

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

CALL TO ORDER:

By: Chairman Provenzano

Time: 7:00 P.M.

Place: City Hall

ROLL CALL:

MEMBERS	NAME	PRESENT	ABSENT
REGULAR MEMBERS:	Louise Provenzano (Chair)	X	
	Michael Massarelli (Vice Chairman) (Departed 7:59 P.M.)	X	
	Richard Harlow	X	
	David White (Secretary)	X	
	Thomas Marra	X	
ALTERNATE MEMBERS:	Marc Gagnon	X	
	Aileen Abrams		X
	Richard Goodwin	X	
STAFF:	Robert Flanagan, AICP, City Planner	X	
	Edward Spyros, Zoning Enforcement Officer	X	

PUBLIC PARTICIPATION:

There was no public participation.

PLEDGE OF ALLEGIANCE:

Chair Provenzano welcomed new alternate Commissioner Richard Goodwin to the Zoning Commission.

ADMINISTRATIVE MATTERS:

1. Approval of Minutes – February 9, 2022

Chair Provenzano designated regular Commissioners Massarelli, White, Harlow, Marra and Provenzano to vote on the February 9, 2022, regular minutes.

MOTION: Move to approve the minutes of the February 9, 2022, regular meeting.

By: Massarelli

Seconded: Marra.

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

Against: None.

Abstained: None.

2. Zoning Enforcement Officer's Report

The Commission acknowledge receipt of the following item in their electronic packets: the Zoning Enforcement Officers report dated March 1, 2022.

RECEIPT OF NEW APPLICATIONS:

3. Application #2429 – Special Permit for three-family dwelling at 20 Gridley Street; Assessor's Map 29, Lot 169/42; R-15/RM (Single-Family Residential/Mixed Residential) zone; Gridley Street 12, LLC, applicant.
4. Application #2430 – Site Plan for three-family dwelling at 20 Gridley Street; Assessor's Map 29, Lot 169/42; R-15/RM (Single-Family Residential/Mixed Residential) zone; Gridley Street 12, LLC, applicant.

5. Application #2431 – Special Permit for three-family dwelling at 26 Gridley Street; Assessor's Map 29, Lot 170/41; R-15/RM (Single-Family Residential/Mixed Residential) zone; Gridley Street 12, LLC, applicant.
6. Application #2432 – Site Plan for three-family dwelling at 26 Gridley Street; Assessor's Map 29, Lot 170/41; R-15/RM (Single-Family Residential/Mixed Residential) zone; Gridley Street 12, LLC, applicant.
7. Application #2433 – Proposed amendments to the Zoning Regulations: 1) to modify the off-street parking requirements for multi-family dwellings in Section VIII B.2.b.(2); 2) to remove subsections V.D.7.d. & V.D.7.e from the general requirements of the A-Multi-Family Residential zone; Attorney Timothy Furey, applicant

MOTION: Move to schedule Applications #2429, #2430, #2431 and #2432 for a public hearing for the April 13, 2022, regular meeting of the Commission.

By: Massarelli

Seconded: Harlow.

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

The Applications #2429, #2430, #2431 and #2432 are scheduled for public hearing.
Attorney Timothy Furey, 43 Bellevue, representing the applicant, gave a brief description of Application #2433's intent.

MOTION: move that Application #2433 be scheduled for a Public Hearing at the next Regular Meeting of the Zoning Commission on: April 13, 2022.

By: White

Seconded: Massarelli.

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

The Application #2433 is scheduled for public hearing.

Commissioner Massarelli departed at this time (7:59 P.M.)

PUBLIC HEARINGS:

8. 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.
9. 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: an e-mail dated February 8, 2022, from Jason Julian, regarding the request to postpone Applications #2425 and #2426 to their April meeting.

Chair Provenzano designated regular Commissioners White, Harlow, Marra and Provenzano to vote on the Applications #2425 and #2426. She also designated alternate Commissioner Gagnon to vote on Applications #2425 and #2426 with the departure of Commissioner Massarelli at this time (7:10 P.M.)

In addition, Chair Provenzano designated regular Commissioners White, Harlow, Marra and Provenzano to vote on the remaining applications for this evening. She also designated alternate Commissioner Gagnon to vote the remaining applications this evening.

The applicant e-mailed a request to postpone Applications #2425 and #2426 until next month. The 65-35-35 day rule applies. Today is day 56 and there is a bundle of 65 days for extensions. The applicants is requesting 35 days. The next meeting is in 35 days. Commissioner Massarelli departed at this time: 7:10 P.M.

MOTION: Move that Applications #2425 and #2426 to accept a 35-day extension of time to postpone the opening of the Public Hearings to the next Regular meeting of the Zoning Commission on April 13, 2022.

By: White

Seconded: Harlow.

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

The Applications #2425 and #2426 are postponed.

10. 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.
11. Application #2428 – Site Plan 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.

Chair Provenzano designated regular Commissioners White, Harlow, Marra and Provenzano to vote on Applications #2427 and #2428. She also designated alternate Commissioners Gagnon to vote on Applications #2427 and #2428.

The Commission acknowledged receipt of the following items in their electronic packets: three referral memorandums dated February 2, 2022, from the Zoning Commission to the Town and City Clerk and the towns of Farmington, Plainville and Southington; the first set of Site Plan Committee Review comments plan dated November 15, 2021; date of review: February 28, 2022; a drainage report, entitled "Drainage Information, USGS Map, FEMA FIRM Map, District Drainage Correspondence, undated (two attached maps); an e-mail from the ConnDOT, dated January 20, 2022, from Monique Burns; Drainage Engineer, regarding Bristol Corners 1444 Farmington Avenue, Bristol, Drainage Request.

The following items were submitted into the record: a Turning Radius Diagram, entitled M:/21/221078 Hillcrest/DWG/Archive/1444 Farmington Ave. – Turn Movement, undated, from Scott Hesketh, P.E. of F.A. Hesketh and Associates, Inc., a lighting plan dated November 15, 2021, from Severinio Bovino, P.E., Kratzer and Jones Associates, Inc.; Site Plan Committee Review Comments responses dated March 1, 2022, from Kratzer, Jones and Associates, Inc.; a drainage plan report, from David Lord, C.S.S. and E.C., of Soil Resource Consultants, dated October 1, 2021, regarding Evaluation of Existing Detention Basin/Stormwater Wetland – 1444 Farmington Avenue, Bristol, CT staff and a summary letter and traffic report dated January 20, 2022, revised February 3, 2022, from Scott Hesketh, P.E. of F.A. Hesketh and Associates, Inc., regarding the summary and the traffic report/Proposed Fast Food Restaurants/Coffee Shop, entitled "*Proposed Fast Food Restaurants/Coffee Shop, Bristol Corners, 1444 Farmington Avenue, Bristol, CT.*"

Attorney Timothy Furey, 43 Bellevue Avenue, representing the applicant, explained the Ruby Tuesday's site (2.8 acres) was closed for a number of years. This site had a right turn only in and out onto RT 6; a rear access on the Wal-Mart site to a traffic light. There are inland wetlands (south). He observed the traffic during peak hours and there were no concerns. An IW application #1956 was approved with stipulations with a drainage basin review, clean of invasive vegetation and maintenance, and a pond maintenance plan. The existing building is 6,400 sq. ft. with a fire hydrant. He spoke with the Fire Marshal and Sewer Department and sprinklers were not necessary because of the limited seating. The proposed Chipotle's (2,356 sq. ft.) and Starbuck's (2,500 sq. ft.). The existing catch basins would be renovated and some new ones would be added.

He reviewed comments.

Regarding City Engineer: there was a request to justify the drainage system, which their engineers stated reduced impervious surface which would reduce the storm drainage for every storm event. An encroachment permit was needed from ConnDOT. The construction only access would be on Farmington Ave. They are not changing the contours of the site. A drainage report was provided (including storm events).

Regarding Fire Marshal and Water Department, they discussed rerouting the abandoned/unused water lines.

Regarding Building/ZEO, there is full cut off lighting. They would apply for signage permits. No new fences or walls are proposed. The turning radius was provided. They are not applying for Variances at this time.

Regarding City Planner, the appropriate drive isles, bypass lanes, lot lines, label of ingress and egress, parking spaces, dumpster details and loading area signage were provided. They provided a traffic report. Starbuck's has 6 vehicles in a queue (15 cars provided.) Their business hours are 5:30 A.M. to evening. Chipotle's 7 vehicles would queue, but there was no menu to order from because food is ordered online. Their business hours are open late until 10:00 P.M.

Attorney Furey noted if the Chipotle's orders are not ready, the customer would go to a parking space. Starbuck's had 50 interior seats and 20 exterior seats; Chipotle's had 42 interior seats and 22 exterior seats.

Attorney Furey's view was the plan was appropriate for safety and access.

Scott Hesketh, P.E., T.E., F.A. Hesketh and Associates, Inc., 3 Creamery Brook, East Granby, reviewed the traffic report of traffic volumes, traffic counts and manual turning movement counts with pre-COVID-19 that has about 25,000 vehicles a day, 1,600 A.M. and 2,000 in the afternoon. He adjusted the volume counts because ConnDOT said they were too high and the current conditions should be the baseline. Therefore, the revised date of the report was Ruby Tuesday peak weekday A.M. hours of 92, 114 in the afternoon and 73 Saturday afternoon. The proposed Chipotle's and Starbuck's together was 437 in A.M. peak hours, 230 in peak afternoon, and 328 on Saturday afternoons.

With this increase, in the afternoon near Camp St., Wal-Mart exit only, LA Fitness and this driveway, there were no impacts to the intersections and increased delays of 2 seconds. He reviewed the various levels of service. With this project, the project would take Route 6 (in this area) to a service level "D" with a delay of 38 seconds/4 seconds per vehicle. Post movements in and out of this driveway were a service level "A or B" during peak hours. His view was this was sufficient time to ingress and egress safely and efficiently with the traffic signals. An administrative plan was submitted to OSTA, which required this potential approval.

No one else spoke in favor of the application.

No one spoke against the application.

The standards of approval for Special Permits were reviewed. Sections a. and d. of the Special Permit guidelines mentions character; after recent changes to the Statutes and consultation with Mr. Gomes, it was agreed that a recommendation will be made that these items should be removed from the standards for approval. The Chair explained this information should have been sent earlier. This will be an item for discussion at the next Zoning re-write meeting.

The hearing #2427 is closed.

By: White

Seconded: Harlow.

For: White, Harlow, Marra, Gagnon and Provenzano

Against: None.

Abstained: None.

MOTION: Move that 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, be approved.

By: White

Seconded: Harlow.

For: White, Harlow, Marra, Gagnon and Provenzano

Against: None.

Abstained: None.

The Application #2427 is approved.

The hearing #2428 is closed.

By: White

Seconded: Harlow.

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

Against: None.

Abstained: None.

The Commission was pleased with the plan because this was a complicated application. They commended the applicant and their representatives. There were no concerns with the application.

MOTION: Move that Application #2428 – Site Plan for fast food restaurants with drive-up facilities at 1444 Farmington Avenue, 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: White

Seconded: Harlow.

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

Against: None.

Abstained: None.

The Application #2428 is approved with stipulations.

10. 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.

The Commission acknowledged receipt of the following items in their electronic packets: a summary document of the Opt-Out Discussion and Procedures 1. Accessory Dwelling Units, P.A. No. 21-29; The Opt Out Process: P.A. No. 21-29; the motion for the Accessory Dwelling Units, P.A. No. 21-29, Accessory Dwelling Units (ADU), Proposed Motion for ADU Opt-Out Accessory Dwelling Unit discussion; and a copy of the and the State of CT, Substitute House Bill No. 6107, Public Act No. 21-29.

Chair Provenzano noted that the Commission had discussed this at a previous meeting.

The General Assembly was revising the CT Gen. Statutes. In the new legislation, accessory dwelling units are allowed by right, but for Bristol, this was not a good outcome because these types of units could be placed in accessory structures. If the Commission voted to "Opt Out" this evening, the resolution is forwarded to the City Council to vote on it to be finalized.

The following person did not speak in favor or against the application, but had questions: Craig Minor, 88 Anderson Ave., retired planner. He originally was going to speak against the opt-out this evening because he was under the impression the Zoning Commission wanted to maintain the Special Permit requirement for accessory dwelling units. But, he spoke with the City Planner this afternoon and he explained that Staff was not in favor of keeping the Special Permit requirements in the Zoning Rewrite. He shared the concern expressed by Staff that accessory dwelling units could be located in an accessory structure at 5 ft. from the side and rear property lines, and that is the reason for the opt-out.

No one else spoke in favor of the application.

No one spoke against the application.

The hearing Public Act 21-29 Section 6 is closed.

By: White

Seconded: Marra.

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

Against: None.

Abstained: None.

MOTION: move that Public Act 21-29 Section 6 – Review and Discussion of the Opt-Out provisions for Accessory Dwelling Units (ADU's) with the following resolution:

I move that the Bristol Zoning Commission, after carefully considering Public Act (P.A.) 21-29, exercise the "opt-out" provisions of the law prior to January 1, 2023, for the following reasons:

1. Under the provisions of Public Act 21-29, the use of accessory structures as Accessory Dwelling Units within the City of Bristol, would not "preserve and enhance the integrity and stability of Bristol's residential neighborhoods." (2018 Bristol Plan of Conservation and Development – Section 10.2.1. Neighborhood Stability).

2. The Bristol Zoning Regulations already provide for a diversity of housing opportunities, as evidenced by the City of Bristol's overall affordable housing percentage of 14.87%.
3. The Bristol Zoning Regulations already permit Accessory Dwelling Units.

Now Therefore, Be It Resolved that the Bristol Zoning Commission does hereby affirmatively opt out of the accessory dwelling unit provisions of Section 6 of Public Act 21-29 and it is recommends that the City Council complete this opt out process by placing a resolution on the City Council agenda prior to January 1, 2023.

By: White

Seconded: Marra.

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

Against: None.

Abstained: None.

The Application Public Act 21-29 Section 6 is approved.

11. Public Act 21-29 Section 4 – Review and Discussion of the Opt-Out provisions for Parking Space Requirements pursuant to Public Act 21-29.

The Commission acknowledged receipt of the following items in their electronic packets: a document of Opt-Out Discussion and Procedures 2. Parking Requirements; Parking Requirements P.A. No. 21-29 The bill prohibits zoning regulations from; Parking Requirements, P.A. No. 21-29, The Law; Parking Requirements, P.A. No. 21-29, The Opt Out Process; and the State of CT, Substitute House Bill No. 6107, Public Act No. 21-29.

The changes to the statutes were reviewed; the General Assembly was trying to lower the threshold parking standards, but this was not a good fit for Bristol. With new construction, he preferred landlords provide the required amount of parking.

If this "Opt-Out" provision is voted on this evening, it would be referred to the City Council to vote on to finalize the item.

No one else spoke in favor of the application.

No one spoke against the application.

The hearing Public Act 21-29 Section 4 is closed.

By: White

Seconded: Mara.

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

Against: None.

Abstained: None.

MOTION: Move that Public Act 21-29 – Section 4 Review and Discussion of the Opt-Out provisions for Parking Space Requirements, be approved with the following resolution:

I move that the Bristol Zoning Commission, after carefully considering Public Act (P.A.) 21-29, exercise the "opt-out" provisions of the law prior to January 1, 2023, for the following reasons:

1. Under the provisions of Public Act 21-29, the reduction in parking envisioned by Section 4(d)(9), would not "preserve and enhance the integrity and stability of Bristol's residential neighborhoods." (2018 Bristol Plan of Conservation and Development – Section 10.2.1. Neighborhood Stability).
2. The reduction in parking requirements envisioned by Public Act 21-29, Section 4(d)(9), especially during the months of the winter parking ban (December 15 to March 15), would be problematic and challenging, especially in higher density neighborhoods throughout the City of Bristol.
3. The Bristol Zoning Regulations already allow for an adequate amount of parking based on the needs of Bristol.

Now Therefore, Be It Resolved, that the Bristol Zoning Commission does hereby affirmatively opt out of the parking requirement provisions of Section 4 (d) (9) of Public Act 21-29 and it is recommended that the City Council complete this opt out process by placing a resolution on the City Council agenda prior to January 1, 2023.

By: White

Seconded: Harlow.

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

Against: None.

Abstained: None.

The application Public Act 21-29 Section 4 is approved.

There was no old business.

NEW BUSINESS:

14. Alternative Signage Program – Pursuant to Section VIII.A.8. of the Zoning Regulations: Request for review/approval for: the Bristol Event Center; 42 Century Drive; Assessor's Map 4, Lot 1; IP-1 (Industrial Park) zone; Alyson Ibbotson, agent for Bristol Hotel, LLC, applicant.

The Commission acknowledged receipt of the following item in their electronic packets: a summary of the signage request from Laurentano Sign Group, for the Bristol Event Center, 42, 90, 112 & 150 Century Drive, Bristol, CT 06010.

Allyson Ibbotson, Laurentano Sign Group, One Tremco Dr., Terryville, representing the applicant, explained the request for the new event center at the Double Tree Hotel, new home to suites, century ballroom and a parking garage. They were requesting changes to the existing signage of the pylon signage at the entrance. The Double Tree signage would only be revising the color from brown to blue. The new home to suites would have wall signage. A pylon sign was at the entrance. The electronic message center would be increased for the tenants; the double tenant signage would be increase 13 sq. ft. The existing and proposed way finding directional signage would have just the letters internally illuminated; which included garages and the egresses and would improve the traffic on the property. If the signage is too bright, there are dimmer switches. The century ballroom would have an electronic message center.

Ms. Ibbotson explained the main pylon signage would increase in height from 21 ft. 2 inches to 25 ft. 6 inches. The signage on RT 229 would remain the same and not have any site line concerns or not require State of CT permits.

Mr. Spyros explained the height requirement limit of 16 ft. He reviewed the request and the applicant would have required multiple Variances, which is the reason for this request. He reviewed the signage that would have required Variances, for example, the way finding signage that should be 2 ft. x 3 ft. His view was an appropriate request for the property.

The Chair explained the Commission had the Alternative Signage Program versus applying for multiple Variances. The Commission requested the location of the signage where the Variances would be required with the next application.

MOTION: Move that Alternative Signage Program – Pursuant to Section VIII.A.8. of the Zoning Regulations: Request for review/approval for: the Bristol Event Center, be approved with the following findings:

- (1) Such signage program would be consistent with the purpose of this Section and these Regulations, and
- (2) Such signage program would result in a more comprehensive and attractive arrangement and display of signs than could otherwise be accomplished under the standards of this Section.

By: White

Seconded: Marra.

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

Against: None.

Abstained: None.

The application for Alternative Signage Program is approved.

12. 2022 Revised Regular Meeting Schedule

The Commission acknowledged receipt of the following item in their electronic packets: a copy of the 2022 Zoning Commission revised regular meeting dates schedule.

City Planners Report

13. Bristol Zoning Regulation Initiative:

- a. Status Update
- b. Outdoor Dining

Outdoor dining was discussed and a draft was in the packets for this meeting. The Commission will review the draft for the April Special Meeting. This text, once approved, would be incorporated with the new Regulations once they are approved. Governor Lamont's Executive Order for Outdoor Dining is currently in effect until April 1, 2022.

ADJOURNMENT:

MOTION: Move to adjourn at 9:12 P.M.

By: White

Seconded: Harlow.

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

Against: None.

Abstained: None.

This meeting was taped.

Respectfully submitted,

Nancy King
Recording Secretary

Louise Provenzano, Chair

David White, Secretary