

**BRISTOL ZONING COMMISSION
MINUTES
REGULAR MEETING OF WEDNESDAY MAY 13, 2020
7:00 P.M
WEBEX MEETING**

CALL TO ORDER:

By: Chair Provenzano

Time: 7:03 P.M.

Place: Webex Online Meeting

ROLL CALL:

MEMBERS	NAME:	PRESENT	ABSENT
REGULAR MEMBERS:		X	
	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	
STAFF	Robert Flanagan, AICP, City Planner	X	
	Edward Spyros, Zoning Enforcement Officer	X	

Chair Provenzano explained that Governor Lamont has allowed for a 90 day extension on all Land Use applications during the COVID-19 Pandemic. Also, she explained if any applicants have any technical difficulties during the meeting that Mr. Flanagan would contact them.

ADMINISTRATIVE MATTERS:

1. Approval of Minutes – January 27, 2020, special; February 12, 2020, regular and March 11, 2020, regular.

Chair Provenzano designated Commissioners Gagnon, White, Harlow, Massarelli and Provenzano vote on the January 27, 2020 special minutes.

MOTION: Move to approve the minutes of the January 27, 2020, special meeting.

By: Harlow

Seconded: Gagnon.

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

Against: None.

Abstained: None.

Chair Provenzano designated Commissioners Gagnon, White, Harlow and Provenzano to vote on the February 12, 2020 regular meeting minutes.

MOTION: Move to approve the minutes of the February 12, 2020, regular meeting.

By: White

Seconded: Harlow.

For: Gagnon, White, Harlow and Provenzano.

Against: None.

Abstained: None.

Chair Provenzano designated Commissioners Marra, Harlow, White, Massarelli and Provenzano to vote on the March 11, 2020 regular meeting minutes.

MOTION: Move to approve the minutes of the March 11, 2020, regular meeting.

By: White Seconded: Marra.

For: White, Harlow, Massarelli, 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: the Zoning Enforcement Officer's April report, dated May 1, 2020. Mr. Spyros reviewed his report. He explained the Commission may contact him for any concerns. After inquiry by the Commission, Mr. Spyros explained the trend for May similar to April's activity with very little activity.

RECEIPT OF NEW APPLICATIONS:

Chair Provenzano designated regular Commissioner Harlow, White, Massarelli and Provenzano to vote on the receipt of new applications. She also designated alternate Commissioner Gagnon to vote on the receipt of new applications.

1. Application #2368 – Special Permit for parking for a public school on a separate lot under different ownership at an easterly portion of 18 Main Street; Assessor's Map 30, Lot 96 (pt); I (General Industrial) and BD-1 (Downtown Business) zones; City of Bristol Department of Public Works, applicant.
2. Application #2369 – Revision to an Approved Site Plan for a public school at 100 and 120 Memorial Boulevard and an easterly portion of 18 Main Street; Assessor's Map 30, Lot 114-1, 114 & 96 (pt); R-40 (Single-Family Residential), I (General Industrial) and BD-1 (Downtown Business) zones; City of Bristol Department of Public Works, applicant.
3. Application #2370 – Special Permit for a home-based business (dietary supplements) at 140 Fern Hill Road; Assessor's Map 55, Lot 96-E1-2-97; R-25 (Single-Family Residential) zone; Michael Zammett, applicant.
4. Application #2371 – Special Permit for removal and processing of earth materials at south and southeast of Barlow Street, south and west of Martin Road, south of Arcadia Road, and north of Farrell Avenue; 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 Overlay) zone; Trademark Acquisitions, LLC, Arcadia Group, LLC and Arcadia Acres LLC, applicants.

Mr. Flanagan explained that with respect to Applications #2368 and #2369, a previous plan which involved a zone change application and associated site plan was reviewed last year with the Commission for the redevelopment of the Memorial Boulevard School, but there have been changes to the Site Plan and the permitting for parking. He requested the Commission review these applications at a Special Meeting on June 4, 2020.

MOTION: Move to schedule Applications #2368 and #2369 for a public hearing for the June 4, 2020, special meeting of the Commission.

By: Massarelli Seconded: White.

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

The Applications #2368 and #2369 were scheduled for public hearing.

MOTION: Move to schedule Application #2370 for a public hearing for the July 8, 2020, regular meeting of the Commission.

By: Massarelli Seconded: Harlow.

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

The application is scheduled for public hearing.

MOTION: Move to schedule Application #2371 for a public hearing for the July 8, 2020, regular meeting of the Commission.

By: Massarelli Seconded: Harlow.

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

The application is scheduled for public hearing.

PUBLIC HEARINGS:

- 5. Application #2359 – Special Permit for an accessory dwelling unit at 184 Diane Lane; Assessor’s Map 2, Lot 131-17; R-15 (Single-Family Residential) zone; Shelly Kloss, applicant.

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

The Commission acknowledged receipt of the following item in their electronic packets: a notarized affidavit, dated February 19, 2020, from Shelly Kloss.

Shelly Kloss, 184 Diane Lane, explained the request was for an accessory dwelling unit for an accessory dwelling unit. The plan was the same as previously approved. In 2017, she did not receive and was unaware of the Special Permit had lapsed. She had discovered this when she had paid for a second trash barrel and staff checked the records for the information on this property.

After inquiries by the Commission, Ms. Kloss explained the accessory dwelling is on the second floor. The doorway for the second floor was part of a previous, but it has now been closed off. There is one egress from second floor. After inquiries by Mr. Flanagan, Ms. Kloss explained her mother-in-law has lived at the accessory dwelling since it was built.

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

The hearing is closed.

By: Massarelli Seconded: White.

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

MOTION: Move that Application #2359 – Special Permit for an accessory dwelling unit at 184 Diane Lane; Assessor’s Map 2, Lot 131-17; R-15 (Single-Family Residential) zone; Shelly Kloss, applicant, be approved, with the stipulation of that an updated schematic be reviewed with the City Planner and be made part of the file.

By: Massarelli Seconded: Marra.

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

- 6. Application #2360 – Special Permit for an assisted living facility and small car parking at west of North Main Street and south of North Street (Route 6); Assessor’s Map 23, Lots 162-164; BD-1 (Downtown Business) zone; Bristol OZ OPCO, LLC, applicant.
- 7. Application #2361 – Site Plan for an assisted living facility and small car parking at west of North Main Street and south of North Street (Route 6) Assessor’s Map 23, Lots 162-164; BD-1 (Downtown Business) zone; Bristol OZ OPCO, LLC, applicant.

Chair Provenzano explained that Applications #2360 and #2361 would be heard concurrently, but voted on separately.

The Commission acknowledged receipt of the following items in their electronic packets: a legal notice that was advertised by Attorney James Ziogas, on behalf of the applicant, regarding the Zoning Enforcement Officer's decision on the applications; an updated zoning data table, entitled "*Zoning Data, Zoning District: Downtown Business Zone (BD1), Permitted Use: Assisted Living as Allowed by Special Permit per Section VI.C.3.i, Building/Lot Standards: per Section VI.C.6.b. Table of Building Form Standards*"; the second set of Site Plan comments, dated May 7, 2020 and a copy of the building elevation maps submitted to the Zoning Board of Appeals, prepared by EGA Architects.

Chair Provenzano explained there would be one round of comments with the public and for the applicant and their representatives to be attentive of this. Mr. Flanagan explained the applicant had submitted some additional PDF documents for the applications, which the applicant's engineer, Patrick Mixdorf, P.E., would be reviewing with the Commission.

Attorney James Ziogas, 104 Bellevue Avenue, on behalf of the applicant, explained Senior Living Development, LLC was the property owner, specialized construction of senior living developments. The applicant was committed to constructing the project that was needed in the community. The only additional assisted living facility was Shady Oaks on Stevens Street (23 rooms.) This facility is inadequate for the needs of the City. The modern facility would be constructed for the needs of the population with assisted living units and memory care units with economical rates. The request is for two Special Permits on this vacant gateway property (.9286 acres) for an assisted living facility and small car parking. There is existing City sewer and water services. The proposed 59,289 sq. ft. building is five stories; 43 assisted living units (2 bed units); 14 memory care units (2 bed units); 3 studio units (1 bed units) (total 117 beds.)

Regarding parking, 47 parking spaces are required and there would be 8 small car parking spaces (8 ft. X 16 ft.) with required signage because of the topography that required a 2 ft. retaining wall (southwest.) There is a request to reduce the west buffer from 5 ft. to 2.5 ft. because of the elevation. As such, they discussed this with the neighbor and they agreed to a white vinyl fence.

There is a request to reduce the two loading docks to one loading dock. The applicant was approved by the Zoning Board of Appeals (ZBA) for three Variances for grading in excess of 3%, a reduction of the building fenestration, and a reduced sidewalk width, which he reviewed.

Attorney Ziogas reviewed the following Zoning Regulations for the BD-1 zone. The building is 6.5 ft. from the build-to line; the floor area ratio (FAR) is 1.46; five story building; 62.2 ft. building height; building fenestration was compliant (ZBA Variance.) There would be no public entrance for safety concerns, which the Zoning Enforcement Officer had provided an opinion letter. The applicant published a legal notice for any appeals and none were received.

Mark De Pecol, General Manager and Principal of Senior Living Advisors, Ltd. and also Principal of Bristol OZ OPCO, LLC, 857 Post Road, Fairfield, on behalf of the applicant, explained this would be a facility of reasonably priced units for the elderly for an assisted living facility and memory care residency. Because this is a new facility, there were modern amenities, such as air disinfectant for viruses, remote visitations, tele-medicine along with Staff and visitor de-sanitization.

The building design would complement the existing buildings in the area. The facility had many benefits for patients. This is not a skilled nursing facility and there are no doctors on site, but professional medical workers. They would own the facility for about ten years. The lights are off at 9:00 P.M. There were little requirements on City services. There are about 80 employees (25 employees 1st shift; 15 employees 2nd shift and 10 employees 3rd shift.) The rooms are two companion private bedrooms and shared a living areas. There is a memory care floor with specialized staff. There is a shuttle bus on site. He reviewed their team members and their specialties.

Kermit Hua, P.E., P.T.O.E., of KWH Enterprise, Meriden, reviewed the traffic report with the Commission. The peak hours were 22, 30 and 30 trips, respectively, during the weekday A.M., weekday afternoon and weekday midday. There would likely be one vehicle every few minutes, so it had a low traffic impact. Most of the residents of this facility do not drive. After construction, the North Street intersection would remain a level "B" service. Regarding accident records on North St. and North Main St., there were no concerns.

Patrick Mixdorf, AIA, the applicant's architect, of EGA Architects, 1 Vernon St, Newburyport, MA 01950, reviewed the building design and the floor plan.

He explained this plan would fill out the street scape and intersections of North St. and North Main St. The building material would be brick and stucco. They added dormers to the rooms for more architectural interest. The first floor has a common room, dining area and patio area for the residents. The building was constructed of non-combustible construction and a sprinkler system. There is a ramp for the loading dock because of the 7 ft. grade elevation. The second and third floor, respectively, are mainly the

assisted living units and memory care units with a dining area. The fourth and fifth floors, respectively, are assisted living units and common areas.

Jenna Kakinsky, AIA, Landscape Architect, (address/company) EGA Architects, 1 Vernon St, Newburyport, MA 01950, reviewed the landscaping plan with the Commission. She explained their objective was to create an outdoor living area for the residents and for the City residents to enjoy the aesthetic of the building and the plantings. On the first floor there is a large outdoor garden and on the second and third floors there are terraces. There would be a number of lightweight planters with various plantings in them, which was typical for a property such as this.

Attorney Ziogas apologized that Ms. Kakinsky's review was not heard that well because of a connection issue. To the south of the site was a property owned by Sean and Lucy Casey that had a building wall made of brick and they agreed to a landscaping plan; additionally, their roof leader water to be redirected to the City drainage system.

Mark Lancor, Civil Engineer, 800 Main St., Southbury, explained the 14 ft. grade change from North Main St. to North St. was the reason for the Variance to allow for the 5% grade. There were challenges for the utilities which included sewers and the drainage system. Regarding the church's and also the Niman's existing sewer systems (to the west), they would be directed to the City system. Regarding Sean and Lucy Casey, they have had flooding in their basement and also their down spout flooded the applicant's property, which would be connected to the applicant's drainage system. The storm water system complied for the storm water quality regulations. The property will have public gas; water utilities and pressure in the downtown area were sufficient for the project.

Attorney Ziogas explained the applicant resolved most of the comments, but there were a few outstanding such as calculations that were submitted to the City Engineer. The Water Department had comments and they would work with them and also Staff. He noted the City Planner had high standards for this property because it was a gateway property.

The Commission commented this was a highly trafficked intersection, but the report stated up to one vehicle per two minutes that would not hold up the project. The Commission was pleased the applicant worked with the neighbors. This plan would improve the City of Bristol.

After inquiries by the Commission, respectively, Attorney Ziogas explained these were a full ingress and egress on North Main Street with a right and left turn. Also, Mr. Lancor explained that ingress and egress would be cut back to the sidewalk but the sidewalk would continue similar to North Main Street's existing sidewalks.

Mr. DePecol reviewed that residents would share a bathroom, common areas and a kitchenette but have their own private bedrooms. He explained there would not be many residents driving vehicles. The memory care units had dedicated staff and a secured area.

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

Mr. Flanagan reviewed the Bingham School redevelopment to the west and that this proposed building was a great introduction and gateway to downtown. After inquiries by Mr. Flanagan, Attorney Ziogas explained the west property boundary landscaped screening was reduced near the driveway and near the neighbor's driveway, which they are requesting from 5 ft. to 2.5 ft. with a privacy fence. The two loading docks are being requested to be reduced to one loading dock based on the sq. ft., which the Commission can regulate.

The hearing #2360 is closed.

By: Massarelli

Seconded: Marra.

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

Against: None.

Abstained: None.

The Commission was pleased a project was being built on this corner. They agreed with the engineered plan for the small car parking. The Special Permit was a good use of the property and was appropriate for the site.

MOTION: Move that Application #2360 – Special Permit for an assisted living facility and small car parking at west of North Main Street and south of North Street (Route 6); Assessor’s Map 23, Lots 162-164; BD-1 (Downtown Business) zone; Bristol OZ OPCO, LLC, applicant, be approved.

By: Massarelli

Seconded: Harlow.

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

Against: None.

Abstained: None.

The Application #2360 is approved.

The hearing #2361 is closed.

By: Massarelli

Seconded: Marra.

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

Against: None.

Abstained: None.

The Commission had no concerns because of the extensive review of the plans.

MOTION: Move that Application #2361 – Site Plan for an assisted living facility and small car parking at west of North Main Street and south of North Street (Route 6) Assessor’s Map 23, Lots 162-164; BD-1 (Downtown Business) zone; Bristol OZ OPCO, 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 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.
3. Evidence of the merger (map and deed) of Map 23, Lot 164 with Map 23, Lots 162 & 163, must be presented to Staff for approval and then depicted as such on the final Site Plan, prior to plan sign-off.
4. Evidence of recorded easements for plantings, a green screen trellis and other landscaping improvements bordering the south and southwest portion of the property, more accurately described as 453 North Main Street, Map 23, Lot 171, must be presented to Staff for approval prior to plan sign-off.
5. Evidence of approval by the State of Connecticut or a recorded easements for plantings and other landscaping improvements within the State of Connecticut Route 6 Right-of-Way, more accurately described as the corner of North Main Street and North Street (Route 6), must be presented to Staff for approval prior to plan sign-off.
6. Required buffer on the western property line shall be reduced to the size depicted on the site plan.
7. Reduce the required number of loading spaces from two to one.

By: Massarelli

Seconded: Marra.

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

Against: None.

Abstained: None.

The application #2361 is approved with stipulations.

After inquiry by Chair Provenzano, the Commission agreed to continue the meeting until 11:00 P.M. if necessary. She also declared a recess at 9:08 P.M.; the meeting resumed at 9:13 P.M.

- 8. Application #2362 – Special Permit for motor vehicle filling station with a convenience store at 50 Terryville Avenue; Assessor’s Map 22, Lot 10; BG (General Business) zone; ZMA Real Estate, LLC/ ANZ Petroleum, Inc., applicants.
- 9. Application #2363 – Site Plan for motor vehicle filling station with a convenience store at 50 Terryville Avenue; Assessor’s Map 22, Lot 10; BG (General Business) zone; ZMA Real Estate, LLC/ ANZ Petroleum, Inc., applicants.

The Commission acknowledged receipt of the following items in their electronic packets: an LID statement from applicant; an Inland Wetlands Commission approval letter dated May 15, 2020; a letter dated April 23, 2020, from David Hughes, P.E., L.S., regarding the low impact narrative for the site; a letter dated May 5, 2020, from David Aucoin, P.E., of PES Structural Engineers, regarding structural engineering of the retaining wall; an environmental safety report, revised date October 23, 2014, from Riaz Uddin, of ANZ Petroleum, Inc.

Attorney James Ziogas, 104 Bellevue Avenue, on behalf of the applicants, explained this property was to the west of the previous application. The property was a former motorcycle repair facility, but the property and the building were rundown. The building was demolished and the property is now a vacant lot (.608 acres); the property has existing City sewer and water services and 151.3 ft. of frontage on Terryville Ave. The proposed plan is compliant for a four-pump gas station with a canopy and a 2182 sq. ft. convenience store. The applicant received an Inland Wetlands Commission approval for an uplands review area. The plan required 12 parking spaces and were provided; also, the gas pump areas are considered parking spaces, therefore, there is adequate parking.

Scott Hesketh, Traffic Engineer, of F.A. Hesketh; F. A. Hesketh & Associates, Inc., 3 Creamery Brook East Granby, reviewed the traffic report with the Commission. The average traffic on Route 6 was 13,100; the A.M. and afternoon peak hours, respectively, were 800 and 1,100 vehicles. The ConnDOT traffic decreased from the years 2006 to 2015, but a 2020 to 2022 background was used. There is now one additional facility to consider approved this evening, but it had low traffic. Based on the report, the A.M. peak and afternoon peak hours, respectively, were 120 and 206 vehicles. He reviewed the traffic percentages (east or west direction); also, traffic added to background traffic. One driveway was sufficient, but two driveways would function better.

David Hughes, C.E., L.S., 57 Norway St., Oakville, on behalf of the applicant, reviewed the revised survey plan based on the comments and review from last year with Carol Noble, Environmental Engineer and Mr. Flanagan. The property has little vegetation and all existing trees would remain. The proposed building is 58 ft. X 36 sq. ft. and the canopy is 32 X 52 ft. There will be two islands and four dispensing pumps. Regarding parking, there are 2 onsite parking spaces, 8 off street parking spaces and 2 handicapped parking spaces. There are two curb cuts because the one curb cut was not sufficient for fuel truck delivery. There was a comment to add a crosswalk from the fuel dispenser area to the building.

Jeffrey Jahnke, P.E., AIA, of Jahnke Architecture, 91 Warrenton Ave., Hartford, reviewed the architectural plans and floor plans. The building is prefabricated to reduce construction time and traffic impacts. The building height was reduced to 18 ft. at the peak; the canopy height is 16.9 ft.

Attorney Ziogas suggested the Commission have their inquiries now but most of the comments have been addressed.

After inquiries by the Commission, Riaz Uddin, of ANZ Petroleum, Inc., 8 Burnham St., Terryville, explained the facility would be closed at 11:00 P.M. and the gas deliveries would be after 11:00 P.M., so there would be no problems with vehicles. The business hours were from 5:00 P.M. to 11:00 P.M. seven days a week.

After inquiries by the Commission, respectively, Mr. Hughes explained there were two curb cuts for the truck radius to exit the site, but the one curb cut was an insufficient width for ConnDOT. The delivery trucks were SU-30’s in the loading dock area.

No one else spoke in favor of the applications.

No one spoke against the applications.

Mr. Flanagan explained the comments were addressed, but he had a comment of any bright lighting under the overhangs, which he said should comply with the Regulations. The plan needs the ConnDOT sign off. The City Engineer needs to review the plans and comment. But, his opinion was the plan was ready to vote on this evening.

The hearing#2362 is closed.

By: Massarelli

Seconded: White.

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

Against: None.

Abstained: None.

The Commission commented that they had the same concerns of there being outstanding comments, but there would be a few one more review with Staff before the plan is constructed. Mr. Flanagan explained there were some concern about the watercourse and building in close proximity to it, but it was not a perfect property. The plan was at a point to be approved.

MOTION: Move that Application #2362 – Special Permit for motor vehicle filling station with a convenience store at 50 Terryville Avenue; Assessor’s Map 22, Lot 10; BG (General Business) zone; ZMA Real Estate, LLC/ ANZ Petroleum, Inc., applicants, be approved.

By: Massarelli

Seconded: Marra.

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

Against: None.

Abstained: None.

The Application #2362 is approved.

The hearing #2363 is closed.

By: Massarelli

Seconded: Marra.

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

Against: None.

Abstained: None.

MOTION: Move that Application #2363 – Site Plan for motor vehicle filling station with a convenience store at 50 Terryville Avenue; Assessor’s Map 22, Lot 10; BG (General Business) zone; ZMA Real Estate, LLC/ ANZ Petroleum, Inc., applicants, 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.

(The second stipulation was not read into the record.)

By: Massarelli

Seconded: Harlow.

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

Against: None.

Abstained: None.

The Application #2363 is approved with stipulations.

10. Application #2364 – Special Permit for fast-food restaurant with drive-up window at 597 Farmington Avenue; Assessor’s Map 53, Lot 128B; BG (General Business) zone; Federal Realty Investment Trust, applicant.
11. Application #2365 – Special Permit for drive-up automated teller machine (ATM) at 597 Farmington Avenue; Assessor’s Map 53, Lot 128B; BG (General Business) zone; Federal Realty Investment Trust, applicant.
12. Application #2366 – Special Permit for small car parking at 597 Farmington Avenue; Assessor’s Map 53, Lot 128F-1; BG (General Business) zone; Federal Realty Investment Trust, applicant.
13. Application #2367 – Revision to an Approved Site Plan for 1) fast-food restaurant with drive-up window; 2) drive-up automated teller machine (ATM); 3) small car parking; 4) addition of loading dock and fit-out for new tenants at 597 Farmington Avenue; Assessor’s Map 53, Lots 128B & 128F-1; BG (General Business) zone; Federal Realty Investment Trust, applicant.

Chair Provenzano noted Applications #2364, #2365, #2366 and #2367 would be heard concurrently, but voted on separately.

The Commission acknowledged receipt of the following items in their electronic packets: an e-mail dated May 8, 2020, from Sean O'Neill and Maxwell Mak; a letter undated from Sean O'Neill and Maxwell Mak, regarding complaints; the second set of Site Plan comments dated May 18, 2020 and a response letter of comments from the applicant, dated 2020.

Mr. Flanagan noted that there are Site Plan comments, but he was still awaiting a Staff responses for the comments.

Attorney Mark Ziogas, 104 North Street, on behalf of the applicant, explained the request was for a drive thru window with a fast-food restaurant, automated teller machine (ATM), small car parking, and addition of a loading dock and fit out for new tenants. He explained a letter from the resident at 127 Dorothy Road was sent to the Land Use Office. The improvements are inside the plaza with existing buildings with the exception of the ATM. There would be no traffic exiting onto Dorothy Road, so the traffic would not change and there will be no construction. These residents had concerns about the fence. David Webster, property manager, would meet with the residents to resolve concerns. This letter was received yesterday from Mr. Flanagan and Attorney Ziogas wanted to address this concern as soon as possible.

Regarding the fast food restaurant, Attorney Ziogas explained the optometrist office was vacant and the fast food restaurant with drive thru window would be going in that location. This location previously had a drive thru window that was demolished, but it was being requested to be reconstructed that would queue 9 vehicles, which was a typical queue. His opinion was with that drive thru windows were necessary for restaurants to survive because some restaurants would likely not reopen after the pandemic.

Regarding the ATM, this would be to the rear of the Ocean State Job Lot building near the Stop & Shop gas station. He explained the traffic pattern entering from Farmington Avenue to the drive isle and egress to Farmington Avenue, so additional traffic would not be on Dorothy Road. The parking would not be reduced, but the parking lot on Dorothy Road and Hepburn Road would be revised to small car parking to comply with Regulations. The new tenants, Burlington and Five Below, were going into the plaza and the building elevations and loading dock would be upgraded.

Paul Vitaliano, Director of Land Development, P.E., of VHB, 100 Great Meadow Road, Wethersfield, on behalf of the applicant, explained no square footage would be added to the building for the new tenants. The three vacant tenant spaces would be revised to two tenant spaces; two sheds removed; loading dock would remain and a trash compactor added (fenced and screened.) Therefore, the parking spaces would be reduced for compliance. There would be no vehicles parking to the rear of Ocean State Job Lot.

After inquiries by Mr. Flanagan, Mr. Vitaliano explained the applicant agreed to increase the landscaping near the ATM to screen the neighbors. After inquiries by the Commission, Mr. Vitaliano explained there were no irrigation plans, but there is an existing irrigation for the property. The Commission commented the repurposed building would be good for business. They were pleased the letter was addressed for the resident.

No one else spoke in favor of the applications.

The following persons were not against the application, but had inquiries: Hope Helbie, 121 Dorothy Rd. and Sean O'Neill, 127 Dorothy Rd. Among Ms. Helbie's inquiries were of the area to the rear of Ocean State Job Lot (OSJL.) She understood the ATM near Ocean State Job Lot, but there would be traffic speeding and exiting on Dorothy Rd. There are children in that area, which was a concern. She inquired if this plan would close the access to Dorothy Rd. The stop sign (east) on Dorothy Rd. may remain because very few people stop it. The OSJL facility puts snow on the lot (not specified), but hoped they do not continue this. The trucks remove the snow from 6:00 P.M. to 11:00 P.M. and disrupts the neighbors from sleeping with the noise.

Mr. O'Neill explained he submitted the letter to the Commission. With the explanation, he does not have any concerns of the restaurant. He was concerned about the ATM and the area security. No one from management has contacted him about the fence that borders his property. There was likely going to be more traffic behind OSJL with the ATM. He disagreed in that people would use Dorothy Rd. because they would not want to go back out onto Farmington Ave., therefore, there would be increased traffic on Dorothy Rd. He inquired of the lighting plans and security plans for the ATM because it would be open 24/7.

Attorney Ziogas explained the existing ATM at Webster Bank had two drive thru windows. The ATM would have a lighting plan and security cameras. His opinion was vehicles would enter from Farmington Avenue, so they would likely not go to Dorothy Rd. if they go toward the OSJL, but egress to Farmington Ave.

The Commission did not vote on the motion to withdraw, but moved to close Application #2367.

The hearing #2367 is closed.

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

Seconded: White.

MOTION: Move that Application #2367 – Revision to an Approved Site Plan for 1) fast-food restaurant with drive-up window; 2) drive-up automated teller machine (ATM); 3) small car parking; 4) addition of loading dock and fit-out for new tenants at 597 Farmington Avenue; Assessor’s Map 53, Lots 128B & 128F-1; BG (General Business) zone; Federal Realty Investment Trust, 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, 2021, shall be bonded in accordance with Section XI.A.16. of the Zoning Regulations.

By: Massarelli
 For: Marra, White, Massarelli, Harlow and Provenzano.
 Against: None.
 Abstained: None.
 The Application #2367 is approved with stipulations.

Seconded: Harlow.

Old Business

There was no old business.

New Business

Chair Provenzano requested the items under New Business, #16 and #17, be tabled to the June 10, 2020, regular meeting of the Commission on June 10, 2020.

16. Update of Alternative Signage Program at 597 Farmington Avenue (Bristol Plaza); Assessor’s Map 53, Lot 128B; BG (General Business) zone; Federal Realty Investment Trust, applicant.
17. Earth Removal Annual Report – Application #2296; at south and southeast of Barlow Street, south and west of Martin Road, south of Arcadia Road, and north of Farrell Avenue; 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 Overlay) zone; Submitted by: Trademark Acquisitions, LLC.

City Council and Other Referrals

There was no City Council and other referrals.

City Planners Report

18. Executive Order #7 – Discussion w/ Commission.

Mr. Flanagan reviewed Executive Order #7 from Governor Lamont, but he encouraged the Commission to read the Order and to call him or e-mail him with any questions. The Order issued has suspended the in person meeting requirement, which was the reason for this meeting online. Also, he reviewed the time lines and extensions for applications, which essentially added 90 days to each Land Use application. The Land Use Office policy does not want development applications to expire because of the COVID-19 emergency. An additional Executive Order was issued to allow outdoor dining. The Governor waived the Regulations to allow outdoor dining and empowered various officials to issue permits. All of the City departments are working with business owners.

19. The Commission acknowledged receipt of the following item in their electronic packet: a letter dated March 11, 2020, from Therese Pac, Town and City Clerk, regarding the appointment of Thomas Marra as a regular member to the Commission.

ADJOURNMENT

MOTION: Move to adjourn at 11:50 P.M.

By: Massarelli

Seconded: White.

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

Against: None.

Abstained: None.

This meeting was taped.

Respectfully submitted,

Nancy King
Recording Secretary

Louise Provenzano, Chair

David White, Secretary