

**BRISTOL ZONING COMMISSION
MINUTES
REGULAR MEETING OF WEDNESDAY MARCH 10, 2021**

CALL TO ORDER:

By: Chair 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	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 – February 10, 2021

Chair Provenzano designated regular Commissioners Harlow, White, Marra and Provenzano to vote on the February 10, 2021 regular minutes. She also designated alternate Commissioner Gagnon to vote on the February 10, 2021 regular minutes.

MOTION: Move to approve the minutes of the February 10, 2021, regular meeting.

By: White

Seconded: Harlow.

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

Against: None.

Abstained: None.

2. Zoning Enforcement Officer's Report

The Commission acknowledge receipt of the following item in their electronic packets: the Zoning Enforcement Officers report for February dated March 1, 2021. After inquiry by the Commission, Mr. Spyros explained there were 19 blight complaints last year, but this year there were none because it was a cold month and year with a lot of snow on the ground.

RECEIPT OF NEW APPLICATIONS:

1. Application #2392 – Special Permit for (1) motor vehicle repair and service facility and (2) the display or sale of new or fully operable used motor vehicles at 96 East Main Street; Assessor’s Map 41, Lot 36-1; BG (General Business) zone; Blasius of Bristol, LLC, applicant.
2. Application #2393 – Site Plan for (1) motor vehicle repair and service facility and (2) the display or sale of new or fully operable used motor vehicles at 96 East Main Street; Assessor’s Map 41, Lot 36-1; BG (General Business) zone; Blasius of Bristol, LLC, applicant.
3. Application #2394 – Change of Zone from R-10 (Single-Family Residential zone to I (Industrial) zone at 16 Andrews Street; Assessor’s Map 38, Lot 62-4/62-4A/61-5; 16 Andrews Street, LLC, applicant.

4. Application #2395 – Revision to an Approved Site Plan for site improvements for fast food restaurant /drive-up window at 1235 Farmington Ave; Assessor’s Map 49, Lot 30; BG (General Business) zone; 1235 Farmington Avenue BR, LLC, applicant.

Chair Provenzano designated regular Commissioners Massarelli, White, Harlow, Marra and Provenzano to vote on Applications #2392 and #2393.

MOTION: Move to schedule Applications #2392 and #2393, be scheduled for Public Hearings at a Special Meeting of the Zoning Commission on: Friday, March 26, 2021, at 5:00 P.M.

By: Massarelli Seconded: Harlow.

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

Chair Provenzano explained Applications #2394 and #2395 would be two separate motions to be placed under New Business because they are not required to have public hearings and, if the Commission is so inclined, could render a decision this evening.

Chair Provenzano designated regular Commissioners Massarelli, White, Harlow, Marra and Provenzano to vote on Applications #2394 and #2395.

MOTION: move that Application #2394 – Revision to an Approved Site Plan for site improvements for fast food restaurant/drive-up window at 1235 Farmington Avenue be moved to New Business on tonight’s agenda so that the application can be reviewed later in this meeting.

By: Massarelli Seconded: Harlow.

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

The application is relocated on the agenda to New Business.

MOTION: move that Application #2395 – Revision to an Approved Site Plan for site improvements for parking lot/bank drive-up window at 888 Farmington Avenue be moved to New Business on tonight’s agenda so that the application can be reviewed later in this meeting.

By: Massarelli Seconded: Harlow.

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

The application is relocated on the agenda to New Business.

Chair Provenzano explained that Applications #2384 and #2385 were next on the agenda, but the applicant’s attorney, Timothy Furey, requested Applications #2389, #2390 and #2391 be moved up on the agenda so the next applications may be expedited more efficiently.

Chair Provenzano designated regular Commissioners Harlow, Marra, Provenzano, Massarelli and White to vote on all the applications this evening.

10. Application #2389 – Special Permit for an outdoor dining area greater than 500 sq. ft. at Lot 10 Main Street; Assessor’s Map 30, Lot 10; BD-1 (Downtown Business) zone; Cyr and Wilson Development, LLC, applicant.

11. Application #2390 – Special Permit for a reduction in the baseline number of off-street parking spaces at Lot 10 Main Street; Assessor’s Map 30, Lot 10; BD-1 (Downtown Business) zone; Cyr and Wilson Development, LLC, applicant.

- 12. Application #2391 – Site Plan for a mixed-use building with 12 dwelling units, 4,383 sq. ft. of non-residential space and 32 parking spaces at Lot 10 Main Street; Assessor’s Map 30, Lot 10; BD-1 (Downtown Business) zone; Cyr and Wilson Development, LLC, applicant.

Chair Provenzano explained that Applications #2389, #2390 and #2391 would be heard concurrently, but voted on separately. She designated regular Commissioners Harlow, Marra, Provenzano, Gagnon and White to vote on Applications #2389, #2390 and #2391. She also designated alternate Commissioner Gagnon to vote on Applications #2389, #2390 and #2391.

The following item was submitted into the record: a letter dated March 10, 2021, from Attorney Timothy Fury, regarding the withdrawal of Application #2389, which was part of Site Plan application #2391.

Attorney Timothy Furey, 43 Bellevue Avenue, representing the applicant, stated that Application #2389 will be withdrawn. The activity should be reviewed as a Site Plan under Application #2391.

Regarding Applications #2390 and #2391 he requested to that the opening of the public hearings of Applications #2390 and #2391 be postponed until the April meeting.

MOTION: Move to accept the withdrawal of Application #2389 – Special Permit for an outdoor dining area greater than 500 sq. ft. at Lot 10 Main Street; Assessor’s Map 30, Lot 10; BD-1 (Downtown Business) zone; Cyr and Wilson Development, LLC, applicant.

By: Massarelli

Seconded: Marra.

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

The Application #2389 is withdrawn.

MOTION: Move to postpone the Public Hearings on Application #2390 Special Permit and Application #2391 Site Plan at Lot 10 Main Street; Assessor’s Map 30, Lot 10; BD-1 (Downtown Business) zone to the next Regular Meeting of the Zoning Commission on April 14, 2021.

By: Massarelli

Seconded: Marra.

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

The Applications #2390 and #2391 were postponed.

PUBLIC HEARINGS:

- 5. 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 – (Public Hearing postponed from January 13, 2021).
- 6. 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 – (Public Hearing postponed from January 13, 2021).

Chair Provenzano explained that Applications #2384 and #2385 would be heard concurrently but voted on separately. Chair Provenzano designated regular Commissioners White, Harlow, Marra and Provenzano to vote on Application #2384 and Application #2385. She also designated alternate Commissioner Gagnon to vote on Applications #2384 and #2385 in place of Commissioner Massarelli with his absence this evening.

The Commission acknowledged receipt of the following items in their electronic packets: the first set of Site Plan Committee Review comments dated December 29, 2020 and revised to January 5, 2021; a Stormwater Management Report dated October 21, 2020, 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. and a Planting Plan, revised date January 27, 2021

Attorney Timothy Furey, 43 Bellevue Avenue, on behalf of the applicant, explained the applicants were in attendance of the meeting. The applications were continued from February because the State statue application process for the Inland Wetlands and Floodplain were not finished, which were approved at the Inland Wetlands Commission meeting on March 3, 2021. The property is 8.4 acres, and the houses and garage were demolished. The property was previously blighted but cleaned up. The City foreclosed the property for tax purposes that the applicant purchased after an RFP. The property was previously 1.3 acres (portion on Rt. 72). The City sold half an acre to the State. Drainage rights are to the rear of the property. The plan is to construct a 3,000 sq. ft. building for Dunkin' Donuts and parking lot.

There are inland wetlands and floodplain areas. They tried negotiating additional properties for floodplain storage areas but were unsuccessful. Therefore, a smaller footprint building was reviewed with Staff. The initial plan had drainage in two areas in the two drive lanes that eventually goes to the City storm drainage systems, which would be improved. A floodplain and mitigation area would be constructed to the rear of the property. Staff was concerned of the depth and design of the drainage system near East Main Street, which was redesigned and agreed on that does not go out to East Main St. He explained the landscaping, floodway, floodway mitigation, three year and long-term maintenance would improve the property. They reduced the floodway, mitigation, and storm runoff to a 100-year storm.

Andrew Quirk, P.E., Kratzert and Jones and Associates, 1755 Meriden-Waterbury Turnpike, Southington, on behalf of the applicant, reviewed the stormwater and design plans. He agreed with Attorney Furey's summary. This was a drive thru only facility with no patron area. There are 4 employee parking spaces and there is adequate stacking and queuing for vehicles. The building, dumpster and utilities are 1 ft. above the floodplain. There is adequate access and a bypass lane that was not as critical as a standard facility because they do not have to drive around the building to park. The site is sufficient for a tractor trailer vehicle (deliveries when closed.) The box truck made frequent deliveries (parking in front of dumpster.) He reviewed the traffic circulation for the drive thru window. The entire property is in floodplain; the floodway is on East Main St. The front of the property would be filled to provide a building access and the rear of the site would be excavated in excess to compensate for the filled area. Staff disagreed with the initial plan, which was revised, to maintain the existing drainage pathway. With evasive species removed, it was a more compact design and a mitigation area to function as a wetlands area. The site lines accommodated the various vehicles.

Attorney Furey reviewed comments. The main concerns were inland wetlands and floodplain areas. The bypass lane for tractor trailer trucks would not interfere with East Main St. Regarding a suggested traffic study, there are only 3 employees at one time (most do not drive); a 760 ft. site line; one vehicle egress; 13 vehicle-stacking; it is not a State highway and employees arrive/depart at off customer hours. His opinion was a traffic study was unnecessary. The Commission had to determine the parking because of the Regulations. Four employee parking spaces were sufficient.

The Commission's stated the design was adequate with considerations for vehicle stacking. Usually, they had concerns of vehicle stacking and vehicles being in the street on Farmington Ave., but the plan had common sense and there was a bypass lane. This was a better design versus the Rt. 6 and Burlington Ave. facility with two ingresses. The site lines were adequate and there was no need for a traffic study.

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

Attorney Furey explained the snow removal was discussed with Carol Noble, Environmental Engineer, with a Best Management Practices plan, which would be added to the plan.

The Commission was comfortable approving the plan with the Staff comments addressed.

The Public Hearing for #2384 is closed.
By: Massarelli

Seconded: Harlow.

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

The Commission appreciated the history on the property and anticipated the development. They were confident the applicant and Staff resolving the comments. There were no concerns with the plans.

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 approved.

By: Massarelli

Seconded: Harlow.

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

The Application #2384 is closed.

The hearing #2385 is closed.

By: Massarelli

Seconded: Marra.

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

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 approved, with the following stipulations.

1. The Site Plan shall not be signed off until all remaining staff comments have been addressed and the plan revised accordingly.
2. All site improvements 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: Massarelli

Seconded: Harlow.

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

The Application #2385 is approved.

7. Application #2388 – Change of Zone from BG (General Business) zone to A (Multi-Family Residential) zone at Lot 71A Lincoln Avenue; Assessor’s Map 41, Lot 71A; Haber Capital Investments, LLC, applicant.

The Commission acknowledged receipt of the following items in their electronic packets: a referral letter dated February 2, 2021, from the Zoning Commission to the Planning Commission, regarding the request; a referral letter dated February 25, 2021, from the Planning Commission to the Zoning Commission, regarding a positive referral; a referral letter dated February 2, 2021, from the Zoning Commission to Therese Pac, Town and City Clerk, regarding the request (attached map.)

Attorney Timothy Furey, 43 Bellevue Avenue, representing the applicant. The property is .738 acres directly behind O’Brien Funeral Home. The property has frontage on Rt. 72 (BG zone.) The applicant owned an adjacent 1.9-acre lot (28,000 sq. ft.) with an existing house (near East Main St.), which became A-zone after Rt. 72 was finished. The property complies with the BG zone but not the 100 ft. frontage, which is near the Lincoln Ave. traffic signal for egress. Rt. 72 is a non-access highway so the frontage cannot be used for access purposes. Lincoln Ave. has a large portion that cannot have highway access for highway safety reasons, which made it difficult to develop (in addition to grading.) The BG zone does not work well.

The adjacent 1.9-acre property was non-compliant with the A-zone size requirements. If approved and the properties are merged, it would create a more flexible A-zone design, lot-size compliance with the Zoning Regulations, access locations and a design palatable for the existing area house.

The Planning Commission gave a unanimous positive recommendation. The A-zone potential of 8 units per acre may be increased to 12 units per acre with 4 acres or more, which they do not have. A lower density proposal would have to be developed. The Commission summarized this was for a .73-acre parcel and a 1.9-acre parcel—to be merged—for approximately 3.0-acre parcel to be re-zoned to from a BG-zone to an A-zone.

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.

The Commission commented this plan would make the property more flexible for multi-family development. Chair Provenzano noted to the newer Commissioner members it was important to review not only the proposed request, but the allowed uses in that zone in the Regulations, because the plans do not always get constructed.

MOTION: Move that Application #2388 – Change of Zone from BG (General Business) zone to A (Multi-Family Residential) zone at Lot 71A Lincoln Avenue; Assessor’s Map 41, Lot 71A; Haber Capital Investments, LLC, applicant, be approved because:

The map 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:

- a. Section 10.2.2. – Housing Design – Encourage the appropriate design of housing in order to meet community needs.

The effective date of the zone change shall be the date on which a map and deed are filed on the City Land Records merging Map 41, Lot 71-1 (Central Street) with Map 41, Lot 71A (Lincoln Avenue).

By: White

Seconded: Marra.

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

The application is approved.

NEW BUSINESS:

- 5. Application #2394 – Revision to an Approved Site Plan for site improvements for fast food restaurant /drive-up window at 1235 Farmington Ave; Assessor’s Map 49, Lot 30; BG (General Business) zone; 1235 Farmington Avenue BR, LLC, applicant.

The Commission acknowledged receipt of the following items in their electronic packets: the first set of Site Plan Committee Comments, dated March 9, 2021; a letter dated March 2, 2021, from Douglas Reich, RLA, regarding a summary of the plans; a project report entitled "*Information prepared for Proposed Aroma Joes, Top Joe I, LLC, for Mark McGregor, 1235 Farmington Avenue, Bristol, CT, Project Name: Aroma Joes-Bristol, CT, Dated: March 2, 2021*"; Appendix "A" Approvals, regarding previous approvals; a Wetlands Delineation Report, dated September 8, 2018, prepared by Aleksandra Moch, S.W.S. and a Traffic Impact Study, dated October 2018, prepared by KWH Enterprise, LLC.

Douglas Reich, RLA, Fuller Engineering and Land Surveying, LLC, 525 John St., Bridgeport, representing the developer and the property owner, explained the Aroma Joe’s is the franchisee in the Bristol Plaza. The applicant is requesting modification to the existing approval, which was a previous Popeye’s larger facility with seating. The facility is a different business model with no seating inside the restaurant. The applicant received approval from the Inland Wetlands Commission on March 3, 2021. The Bristol Plaza is 12.5 acres; he reviewed the existing buildings and tenants. Their pad site is 37,000 sq. ft. and the existing bank was demolished, and the proposal is 900 sq. ft. The plan was the same as the Popeye’s application with site improvements to the storm water mitigation; water quality enhancements; landscaping; wetlands confined to the building and utility infrastructure. The ingress has an existing two lanes with a que of 10 parking spaces.

There is an alternate lane to get out of the #2 lane. There are 5 handicapped parking spaces. A sidewalk was provided; there is a walk-up window in front of the building. There is a larger loading area for box truck. As with the previous application, there was a parking space deficiency, and to resolve this, there are 66 parking spaces in the large parking lot (west side of site) with a net increase of 5 parking spaces to make it less non-compliant.

Mr. Reich, RLA, explained the plan met several conditions of the Rt. 6 Corridor Study including a green storm water system, traffic engineering and esthetics for Rt. 6. He noted they were able to resolve the Site Plan Committee comments at a Staff level. He went onto explain there was no indoor food service or seating. This would be a walk-up window or drive thru window facility.

Sebastian Urciullo, P.E., Fuller Engineering and Land Surveying, LLC, 525 John St., Bridgeport, representing the developer and the property owner, explained there was a 1,700 sq. ft. net decrease of impervious surface by providing a grassed island area, low impact development P & P's (underground stormwater retention system and pavers) to improve the water quality of the pavement and the building. They tried to retain the same drainage pattern for the existing structures to discharge to the existing storm water system under the site. There is a net decrease to a 50-year storm event.

Kermit Hua, P.E., P.T.O.E., of KWH Enterprises, LLC, 277 Reservoir Ave., Meriden, on behalf of the applicant, explained the previous traffic study for Popeye's had a traffic signal to Rt. 6 that was fortunate for the site. The peak hours were in the afternoons and on Saturday's, with a level service "B" at the driveway intersection. Therefore, there is no major impacts on the traffic on Rt. 6.

Mark MacGregor, 91 Daisy Circle, explained he and his partner are online. Bristol would be their first location, but they want to start quite a few of these businesses in Connecticut. He requested their approval. Clayton Prugh, 26 Spring Hill Road, Cold Spring Harbor, NY, partner, was in attendance and appreciated the Commission review.

MOTION: Move that Application #2394 – Revision to an Approved Site Plan for site improvements for fast food restaurant/drive-up window at 1235 Farmington Ave.; Assessor's Map 49, Lot 30; BG (General Business) zone; 1235 Farmington Avenue BR, LLC, applicant, be approved with the following stipulations:

1. The Site Plan shall not be signed off until all remaining staff comments have been addressed and the plan revised accordingly.
2. All site improvements which have not been satisfactorily completed by December 31, 2022, 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.

By: Massarelli

Seconded: Harlow.

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

Against: None.

Abstained: None.

The application is approved.

6. Application 2395 – Revision to an Approved Site Plan for site improvements for parking lot/ bank drive-up window at 888 Farmington Ave.; Assessor's Map 46, Lot 94-1; BG (General Business) zone; Torrington Savings Bank, applicant.

The Commission acknowledged receipt of the following items in their electronic packets: the first set of Site Plan Committee Comments, dated March 9, 2021; a memorandum dated February 19, 2021, from Michael Lambert, P.E. and Kevin Solli, P.E., to Nancy Levesque, City Engineer, regarding the previous approvals; Inland Wetlands and Floodplain information and a copy of the Zoning Commission minutes from September 13, 2006. Kevin Solli, Principal, P.E., Solli Engineering LLC, 501 Main Street, Monroe, on behalf of the applicant, explained the applicant would like to improve the property to provide a Torrington Savings Bank.

Michael Lambert, P.E., Solli Engineering LLC, 501 Main Street, Monroe, on behalf of the applicant, explained the property was about 0.45 acres and the previous use was a United Bank and in 2006 it was a Valley Bank. In 2006, Brook St. went through the property and was realigned with Mix St. The two driveways would remain the same (Brook St. and Farmington Ave.) and the parking lot would remain the same with a one-way lane to an ATM and another to a bank teller area. The parking was in front of the building. The three parking spaces on Farmington Avenue would be removed. The driveway circulation from Farmington Avenue going around the building people were driving on the sidewalk and curbing.

The catch basin in the middle of the parking lot was at a 3% slope which they are proposing to raise the catch basin up for an even 2% grade in the parking lot. They received approvals from the Inland Wetlands Commission on March 3, 2021 (Floodplain and Inland Wetlands.) The driveway was expanded and filled, so the area was mitigated because it was existing storage.

The disability access parking spaces would be revised to meet code. Erosion control would be maintained on and off site. The applicant will replace the existing landscaping with new landscaping, which would apply to the Route 6 Corridor Study for aesthetics. The drainage system would be improved with detention and water quality systems and removing some parking spaces would decrease impervious surface by 576 sq. ft. A manhole was requested by the City Engineer and the Environmental Engineer.

MOTION: Move that Application #2395 – Revision to an Approved Site Plan for site improvements for parking lot/ bank drive-up window at 888 Farmington Ave.; Assessor’s Map 46, Lot 94-1; BG (General Business) zone; Torrington Savings Bank, applicant, be approved with the following stipulations:

1. The Site Plan shall not be signed off until all remaining staff comments have been addressed and the plan revised accordingly.
2. All site improvements which have not been satisfactorily completed by December 31, 2022, 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.

By: Massarelli

Seconded:

Harlow.

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

Against: None.

Abstained: None.

The application is approved.

CITY PLANNERS REPORT:

8. Bristol Zoning Regulation Initiative:
 - a. Results of consultant selection process

Fitzgerald and Halliday, Inc. was selected by an independent committee of Land Use Commissioners for the Zoning Regulation re-write. At this point, the online meeting component was ended inadvertently. The online meeting was then restarted approximately 90 seconds later; four regular Commissioners returned to the online forum: Commissioners Provenzano, Harlow, Marra and Massarelli voted to adjourn the meeting.

ADJOURNMENT:

MOTION: Move to adjourn at 9:37 P.M.

By: Massarelli

Seconded: Harlow.

For: Harlow, Marra, Massarelli and Provenzano.

Against: None.

Abstained: None.

This meeting was taped.

Respectfully submitted,

Nancy King
Recording Secretary

Louise Provenzano, Chair

David White, Secretary