

**BRISTOL ZONING COMMISSION
MINUTES
REGULAR MEETING OF MONDAY SEPTEMBER 16, 2024**

1. Call to Order

By: Chairman White

Time: 7:00 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.

Chairman White reminded the Commission the next Regular Meeting of the Zoning Commission is Monday, October 21, 2024.

2. Approval of Minutes

a. Special Meeting - August 15, 2024

Chairman White designated regular Commissioners Marra, Harlow and White to vote on the August 15, 2024, minutes. He also designated alternate Commissioners DeRoehn and Caruso to vote on the August 15, 2024, minutes with the absence of Commissioner Goodwin this evening and Commissioner LaFreniere's absence at the August 15, 2024, meeting.

MOTION: Move to approve the minutes of the August 15, 2024, special meeting.

By: Harlow

Seconded: Marra.

For: Marra, DeRoehn, Harlow, Caruso and White.

Against: None.

Abstained: None.

b. Special Meeting of August 19, 2024

Chairman White designated regular Commissioners Marra, Harlow, LaFreniere and White to vote on the August 19, 2024, minutes. He also designated alternate Commissioner DeRoehn to vote on the August 19, 2024, regular minutes with the absence of Commissioner Goodwin this evening.

MOTION: Move to approve the minutes of the August 19, 2024, special meeting.

By: Harlow

Seconded: Marra.

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

Against: None.

Abstained: None.

3. ZEO Report
a. August 2024

The Commission reviewed the Zoning Enforcement Officer's report, for July and August dated September 1, 2024.

Chairman White noticed a large increase in activities from July through August.

Receipt of New Applications

- a. Application #2507 - Special Permit for earth removal and processing of earth materials between south of Barnum Road, north of Farrell Avenue and east of Arcadia Rd.; Assessor's Maps 67, Lot 78 (Farrell Ave.), Lot 57 (Arcadia Rd.) and Lot 43 (Barnum Rd.); R-15 (Single-Family Residential) zone; Willow Materials, LLC, applicant.

Chairman White designated regular Commissioners Marra, Harlow, LaFreniere and White to vote on Application #2507. He also designated alternate Commissioner DeRoehn to vote on Application #2507 with the absence of Commissioner Goodwin this evening.

Staff noted the Schultz Corporation had purchased this property about six years ago. Staff indicated the trucks access road was Barnum Rd. Staff noted the applicant indicated this may be the last renewal with the revised Regulations for renewals for 3 years. Staff noted the application would expire in October 17, 2024.

MOTION: Move to schedule Application #2507 for a public hearing for the October 21, 2024, regular meeting of the Commission.

By: Marra

Seconded: Harlow.

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

Against: None.

Abstained: None.

The application is scheduled for public hearing.

- b. Application #2508 – Special Permit for the adaptive re-use of an existing non-residential principal building to add dwelling units at 92 Jeanette Street; R-10 (Single Family Residential) zone; Assessor's Map 39, Lot 57; Paul J. Laferriere, applicant.

Chairman White designated regular Commissioners Marra, Harlow, LaFreniere and White to vote on Application #2508. He also designated alternate Commissioner DeRoehn to vote on Application #2508 with the absence of Commissioner Goodwin.

MOTION: Move to schedule Application #2508 for a public hearing for the October 21, 2024, regular meeting of the Commission.

By: Marra

Seconded: Harlow.

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

Against: None.

Abstained: None.

Staff described this as an adaptive reuse of a commercial building in a residential zone. Staff stated if the application is approved, the property would become more conforming. Staff requested the plans show the parking spaces and the plans needed to be stamped.

Charles Talmadge, Development Planning Solutions, 225 North Main St., representing the applicant, stated the request would only be for a Special Permit. Mr. Talmadge noted no changes to the exterior would be made so only a Special Permit was required for the property. Mr. Talmadge requested the application be referred to the Planning Commission as required by Article II Section 4.3.1.j. Mr. Talmadge requested the application to be scheduled for a public hearing for the October 21, 2024 meeting.

The application is scheduled for public hearing.

4. 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 Closed; Deliberations continued from August 19, 2024.
- 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 August 19, 2024.

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

Commissioner LaFreniere recused himself from voting on Applications #2494 and #2495 to avoid any conflict of interest.

Chairman White designated regular Commissioners Marra, Harlow and White to vote on Application #2494 and Application #2495. Chairman White designated alternate Commissioner DeRoehn to vote on Applications #2494 and #2495 with the absence of Commissioner Goodwin this evening. Chairman White designated alternate Commissioner Mangiafico to vote on Applications #2494 and #2495 in place of Commissioner LaFreniere with his recusal on Applications #2494 and #2495.

Attorney Timothy Furey, 43 Bellevue Ave., representing the applicant, requested the withdrawal of Applications #2494 and #2495 as indicated in his letter dated September 13, 2024. He represented the applicant would discuss the plans with the Commission with an appropriate time limit for an informed vote on the application. Attorney Furey requested on behalf of the applicant to withdraw Applications #2494 and #2495 as requested in his letter.

MOTION: Move to accept the withdrawal of Applications #2494 and #2495, as requested by Attorney Furey's letter dated September 13, 2024.

By: Marra

Seconded: Harlow.

For: Marra, Harlow, Mangiafico, DeRoehn and White.

Against: None.

Abstained: None.

The applications #2494 and #2495 are withdrawn.

- c. Application #2498 – Change of Zone from R-15 (Single-Family Residential) zone to A (Multi-Family Residential) zone at east of Old Wolcott Road and south of Wolcott Street; Map 7, Lot 45 (Old Wolcott Road) and Assessor's Map 7, Lots 44-2, 44-1 & 44 (Wolcott Street); Crown Estates, LLC, applicant – Public Hearing continued from July 8, 2024.

Chairman White designated regular Commissioners Marra and White to vote on Application #2498. He also designated alternate Commissioner Caruso to vote on Application #2498 with the absence of Commissioner Goodwin this evening.

Chairman White designated Commissioner Mangiafico to vote on Application #2498 with the absence of Commissioner Harlow that was absent at the July 8, 2024, regular meeting for Application #2498.

Chairman White designated alternate Commissioner DeRoehn to vote on Application #2498 in place of Commissioner LaFreniere.

The following items were submitted into the record: a letter dated May 13, 2024, from Scott Hesketh, P.E., F.A. Hesketh Traffic Engineers, regarding the enforceability of the items discussed for the application (submitted by Charles Talmadge.) A neighbor's petition undated (submitted by Matthew Small.) A letter dated September 16, 2024 (submitted by Sharon Allen.)

Attorney Timothy Furey, 43 Bellevue Ave., representing the applicant, reviewed the request to change the zone. Attorney Furey overviewed the July meeting presentation of the five available A-zoned sites in the City for development. Attorney Furey noted only 1 of the 5 properties would be viable for a development.

Attorney Furey stated the reasons the Planning Commission gave a positive referral for the zone change because it was consistent with the goals of the PoCD. Attorney Furey noted the proposed property is on an arterial street. The Planning Commission recommended constructing modern housing for the working citizens.

Attorney Furey reviewed the F.A. Hesketh traffic report addendum from the July meeting with State data that indicated no negative effects on the A-zone. Attorney Furey reviewed the appraisal report from the July meeting verifying no decreased housing values. Attorney Furey noted the appraisal report indicated the modern housing was needed to attract professional to the region.

Attorney Furey previously wrote to the neighbors. He met with the neighbors Ms. Lloyd and Mr. Small to review their concerns. Attorney Furey indicated this was only a Zone Change application, but if the application is approved the concerns would be reviewed during the site plans application. Attorney Furey explained with the site plan there would be a substantial green space added.

Staff reminded the Commission this was a Zone Change application. Staff stated that any potential site development plans would be reviewed by the Planning Commission.

Charles Talmadge of Development Planning Solutions, 225 North Main St., representing the applicant, confirmed the plans are the intended plans to be constructed. Mr. Talmadge stated the site was 3.89 acres under the 4-acre requirement for a special permit and site plan with the Zoning Commission. Mr. Talmadge noted a positive referral was granted by the Planning Commission under Chapters 6 and 10 of the PoCD.

Mr. Talmadge explained his presentations outlined Bristol's housing growth was reduced versus Hartford County. Therefore, newer housing was needed for Bristol without creating negative impacts. Mr. Talmadge compared the prior plan versus the revised plan. Mr. Talmadge claimed the buffers and easement would be sufficient for the neighbors.

The following persons spoke in favor of the application: Matthew Small, 15 Old Wolcott Rd. and Sharon Allen, 489 Old Wolcott St.

Mr. Small submitted into the record a petition from the neighbors. Mr. Small at first was against the plan. After meeting with the applicant, Mr. Small was in favor of the plan because single family houses would clear the lots. Mr. Small noted there would not be much area between the lots. Mr. Small's view was this plan would preserve as much land as possible.

Staff reviewed the petition submitted into the record for statutory requirements for Zone Change applications and the number of signatures. Ms. Allan noted the woods to the left in the photos would be removed. Ms. Allan had concerns of viewing a 40 ft. gable wall up to the condominium, so the privacy would be dramatically changed. Ms. Allan's view was the property values would be affected and may not be saleable because of this plan.

No one spoke against the application.

Attorney Furey requested to speak with Ms. Allan after the meeting regarding her requests.

Staff reviewed the draft motion with the Commission. Staff noted the properties do not comply with the A-zone minimum acreage, so the properties must be merged to be compliant for the A-zone. Staff mentioned if the application is approved the Planning Commission would only require vote of 3 to 5 to approve the application because of the positive referral.

Chairman White reiterated the Commission was only concerned with the Zone Change this evening. Chairman White encouraged the public audience to attend the Planning Commission meeting if the application is approved when there is a site plan application.

Commissioner DeRoehn was sympathetic to the persons against the application, but the Commission was here to do the best thing for the City.

Commissioner Marra's view was this was a good use of a small property to do some good for the City. Commissioner Marra noted this was an insulated property from the residential areas. Commissioner Marra noted the applicant went beyond the requirements to provide a traffic study.

Commissioner Mangiafico's view was the newer housing would be a good use of the property for young adults. Chairman White reiterated this was a vacant site that would be developed. Chairman White had no concerns this would be a good use of the property.

The hearing is closed.

By: Marra

Seconded: Caruso.

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

Against: None.

Abstained: None.

Staff mentioned the Commission has 65 days to make a decision on the application.

MOTION: Move that Application #2498 – Change of Zone from R-15 (Single-Family Residential) zone to A (Multi-Family Residential) zone at east of Old Wolcott Road and south of Wolcott Street; Map 7, Lot 45 (Old Wolcott Road) and Assessor's Map 7, Lots 44-2, 44-1 & 44 (Wolcott Street); Crown Estates, LLC, applicant – Public Hearing continued from July 8, 2024, be approved.

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 appropriate design of housing in order to meet community needs in the future.

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 7, Lot 44 Old Wolcott Road with the three properties located on Wolcott Street otherwise known as: Map 7, Lots 44-2, 44-1 and 44.

By: Marra

Seconded: Mangiafico.

For: Marra, Caruso, Mangiafico and White.

Against: DeRoehn.

Abstained: None.

The application is approved.

- d. Application #2504 – Special Permit for a Civic Facility at Maltby Street; Assessor's Map 52 & 53, Lots 11, 15, 16B16A, 17, 145, 147, 149, 150 & 151; R-40 (Single- Family Residential) zone; New Britain Water Department, applicant.
- e. Application #2505 – Site Plan for a Civic Facility at Maltby Street; Assessor's Map 52 & 53, Lots 11, 15, 16B16A, 17, 145, 147, 149, 150 & 151; R-40 (Single-Family Residential) zone; New Britain Water Department, applicant. Application #2506 – Special Permit for Earth Removal at Maltby Street; Assessor's Map 52 & 53, Lots 11, 15, 16B16A, 17, 145, 147, 149, 150 & 151; R-40 (Single- Family Residential) zone; New Britain Water Department, applicant.
- f. Application #2506 – Special Permit for Earth Removal at Maltby Street; Assessor's Map 52 & 53, Lots 11, 15, 16B16A, 17, 145, 147, 149, 150 & 151; R-40 (Single- Family Residential) zone; New Britain Water Department, applicant.

Chairman White designated regular Commissioners Marra, LaFreniere, Harlow and White to vote on Application #2504, #2505 and #2506. He also designated alternate Commissioner DeRoehn to vote on Application #2504, #2505 and #2406 with the absence of Commissioner Goodwin this evening.

The following item was submitted into the record: a letter dated May 16, 2024, to DEEP Commissioner Dykes from the Pequabuck River Watershed Association, Farmington River Watershed Association and Rivers Alliance of Connecticut.

Attorney Joseph Hammer of MacDermid, Reynolds & Glissman, P.C., 110 Whitney Ave., New Haven, representing the applicant, reviewed the requests for two Special Permits and one Site Plan for the 300-acre site on Maltby St. Attorney Hammer described the existing use for public drinking water and well fields for over 100 years.

Attorney Hammer stated the plan would bring the property into compliance with the current State Dept. of Health Regulations for the separation of wells and the elevation of wells out of the floodplain. Attorney Hammer stated that the existing wells would be replaced with new wells and a new pump station would be constructed.

Attorney Hammer noted the property received approvals for an Inland Wetlands Agency permit and a Floodplain permit. Attorney Hammer indicated only occasional employees would be on site to review readings. Attorney Hammer's view was the plan would be a benefit to the health, safety and welfare for drinking water to the City of New Britain and adjoining towns.

Staff inquiries: Attorney Hammer agreed that the applications would be continued to the October meeting. Attorney Hammer noted the facility would be upgraded for drinking water for the next 100 years. Attorney Hammer agreed with Staff this would give the facility modern Special Permits and Site Plans.

Kyle Gerlach, P.E., E.E., of CDM Smith, 54 Longfellow Rd., Holyoke, MA, representing the applicant, cited the three water sources of the upper wellfields, the lower wellfields and the pumping station on Maltby St. Mr. Gerlach pointed out the site is in the 100-year floodplain. Mr. Gerlach verified the last upgrade to the mechanical equipment was in the 1980's.

Mr. Gerlach clarified the wells and the proposed new building had to be raised 2 ft. above the base flood elevation with fill to be brought onsite. He indicated 35 wells would be demolished and replaced with 9 new wells. Mr. Gerlach stated that two buildings would be demolished and replaced with a 4,000 sq. ft. building with 2 employee parking spaces.

Mr. Gerlach stated that the construction to take about 3 years that included testing the wells. He explained the building on Maltby St. would require new sewer and water lines. Mr. Gerlach discussed the route for the construction vehicles on Stafford Ave., RT 6. He noted a small area on Mix St. needed a compensatory storage area. Mr. Gerlach observed the construction hours of 7:00 A.M. to 10:00 P.M. Monday to Saturday and 9:00 A.M. to 10:00 P.M. Sundays. Mr. Gerlach's view was the plan would improve the water supply for New Britain, Bristol and adjoining towns.

Staff inquiries: Mr. Gerlach explained the reason for raising the well elevation was for sanitary purposes. Regarding the Aquifer Protection Area, Mr. Gerlach explained an Aquifer Protection Area Determination application would be reviewed this evening. Mr. Gerlach stated that no petroleum would be stored on the site. Mr. Gerlach briefed the containment area for the trucks when trucks needed to be serviced or refueled on site. Mr. Gerlach observed a spill kit would be on site.

Staff commented the APA Guidelines should be placed on a separate sheet on Site Plan maps.

The following persons did not speak in favor or against the applications, but had inquiries: John Hoffert, 90 Wolcott Circle and Timothy Gamache, 1389 Stafford Ave.

Mr. Hoffert inquired if increased water would be pumped out of the new wells. If so, would it be a consideration for the surrounding area.

The following persons spoke against the application: Erik Madsen, 70 Oak Hill Dr., representing the Pequabuck Watershed Association; the Farmington River Watershed Association; and the letter dated May 16, 2024, to the CT DEEP Commission.

Mr. Gamache explained the construction of the bridge on Jerome Ave. has increased the area traffic tremendously. Mr. Gamache inquired if the project this evening would be constructed concurrently with the Jerome Ave. project. Mr. Gamache noted the Jerome Ave. project would be done in the summer of 2025. Mr. Gamache's view was the traffic in this area would be much worse. Mr. Gamache requested the consideration of both these projects not be done at the same time.

Mr. Madsen read his letters into the record. Mr. Madsen informed the Commission the plans would affect an aquifer protection area, inland wetlands, brooks and part of a water source for multiple municipalities. Mr. Madsen pointed out an additional aquifer boundary study be done prior to the wells construction. Mr. Madsen suggested the aquifer boundary study not be done after the wells are constructed. Mr. Madsen requested for PRWA more details of how vehicles would access the inland wetlands area behind Harbor Freight to make comments. Mr. Madsen was concerned with the Coppermine Brook already had elevated pollutants from the impervious surfaces. Mr. Madsen claimed better management practices were needed to limit additional disturbances.

Attorney Hammer responded that the NBWD had a Registered Diversion permit with the CT DEEP to pump out the required amounts of water. Attorney Hammer explained the Registered Diversion application was beyond the scope of this Commission.

Attorney Hammer stated the Inland Wetlands Agency did not find any additional jurisdiction. Attorney Hammer reminded the Commission this was not a new process to pump out the new wells. Attorney Hammer presumed the applicant's manager would work with the City for the Jerome Ave. project to prevent overlapping traffic concerns.

Commission inquiries: Attorney Hammer suggested the Water Dept. was better informed to discuss the amounts allowed by the Register Diversion permit. Attorney Hammer confirmed the applicant would work with the CT DEEP before the work begins.

MOTION: Move that the Public Hearings on Applications #2504, #2505 and #2506 be continued to the October 21, 2024, Regular meeting of the Zoning Commission.

By: White

Seconded: Marra.

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

Against: None.

Abstained: None.

The applications #2504, #2505 and #2506 are continued.

5. Old Business

There was no old business.

6. New Business

There was no new business.

7. Communications

There were no communications.

8. Adjournment

Chairman White designated regular Commissioners Harlow, Marra, LaFreniere and White to vote on the adjournment. He also designated alternate Commissioner DeRoehn to vote on the adjournment with the absence of Commissioner Goodwin this evening.

MOTION: Move to adjourn at 8:13P.M.

By: DeRoehn

Seconded: Marra.

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

Against: None.

Abstained: None.

This meeting was recorded.

Respectfully submitted,

Nancy King
Recording Secretary

David White, Chairman

Richard Goodwin, Secretary