

**BRISTOL PLANNING COMMISSION
MINUTES
REGULAR MEETING OF WEDNESDAY FEBRUARY 23, 2022**

CALL TO ORDER:

By: Acting Chairman Soares

Time: 7:00 P.M.

Place: City Hall

ROLL CALL:

MEMBERS	NAME	PRESENT	ABSENT
REGULAR MEMBERS:	Chairman William Veits (Chairman)		X
	Commissioner John Soares (Acting Chairman and Vice Chairman)	X	
	Jon Pose	X	
	Tracey Bacchus	X	
	Jeff Hayden	X	
ALTERNATE MEMBERS:	Christopher Nardi	X	
	Kenneth Rasmussen-Tuller	X	
	Anthony Lorenzetti	X	
	Robert M. Flanagan, AICP, City Planner	X	
STAFF:	Nancy Levesque, P.E., City Engineer	X	

PLEDGE OF ALLEGIANCE:

Acting Chairman Soares reminded the Commission the next regular meeting of the Planning Commission is Wednesday, March 23, 2022. He designated regular Commissioners Bacchus, Pose, Hayden and Soares as voting members this evening. He also designated alternate Commissioner Rasmussen-Tuller as a voting member this evening in place of regular Commissioner Veits.

PUBLIC PARTICIPATION:

There was no public participation.

APPROVAL OF MINUTES:

- Minutes from the December 26, 2021 Regular Meeting and Minutes from the January 26, 2022 Regular Meeting

MOTION: Move to approve the minutes of the December 26, 2021 regular meeting.

By: Pose

Seconded: Hayden.

For: Hayden, Bacchus, Pose, and Soares.

Against: None.

Abstain: None.

Acting Chairman Soares designated regular Commissioners Bacchus, Pose and Soares to vote on the January 26, 2022 regular minutes. He also designated alternate Commissioners Hayden and Nardi, respectively to vote on the January 26, 2022 regular meeting minutes to vote in place of regular Commissioners Veits and White.

MOTION: Move to approve the minutes of the January 26, 2022 regular meeting.

By: Pose

Seconded: Hayden.

For: Hayden, Bacchus, Pose and Soares.

Against: None.

Abstain: None.

At this time, Acting Chairman Soares designated alternate Commissioner Rasmussen-Tuller as a voting member this evening in place of regular Commissioner Chairman Veits.

RECEIPT OF NEW APPLICATIONS:

2. Application #431 – Subdivision (Meadow View Farm), 1960 Perkins Street (10 lots); Assessor's Map 58, Lot 16-1; R-25 (Single-Family Residential) zone; LED, LLC, applicant.

Attorney James Ziogas, 104 Bellevue Avenue, representing the applicant, explained this was a 10-lot subdivision for residential units. He requested a public hearing be scheduled for their next regular meeting.

MOTION: Move that Application #431 – Subdivision (Meadow View Farm), 1960 Perkins Street (10 lots); Assessor's Map 58, Lot 16-1; R-25 (Single-Family Residential) zone; LED, LLC, applicant be scheduled for a public hearing for the March 23, 2022, Regular Meeting of the Planning Commission.

By: Bacchus

Seconded: Pose.

For: Hayden, Bacchus, Pose, Soares and Rasmussen-Tuller.

Against: None.

Abstain: None.

PUBLIC HEARINGS:

3. Application #430 – Subdivision (Perkins Meadow), west of Perkins Street, south of James P. Casey Road (9 lots); Assessor's Map 62, Lots 7 & 8; R-25 (Single-Family Residential) zone; Lincoln and D'Amato, LLC, applicant – (Public Hearing continued from January 26, 2022).

The Commission acknowledged receipt of the following item(s) in their electronic packets: two approval letters (attached stipulations) dated January 12, 2022, from the Inland Wetlands Commission, regarding the properties; the first and second set of Site Plan Committee Review comments, dated January 13, 2022, respectively; a draft copy of a Storm Water Drainage Easement; a draft copy of the Conservation Easement Agreement; and a memorandum dated February 22, 2022, from Attorney Richard Lacey, Corporation Counsel Office, regarding his opinion of the request, proposed subdivision, James P. Casey Rd., Application #430, Perkins Meadows. Commission Hayden noted he had listened to the recording and will be available to vote on the application.

Attorney James Ziogas, 104 Bellevue Ave., representing the applicant, explained at their last meeting there was a lengthy discussion for the appropriateness for the subdivision, Subdivision Regulations and Zoning Regulations. They discussed if the application complied with the Regulations. There were no public improvements and there is existing City sewer and water services. The main concern was if the sidewalks should be constructed on Perkins St. The applicant's view was the sidewalks were not required by the Regulations and the Commission cannot require them. He noted that Mr. Flanagan received a letter from the Corporation Counsel Office, which Staff shared with him prior to tonight's meeting.

Mr. Flanagan explained he received an email last month from the Corporation Counsel's Office a few hours prior to the January meeting. In that email, there was no discussion of the Director of Public Works role in potentially ordering an applicant to complete public improvements. In the formal opinion now received from the Corporation Counsel's Office, sidewalks would not be required for this application, but the Buttermilk case does not apply to every application. Therefore, each application should be reviewed individually on its own merits. The opinion also stated that for the current application, the Director of Public Works role is limited.

He explained his review and discussions with previous developers and attorneys for subdivisions with sidewalks over the past several years and that sidewalks had been required and that some waivers were applied for and granted, on existing city streets. He explained that if there are public improvements, the approval granted by the Commission was conditional; if there are no public improvements, it is a final approval; therefore, this application is a final approval, if so voted by the Commission.

Later in the meeting he wanted to discuss with the Commission the Corporation Counsel's view that if a referral from the Planning Commission to the City Council might be in order that would make a recommendation for the installation of sidewalks on Perkins Street. The remaining Staff comments were e-mailed to Attorney Ziogas this afternoon and they were addressed.

Mr. Flanagan read into the record a portion of the letter dated February 22, 2022 received from the Corporation Counsel's Office.

The hearing is closed.

By: Pose

Seconded: Rasmussen-Tuller

For: Hayden, Bacchus, Pose, Soares and Rasmussen-Tuller

Against: None.

Abstain: None.

Commission inquiries: Mr. Flanagan explained the applicant is not required to construct the sidewalks.

MOTION: Move that a FINAL approval be granted for:

Application #430 – Subdivision (Perkins Meadow), west of Perkins Street, south of James P. Casey Road (9 lots); Assessor's Map 62, Lots 7 & 8; R-25 (Single-Family Residential) zone; Lincoln and D'Amato, LLC, applicant

This Final approval is based on the maps and information submitted along with the subdivision plan entitled "Perkins Meadow Subdivision Assessor's Map 62 Lots 7 & 8 James P. Casey Road & Perkins Street Bristol, Connecticut, December 6, 2021" currently having a last revision date of January 5, 2022, with the following stipulations:

1. Prior to the final sign-off/endorsement by either the Chairman or Secretary of the Bristol Planning Commission, all remaining staff comments for the Subdivision plan shall be addressed to the satisfaction of Staff.
2. The following must be recorded on the City of Bristol land records and a copy of the recorded documents provided to the Land Use Office for inclusion in the approved subdivision file, prior to the final sign-off/endorsement by either the Chairman or Secretary of the Bristol Planning Commission:
 - a. 20 x 20-foot stormwater and maintenance easement across proposed lot Map 62 Lot 8-7, subject to review by the City Engineer.
 - b. A conservation easement proposed across Map 62 Lot 8-7, subject to review by the Engineering Division of the Department of Public Works.
3. The approval letter for this Subdivision plan, along with the stipulations and notes above, must be reproduced and made part of the plan set for this subdivision. The applicant shall seek the guidance of the City Planner on this stipulation.

By: Bacchus

Seconded: Rasmussen-Tuller

For: Hayden, Bacchus, Pose, Soares and Rasmussen-Tuller

Against: None.

Abstain: None.

The application is approved with stipulations.

ZONING COMMISSION REFERRALS:

There were no Zoning Commission referrals.

CITY COUNCIL AND OTHER REFERRALS:

There were no City Council and other referrals.

OLD BUSINESS:

4. Application #324 – Bristol Crossing Subdivision – Road Acceptance Memo for Phase 2 – Corbin Ridge: Assessor's Map 9, Lots 12, 13 & 26 through 42 (19 lots); Sachem Capital Realty, LLC; owner/applicant.

The Commission acknowledged receipt of the following item(s) in their electronic packets: a memorandum dated January 12, 2022, from Nancy Levesque, P.E., City Engineer, to the Planning Commission, regarding Street Acceptance and Portion of Corbin Ridge; a letter dated December 22, 2021, from J. Edwards & Associates, LLC; an approval letter dated December 6, 2021, from the Planning Commission to Sachem Capital Realty, LLC, regarding acceptance of bond reduction; a copy of the Planning Commission Regular Meeting of November 22, 2021; the New Correspondence dated November 29, 2021, regarding the Applicant's Request for Phase 3 Extension to 6/22/2027; a copy of the Substitute House Bill No. 6541 Public Act No. 21-163 An Act Concerning An Extension Of Time

For The Expiration Of Certain Land Use Approvals; and the following backup materials dated from December 22, 2021 to June 28, 2017. Mr. Flanagan explained he received an e-mail from the applicant this afternoon and the applicant was not ready for a deposit to the storm water trust. He would place this item on the April agenda. The subdivision will expire in June. He will work with the applicant's attorney for the appropriate request for the Commission.

NEW BUSINESS:

5. Application #413 – Laurentide Glen Subdivision – 1) Request for replacement of bonding for public improvements for:

Phase 1 (12 lots – Assessor's Map 67, Lots 37B-1 to 37B-11; 37B-72; Pequabuck Street); 2) Request for replacement of bonding for public improvements for: Phase 2 (11 Lots – Map 67, Lots 12 -14, 16 – 22 Wiegert Way); 3) Request for acceptance of bonding for public improvements for: Phase 3 (20 Lots – Lots 23-37 Stellas Way and Lots 57-61 Gino Drive); R-15/OSD (Single-Family Residential/Open Space Development) zone; Trademark Acquisitions, LLC, Arcadia Group, LLC and Arcadia Acres LLC, applicants/owners.

The Commission acknowledged receipt of the following items in their electronic packets: a letter dated February 7, 2022, from Attorney Mark Ziogas, regarding the request; a letter dated October 12, 2021, from Attorney Mark Ziogas to Chairman William Veits, regarding the project; an updated estimate, Laurentide Glen Subdivision – LC Estimate, undated; and also the following backup materials dated from g Commission minutes dated October 27, 2021 to March 24, 2021.

Mr. Flanagan explained the applicant's attorney, Mark Ziogas, was online with the applicant's engineer, Gino Troiano, which met with the City Engineer, to review the new numbers for the subdivision.

Attorney Mark Ziogas, 88 Valley St., representing the applicant, explained Phase 1 and 2 were sold out. They are going to Phase 3 with 20 lots. There is an existing bond was \$370,000 approximately, which would expire in March. Prior to renewing the bond they had to update the amounts that they reviewed with the City Engineer. Based on the applicant's engineer's amount, Gino Troiano, they agreed on the update of \$454,250. They are having the bank rewrite the letter of credit to \$454,250 that they should receive in a couple of weeks. They understand if the bond is not in place, they cannot apply for building permits. Going forward they would go to Phase 3 if the Commission approved it.

Mr. Flanagan reviewed the bond amounts per the City Engineer: existing Phase 1: \$154,100 with a revised amount of \$127,075; Phase 2: existing \$200,675 and revised amount \$42,550; and new bond amount Phase 3: \$284,625. A new total bond amount was \$454,250. The existing bond is \$366,275. Phases 1 and 2 were being reduced and Phase 3 was creating a new bond for 20 lots. He explained the bank was not renewing the bond, which would expire March 24, 2022. He agreed with Attorney Ziogas' summary. The next meeting is March 23, 2022 and they would report if the bond was in place. When finalized, these would be final approvals and Phases 4, 5 and 6 would be conditional approvals.

MOTION: Move that the request by the applicant for Application #413 – Laurentide Glen Subdivision – for a replacement of bonding being held to guarantee the completion of public improvements for Phase 1 (12 lots – Pequabuck Street), Phase 2 (11 Lots – Wiegert Way) and Phase 3 (20 Lots –Stellas Way and Gino Drive) – Trademark Acquisitions, LLC, Arcadia Group, LLC and Arcadia Acres LLC, applicants/owners be approved with the following limits:

The current bond amount for **Phase 1** is: \$154,100.

The revised bond amount for **Phase 1** recommended by the City Engineer will be: \$127,075.

The current bond amount for **Phase 2** is: \$200,675.

The revised bond amount for **Phase 2** recommended by the City Engineer will be: \$42,550.

The bond amount for **Phase 3** as recommended by the City Engineer will be: \$284,625.

The new bond amount for Phases 1, 2 & 3 (combined) as recommended by the City Engineer will be: \$454,250.

An Irrevocable Letter of Credit # 5700783075 was issued by NBT Bank of Norwich, New York on March 24, 2021 in the amount of \$366,275 and will be in effect until at least March 24, 2022.

The applicant has indicated that a new Letter of Credit will be issued prior to the March 24, 2022 expiration. No Building Permits can be issued for Phase 3 until the new Letter of Credit is issued. In the event that a new Letter of Credit is not received by the March 24, 2022 expiration date, Staff will notify the Commission at the March 2022 meeting. Once the new Letter of Credit is received by the Land Use Office, Phases 1, 2 & 3 will be Final Approvals. Phase 4, 5 & 6 will remain as Conditional Approvals with an expiration date of: October 24, 2023.

By: Bacchus

Seconded: Pose

For: Hayden, Bacchus, Pose, Soares and Rasmussen-Tuller.

Against: None.

Abstain: None.

STAFF REPORTS:

6. Monthly Subdivision Status Report

The Commission acknowledged receipt of the following item(s) in their electronic packets: an updated copy of the updated as of: February 16, 2022.

Ms. Levesque explained the Bristol Crossing subdivision the storm water trust amount would be submitted in April. Regarding Corbin Ridge, they are expecting Phase 2 and hopefully Phase 3 is extended. Lauretide Glen is constructing and Phase 3 was being started. Great Pyrenees Way, has applied for a few certificates of occupancies, but they were focusing on construction in the town of Burlington. Calamar has no status. Also, they would add Perkins St. to the report.

MOTION: move to add to tonight's agenda under Staff Reports as #7 a discussion on a proposed resolution for the installation of sidewalks on west side of Perkins Street.

By: Bacchus

Seconded: Hayden

For: Rasmussen-Tuller, Hayden, Bacchus, Pose and Soares.

Against: None.

Abstain: None.

7. Proposed Resolution for sidewalks on Perkins St.

The Commission acknowledged receipt of the following item in their electronic packets: a memorandum dated February 22, 2022, from Attorney Richard Lacey, Corporation Counsel Office, regarding proposed subdivision, James P. Casey Rd., Application #430, Perkins Meadows.

Mr. Flanagan explained this was for the application on the agenda for subdivision on Perkins St. He explained Attorney Richard Lacey had submitted a letter with his opinion. Mr. Flanagan read into the record a portion of the memorandum dated February 22, 2022. Mr. Flanagan explained the City Engineer, Traffic Division, were in favor of extending the sidewalks. He prepared a draft motion for the Commission, but they do not have to make a determination this evening.

The Commission commented that they lived in this area and they liked the rural parts of the area without sidewalks. There were not many people that used the existing sidewalk. Most of the kids use school buses and there is always a crossing guard for safety. The sidewalks on the west side were sufficient.

If the developer pays for sidewalks the costs go to the homeowners; if the City pays for sidewalks, the City homeowners taxes would pay for them. There was also a lot of maintenance. They were not in favor of this item.

Commission inquiries: The sidewalks on the east side are on the entire side of street. There were no Regulations regarding sidewalks, but the Staff had the opinion of the proximity of the school to the sidewalks.

8. Proposed New Schedule for Commission Meetings

MOTION: move to add to tonight's agenda under Staff Reports as #8 a discussion of the revised meeting schedule.

By: Rasmussen-Tuller

Seconded: Hayden

For: Hayden, Bacchus, Pose, Soares and Rasmussen-Tuller

Against: None.

Abstain: None

The revised meeting schedule was reviewed with the Commission.
The City Hall renovation project requires the rescheduling of several Land Use Commission meetings.

It was the consensus of the Commission that the monthly Regular meetings for Planning will move to the fourth Monday of each month starting in May at the Bristol Board of Education (BOE) Auditorium. A vote on the revised schedule was not required.

Commissioner Rasmussen-Tuller indicated that had a conflict with the revised schedule. He mentioned that he and Chairman Veits attend the same committee meeting. Mr. Flanagan explained that he spoke with Chairman Veits and he indicated that he will be in attendance at the Planning Commission meetings when the meeting day moves to the fourth Monday starting in May.

9. Commission inquiries: Mr. Flanagan has not received any information relative to any 8-24 referrals for the City Hall renovations. He explained would reach out to the Corporation Counsel's Office for their input.

COMMUNICATIONS:

There were no communications.

ADJOURNMENT:

Motion was made by Commissioner Hayden to adjourn.
Motion seconded by Commissioner Pose.
Motion carried 5-0.

The meeting adjourned at 8:00 P.M.

These minutes represent the proceedings of the meeting.
This meeting was taped.

Respectfully submitted,
Nancy King

John Soares
Acting Chair/Vice Chairman
City Planning Commission