

**BRISTOL ZONING COMMISSION
MINUTES
REGULAR MEETING OF WEDNESDAY OCTOBER 14, 2020**

CALL TO ORDER:

By: 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	
	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 – August 12, 2020 and September 9, 2020

Chair Provenzano designated regular Commissioners Massarelli, White, Harlow and Provenzano to vote on the August 12, 2020 minutes and the September 9, 2020 minutes. She also designated alternate Commissioner Tyler to vote in place of Commissioner Marra with his absence this evening.

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

By: Massarelli

Seconded: White.

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

Against: None.

Abstained: None.

MOTION: Move to approve the minutes of the September 9, 2020, regular meeting.

By: Massarelli

Seconded: Harlow.

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

Against: None.

Abstained: None.

2. Zoning Enforcement Officer's Report

The Commission acknowledged receipt of the following item in their electronic packets: a copy of the Zoning Enforcement Officer's September report dated October 1, 2020.

RECEIPT OF NEW APPLICATIONS

1. Application #2379 – Special Permit for nursing home/housing for the elderly at 330 Stevens Street; Assessor's Map 52, Lot 3-1; R-15 (Single-Family Residential) zone; VKB, LLC, applicant.

The hearing is closed.

By: Massarelli

Seconded: White.

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

Against: None.

Abstained: None.

The Commission commented this was the perfect home business for this property. There would be no impact on the neighborhood. They were pleased this business was relocating to Bristol.

MOTION: Move that 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, be approved.

By: Massarelli

Seconded: White.

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

Against: None.

Abstained: None.

The application is approved.

OLD BUSINESS

NEW BUSINESS

- 5. Discussion with Charles Nyberg – Schadler Selnau Associates, P.C:
 - a. 15 Memorial Boulevard re: building form standards in the BD (Downtown Business) zone.

The Commission acknowledged receipt of the following items in their electronic packets: two photographs of the property, undated.

Charles Nyberg, Schadler Selnau Associates, PC, Farmington, on behalf of the property owner, explained there was a Dollar General store and a liquor store on the property. The gravel parking lot to the east on the property and the parking lot near Tracy Driscoll Insurance Co. was repaved, which improved the property. The City reconstructed area sidewalks. The building was redone and these improvements have enhanced the property. The purpose of the request was because of his error in the BD zone which requires a percentage of the store frontage fenestration to be open by a certain percentage and also to be able to view inside the store. There are display racks and a white screen up against the windows. The ZEO sent a letter to the property owner. The plan was to remove the white screen on the top of the windows to allow a view into the space, but it was non-compliant by about 200 sq. ft. His opinion was this was about the same as some existing businesses that had photographs and posters in their windows.

Some of the Commission members disagreed and had concerns a Variance was needed from the Zoning Board of Appeals.

After inquiries by the Commission, Mr. Nyberg shared that the prior owner had posters in the windows. The shelving has a back on it and it was not possible to view into the store. If the screening was removed, the back of the shelves, sheetrock and steel stud wall would be viewed. Mr. Spyros stated that based on the type of building with the shelving being viewable, that some people may be able to see into the building and some may not. It would not be aesthetically pleasing to have windows open to view that back of shelving racks. His opinion was this was a sufficient compromise. After inquiry by the Commission, compliance with the Regulations cannot be met, the applicant could apply to the Zoning Board of Appeals. If compliance is met, a Variance would not be required. If the screening is removed, it would be a less attractive view. After a lengthy discussion, Mr. Nyberg summarized that if the scrim was removed, the back for the sheetrock and shelves would be viewed to meet the Regulations.

CITY PLANNER'S REPORT

- 6. Bristol Zoning Regulation Initiative:
 - a. Review of draft revisions to the current Regulations.
 - b. Review of draft RFP (Request for Proposals).

There are sixteen restaurants (90% in BG zone) that applied for a permit under the Governors order for Outdoor Dining. This raised questions about how different restaurants have outdoor dining on their sites. The Chair discussed options with Mr. Flanagan and those were in the draft format and sent to the Commission previously.

After inquiries by the Commission, Mr. Flanagan explained the Application #AZR20-1 does not have any time limits, but he advised that the Commission follow the regular protocol of all applicants. If they open the application next month, they control the application timelines exclusively.

Mr. Flanagan stated that Southington authorized a temporary order to extend outdoor dining. He asked that the Commission hold off on any action this evening and wait until the November 12, 2020 meeting, in order to get a perspective on the Governor's plans and actions. He presumed the Governor would act before their November 12, 2020 meeting to extend outdoor dining via Executive Order. The Chair reviewed the changes for outdoor dining and capacity with the Commission. She stated that a temporary order by the Commission would be her preference. This would be a solution until January. Mr. Flanagan requested a recess in order to draft a motion for the Commission. The Chair declared a recess at 8:22 P.M.; the meeting resumed at 8:28 P.M.

Vice Chair Massarelli read into the record the proposed motion. After inquiries by the Commission, Mr. Flanagan explained the "that such extension shall not be interpreted to be any non-conforming rights" so if a business owner currently has outdoor dining, the business would not be able to keep outdoor dining that was in compliance with parking, parking spaces and setback requirements, once the Governor's Executive order expires. Moving forward, business owners would not be able to claim any rights to a non-conforming use with this anticipated action by the Commission. Under the Governor's current order, if a request is made to put up a tent with heating, the business owner may apply for an Outdoor Dining Permit with the Building Department and it required approval by the ZEO, Building Official, Health and the Fire Marshal, and also any other Staff.

MOTION: To authorize the Zoning Enforcement Officer, ZEO, to extend any temporary outdoor dining that has not been the subject to a Zoning Enforcement action which is operating with a permit issued pursuant to the 2020 Gubernatorial Executive Order 7MM to be permitted to operate until January 1, 2021, subject to the requirements of any additional Executive Order and provided that such extension shall not be interpreted to create any non-conforming rights under local, State or Federal legal authorities.

By: Massarelli

Seconded: White.

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

Against: None.

Abstained: None.

The temporary order is approved.

Chair Provenzano explained the next item was to review a proposed change of the Regulations to include the BG zone where 90% of the restaurants now use the Governor's Temporary order for outdoor dining; there are currently no outdoor dining Regulations in the BG zone. A draft regulation change was e-mailed two weeks ago to the Commission that copied the Outdoor Dining language from the BD zone with minor changes of 250 sq. ft. to 500 sq. ft. There is currently a requirement in the BD zone that a Special Permit is needed for outdoor dining that exceeds 250 sq. ft. Mr. Flanagan suggested the size approved by the ZEO be increased to 500 sq. ft. and remove the Special Permit requirement in the BD zone.

If outdoor dining is added to the BG zone, it would be the same language that is currently used for the BD zone, with 500 sq. feet and no Special Permit requirement. There are sixteen restaurants, but some may not be able to utilize the proposed Regulation given their composition and layout of the site. The Chair advised that the Commission should carefully consider these Regulations because the most powerful things that the Commission considers are Special Permits and changes the Regulations.

Mr. Flanagan stated that the most significant change was to remove the Special Permit requirement in the BD zone. A Site Plan application does not require a public hearing, but the Commission could call one if they felt it was needed. He encouraged the Commission to schedule these proposed amendments for a public hearing at their November meeting. The situation is fluid but this was a common sense change.

After inquiries by the Commission, respectively, Mr. Flanagan explained the 250 sq. ft. to 500 sq. ft. would be a portion of the property with a Site Plan. The parking Regulations in the amendment would remain the same. The Governor waived the parking requirement items associated with outdoor dining in his Executive Order. If there is excess parking, the restaurants may re-designate the parking and have outdoor dining in these areas as long as it is done correctly and safely. This change may help these restaurants survive the pandemic. If it is 500 sq. ft. or less, the Zoning Enforcement Officer would review the plan. The Regulations would not work for all the businesses. The Commission commented that this was a reasonable proposal. The Commission agreed to put this item on the November agenda and to ask questions at that meeting. Chair Provenzano designated regular Commissioners Harlow, Massarelli, White and Provenzano to vote on Application #AZR20-1. She also designated alternate Commissioner Gagnon to vote in place of Commissioner Marra with his absence this evening.

MOTION Move to amend tonight’s agenda for the receipt of Application #AZR20-1 initiated by the Bristol Zoning Commission.

By: Massarelli

Seconded: White.

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

The application AZR20-1 was added to the agenda.

- 7. Application #AZR20-1 – Proposed amendments to the Zoning Regulations initiated by the Bristol Zoning Commission:
 - 1. Section VI.B.4.g. (Permitted Accessory Buildings, Structures and Uses) – add 500 square feet or less for outdoor dining areas approved by the Zoning Enforcement Officer; add seasonal outdoor dining as a Site Plan use; add 500 square feet or more for outdoor dining areas approved by Site Plan in the BG (General Business) zone.
 - 2. Section VI.C.4.d. (Permitted Accessory Buildings, Structures and Uses) – increase to 500 square feet or less for outdoor dining areas approved by the Zoning Enforcement Officer; remove the Special Permit requirement for seasonal outdoor dining; increase to 500 square feet or more for outdoor dining areas approved by Site Plan in the BD (Downtown Business) zone.....be scheduled for Public Hearing at the next Regular Meeting of the Zoning Commission on Thursday, November 12, 2020.

By: Massarelli

Seconded: White.

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

The application was scheduled for public hearing.

Mr. Flanagan explained that City Hall staff was working on the draft RFP for a re-write of the Zoning Regulations; he also announced the Assistant City Planner position has been filled. Mr. Flanagan explained the plan for 597 Farmington Avenue was signed off today.

ADJOURNMENT

Chair Provenzano designated regular Commissioners Harlow, Provenzano, Massarelli, White and Provenzano to vote on the adjournment. She also designated alternate Commissioner Gagnon to vote in place of Commissioner Marra with his absence this evening.

MOTION: Move to adjourn at 9:05 P.M.

By: Massarelli

Seconded: White.

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

This meeting was taped.

Respectfully submitted,

Nancy King
Recording Secretary

Louise Provenzano, Chair

David White, Secretary