

**BRISTOL ZONING COMMISSION
MINUTES
REGULAR MEETING OF WEDNESDAY JUNE 10, 2020**

CALL TO ORDER:

By: Acting Chair Provenzano

Time: 7:03 P.M.

Place: City Hall

ROLL CALL:

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

ADMINISTRATIVE MATTERS

1. Approval of Minutes
Zoning Enforcement Officer's Report

Chair Provenzano designated regular Commissioners Massarelli, Harlow, White and Provenzano to vote on the May 13, 2020 regular minutes. She also designated alternate Commissioner Tyler to vote on the May 13, 2020 regular minutes in place of Commissioner Marra because he was having technical difficulties this evening.

MOTION: Move to approve the minutes of the May, 13, 2020, regular meeting.

By: White

Seconded: Harlow.

Mr. Flanagan explained Commissioner Massarelli sent him an e-mail this afternoon regarding corrections to his name, which were corrected today.

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

Item #2. Under Administrative Matters, was taken out of order.

2. Zoning Enforcement Officer's Report

Mr. Spyros was having technical difficulties; therefore, Chair Provenzano suggest this item be heard later during the meeting. The Commission agreed.

RECEIPT OF NEW APPLICATIONS:

2. Application #2372 – Proposed amendments to the Zoning Regulations: to add drive-up facilities, including those which are part of a use otherwise permitted by right, with a minimum area of 3 acres, but excluding car and truck washes as a Special Permit use in the Downtown Business (BD) zones (Section V1.C.3.c.); Attorney James Ziogas, applicant.
3. Application #2373 – Special Permit for an accessory dwelling unit at 88 Buff Road; Assessor's Map 2, Lot 10-3; R-15 (Single-Family Residential) zone; Edythe Sirica, applicant.

Public Hearings

- 5. 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.

Chair Provenzano designated regular Commissioners Massarelli, Harlow, White and Provenzano to vote on Application #2370. She also designated alternate Commissioner Gagnon to sit in place of Commissioner Marra because he was having technical difficulties this evening.

The Commission acknowledged receipt of the following item in their electronic packets: a narrative of the request entitled *"Additional Information Comments narrative, undated."*

Michael Zammett, 140 Fern Hill Road, explained his request was for a dietary supplements company as a small business in his home and hopefully the business would expand to a brick and mortar store. But, he wanted to start the business in his house for now. He spoke with the Bristol Burlington Health Department about the plan and they had no concerns. The Bristol Burlington Health District suggested to speak with the CT Department of Consumer Protection (DCP), which he met all their requirements for the plan. He would also make the business official with the Food and Drug Administration (FDA), which was not a requirement.

The space in the house was about 10 ft. by 3 ft. that was basically a closet, which was revamped for his business needs. He would take his resources and reformulate capsules for dietary supplements and "gummy capsules." He would not be manufacturing any raw goods for resources and there would be no additional Regulations for registration with the FDA or DCP.

There would be two to three vehicles coming to the site per week, so there will be minimal traffic and there would be no signs on the property, but the business would essentially be e-commerce based. He will abide by all local, State and Federal Regulations for good manufacturing practices. In March 2020 he received food health safety certification. There is existing City water and sewer services on the property. He summarized he would start the business small for feasibility and then expand the business to brick and mortar, if he is successful. He wanted to make sure the brand would be trusted and a lot of requirements were not necessary but he went above and beyond the requirements.

The Commission commented this was interesting and thanked him for preparing the application.

After inquiries by the Commission, Mr. Zammett explained this would be an e-commerce business and there would be no traffic. At the request of the Commission, Mr. Zammett explained his history of working in various medical departments; maintaining sterile practices and sterile manufacturing. He noted the FDA Regulations are large. He has been doing this as a hobby and then he expanded the business as a result. He would mail out packages with the UPS Store, U.S. Post Office and occasional UPS Store or U.S. Postal Office to pick up some of the packages.

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

Mr. Flanagan had no concerns regarding the application and the Staff was in favor of the application.

The hearing is closed.

By: Massarelli

Seconded: White.

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

Against: None.

Abstained: None.

The Commission commented the City Planner has reviewed the application and there did not appear to be any impacts on the neighbors. The Commission commended the applicant on the application details for the business to be in proper order. There were no concerns for the application and they were in favor of the application.

MOTION: Move that 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, be approved.

By: Massarelli

Seconded: Harlow.

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

The application is approved.

OLD BUSINESS

6. Application #2296 – Earth Removal Annual Report 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.

Chair Provenzano designated regular Commissioners Massarelli, Harlow, White and Provenzano to vote on Application #2370. She also designated alternate Commissioner Tyler to sit in place of Commissioner Marra because he was having technical difficulties this evening.

The Commission acknowledged receipt of the following items in their electronic packets: a continuation letter from the Zoning Commission to Trademark Acquisitions, LLC, dated May 14, 2020; an Earth Removal Progress Report, for Laurentide Glen Subdivision, dated April 18, 2020, from Gino P. Troiano, Jr., P.E., of Trademark Acquisitions, LLC; a Cease and Desist Order letter from Edward Spyros, Zoning Enforcement Officer to Trademark Acquisitions, LLC, dated March 10, 2020 (attached Excerpt from Notes on original approved plan for earth removal; a letter dated March 10, 2020, from Gino Troiano, Jr., P.E., Trademark Acquisitions, LLC to Edward Spyros, Zoning Enforcement Officer and a copy of the Site Plan, (Sheets SCT-1 to SCT-4.)

Mr. Flanagan explained he spoke with Mr. Troiano and Attorney Ziogas this morning regarding the report.

Attorney Mark Ziogas, 104 North Street, on behalf of the applicant, explained this was an annual report was a few months late. The project was started July 10, 2019 with the DEEP permits for the drainage and various items. If the Commission reviewed the property, there was a lot of work done that including:

1. Demolishing part of Arcadia Road;
2. Constructing a hammerhead turnaround and a cul-de-sac on Martin Road, which were all finished;
3. The turnaround for buses has been constructed on Farrell Avenue to go down the street to pick up children at the turnaround. Therefore, the children do not have to walk in front of the construction site or near the truck traffic;
4. The temporary road to get to the top of the bank was a little difficult to construct, but the temporary drainage and erosion control devices were constructed.

There were concerns of stockpiles, but there was not a lot that may be done because of the project size and it was needed for the plans. The subdivision has begun construction on Barlow Street with the road construction and the drainage system and the stockpiles were needed to cover the slopes after the sand removal.

The gravel from the first 3 ft. of the site has been used for the temporary road, road basin and drainage system. The total materials removed was 30,000 cubic yards and 7,250 cubic yards of sand was taken off site. The remainder was stockpiled.

Mr. Flanagan explained the application next month would include processing of materials to renew the permit for two years, if approved. The applicant did not appeal the Order to the Zoning Board of Appeals. He summarized Mr. Spyros’ letter.

After inquiries by Mr. Flanagan, Attorney Ziogas reviewed the Cease and Desist Order issued for processing materials and how they intend to resolve it. They stopped processing materials and work on the site. There was a portable pressure screener on site and earth excavation, but they would be using the screener. The applicant was under the impression screener was allowed on site because materials were not being taken off site and was used for screening gravel as he described.

Mr. Flanagan wanted the report reviewed because of the Cease and Desist, but more so for informational purposes because a new application was filed with a public hearing next month.

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

NEW BUSINESS

- 7. Application #2277 – Request to amend phasing plan for open space development on the south side of Allentown Road; 365 Allentown Road; Assessor’s Map 9, Lot 13; R-25/OSD (Single-Family Residential/Open Space Development Overlay) zone; LePage Homes LLC, applicant/owner.

Chair Provenzano designated regular Commissioners Massarelli, Harlow, White and Provenzano to vote on Application #2277. She also designated alternate Commissioner Tyler to vote on Application #2277 in place of Commissioner Marra because he was having technical difficulties this evening.

The Commission acknowledged receipt of the following items in their electronic packets: a copy of the previous approved application, dated May 9, 2018 and a copy of the previous approved Site Plan for Phasing of the Layout Plan, Pages One to Three, Grading and Drainage Plan, Page Two of Three and Landscape Plan Page Three of Three (3 pages).

Mr. Flanagan explained he received a phone call last week from the Woodshire developer (Mr. LePage) and he wanted to make a small change to the phasing plan for the development.

It was Mr. Flanagan’s opinion that this change does not require a new application as the request itself is relatively minor in nature. There are four phases currently on the plan and the developer wanted to relocate one house, Unit #15, from Phase Four to Phase Three. The property has significant inland wetlands and there is open space set asides, which would preserve the land forever.

He reviewed aerial photographs of the plans and the progress of the various neighborhoods being built in this part of the City. There is \$250,000 of bonding in place. Phase Four should be finished within two years. He encouraged the Commission to review this plan and take a drive through these neighborhoods because they would be impressed with the workmanship, which would improve Bristol.

The Commission commented they reviewed this project and it is a quality development. Their opinion was it would be beneficial to develop the residential area. The Commission and Mr. Flanagan agreed the developer should have called in this evening.

MOTION Move that Application #2277 – Request to amend the phasing plan for open space development on the south side of Allentown Road; 365 Allentown Road; Assessor’s Map 9, Lot 13; R-25/OSD (Single-Family Residential/Open Space Development Overlay) zone; LePage Homes LLC, applicant/owner be approved and the map entitled “Improvement Location Survey” Sheet 1 of 3 with a last revision date of June 4, 2020, prepared by the Bongiovanni Group for LePage Homes, Inc., which depicts Map 9 Lot 13-15 moving from Phase 4 to Phase 3, shall become effective upon approval by the Commission.

By: Massarelli

Seconded: White.

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

Against: None.

Abstained: None.

The application is approved with stipulations.

The Commission resumed the Zoning Enforcement Officer’s Report.

Administrative Matters

- 2. Zoning Enforcement Officer's Report

The Board acknowledged receipt of the following item in their electronic packets: the Zoning Enforcement Officers report for May, dated June 1, 2020.

Mr. Spyros reviewed his Zoning Enforcement Officer’s report with property maintenance and blight being about half the complaints. There were 44 citations issued (39 for two properties.) There are two properties owned by the same person with boarding houses that were in violation of a Superior Court order, which is being issued two Citations every day for each of the boarding house. After inquiries by the Commission, Mr. Spyros explained the fines were about \$38,000 since May 1st, but the property owner would likely appeal.

City Council and Other Referrals

There were no City Council and Other Referrals.

City Planners Report

The Commission and Mr. Flanagan discussed with the Commission their performance statistics.

Chair Provenzano request statistics from Mr. Flanagan to make the point that the Commission is business friendly. Also, the Commission was asked to do away with the 10 PM curfew in December 2018. At that time, the Commission requested statistics on how long each application takes to process. The Commission decided at that time to retain the curfew but the Commission compromised to continue any application that was not concluded on the previous Wednesday, would be continued to the following Monday. However, this has not happened once. Additionally, there were seven special meetings this year alone, but they were not because of continuing any applications from their curfew.

Mr. Flanagan reviewed the State Statute of the 65/35/65 timeline process to open, review, continue and vote on applications. In addition, Governor Lamont issued an executive order to extend applications by an additional 90 days during the pandemic, if necessary. The goal was to not have any applications be denied for a lack of time to process. The Commission has an overall 97% approval rating for 127 applications over the past three and a half years; those applications had an average processing time of 39.866 days. Chair Provenzano explained that it was unnecessary to remove the curfew because meetings are managed efficiently with a 10:00 P.M. adjournment, which in turn urged applicants to be concise in their presentations.

After inquiry by the Commission, Mr. Flanagan noted this was brought to his attention by his supervisor in a casual conversation.

Commissioner Marra was not having technical difficulties at this time.

The Commission commented there is a curfew, but it is not used, so whether they say they have a curfew or not does not reflect their statistics. They need to exercise common sense. They agreed that Mr. Flanagan balanced scheduling of applications and there have been no complaints. Therefore, the curfew should be retained.

ADJOURNMENT

MOTION: Move to adjourn at 8:51 P.M.

By: Massarelli

Seconded: White.

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

Against: None.

Abstained: None.

This meeting was taped.

Respectfully submitted,

Nancy King
Recording Secretary

Louise Provenzano., Chair

David White, Secretary