

**BRISTOL ZONING COMMISSION
MINUTES
REGULAR MEETING OF MONDAY SEPTEMBER 18, 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)	X	
	Thomas Marra (Secretary)	X	
	Richard Harlow	X	
	Richard Goodwin	X	
	John LaFreniere	X	
ALTERNATE MEMBERS:	Michael DeRoehn	X	
	Robert M. Flanagan, AICP City Planner	X	
STAFF:	Andrew Armstrong, Assistant City Planner	X	
	Edward Spyros, Zoning Enforcement Officer	X	

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

PLEDGE OF ALLEGIANCE:

Acting Chairman White reminded the Commission the next regular meeting was on October 16, 2023.

ADMINISTRATIVE MATTERS:

1. Approval of Minutes
 - a. Special – July 26, 2023
 - b. Regular – August 14, 2023

Chairman White designated regular Commissioners Harlow and White and alternate Commissioner DeRoehn to vote on the July 26, 2023, special minutes.

Regarding July 26, 2023 minutes, Commissioner Marra noted a correction for the item under New Business, 1. Remaining items for review and discussion, a. Section 3.3 – Prohibited Uses. The decision the Commission made was for no decision on the responsibility of the Prohibited Uses. There was no decision made if this was the Zoning Enforcement Officer or the Zoning Commission's responsibility.

Staff explained this was a concern of Commissioner Marra's at the July 26, 2023, special meeting, but was not resolved. He suggested the Commission add a line to the minutes to make the decision of Prohibited Uses responsibilities clearer.

MOTION: Move to approve the minutes of the July 26, 2023, special meeting, as amended.

By: Harlow

Seconded: Marra.

For: Harlow, DeRoehn and White.

Against: None.

Abstained: None.

MOTION: Move to approve the minutes of the August 14, 2023, regular meeting.

Chairman White designated regular Commissioners LaFreniere, Goodwin, Harlow, Marra and White to vote on the August 14, 2023, regular meeting minutes.

By: Marra

Seconded: Harlow.

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

Against: None.

Abstained: None.

2. Zoning Enforcement Officer's Report – August 2023

Mr. Spyros reviewed his Zoning Enforcement Officer report for the month of August dated September 1, 2023. Commission inquiries: Mr. Spyros explained the motor vehicle complaints were for excess vehicles, unregistered motor vehicles, parking on the front lawn and similar items. He noted there was no limit to the amount of registered vehicles on a property. The limit on recreational vehicles (RV's) was 28 ft. in length and under.

RECEIPT OF NEW APPLICATIONS:

3. Application #2476 – Change of Zone from R-10 (Single-Family Residential) zone to I (General Industrial) zone at Andrews Street, Assessor's Map 38, Lot 84; 16 Andrews St. LLC, applicant.

Chairman White designated regular Commissioners LaFreniere, Goodwin, Harlow, Marra and White to vote on Application #2476.

Attorney James Ziogas, 104 Bellevue Ave., representing the applicant, explained the application should first be referred to the Planning Commission and then reviewed by the Zoning Commission.

Staff explained the property to the south had a zone change approved about 2 years ago. This would be an additional zone change for the area. The property owner purchased a portion of property next to this property. He noted the applicant received an approval for a Variance for the property.

Attorney Ziogas explained the property owner owned both of the properties. But, the I-zone and the R-10 zone properties were in compliance. If the application is approved, the properties would be merged and the final lot would become compliant.

MOTION: Move that Application #2476 – Change of Zone from R-10 (Single-Family Residential) zone to I (General Industrial) zone at Andrews Street, Assessor's Map 38, Lot 84; Attorney James Ziogas, applicant, be scheduled for a Public Hearing for the October 16, 2023 Regular Meeting Agenda of the Zoning Commission.

By: Marra

Seconded: LaFreniere.

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

Against: None.

Abstained: None.

The application is scheduled for public hearing.

4. Application #2477 – Special Permit for the construction of a unified residential development consisting of 11 units at 15 Haviland and the corner of Haviland Street and West Street; Assessor's Map 28, Lots 137 & 137-B; R-15/BT (Single-Family Residential & Downtown/Neighborhood Transition) zone; COKE Properties LLC, applicant.
5. Application #2478 – Site Plan for the construction of a unified residential development consisting of 11 units at 15 Haviland and the corner of Haviland Street and West Street; Assessor's Map 28, Lots 137 & 137-B; R-15/BT (Single-Family Residential & Downtown/Neighborhood Transition) zone; COKE Properties LLC, applicant.

Chairman White designated regular Commissioners LaFreniere, Goodwin, Harlow, Marra and White to vote on Application #2477 and #2478.

Attorney Timothy Furey, 43 Bellevue Ave., representing the applicant, explained the request for Special Permit and Site Plan for the construction of unified residential development consisting of 11 units on the corner of Haviland St. and West St. He reviewed the location of the property. The wall would not be the same on the property. Staff is currently reviewing the Site Plan. He requested Applications #2477 and #2478 be scheduled for public hearing in October. In response to the Commission, Attorney Furey explained the applicant reviewed similar surfaces for the wall. A Variance was received for the design of the property.

MOTION: Move that Applications #2477 and #2478 be scheduled for a Public Hearing for the October 16, 2023, Regular Meeting Agenda of the Zoning Commission.

By: Marra

Seconded: LaFreniere.

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

Against: None.

Abstained: None.

The Applications #2477 and #2478 were scheduled for public hearings at the October meeting.

6. Application #2479 – Proposed amendments to the Zoning Regulations to 1) add a definition for a climate controlled self-storage facility and 2) add climate controlled self-storage as a Special Permit use in the BD (Downtown Business) zone and 3) add an off-street parking requirement for climate controlled self-storage facility use; Attorney Timothy Furey, applicant.

Chairman White designated regular Commissioners LaFreniere, Goodwin, Harlow, Marra and White to vote on Application #2479.

Attorney Timothy Furey, 43 Bellevue Ave., explained the request for the proposed amendments to the Zoning Regulations to 1) add a definition for a climate controlled self-storage facility and 2) add climate controlled self-storage as a Special Permit use in the BD (Downtown Business) zone and 3) add an off-street parking requirement for climate controlled self-storage facility use. The details would be reviewed at the public hearing. This would add more options for the BD zone Regulations for adaptive reuse of older buildings while preserving retail uses on ground floors. He worked with Mr. Armstrong in the Economic and the Community Development Dept. in reviewing the amendment. The request would be reviewed as a referral with the Planning Commission. He requested a public hearing for the October meeting.

MOTION: Move that Application #2479 – Proposed amendments to the Zoning Regulations to 1) add a definition for a climate controlled self-storage facility and 2) add climate controlled self-storage as a Special Permit use in the BD (Downtown Business) zone and 3) add an off-street parking requirement for climate controlled self-storage facility use; Attorney Timothy Furey, applicant, be scheduled for a Public Hearing for the October 16, 2023, Regular Meeting Agenda of the Zoning Commission.

By: Marra

Seconded: Goodwin.

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

Against: None.

Abstained: None.

The application is scheduled for public hearing at the October meeting.

7. Application #2480 – Proposed amendments to the Zoning Regulations to allow for Unified Residential Developments in the R-15/RM (Single-Family Residential/Mixed Residential) zone; Attorney Timothy Furey, applicant.

Chairman White designated regular Commissioners LaFreniere, Goodwin, Harlow, Marra and White to vote on Application #2480.

Attorney Timothy Furey, 43 Bellevue Ave., reviewed the request for proposed amendments to the Zoning Regulations to allow for Unified Residential Developments in the R-15/RM (Single-Family Residential/Mixed Residential) zone. He explained the RM zone was designed to create an adaptive reuse of older properties. He worked with Charles Talmadge, one of the applicants, and Mr. Armstrong within the zones with multiple lots and various housing. The goal was to merge lots to develop Unified Residential Development and multi-family units. The density would remain the same. This would encourage demolition of older buildings to develop underutilized lots.

MOTION: Move that Application #2480 – Proposed amendments to the Zoning Regulations to allow for Unified Residential Developments in the R-15/RM (Single-Family Residential/Mixed Residential) zone; Attorney Timothy Furey, applicant, be scheduled for a Public Hearing for the October 16, 2023, Regular Meeting Agenda of the Zoning Commission.

By: Marra

Seconded: Goodwin.

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

Against: None.

Abstained: None.

The application is scheduled for public hearing.

PUBLIC HEARINGS:

8. 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.

Chairman White designated regular Commissioners LaFreniere, Goodwin, Harlow, Marra and White to vote on Application #2475.

Attorney James Ziogas, 104 Bellevue Ave., the applicant, explained he worked with City Staff, the Mayor's Office and his client to revise the Regulations to eliminate the live-work units on specific streets. He explained that smaller lots and first floor retail uses are problems to develop. He reviewed the streets with the smaller lots. The live units would be to the rear of the units for the BD zone. He reviewed the votes of the Planning Commission and the Community and Economic Development Dept. The request was to develop live-work units with uses such as restaurants and retail on the first floor and live units on the second floor. His client owned two properties with a parking lot on one of the sites with an existing approval. If approved, some live-work units may be developed on the first floor and live units on the second floor.

Commission inquiries: Attorney Ziogas explained this Regulation would not be used with the Carrier project, but may be used on that property. There were no inquiries to him for this type of development. His view was these units would be more successful versus only retail uses. Also, the Carrier units would be a more difficult use with the existing big box businesses.

The Commission commented the proposed amendment was a good idea to develop properties. Commissioner Harlow had some concerns, but the problems may be resolved with Staff.

Staff inquiries: Attorney Ziogas explained if the application is approved and if a tenant was unsuccessful, there would be conditions on the lease. Also, the property may be revised to a different live-work unit or a retail only use. The intentions were to put the work units towards the street and live units to the rear of a property.

Staff explained the request was for the BD zone and Staff supported the request. His view was this should be tried for now because there was not much traffic in the downtown area. The proposed amendment would put the live-work units as a separate use in the Regulations. Also, the streets would be eliminated in the Regulations in the BD-1 zone.

No one else spoke in favor of the application.

No one spoke against the application.

Attorney Ziogas explained the Plan of Conservation and Development encouraged the development of mixed uses in the downtown area and was the basis for the recommendations from the Planning Commission and the Community and Economic Development.

The Commission had no concerns because this may generate a lot of business. There is a lot of concerns in general with development of retail uses in downtown areas throughout the United States. The retail business was a difficult use now, but the small businesses may or may not be more successful. There should be conditions for Staff's concerns of unsuccessful businesses/dwelling units. Commissioner Harlow was not in favor or against the application, but had concerns.

Regarding Commissioner Marra's suggestion of conditions, Attorney Ziogas explained if there were any concerns the ZEO would resolve any incompleiances with leases or property owners. A property owner may have to sell a property to remain in compliance.

Staff reviewed the intentions of the proposed amendment with the Commission.

Commission inquiry: Attorney Ziogas explained the live work unit may be the entire first floor.

Mr. Armstrong reviewed the documents for the application.
The hearing is closed.

By: Harlow

Seconded: Marra.

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

Staff explained he would like to correct a typo in the proposed amendment before the application was voted on this evening. The amendment has VI.C.2.ii., but that was a different Regulation. The amendment should be VI.C.2.jj. Attorney Ziogas agreed to the correction of Section VI.C.2.jj.

MOTION: Move that 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 be approved because:

The text amendment to the Regulations, as presented, would be consistent with the goals, policies and action steps of the 2015 Plan of Conservation and Development, amended to April 1, 2018, and specifically:

1. Section 8.2.2. – Promote Mixed Uses: Reinforce the appropriate mix of uses in downtown Bristol.

The effective date of the text amendment shall be: October 15, 2023.

By: Marra

Seconded: Goodwin.

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

The application is approved.

OLD BUSINESS:

There was no old business.

NEW BUSINESS:

9. Election of Officers

Chairman White designated regular Commissioners LaFreniere, Goodwin, Harlow, Marra and White to vote on the Election of Officers.

MOTION: move to cast nominate the following David White as Chairman; Thomas Marra as Vice Chairman; and Richard Goodwin as Secretary of the Zoning Commission. Commissioner Marra cast a yes vote for the nominations.

By: Harlow

Seconded: LaFreniere.

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

CITY PLANNER'S REPORT:

9.a. Under City Planner Report, Item 9.a., was added to the agenda, Extension of Application #2286 be added to tonight's agenda. Also, Under City Planner's Report, Item #10, was taken out of order.

Chairman White designated regular Commissioners LaFreniere, Goodwin, Harlow, Marra and White to vote on the request to add Application #2286 to tonight's agenda.

Staff explained the Pine St. and Mitchell St. project was near the five-year expiration of October 10, 2023. The property had difficulties with the earth removal. The property was subdivided. The Calamar project was approved. There were a few revisions of the easements.

Staff read into the record the letter dated September 18, 2023, regarding the request to extend the application.

Staff explained the Calamar facilities were opened in Manchester and East Windsor. His view was the five-year extension should be granted. This was the Site Plan for Lot 1. The Planning Commission approved the subdivision and there was a \$202,500 bond in place. Christopher St. had to be finished with construction before the final plan was approved.

MOTION Move that a discussion on the extension of Application #2286 be added to tonight's agenda.

By: Marra

Seconded: Goodwin.

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

Against: None.

Abstained: None.

MOTION Move that Application #2286 be granted the requested extension of the expiration date of the approved Site Plan for an additional 5 years, from October 10, 2023, to October 10, 2028. The approved plan is for 128 units of Housing for the Elderly with associated access drives and parking areas at 72 Mitchell Street, Map 3 and Lot 1. The applicant/property owner is Calamar Construction/RM44 Holdings, LLC.

By: Marra

Seconded: Goodwin.

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

Against: None.

Abstained: None.

The application is approved.

10. NVCOG 2023 Municipal Land Use Training

Item #10, City Planners Report, was taken out of order.

Staff explained the Commission training was scheduled for the Ansonia Senior Center this Thursday, September 21, 2023. Also, there is Commission training and also an event on Thursday September 30, 2023, at the Waterbury City Hall. He requested Commissioners notify him if they would like to attend these trainings. He noted Staff would also conduct training later this year.

11. Zoning Regulation Re-write:

- a. Commission discussion with Staff.

Staff explained comments were received today from Attorney Peter Olson. He explained that he, Mr. Gomes and Mr. Armstrong needed a couple of weeks to review the attorney's comments that should be ready by October 4, 2023. He would provide the Commission the changes from Attorney Olson and an e-mail of documents to review. He would like to meet the December 1, 2023 deadline for the letter to the mayor for signatures.

The Planning Commission needed a referral from the Zoning Commission. If the Commission needed more time that was acceptable. This timeline had to be within 15 to 30 days to get the letter to the mayor.

The Commission agreed to the Zoom special meeting on October 4, 2023, at 5:30 P.M. in meeting Room 1.

Chairman White designated regular Commissioners LaFreniere, Goodwin, Harlow, Marra and White to vote on scheduling of the October 4, 2023, special meeting.

MOTION Move to schedule a special meeting on October 4, 2023, at 5:30 P.M., Meeting Room 1, to complete the review of the Zoning Regulations Rewrite in order to schedule a public hearing.

By: Marra

Seconded: Goodwin.

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

The application is approved.

Mr. Gomes thanked Attorney Olson for the draft Regulations received today that he and Staff reviewed. He sent comments to Attorney Olson. He wanted to discuss his comments with Staff to be reviewed at the October 4, 2023, special meeting. There were items that needed the Commission's discussions. The Commission wanted a balance of Regulations with authority and enforceability versus those with best practice, Statutes and case law. There were no major concerns from Attorney Olson comments. If the Commission agreed to the Regulations organization, the necessary amendments may go forward at the October 4, 2023, special meeting. The revised draft Regulations would be provided at the meeting. He requested comments a week before the meeting. He thanked Commissioner Marra for his detailed notes that would be reviewed at the meeting.

Staff explained that he, Mr. Gomes and Attorney Olson would have a Zoom meeting on Thursday September 21, 2023, at 2:00 P.M. and a work session on Thursday September 28, 2023. He would inform the Chairman of the progress. This was near the end of the first process. He would like to get the letter to the mayor by December 1, 2023, if possible.

Chairman White and the Commission thanked Staff, Mr. Gomes, Attorney Olsen and all person involved for all their efforts.

Also, Staff noted the CT Gen. Assembly had changed the laws on group homes and child day cares that was put in the Rewrite of the Zoning Regulations.

Regarding the CT Gen. Assembly, Mr. Gomes explained the NVCOG notified him and Staff regarding minor changes to group homes and day cares. The existing Community Residence definition had 6 persons was changed to 8 persons. The Zoning Regulations were revised for compliance, references, and numerical references. There is a log of this change in the Zoning Regulations that complied with the State laws.

ADJOURNMENT:

Chairman White designated regular Commissioners LaFreniere, Goodwin, Harlow, Marra and White to vote on the adjournment.

MOTION: Move to adjourn at 8:20 P.M.

By: Marra

Seconded: Goodwin.

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

This meeting was taped.

Respectfully submitted,

Nancy King
Recording Secretary

David White, Acting Chairman

Thomas Marra, Secretary