

**BRISTOL ZONING COMMISSION
MINUTES
SPECIAL MEETING OF MONDAY AUGUST 19, 2024**

1. Call to Order

By: Chairman White

6:00 P.M.

Place: City Hall
111 North Main St.
Council Chambers
First Floor

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	
	Sara Mangiafico	X	
	Peter Caruso	X	
STAFF:	Robert M. Flanagan, AICP, City Planner	X	
	Andrew Armstrong, Assistant City Planner	X	

Per the order of Chairman White, the meeting was called to order at 6:00 P.M.

PLEDGE OF ALLEGIANCE:

Chairman White reminded the Commission the next regular meeting was Monday September 16, 2024.

2. Approval of Minutes

- a. Regular Meeting - July 8, 2024
- b. Special Meeting of July 11, 2024
- c. Special Meeting of July 25, 2024

Chairman White designated regular Commissioners Marra, Goodwin, LaFreniere and White to vote on the July 8, 2024, regular minutes. He also designated alternate Commissioner Mangiafico to vote in place of Commissioner Harlow with his absence at the July 8, 2024, regular meeting.

MOTION: Move to approve the minutes of the July 8, 2024, regular meeting.

By: White

Seconded: Marra.

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

Against: None.

Abstained: None.

Chairman White designated regular Commissioners Marra, Goodwin and White to vote on the July 11, 2024, special minutes. He also designated alternate Commissioner Mangiafico to vote in place of Commissioner Harlow with his absence at the July 11, 2024, special meeting. He also designated alternate Commissioner Caruso to vote in place of Commissioner LaFreniere with his absence at the July 11, 2024, special meeting.

MOTION: Move to approve the minutes of the July 11, 2024, special meeting.

By: White

Seconded: Marra.

Chairman White designated regular Commissioners Marra, Harlow, LaFreniere and White to vote on the July 25, 2024, special minutes. He also designated alternate Commissioner Caruso to vote in place of Commissioner Goodwin with because of his absence at the July 25, 2024, special meeting.

MOTION: Move to approve the minutes of the July 25, 2024, special meeting.

[illegible]

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

3. ZEO Report

a. July 2024

The Commission reviewed the Zoning Enforcement Officer report dated August 1, 2024, from Mr. Brown.

4. Receipt of New Applications
There was no receipt of new applications.

5. Public Hearings

- a. Application #2494 – Special Permit for a Unified Residential Development (15 units) at Earl Street, east of Crown Street and west of Melrose Street; Assessor’s Map 14, Lots 72/71, 73/70, 74/69, 75/68 & 76/67 Earl Street; R-15/RM (Single-Family Residential/Mixed Residential Overlay) zone; DGG Development, LLC, applicant – Public Hearing continued from the July 8, 2024, meeting.
- b. Application #2495 – Site Plan for a Unified Residential Development (15 units) at Earl Street, east of Crown Street and west of Melrose Street; Assessor’s Map 14, Lots 72/71, 73/70, 74/69, 75/68 & 76/67 Earl Street; R-15/RM (Single-Family Residential /Mixed Residential Overlay) zone; DGG Development, LLC, applicant – Public Hearing continued from the July 8, 2024, meeting.

Chairman White designated regular Commissioners, Marra, Goodwin, and White to vote on Applications #2494 and #2495. He also designated alternate Commissioner Mangiafico to vote on Applications #2494 and #2495 in place of Commissioners Harlow with his absence at the July 8, 2024, meeting. Chairman White designated Commissioner Caruso to vote on Applications #2494 and #2495 in place of Commissioner LaFreniere with his recusal on Applications #2494 and #2495 to avoid a conflict of interest.

Chairman White explained that Applications #2494 and #2495 would be heard concurrently but voted on separately.

Attorney Timothy Furey, 43 Bellevue Ave., representing the applicant, reviewed the process he worked with the Staff to develop the site. Attorney Furey verified that five 3-family houses may be constructed on each lot by right without the Commission's approval. He reviewed the approval received to amend the Zoning Regulations for Unified Residential Developments.

He noted the neighbors did not like the plan at the first public hearing because of traffic safety and occupancy density. He specified the Engineering Dept.'s main concerns of the retaining wall and the site lines. He reviewed the concerns with the recently submitted traffic report provided for the plan.

Attorney Furey noted the site was lowered 2 ft. to replace the retaining wall with sidewalks in front of the buildings. He said a separate retaining wall would screen the dumpster for the neighbors. Attorney Furey represented the application this evening was a reduction of 15 bedrooms to a two-story building. Attorney Furey summarized the total of 13 two-bedroom units and 2 three-bedroom units (handicapped accessible.)

He clarified each unit had 6 parking spaces for a total of 31 parking spaces to be controlled by the owner. He requested the Commission's view of which plan they preferred for feasibility reasons. Attorney Furey added the applicant's staff was able to resolve comments to comply with the Regulations.

Mr. Flanagan inquiry: Attorney Furey represented the plans were reduced from 47 bedrooms to 32 bedrooms.

Commission inquiries: Attorney Furey indicated as many bedrooms as possible would be constructed on each floor for the plan presented this evening. He was told there would be 3 bedrooms on each floor. He commented the property was very small for a play area. He noted the fence was 8 ft. away from the two existing houses.

Mr. Flanagan clarified the Commission should vote on the pending plan and not the alternative plan presented this evening. He commented that the plans this evening were not reviewed by Staff or by the public.

Chairman White's view was there was insufficient parking particularly for visitors with the narrow streets for on street parking. Chairman White recommended the parking Regulation be reviewed for rewriting.

No one else spoke in favor of the applications.

The following persons spoke against the applications: Donald Weeks, 105 Earl St.; Elizabeth Beattie, 17 Crown St.; Daniel Bailey 64 Earl St. and Sharon Niemann Testa, 19 Melrose St.

Mr. Weeks was concerned of where the RM zone came from in the residential zones. He had concerns of kids potentially playing in his front yard. He hoped this would be a safe area for Bristol.

Ms. Beattie was concerned about not being able to review the recent traffic report. She was concerned for the neighbor's feasibility. Ms. Beattie noted she had planted the trees mentioned. She inquired about the construction schedule. She was uncertain in the applicant maintaining the site. Ms. Beattie was not against the construction, but preferred single-family houses.

Mr. Bailey restated the neighbors were concerned and not upset. He had concerns of the one parking space per unit. Mr. Bailey agreed with the feasibility concerns, but the applicant would be making income. He was concerned for the neighbor's house values. He had traffic safety concerns for the area children.

Ms. Neiman-Testa was concerned of inclement weather and no parking data provided during inclement weather. With the combination of the building, traffic safety and inclement weather, Ms. Neiman-Testa's view was this was unacceptable for the children's safety. She requested the Commission to listen to the neighbor's including the submitted letters and petition.

Chairman White reported the traffic study was received this afternoon.

Attorney Furey said the traffic amounts would be the same with either plan but there were concerns with the driveway safety. He stated if the Commission does not like the plans, the applicant would construct a standard development. He commented that people in the area go to parks for recreation. Attorney Furey agreed to the extension of State time for the plans.

Mr. Flanagan reviewed the documents for the prior presentation and not the items received for plans presented this evening. He noted a 28-day extension was allowed for the plans. Mr. Flanagan commented Staff needed to provide response comments to the applicant.

The hearing #2494 is closed.

By: Marra

Seconded: Goodwin.

For: Marra, Goodwin, Mangiafico, Caruso and White.

Against: None.

Abstained: None.

The Commission gave their views on Application #2494. Commissioner Caruso had concerns of one parking space per unit and no visitor parking spaces. He had concerns with the recent documents submitted for applications. Commissioner Mangiafico liked the reduced bedrooms and less construction on the site. However, this was a lot of construction for a small site.

Commissioner Goodwin usually was against these units in residential zones but complied with the Regulations. He was concerned with no available data for the plan this evening. He was unsure of his vote. Commissioner Marra's view was the Commission needed due process. He liked the profile on the Unified Residential Development but it was a dense occupancy. Commissioner Marra emphasized his view was that the on-street parking would affect the area and the rear buildings do not meet the 20' ft. buffer. He requested more time to review the data. Chairman White needed more time to review the data.

Chairman White requested to continue the deliberations to the September 16, 2024, regular meeting.

MOTION: Move to close Application #2494 – Special Permit for a Unified Residential Development (15 units) at Earl Street, east of Crown Street and west of Melrose Street; Assessor's Map 14, Lots 72/71, 73/70, 74/69, 75/68 & 76/67 Earl Street; R-15/RM (Single-Family Residential/Mixed Residential Overlay) zone; DGG Development, LLC, applicant, and continue the deliberations on this application to the next Regular Meeting of September 16, 2024.

By: Marra

Seconded: Mangiafico.

For: Caruso, Mangiafico, Goodwin, Marra and White.

Against: None.

Abstained: None.

The application #2494 is public hearing closed and the deliberation is continued.

Attorney Furey agreed to grant a 28-day extension for Application #2495 and send it in writing to Mr. Flanagan.

MOTION: Move that the Public Hearing on Application #2495 be continued to the September 16, 2024, Regular meeting of the Zoning Commission.

By: Marra

Seconded: Mangiafico.

For: Caruso, Mangiafico, Goodwin, Marra and White.

Against: None.

Abstained: None.

The application #2495 is continued.

- c. Application #2501 – Site Plan for a Community Youth Organization (addition of 1350 s.f. outdoor pavilion area) at 255 West Street, Assessor's Map 28, Lot 115; R-15/RM (Single-Family Residential /Mixed Residential Overlay) zone; Bristol Boys and Girls Club Association, Inc., applicant – Public Hearing continued from the July 8, 2024, meeting.

Chairman White designated regular Commissioners Marra, Goodwin and White to vote on Application #2501. He also designated alternate Commissioners Mangiafico and Caruso to vote on Application #2501. Mr. Flanagan indicated Attorney James Ziogas granted a 7-day extension at the July meeting with 58 days remaining.

Attorney James Ziogas, 104 Bellevue Ave., representing the applicant, noted the application was continuing to address the comments. Attorney Ziogas confirmed revised plans were submitted in response to the comments. He stated the main concern was the neighbor's boundary.

He detailed the applicant's property was to be developed as a field and pavilion. He noted the applicant surrounded their property with a fence and landscaping. Attorney Ziogas described the concern if the applicant constructed a fence there would be a double fence. He would speak to the neighbors to demolish the existing fence. If there is an agreement, the fence would be on the applicant's site up to the property line and around the corner. Attorney Ziogas added a gate and security camera would be on the property.

Brian Panico of Cole Civil and Survey, 876 South Main St., Plantsville, representing the applicant, stated Mr. Armstrong had sent the plan with additional comments from the Water and Sewer Department. Mr. Panico noted the comments were not addressed for the water lateral in the restrooms for the pavilion. He indicated there is an existing sanitary sewer lateral near the house that is less than 1 ft. from the manhole. He put a note on the revised plans for his evening for the Sewer Dept. to review this area. He noted if this was not possible, he has an alternative design.

Commission inquiries: Attorney Ziogas indicated a 6 ft. building construction setback was allowed in this zone that may not permit a 20 ft. setback near this neighbor's property. But Regulation 11.1.5.e. would resolve the concern for the fence and landscaping.

Chairman White compared the differences of the prior application on the agenda. His view was this was a 3-season facility. The fence was appropriate with the Regulation mentioned.

No one else spoke in favor of the application.

No one spoke against the application.

The hearing is closed.

By: Marra

Seconded: Mangiafico.

For: Marra, Mangiafico, Goodwin, Caruso and White.

Against: None.

Abstained: None.

MOTION: Move to approve Application #2501 – Site Plan for a Community Youth Organization (addition of 1350 s.f. outdoor pavilion area) at 255 West Street, Assessor's Map 28, Lot 115; R-15/RM (Single-Family Residential /Mixed Residential Overlay) zone; Bristol Boys and Girls Club Association, Inc., applicant, with the following stipulations.

1. The site plan shall not be signed off until all remaining comments have been addressed and the plan revised accordingly.
2. The landscape buffer shall be modified as shown on the site plan as revised dated August 6, 2024.
3. 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 Article 4, Section 16.3.16. of the Zoning Regulations.

By: Marra

Seconded: Mangiafico.

For: Marra, Mangiafico, Goodwin, Caruso and White.

Against: None.

Abstained: None.

The application is approved with stipulations.

6. Application #2503 – Special Permit for removal and processing of earth materials at south and southeast of Barlow Street, south and west of Martin Road, south of Arcadia Road, and north of Farrell Avenue; Assessor's Map 67, Lots 20, 21, 22, 23, 24, 25, 85, and all paper roads shown on Assessor's Map; R-15/OSD (Single-Family Residential/Open Space Development Overlay) zone; Trademark Acquisitions, LLC, Arcadia Group, LLC and Arcadia Acres LLC, applicants.

Chairman White designated regular Commissioners Marra, Goodwin, LaFreniere, Harlow and White to vote on Application #2503.

Attorney Mark Ziogas, 88 Valley St., representing the applicant, reviewed the request for Special Permit for the removal and processing earth materials. Attorney Ziogas stated the work has been ongoing since 2018 with renewals in 2020 and 2022. He offered that Phase 1 was finished with the earth removal, loam and seeding of the property. Attorney Ziogas approximated the remaining removal activities would take 2 years.

Attorney Ziogas emphasized the applicant inspected the erosion controls and they are working correctly. He stressed if the trucks buying the sand do not follow the regulations, the trucks are not filled. Regarding the turnaround, Attorney Ziogas mentioned it was not being used. He informed the BOE director of transportation aware of the turnaround.

Attorney Ziogas added there were screening and crushing permits. However, this portion of the permit has not been needed yet. He noted the applicant uses the elevations screen the operations from the neighbors. Attorney Ziogas said the applicant was responsive to the neighbors.

Commission inquiries: Gino Troiano, P.E., Trademark Acquisitions, LLC, 175 Lake Ave., representing the applicant, clarified 100,000 cu. yds. of materials remained to be removed for a total of 336,000 cu. yds.

Mr. Flanagan cited the new Regulations allow 3-year permits for earth removal permits so an additional permit may not be needed.

The following persons were not against the application, but had inquiries: Sylvia Roy, 170 Martin Rd. and Josephine Ramondetta, 200 Martin Rd.

Ms. Roy inquired what would be done with the debris on Farrell Ave. She noted there was run off on Farrell Ave. because there is a lot of mud. She requested wildflowers or something be planted at the end of Arcadia Rd. She requested the tall grass on Barlow St. be trimmed in the open space.

Ms. Roy inquired if their company has ever blasted because their foundations are cracking. Ms. Roy inquired if the berm would remain permanent.

Ms. Ramondetta inquired if their company had ever blasted because she heard loud noises at the operation. She inquired if any of the earth removal, screening or crushing permits would ever be do any blasting. She had concerns for the area wells. Ms. Ramondetta inquired if any of the earth removal permit would go below Martin Rd. at the end of the turnaround in the open area. She inquired if any additional paper roads would be opened on Martin Rd. She noted Martin Rd. has a lot of debris. Ms. Ramondetta inquired if houses would be constructed behind her property on the corner.

Attorney Ziogas stated some of the questions pertained to the subdivision. Attorney Ziogas represented the berms would remain until the sand removal permit is finished. He explained the berm would help construct a street. Attorney Ziogas noted open space was part of the subdivision and usually is left as it exists. He clarified Martin Rd. would not be opened.

Mr. Troiano reviewed the blasting on the property. He clarified there was no blasting for the earth removal permit. In February 2022 there was some blasting for 150 ft. of sewer line that was not part of the earth removal permit. He explained to Ms. Ramondetta Phase 6 was part of the earth removal permit but this was to grade the street for houses.

He noted the remaining paper road stub would not be used for the houses. He noted one paper road stub was used for a house that was already sold. Mr. Troiano reviewed the additional houses in the upper section to be constructed on the existing cul-de-sac.

Ms. Roy mentioned there was an overhang area in the mining area.

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

Mr. Flanagan reviewed the documents for the application. Mr. Flanagan briefly reviewed the Planning Commission application that requested the 4 lots be relocated from Phase 5 to Phase 3.

The hearing is closed.

By: Marra

Seconded: Harlow.

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

Against: None.

Abstained: None.

MOTION: move that Application #2503 - Special Permit for removal and processing of earth materials 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. The operation shall be conducted in accordance with the following drawings, including all sedimentation and erosion control measures shown thereon: "Earth Removal Plan for Laurentide Glen – A Residential Open Space Subdivision" dated October 1, 2018 with a last revision date of August 5, 2024 consisting of the following sheets

- a. Cover
 - b. EX-1 – Existing Conditions Plan
 - c. G1, G2 & G3 – Proposed Grading Plan – Phases 1, 2 & 3
 - d. SCT-1 – Cross Section Layout Plan and Cross Sections
 - e. SCT-2,3 & 4 – Cross Sections
 - f. DET-1 – Soil Erosion and Sedimentation Control Notes & Details
 - g. DET-2 – Site Details and Phasing Plan
3. A \$68,000 performance bond shall be posted by the applicant with the City during the operations.
4. The Special Permit shall be good for a period of three years from the date of issuance.
5. The hours of operation shall be Monday through Friday between 7:00 A.M. and 4:00 P.M for the site work, and 7:30 AM and 4:00 PM for the trucking operations.
6. There shall be no operation on Saturdays, Sundays or holidays.
7. Measures to control dust from the operation shall be applied as needed.
8. The applicant shall sweep and remove the sand from Farrell Avenue along the frontage of the property on an as-needed basis.
9. The maximum allowable slope of 3-to-1 shall be modified in accordance with Article III Section 15.2.5 of the Zoning Regulations and a maximum allowable slope of 2:5-to-1 permitted in its place, as shown on the approved map.
10. The required 100-foot buffer shall be reduced as per the approved map in accordance with Article III Section 15.2.5.B.3 of the Zoning Regulations, inasmuch as the lesser buffer is warranted in order to match proposed contours to the existing contours of the adjoining land.
11. The screening process shall be conducted at the point of removal where the difference in elevation and physical barriers on site will shield adjacent residential properties from the processing operations.
12. The crushing process shall be conducted on a twice annual basis and shall not exceed a duration of two weeks for each event. Advance notice of at least 7 business days shall be provided to the CBO (Chief Building Official) CBO and the ZEO (Zoning Enforcement Officer) prior to crushing operations commencing. Once the crushing process begins, the ZEO (Zoning Enforcement Officer) shall confirm that the operations are being conducted in accordance with the approved plan. Hour of operation are 8:00 AM to 4:00 PM, Monday through Friday.
13. The ZEO (Zoning Enforcement Officer through the Chief Building Official) will report monthly to the Zoning Commission

By: Marra

Seconded: Harlow.

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

Against: None.

Abstained: None.

The application is approved with stipulations.

6. Old Business

There was no old business.

7. New Business

- a. #2502 – Revision to an Approved Site Plan for a Restaurant at 1249 Farmington Avenue; Assessor's Map 49; Lot 29A; BG (General Business) zone; Bristol Endurance, applicant.

Chairman White designated regular Commissioners Marra, Goodwin, LaFreniere, Harlow and White to vote on Application #2502.

Kevin Hixon, P.E., of BL Companies, 355 Research Parkway, Meriden, representing the applicant, reviewed the request for a prospective tenant for a fast-food restaurant on schematic lot 2 with 1.50 acres. Mr. Hixon gave a brief summary of the prior

approval for the total 8.96-acre property. Mr. Hixson stated there would be a different request if this tenant does not fit the property. Mr. Hixson described the changes to the plan. He noted the building was reduced to 5,376 sq. ft.

He stated two drive-thru canopies were added to the plan. He indicated an additional drive-thru lane was added with distance from the existing drive-thru lane. Mr. Hixson reviewed the 15-vehicle queuing stacking lanes.

He noted there were 55 parking spaces for the lot and 203 total parking spaces for the site. Mr. Hixson outlined the storm water detention system. Mr. Hixson had submitted a response comment letter but there were some outstanding comments.

Mr. Armstrong was confident the applicant was able to resolve the outstanding comments.

Commission inquiries: Mr. Hixson verified the lot size was the same size. He reviewed the outdoor seating and the drive-thru area on the west side of the property.

MOTION: Move that Application #2502 – Revision to an Approved Site Plan for a Restaurant at 1249 Farmington Avenue; Assessor's Map 49 Lot 29A; BG (General Business) zone; Bristol Endurance, applicant, be approved with the following stipulations.

1. The site plan shall not be signed off until all remaining 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 Article 4, Section 16.3.16. of the Zoning Regulations.

By: Marra

Seconded: Harlow.

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

Against: None.

Abstained: None.

The application is approved with stipulations.

8. Communications

Chairman White noted there were 5 meetings in the last 30 days. He thanked the Commission for all their efforts.

9. Adjournment

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

MOTION: Move to adjourn at 8:30 P.M.

By: Goodwin

Seconded: Marra.

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

Against: None.

Abstained: None.

This meeting was taped.

Respectfully submitted,

Nancy King
Recording Secretary

David White, Chairman

Richard Goodwin, Secretary