

**BRISTOL ZONING COMMISSION
MINUTES
REGULAR MEETING OF WEDNESDAY SEPTEMBER 9, 2020**

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	

ADMINISTRATIVE MATTERS:

1. Approval of Minutes – August 10, 2020

Chair Provenzano designated regular Commissioners Massarelli, White, Harlow, Marra and Provenzano to vote on the August 10, 2020, special minutes.

MOTION: Move to approve the minutes of the August 10, 2020, special meeting.

By: White

Seconded: Harlow.

For: Massarelli, White, Harlow, 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 report for August dated September 3, 2020.

RECEIPT OF NEW APPLICATIONS:

3. Application #2378 – Special Permit for a home-based business (web publishing) at 91 Bellevue Avenue; Assessor's Map 26, Lot 248; R-15 (Single-Family Residential) zone; Laura DaSilva, applicant.

Chair Provenzano designated regular Commissioners Massarelli, White, Harlow, Marra and Provenzano to vote on Application #2378.

MOTION: Move to schedule Application #2378 for a public hearing for the October 14, 2020, regular meeting of the Commission.

By: Massarelli

Seconded: White.

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

Against: None.

Abstained: None.

The application is scheduled for public hearing.

PUBLIC HEARINGS:

4. Application #2374 – Special Permit for removal and processing of earth materials between south of Barnum Road and north of Farrell Avenue; Assessor's Maps 67, Lots 43, 43-9, 43PREAR, 43Q, 54, 56, 57, 58, 59, 65, 67, 69REAR, 72, 73, 74, 75, 76, 77, 78, 87-88, 89 and 110 through 124; R-15 Single-Family (Residential) zone; Willow Materials, LLC, applicant – (Public Hearing continued from August 12, 2020).

The Commission acknowledged receipt of the following items in their electronic packets: a copy of the approved Variance, dated August 2, 1988, Vol. 936, Pg. 513, Seq. 1; a copy of the maintenance report, Submitted By: Jordan Kuczenski, dated July 13, 2020; for the Zoning Enforcement Officer; the first and second set of Site Plan Committee Review comments with response comments, dated July 9, 2020 and August 31, 2020, respectively and a copy of the approval letter (attached stipulations) dated February 21, 2020, from the Inland Wetlands Commission.

Chair Provenzano designated regular Commissioners Massarelli, White, Harlow, Marra and Provenzano to vote on Application #2374. Chair Provenzano explained Commissioner DellaBianca has recused himself from Application #2374. The following persons reviewed the application with the Commission: Attorney Mark Ziogas, 106 North Street.

Mr. Kevin Desjardin and Mr. Michael Caron both spoke against the application. Mr. Desjardin's concerns were site work, traffic, adverse effects, environmental impacts, air quality and decibel levels. Mr. Caron's concerns were the depth of excavation, hours of operation, well water, calcium chloride, noise and the proper person to contact for complaints.

The applicant's representatives, Mr. Hiltbrand, P.E. and Mr. Schultz, answered questions of the depth of excavation 0 to 15 ft. deeper; use water in place of calcium chloride; noise and dust levels would be similar to the property in the area that has prepared a report; selling the stockpiles; realigned roads to reduce dust for Farrell Road; no rock crushing and there was a late notice of a use Variance approval being reviewed.

Mr. Flanagan explained at the last meeting that a use Variance was discovered on the Land Records that was approved in 1988 and allows the applicant to crush rocks on the property.

Attorney Ziogas explained the plan was reviewed at the August 12, 2020 meeting. The property was cleaned up significantly. Regarding the ground water, they spoke with Grela Well Drilling, Inc. that provided a letter stating all the drilled wells and surrounding properties in that area are rock wells and have steel casings 50 ft. to 110 ft. to a depth into sand and bedrock and drilled until water is obtained. Removing sand and gravel from Barnum Road and Farrell Avenue would not affect the water tables for these wells. They are a licensed well driller in the State of CT. He explained Grela's opinion was they do not think it would have an affect the water table that goes into these wells for the area. Attorney Ziogas explained the wells cannot go that deep of the elevation of the houses and the excavation pit.

Attorney Ziogas explained the 100 ft. buffer was requested to be waived because the applicant was the property owner of these properties with no residents near the property lines. There were 50 lots about 50 ft. wide so a 100 ft. butter does not make sense.

The lots would be merged for the plans. There was currently a soil and erosion control bond in place and the comments were resolved to satisfaction. There would be crushing on the property, but limited to two times per year for two weeks; in addition, a two week notice to the Zoning Enforcement Officer. There would be a screener on site to screen the gravel from the materials. The request for hours of operation are 7:00 A.M. to 4:00 P.M. Monday to Friday; trucks would leave the site at 7:30 A.M.; crushing and processing starting at 7:30 A.M. to 4:00 P.M. and the business would open at 7:00 A.M. to get the equipment and preparation work ready.

Attorney Ziogas noted he would e-mail the letter from Grela Well Drilling, Inc. to Mr. Flanagan.

Mr. Flanagan explained Staff recommended the crushing hours of 8:00 A.M. to 4:00 P.M.; maintenance hours of 7:00 A.M. and no on-site excavation or trucks leaving the site until 7:30 A.M.

Attorney Ziogas explained that trucks would leave from Barnum Rd. only; Farrell Ave. is blocked off (briefly accessed to clean site.) After speaking to Mr. Flanagan, they do not want to waive the Variance rights, which was an asset for the property. They agreed to abide by the terms of the Special Permit and not the terms of the Variance while the Special Permit was in place.

Mr. Flanagan reviewed comments. The City Engineer was satisfied if the application was approved this evening, but there are outstanding comments. If approved, there would be a stipulation that the plan would not be signed off until comments were addressed. He reinforced to the applicant if the Special Permit is approved, it would not be released until the final plans are submitted and reviewed by Staff.

The earth excavation and site restoration bond are \$180,000, but once put in place, the sedimentation bond was not needed. The Variance granted was for Lot 75 only for equipment, but the applicant had the equipment in a different area on the proposed plan.

He agreed with the Special Permit to control the property, but the property owner may utilize the Variance in the future for crushing because the Variance runs with the land. For any on-site crushing related to the Special Permit, there would be a stipulation for the Zoning Enforcement Officer to have advanced notice.

Staff requested a notice for the lot merger as well prior to plan sign-off and the 100 ft. buffer being waived. The City Engineer was comfortable with the outstanding comments to be resolved.

After inquiries by the Commission, Attorney Ziogas explained the report e-mailed to Carol Noble, P.E., Environmental Engineer, may also be e-mailed to Mr. Spyros (ZEO) and they would maintain a report at the site for the ZEO site inspections. He would coordinate crushing with the Trademark Acquisitions and the Willow Materials, LLC applicants.

The property was cleaned and there are no sedimentation and erosion control concerns now and the applicant had an Inland Wetlands Commission application. The detention basins were cleaned and the water only went into one basin and not the next phase and the water would be retained on site. The sedimentation and erosion control systems are existing on the property that were worked on and restored, which were inspected by the City inspectors when there were recent problems.

After inquiries by the Commission, Mr. Flanagan explained the monthly reports were requested from the applicant by the Inland Wetlands Commission because of the watercourse on the site. There was a proposed stipulation for scheduled inspections by Mr. Spyros, ZEO. The applicant will coordinate the crushing with the ZEO with Attorney Ziogas.

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

The hearing is closed.

By: Massarelli

Seconded: White.

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

Against: None.

Abstained: None.

The Commission commented there was a lot of work to be done with the Staff, Attorney Ziogas and the applicant. The plan was appropriate for the property.

MOTION: Move that Application #2374 – Special Permit for removal and processing of earth materials between south of Barnum Road and north of Farrell Avenue; Assessor’s Maps 67, Lots 43, 43-9, 43PREAR, 43Q, 54, 56, 57, 58, 59, 65, 67, 69REAR, 72, 73, 74, 75, 76, 77, 78, 87-88, 89 and 110 through 124; R-15 Single-Family (Residential) zone; Willow Materials, 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. The operation shall be conducted in accordance with the drawings entitled "Proposed Earth Removal Plan, Barnum Road & Farrell Avenue, Bristol, Connecticut", prepared by R.R. Hiltbrand Engineers & Surveyors, and consisting of the following sheets, all dated May 20, 2020, and revised to 7/30/20:
 - a. Cover Sheet: Dated May 20, 2020 with a Revised Date of 7/23/20
 - b. Sheet M: Merger Map
 - c. Sheet P: Phase Map
 - d. Sheet E1-E4: Existing Conditions Plan
 - e. Sheet OG: Overall Grading Plan

- f. Sheets G1-G4: Proposed Grading Plan
 - g. Sheet OS: Cross Section Plan View
 - h. Sheets S1-S4: Cross Section Profiles
 - i. Sheet SE1-SE4: Sediment and Erosion Details Sheet
 - j. Sheet SE: Details Sheet
 - k. Sheet SUB: Feasibility Study for Future Subdivision
3. Within 30 days of the date of issuance of the Special Permit, a \$180,000 performance bond shall be posted by the applicant with the City.
 4. The Special Permit shall be good for a period of two years from the date of issuance.
 5. The Lot Merger, proposed by the applicant and depicted on Sheet "M – Merger Map" shall be effected prior to final plan sign-off. The new lots created will be: Map 67 Lot's 43, 57 & 78.
 6. There shall be no operation on Saturdays, Sundays or holidays.
 7. The crushing process, pursuant to Section IX.B.5.f., will be conducted on a twice annual basis and shall not exceed a duration of two weeks for each event. Advance notice of at least 7 business days shall be provided to the ZEO (Zoning Enforcement Officer) prior to crushing operations commencing. Once the crushing process begins, the ZEO shall confirm that the operations are being conducted in accordance with the approved plan.
 8. The hours of operation for Earth Removal shall be Monday through Friday, 7:30 AM to 4:00 PM. maintenance can begin at 7:00 AM, but no on-site excavation or removal can occur until 7:30 AM. and must conclude by 4:00 PM. Crushing operations (within the twice annual two-week windows) cannot commence until 8:00 AM. and must conclude by 4:00 PM.
 9. The sifter and crusher shall not be used simultaneously on the property.
 10. Measures to control dust from the operation shall be applied as needed.
 11. The applicant shall sweep and remove the sand from Barnum Road along the frontage of the property at least once a week.
 12. No material shall be stockpiled on the property within 400 feet of any residence.
 13. No material shall be brought onto the property for processing.
 14. Regular inspections of the excavation sequence used by the applicant shall be conducted by the Zoning Enforcement Officer.
 15. The 3-to-1 slope requirement shall be waived along portions of the perimeter of the property in accordance with Section IX.B.5.c. of the Zoning Regulations and a 2-to-1 slope permitted in its place, inasmuch as the steeper slope has previously been permitted and already exists.
 16. The required 100-foot buffer shall be reduced as per the approved map in accordance with Section IX.B.5.b.(3) of the Zoning Regulations, inasmuch as the lesser buffer is warranted in order to match proposed contours to the existing contours of the adjoining land.

By: Massarelli

Seconded: Harlow.

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

Against: None.

Abstained: None.

The application is approved with stipulations.

OLD BUSINESS

There was no old business.

NEW BUSINESS

There was no new business.

CITY PLANNERS REPORT

Review of Governor Lamont’s Executive Orders – Mr. Flanagan explained Governor Ned Lamont has extended his emergency health order to February 9, 2021. The Governor extended his Executive Order was until November 9, 2020.

Mr. Flanagan explained the City Council has authorized an expenditure of \$130,000 for the Bristol Zoning Regulations. The funds would provide the Commission a professional product. His goal would be to follow the process of the Plan of Conservation and Development and to schedule Special Meetings where the Zoning Regulation item is the only item on the agenda. He requested that the Commissioners make themselves available for these additional meetings in 2021. Amendments to the current Regulations will be available for review at the next meeting. These regarded a reasonable accommodation amendment for persons with disabilities and an amendment regarding outdoor dining.

Mr. Flanagan explained he received an e-mail from the Superior Electric environmental consultant for the remediation project off of Emmett Street for a request to extend their working hours an additional hour each day to finish their work this year. There have been no complaints.

He suggested sending the consultant a letter to extending the working hours for the remainder of this year. The consultant also provided a report and photographs of the work done on the property, which he would occasionally update them. The Commission was in general agreement to extend the hours.

ADJOURNMENT

MOTION: Move to adjourn at 8:35 P.M.

By: White

Seconded: Marra.

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

Against: None.

Abstained: None.

This meeting was taped.

Respectfully submitted,

Nancy King
Recording Secretary

Louise Provenzano, Chair

David White, Secretary