

**BRISTOL ZONING COMMISSION
MINUTES
REGULAR MEETING OF MONDAY OCTOBER 21, 2024**

By: Chairman White

Time: 6:00 P.M.

Place: City Hall
111 North Main St.
Meeting Room 3-1
Third Floor

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

1. Call to Order

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, November 18, 2024.

2. Approval of Minutes

a. Special Meeting – September 12, 2024

Chairman White designated regular Commissioners Harlow, Marra and White to vote on the September 12, 2024, regular meeting minutes. Chairman White designated alternate Commissioner DeRoehn to vote.

MOTION: Move to approve the minutes of the September 12, 2024, special meeting.

By: White

Seconded: DeRoehn.

For: Harlow, Marra, DeRoehn and White.

Against: None.

Abstained: None.

b. Regular Meeting – September 16, 2024

Chairman White designated regular Commissioners Harlow, Marra, LaFreniere and White to vote on the September 16, 2024, regular meeting minutes. Chairman White designated alternate Commissioner DeRoehn to vote.

MOTION: Move to approve the minutes of the September 16, 2024, regular meeting, as amended.

Commissioner Goodwin noted he should not be listed as voting on the September 16, 2024, regular meeting minutes because he was absent that evening.

By: White

Seconded: DeRoehn.

For: DeRoehn, LaFrenier, Harlow, Marra and White.
Against: None.
Abstained: None.

3. ZEO Report
 - a. September 2024

The Commission acknowledged receipt of the Zoning Enforcement Officers report for September dated October 9, 2024, in their electronic packets as presented.

4. Receipt of New Applications

- a. Application #2509 – Special Permit for parking on a separate lot under different ownership at 37 Main Street and 149 Church Street; Assessor's Map 30, Lots 61, 61-1 & 61-3; 49, 50, 61-1A & 61-2; BD-1 (Downtown Business) zone; Gold Coast Properties, LLC, applicant.
- b. Application #2510 – Site Plan for a Mixed-Use Development and parking on a separate lot under different ownership at 37 Main Street and 149 Church Street; Assessor's Map 30, Lots 61, 61-1 & 61-3; 49, 50, 61-1A & 61-2; BD-1 (Downtown Business) zone; Gold Coast Properties LLC, applicant.

Chairman White designated regular Commissioners Goodwin, Marra, LaFreniere, Harlow and White to vote on Applications #2509 and #2510.

Staff explained Attorney James Ziogas represented the applicants on Applications #2509 and #2510.

MOTION: Move to schedule Applications #2509 and #2510 for a public hearing for the November 18, 2024, regular meeting agenda of the Zoning Commission.

By: Marra

Seconded: Harlow.

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

The applications #2509 and #2510 are scheduled for public hearing.

5. Public Hearings

- a. 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 – Public Hearing continued from September 16, 2024.
- b. 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 – Public Hearing continued from September 16, 2024.

Chairman White explained that Application #2504 and Application #2505 would be heard concurrently but voted on separately.

Chairman White designated regular Commissioners Marra, Goodwin, Harlow, LaFreniere and White to vote on Application #2504 and Application #2505.

The following persons representing the applicant presented Applications #2504 and #2505: The applicants attorney, Joseph Hammer of MacDermid, Reynolds & Glissman, PC, 110 Whitney Ave., New Haven; Kyle Gerlach, P.E., the applicants engineer, of CDM Smith, 77 Hartland St., East Hartford and Sebastian Amenta, the applicants engineer, of Comprehensive Environmental, One Hartford Square, Hartford.

Attorney Hammer introduced the applicant's team to the Commission. Attorney Hammer explained Mr. Gerlach would review the revisions to the plans and the additional information provided for Staff comments from the September meeting.

Mr. Gerlach overviewed the changes to the plans and the comments. The engineer explained the traffic controls during the construction of the project. The engineer reviewed the improved proximity to Collins Rd. and the upgraded storage on the south side of the site. Mr. Gerlach went over the access for Mix St. The engineer reviewed the limits of clearing to create the wetlands areas. Mr. Gerlach verified the sewer line system was planned with the Sewer and Water Dept. in conjunction with area projects. The engineer noted the Aquifer Protection Area was placed on the plans. Mr. Gerlach said the materials to be brought on and off site were 6,500 sq. yds. and 22,000 cu. yds., respectively, for the flood elevations, to offset compensatory storage and to create inland wetlands areas.

Mr. Gerlach explained a chart of the larger scheduled activities with the estimated amounts of vehicles. Mr. Gerlach showed the nine wells that would take up to 5 years to construct. The engineer noted the demolition and construction of the pumping station would take 18 months to finish. The engineer requested approval for the buffer near the residential area that was slightly uncompliant but would be sufficient for compliance for the earth removal Regulations.

Commission inquiries: Mr. Gerlach confirmed the construction workers had designated parking but may park on the street. The engineer noted some vehicles may park on the street simultaneously with the construction workers. The engineer clarified the created inland wetlands area was done to match the elevations for the flooding concerns. The engineer detailed how the truck traffic was required to be coordinated with the Dept. of Public Works for area events.

Commission inquiries: Mr. Amenta explained the new inland wetlands area would not be inundated all the time but be a functional inland wetlands area. Staff pointed out the new City Engineer, Anthony Lorenzetti, P.E., reviewed the elevations.

Staff requested a Zoom meeting with the applicant's team to review the comments for compliance. Staff suggested to continue Applications #2504 and #2505. Staff said the ConnDEEP requested to observe the site when the well drilling begins.

Staff inquires: The attorney agreed for the applicant to a 30-day extension for Applications #2504 and #2505. The attorney detailed his ConnDEEP meeting on the containment of vehicles refueling and the nature of the operations on the site.

Mr. Armstrong explained the Staff is working with the applicant to simplify the plans.

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

MOTION: Move that the Public Hearing on Applications #2504 and #2505 be continued to the November 18, 2024, Regular meeting of the Zoning Commission.

By: Marra

Seconded: Harlow.

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

The applications #2504 and #2505 are continued.

- c. 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 – Public Hearing continued from September 16, 2024.

Chairman White designated regular Commissioners Marra, Goodwin, Harlow, LaFreniere and White to vote on Application #2506.

Chairman White thought Application #2506 may have been voted on this evening, but he preferred the application be continued with the Applications #2504 and #2505 that were heard this evening.

MOTION: Move that the Public Hearing on Application #2506 be continued to the November 18, 2024, Regular meeting of the Zoning Commission.

By: Marra

Seconded: Harlow.

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

Against: None.

Abstained: None.

The application #2506 is continued.

- d. 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, Goodwin, Harlow, LaFreniere and White to vote on Application #2507.

Attorney Mark Ziogas, 88 Valley St., representing the applicant, explained the site was cleaned up and the retention basins were being maintained. The attorney requested approval for the renewal because a lot of work remained to be done. The attorney said an added permit may be required after the materials are taken off the site. About comments, the attorney said the types of materials and aerial photos had to be added to the plans. The attorney stated there were concerns of the storage bins with the stone and gravel from the prior excavation process. The attorney mentioned the applicant thought the work would take 5 more years to move the materials.

Commission inquiries, respectively: Attorney Ziogas verified the bins were for temporary storage of crushed stone, soil and stone to be taken offsite that were not for retail sales. Kyle Schultz of Willow Materials, 34 Hull Rd., Burlington, stated the materials in the bins would eventually be taken off site. Mr. Schultz clarified the materials were varied sizes for the contractors or the applicant's business.

Staff inquiries: The attorney informed the Commission the applicant had a thought to open a school to use heavy equipment. However, the property would most likely be a subdivision.

Staff clarified the permit was expired but the applicant wanted to renew the permit. Staff said a \$180,000 bond was in place. Staff suggested the application be approved this evening.

Mr. Armstrong requested plans on how the applicant plans to restore the area of the newly created area.

Commissioner Goodwin read into the record the comments from October 21, 2024, for the restoration area.

The Commission, the attorney and Staff discussed restoring the property to previous conditions. The attorney suggested the storage bin may be relocated to a different area on the property to restore the property.

No one else spoke in favor of the application.

The following persons did not speak in favor or against the application but had questions: Josephine Ramondetta, 200 Martin Rd. and Sylvia Roy, 170 Martin Rd.

Ms. Ramondetta inquired if the Martin Rd. and Arcadia Rd. area would remain as they exist. The neighbor inquired if there were any plans to go into their neighborhoods from Martin Rd. and Arcadia Rd. Ms. Ramondetta was concerned if blasting would occur near Martin Rd. to protect the wells and septic systems. The neighbor was concerned about noise from the potential school.

Ms. Roy inquired if the applicant excavated into the bank on both sides of the site. The neighbor had concerns about the excavation depth because the neighbors were losing their water services. As such, Ms. Roy was concerned that the plan was to extend Barnum Rd. to Ferrell Ave. at grade. The neighbor had concerns about the excavating going into the embankment.

Mr. Schultz explained the applicant does not own property near the circle so that area would not be changed. The applicant said there would be no blasting. The applicant made clear there was no intention of going on Arcadia Rd. or Martin Rd. The applicant stated at the end of the site was a 3:1 slope so the excavation depth would not be much deeper. The applicant explained the excavation was into the aquifer so the wells should not be affected.

Staff reviewed the documents for the application. Staff gave notice to the applicant to speak with the Inland Wetlands Agency Staff because the inland wetlands permit would expire next year.

MOTION: Move that Application #2507 be closed.

By: Marra

Seconded: LaFreniere.

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

The application #2507 is closed.

MOTION: Move that 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, be approved with the following stipulations:

1. The Earth Removal 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 drawings entitled "Proposed Earth Removal Plan, Barnum Road & Farrell Avenue, Bristol, Connecticut", prepared by R.R. Hiltbrand Engineers & Surveyors, and consisting of the following sheets, all dated 7/23/22 and revised to 08/15/24:
 - a. Cover Sheet: Dated 7/23/20 with a Revised Date of 08/15/24.
 - b. Sheet P: Phase Map
 - c. Sheet E1-E4: Existing Conditions Plan
 - d. Sheet OG: Overall Grading Plan
 - e. Sheets G1-G4: Proposed Grading Plan
 - f. Sheet OS: Cross Section Plan View
 - g. Sheets S1-S4: Cross Section Profiles
 - h. Sheet SE1-SE4: Sediment and Erosion Details Sheet
 - i. Sheet SE: Details Sheet
 - j. Sheet SUB: Feasibility Study for Future Subdivision
3. The current \$180,000 performance bond shall continue to be in place for the three-year duration of this permit.
4. The Special Permit shall be good for a period of three years from the date of issuance.
5. There shall be no operation on Saturdays, Sundays or holidays.
6. The crushing process, pursuant to Section XV.2., will 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 ZEO (Zoning Enforcement Officer) prior to crushing operations commencing. Once the crushing process begins, the ZEO shall confirm that the operations are being conducted in accordance with the approved plan.
7. The hours of operation for Earth Removal shall be Monday through Friday, 7:30 AM to 4:00 PM. Maintenance can begin at 7:00 AM, but no on-site excavation or removal can occur until 7:30 AM. Crushing operations (within the twice annual two-week windows) cannot commence until 8:00 AM to 4:00 PM.
8. The sifter and crusher shall not be used simultaneously on the property.
9. Measures to control dust from the operation shall be applied as needed.
10. The applicant shall sweep and remove the sand from Barnum Road along the frontage of the property at least once a week.
11. No material shall be stockpiled on the property within 400 feet of any residence.
12. No material shall be brought onto the property for processing.
13. Regular inspections of the excavation sequence used by the applicant shall be conducted by the Zoning Enforcement Officer.
14. The 3-to-1 slope requirement shall be waived along portions of the perimeter of the property in accordance with Section XV.2. of the Zoning Regulations and a 2-to-1 slope permitted in its place, inasmuch as the steeper slope has previously been permitted and already exists.

15. The required 100-foot buffer shall be reduced as per the approved map in accordance with Section IX.B.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.

By: Marra

Seconded: Goodwin.

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

Against: None.

Abstained: None.

The application #2507 is approved with stipulations.

- e. 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, Goodwin, Harlow, LaFreniere and White to vote on Application #2508.

Charles Talmadge of Development Planning Solutions, 225 North Main St., representing the applicant, described the prior use of the building as a job shop. The applicant's representative explained there is an existing second-floor dwelling unit that was a previous office. The applicant's representative reviewed the request to add a second-floor dwelling unit. The applicant's representative said the second request was to get a legal Special Permit for the existing dwelling unit. The applicant's representative said there would be two parking spaces for each unit. The applicant's representative explained the door on the east side of the building would go away to make the building more compliant, if approved.

Commission inquiries: The applicant's representative was unsure if the parking spaces in front of the garages were compliant. Mr. Talmadge explained when vehicles park in front of the garage they may go over the property line. The applicant's representative noted the fire escapes were the stairways and a deck. The applicant's representative verified the commercial designation for the building would go away, if approved.

Staff inquiries: The applicant's representative clarified the building was 27,070 sq. ft. with public sewer and water utilities.

Staff said the purpose of the application was to bring the property into conformance. Staff entered that the request received a positive referral from the Planning Commission. Staff reviewed the documents for the application.

MOTION: Move that Application #2508 be closed.

By: Marra

Seconded: LaFreniere.

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

Against: None.

Abstained: None.

The application #2508 is closed.

MOTION: Move that the Public Hearing on Application #2508 be approved with the following stipulations:

1. Provide addresses for both units to the Land Use Office, prior to issuance of the Special Permit.

By: Marra

Seconded: Goodwin.

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

Against: None.

Abstained: None.

Application #2508 is approved with stipulation.

6. Old Business

There was no old business.

7. New Business

- a. Alternative Signage Program – Pursuant to Article III, Section 14.7. of the Bristol Zoning Regulations: Request for review/approval of an Alternative Signage Program for a 152,000 safe mixed use development at 100 North Main Street and 130 North Main Street; Assessor's Map 26, Lot 7 and Map 20 Lot 5; BD-1 (Downtown Business) zone; Ryan Carrier, agent; Centre Square Village, LLC, applicant.

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

Staff requested Mr. Talmadge to speak for the applicant because he collaborated with the applicant. Staff explained improvements would be made to the property. Staff said the applicant would be applying for a temporary certificate of occupancy. Staff cited this as the last portion of phase one and then the plans would be signed off.

Commission inquiries: Mr. Talmadge added the applicant would occupy the building by November 1, 2024.

Staff reported that the Staff supported the application.

MOTION: Move that Alternative Signage Program for a 152,000 sq. ft. mixed use development at 100 North Main Street and 130 North Main Street; Assessor's Map 26, Lot 7 and Map 20 Lot 5; BD-1 (Downtown Business) zone, be approved as submitted.

By: Marra

Seconded: Harlow.

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

Against: None.

Abstained: None.

The Alternative Signage Program is approved.

8. Staff Reports

Staff reviewed the concerns of the public hearing signage for the recent applications on Maltby St. for the New Britain Water Co. The Commission and Staff agreed the public hearing signage was required to remain up on the property.

9. Adjournment

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

MOTION: Move to adjourn at 7:48 P.M.

By: White

Seconded: Marra.

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

Against: None.

Abstained: None.

This meeting was recorded.

Respectfully submitted,

Nancy King
Recording Secretary

David White, Chairman

Richard Goodwin, Secretary