

**BRISTOL ZONING COMMISSION
MINUTES
REGULAR MEETING OF MONDAY NOVEMBER 18, 2024**

By: Chairman White

Time: 6:00 P.M.

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

MEMBERS	NAME	PRESENT	ABSENT
REGULAR MEMBERS:	David White (Chairman and Acting Secretary)	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	

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, December 9, 2024.

2. Approval of Minutes

Special Meeting - October 10, 2024, Special Meeting - October 17, 2024 and Regular Meeting - October 21, 2024.

Chairman White designated himself with alternate Commissioners DeRoehn, Mangiafico and Caruso to vote on the October 10, 2024, special meeting minutes.

MOTION: Move to approve the minutes of the October 10, 2024, special meeting.

By: White

Seconded: DeRoehn.

For: DeRoehn, Mangiafico, Caruso and White.

Against: None.

Abstained: None.

Chairman White designated himself, regular Commissioners Marra and Harlow with alternate Commissioners DeRoehn and Mangiafico to vote on the October 17, 2024, special meeting minutes.

MOTION: Move to approve the minutes of the October 17, 2024, special meeting.

By: White

Seconded: DeRoehn.

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

Against: None.

Abstained: None.

Chairman White designated himself, regular Commissioners Marra, Harlow and LaFreniere with alternate Commissioner DeRoehn to vote on the October 21, 2024, regular meeting minutes.

MOTION: Move to approve the minutes of the October 21, 2024, regular meeting.

By: White

Seconded: DeRoehn.

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

Against: None.

Abstained: None.

3. Receipt of New Applications

- a. Application #2511 – Special Permit for Motor Vehicle Service and Repair Facility at 200 Terryville Road - Unit B; Assessor's Map 67, Lot 7-1; I (General Industrial) zone; Steven P. Merchant Sr./Ray's Carstar Auto Body, applicants.

Chairman White designated himself, regular Commissioners Marra, Harlow and LaFreniere with alternate Commissioner DeRoehn to vote on Application #2511.

MOTION: Move to schedule Application #2511 for a public hearing for the December 9, 2024, regular meeting of the Commission.

By: Marra

Seconded: Harlow.

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

Against: None.

Abstained: None.

The application is scheduled for public hearing.

4. 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 October 21, 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 October 21, 2024.

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

Chairman White designated himself, regular Commissioners Harlow, LaFreniere and Marra with alternate Commissioner Caruso to vote on Applications #2504 and #2505.

Sebastian Amenta, C.E., 1 Hartford Square, New Britain, representing the applicant, verified the comments were updated this afternoon with Staff. Mr. Amenta reviewed the four outstanding comments. The engineer indicated the Commission had to resolve the proximity to Collins St. The engineer noted there was a recommendation to improve the site lines adjacent to Maltby St. and to clear cut some trees. Mr. Amenta said the proposed staging area plan would be submitted to Staff by the contractor for signoff. The engineer said the engineered wall was a segmented block wall that varied in height from 2 ft. to 7 ft.

Mr. Amenta explained the two bonds were \$300,000 for the road and sedimentation control bond and a restitution bond. The engineer spoke with the City Engineer that said the bond may be reduced since everything is not worked on at once. Mr. Amenta would provide the bond list that may be more than \$300,000. The engineer noted the comments did not list the Commission had to approve removal of trees larger than 5 inches.

Staff suggested to close the public hearings and deliberate at the December meeting to prepare the stipulations and bonding amounts. Staff requested the applicant to remove the public hearing signs if the public hearings are closed this evening.

Staff reviewed the documents for the applications.

Staff inquiry: Mr. Amenta reviewed the definition of a turbidity curtain.

No one else spoke in favor of the application.

No one spoke against the application.

The hearing #2504 is closed.

By: Marra

Seconded: White.

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

Against: None.

Abstained: None.

MOTION: Move that 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, be closed and continue the deliberations until the December 9, 2024, regular meeting of the Commission.

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

Against: None.

Abstained: None.

The application #2505 is closed.

By: Marra

Seconded: White.

MOTION: 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 October 21, 2024, be closed and continue the deliberations until the December 9, 2024, regular meeting of the Commission.

- 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 October 21, 2024.

Chairman White designated himself, regular Commissioners Harlow, LaFreniere and Marra with alternate Commissioner Caruso to vote on Applications #2504 and #2505.

The following persons represented the applicant: Sebastian Amenta, C.E., 1 Hartford Square, New Britain and Attorney Joseph Hammer of MacDermid, Reynolds & Glissman, PC, 110 Whitney Ave., New Haven.

Mr. Amenta said the concern of the comments was the buffer was not 100 ft. but 85 ft. from the property line. The concern included the excavation near the property line, but the houses were hundreds of feet from the property. The engineer requested to waive the 100 ft. buffer. Mr. Amenta stated this location was selected for the compensatory

storage for construction above the floodplain. Mr. Amenta noted trucks and equipment had to be brought on site. The engineer noted the comments are the same as for Applications 2504 and 2505.

Staff explained the engineer was trying to say the Regulations do not allow for excavation within 100 ft. of a residential property.

Attorney Hammer verified the work would be done during dry weather on the buffer. The attorney clarified only a part of the request was less than 100 ft. away from the property line. Attorney Hammers' view was the Regulations allowed for less than a 100 ft. buffer, which was sufficient. Attorney Hammer made clear the feasibility of the plan was extremely important to have the project in this location to provide a strong water source to the residents. The attorney requested approval for the application.

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

The application #2506 is closed.

By: Marra

Seconded: Harlow.

MOTION: 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, be closed and continue the deliberations until the December 9, 2024, regular meeting of the Commission.

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

- d. 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 & BD-2 (Downtown Business) zones; Gold Coast Properties, LLC, applicant.
- e. 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 & BD-2 (Downtown Business) zone; Gold Coast Properties LLC, applicant.

Chairman White explained Applications #2509 and #2510 would be heard concurrently but voted on separately. Chairman White designated himself, regular Commissioners Harlow, LaFreniere and Marra with alternate Commissioner Caruso to vote on Applications #2509 and #2510.

The following item was submitted into the record: a letter undated, from Bristol Health, Kurt Barwis, FACHE, to 37 Main St., LLC, regarding support of the project (submitted by Attorney James Ziogas.)

The following persons represented the applicant: Attorney James Ziogas, 104 Bellevue Ave.; Robert Hiltbrant, P.E., of R.R. Hiltbrant Engineering, 575 North Main St. and Charles Nyberg of Schadler Selnau Associates, 5 Waterville Rd., Farmington.

Attorney Ziogas presented the request to construct a new 7,000 sq. ft. building with 4 floors, 28 dwelling units and first-floor retail uses. Attorney Ziogas said the existing building was demolished from a fire. The attorney reported an Inland Wetlands Commission approval was received for the site. For the special permit, Attorney Ziogas explained 21 parking spaces would be leased from the City. The attorney reviewed the State application for financing for workforce housing for the Bristol Hospital. Attorney Ziogas described the approved Variances to setback construction 15.5 ft. and a reduced building fenestration. Attorney Ziogas added the ZBA requested a patio be constructed in front of the building. The attorney noted there is an existing sidewalk to the parking lot.

Mr. Hiltbrant reviewed the site design, underground detention system and the parking areas. The engineer said the impervious surface would be improved by 30%. Mr. Hiltbrant stated the parking on the frontage cannot be included in the calculations. The engineer explained the applicant worked with the Public Works Director on parking because of the tentative grant fund for parking in the downtown. Mr. Hiltbrant noted some water and sewer lines had to be disconnected. The engineer was unable to address comments this evening but would do so this week. Commission inquiry: The engineer said the designated tenant parking was behind the building.

Mr. Nyberg reviewed the building design, elevator and residential units. The architect said there were 3 retail spaces but no restaurants unless requested. Mr. Nyberg reviewed the ADA accessible unit requirements. The architect indicated the podium construction on the first floor was continuing to be reviewed. Mr. Nyberg said the street façade had non-accessible balconies and awnings to improve the building fenestration and design. Mr. Nyberg verified the roof equipment would be screened.

Commission and Staff inquiries: Attorney Ziogas confirmed the dwelling units were not specifically for Bristol Hospital employees. The attorney noted the snow removal was the City responsibility. The attorney would update the sewer laterals and the building height on the plans. Attorney Ziogas said EVC stations were not required. The attorney noted there was no designated employee parking. Attorney Ziogas indicated there was an onsite inspection with the Inland Wetlands Commission.

Attorney Ziogas concluded the building met the Regulations and the second set of comments were able to be resolved.

Mr. Flanagan read into the record the updated comments. Staff compared the building fenestration for the prior plan versus the proposed plan.

Chairman White read into the record the opening of the public hearing for Application #2510 at this time.

Attorney Ziogas requested to incorporate the Special Permit comments into record for the Site Plan application.

In response to the Commission, Mr. Nyberg explained a restaurant was not out of the possibility with the new technology.

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

The hearing #2509 is closed.

By: Marra

Seconded: Harlow.

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

MOTION: Move that 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 & BD-2 (Downtown Business) zones; Gold Coast Properties, LLC, applicant, be approved.

By: Marra

Seconded: Harlow.

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

The application #2509 is approved.

The hearing #2510 is closed.

By: Marra

Seconded: Harlow.

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

Against: None.

Abstained: None.

MOTION: Move that 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 & BD-2 (Downtown Business) zone; Gold Coast Properties LLC, applicant, 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 individual lots depicted on the survey shall be merged into one lot, fronting on Main Street.
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. The performance bond shall be posted by the applicant with the City before the Certificate of Occupancy is issued.

By: Marra

Seconded: Harlow.

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

Against: None.

Abstained: None.

The application #2510 is approved with stipulations.

5. Old Business

There was no old business.

6. New Business

- a. Discussion on Non-Conformities at 881 Farmington Avenue (formerly Frank's Transmission); Assessor's Map 53, Lot 1; BG (General Business) zone; 881 Farmington Associates Corp., owner; Jonas Lima, agent.

Chairman White designated himself, regular Commissioners Marra, Harlow and LaFreniere with alternate Commissioner Caruso to vote on the Discussion on Non-Conformities at 881 Farmington Avenue (formerly Frank's Transmission.)

Mr. Flanagan explained Mr. Aziz was the operator of the property and Mr. Lima represented the owner of 881 Farmington Associates Corp. Staff said the site was limited by a floodway, floodplain, inland wetlands, upland review and an aquifer protection area. Staff received documents from the applicant's attorney. Staff did not speak with the former ZEO but he believed he said the auto use was grandfathered in. Mr. Flanagan noted the concern was to decide the level of non-conformity. Staff said the applicant may file an application to make the site conforming. Staff pointed out that non-conformities cannot be expanded.

Staff read into the record the narrative for the property.

Jonas Lima of 881 Farmington Associates Corp., 881 Farmington Ave., representing the applicant, verified no more than 10 vehicles at once would be on the site. The representative verified 10 parking spaces were just restriped. Mr. Lima verified the applicant wanted to keep the number of vehicles low.

Staff clarified that the vehicle storage in the building was not included in the vehicle count. The Chairman and Staff spoke earlier and felt 15 vehicles was satisfactory.

Commission inquiries: Staff explained the application specifications for the Aquifer Protection Area would be heard later this evening.

MOTION: Move that the Discussion on Non-Conformities at 881 Farmington Avenue (formerly Frank's Transmission); Assessor's Map 53, Lot 1; BG (General Business) zone; 881 Farmington Associates Corp., owner; Jonas Lima, agent, be subject to the following stipulations with respect to the non-conforming use on the above property:

1. The total number of vehicles allowed for repair on this property is fifteen (15), inclusive of employee vehicles; any increase beyond this limit will be considered an expansion of the non-conformity and is not allowed.
2. The storage of vehicles not undergoing repairs is not allowed.

By: Marra

Seconded: Caruso.

For: Marra, LaFreniere, Caruso and White.

Against: Harlow.

Abstained: None.

The application is approved with stipulations.

7. Communications

There were no communications.

8. Adjournment

Chairman White designated himself, regular Commissioners Marra, Harlow and LaFreniere with alternate Commissioner Caruso to vote on the adjournment.

MOTION: Move to adjourn at 7:56 P.M.

By: White

Seconded: Harlow.

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

Against: None.

Abstained: None.

This meeting was recorded.

Respectfully submitted,

Nancy King
Recording Secretary

David White, Chairman

Richard Goodwin, Secretary