

**BRISTOL ZONING COMMISSION
MINUTES
REGULAR MEETING OF WEDNESDAY FEBRUARY 9, 2022**

CALL TO ORDER:

By: Chair Provenzano

Time: 7:00 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
STAFF:			
	Robert M. Flanagan, AICP, City Planner	X	
	Edward Spyros, Zoning Enforcement Officer	X	

PLEDGE OF ALLEGIANCE

Chair Provenzano reminded the Commission the next regular meeting was Commission is Wednesday, March 9, 2022.

ADMINISTRATIVE MATTERS:

1. Approval of Minutes – November 10, 2021

Chair Provenzano designated regular Commissioners Massarelli, White, Harlow, Marra and Provenzano to vote on the November 10, 2021 regular minutes and the January 12, 2022 regular minutes.

- a. 11/10/21
- b. 1/12/22

MOTION: Move to approve the minutes of the November 10, 2021, regular meeting.

By: White

Seconded: Harlow.

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

Against: None.

Abstained: None.

MOTION: Move to approve the minutes of the January 12, 2022, regular meeting.

By: Massarelli

Seconded: Harlow.

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

Against: None.

Abstained: None.

2. Zoning Enforcement Officer's Report

The Commission acknowledge receipt of the following items in their electronic packets: the Zoning Enforcement Officers report dated February 1, 2022. Mr. Spyros reviewed his report for January with the Commission.

RECEIPT OF NEW APPLICATIONS:

3. Application #2427 – Special Permit for fast food restaurants with drive-up facilities at 1444 Farmington Avenue; Assessor's Map 46, Lot 75A; BG (General Business) zone; Hillcrest Development Partners, LLC, applicant.
4. Application #2428 – Special Permit for fast food restaurants with drive-up facilities at 1444 Farmington Avenue; Assessor's Map 46, Lot 75A; BG (General Business) zone; Hillcrest Development Partners, LLC, applicant.
5. Public Act 21-29 Section 6 – Review and Discussion of the Opt-Out provisions for Accessory Dwelling Units (ADU's) pursuant to Public Act 21-29.
6. Public Act 21-29 Section 4 – Review and Discussion of the Opt-Out provisions for Parking Space Requirements pursuant to Public Act 21-29.

Chair Provenzano designated regular Commissioners Massarelli, White, Harlow, Marra and Provenzano to vote on the Applications #2427 and #2428.

Mr. Flanagan briefly reviewed Application #2427 and #2428 with the Commission that was the former Ruby Tuesday's site. The intention of the applicant is to demolish the building and put in two building envelopes for Chipotle's and Starbucks. The applications were referred to the towns of Farmington, Plainville and the Bristol Town and City Clerk. The applicant had withdrawn a subdivision application previously. There are inland wetlands to the rear of the property. The ingress and egress would not be changed on the property. The Chipotle's was based on an app ordering service and not a traditional drive thru window. The Starbucks was a traditional drive thru window. There would be no street queuing, which excess queuing wgoing onto the Wal-Mart property.

MOTION: Move to schedule Applications #2427 and #2428 for a public hearing for the March 9, 2022, regular meeting of the Commission.

By: Massarelli

Seconded: Harlow.

For: Massarelli, White, Harlow, Marra and Provenzano.
Against: None.
Abstained: None.

The Applications #2427 and #2428 are scheduled for public hearing.

Chair Provenzano designated regular Commissioners Massarelli, White, Harlow, Marra and Provenzano to vote on the Public Act 21-29 Section 6 and Public Act 21-29 Section 4. She also designated Commissioner Gagnon to vote in place of Commissioner Marra to vote on the Public Act 21-29 Section 6 and Public Act 21-29 Section 4.

MOTION: Move to schedule Public Act 21-29 Section 6 – Review and Discussion of the Opt-Out provisions for Accessory Dwelling Units (ADU's) pursuant to Public Act 21-29 and Public Act 21-29 Section 4 – Review and Discussion of the Opt-Out provisions for Parking Space Requirements pursuant to Public Act 21-29 for a public hearing for the March 9, 2022, regular meeting of the Commission.

By: Massarelli

Seconded: Harlow.

For: Massarelli, White, Harlow, Gagnon and Provenzano.
Against: None.
Abstained: None.

The Public Act 21-29 Section 6 and Public Act 21-29 Section 4 are scheduled for public hearing.

PUBLIC HEARINGS:

7. Application #2425 – Special Permit for drive-up facilities (ATM) at 1235 Farmington Avenue; Assessor's Map 49, Lot 30; BG (General Business) zone; 1235 Farmington Avenue BR LLC, applicant.
8. Application #2426 – Site Plan for drive-up facilities (ATM) at 1235 Farmington Avenue; Assessor's Map 49, Lot 30; BG (General Business) zone; 1235 Farmington Avenue BR LLC, applicant.

The Commission acknowledged receipt of the following item in their electronic packets: the first set of Site Plan Committee Review comments dated January 31, 2022.

The following item was submitted into the record: a letter dated February 8, 2022 email from Jason Julian, regarding the request to postpone Applications #2425 and #2426 to the March 9, 2022, regular meeting.

Chair Provenzano designated regular Commissioners Harlow, Marra, Massarelli, White and Provenzano to vote on Applications #2425 and #2426. Mr. Flanagan explained there was sufficient time to accommodate the request under the timelines dictated by Statute at the March meeting.

MOTION: move that Applications #2424 and #2426 be postponed to the next Regular meeting of the Zoning Commission on March 9, 2022.

By: Massarelli

Seconded: Harlow.

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

Against: None.

Abstained: None.

The Applications #2425 and #2426 are postponed.

Mr. Flanagan explained he would like to potentially schedule a special meeting for April and then again in May (if needed) because of an application that will be received that will generate great public interest. The application has not been filed yet but he wants to make sure that a proper venue is scheduled for a special meeting and that the Commissioners have enough advance notice.

OLD BUSINESS:

There was no old business.

NEW BUSINESS:

There was no new business.

CITY PLANNER'S REPORT:

9. Bristol Zoning Regulation Initiative:
 - a. Outdoor Dining

The Commission acknowledged receipt of the following item(s) in their electronic packets: a memorandum from Francisco Gomes, FHI Studio to Robert Flanagan, City Planner, City of Bristol, dated January 12, 2022, regarding Section 196 Outdoor Dining Implications; a copy of the Sec. 196. (NEW) (Effective April 1, 2022) and the Current Text BG – General Business Zone Permitted Accessory Buildings, Structures and Uses, undated.

Mr. Gomes reviewed the Commission's options for outdoor dining and the changes to the Statutes for this use under Public Act 21-2. He reviewed Section 182 of the Public Act a by right use with a Site Plan for the BD and BG zones; the items not allowed with the uses; the various limits with the uses. He inquired if the Commission wanted these Regulations in all zones for the City.

The Commission would have to delete the language for the BD and BG zone and make it applicable to all the zones. But, the Commission should determine the appropriate business hours, and limitations such as music/outdoor music and alcohol served in the outdoor area. The Commission will need to specify the requirements for this type of Site Plan approvals.

The Commission had concerns of outdoor music because residents and neighbors had different expectations when it comes to noise. The Commission suggested allowing dining service past 9:00 P.M. to possibly 10:00 P.M. Outdoor dining should be allowed to serve alcohol from inside the facility with no outdoor bars being constructed. Music should be allowed until 10:00 P.M.

Mr. Flanagan noted the noise ordinance starts at 10:00 P.M.

Mr. Gomes noted alcohol may be served outside if they have a license for indoors, but it does not allow them to construct an outdoor bar. Mr. Flanagan noted Mr. Gomes and he would get their notes to the Commission within a few weeks.

b. Continued line-by-line review

The Commission acknowledged receipt of the following item(s) in their electronic packets: a copy of the City of Bristol Zoning Regulations, Update – Zoning Commission Meeting January 31, 2022 with a line-by-line review.

Mr. Gomes explained the Commission left off with Section VI.C., but the Commission stressed they do not want developers constructing excess parking areas.

Regarding building frontage, Section VI.C (BD-Downtown Business Zone) Off-Street Parking Requirements: parking spaces may be located along the side of a building, provided that the parking area does not occupy more than 45 feet or 35 percent of the frontage of the lot on which it is located, whichever is less. Frontage is already controlled by building frontage requirements, which requires 65% building frontage. The Commission agreed to eliminate the 45 ft. and replace it with 60 ft.

Regarding the 25 ft. in front of the building (between sidewalk and building), Section VI.C (BD-Downtown Business Zone) Off-Street Parking Requirements, this defeated the purpose of the build to line. The Commission and Mr. Flanagan agreed to eliminate this item.

Regarding additional off-street parking, Section VI.C (BD-Downtown Business Zone) Off-Street Parking Requirements, if the addition is only 500 sq. ft., Mr. Gomes pointed out that applicants could make individual requests for 500 sq. ft. increments for each year within a 5 to 10 year period.

Regarding overlay zones Section VI.D (BT-Downtown/Neighborhood Transition Zone), the Commission agreed to review this in the second phase, but possibly just have these as a base zone and not an overlay zone. The Zoning Map would also have to be revised.

Regarding Section VI.D (BT-Downtown/Neighborhood Transition Zone), Public Act 21-29 prohibits minimum dwelling unit sizes. Mr. Flanagan and the Commission agreed to delete this to comply with the new Statute.

Regarding Section VI.D (BT-Downtown/Neighborhood Transition Zone), this is not a power that the Zoning Commission has when acting in its legislative capacity to rezone. This statement would be more effective if presented within the POCD. Mr. Gomes suggested when the Planning Commission updates the POCD and that would be a good time to add this item.

Regarding the IP-3 and the IP-25 zones, Section VII (Industrial Zones): the large lots envisioned by this zone have never materialized and it is likely that Bristol does not have these types of businesses anymore, and it would be challenging to get new businesses attracted to these very large parcels. Mr. Gomes asked why require a 25-acre lot size if it can be subdivided into 5-acre lots? Mr. Gomes recommended to have the zone IP-3 to renamed IP-6 zones and eliminate the 25-acre requirement.

Regarding Section VII Supplementary Regulations A. Signs, the Commission is not able to regulate the content of the sign, but they may regulate the location and size. Mr. Gomes explained that this entire section had to be revised and that he would consult with Attorney Diane Whitney, who is assigned to this project.

Regarding Section VII Supplementary Regulations A. Signs, the signage for (non-commercial signs) that do not exceed 32 sq. ft. (4 ft. X 8 ft.), Mr. Gomes suggested deleting this from the Regulations as this is too large for residential property. The Commission and Mr. Flanagan agreed to delete this from the Regulations.

Regarding parking for home offices and home occupations, Section VII Supplementary Regulations B. Off-Street Parking Requirements, Mr. Gomes suggested these be defined. Home offices were a less intense use with possibly no parking spaces versus a home occupation may have employees. Mr. Flanagan agreed.

Regarding off street parking requirements (shared parking), Section VII Supplementary Regulations B. Off-Street Parking Requirements, Mr. Flanagan explained a parking study was not required, but the Regulations were trying to provide flexibility for applicants with respect to parking and the different uses that occur during the day and night. Mr. Gomes explained some towns require a parking study by a licensed engineer.

Regarding the future parking requirement Section VII Supplementary Regulations B. Off-Street Parking Requirements, Mr. Flanagan explained how site plans design future parking on the plans, but applicants do not have to build the spaces until they are needed, which has been a very effective Regulation. Mr. Gomes explained the last sentence does not specify the violations of the Regulations for the Zoning Enforcement Officer actions for compliance. Mr. Flanagan reviewed the actions were up to the ZEO and the ZEO would work with the Commission.

The Commission, Mr. Flanagan and Mr. Gomes, left off with Section VII Supplementary Regulations B. Off-Street Parking Requirements.

Mr. Gomes summarized that he wanted to have the community survey ready in the next month or two. Mr. Gomes, Mr. Flanagan and the Commission should prepare questions for the community comments before the public hearing.

Regarding next steps, Mr. Gomes will finalize the definitions and summary table; add items from the line-by-line review; review the Regulations format. Because of pending Commission business, the next Special Meeting is tentatively scheduled for May.

ADJOURNMENT:

MOTION: Move to adjourn at 9:05 P.M.

By: White

Seconded: Harlow.

For: White, Harlow, Marra and Provenzano.

Against: None.

Abstained: None.

This meeting was taped.

Respectfully submitted,

Nancy King
Recording Secretary

Louise Provenzano, Chair

David White, Secretary=