

**BRISTOL PLANNING COMMISSION  
MINUTES  
REGULAR MEETING OF MONDAY FEBRUARY 27, 2023**

**CALL TO ORDER:**

By: Chairman Veits

Time: 7:00 P.M.

Place: City Hall  
Board of Education - Auditorium,  
129 Church Street

**ROLL CALL:**

<b>MEMBERS</b>	<b>NAME</b>	<b>PRESENT</b>	<b>ABSENT</b>
REGULAR MEMBERS:	Chairman William Veits (Chair)		X
	Commissioner John Soares (Acting Chair and Vice Chair)	X	
	Jon Pose	X	
	Tracey Bacchus	X	
	Jeff Hayden	X	
ALTERNATE MEMBERS:	Kenneth Rasmussen-Tuller	X	
	Christopher Nardi	X	
	Anthony Lorenzetti (Acting Secretary)	X	
	Robert M. Flanagan, AICP, City Planner	X	
	Nancy Levesque, P.E., City Engineer	X	
STAFF:	Andrew Armstrong, Assistant City Planner	X	

Acting Chairman Soares called the meeting to order at 7: 01 P.M.

Acting Chairman Soares designated regular Commissioners Pose, Bacchus, Hayden and Soares as voting Commissioners this evening. He also designated alternate Commissioner Rasmussen-Tuller to vote as a voting Commissioner this evening with the absence of Chairman Veits this evening.

**PLEDGE OF ALLEGIENCE:**

Acting Chairman Soares reminded the Commission the next Regular Meeting of the Planning Commission is Monday, March 27, 2023.

**PUBLIC PARTICIPATION:**

There was no public participation.

Attorney Timothy Furey, 43 Bellevue Avenue, representing Application #2465, under Zoning Commission Referrals, inquired if he would be allowed to speak under that application on the agenda.

Acting Chairman Soares explained to Attorney Furey that he would be allowed to speak about three minutes for this application.

**ADMINISTRATIVE MATTERS:**

1. Approval of Minutes – 1/30/23

Acting Chairman Soares designated regular Commissioners Pose, Bacchus, Hayden and Soares to vote on the January 30, 2023, regular minutes. He also designated alternate Commissioner Rasmussen to vote on the January 30, 2023, regular minutes with the absence of Chairman Veits this evening.

Commissioner Hayden explained a correction was needed on Page 6 of the January 30, 2023, minutes. He explained his vote on Application #2457 should have been a vote to recommend a negative referral to the Zoning Commission.

**MOTION:** Move to approve the minutes of the January 30, 2023, regular meeting, as amended.

By: Rasmussen-Tuller

Seconded: Bacchus.

For: Hayden, Bacchus, Pose, Rasmussen-Tuller and Soares.

Against: None.

Abstain: None.

Item #3, Zoning Commission Referrals, was taken out of order.

**ZONING COMMISSION REFERRALS:**

Attorney James Ziogas, 104 Bellevue Avenue, representing the applicant for Application #2466, requested if the Commission would review Application #2466 first and then Application #2465. He spoke with Attorney Timothy Fury regarding this request.

Attorney Timothy Furey agreed to the request from Attorney James Ziogas.

**MOTION:** Move to adjust the agenda to review Item #2 and then Item #3.

By: Bacchus

Seconded: Lorenzetti.

For: Hayden, Bacchus, Pose, Rasmussen-Tuller and Soares.

Against: None.

Abstain: None.

2. Application #2466 – Change of Zone from R-15 (Single-Family Residential) zone to A (Multi-Family Residential) zone at north of Washington Street, east of Stafford Avenue and west of Pleasant Avenue, Lot 181 Fair Street; Assessor's Map 44, Lot 181; Rockwood Hills Financial, LLC, applicant.

The Commission acknowledged receipt of the following items in their electronic packets: a memorandum dated February 3, 2023, from the Bristol Zoning Commission to the Bristol Planning Commission, regarding Referral of Proposed Map Amendment and a memorandum dated February 3, 2023, from the Bristol Zoning Commission to the Bristol Town and City Clerk, regarding Referral of Proposed Map Amendment.

Attorney James Ziogas, 104 Bellevue Avenue, representing the applicant, reviewed the former use of the property that made telephone poles when there was a former business there. He reviewed the businesses, residential facilities, and residential houses in the area. Attorney Ziogas explained the property has existing sewer and water utilities. He explained 24 dwelling units may be constructed for elderly housing. His view was there was a need for this use in the City. He explained in the 2022-27 Affordable Housing Plan of the Planning Commission, under Section 4.4.4., there were recommendations to add the A-zone for additional housing opportunities within the City. This property was vacant for a long time and there were not a lot of uses for this property. The goal of the applicant was to construct dwelling units in an A-zone. The property was across the street from a convalescent home, the site has 162 ft. of frontage and 3.3 acres of land. There are various zones in the surrounding area.

Staff explained the property only has 160 ft. of frontage and the Staff does not support the application request. However, the Zoning Commission may approve the application with a supermajority vote because the site has insufficient frontage. He noted there was some significant debris remaining on the property. The minimum frontage was 300 ft. in this zone.

Commission inquires: Attorney Ziogas explained the Zoning Commission may vote in favor of this plan with either vote from the Planning Commission. He explained the two large buildings near this property (southwest) were in a BN-zone. His view was the acreage was more the concern versus the frontage of the property. A subdivision plan was not feasible with construction of a street, but it was a possible plan for the property. He explained a Phase I would be required to obtain financing for the property. He explained the density was 8 units per acre with the requested zone.

Staff explained the density for elderly housing in the A-zone was not changed in the Regulations because the Zoning Commission thought the A-zone was more appropriate versus the density for the residential zones.

Attorney Ziogas explained the Planning Commission and the Zoning Commission should also address the need in the Affordable Housing Plan for more housing units for the City. Also, the Commission should focus on the size of the site, the intended use and to make this a good transition area. He explained there was constant debris on this vacant property. But, the Zoning Enforcement Officer would be reviewing the property on Tuesday.

Attorney Ziogas requested a positive recommendation from the Planning Commission to the Zoning Commission because this would be a transition zone with a business zone on Stafford Avenue with uses in the area that are not entirely residential. His view was if the application is approved, it would make this vacant property more useful.

**MOTION:** Move to send a positive referral to the Zoning Commission for Application #2466 – Change of Zone from R-15 (Single-Family Residential) zone to A (Multi-Family Residential) zone at north of Washington Street, east of Stafford Avenue and west of Pleasant Avenue, Lot 181 Fair Street; Assessor’s Map 44, Lot 181; Rockwood Hills Financial, LLC, applicant because the Planning Commission finds that the proposed zone change, as presented, would be consistent with the goals and policies of the 2015 Plan of Conservation and Development, amended to April 1, 2018.

By: Rasmussen-Tuller

Seconded: Bacchus

For: Hayden, Bacchus, Rasmussen-Tuller, Pose and Soares.

Against: None.

Abstain: None.

The Zoning Commission Referral is recommended for approval.

3. Application #2465 – Proposed amendments to the Zoning Regulations to 1) add a definition for Housing for the Elderly; 2) separate Housing for the Elderly from Congregate Housing and Life Care Facilities; 3) add specific language that addresses Housing for the Elderly as an adaptive reuse of existing structures and 4) add provisions for construction of new Housing for the Elderly in the R-10, R-15, R-25 & R-40 (Single-Family Residential) zones; Attorney Timothy W. Furey, applicant.

The Commission acknowledged receipt of the following items in their electronic packets: a copy of the four proposed Zoning Regulations amendments to 1.) add a definition for elderly housing, 2.) separate elderly housing from congregate housing and life care facilities, 3.) specific language for housing for the elderly housing as an adaptive reuse of existing structures, and 4.) add provision for construction of new elderly housing; a memorandum dated February 3, 2023, from the Bristol Zoning Commission to the Bristol Planning Commission, regarding the Proposed Amendment to the Zoning Regulations; a memorandum dated February 3, 2023, from the Bristol Zoning Commission to the Bristol Town and City Clerk, regarding Referral of Proposed Amendment to the Zoning Regulations; a memorandum dated February 3, 2023, from the from the Bristol Zoning Commission to the Town Clerks of the following towns: Burlington, Farmington, Plainville, Plymouth, Southington and Wolcott, regarding Referral of Proposed Amendment to the Zoning Regulations; a Zoning Referral Form dated February 3, 2023, from the Bristol Zoning Commission to the CRCOG, regarding the Proposed Amendment to the Zoning Regulations; a memorandum dated February 3, 2023, from the Bristol Zoning Commission to the Capital Region Council of Governments (CRCOG) Regional Planning Commission, regarding Referral of Proposed Amendment to the Zoning Regulations; a memorandum dated February 3, 2023, from the Bristol Zoning Commission to Emily Hultquist, Northwest Hills Council of Governments (NHCOG) Regional Planning Commission (via email), regarding Referral of Proposed Amendment to the Zoning Regulations; a memorandum dated February 3, 2023, from the Bristol Zoning Commission to the Naugatuck Valley Council of Governments (NVCOG) Regional Planning Commission (via e-mail), regarding Referral of Proposed Amendment to the Zoning Regulations; and a memorandum dated November 2, 2022, from the Bristol Zoning Commission to the Northwest Hills Council of Governments (NHCOG) Regional Planning Commission (Janell Mullin – via email), regarding Referral of Proposed Amendment to the Zoning Regulations.

The following item was submitted into the record: a list of Density Limits, undated (submitted by Attorney Timothy Furey.)

Attorney Timothy Furey, 43 Bellevue Avenue, representing himself on the application, explained the application was coordinated with Attorney Mark Ziogas, Attorney James Ziogas and Charles Talmadge from Development Planning Solutions.

Attorney Furey discussed the reasons he wanted Commissioner Jeffrey Hayden to recuse himself from being a voting member on the application. He had a predisposition on some Zoning Board of Appeals and Zoning Commission applications. He explained was required to put this on the record. If he does not it would affect his legal rights for any appeals.

Staff explained to Attorney Furey, the Commission only Commissioner Hayden can decide to recuse himself.

Commissioner Hayden explained his reasons for not being predisposed or compromised to any predetermined outcome to the application. The previous item was a single event to his concern of the process. This was nothing personal and he had no conflict of interest. He was confident to remain impartial and unbiased to any applications reviewed by Attorney Furey.

Staff reviewed with Acting Chairman Soares the seated members on the application were Commissioners Hayden, Bacchus, Pose, Rasmussen-Tuller and Soares.

Attorney Furey explained he was in attendance previously with an application that the Zoning Commission had proposed to limit the elderly housing to 4 units per acre. He explained Attorney Mark Ziogas, Attorney James Ziogas and Charles Talmadge spoke against the adoption of the Regulation. They had indicated the proposed Regulation was not consistent with the Plan of Conservation and Development and affordable opportunities for the community, this was a reaction, and not well thought out. There are different towns in CT that have higher densities than the Zoning Commission's proposed application. After the Planning Commission voted a negative recommendation, he and his associates reviewed their suggestions with the Zoning Commission. He and his associates asked the Commission to not take any action and to review their suggestion for a more thoughtful application. The Zoning Commission postponed their vote from January to their February meeting. Then he and his associates drafted Regulations with Staff. The Zoning Commission had a public hearing and voted to adopt their original proposed application.

Attorney Furey reviewed the proposed draft amendments to define elderly housing; keep the use as a Special Permit; separated the use of congregate housing; and proposed the sizes of the elderly units as 600 s.f., 900 s.f. and 1200 sq. ft. They proposed the density levels of 8, 10 and 12 units per acre and a bonus density level. They spoke with different towns and developers and the 4 units per acre does not work. These proposed Regulations were more consistent with other Regulations and fairer to the community. Some of the public audience thought 6, 8 and 10 units was better than the 6, 8 and 12 units. The average densities was 15.27 units per acre, which the proposed Regulation was below. He and his associates did not get to discuss the number of units yet. The public hearing for the Zoning Commission was in March. They built in protections in the Regulations. He requested the Commission recommend a positive recommendation to the Zoning Commission. If the Commission preferred, the application may be kept open for additional conversation.

Staff does not support the application because the densities are too high.

Commissioner Pose commented the applicant did a lot of work on the application. He had a concern the Zoning Commission was working on a Zoning Regulation re-write and this was too many changes right now. His view was this request should be discussed with the consultant and with the Zoning Commission and not the Planning Commission. He did not support the request.

Attorney Furey agreed he and his associates should have discussed this with the consultant for the Zoning Commission during a workshop of the Zoning Commission re-write. But the Zoning Commission decided on the 4 units per acre. His view was if these suggestions were not made, it would make it harder to do business in Bristol. This type of housing was needed and there were no concerns with the existing facilities.

Commissioner Rasmussen-Tuller appreciated the effort, but he agreed with Commissioner Pose's concerns of this being too many changes at once. He does not support this request. He does not agree with the current Regulation by the Zoning Commission. If they support the amendment, they are saying that they are comfortable with the amendment. Also, changing the proposed amendments was outside of their scope.

By: Pose

Seconded: Bacchus

**MOTION:** Move to send a negative referral to the Zoning Commission for: Application #2465 – Proposed amendments to the Zoning Regulations; Attorney Timothy W. Furey, applicant, because the Planning Commission finds that the proposed amendments to the Zoning Regulations, as presented, is not consistent with the goals and policies of the 2015 Plan of Conservation and Development, amended to April 1, 2018, and specifically:

1. Section 10.2.1. – Continue to preserve and enhance the integrity and stability of Bristol's residential neighborhoods.

By: Pose

Seconded: Rasmussen-Tuller.

For: Bacchus, Rasmussen-Tuller, Pose and Soares.

Against: Hayden.

Abstain: None

**STAFF REPORTS:**

4. Subdivision Status Report – February 2023

Ms. Levesque explained this was the winter season and there was not much progress anywhere, so there was nothing significant to report to the Commission.

**ADJOURNMENT:**

Motion was made by Commissioner Bacchus to adjourn.  
Motion seconded by Commissioner Pose.  
Motion carried 5-0.

The meeting adjourned at 7:58 P.M.

These minutes represent the proceedings of the meeting.  
This meeting was taped.

Respectfully submitted,  
Nancy King

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John Soares  
Acting Chair  
City Planning Commission