

**BRISTOL ZONING COMMISSION
MINUTES
REGULAR MEETING OF WEDNESDAY JANUARY 13, 2021**

CALL TO ORDER:

By: Chairman Provenzano

Time: 7:00 P.M.

Place: City Hall

ROLL CALL:

MEMBERS	NAME:	PRESENT	ABSENT
REGULAR MEMBERS:	Louise Provenzano (Chair)	X	
	Michael Massarelli (Vice Chair)	X	
	Richard Harlow	X	
	David White (Secretary)	X	
	Thomas Marra	X	
ALTERNATE MEMBERS	Marc Gagnon (Alternate)	X	
	Susan Tyler	X	
	Blake DellaBianca	X	
STAFF	Robert Flanagan, AICP, City Planner	X	
	Edward Spyros, Zoning Enforcement Officer	X	

ADMINISTRATIVE MATTERS:

1. Approval of Minutes – December 9, 2020

MOTION: Move to approve the minutes of the December 9, 2020, regular meeting.

By: Harlow

Seconded: Massarelli.

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

Against: None.

Abstained: None.

2. Zoning Enforcement Officer's Report

The Commission acknowledge receipt of the following item in their electronic packets: a copy of the Zoning Enforcement Officers report for December dated January 4, 2021.

RECEIPT OF NEW APPLICATIONS:

1. Application #2386 – Special Permit for a motor vehicle fueling station with a convenience store at 551 Farmington Avenue; Assessor’s Map 53, Lot 128G; BG (General Business) zone; Daily Mart, Inc., applicant.
2. Application #2387 – Site Plan for a motor vehicle fueling station with a convenience store at 551 Farmington Avenue; Assessor’s Map 53, Lot 128G; BG (General Business) zone; Daily Mart, Inc., applicant.

MOTION: Move to schedule Application #2386 and Application #2387 for a public hearing for the February 10, 2021, regular meeting of the Commission.

By: Massarelli

Seconded: White.

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

Against: None.

Abstained: None.

The Applications #2386 and #2387 were scheduled for public hearings.

PUBLIC HEARINGS:

3. Application #2383 – Special Permit for an accessory dwelling unit at 103 Martin Road; Assessor’s Map 67, Lot 43-6-2; R-15 (Single-Family Residential) zone; Michael J. Mattioli, applicant.

Chairman Provenzano designated regular Commissioners Massarelli, White, Harlow, Marra and Provenzano to vote on Application #2383. The Commission acknowledged receipt of the following item in their electronic packets: a description sheet, undated with the approximate square footage of the floor plan.

Anthony Mattioli, 103 Martin Road, explained his sister would be living in the lower level of the house and also his brother would be living in the house. His brother purchased the structure in 2016, which was listed as a two-family house with the City. But, after working with the City, they discovered this was an illegal two-family house. They worked with Staff to make it a legal two-family house and they also worked on un-condemning it. He was a co-owner of the house with his brother. After inquiries by the Commission, Mr. Mattioli explained the plan was oriented to the rear of the house. The property slopes from front to back. This would-be lower-level unit with the entrance to the rear of the house. The following was to the rear of the house: a paved parking lot with a sidewalk and the septic system.

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

Mr. Flanagan explained the applicant’s contractor provided a square footage page of the proposed plans with 504 sq. ft. main living area and bedroom 186 sq. ft. The Regulations required 700 sq. ft.

The hearing is closed.

By: Massarelli

Seconded: Marra.

For: Massarelli, White, Harlow, Marra and Provenzano.
Against: None.
Abstained: None.

The application was sufficient and the applicant would work with the Staff.

MOTION: Move that Application #2383 – Special Permit for an accessory dwelling unit at 103 Martin Road; Assessor’s Map 67, Lot 43-6-2; R-15 (Single-Family Residential) zone; Michael J. Mattioli, applicant, be approved.

By: Massarelli

Seconded: Marra.

For: Massarelli, White, Harlow, Marra and Provenzano.
Against: None.
Abstained: None.

The application is approved.

After inquiries by Mr. Mattioli, Mr. Flanagan explained the Appeal period for the application. He would be receiving a letter with a form to file. Also, they were able to return one of the maps to the applicant for their records.

4. Application #2384 – Special Permit for a drive-up facility at 172-176 East Main Street; Assessor’s Map 41, Lot 33; BG (General Business) zone; Ghio Family Limited Partnership, applicant.
5. Application #2385 – Site Plan for a drive-up facility at 172-176 East Main Street; Assessor’s Map 41, Lot 33; BG (General Business) zone; Ghio Family Limited Partnership, applicant.

The Commission acknowledged receipt of the following items in their electronic packets: the first set of Site Plan Review Committee comments, dated January 5, 2021; a Storm Water Management Report, dated October 21, 2020, entitled "*Storm Water Management Report, including: 2, 5, 10, 25 and 100-Year Storms, Prepared for: Ghio Family Limited Partnership, 172-176 East Main Street, Forestville, CT, prepared by Andrew J. Quirk, P.E, Kratzert, Jones & Associates, Inc.*"

Chairman Provenzano designated regular Commissioners Massarelli, White, Harlow, Marra and Provenzano to vote on Applications #2384 and #2385. Mr. Flanagan explained a letter was received this afternoon from the applicant’s attorney, Timothy Furey, to request a postponement of the opening of the Applications #2384 and #2385 to the February 2021 meeting.

He reviewed the State time limits on the applications. The public hearing had to be opened within 65 days of receipt and this evening was about 30 days. The February 10, 2021 meeting was 63 days.

The following item was submitted into the record: a letter dated January 13, 2021, from Attorney Timothy Furey, on behalf of the applicant, regarding the request to postpone the opening of the public hearings to the February 10, 2021 meeting. Mr. Flanagan read into the record the letter dated January 13, 2021, from Attorney Timothy Furey.

MOTION: Move that Application #2384– Special Permit for a drive-up facility at 172-176 East Main Street; Assessor’s Map 41, Lot 33; BG (General Business) zone; Ghio Family Limited Partnership, applicant, be postponed to the February 10, 2021, regular meeting of the Commission.

By: Massarelli Seconded: Harlow.

For: Massarelli, White, Harlow, Marra and Provenzano.
Against: None.
Abstained: None.

The application is postponed.

MOTION: Move that Application #2385 – Site Plan for a drive-up facility at 172-176 East Main Street; Assessor’s Map 41, Lot 33; BG (General Business) zone; Ghio Family Limited Partnership, applicant, be postponed to the February 10, 2021, regular meeting of the Commission.

By: Massarelli Seconded: Harlow.

For: Massarelli, White, Harlow, Marra and Provenzano.
Against: None.
Abstained: None.

The application is postponed.

6. Application #AZR-20-2 – Proposed amendments to the Zoning Regulations: Section XII.G. – Administration:

Creates a procedure that authorizes the Zoning Enforcement Officer (ZEO) to provide assistance to persons with handicaps by allowing adjustments to the Zoning Regulations to meet the requirements of the Americans with Disabilities Act and Fair Housing Act; Initiated by: Bristol Zoning Commission.

Chairman Provenzano designated regular Commissioners Massarelli, White, Harlow, Marra and Provenzano to vote on Application AZR-20-2.

The Commission acknowledged receipt of the following items in their electronic packets: A copy of the proposed amendments entitled "AZR20-2: Proposed Amendments to the Bristol Zoning Regulations Bristol Zoning Commission, Draft for Public Hearing: January 13, 2021, Amendment #1, Section XII. – Administration, G. Reasonable Accommodations for Persons with Handicaps"; a referral memorandum dated December 2, 2020, from the Bristol Planning Commission to the Bristol Zoning Commission, regarding their report; a referral memorandum dated December 24, 2020, from the Bristol Zoning Commission to the Bristol Planning Commission, regarding the proposed amendment; a referral memorandum dated December 2, 2020, from the Bristol Zoning Commission to the Northwest Hills Council of Governments (NHCOG), Regional Planning Commission, regarding the proposed amendment; a referral response memorandum date received December 2, 2020, from the Northwest Hills Council of Governments (NHCOG), regarding no conflicts with the proposed amendment; a referral memorandum dated December 2, 2020, from the Bristol Zoning Commission to the Naugatuck Valley Council of Governments (NVCOG), Regional Planning Commission, regarding the proposed amendment; a staff Referral Report, dated December 3, 2020, from Keith Rosenfeld, Regional Municipal Planner, NVCOG, Waterbury to the Bristol Planning Commission, CEO, and City Planner of Bristol, Capitol Region Council of Governments, (CRCOG), Northwest Hills Council of Governments (NHCOG), and Naugatuck Valley Council of Governments (NVCOG) Regional Planning Commission (RPC) representatives, regarding no conflicts; a referral memorandum dated December 2, 2020, from the Bristol Zoning Commission to the Capital Region Council of Governments (CRCOG), Regional Planning Commission, regarding the proposed amendment (attached form); a referral memorandum dated December 2, 2020, from the Bristol Zoning Commission to Therese Pac, Town and City Clerk, regarding the proposed amendment; a referral memorandum dated December 2, 2020, from the Bristol Zoning Commission to the Towns of Burlington, Farmington, Plainville, Plymouth, Southington and Wolcott, regarding

the proposed amendment; a pamphlet entitled "*Zoning Laws and Reasonable Accommodation for Citizens with Disabilities*," undated" a CT Fair Housing Center Guide, entitled "*A Guide to Zoning for Fair and Open Communities, dated June 2013*";

Mr. Flanagan explained this would be a procedure to allow the Zoning Enforcement Officer to grant modifications to the Zoning Regulations, which were mainly setback modifications for persons that may need assistance with reasonable accommodations with the American Disabilities Act and Fair Housing Act. The existing process for a ramp is Variance. The proposed process would be for individual persons, for a set amount of time, which the Zoning Enforcement Officer would have to approve. This would alleviate the applicant to disclosing personal information to the public.

He sent this amendment to the Persons with Disabilities Commission and they had comments, which were two sections had the term "*handicaps*" that should be revised to "*disabilities*." He supported this change as suggested by the Persons with Disabilities Commission. Therefore, he suggested the Commission consider this request with the revised language. Mr. Flanagan read into the record the revised draft of the Reasonable Accommodations with Persons with Disabilities, dated December 21, 2021. Mr. Flanagan explained this would be an administrative process for applicants and an appeal mechanism for neighbors. The Commission agreed with the "persons with disabilities" term to be revised.

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

Michelle Duprey, 175 South End Road, East Haven, explained she served as the former Director of Persons with Disabilities, City of New Haven. There was a high volume of these requests. Her opinion was this would be a positive change after discussing it with Mr. Flanagan. The only concern was the Commission was doing this to comply with the law and just because a neighbor objects it does not make their decision to comply with the law any different. Various neighbors objected to these applications with persons with disabilities living nearby and they have had to say it does not affect the final decision. This would be a positive change for the community. Mr. Flanagan associated himself with Ms. Duprey's comments that the ability of the neighbors filing an appeal was their right. He agreed this was an effort for the City to comply with Federal law. If someone Appeals a decision, they would have to review the concerns based on individual merits of each case or appeal

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

The hearing is closed.

By: Massarelli

Seconded: Marra.

For: Massarelli, White, Harlow, Marra and Provenzano.
Against: None.
Abstained: None.

Mr. Flanagan reviewed the documents for the application at this time.
The Commission agreed with Mr. Flanagan's pro-active approach to change for the Regulations and it made common sense.

MOTION: Move that Application #AZR-20-2 – Proposed amendments to the Zoning Regulations: Section XII.G. – Administration: Creates a procedure that authorizes the Zoning Enforcement Officer (ZEO) to provide assistance to persons with disabilities by allowing adjustments to the Zoning Regulations to meet the requirements of the Americans with Disabilities Act and Fair Housing Act; Initiated by: Bristol Zoning Commission, be approved because the text amendment to the Regulations, as presented, would be consistent with the goals and policies of the 2015 Plan of Conservation and Development, amended to April 1, 2018, and specifically:

1. Section 10.3.2.3. – Encourage universal design so that housing units will be able to accommodate the housing needs of different age groups.

The proposed amendment to the Zoning Regulations creates a procedure that will assist in adapting older housing designs to fit the needs of a current resident. The effective date of the text amendment shall be February 1, 2021.

By: Massarelli

Seconded: Harlow.

For: Massarelli, White, Harlow, Marra and Provenzano.
Against: None.
Abstained: None.
The application is approved.

OLD BUSINESS

Chair Provenzano explained she just spoke with Commissioner DellaBianca that was having technical difficulties but that he was OK with the Regulation amendment earlier in the meeting.

NEW BUSINESS

Chair Provenzano explained the election of officers was postponed a few times because of absentees and COVID-19, but they would vote this evening. She spoke with the Commissioners previously and they agreed to serve in their current positions. She also designated regular Commissioners Massarelli, White, Harlow, Marra and Provenzano to vote on the election of officers.

MOTION: Move to add the election of officers to tonight’s agenda.

By: Massarelli

Seconded: Marra.

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

Against: None.

Abstained: None.

The election of officers was added to the agenda.

MOTION: Move to add the current slate of officers for this year’s nominations.

By: Massarelli

Seconded: Marra.

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

Against: None.

Abstained: None.

CITY PLANNERS REPORT

- 7. Bristol Zoning Regulation Initiative:
 - a. Updated timetable and format for Regulation re-write.

Mr. Flanagan explained the Staff was reviewing the consultants with the RFP Committee and they would be scheduling a meeting on January 29, 2020 to discuss the submissions; interviews would more than likely be in February with the consultants.

This would be an 18-month process with third Monday night of each month set aside for special meetings for the re-write of the Zoning Regulations. Chair Provenzano thanked Commissioner White for serving as liaison on the RFP Committee.

ADJOURNMENT

Chairman Provenzano designated regular Commissioners Massarelli, White, Harlow, Marra and Provenzano to vote on the adjournment.

MOTION: Move to adjourn at 8:00 P.M.

By: Massarelli

Seconded: Marra.

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

Against: None.

Abstained: None.

This meeting was taped.
Respectfully submitted,
Nancy King
Recording Secretary

Louise Provenzano, Chair

David White, Secretary