

**BRISTOL ZONING COMMISSION
MINUTES
REGULAR MEETING OF MONDAY OCTOBER 16, 2023**

CALL TO ORDER:

By: 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 (Chairman)	X	
	Thomas Marra (Vice Chairman)	X	
	Richard Harlow	X	
	Richard Goodwin (Secretary)	X	
	John LaFreniere	X	
ALTERNATE MEMBERS:	Michael DeRoehn	X	
STAFF:	Robert M. Flanagan, AICP, City Planner	X	
	Andrew Armstrong, Assistant City Planner	X	
	Edward Spyros, Zoning Enforcement Officer	X	

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

PLEDGE OF ALLEGIANCE:

Chairman White reminded the Commission the next Regular Meeting of the Zoning Commission is Monday, November 13, 2023.

ADMINISTRATIVE MATTERS:

1. Approval of Minutes
 - a. September 18, 2023

Chairman White designated regular Commissioners Marra, Goodwin, Harlow and White to vote on the September 18, 2023, regular minutes.

MOTION: Move to approve the minutes of the September 18, 2023, regular meeting.

By: Marra

Seconded: LaFreniere.

For: Marra, Goodwin, Harlow and White.

Against: None.

Abstained: None.

2. ZEO Report
 - a. September 2023

Mr. Spyros reviewed his report for September 2023, dated October 5, 2023, with the Commission.

RECEIPT OF NEW APPLICATIONS:

1. Application #2481 – Revision to an Approved Site Plan for the construction of a splash pad and pavilion at 255 West Street and 33 Jacobs Street; Assessor's Map 28; Lots 115 and 119; R-15/RM (Single-Family Residential/Mixed Residential Overlay) zone; Boys and Girls Club of Bristol, applicant.

Chairman White designated regular Commissioners Harlow, Marra, Goodwin, LaFreniere and White Harlow, Marra, Goodwin, LaFreniere and White to vote on Application #2481.

Chairman explained this application does not technically require a public hearing.

Staff explained this would be an accessory use for the property. The parcel to the west has to be merged with this property because an accessory use was not allowed as the principal use on a parcel.

Brian Panico, P.E., 876 South Main St., of Harry E Cole & Son, Plantsville, representing the applicant, explained the two existing houses were demolished. One parcel has a recreation area that abuts a parking lot. A sidewalk, pavilion (1,350 sq. ft.) and splash pad (1,650 sq. ft.) are proposed for the plans. The property would be fenced and used only by the Boys and Girls Club. The properties would be merged for this accessory use. The comments were being worked on with Staff, but he requested comments from Staff for the Commission.

Commission inquiries: Mr. Panico explained the fence and gate for the property. He would review the camera security plans for the property. He did not speak to any of the neighbors. Staff explained the lots would have to be merged prior to the plans being signed off.

Staff inquiries: Mr. Panico agreed to send Staff an e-mail regarding the two lot numbers to be merged with the larger lot. The neighbors would speak with the ZEO if there are any complaints in the future for the use. If there is no public hearing, the application may be reviewed at the November meeting.

MOTION: Move that Application #2481 be moved to New Business on the November 13, 2023, Regular Meeting Agenda of the Zoning Commission.

By: Marra

Seconded: Goodwin.

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

Against: None.

Abstained: None.

The application is scheduled for New Business.

PUBLIC HEARINGS:

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 Harlow, Marra, Goodwin, LaFreniere and White Harlow, Marra, Goodwin, LaFreniere and White to vote on Application #2476.

Attorney James Ziogas, 104 Bellevue Ave., representing the applicant, explained the applicant was the owner of Lot 62 and 85 that were both non-conforming. The building on the larger lot was close to the property line. If approved, the I-zone lot and the area near the building would conform to the Regulations. His view was the zone was an extension of a like zone. He reviewed the reasons the Planning Commission had a positive recommendation with a 5-0 vote. If the lots are merged, the two Variances (rectifying the non-conformities) previously approved would not exist for the property. Then the property would be fully conforming. He reviewed the photographs submitted for the application.

The Commission understood the concerns, but this was the second request for the property. If approved, there would be vehicles on the site and an addition put on the building. This use would encroach near the neighbors and was not a sound practice.

Commission inquires: Attorney Ziogas explained this was a mixed-use area. He reviewed the Planning Commission memorandum. He explained there would be vehicles on the property. If approved, the business would be expanding and a Special Permit and a Site Plan review with the Commission would be required.

No one else spoke in favor of the application.

No one spoke against the application.

Staff reviewed property frontages in the Regulations. The 19,000 sq. ft. lot had a Variance approved so with the Variance that lot was conforming. If approved, the lot would be fully conforming without the Variance.

Attorney Ziogas' view was this would become an extension of a like zone. The hearing is closed.

By: Marra

Seconded: Goodwin.

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

The Commission was in favor of the plan. The Commission wanted to review the Special Permit and the Site Plan. The renovation of the building would be an improvement.

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; 16 Andrews St. LLC, applicant, be approved because:

The Zoning Map amendment, 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:

- a. Section 9.3.1.4. – Encourage the retention and expansion of existing business and industry in Bristol.

The effective date of the Zoning Map Amendment will be the date on which a map and deed are filed on the City Land Records merging Map 38, Lot 84 with the property located at 16 Andrews Street otherwise known as: Map 38, Lot 62-4/62-4A/61-5.

By: Marra

Seconded: Goodwin.

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

The application is approved.

4. Application #2477 – Special Permit for the construction of a Unified Residential Development consisting of 11 units at 15 Haviland Street 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; COKEL Properties LLC, applicant.
5. Application #2478 – Site Plan for the construction of a Unified Residential Development consisting of 11 units at 15 Haviland Street 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; COKEL Properties LLC, applicant.

Chairman White explained that Application #2477 and #2478 would be heard concurrently, but voted on separately.

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

The following persons representing the applicant reviewed Application #2477 and Application #2478 with the Commission: Attorney Timothy Furey, 43 Bellevue Ave.; Charles Talmadge, 225 North Main St., Development Planning Solutions and Scott Hesketh, P.E., of F.A. Hesketh & Associates, Inc., 3 Creamery Brook, East Granby.

Attorney Furey reviewed the lot requirements and the setbacks. Twenty parking spaces were required; 22 parking spaces were provided (additional 6 visitor spaces.) He reviewed the proposed wall to the front of the site because the existing wall was in disrepair. He reviewed the proposed wall to the rear of the site with a fence. The comments were received previously and today. He did not request approval this evening, but for Staff and the Commission to review the applications. He explained the City Engineer requested an updated flow capacity for the catch basins. He explained Mr. Talmadge finished the landscaping calculations, but he wanted to meet with Staff. He requested the applications be continued to the November meeting.

Mr. Hesketh reviewed his traffic report dated September 26, 2023. The traffic count was so low he did not prepare a manual turning count report. The corner of RT 69 and Haviland St. has an existing traffic light. There would be 79 trips a day. He reviewed the peak A.M. and peak P.M. trips. There was 320 ft. of sight distance. His view was this traffic would not be a derogation to the area traffic. The driveway was in a reasonable location for intersections and site distances. The plan should function efficiently.

A State permit was not needed with no access to RT 69. The access was on Haviland St. If any work is done in the right of way, a State permit is required. Mr. Talmadge agreed to a vinyl fence to protect the neighbor to the west. He reviewed the sq. ft. of the parking lot landscaping. There are 28 parking spaces including the garage bays.

No one else spoke in favor of the application.

The following person was not in favor or against the applications: Jill Fitzsimons-Bula, 96 Haviland St. Ms. Fitzsimons-Bula had spoken previously of concerns of increased traffic and street parking that almost turns Haviland St. into a one-way street. There were safety concerns on Haviland St. of cars getting blocked, speeding vehicles and an accident. There were no discussions with the neighbors and she would have liked to speak with applicants.

The following persons spoke against the applications: Daniel Micari, 29 Melinda Ln. and Pawel Bula, 96 Haviland St. Mr. Micari's concerns were that this was inconsistent with a single-family neighborhood. He had concerns of the 20 cars increase. Also, of demolishing the historic wall (Brightwood Estates and Rockwell Land Trust.) He asked the Commission and Staff to drive on Haviland St. Mr. Bula agreed with his wife's concerns. He had concerns of the added one light fixture on Haviland St. that would not address the safety concerns. The car parking reducing the street width was not addressed. There were concerns of speeding cars coming from the top of the hill going down. The 11 units was large for the lot and neighborhood. These concerns do not mean the residents should not be able to use their street.

Attorney Furey explained there were no comments from the Fire Dept. or the Police Dept. on parking for this part of Haviland St. He reviewed the parking for the units. One of the goals of the POCD was to construct modern housing.

Chairman White noted to the public the concerns are taken seriously, but the Commission cannot address every concern. He explained how speeding vehicles are a concern throughout the country. Staff provided the traffic divisions phone number for complaints.

MOTION: Move that the Public Hearing on Application #2477 and Application #2478 be continued to the November 13, 2023, Regular meeting of the Zoning Commission.

By: Marra

Seconded: LaFreniere.

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

Against: None.

Abstained: None.

The Application #2477 and Application #2478 are continued.

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 Harlow, Marra, Goodwin, LaFreniere and White Harlow, Marra, Goodwin, LaFreniere and White to vote on Application #2479.

The following person representing the applicant and the co-applicant reviewed Application #2479 with the Commission: Attorney Timothy Furey, 43 Bellevue Ave. and Charles Talmadge, of Development Planning Solutions, 225 North Main St. (co-applicant.)

Attorney Furey explained for Applications #2479 and #2480 that he and Mr. Talmadge represented two clients for applications that would be filed soon. He reviewed his prior discussion of the Commission's view to not delay projects or Regulation amendments with the Re-Write of the Zoning Regulations.

Attorney Furey explained the amendment was designed for the Funk building, which had unsuccessful businesses. He explained how the applicant wanted to improve the health concerns in the building. Also, place viable uses and preserve the 56,000 sq. ft. building. The Economic and Community Development and the Planning Commission endorsed the plans. If approved, Attorney Furey agreed with Staff the Regulation Section "i" should be Section "j."

Mr. Talmadge explained the 1883 building was not suitable for an office or residential use. This plan did not want to go against the goals of the downtown. There is no existing definition for self-storage units.

The definition was based on different towns regulations. If approved, there are 3 existing buildings in the downtown area that would apply to the Regulations. His view was this would be a new tool to make these properties more viable. There would be no impacts to the downtown area. The windows would remain on the building.

Attorney Furey explained the remaining 40% of the permitted uses were listed under Section a. to h.h. The requests would allow the Commission to review the projects by Special Permit.

The Commission, Attorney Furey, Staff, Mr. Talmadge and Mr. Armstrong had a lengthy discussion.

Chairman White agreed the Commission should review the amendments for climate control self-storage facilities to reuse buildings. This was very specific to this one application, but the Regulations should be applicable to many situations. Commissioner Marra requested the amendment included the façade remain a business façade. The windows should be esthetical and described in the amendment. He had concern of truck traffic in the area. Commissioner Harlow noted the use would not bring any pedestrian traffic.

Attorney Furey explained the Commission may revise the Regulation. The building would likely not be constructed in the downtown area. He reviewed the 60% of the ground floor use. The buildings would be consistent with the BD zone for new construction. For truck traffic the Amendment included a Special Permit and Site Plan. He was unsure if the building was on the Historic Resources Inventory List.

Staff explained the positive aspects for the adaptive reuse of buildings. This proposal would allow the building to not remain vacant for an additional 20 years. His view was the language for item b. should be expanded.

Mr. Talmadge explained how funding was limited to the interior of the building. If the building were demolished preserving the first-floor façade, the structure would not be able to be constructed to current Building Codes and Regulations.

Mr. Armstrong explained the ECD does not want the building to remain vacant.

Commission inquiries: Staff explained how the Amendments would have to be voted on if it were revised. If approved,

Commissioners Marra, DeRoehn, LaFreniere and Harlow concluded the Amendment would revitalize these buildings for the downtown area. Commissioner Goodwin liked the reuse of the buildings, but disagreed in how the amendment was written. Commissioner DeRoehn agreed the Amendment should not be limited to encouraging development of particular buildings. Commissioner Marra questioned if this is approved of the negative uses that may go into the five buildings.

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

The hearing is closed.

By: Marra

Seconded: Harlow.

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

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 approved because:

The Zoning Commission finds that the zoning text amendment, as presented, would generally be consistent with the goals and policies of the 2015 Plan of Conservation and Development (POCD), amended to April 1, 2018.

The effective date of the amendment is: November 9, 2023.

By: Marra

Seconded: Harlow.

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

The application is approved.

7. Application #2480 – Proposed amendments to the Zoning Regulations to allow for Unified Residential Developments by Special Permit and Site Plan in the R-15/RM (Single-Family Residential/Mixed Residential Overlay) zone; Attorney Timothy Furey and Charles Talmadge, applicants.

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

The following persons representing the applicant and the co-applicant reviewed Application #2480 with the Commission: Attorney Timothy Furey, 43 Bellevue Ave. and Charles Talmadge, of Development Planning Solutions, 225 North Main St. (co-applicant.)

Attorney Furey explained the Regulations would allow to construct five 3-family dwelling units on 5 lots with all the utilities that go with them. In the R-15/RM zone the applicant's team thought the proposed plan would be more reasonable. The request was to allow multiple lots to merge and develop multi-family housing. He reviewed his new associates' statistics, Attorney Molly Plante, on older and new housing.

Mr. Talmadge and Attorney Furey met with the Sewer and Water Dept. He reviewed the proposed amendments and the Comparison Table. The Amendment would allow to merge 5 lots into one lot. The request would provide a more feasible and efficient plan with a different method of making the request.

Attorney Furey explained how this plan would prevent front yard parking and on street parking. This plan would replace older housing. This would be an additional option for the Regulations with reduced utility services. The plan would not increase density. The Commission had concerns of the very large size of the zones being affected and changing the dynamics of the City. The Regulation needed more work.

Staff explained the BT zone is smaller than the RM zone and this was a very large area to affect. Staff's view was the applicant should make the request for a certain property and not the entire zone. A lot of the specifics for the BT zone should be applied to the RM zone. There are no limits in the RM zone as the amendment is written.

Attorney Furey's view was the area effected would be large, but it should be to get more modern housing. He consented to an extension of the statutory time line extension.

There were no limits on the request. The Commission agreed and did not like the way the Regulation was written. Chairman White advised that the application should be continued.

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

MOTION: Move that Application #2480 – move that the Public Hearing on Application #2480 be continued to the December 11, 2023, Regular meeting of the Zoning Commission.

By: Marra

Seconded: Goodwin.

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

The application is continued.

Staff inquiry: Attorney Furey agreed to the extension of 30 days to December 11, 2023.

OLD BUSINESS:

There was no old business.

NEW BUSINESS:

There was no new business.

CITY PLANNERS REPORT:

8. Application AZR 23-1 – Review of revised draft, rewrite schedule and other administrative matters.

(Public Hearing scheduled for November 13, 2023)

Chairman White designated regular Commissioners Harlow, Marra, Goodwin, LaFreniere and White to vote on #Application AZR 23-1.

Staff explained at the last meeting Francisco Gomes, the City's consultant, had draft Regulations that were not packaged for final review. He sent an e-mail to the Commission after their meeting, but he received an updated version a few days later.

The public hearing would be opened on November 13, 2023, but would more than likely be continued to the December 2023 meeting. He reviewed the new time lines with the Commission. The adaptive reuse of buildings would be added to the Regulations by Mr. Gomes. This will be noted at the November meeting.

MOTION: Move to re-schedule a Public Hearing for Monday, November 13, 2023, at the Bristol Board of Education Administration Building, 129 Church Street on the adoption of Phase 1 of the comprehensive rewrite of the Bristol Zoning Regulations as revised to October 2, 2023, and through this evening, incorporating into the document the changes to the text agreed upon by the Commission.

Staff is also directed to forward this document for all of the proper referrals pursuant to the Connecticut General Statutes to the various Regional Planning agencies and surrounding municipalities.

This action is initiated by the Bristol Zoning Commission.

By: Marra

Seconded: Goodwin.

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

Against: None.

Abstained: None.

The Application AZR-23-1 is scheduled for public hearing.

Staff noted the Zoning Commission has to receive Commission Training required by the State of CT. He requested to schedule a special meeting on Wednesday, November 8, 2023, at 5:00 P.M. on line for two hours. Also, on Wednesday, December 6, 2023, at 5:00 P.M., virtually, for two hours.

A discussion item will be added to the next agenda to give the Commission an option to start their Regular meetings at 6:00 P.M. for 2024.

ADJOURNMENT:

MOTION: Move to adjourn at 10:00 P.M.

By: Marra

Seconded: Goodwin.

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

Against: None.

Abstained: None.

This meeting was taped.

Respectfully submitted,
Nancy King
Recording Secretary

David White, Chairman

Richard Goodwin, Secretary