

**BRISTOL PLANNING COMMISSION
MINUTES
REGULAR MEETING OF WEDNESDAY JANUARY 30, 2019**

CALL TO ORDER:

By: Chairman Veits

Time: 7:00 P.M.

Place: City Hall

ROLL CALL:

MEMBERS	NAME:	PRESENT	ABSENT
REGULAR MEMBERS:	Chairman William Veits (Chairman)	X	
	Commissioner John Soares (Vice Chairman)	X	
	Commissioner Andrew Howe (Secretary)	X	
	Jon Pose	X	
	Terry Parker	X	
ALTERNATE MEMBERS	David White (Alternate)		X
	Jeff Hayden (Alternate)		X
	Joseph Kelaita (Alternate)	X	
STAFF	Robert Flanagan, City Planner	X	
	Raymond Rogozinski, City Engineer	X	

PLEDGE OF ALLEGIANCE

Chairman Veits designated regular Commissioners Howe, Pose, Parker, Soares and himself as voting Commissioners this evening. He also reminded the Commission the next regular meeting of the Planning Commission is Wednesday, February 27, 2019.

PUBLIC PARTICIPATION

There was no public participation.

ADMINISTRATIVE MATTERS

Approval of Minutes

MOTION: Move to approve the minutes for the November 28, 2018, regular meeting minutes.

By: Howe

Seconded: Parker.

For: Howe, Parker, Pose, Soares and Veits.

Against: None.

Abstain: None.

Chairman Veits designated regular Commissioners Soares and Veits to vote on the December 20, 2018 special meeting minutes. He also designated alternate Commissioner Kelaita to vote on the December 20, 2018 special meeting minutes in place of Commissioners Howe, Parker and Pose with their absences at the December 20, 2018 special meeting.

MOTION: Move to approve the minutes for the December 20, 2018, special meeting.

By: Soares

Seconded: Kelaita.

For: Kelaita, Soares and Veits.

Against: None.

Abstain: Howe, Pose and Parker.

The regular Commissioners resumed voting for the remainder of the meeting.

NEW APPLICATIONS

1. Application #417 – Subdivision, 340 maple Avenue, (2 lots); Assessor's Map 56, Lot 19; R-15 (Single-Family Residential) zone; Nicole M. Bugryn, applicant.

The Commission acknowledged receipt of the following item in their electronic packets: the first set of Site Plan Committee Review Comments dated January 15, 2019.

Attorney James Ziogas, 104 Bellevue Avenue, on behalf of the applicant, explained the application required an Inland Wetlands boundary change application to be on February 6, 2019, but the public hearing would not be until March 6, 2019. Attorney Ziogas explained the Planning Commission may not vote on this application until the Inland Wetlands Commission votes on their application. Therefore, he requested this application be continued until their March 27, 2019 meeting.

Mr. Flanagan explained the application would be continued on the agenda to the March meeting, and there would be 65 days to act on the application in compliance with State Statutes.

MOTION: Move that accept Application #417, Subdivision, 340 Maple Avenue, (2 lots); Assessor's Map 56, Lot 19; R-15 (Single-Family Residential) zone; Nicole M. Bugryn, applicant, and leave the application on the February 27, 2019 Regular meeting agenda and then continue the application until the March 27, 2019 Regular meeting due to the application requiring an Inland Wetlands Commission application due to a boundary change.

By: Soares

Seconded: Parker.

For: Howe, Parker, Pose, Soares and Veits.

Against: None.

Abstain: None.

PUBLIC HEARINGS

There were no public hearings.

PENDING APPLICATIONS

There were no pending applications.

ZONING COMMISSION REFERRALS

2. Application #2305 – Change of Zone from R-10 (Single-Family Residential) zone to BG (General Business) zone at Lots 263 and 264-5 King Street; Assessor's Map 48, Lots 263 and 264-5; Dr. Helen Zervas, applicant.

The Commission acknowledged receipt of the following item in their electronic packets: a referral memorandum dated December 31, 2018, from the Planning Commission to the Zoning Commission, regarding Application #2305.

Attorney James Ziogas, 104 Bellevue Avenue, on behalf of the applicant, explained the applicant owned the adjacent lot from the commercial zone to the north. Attorney Ziogas explained the applicant with under contract to purchase the property that had 170 feet of frontage on three quarters of an acre of land, which had City sewer and water services. The applicant wants to increase her business, which was to the north of this property. He sent letters to the neighbors in the area and Mr. Aylward was the only neighbor that responded and that was with no objections.

Attorney Ziogas explained with the City decreasing property values this would improve the tax base. A commercial building would significantly improve this area. There is a business zone across the street from the property and there is a business zone towards Route 6. After inquiry by the Commission, Attorney Ziogas explained the applicant would conduct business with this one main building. There is a design relevant to the zone change, but the plan was designed to comply with the Regulations with a landscaped buffer. Attorney Ziogas explained the zone was a continuation of a like zone on King Street, which was appropriate. The Engineering Department was in favor of the request.

MOTION: Move to send a positive referral to the Zoning Commission for Application #2305 – Change of Zone from R-10 (Single-Family Residential) zone to BG (General Business) zone at Lots 263 and 264-5 King Street; Map 48, Lots 263 and 264-5; Dr. Helen Zervas, applicant because the proposed change of zone as presented would be consistent with the goals and policies of the 2015 Plan of Conservation and Development, amended to April 1, 2018.

By: Howe

Seconded: Soares.

For: Howe, Parker, Pose, Soares and Veits.

Against: None.

Abstain: None.

The request is recommended for approval to the Zoning Commission.

3. Application #2306 - Proposed amendment of the Zoning Regulations to add to the Special Permit Uses in Section VII.B.3. in the IP-1 and IP-3 (Industrial Park) zones, a new section "(k) fuel oil and heating fuel storage facility." Attorney James Ziogas, Jr., applicant.

The Commission acknowledged receipt of the following items in their electronic packets: a referral memorandum dated December 31, 2018, from the Planning Commission to the Zoning Commission, regarding Application #2306 a letter dated December 28, 2018, from Attorney James Ziogas, regarding the proposed application and a page entitled "Industrial Park Zone (IP-1 and IP-3), Section VII.B.3., Special Permit Use in the IP-1 and IP-3 zones only."

Attorney James Ziogas, 104 Bellevue Avenue, on behalf of applicant, explained the requested amendment to the Zoning Regulations was from a proposed business in an IP-1 and IP-3 area. Attorney Ziogas explained the existing Regulations only allowed for the use in the industrial zone, but not the IP-1 and IP-3 zones. There would be conditions to prevent this Special Permit use to be on any property in these zones, which was a minimum of four acres; the principal office to be a minimum of 1,000 sq. ft. of gross floor area; outside storage required approval by the Commission; and property buffer screening in Sections VII.B.4.f. and VII.B.4.g. The outside storage tanks would have safeguards on them, which had to comply with the City, State and the City Fire Marshal and State Fire Marshal codes. The dumpsters would be located on concrete pads for any storage leaks.

Commissioner Pose explained that when he was the Fire Chief there was a concern with restricting propane in a certain areas of the City. There was an ordinance and a committee formed with the Fire Marshal and Police Chief to review applications with these requests.

After a brief discussion with Commissioner Pose and Attorney Ziogas, Mr. Flanagan explained that the Fire Marshal, Police Chief and Chief Building Official were part of the Site Plan Review Committee, which would be part of the Special Permit process. But, he would check with the Fire Marshal about the additional review committee.

Mr. Rogozinski explained he was aware of this Committee existed, but there were also different entities for these reviews, which was an additional review of protection beyond the Zoning Commission.

Attorney Ziogas also explained there were additional requirements with the Building Department to apply for a permit.

After inquiries by the Commission, Attorney Ziogas was unsure if the State or City Fire Marshal had more jurisdiction.

No one else spoke in favor of the application.

No one spoke against the application.

MOTION: Move to send a positive referral to the Zoning Commission for Application #2306 - Proposed amendment of the Zoning Regulations to add to the Special Permit Uses in Section VII.B.3. in the IP-1 and IP-3 (Industrial Park) zones, a new section "(k) fuel oil and heating fuel storage facility." Attorney James Ziogas, Jr., applicant because the proposed amendment to the Zoning Regulations would be consistent with the goals and policies of the 2015 Plan of Conservation and Development, amended to April 1, 2018.

By: Pose

Seconded: Soares.

For: Howe, Parker, Pose, Soares and Veits.

Against: None.

Abstain: None.

The request is recommended for approval.

4. Application #AZR19-1 – Proposed amendments to the Zoning Regulations, initiated by the Bristol Zoning Commission: (1) to delete “to multi-family residential use” and replace with “non-residential principal buildings” in the BG (General Business), BHC (Route 72 Corridor Business) and I (General Industrial) zones (Sections VI.B.3.y., VI.E.3.n. & VII.A.3.k.); (2) to delete the pre-existing building coverage requirement in General Provisions – Ground Mounted Solar (Section IV.A.19.c.).

The Commission acknowledged receipt of the following items in their electronic packets: a referral memorandum dated December 31, 2018, from the Planning Commission to the Zoning Commission, regarding proposed amendments to the Zoning Regulations, regarding Application #AZR19-1 and a page entitled “AZR19-1: Proposed Amendments to the Bristol Zoning Regulations, Bristol Zoning Commission, Draft for Public Hearing: February 13, 2019.”

Mr. Flanagan explained the Zoning Commission requested this amendment in 2016 for non-residential buildings located in various zones to provide more flexibility for these structures and to provide a mechanism to repurpose these buildings. He reviewed the amendments with the Commission. He explained the Regulations would be “the adaptive re-use of non-residential principal building,” which was in the BG zone (General Business); BHC (Route 72 Corridor Business zone) and I (General Industrial zone.)

The second amendment was for the Ground Mounted Solar Regulations, which were limiting Regulations. The amendment as existing was “the pre-existing building coverage may not increase by more than 25%” and the proposed text was “shall not exceed the total maximum building coverage for the zone.”

After inquiry by the Commission, Mr. Flanagan explained if the plans were in excess of one kilowatt, the plans would go to the CT Siting Council, which was about one acre of property. But, the Siting Council allows comment for local governments.

The Commission agreed with the proposed amendments to the Zoning Regulations.

MOTION: Move to direct staff to forward the following report to the Zoning Commission, the Planning Commission recommends that the Application #AZR19-1 – Proposed amendments to the Zoning Regulations, initiated by the Bristol Zoning Commission: (1) to delete “to multi-family residential use” and replace with “non-residential principal buildings” in the BG (General Business), BHC (Route 72 Corridor Business) and I (General Industrial) zones (Sections VI.B.3.y., VI.E.3.n. & VII.A.3.k.); (2) to delete the pre-existing building coverage requirement in General Provisions – Ground Mounted Solar (Section IV.A.19.c.) because the proposed amendments to the Zoning Regulations would be consistent with the goals and policies of the 2015 Plan of Conservation and Development amended to April 1, 2018.

By: Parker

Seconded: Howe.

For: Howe, Parker, Pose, Soares and Veits.

Against: None.

Abstain: None.

The application is recommended for approval.

CITY COUNCIL AND OTHER REFERRALS

5. Municipal Property – potential acquisition of property identified as Assessor’s Map 57, Lots 6, 6-2, and 6-3.

The Commission acknowledged receipt of the following items in their electronic packets: a letter dated January 9, 2019, from Therese Pac, Town and City Clerk, regarding a referral from the City Council for the property located on Assessor’s Map 57, Lots 6, 6-2 and 6-3 for the filing of a CT Department of Energy and Environmental Protection of open space and watershed land acquisition grant.

Mr. Rogozinski explained the Commission received a referral from the City Council for a request of support for a grant for the acquisition of property for open space for the City. He explained the property was 34.6 acres with frontage on Shrub Road, which was adjacent to a City park and a nature center. The grant provides 75% reimbursement of open space because Bristol was listed as a distressed community. He explained there were preliminary plans to develop 141 dwelling units on the property, but the City wanted to purchase the property and preserve it as open space.

Mr. Flanagan explained Staff supports the request because this area should be preserved.

The Commission commented they were in favor of the request for the City, if approved. Their opinion was there should be more properties preserved for open space. They were opposed to the housing in the area.

Commissioner Howe was opposed to the request because the City had a lot of large projects they were working on. This was not a good plan for bonding and grants because the City had similar plans for the Robert’s property, but now the property is a dog park. He was not against the open space, but was against the City purchasing the property at this time. He also does not want the development of condominiums in the area.

MOTION: Move to direct staff to forward the following report to the City Council: the Planning Commission recommends that the City of Bristol move forward with the proposed property acquisition of Assessor’s Map 57, Lots 6, 6-2 and 6-3, and once acquired, retain the acreage as open space.

The acquisition of open space would be consistent with the goals and policies of the 2015 Plan of Conservation and Development, amended to April 1, 2018, specifically with the overall goal of Section 5.2 by providing adequate open space for all Bristol residents.

By: Soares

Seconded: Parker.

For: Parker, Pose, Soares and Veits.

Against: Howe.

Abstain: None.

The CT General Statute 8-24 Referral is recommended for approval.

OLD BUSINESS

There was no old business.

NEW BUSINESS

6. Application #413 – Request for extension to file approved subdivision map for an additional 90 days; Laurentide Glen, south and southeast of Barlow Street, south and west of Martin Road, south of Arcadia Road, north of Farrell Avenue (92 lots); Assessor’s Map 67, Lots 20, 21, 22, 23, 24, 25, 37, 85, and all paper roads shown on Assessor’s Map; R-15/OSD (Single-Family Residential/Open Space Development) zone; Trademark Acquisitions, LLC, Arcadia Acres, LLC, and James and Delores Driscoll, applicants.

The Commission acknowledged receipt of the following items in their electronic packets: a letter dated a letter dated January 10, 2019, from Attorney Mark Ziogas, regarding a request to extend the filing of a subdivision map to May 10, 2019; a certified approval letter dated October 25, 2018, from the Planning Commission to the applicants.

Mr. Flanagan read into the record the letter dated January 10, 2019 from Attorney Mark Ziogas.

Mr. Flanagan explained the request was to extend the filing of a subdivision map. He explained the process for requesting extensions. He corrected Attorney Ziogas' request, which should be May 9, 2019. The request was an administrative action by the Commission. He explained Staff was in favor of the request.

MOTION: Move that based on a request from Attorney Mark Ziogas, dated January 10, 2019, pursuant to Connecticut General Statutes (C.G.S.) Section 8-25a and Section 2.06 of the Bristol Subdivision Regulations, that the filing deadline for the recording of the Subdivision plan with the Bristol Town and City Clerk for: Application #413 – Laurentide Glen, south and southeast of Barlow Street, south and west of Martin Road, south of Arcadia Road, north of Farrell Avenue (92 lots); Assessor's Map 67, Lots 20, 21, 22, 23, 24, 25, 37, 85, and all paper roads shown on Assessor's Map; R-15/OSD (Single-Family Residential/Open Space Development) zone; Trademark Acquisitions, LLC, Arcadia Acres, LLC, and James and Delores Driscoll, applicants be extended an additional 90 days from February 8, 2019 to May 9, 2019.

By: Howe

Seconded: Soares.

For: Howe, Parker, Pose, Soares and Veits.

Against: None.

Abstain: None.

The request for extension to file the approved subdivision map is approved.

7. Request for Applicant/Owner Permit Transfer: Application #324 – Cedar Hill Subdivision – Assessor's Map 9, Lots 12, 13 & 26 through 42 – Phase 2 Corbin Ridge (19 lots) & Lots 14 through 25 – Phase 3 Tevin's Way (12 lots); Cedar Hill Developers LLC, applicant.

The following items were submitted into the record: a letter dated January 7, 2019, from Peter G. Giannotti, regarding the transfer of Application #324 and an attached authorization form dated January 17, 2019, regarding the authorization of the transfer of permit from Attorney Robert Cohen, Member.

MOTION: Move to add to the agenda request for applicant/owner permit transfer: Application #324 – Cedar Hill Subdivision – Assessor's Map 9, Lots 12, 13 & 26 through 42 – Phase 2 Corbin Ridge (19 lots) & Lots 14 through 25 – Phase 3 Tevin's Way (12 lots); Cedar Hill Developers LLC, applicant.

By: Howe

Seconded: Parker.

For: Howe, Parker, Pose, Soares and Veits.

Against: None.

Abstain: None.

Mr. Rogozinski explained the Cedar Hill subdivision connects Old Orchard and Corbin Ridge (Corbin Ridge extension) subdivisions. He explained that Sachem Capital was now the owner of the property. The Planning and the Inland Wetlands Commissions were affected, which was the purpose of the letter submitted by the applicant's representative. He suggested the Planning Commission vote as an administrative action to transfer the application and naming Sachem Capital as the applicant.

The current status of Old Orchard Road is the first course of pavement and curbing are installed. Building Department permits were issued for six dwellings and a bond was posted. These were concerns for the Building Department, Engineering Department and the Planning Commission because there were dwellings at various levels of construction with their permits issued through Cedar Hill Developers, LLC. The City wants to make sure the public improvements are finished and conform to the approved plans. Corporation Counsel recommended the applicants post a new bond for Sachem Capital.

MOTION: Move to approve the request to transfer the Applicant/Owner information for Application #324 – Cedar Hill Subdivision – Phase 2 – Corbin Ridge Assessor's Map 9, Lots 12, 13 & 26 through 42 (19 lots) and Phase 3 – Tevin's Way Map 9 Lots 14 through 25 (12 lots) – to: Property Owner: Sachem Capital Realty LLC – 23 Laurel Street, Branford, CT. Applicant/Permit Holder: MDJ Home

Improvement, LLC – 75 Mungertown Road, Madison, CT. This request is based on a letter dated January 7, 2019 from Attorney Peter G. Giannotti of Sachem Capital Realty, LLC.

By: Howe

Seconded: Parker.

For: Howe, Parker, Pose, Soares and Veits.

Against: None.

Abstain: None.

STAFF REPORTS

7. Monthly Subdivision Status Report

The Commission acknowledged receipt of the following item in their electronic packets: a copy of the Monthly Subdivision Status Report, dated January 24, 2019.

Mr. Rogozinski explained that Field Rock Road was accepted at the last City Council meeting, which is now a City street. A maintenance bond has been placed for one year to make sure the work for the previous construction was finished correctly.

Regarding Allentown Road; Willis Street/South Street and Matthew Street, there were no public improvements.

Regarding Sturbridge Estates, the street lights were installed, but Eversource has not provided the power to them yet. The applicant should be requesting the acceptance of the street this month.

Regarding the Barlow Street subdivision was on the Planning Commission agenda this month, which the Commission granted a 90 day extension to finalize the plans.

8. Freedom of Information Act

The Commission acknowledged receipt of the following items in their electronic packets:

Mr. Flanagan explained that the Commission does not want to conduct its business after meetings.

The Commission commented the FOIA conferences were good to attend because they were informational and the reviewed additional items, but their opinion was the FOIA needed to be upgraded from the existing status.

Mr. Flanagan explained the Commission received an email regarding a land use law conference at the Wesleyan University on Saturday, March 23, 2019, regarding Land Use Law. Commissioners should contact Chris for details.

9. Review of Administrative Procedures

Mr. Rogozinski explained this item was to start a discussion to improve the application processes for applicants. The Commission commented this was good for Staff to review the procedures to revise them when needed.

ELECTION OF OFFICERS

MOTION: Move to approve to re-elect the current slate of officers for the 2019 calendar year:
William Veits as Chairman; John Soares as Vice Chairman; and Andrew Howe as Secretary.

By: Pose

Seconded: Parker.

For: Howe, Parker, Pose, Soares and Veits.

Against: None.

Abstain: None.

The re-election of the current slate of officers for the 2019 calendar year is approved.

ADJOURNMENT

Motion was made by Commissioner Howe to adjourn.

Motion seconded by Commissioner Pose.

Motion carried 5-0.

The meeting adjourned at 8:20 P.M.

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

Respectfully submitted,
Nancy King

Andrew Howe
Secretary
City Planning Commission