

**BRISTOL ZONING COMMISSION
MINUTES
REGULAR MEETING OF MONDAY AUGUST 14, 2023**

CALL TO ORDER:

By: Acting Chairman White

Time: 7:00 P.M.

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

MEMBERS	NAME	PRESENT	ABSENT
REGULAR MEMBERS:			
	David White (Acting Chairman and Vice Chair)	X	
	Thomas Marra (Secretary)	X	
	Richard Harlow	X	
	Marc Gagnon		X
	Richard Goodwin	X	
ALTERNATE MEMBERS:			
	Joseph Kelaita	X	
	John LaFreniere	X	
	Michael DeRoehn	X	
STAFF:			
	Robert M. Flanagan, AICP, City Planner	X	
	Andrew Armstrong, Assistant City Planner	X	
	Edward Spyros, Zoning Enforcement Officer	X	

Acting Chairman White called the meeting to order at 7:01 P.M.

PLEDGE OF ALLEGIANCE:

Acting Chairman White reminded the Commission the next regular meeting of the Zoning Commission is Monday, September 18, 2023.

ADMINISTRATIVE MATTERS:

1. Approval of Minutes

a. July 17, 2023

Acting Chairman White designated regular Commissioners Harlow and White to vote on the July 17, 2023, regular minutes. He also designated alternate Commissioners Kelaita, LaFreniere and DeRoehn to vote in place of Commissioner Gagnon with his absence this evening. Also, in place of Commissioners Marra, Gagnon and Goodwin with their absences at the July 17, 2023, regular meeting.

MOTION: Move to approve the minutes of July 17, 2023, regular meeting.

By: Harlow

Seconded: Kelaita.

For: Harlow, Kelaita, LaFreniere, DeRoehn and White.

Against: None.

Abstained: None.

2. ZEO Report

a. July 2023

Mr. Spyros reviewed his report for July 2023 with the Commission. He explained there were only 5 complaints for the month of July 2023, which were reduced from 2022.

RECEIPT OF NEW APPLICATIONS:

3. Application #2475 – Proposed amendments to the Zoning Regulations to: 1) amend Section VI.C.2.z. to remove references to live-work units; 2) add live-work units as a permitted use in the BD (Downtown Business) zones; Attorney James Ziogas, applicant.

Acting Chairman White designated regular Commissioners Harlow, Marra, Goodwin and White to vote on Application #2475. He also designated alternate Commissioner Kelaita to vote on Application #2475.

Attorney James Ziogas, 104 Bellevue Ave., the applicant, reviewed some of the details of the application with the Commission. He had a client with a site on Main St. There was a prior approved application for a retail business, but the plan was unsuccessful. The property was then sold to his client. The client wants to construct a five-story dwelling unit building with retail on the first floor. This would increase the density and improve pedestrian traffic in the downtown area in trying to meet the spirit of the Regulations. The live-work was allowed in the BD-2 zone, but not in BD-1. The request would allow for live-work units in the BD-1 zone. There was an existing definition for live-work units. The application also required a Planning Commission referral. If the Planning Commission agreed, the request would require a simple majority vote.

Staff agreed with Attorney Ziogas' description of the amendment and the Regulations. The applicant's attorney wanted to revise the Regulations.

MOTION: Move to schedule Application #2475 for a public hearing for the September 18, 2023, regular meeting of the Commission.

By: Marra

Seconded: Harlow.

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

Against: None.

Abstained: None.

The application is scheduled for public hearing.

PUBLIC HEARINGS:

4. 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 – (Public Hearing continued from July 17, 2023).

Acting Chairman White designated regular Commissioners Harlow, Goodwin, Marra and White to vote on Application #2471. He also designated alternate Commissioner LaFreniere to vote on Application #2471.

The following persons representing the applicant reviewed the application with the Commission: Raymond Rogozinski, P.E., Director of Public Works, City of Bristol, Dept. of Public Works, 111 North Main St.; Rock Emond, A.C.E., SLR International Corporation, 99 Realty Drive, Cheshire, and Frank Keletti, 3 West 35th St., Desmond Associates, New York, NY.

Mr. Rogozinski, P.E., explained the application was continued from the July meeting to revise comments. The comments received on Friday were minor, but were not on the plans yet. If there are any additional new comments the applicant would address them. He summarized the request was to construct a parking garage (84 parking spaces) on the existing municipal surface parking area.

Staff explained there was a document received this afternoon that he had distributed to the Commission this evening including a project narrative and comments from SLR International Corporation. He noted the plans have not been revised yet.

Mr. Emond explained there were additional comments from the City that he has not received yet. The comment of the most concern was the lighting plan that would have wall pack lighting fixtures, but there would not be much lighting spillage. Also, the entrance south of the driveway would be put on the Site Plan for the accessible ingress and egress for public access. In addition, an elevator and ADA parking space would be put on the plan. He reviewed the LID design for the project.

Mr. Emond reviewed the new response comments received for this evening. He spoke with the neighbor of his concerns of the grading and drainage system. A fire hydrant would be added to the property. The CLCD10 elevations would be revised to 319.6. The 5 ft. sidewalk would be expanded with a 8 ft. sidewalk towards the end.

He would coordinate with the developer and the electrical engineer, respectively, for the drainage and storm drainage plans, lighting plans (labels/revised plans), and fire hydrant plans (northwest corner stairs.) A narrative was provided for the plan. No site lighting was proposed for the 71,900 sq. ft. parking garage. He reviewed the locations of the ten EV charging stations.

Commission inquiries, respectively: Mr. Emond explained the three-level structure would only have interior lighting and no exterior lighting on the property. The grading was 3.4% with a maximum of 5% allowed. Mr. Rogozinski explained he worked with the fire marshal and there were no provisions for outdoor EV charging stations because of insufficient area. With the recent flooding storms, he reviewed the interior roof storm water drain system directed towards the floor drains/system.

Staff inquiries: Mr. Emond explained there would be a drop ramp with a cross hatched area in the cross walk.

Staff explained there would be 60 parking spaces and an additional 60 parking spaces for the Wheeler Clinic in the structure. He explained ConnOSTA approved a plan previously that controlled the parking plan because of the square footage, amount of parking spaces and traffic impacts. The City would help the applicant update the OSTA plan, which he briefly described.

The following person spoke in favor of the application: Charles Talmadge, president, Development Planning Solutions, LLC, 225 North Main St., representing Center Square Village for Carrier Construction. He was in favor of the plan because the downtown needed to be successful. He spoke to Mr. Emond prior to the meeting regarding coordinating his concerns to be resolved.

No one spoke against the application.

Staff reviewed the documents for the application including the documents received this evening.

After a brief discussion, the Commission agreed to vote on the application this evening based on Staff comments to be addressed. Staff noted he and Staff were comfortable with the plan and the response comments. If there are items that Staff and the applicant disagree on the items would be brought back to the Commission to review.

The hearing is closed.

By: Marra

Seconded: Goodwin.

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

Against: None.

Abstained: None.

MOTION: Move that 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, be approved with the following stipulation.

1. The Site Plan shall not be signed off until all remaining staff comments have been addressed and the plan revised accordingly.

By: Marra

Seconded: Goodwin.

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

Against: None.

Abstained: None.

The application is approved with stipulation.

5. Application #2472 – Site Plan for the construction of a 5,460 sq. ft. mixed use building at Lot 271-1A Clark Ave. (west of Clark Ave. and north of Terryville Ave.), Assessor's Map 66, Lot 271-1A; BN (Neighborhood Business) zone; Aamir Mumtaz, applicant.

Acting Chairman White designated regular Commissioners Harlow, Goodwin, Marra and White to vote on Application #2472. He also designated alternate Commissioner LaFreniere to vote on Application #2472.

Attorney James Ziogas, 104 Bellevue Ave., representing the applicant explained at last month's meeting the Commission scheduled a public hearing. The application required a correction of the square footage for this two-story mixed-use building. The first floor was 5,460 sq. ft. and the total square footage was 9,870 sq. ft. He noted a use Variance was granted in 1988 and filed on the Land Records. This was a difficult site and has been vacant a long time. The site has City sewer and water services. An Inland Wetlands Commission (IW) approval was received in July 2023, which required a buffer near the railroad tracks. There is City of Bristol owned property in the area. There is a traffic light on the corner of Terryville and Clark Avenues. The proposed plan was for 7 dwelling units and one commercial unit with 17 parking spaces.

Attorney Ziogas reviewed the comments and responses. The Engineering Dept. requested the water quality control and volume for .21 acres for the water quality chamber. There was a water quality chamber for the 100, 50, 25 and 2 year storms. A statement was provided for the plans. A lighting plan was provided with a photometric plan. The request included a small commercial unit (750 sq. ft.) Near the building on the east side, south side, west side and north side, respectively, had 3,200 sq. ft., 1,600 sq. ft., 4,000 sq. ft. and 2,800 sq. ft. of landscaping and a total of 11,600 sq. ft. The commercial unit would be for personal services, which would not require a loading area. He reviewed the LID features of the plan. The zero increase of storm water runoff was satisfactory. There was a fire service for the site. There is an existing 6-inch sewer lateral. There was no neighbor opposition.

Commission and Staff inquiries: Attorney Ziogas reviewed the location of the dumpster to the north side of the building. The driveway was on Clark Ave. His view was the landscaped buffer was more important than a fence near the railroad tracks. The parking spaces would not be numbered but space would be dedicated to each unit.

Staff noted Staff would review the area near the railroad tracks occasionally after the construction of the project. He explained the reasons these use Variances are not allowed anymore. The use Variances can be considered spot zoning. The comments would be worked on by Staff and the Site Plan Review Committee. The commercial unit had 3 parking spaces.

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

The Commission commented the site was in disarray but as indicated the plan would fit in with the neighborhood and the design was adequate for the purpose.

The hearing is closed.

By: Marra

Seconded: Goodwin.

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

Staff explained Staff was comfortable with the applicant adjusting the plans to the comments.

MOTION: Move that Application #2472 – Site Plan for the construction of a 5,460 sq. ft. mixed use building at Lot 271-1A Clark Ave. (west of Clark Ave. and north of Terryville Ave.), Assessor's Map 66, Lot 271-1A; BN (Neighborhood Business) zone; Aamir Mumtaz, 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. 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: Marra

Seconded: Harlow.

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

The application is approved with stipulations.

6. Application #2473 – Special Permit for the construction of a 9,600 sq. ft. motor vehicle repair and service facility at 375 Lake Avenue, Assessors Map 3, Lot 4; I (General Industrial) zone; H & H Equipment, applicant.
7. Application #2474 – Site Plan for the construction of a 9,600 sq. ft. motor vehicle repair and service facility at 375 Lake Avenue, Assessors Map 3, Lot 4; I (General Industrial) zone; H & H Equipment, applicant.

Acting Chairman White designated regular Commissioners Harlow, Goodwin, Marra and White to vote on Applications #2473 and #2474. He also designated alternate Commissioner LaFreniere to vote on Applications #2473 and #2474.

Acting Chairman White explained that Applications #2473 and #2474 would be heard concurrently, but voted on separately.

Attorney James Ziogas, 104 Bellevue Ave., representing the applicant, reviewed the request to construct a 9,600 sq. ft. motor vehicle repair and service facility. The applicant repairs and maintains heavy trucks. Also, they maintain a large amount of the City of Bristol vehicle fleets. The existing facility is located on Dolphin Road and has outgrown the neighborhood and raised neighbor's complaints. If approved, this would alleviate the concerns. The new facility would be located in the rear of an existing I-zone building on 2 acres. The site has City sewer and water services. The driveway is located on Lake Ave. to the north side of the building. The plan complied with the Regulations.

Attorney Ziogas reviewed the comments. A plan narrative was provided. The LID plans were underground infiltration, zero increase storm water and the impervious surface is at 7.15%. The business hours were 7:00 A.M. "to time to go home." The lighting details needed to be put in the plans. The dumpster would be landscaped and screened. The property setbacks were added to the plans. There are 42 parking spaces and 676 sq. ft. of landscaping. There is a spill plan, but the waste oil is used for heating. If the waste fuel was unusable, it would be removed by Safety Clean. The waste and scrap materials would be stored in the interior of the building and removed by Clean Harbors. A portion of the driveway that is not bituminous would be paved. The water and sewer lines separation would be provided.

Commission inquiries: Attorney Ziogas explained there are 6 interior bays to work on trucks. The 42 parking spaces were for employees and for trucks to be worked on. The floor was pitched sufficiently for safety spills. There is 22 ft. of area for the shared driveway.

Robert Hiltbrand, P.E., of R.R. Hiltbrand Engineers and Surveyors, 575 North Main St., representing the applicant, explained regarding drainage, the site was a pink sand that was used to construct septic systems. So, the soil drains well for infiltration. There is no existing drainage system. He reviewed the storm water drainage systems to be constructed for the parking lot water and the roof water. He explained versus his company doing the site permeability, he had a laboratory conduct the report for feasibility. If this report was inadequate, his company may do the report. This was a fairly level site. The applicant owned the property to the east and wanted to make this plan fit with that property for the future.

Staff noted the applicant would need to speak with Ms. Levesque, P.E., City Engineer, regarding the soil report and zero increase report. The Site Plan Committee and Staff did not review the comments yet, but would work with the applicant.

Staff reviewed the documents for the application.

Attorney Ziogas explained the change to the State law that benefited his client of motor vehicle locations for Section 14-54 from the Zoning Board of Appeals to the Zoning Enforcement Officer.

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

The hearing #2473 is closed.

By: Marra

Seconded: Harlow.

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

Against: None.

Abstained: None.

MOTION: Move that Application #2473 – Special Permit for the construction of a 9,600 sq. ft. motor vehicle repair and service facility at 375 Lake Avenue, Assessors Map 3, Lot 4; I (General Industrial) zone; H & H Equipment, applicant, be approved.

By: Marra

Seconded: Harlow.

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

Against: None.

Abstained: None.

The application #2473 is approved.

The hearing #2474 is closed.

By: Marra

Seconded: Goodwin.

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

Against: None.

Abstained: None.

MOTION: Move that Application #2474 – Site Plan for the construction of a 9,600 sq. ft. motor vehicle repair and service facility at 375 Lake Avenue, Assessors Map 3, Lot 4; I (General Industrial) zone; H & H Equipment, 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. 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: Marra

Seconded: Goodwin.

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

Against: None.

Abstained: None.

The application #2474 is approved with stipulations.

OLD BUSINESS:

There was no old business.

NEW BUSINESS:

There was no new business.

CITY PLANNERS REPORT:

8. NVCOG 2023 Municipal Land Use Training

Staff explained he has had some discussions with the Naugatuck Valley Council of Governments (NVCOG) regarding Land Use training. The General Assembly initiated this requirement for CT Land Use Offices and they looked for partners for training. Those partners were the NVCOG and the Council of Governments. These partners are offering an all-day training session on September 21, 2023, and on October 30, 2023, in Waterbury City Hall. This would be the same training that he and Mr. Armstrong would conduct for the Commission separately. The Commission may do either of the trainings or both of the trainings. He would send the Commission an e-mail.

9. Zoning Rewrite Review and Schedule

Staff distributed printed copies of the full version of the Revised Regulations and a full version of the Tracked Comments. The Commission should cross reference the documents. These are only draft documents. He requested the Commission's agreement to send the documents to the City's consulting Attorney that was hired to review the documents.

The Commission agreed to send the documents to the City's consulting attorney for review.

10. Staff requested a motion for 159 East Main St. be added to the agenda.

MOTION: Move to add the discussion for 159 East Main St. to the agenda.

By: White

Seconded: Marra.

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

Against: None.

Abstained: None.

The discussion was added to the agenda.

Staff explained there was a Regulation Text Amendment approved at the July meeting, which was effective August 9, 2023. The Regulations were posted online. Attorney James Ziogas had a client requesting to utilize the Regulation at 159 East Main St. for a specialty food and beverage wholesale manufacturer of cannabis products at the former Trulieve. The building had existing security and a Site Plan. There is no outdoor work to be done. The Staff recommended to approve this use. The applicant required State and City Council approval. The text amendment was written with this site in mind, but not for the specific property. There would only be employees and deliveries on site. The public was not allowed to purchase from the facility. The ZEO had issued a Zoning approval for the property.

Mr. Spyros explained before the text amendment was approved, this use would not be allowed in this building in the BG zone. The requested use would be to manufacturer marijuana food and beverages. There would be no retail sales. There is an existing safe on site, which would be more feasible for the applicant. The Commission was in agreement with this use and the actions of Staff.

ADJOURNMENT

MOTION: Move to adjourn at 8:56 P.M.

By: Marra

Seconded: Goodwin.

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

Against: None.

Abstained: None.

This meeting was taped.

Respectfully submitted,

Nancy King
Recording Secretary

David White, Acting Chairman

Thomas Marra, Secretary