

**BRISTOL ZONING COMMISSION
MINUTES
REGULAR MEETING OF MONDAY SEPTEMBER 19, 2022**

CALL TO ORDER:

By: Chair Provenzano

Time: 7:00 P.M.

Place: Board of Education Auditorium
129 Church Street**ROLL CALL:**

MEMBERS	NAME	PRESENT	ABSENT
REGULAR MEMBERS:	Louise Provenzano (Chair)	X	
	Richard Harlow		X
	David White (Secretary)	X	
	Thomas Marra (Acting Secretary)	X	
	Marc Gagnon	X	
ALTERNATE MEMBERS:	Brian Skinner	X	
	Aileen Abrams	X	
	Richard Goodwin	X	
STAFF:	Robert Flanagan, AICP, City Planner	X	
	Andrew Armstrong, Assistant City Planner	X	
	Edward Spyros, Zoning Enforcement Officer	X	

PLEDGE OF ALLEGIANCE:

Chair Provenzano reminded the Commission the next regular meeting was of the Zoning Commission is Wednesday, October 17, 2022.

ADMINISTRATIVE MATTERS:

1. Approval of Minutes
 - a. July 25, 2022
 - b. August 8, 2022
 - c. August 15, 2022

Chair Provenzano designated regular Commissioners White, Marra, Gagnon and Provenzano to vote on the regular minutes of July 25, 2022. She also designated alternate Commissioner Skinner to vote on the special minutes of July 25, 2022.

MOTION: Move to approve the minutes of the July 25, 2022, special meeting.

By: White

Seconded: Marra.

For: White, Marra, Gagnon, Skinner and Provenzano.
Against: None.
Abstained: None.

Chair Provenzano designated regular Commissioners White, Marra, Gagnon, Goodwin, and Provenzano to vote on the regular minutes of August 8, 2022. She also designated alternate Commissioner Goodwin to vote on the regular minutes of August 08, 2022.

MOTION: Move to approve the minutes of the August 8, 2022, regular meeting.

By: White

Seconded: Marra.

For: White, Marra, Gagnon, Goodwin and Provenzano.
Against: None.
Abstained: None.

Chair Provenzano designated regular Commissioners White, Goodwin, Gagnon and Provenzano to vote on the special minutes of August 8, 2022.

MOTION: Move to approve the minutes of the August 15, 2022, special meeting.

By: White

Seconded: Gagnon.

For: White, Gagnon, Goodwin and Provenzano.

Against: None.

Abstained: None.

2. Zoning Enforcement Officer's Report

The Commission acknowledge receipt of the following items in their electronic packets: the Zoning Enforcement Officer's Report dated, September 1, 2022.

Mr. Spyros reviewed his report with the Commission for August 2022. He explained the zoning and blight complaints were reduced from last year, but the motor vehicle complaints had increased. Mr. Spyros explained the increase in citations was due to a business in the industrial park that has been issued daily citations, which would likely not be stopping.

RECEIPT OF NEW APPLICATIONS:

2. Application #2445 - Special Permit for removal and processing of earth materials between south of Barnum Road and north of Farrell Avenue; 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.

Chair Provenzano designated regular Commissioners White, Gagnon, Marra and Provenzano to vote on Application #2445. She also designated alternate Commissioner Abrams to vote in place of Commissioner Harlow with his absence this evening.

Attorney Mark Ziogas, 88 Valley St., representing the applicant, explained he spoke with Mr. Flanagan with concerns of the application pending and permit expiration. Attorney Ziogas stated historically the Commission accepted applications if it is filed before the expiration, which was done. Based on prior precedence, he requested the application be accepted to review at next month's meeting. It was noted there is an approved Variance for earth processing.

MOTION: Move that Application #2445 - Special Permit for removal and processing of earth materials between south of Barnum Road and north of Farrell Avenue; 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 scheduled for a Public Hearing at the next Regular Meeting of the Zoning Commission on: October 17, 2022.

By: White

Seconded: Marra.

For: White, Marra, Gagnon, Abrams and Provenzano.

Against: None.

Abstained: None.

The application is scheduled for public hearing.

3. Application #2446 - Special Permit for a fitness club at 95 Wooster Court; Assessor's Map 42, Lot 4; I (General Industrial) zone; Brian Pendergast, applicant.

Chair Provenzano designated regular Commissioners White, Gagnon, Marra and Provenzano to vote on Application #2446. She also designated alternate Commissioner Abrams to vote in place of Commissioner Harlow with his absence this evening.

Chair inquiries: Mr. Flanagan explained the Commission and he should discuss a Site Plan when the application is reviewed. The State Statutes allowed the applicant to submit a Special Permit without a Site Plan. He suggested scheduling a public hearing. The Site Plan, from 1984, was submitted for the application and he was unsure if it was accurate for the property. More parking spaces may need to be striped.

MOTION: Move that Application #2446 - Special Permit for a fitness club at 95 Wooster Court; Assessor's Map 42, Lot 4; I (General Industrial) zone; Brian Pendergast, applicant, be scheduled for a Public Hearing at the next Regular Meeting of the Zoning Commission on: October 17, 2022.

By: White

Seconded: Marra.

For: White, Marra, Gagnon, Abrams and Provenzano.

Against: None.

Abstained: None.

The application is scheduled for public hearing.

4. Application AZR #22-1 – Amendment to Section V.A.9: Adaptive re-use of existing non-residential principal buildings. Initiated by the Bristol Zoning Commission.

Mr. Flanagan explained this request was to correct Regulation errors for the reference points in 2016, but not the Regulation itself.

MOTION: Move that Application #AZR #22-1 - Amendment to Section V.A.9: Adaptive re-use of existing non-residential principal buildings. Initiated by the Bristol Zoning Commission Amendment to Section V.A.9: Adaptive re-use of existing non-residential principal buildings. Initiated by the Bristol Zoning Commission, be scheduled for a Public Hearing at the next Regular Meeting of the Zoning Commission on: October 17, 2022.

By: White

Seconded: Abrams.

For: White, Marra, Gagnon, Abrams and Provenzano.

Against: None.

Abstained: None.

The application is scheduled for public hearing.

PUBLIC HEARINGS:

5. Application #2434 – Special Permit for housing for the elderly (85 units) at 560, Lot 9B-1, 594 & 644 Redstone Hill Road; Assessor's Map 1, Lots 9B-1, 9B-2, 11+11-2+11-3, & 10-B-1; Laurel Meadows, LLC, applicant – Public Hearing continued from August 15, 2022.
6. Application #2435 – Site Plan for housing for the elderly (85 units) at 560, Lot 9B-1, 594 & 644 Redstone Hill Road; Assessor's Map 1, Lots 9B-1, 9B-2, 11+11-2+11-3, & 10-B-1; Laurel Meadows, LLC, applicant – Public Hearing continued from August 15, 2022.

Chair Provenzano explained that Applications #2434 and #2435 would be heard concurrently but voted on separately.

Chair Provenzano designated regular Commissioners White, Marra, Gagnon and Provenzano to vote on Application #2434 and Application #2435. She designated alternate Commissioner Goodwin to vote on Application #2434 and Application #2435 in place of Commissioner Harlow with his absence this evening.

The Commission acknowledged receipt of the following items in their electronic packets: a letter dated August 8, 2022, from Attorney Timothy Furey to the Inland Wetlands Commission, regarding the request to grant an extension to September 12, 2022 to allow the Commission to discuss and vote on the application; a letter dated July 27, 2022, from Attorney Timothy Furey to the Zoning Commission, regarding grant and extension to August 15, 2022 to complete the public hearing to enable us to continue to work collaboratively on the plans; a letter dated June 20, 2022, from Attorney Timothy Furey to the Zoning Commission, regarding working collaboratively with City Staff, the Central Conservation District, the Wetlands Commission, and several of the neighbors to respond to questions and concerns and amend the plans accordingly; a denial letter dated September 14, 2022, from the Bristol Inland Wetlands Commission to Attorney Timothy Furey; Also, an e-mail dated September 19, 2022, from Attorney Timothy Furey to Robert Flanagan, regarding Laurel Meadows elevations maintenance building four sides; pdf; Laurel Meadows elevations maintenance building footprint. Pdf. (two attached maps); and e-mails dated September 19, 2022, August 24, 2022, from Joseph Smith, regarding Inland Wetland Application #1975 (4 attached photographs.)

The Commission received the following items previously in their electronic packets: (and on September 19, 2022):

A report dated July 5, 2022, from David H. Lord, CSS & EC, regarding Wetland Functions and Values Assessment - Laurel Meadows Adult Community - 560-640 Redstone Hill Road - Bristol, CT; a report dated July 11, 2022, from George T. Logan, MS, PWS, CSE of REMA, to Attorney Timothy Furey, regarding Wetlands Application Review – Summary Of Findings, Laurel Meadows Adult Residential Community, Redstone Hill Road, Bristol, CT; a supplemental review dated August 1, 2022, from George T. Logan, MS, PWS, CSE of REMA, to Attorney Timothy Furey, regarding Wetlands Application Review – Supplemental - Laurel Meadows Adult Residential Community, Redstone Hill Road, Bristol, CT; a narrative, undated, entitled "a Project Narrative, Laurel Meadows LLC, Application #2434-Special Permit for Housing for The Elderly Redstone Hill Road Bristol CT, from Attorney Timothy Furey; the third set of Site Plan Review Committee comments dated September 13, 2022; an e-mail dated September 16, 2022, from Bryan Panico, P.E., regarding the dumpster enclosure and mailboxes (5 attached photographs, undated); a copy of the approved Zoning Commission Special Meeting of May 16, 2022; a copy of the approved Zoning Commission special minutes dated June 20, 2022; a copy of an Inland Wetlands Commission approval letter dated June 9, 2022, regarding the Inland Wetlands Boundary Change approval; a revised stormwater management report, dated August 1, 2022, prepared by Harry E. Cole & Son; a letter dated May 16, 2022, from Attorney Timothy Furey, regarding the age restriction; an page of Elderly Housing Density Calculations, undated, from Attorney Timothy Furey; a letter, undated, from Joseph Smith, Robert Parenti, and William Cunningham, (neighbors) RE: suggestions to the Site Plan (4 attached pgs.); also, reference material dated from March 23, 2022 to September 19, 2022.

The following persons, representing the applicant, reviewed Application #2434 and Application #2435 with the Commission: Attorney Timothy Furey, 43 Bellevue Ave.; David Lord, C.S.S., E.C., 26 Blueberry Ln., Meriden; and Bryan Panico, P.E., of Harry Cole & Son, 876 South Main St., Plantsville. Also, Nancy Levesque, P.E., City Engineer, City of Bristol, 111 North Main St., Staff member reviewed her attendance at some Inland Wetlands Commission meetings.

Mr. Flanagan level set the applications for the Commission and the public audience, which were filed on March 28, 2022, accepted by the Zoning Commission on April 13, 2022, and this was the fifth public hearing this evening. The Inland Wetlands Commission processed their applications which were also submitted March 28, 2022. The Inland Wetland Commission deliberated at their September 12, 2022 meeting and denied the application.

At the August Zoning Commission meeting, the Commission discussed the extensions in the Statutes beyond the 35-day after the Inland Wetland Commission voted on the application. The applicant is 7 days into the extension with 28 days remaining for their vote. If the application and public hearing continues into October, the Commission would have to vote that evening, and no additional time would be remaining.

Chair Provenzano explained the Commission was waiting for an Inland Wetland Commission report, and now that the report has been received, the Commission can make a decision and vote on the applications. She did not want to rush the votes but would like to at least close the applications this evening. Comments were reviewed at the start of every meeting and therefore if anyone wanted to address new comments, unless this was their first attendance, they may address the Commission.

Attorney Furey explained revised plans were submitted since the last meeting which included Staff comments of drainage, the site, and Inland Wetland Commission Staff comments. The applicant received and discussed response comments (dated 09-13-22) with Mr. Flanagan. He reviewed the few items remaining. Attorney Furey stated a denial letter was received from the Inland Wetland Commission, which was provided only for their reference and does not impact their votes or duties. The Commission has 28 days to vote on the application. He noted Mr. Flanagan listened to the Inland Wetland Commission recording for the denial reasons. He stated the Commission needed to state on the record the reasons for their actions.

Attorney Furey reviewed the three Inland Wetland Commissioners who voted in favor: the applicant thought the experts did a thorough job, responded well to Staff comments, and did everything requested by Staff and North Central CT Conservation District (NCCD.)

Three of four Inland Wetland Commissioners voting against stated the experts were paid by the developer and dismissed any testimony and their work. Inland Wetlands Commissioner Ministro and Rooks stated the act of redesigning the plan to accommodate Staff comments was an meant that the plan was deficient.

Commissioner Ministro's view was the neighbors know what is best and they should not go against what the neighbors know about their neighborhood. The property will flood and the City should buy the property and that neighbors share the same view.

Commissioner Rooks stated because of the subdivision concerns across the street, now resolved, it showed deficiencies in the plan and their engineer's statements could not be trusted. The other three Commissioners had no additional comments relevant to the plan design. The Inland Wetland Chairman had a concern on the erosion controls near the small pond and making sure it was properly protected.

Attorney Furey's said that he and his professional team were insulted and he wanted to put that on the record.

Attorney Furey explained the Inland Wetland Commission made no comments on Staff comments except that they worked with them. The Staff signed off on all key aspects. The Water and Sewer Dept. superintendent previously stated the site has adequate service.

The plans were revised for turning radius, added fire hydrants, and a traffic study. The Police Department found it appropriate. The Engineering Dept. signed off except the recent comments of a snow removal plan and discharge of storm water from CT DEEP (e-mailed to Mr. Flanagan.) The roads would be plowed, snow blow driveways, and a business would remove large amounts of snow. A general discharge of storm water permit was required from the CT DEEP.

Regarding City Planner comments, permit numbers and approval dates will be placed on the final approved plans. A narrative was submitted; maintenance building plan; plans for mailboxes, trash enclosures and decks. The fountain would be designed after approval. Age restrictions cannot be changed to apartments, unless the Commission amended the Regulations to allow that use. The applicant is required to comply with the Regulations and the Federal Fair Housing Act (FHA.)

The sight line distances were exceptional. Silo Rd. only had access for water and sewer mains, but not construction vehicle access. The setbacks complied. There are 84 parking spaces (required), 188 spaces (provided); and 18 visitor spaces. The applicant worked with Nancy Levesque, P.E., and Carol Noble, P.E., E.E., on storm water concerns onsite and offsite that had no impacts. The applicant hired two Inland Wetland soil scientist for Inland Wetland reviews.

At the on-site meeting there were suggestions made to remove the Inland Wetland buffer to the rear of the house, increase distance of the storm water basins, and invasive removal plan of the Inland Wetland boundary, which were incorporated.

Chair inquires: Attorney Furey explained NCCD was an independent source and was making independent suggestions that were implemented. After receiving the REMA report, George Logan, of REMA, was called to prepare an independent report based on two plans. His advice was in the applicant's engineer plans. REMA received comments by the NCCD.

Attorney Furey explained the applicant wants to retain the existing wooded buffer, not construct fences or clear trees, enhance the rear buffer with landscaping, and add evergreen to the site to reduce any concerns. Phase I would have piping, erosion control and pond structure. Phase II would not start until Phase I is finished. Regarding density, similar sites had 15.3 units per acre; the plan had 7.5 units per acre. The proposed plan complied with all Zoning Regulations, engineering, and design. The only issues of character were the amended CT Gen. Statutes (2021) for consideration of physical attributes of the property.

Mr. Flanagan explained an abutting neighbor letter was received today from a Mr. Smith (Pg. 96 packets.) Chair inquiries: Mr. Flanagan reviewed how the Commission should consider the Inland Wetland letter. The Statutes state that the Zoning Commission should give the Inland Wetland report a consideration but it was not a controlling factor. The Zoning Regulations control and inform the votes of the Zoning Commission.

Chair Provenzano read into the record a portion of Mr. Smith's letter to retain the wooded area and to develop Redstone Hill Rd. She requested Ms. Levesque describe the Inland Wetland Commission meeting findings. Regarding Mr. Smith's letter, Attorney Furey explained the applicant wanted appropriateness for the Silo Rd. neighbors with a full setback and buffer. If necessary, the applicant would add to the buffer.

Nancy Levesque, P.E., explained her attendance at a few Inland Wetland meetings with/without Carol Noble, P.E. She reviewed the Inland Wetland Commission reasons for denying the application, stipulations, and their findings. She described her meeting with the applicant's engineers to ensure the engineering design. The plans were revised to improve the water quality offsite. She did not work with NCCD as much as Ms. Noble for a site review and to resolve concerns.

The Inland Wetland Commission motioned to approve with stipulations. The #1 finding in the motion was consideration of all the data submitted into the record. The Inland Wetlands Commission motion stated that the Site Plan was revised based on Staff comments and provides for the protection Inland Wetland resources from unnecessary disturbance during pre-and-post-construction periods (motion to approve.) The denied the motion to approve (She reviewed the Inland Wetland language of which the Inland Wetland Commission based their decision.

Commission inquiries: The 3 consultants reviewing found there would be no disturbance, correct? Ms. Levesque explained she did not work with the NCCD and that there would be a disturbance in the upland review area along the entire wetland. There would be a buffer 15 ft. to 20 ft. remaining along the entire Inland Wetland area. The three consultant views were the forested Inland Wetland would not be impacted by the development. There were comments on an additional small Inland Wetland area by the three consultants.

She could not speak for the Inland Wetland Commissioners votes but this plan would work from her engineering view.

Attorney Furey reviewed the Inland Wetland size with Mr. Lord's reports. The easement was in the benefit of the City with 3-year and 5-year evasive plantings removal plan with a restoration plan. This was discussed with the applicant's engineer, independent engineers, and Carol Noble, if these were the correct changes for the plans.

Chair inquiries, respectively: Mr. Lord did not have a review the reasons of the Inland Wetland Commission's vote, but CT required a list of their reasons for their votes. He was surprised at their vote because there was contradiction of professional testimony put into the record. Mr. Flanagan explained he did not have any views on the Inland Wetland Commission's vote after listening to the recordings.

Mr. Panico, P.E., representing the applicant, reviewed the offsite impacts on the property. He reviewed the catch basins, grading, swales and low impact designs to direct the storm water to the detention basins and water quality basins near the Inland Wetland areas and neighboring properties. The City Engineer requested the water quality basin. He described the process for the basins and infiltrators. He explained the appropriate distance from basins to keep them at a balance. There would not be concerns of surface water, basements, or in the road.

No one else spoke in favor of the application.

The following persons spoke against the application: Thomas Bentivengo, 5 Village St.; Albert Pellegrini, 171 Silo Rd.; Thomas McKenna, 81 DiPietro Ln.; Michael Dudko, 116 Lewis Rd.; Todd Gagnon, 347 Village St.; Joseph Smith, 54 Silo Rd.; Donna Marquis, 536 Redstone Hill Rd.; and Grayson Holmes, 341 Village St. Among their concerns were the following.

Mr. Bentivengo noted the Special Permit was not discussed this evening. The applicant had to show a need for the facility, a City benefit, reason necessary, and no area harm, which was not done. If there was no Special Permit, the applicant would not be here and the multi-family use would not be allowed in a single-family area. This did nothing for the City and takes away the neighborhood value. The Board should review the Regulation because it can go in any zone and was more a special interest than a Special Permit. No one knows why it was in the Regulations.

Mr. Pellegrini requested that the Zoning Commission deny the application for area Inland Wetland concerns; if approved, he would be disappointed in the Commission and Bristol.

Mr. McKenna inquired about the process for Zoning to change this from elderly units to non-elderly units.

Mr. Lewis preferred staying 100 ft. away from the Inland Wetland. The Inland Wetland Commission denied the application. This was a Special Permit for zoning. The site remains an R-10 zone, but this and the density are a significant increase and change to the site character, which the Zoning Commission should think about the future. He did not like the adjustments being made easily to properties and would like them to retain the original single-family residential purpose.

Mr. Smith, who directly abuts 54 Silo Road, reviewed a prior application for the site. His view was this should not be classified as residential if it were a for profit business. He reviewed various goals of the PoCD: enhanced community character, preserve open spaces and preservation of undeveloped land in residential zone areas. Pg. 32, IV.3.3., carefully control development within residential areas. Pg. 51, VI.3.7., promote greening. Pg. 88, X.3., protect neighborhoods from encroachment.

He inquired how neighbors could stop encroachment into residential zones at this point if it is acceptable in a mixed use. Pg. 88, X.3., neighborhood stability to protect neighborhoods from commercial encroachment, he considered this property a commercial property and did not know how this was considered R-10. Pg. 88, X.3.9. The scale of the plans did not fit the area compared to the applicant's houses, which needs to be reduced. He understood the site was bought to developed, but to develop it with the character of the neighborhood and the PoCD.

Ms. Marquis explained her property was next to this property that has thick woods. She had concerns about her property, the property behind her, and down the sides of the property because it floods when it rains.

Mr. Holmes explained the Commission knows the neighbor's concerns and he agreed with Mr. Smith's comments. This plan is for profit and that was likely the reason the applicant did not construct single family houses because it would be a short-term profit and not long-term profit. Therefore the plans changed from apartments to elderly housing. He encouraged the Commission to review Section one of the Regulations for intent and purpose to conserve the value of buildings and encourage the most appropriate use of land throughout the City. Surrounded by single family houses

No one else spoke against the application.

The Chair explained the Bristol Water Department reviewed the wells including specific addresses with low water pressure. She explained to Mr. Gagnon these units would be leased units.

Chair inquiries, Mr. Panico reviewed how the applicant accounted for going from tree removals and flooding to grassed areas, impervious areas, soils with good infiltration rates, structures, and processes. His view was this would prevent Ms. Marquis site from flooding.

Regarding Mr. Smith's site, he reviewed the redirection of the storm water with the swale to behind building 8 and 9. He could not guarantee Mr. Smith's site would not flood, but it would not get worse. He described the dumpster plans from floating away during major flooding, but the grading would prevent that from happening.

Chair inquiries: Attorney Furey explained the dumpsters were located 10 ft. above the basins for 100-year floods. Regarding age restrictions, a memo was provided, which would only change if the Commission changed the Regulations. If the zone were changed to A-zone, the applicant may lease these as apartments. The applicant only wanted to lease to 55 years and older and is required to comply with federal law. The for-profit aspect was non-relevant. Regarding the property scale, the design was appropriate that met the Regulations and Staff concerns.

Chair inquiries: Mr. Flanagan explained there is currently no pending litigation.

Commission inquiries, respectively: Attorney Furey explained there were some e-mails submitted after June 6, 2022, from Carol Noble, P.E., but no formal data. The long-term plan requested by the NCCD was submitted on the day of the Inland Wetland Commission meeting. The applicant adopted all suggestions for the short-term plan and long-term plan by the NCCD on the revised plan.

Mr. Flanagan explained to Commissioner Abrams the NCCD was hired by the Inland Wetlands Commission for a review of the Inland Wetlands application and not by the Zoning Commission. The Chair explained the Commission had to follow the Regulations. The previous application was withdrawn and the proposed use was allowed by Special Permit, which was in the Regulations.

The hearing #2434 is closed.

By: White

Seconded: Marra.

For: White, Marra, Gagnon, Goodwin and Provenzano.

Against: None.

Abstained: None.

Chair Provenzano briefly explained the process for after the public hearings are closed and persons allowed to speak at this time. She would like to deliberate on the applications this evening and discuss if the Commissioners are comfortable voting this evening. She did not want to pressure the Commission for a vote and the Commission may have an additional meeting in 28 days, on this application.

Mr. Flanagan explained the Zoning Commission has 28 days from this evening to close the Public Hearing and vote on the applications; the next meeting of the Zoning Commission was 28 days from this evening.

Commissioner Marra's view was it would be best for everyone to vote this evening. His vote would be based on today's data inclusive of the Inland Wetland Commission but based on land management issues and the Regulations. The applicant cooperated with all the requirements and Regulations.

Commissioner White's view was the Commission has discussed everything in detail, but the biggest concern was the Site Plan. He did not totally agree with the plan and agreed with some people that this development was too large for the area, but his vote may not be based on just that concern.

Commissioner Gagnon agreed with Commissioner White of the intensity of the site. But, based on the Regulations, all the concerns of Commissioners, Staff and the public audience were addressed.

Commissioner Goodwin agreed with the Commissioners. Based on the public opposition he reviewed reasons to not approve the applications, but the applicant complied with the Regulations.

Chair Provenzano explained that the Commission heard concerns from many residents and the Commission had to weigh that with the Regulations. The Inland Wetland Commission did not give any reasons for the denial of their application. She was uncomfortable denying the application based on the new information reviewed. She requested the Commissioners earlier review the approval standards for Special Permits.

MOTION: move that Application #2434 – Special Permit for housing for the elderly (85 units) at 560, Lot 9B-1, 594 & 644 Redstone Hill Road; Assessor's Map 1, Lots 9B-1, 9B-2, 11+11-2+11-3, & 10-B-1; R-10/R-15 (Single-Family Residential) zone; Laurel Meadows, LLC, applicant be approved.

By: White

Seconded: Marra.

For: White, Marra, Gagnon, Goodwin and Provenzano.

Against: None.

Abstained: None.

The Application #2434 is approved.

The hearing #2435 is closed.

By: White

Seconded: Marra.

For: White, Marra, Gagnon, Goodwin and Provenzano.

Against: None.

Abstained: None.

MOTION: Move that Application #2435 – Site Plan for housing for the elderly (85 units) at 560, Lot 9B-1, 594 & 644 Redstone Hill Road; Assessor's Map 1, Lots 9B-1, 9B-2, 11+11-2+11-3, & 10-B-1; Laurel Meadows, LLC, applicant, be approved subject to the following findings and stipulations:

Findings

The Commission held Public Hearings on Application #2434 on the following Dates:
May 16, 2022; June 20, 2022; July 25, 2022; August 15, 2022 and September 19, 2022.

The following information has been submitted into the record:

- a) application #2435
- b) mapping: aerial, locator map, zoning map and wetlands map (4 pages)
- c) letter from Attorney Furey application extension for Inland Wetlands – 8/8/22
- d) letter from Attorney Furey application extension – 7/27/22
- e) letter from Attorney Furey application extension – 6/20/22
- f) Inland Wetlands Report – 9/12/22
- g) project narrative – 9/14/22 (5 pages)
- h) site plan comments – revised 9/13/22 (12 pages)

- i) information from Harry Cole: dumpster enclosures/mailboxes – 9/16/22
- j) approved minutes – 5/16/22
- k) approved minutes – 6/20/22
- l) App. 1976 – Inland Wetland WC Boundary Change Approval
- m) stormwater management report – revised 8/8/22
- n) letter from Attorney Furey “age restriction” letter – 5/16/22
- o) elderly Housing Density Calculations for Bristol – Attorney Furey
- p) letter from Smith, Parenti and Cunningham – 5/11/22 (4 attachments)
- q) letter from Donna Marquis – 5/13/22
- r) letter from Leigh Fitzgerald – 5/16/22
- s) letter from Adam Serwinski – 5/18/22
- t) letter from Thomas Lepito – 5/19/22
- u) letter from Joseph A. Pompei – 5/25/22
- v) letter from Denise Cockayne – 6/2/22
- w) letter from Linda Kuharski – 6/22/22
- x) letter from Anthony Ziotas – 7/11/22
- y) letter from Denise Cockayne – 7/12/22
- z) letter from Anthony Ziotas – 7/20/22
- aa) letter from Anthony Ziotas – 7/24/22
- bb) letter from Dee Cockayne – 8/2/22
- cc) letter from W. Andelin – 9/9/22
- dd) letter from J. Labbe w/ photos – 9/16/22
- ee) graphic of proposed footprint
- ff) color rendering of site proposal
- gg) site plan (20 pages) – revised 8/8/22 / (received 8/15/22)
- hh) floor plans for various unit configurations (6 pages)
- ii) link for F.A. Hesketh traffic report – 3/23/22
- jj) Soil Resource Consultant Delineation Report – 3/30/22
- kk) North Central Conservation District Wetland Review – Laurel Meadows – 6/6/22
- ll) REMA Wetland Application Review – 7/11/22
- mm) REMA Supplemental Wetland Application Review – 8/1/22

The Commission makes these additional findings:

1. The applicant submitted a Site Plan that has been revised to respond to the Site Plan Review Committee comments. The number of units has been revised to 84.
2. The arrangement of buildings, structures and uses on the site complies with the Zoning Regulations;
3. There is appropriate access for fire, police and ambulance services.
4. There is adequate water, sewer and other public facilities to accommodate the development.
5. The landscaping treatment proposed, including buffers and other screening, complies with the Zoning Regulations.

This approval is subject to the following stipulations:

1. As-Built drawings of each building must be submitted and reviewed prior to a Certificate of Occupancy (C.O.) being granted for any building erected on the property.
2. The sidewalk depicted on the Site Plan fronting on Redstone Hill Road (approximately 1,100’ ft.) shall be installed as part of Phase 1 of the development and must be completed prior to the first Certificate of Occupancy being issued.
3. The Site Plan shall not be signed off until all remaining staff comments have been addressed and the plan revised accordingly.
4. All site improvements (for each phase) which have not been satisfactorily completed by the time a Certificate of Occupancy is applied for shall be bonded in accordance with Section XI.A.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: White

Seconded: Marra.

For: White, Marra, Gagnon, Goodwin and Provenzano.

Against: None.

Abstained: None.

The Application #2435 is approved with the findings and stipulations above.

7. Application #2443 – Special Permit for parking of new or fully operable used motor vehicles at 18 Main Street; Assessor’s Map 30, Lot 96; I/BD-1 (General Industrial/Downtown Business) zone; D’Amato Realty, LLC, applicant.

8. Application #2444 – Site Plan for the parking of new and fully operable used motor vehicles at 18 Main Street; Assessor's Map 30, Lot 96; I/BD-1 (General Industrial/Downtown Business) zone; D'Amato Realty, LLC, applicant.

Chair Provenzano designated regular Commissioners White, Marra, Gagnon and Provenzano to vote on the withdrawals of Applications #2443 and #2444. She also designated alternate Commissioner Abrams to vote on the withdrawals of Application #2443 and #2444 in place of Commissioner Harlow with his absence this evening.

Mr. Flanagan explained the applicant's attorney, James Ziogas, had submitted a letter for the Commission to accept the withdrawals of Application #2443 and #2444. He also read into the record the letter dated September 14, 2022, from Attorney James Ziogas.

MOTION: Move to accept the withdrawal of Application #2443 – Special Permit for parking of new or fully operable used motor vehicles at 18 Main Street; Assessor's Map 30, Lot 96; I/BD-1 (General Industrial/Downtown Business) zone; D'Amato Realty, LLC, applicant.

By: White

Seconded: Abrams.

For:

White, Marra, Gagnon, Abrams and Provenzano.

Against:

None.

Abstained:

None.

The Application #2443 is withdrawn.

MOTION: Move to accept the withdrawal of Application #2444 – Site Plan for the parking of new and fully operable used motor vehicles at 18 Main Street; Assessor's Map 30, Lot 96; I/BD-1 (General Industrial/Downtown Business) zone; D'Amato Realty, LLC, applicant.

By: White

Seconded: Gagnon.

For:

White, Marra, Gagnon, Abrams and Provenzano.

Against:

None.

Abstained:

None.

The Application #2444 is accepted for withdrawal.

OLD BUSINESS:

There was no old business.

NEW BUSINESS:

9. Application #2262 – Request for a five-year extension of an approved Site Plan for an open space development (44 dwelling units) on the north side of Allentown Rd.; Assessor's Map 9, Lot 14; R-25/OSD (Single-Family Residential/Open Space Development) zone; Fragola Enterprises, LLC, applicant.

The Commission received the following items in their electronic packets: a letter dated September 8, 2022, from Attorney Bryan F. Meccariello, regarding Re: Lot 14 Allentown Road, Saddlebrook Condominiums; also, reference materials dated from May 19, 2019, to October 10, 2017.

Chair Provenzano designated regular Commissioners White, Marra, Gagnon and Provenzano to vote on Application #2262. She also designated alternate Commissioner Skinner to vote on Application #2262 in place of Commissioner Harlow with his absence this evening.

Mr. Flanagan explained this was an application that was from 2008 that was purchased by Mr. Fragola. A portion of the plan was constructed about five years ago. The Inland Wetland Commission also extended their permit for five years. The applicant would likely be done in about two years.

MOTION: Move that Application #2262 – Request for a five-year extension of an approved Site Plan for an open space development (44 dwelling units) on the north side of Allentown Rd.; Assessor's Map 9, Lot 14; R-25/OSD (Single-Family Residential/Open Space Development) zone; Fragola Enterprises, LLC, applicant, be approved.

By: White

Seconded: Gagnon.

For:

White, Marra, Gagnon, Skinner and Provenzano.

Against:

None.

Abstained:

None.

The five year extension of the Site Plan is approved.

10. Application #2309 – Review of revisions to Site Plan for unified residential development (32 dwelling units – stipulated judgment) at 301 Main Street; Assessor's Map 26, Lots 194A; R-15/BT (Single-Family Residential /Downtown/ Neighborhood Transition Overlay) zone; Carrier Construction Inc., applicant; Residences on Main LLC, Owner. The Commission acknowledged receipt of the following items in their electronic packets: a letter dated September 14, 2022, from Attorney Timothy Furey, regarding the request to Release of Bond Residence on Main, LLC Application #2309; also, reference materials from June 8, 2022, to April 9, 2019.

Chair Provenzano designated regular Commissioners White, Marra, Gagnon and Provenzano to vote on Application #2309. She also designated alternate Commissioner Skinner to vote on Application #2309 in place of Commissioner Harlow with his absence this evening.

Attorney Timothy Furey, 43 Bellevue Ave., representing the applicant, explained this property had an Appeal, which had a settlement. The property is fully developed, which complied with the Site Plan. There were two items that have changed. The building oriented towards Main St. there were 4 units eliminated in the building on the lower level.

There was a set of stairs to the rear of the building and a walkway to access the units were also eliminated. When the units were eliminated, the stairs were removed. The basement area is now a storage area. The grade was raised up. The stairs should have been eliminated because the stairs did not go anywhere, but they remained on the plan.

There were some tenant concerns of safety on the ground floor on Main St. The fence complied with the Regulations, but it was 4 ft. high. The applicant received the Variance, but he did not know the fence was 4 ft. high. Mr. Flanagan recommended the Commission approve the request to release the bond.

MOTION: Move that Application #2309 – Review of revisions to Site Plan for unified residential development (32 dwelling units – stipulated judgment) at 301 Main Street; Assessor's Map 26, Lots 194A; R-15/BT (Single-Family Residential /Downtown/ Neighborhood Transition Overlay) zone; Carrier Construction Inc., applicant; Residences on Main LLC, Owner, be approved as submitted. Additionally, Staff is authorized to release the \$60,000 bond being held by the City of Bristol.

By: White

Seconded: Gagnon.

For: White, Marra, Gagnon, Skinner and Provenzano.

Against: None.

Abstained: None.

The application is approved.

CITY PLANNERS REPORT:

Mr. Flanagan explained he spoke with Mr. Gomes and he would like to resume the rewrite of the Zoning Regulations with a Special Meeting on Wednesday, October 26, 2022, which would be at the Meeting Room 1, City Hall West, and via Zoom. The next Regular Meeting of the Commission would be on October 17, 2022.

ADJOURNMENT:

Chair Provenzano designated regular Commissioners White, Marra, Gagnon and Provenzano to vote on the adjournment. She also designated alternate Commissioner Skinner to vote on the adjournment in place of Commissioner Harlow with his absence this evening.

MOTION: Move to adjourn at 10:45 P.M.

By: White

Seconded: Gagnon.

For: White, Marra, Gagnon, Skinner and Provenzano.

Against: None.

Abstained: None.

This meeting was taped.

Respectfully submitted,
Nancy King

Recording Secretary

Louise Provenzano, Chair

David White, Secretary