the commercial zones or the "A" Multi-Family zone. He explained congregate facilities and life care facilities have higher densities and that Staff was continuing to review the use.

MOTION: Move to schedule Application AZR-22-2 (with Staff revisions noted above). – Proposed amendment to the Zoning Regulations to add a density limit for Housing for the elderly, including congregate housing and life care facilities (Section V.A.3.i.), for the R-10, R-15, R-25 & R-40 (Single-Family Residential) zones; Initiated by: Bristol Zoning Commission, be scheduled for a public hearing for the next regular meeting of the Zoning Commission on December 12, 2022.

By: Harlow

Seconded: Goodwin.

For: White, Marra, Harlow, Goodwin and Abrams

Against: None.

Abstained: None.

The application is scheduled for public hearing.

PUBLIC HEARINGS:

There were no public hearings.

OLD BUSINESS:

There was no old business.

NEW BUSINESS:

Election of Officers

Acting Chair White explained the Commission would continue the election of officers to their January meeting.

The Commission resumed Item #7, under New Business.

7. Application #2450 – Revision to an Approved Site Plan for fuel oil and heating fuel storage facility at 351 Minor Street; Map 66; Lot 263-2; Christopher Armstrong, applicant.

Mr. Flanagan explained the Site Plan was approved in June 2021 and Commissioners Harlow, White and Massarelli voted on and approved the application. This evening the applicant is requesting to construct a phasing plan without building the proposed rail spur. The rail spur would be part of Phase II. The City Engineer reviewed the proposal and agreed on the plan; also, she suggested the phasing plan. The applicant was waiting for the CSX Railroad to finish the review of the design.

Christopher Armstrong, 113 North Riverside Ave., Terryville, explained the reason for the two phases was to go forward with the project. Pan AM recently sold to CSX. If the plan was in two phases, he may get the preliminary items constructed on-site that were inclusive of the building.

Commissioner inquiries: Mr. Armstrong explained there was no tentative date from CSX when the plan would be approved.

The following person spoke against the application: Ellen Munson, 971 Matthew St., explained she was disappointed with the approval of the project because of the lack of due diligence without a traffic study. This affects about 1,000 people with noise. Her view was this was a moot point now. But she would contact CSX Rail and the town of Plymouth for the trestle condition in Terryville; also, for potential accidents with propane/diesel products for the area.

Commissioner Marra commented although the plan was approved, not much would not be changing except for expediting the site work. This was just a formality.

Commission inquiries: Mr. Flanagan explained if the railroad does not approve the plan, the applicant would have to continue to work with the railroad. Phase 1 was not dependent on Phase II and may exist on its own without the remaining phase. There has been no staff contact with CSX Railroad. Regarding the trucks, traffic and roads, the Commission can have the applicant appear at a future meeting if there are concerns or issues with the site, following the Special Permit process as outlined in the Regulations.

Raymond Rogozinski, P.E., Director of Public Works, Public Works Department, 111 North Main St., agreed with the City Planners description. He explained each phase would stand on its own. Regarding the rail operator, this is a City owned track and the City authorized the installation of the rail. The applicant had to obtain approval from the rail provider for the construction phase and design review. CSX is the operator of the rail, but the applicant had the City's permission to construct the spur.

The following person spoke again: Ellen Munson, 971 Matthew St., inquired if the spur is not constructed, how many trucks would be at the property because the traffic would increase significantly in the area. She wanted to protect the people in the area.

Commission inquiries: Mr. Flanagan explained if there are concerns on Phase I, the original Special Permit has the ability to address concerns. If those concerns are reported to the ZEO, those would be reported to the Commission.

Commission inquiries: Mr. Armstrong explained he was unsure of the capacity of the facility or the gallons because it was dependent on their customers.

MOTION: Move that Application #2450 – Revision to an Approved Site Plan to approve a Phasing Plan for a fuel oil and heating fuel storage facility at 351 Minor Street; Map 66; Lot 263-2; Christopher Armstrong, 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. Documentation for the approval of the design of the rail spur from CSX shall be submitted to the City Engineer prior to work commencing on Phase 2.
3. 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: Marra.

For: White, Marra, Harlow, Goodwin and Abrams
 Against: None.
 Abstained: None.

The application is approved with stipulations.

CORRESPONDENCE:

9. Memo from the Office of Corporation Counsel – 10/28/22

The Commission acknowledged receipt of the following items in their electronic packets: a memorandum dated October 28, 2022, from Attorney Thomas Conlin, Corporation Counsel Office, to Robert Flanagan, City Planner, regarding Approvals for Cannabis Establishments (attached Page entitled "Adopted by City Council on 9/22/2022, Effective Date: 10/13/22 and a Resolution adopted by the City Council.)

Mr. Flanagan explained the Corporation Counsels' Office informed his office of the new Ordinance that was approved in October. He explained Section 13-124 only allowed two hybrid facilities in the City to sell adult use and medical cannabis.

In Section 13-125 there was a distance limit of 250 ft. and the use is only allowed in the zones listed in the ordinance. The applicants would provide documentation to the City Planner. When the request is received, correspondence would be generated for the applicant to bring to the City Council and the City Planner would bring the same correspondence to a subsequent meeting of the Commission. Commission inquiries: Mr. Flanagan explained mapping depicting the distance limits in the ordinance would be provided by the applicants.

CITY PLANNER'S REPORT:

9. Discussion items:

- a. Development and Site Plan activities.
- b. Future amendments to the Regulations.

Mr. Flanagan reviewed the following with the Commission:

Regarding Cumberland Farms Pine Street: the property owner had informally proposed a car wash, but they decided not to go ahead because of similar facilities in close proximity to property. Their will potentially be a revised plan is for 20 parking spaces with about 4,000 sq. yds. of material to be removed. This would require a Special Permit and Revision to their Approved Site Plan to add the parking on site.

155 Pine St. (car wash) a certificate of occupancy was signed off for new facility. The properties were merged, and the new building was move towards the street and away from the inland wetlands area.

487 North Main St. (assisted living facility) are trying to get the roof on the building prior to the winter weather and have the building dried in. Then they would work on the building interior and possibly have the building opened in April of 2023.

Commission inquiries, respectively: Mr. Flanagan explained the city right of way easement that was approved for 6 inches, but only $\frac{3}{4}$ of an inch was needed. The approved amendment to the city right of way would not affect the road width.

1444 Farmington Ave: the property developer would be in soon for final inspections. He was unsure if they would open before the end of the year.

551 Farmington Ave. the property owners applied for a building permit and paid their back-taxes.

Mr. Flanagan reviewed a list of contaminated properties with the Commission that Commissioner Abrams had provided. He would e-mail this to the Commission. He reviewed the list with a potential applicant when the property appeared on the list, and he informed the potential applicant.

234 Riverside Ave. had an inquiry regarding a fuel cell facility and data center near the river. He did not have many details on the property or the request. The fuel cell property would be the jurisdiction of the CT Siting Council. The Commission would review the data center. He had inquired about locating the fuel cell facility near a floodplain area.

10. Commissioner Training – CT Gen. Assembly

Mr. Flanagan explained last year the CT General Assembly approved a law for the State of CT that mandated four hours of Land Use training by January 2024. The State had provided a curriculum and one hour of the training must be a review of Fair Housing. He and Mr. Armstrong are currently working on this initiative.

Commission inquiries: Mr. Flanagan reviewed the status of the facility at 50 Terryville Ave., which was being inspected on a regular basis. The Inland Wetlands Commission has regular engineering inspections/reports because of the proximity to the inland wetlands area.

ADJOURNMENT:

MOTION: Move to adjourn at 8:07 P.M.

By: Harlow

Seconded: Marra.

For: White, Marra, Harlow, Goodwin and Abrams

Against: None.

Abstained: None.

This meeting was taped.

Respectfully submitted,

Nancy King
Recording Secretary

Louise Provenzano, Chair

David White, Secretary