

**BRISTOL ZONING COMMISSION
MINUTES
REGULAR MEETING OF WEDNESDAY FEBRUARY 13, 2019**

CALL TO ORDER:

By: Chairman Skinner

Time: 7:00 P.M.

Place: City Hall

ROLL CALL:

MEMBERS	NAME:	PRESENT	ABSENT
REGULAR MEMBERS:	Brian Skinner (Chairman)	X	
	William Cunningham (Vice Chairman)	X	
	Louise Provenzano (Secretary)	X	
	Peter Del Mastro	X	
	Michael Massarelli	X	
ALTERNATE MEMBERS	Timothy Gamache (Alternate)	X	
	Richard Harlow (Alternate)	X	
	Thomas Marra	X	
STAFF	Monica Holloway, Zoning Enforcement Officer	X	
	Robert Flanagan, City Planner	X	

PLEDGE OF ALLEGIANCE

ADMINISTRATIVE MATTERS:

1. Approval of Minutes – January 9, 2019

MOTION: Move to approve the minutes of the January 9, 2019, regular meeting.

By: Cunningham

Seconded: Massarelli.

For: Massarelli, Provenzano, Cunningham, Del Mastro and Skinner.

Against: None.

Abstained: None.

2. Zoning Enforcement Officer's Report

The Commission acknowledged receipt of the following item in their electronic packets: the Zoning Enforcement Officers Report for January 2019, undated. Ms. Holloway reviewed her report with the Commission; she requested the Commission contact her if they had any concerns.

RECEIPT OF NEW APPLICATIONS:

There were no new applications.

PUBLIC HEARINGS:

3. Application #2304 – Special Permit for an accessory dwelling unit at 82 Redstone Street; R-15 (Single-Family Residential) zone; Assessor’s Map 2, Lot 48/3; Mona Ferony, applicant.

The Commission acknowledged receipt of the following items in their electronic packets: five photographs, undated of the existing dwelling at 82 Redstone Street. Mona Ferony, 82 Redstone Street, explained the request was for an accessory dwelling unit within her existing home for her sister to reside.

Mr. Flanagan reviewed the Regulations for accessory dwelling unit with the Commission and Ms. Ferony.

MOTION: Move that Application #2306 - Proposed amendment of the Zoning Regulations to add to the Special Permit and Site Plan 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, be approved, because the Zoning text as presented is in compliance with the goals of the 2015 Plan of Conservation and Development amended to April 1, 2018, in that it will encourage the attraction of new business and industry into suitable locations in Bristol The effective date of the zone text amendment shall be March 11, 2019.

By: Cunningham

Seconded: Massarelli.

For: Massarelli, Provenzano, Del Mastro, Cunningham and Skinner.

Against: None.

Abstained: None.

The application is approved.

Chairman Skinner declared a recess at 7:58 P.M.; the meeting resumed at 8:03 P.M.

- 6. 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 page entitled "AZR19-1: Proposed Amendments to the Bristol Zoning Regulations, Bristol Zoning Commission, Draft for Public Hearing: February 13, 2019"; a referral memorandum dated December 31, 2018, from the Zoning Commission to the Planning Commission; a referral memorandum dated January 31, 2019, from the Planning Commission to the Zoning Commission, regarding a positive recommendation; a referral memorandum dated December 31, 2018, from the Zoning Commission to the Capital Region Council of Governments (CROG) (attached form); a referral memorandum dated December 31, 2018, from the Zoning Commission to the Northwest Hills Council of Governments (NHCOG); a response memorandum received January 2, 2019 from the Northwest Hills Council of Governments, no conflicts; a memorandum dated December 31, 2018, from the Zoning Commission to the Naugatuck Valley Council of Governments (NVCOG); a response memorandum dated January 2, 2019, from the NVCOG to the Zoning Commission, regarding no significant impacts; a referral memorandum dated December 31, 2018, from the December 31, 2018, from the Zoning Commission to Therese Pac, Bristol Town and City Clerk and a referral memorandum from the Zoning Commission to the towns of to the towns of Burlington; Farmington; Plainville; Plymouth; Southington and Wolcott.

Mr. Flanagan reviewed with the Commission the existing Regulations and proposed amendments to the Zoning Regulations.

No one else spoke in favor of the application.

No one spoke against the application.

The hearing is closed.

By: Cunningham

Seconded: Massarelli.

For: Massarelli, Provenzano, Cunningham, Del Mastro and Skinner.

Against: None.

Abstained: None.

MOTION: Move that 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.), be approved, because the Zone text amendment as presented was in compliance with the goals of the 2015 Plan of Conservation and Development amended to April 1, 2018 in that it will encourage the adaptive reuse of older buildings. The effective date of the Zone text amendment shall be March 11, 2019.

By: Cunningham

Seconded: Provenzano.

For: Provenzano, Massarelli, Cunningham, Del Mastro and Skinner.
Against: None.
Abstained: None.

The application is approved.

OLD BUSINESS

There was no old business.

NEW BUSINESS

There was no new business.

CORRESPONDENCE

There was no correspondence.

CITY PLANNER’S REPORT

7. FOIA Review

- a. The Commission acknowledged receipt of the following items in their electronic packets: a two page introduction of the Freedom of Information Act, from Shipman & Goodman, LLP regarding CT Conference of Municipalities, Freedom of Information ACT (FOIA), undated.

Mr. Flanagan explained that this was a reminder to all the Land Use Boards to not have discussions after the meeting with Commissioners or the public regarding items on their agendas.

8. Various Items from Staff for Commission Evaluation

Mr. Flanagan explained there were a few items requested by Mr. Charles Nyberg for the Commission to review to add to the agenda, if the Commission agreed. The Commission agreed to add the items to the agenda.

MOTION Move to add the following the discussion under the City Planner’s Report - O’Connell School, 122 Park Street, a request from Charles Nyberg to revise a previously approved Site Plan, Application #2227, for O’Connell School at 122 Park Street.

By: Cunningham

Seconded: Massarelli.

For: Massarelli, Provenzano, Cunningham, Del Mastro and Skinner.
Against: None.
Abstained: None.

The following item was submitted into the record: a letter dated January 21, 2019, from Charles Nyberg, R.A., of Schadler Selnau Associates, P.C., regarding a request for Commission determination to retain the building connector that was previously to be demolished.

Charles Nyberg, Shadler Selnau Associates, P.C., 5 Waterville Road, Farmington, explained these former school projects have evolved and they would now like to retain a building connector that was planned to be demolished. Mr. Flanagan explained he was working with the applicant for a revised floor plan and Staff would inspect the required final plans.

MOTION Move that Staff continue to assist the property owner’s representative, Mr. Charles Nyberg, and issue a final authorization letter to the property owner once the Site Plan Revisions are submitted and all comments raised by the Site Plan Review Committee have been addressed.

By: Cunningham

Seconded: Massarelli.

For: Massarelli, Provenzano, Del Mastro, Cunningham and Skinner.
Against: None.
Abstained: None.

MOTION Move to add the following the discussion under the City Planner’s Report- Lutheran Church, 250 West Street, a request for determination to the Commission for the use of the building for dwelling units and by the Lutheran Church.

By: Cunningham

Seconded: Massarelli.

For: Massarelli, Provenzano, Del Mastro, Cunningham and Skinner.
Against: None.
Abstained: None.

The following item was submitted into the record: a letter dated January 21, 2019, from Charles Nyberg, R.A., of Schadler Selnau Associates, P.C., regarding the request for Site Plan determination.

Charles Nyberg, Shadler Selnau Associates, P.C., 5 Waterville Road, Farmington, on behalf of the applicant, explained the plans have been reviewed with Staff, the Building Department and Ms. Holloway.

Mr. Nyberg read into the record his letter dated January 21, 2019 and he reviewed the structure floor plans and the property. He explained part of the work included a rated stairway structure; an egress to the street; an egress to the rear parking area and two dwelling units. The church use would be retained.

Mr. Flanagan explained the Building Department and Ms. Holloway were unsure how to classify the church use. After inquiries by the Commission, Mr. Nyberg explained if there was a new property owner, this may remain dwelling units and a professional office, but there was no documentation for Ms. Holloway. There was sufficient parking for the use. If the church use does not continue, the church may become an office. The dwelling units may remain but they required a sprinkler system.

MOTION Move that Staff should issue a final authorization letter to the property owner stating that the use of the property can continue with an additional dwelling unit for a total of two dwelling units along with the first floor area currently being used by the Lutheran Church for fellowship.

By: Cunningham

Seconded: Massarelli.

For: Massarelli, Provenzano, Del Mastro, Cunningham and Skinner.
Against: None.
Abstained: None.

MOTION Move to add the following discussion under the City Planner’s Report Bristol Hospital, 15 Riverside Avenue, to review changes of Site Plan for Application #2259 with the Commission.

By: Cunningham

Seconded: Provenzano.

For: Massarelli, Provenzano, Del Mastro, Cunningham and Skinner.
Against: None.
Abstained: None.

The following item was submitted into the record: an e-mail dated February 4, 2019, from Jordan Hudak, Associate Vice President, of CHA, regarding a proposed demolition of a retaining wall to be replaced with a landscaped area.

Mr. Flanagan explained this was an email received from Bristol Hospital’s engineer for the property located at 15 Riverside Avenue, regarding the non-installation of a retaining which would be replaced with landscaping. He suggested the Commission allow Staff to continue to work with the applicant on this request.

MOTION Move that the proposed changes by the applicant were minor in nature and that Staff should review the changes with the Site Plan Review Committee and issue a final approval letter once all comments have been addressed.

By: Cunningham

Seconded: Massarelli.

For: Massarelli, Provenzano, Del Mastro, Cunningham and Skinner.
Against: None.
Abstained: None.
The request is approved.

9. Review of Procedures for Administrative Items

At the January 9, 2019 meeting of the Commission, the 10 PM curfew was raised by the City Engineer and he requested that the Commission due away with it. The Commission requested that the City Planner conduct research and provide data on the activities of the Commission with respect to the curfew.

At the same meeting, Commissioner Del Mastro asked if the Commission had the authority to have a curfew and the power to determine their agendas. It was confirmed that that the Commission does have jurisdiction to do this.

Mr. Flanagan was unable to find information about a City Ordinance referenced in the minutes of a previous meeting in 2012 (by the former City Planner) about a curfew that required all City meetings to adjourn by 11:30 PM. He also reviewed with the Commission the minutes of past meetings (July, August & September 2012) when the idea of a curfew was initially discussed and then subsequently adopted for the October 2012 meeting.

In those meeting minutes, the Commission established rules (later adopted as policy) which helps applicants and the public understand that the Commission has discretion on how to handle pending applications that come up against the curfew. It was noted that the curfew is announced to the public at the beginning of each meeting and re-announced at 9:30 PM. The Commission also has the discretion to continue pending applications beyond 10 PM.

Commissioner Del Mastro explained that the Commission has to establish a start time for each meeting, but an adjournment time is at their discretion. The Commission agreed that the start time should not be any earlier than 7 PM because it was inconvenient for the public, applicants and Commissioners who work.

Mr. Flanagan also presented statistics of meetings for the past 11 years. It was confirmed that out of 156 meetings, 32 meetings have gone beyond 10 PM. The data also showed that the Commission has exceeded the 10 PM curfew since it was enacted approximately 15 times since October 2012.

There was also a separate analysis for the 2017 and 2018 calendar years, detailing the exact timelines for each of the applications processed, and if any issues had arisen during the pendency of those applications.

The overall approval rate for all 60 applications processed by the Zoning Commission in the two-year time period for 2017 & 2018 was 91%. The Special Permit and Site Plan applications had a 100% approval rating. 24 - Special Permit applications were also processed in an average of 41 days. 24 - Site Plans applications were processed with an average of 36 days and 12 - Zone Change applications were processed for an average of 42 days with an approval rating of 75%.

The research also revealed that during this same two-year period, there were less than five applications that had the opening of the public hearing deferred a month due to Commission scheduling decisions. Additionally, Mr. Flanagan noted that there were about a dozen other applications where the applicant had requested a continuance of the public hearing because of issues created by the applicant, which included sign posting errors and/or the lack of timely follow-up information by their design professionals.

The Commission understood they do not want to unduly delay applicants and also want to encourage development, but the Commission has always been flexible with the curfew since it has been implemented. Commissioner Provenzano suggested the Commission be more interactive with the public to make them aware of the curfew and any action that can be taken prior to 9:30 P.M., such as a continuance of an application to a special meeting.

After a discussion, the Commission agreed to not take any action and leave the 10:00 P.M. curfew in place, and adjust it accordingly when necessary. The Commission will also retain the Monday special meeting option should an application run long at the regular meeting and it needs to be continued.

Chairman Skinner was not in favor of the Monday special meeting dates; the Commission agreed but this was the only option to offer applicants. In the event that the Monday special meetings are not needed, they would be cancelled and removed from the calendar the next day.

Commissioner Cunningham questioned at the January meeting as to whether the Commission was meeting the requirements of State Statute for applications and the research confirmed that the Commission has been in compliance. Staff does a good job of managing the applications and making the Commission aware of any meetings that have a large number of applications or if there is a great amount of public interest.

ADJOURNMENT

MOTION: Move to adjourn at 9:23 P.M.

By: Provenzano

Seconded: Cunningham.

For: Massarelli, Provenzano, Cunningham, Del Mastro and Skinner.

Against: None.

Abstained: None.

This meeting was taped.

Respectfully submitted,

Nancy King
Recording Secretary

Brian Skinner, Chairman

Louise Provenzano, Secretary