

**BRISTOL ZONING COMMISSION
MINUTES
SPECIAL MEETING OF WEDNESDAY OCTOBER 26, 2022**

CALL TO ORDER:

By: Chair Provenzano

Time: 5:30 P.M.

Place: City Hall West –
Meeting Room One – Second Floor**ROLL CALL:**

MEMBERS	NAME	PRESENT	ABSENT
REGULAR MEMBERS:	Louise Provenzano (Chair)	X	
	Richard Harlow	X	
	David White (Secretary)	X	
	Thomas Marra	X	
	Marc Gagnon	X	
ALTERNATE MEMBERS:	Richard Goodwin	X	
	Aileen Abrams	X	
STAFF:	Robert M. Flanagan, AICP, City Planner	X	
	Andrew Armstrong, Assistant City Planner	X	
CONSULTANT:	Francisco Gomes, ASLA, AICP, of FHI Studio	X	

PUBLIC PARTICIPATION:

There was no public participation.

Chairman Provenzano reminded the Commission the next regular Meeting of the Zoning Commission is Monday, November 14, 2022.

ADMINISTRATIVE MATTERS:

1. Approval of Special Meeting Minutes – April 18, 2022

Mr. Flanagan explained there was a typographical error on the April 18, 2022, special meeting minutes on Pg. 1 for the approval of minutes. There were no names of the Commissioners that approved those minutes, so these should be voted on at the next special meeting.

NEW BUSINESS:

2. Review and discussion of:
 - a. New organization of draft regulations

Chair Provenzano commented the draft Regulations was an improvement.

Mr. Flanagan explained there was a potential amendment to the Regulations, which may be discussed at their next regular meeting. He reviewed the concerns of housing for the elderly, including congregate housing and life care facilities use in residential zones not having a density limit.

Mr. Flanagan explained that a draft has been prepared for an amendment to the Regulations that would limit the density allowed in the residential zones for this use, to 4 units per acre. He discussed this item previously with the Chair and Vice Chair. He also informed the Commission that he has meetings scheduled with a couple of developers who have expressed interest in this use, under the current Regulation, which does not provide for a density limit.

If any applications are received prior to any potential changes to the Regulations occurring, Staff would process and the Commission would hear the applications under the current Regulations. Mr. Flanagan would discuss with the developers the idea of the potential amendment.

Commission inquiries: Mr. Flanagan explained in that in Residential zones, the R-10 has a maximum density of 4 units per acre. He reviewed the definition of dwelling unit. The assisted living facilities definition would remain as it exists in the Regulations. Mr. Gomes noted that a "life care facility" is an allowed use in the existing Regulations but had no definition.

Chair Provenzano was uncomfortable that a "life care facility" definition was not in the existing text in the Regulations.

b. New organization of draft regulations

The Commission acknowledged receipt of the following items in their electronic packets: A copy of the draft revised Zoning Regulations, entitled *"Bristol Connecticut, DRAFT Zoning Regulations, Originally Effective December 21, 1990, 2022 Revision, Effective Month Day, 2020."*

Mr. Flanagan explained he has had several online meetings with Mr. Gomes.

With a PowerPoint presentation, Mr. Gomes reviewed the format of the new draft Regulations, which the Commission received previously. He requested their views on the new draft Regulations, line by line reviews, and new graphics, which he and Mr. Flanagan have reviewed since their last meeting.

This was the 1st phase of a 3-phase process to revise the Regulations to make them more user friendly and compliant with the various changes that have occurred to state statutes. The 2nd phase would be link the Regulations to the City's GIS system. The 3rd phase would be potential substantive revisions for various changes to the districts. There would be a community engagement campaign for the update in Phase 3. Mr. Gomes reviewed the tentative changes he and Mr. Flanagan have made to the Regulations and will provide a listing of the changes, in one document, for the Commission to review.

Commission inquiries: Mr. Gomes explained their views can vary with the time the Commission can put into the Regulations. His company requested feedback from the Commission if the organization made sense, if it made sense to them, and if they were moving in the right direction. The timetable should be done by their next meeting and the schedule was by December 18, 2022.

Chair Provenzano explained the Commission reviewed several different formats for the changes to the Regulations. But she had a list of notes and questions that may be crossed off while he reviews these revised changes with the Commission.

The Commission agreed to schedule their next special meeting on December 7, 2022.

Mr. Gomes reviewed the revised changes to the Regulations and changes for consideration. Mr. Gomes also reviewed Article II - Uses and Zoning Districts, Section 3. Overview and Prohibited Uses. In addition, changes to permitted uses, bulk area and height and parking. He noted it was typical to review Regulations prohibited in towns and cities, but the current Regulations do not prohibit any specific uses. There was value to state the permitted uses and the uses not allowed because someone may argue a non-permitted use was part of an allowed use.

Chair Provenzano commented the use of Airbnb's was a concern because it was not listed in the current Regulations and so it was not allowed. If there is a prohibited use section, the permissive use would be considered null and void.

Mr. Flanagan requested the Commission review various town Regulations for non-permitted uses to help with new ideas for the Bristol Regulations. He would send links to them for the Zoning amendment and the Zoning re-write web page.

Mr. Gomes inquiries: Chair Provenzano would not want additional methadone clinics.

Mr. Gomes reviewed the minor changes to the permitted uses under the draft of the Regulations. Commercial kennels were deleted from the residential zones and added to the industrial zones. A hobby kennel was added with a limited amounts of dogs and controls built in. A non-profit rescue kennel was considered a commercial kennel. The concern was the number of dogs at the facility. Mr. Flanagan reviewed the concerns of an existing kennel and concerns of a previous application. His view was commercial kennels were not appropriate in residential zones, but the industrial zone may be more appropriate.

Commission inquiries: Mr. Gomes explained there are veterinary clinics in different zones. He would review the grooming of dogs, which may be considered a service, retail, or commercial use. Commissioner Marra's view was this Regulation was okay if the Commission can differentiate commercial kennels and groomers.

Mr. Gomes explained commercial greenhouses were only allowed in residential zones with a Special Permit, which would remain, but would now be allowed in the industrial zones (I zone & IP zones.) In response the Commission, he explained the cannabis facilities had to be discussed within the State Regulations, City Ordinance Committee, and City Council. He would provide the Commission some options on cannabis facilities.

Commission inquiries: Regarding Section 4.2.1, Adaptive Reuse of Existing Non-Residential Principal Building, Mr. Gomes explained converting schools/manufacturing buildings to apartment buildings would be a different adaptive reuse. The existing Regulations allowed the number of units (no unit limit/based on building sq. ft.) to be expanded for residential conversions in the BD zone. This had a complex formula, which was discussed for a 3-unit maximum to be consistent with the surrounding area. This would be limited to 2 or 3 unit's maximum in the BD zone; also, the BG zone and the BT zone.

Commissioner Harlow explained three former schools in the BD zone were converted to dwelling units based on sq. ft. Commissioner Marra noted there should be a minimum size versus a maximum size Regulation for the existing residential structures. Mr. Flanagan wants to schedule a meeting with the developers of Session's property to write a Regulation for the BHZ entire zone.

Mr. Gomes briefly reviewed the revised Regulations, which the Commission may review and then later comment. Ground mounted solar panels required a Special Permit now. Drive-up facilities are being changed on how they are treated, which change to an accessory use.

Temporary uses currently allowed are now listed, defined, and if allowed by right. The prohibited uses were now listed on one page. Section 5.4.16 Parking Structures, Parking structures in residential neighborhoods are allowed, which would allow the Bristol Hospital to potentially develop a parking structure.

Mr. Gomes explained regarding Section 7.1 Lot, Coverage, and Setback Standards: Residential Districts, there are new bulk and height requirements, and he and Mr. Flanagan had to discuss if this would be minimum square or minimum buildable square. There is also a new maximum impervious coverage limit that would prevent properties being paved from edge to edge. Regarding Section 7.2.2 Lot, Coverage, and Setback Standard, there is a new maximum building height of 40 ft. in various zones, for more flexibility in construction.

Mr. Gomes explained regarding minimum lot area (RM and BT zones), Section 9.2.1 Area and Dimensional Requirements, and Section 9.3.2 Area and Dimensional Requirements, there should be one minimum 5,000 sq. ft. lot size per zone versus varying the lot sizes

Regarding parking, there was a lot of inconsistencies that have the designation "as determined by the Commission." The concern was how and by what standard the Commission is making this determination. His company was confident parking requirements that will be suggested because they have worked with different communities and based their recommendations on the Institute of Transportation Engineers of Published Documentation on Parking Utilization.

Mr. Gomes explained there were uses that are problematic because the standards can change easily, such as headcounts and employees. He recommends using sq. ft. because the existing regulation is difficult to measure.

Regarding restaurants, there is only 5 spaces per 1,000 per 200 sq. ft. and should be doubled and change should be considered. Regarding Special Permits 2 yr. extensions for earth removal, it is recommended that the Commission extend these permits to 3 yrs.

The harvesting of timber should be deleted because the City does not have authority per Statute. Replace the word "character" because the statute has changed. Expand the term "mixed use development" to include residential component. Add a definition for parking structure. New graphics and additional graphics would be added.

Mr. Flanagan explained the Commission was trying to make the Regulations less cumbersome for items they do not think a Special Permit is required. For the items Mr. Gomes is going to review, the Commission should simplify the Regulations. Regarding Section 5.1, Accessory Use Summary Table: Residential Districts, tag sales needed a Zoning permit because a handful of residents in the past have tried to turn tag sales into small businesses with multiple tag sales and this was inappropriate and also disruptive to neighborhoods.

Commissioner Harlow had a concern for the building height for accessory structures being placed at 20 ft. because a shed that height was a barn, particularly in residential areas and could be an issue.

Mr. Flanagan explained Variance requests for maximum building heights for accessory structures are typically approved. Accessory structures can be placed at 5 ft. from the side yard and 5 ft. from the rear yard. The Commission agreed to retain this Regulation at 14 ft.

Commission inquiries: Mr. Gomes explained "as determined by the Commission" would be deleted from the Regulations – this eliminates the subjectivity in the Regulations and provides for specific requirements for each use, making the document and the process more standardized and predictable

c. Key Issues remaining from the line-by-line review

OLD BUSINESS:

3. FHI Meeting Presentation
 - a. April 2022

Mr. Flanagan explained this item was e-mailed to the Commission.
This was also posted on the City's Website.

Chair inquiries: Mr. Flanagan explained he would put the election of officers on their next regular meeting agenda.
This can also be added to a regular agenda but not at a special meeting.

Mr. Flanagan explained their next special meeting was on December 7, 2022, at 5:30 P.M., at City Hall West - Meeting Room 1.

ADJOURNMENT:

MOTION: Move to adjourn at 7:00 P.M.

By: Harlow

Seconded: Marra.

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

Against: None.

Abstained: None.

This meeting was taped.

Respectfully submitted,

Nancy King
Recording Secretary

Louise Provenzano, Chair

David White, Secretary