

**BRISTOL ZONING COMMISSION
MINUTES
REGULAR MEETING OF WEDNESDAY APRIL 14, 2021**

CALL TO ORDER:

By: Chair Provenzano

Time: 7:00 P.M.

Place: City Hall

ROLL CALL:

Chair Provenzano called the meeting to order at 7:00 P.M.

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

PLEDGE OF ALLEGIANCE:

ADMINISTRATIVE MATTERS:

1. Approval of Minutes – 3/10/21

Chair Provenzano explained she had difficulty finding the minutes in the electronic packet; therefore, they would approve the March 10, 2021 minutes at the May meeting.

2. Zoning Enforcement Officer's Report

The Commission acknowledge receipt of the following item in their electronic packets: the Zoning Enforcement Officer's report, dated April 5, 2021.

Mr. Spyros reviewed his monthly Zoning Enforcement Officers report dated March 10, 2021 with the Commission. He explained compared to last year there was a significant decrease in complaints.

Chair Provenzano explained when they discuss outdoor dining, she was curious to see how many businesses would apply for the permits with Governor Ned Lamont's Executive Order. Mr. Spyros explained there were about 18 businesses that applied for that permit.

RECEIPT OF NEW APPLICATIONS:

3. Application #2396 – Special Permit for dive-thru facility at 10 Main Street; Assessor's Map 30, Lot 96-1; BD-1 (Downtown Business) zone; D'Amato Construction, Inc., applicant.
4. Application #2397 – Revision to an Approved Site Plan for renovations and revisions to buildings and parking area at 10 Main Street; Assessor's Map 30, Lot 96-1; BD-1 (Downtown Business) zone; D'Amato Construction, Inc., applicant.
5. Application #2398 – Special Permit for an accessory dwelling unit at 258 Brook Street; Assessor's Map 45, Lot 19; R-15 (Single-Family Residential) zone; Laura M. Kelso, applicant.

PUBLIC HEARINGS:

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

2. Application #2390 – Special Permit for a reduction in the baseline number of off-street parking spaces at Lot 10 Main Street; Assessor's Map 30, Lot 10; BD-1 (Downtown Business) zone; Cyr and Wilson Development, LLC, applicant.
3. Application #2391 – Site Plan for a mixed-use building with 12 dwelling units, 4,383 sq. ft. of non-residential space and 32 parking spaces at Lot 10 Main Street; Assessor's Map 30, Lot 10; BD-1 (Downtown Business) zone; Cyr and Wilson Development, LLC, applicant.

The Commission acknowledged receipt of the following item in their electronic packets: the first and second set of Site Plan comments respectively, dated February 22, 2021 and April 6, 2021; an approval letter from the Zoning Board of Appeals, dated November 2020 and a letter dated April 12, 2021, from Justin Malley, Executive Director, Economic Community Development, regarding the plans.

Attorney Timothy Furey, 43 Bellevue Avenue, on behalf of the applicant explained the property was purchased in 2018, but the parcel was dictated by the requirements for the Bristol Hospital property requirements. The applicant worked with the Economic Development Commission and the City Council on some designs and negotiations were made after they reviewed their intentions. After working with their team and the City, the City requested a pedestrian walkway to connect to the City's pedestrian walkway and negotiated additional land on the north side of this property near the outdoor dining area.

The applicant received Variance approvals for a rear-yard setback and finished grade elevations (similar to the Bristol Hospital property). All Site Plan Review Committee comments were resolved and signed off on, but there are three issues to discuss.

A reduction of three parking spaces (near City streetscape), walkway and outdoor dining area (now a permitted use shown with the Site Plan) and a loading area were briefly reviewed. The area was shown on the Site Plan, and required compliance with the Regulations and provisions, but there was no end user yet.

The request was to approve the outdoor dining area. His opinion was business hours were not relevant because it was not a Special Permit use anymore. There are only small box trucks on the site. There is a sound ordinance for noise on the property. There were discussions with the Police Department/Traffic Division to assign loading zones in the street.

Mr. Flanagan explained that sound was a concern when they were discussing this Regulation.

After inquiry by the Commission, Attorney Furey noted the building fenestration was at 83.5%; (sheet Z-2 required correction); and the wall area is 1,632 sq. ft. and contains 1,392 sq. ft. of glazing, which exceeded the Regulation requirements.

Attorney Furey explained additional lighting would be added if required. The Water Department questioned the water line locations because of the different sizes and the connections. They would serve alcoholic beverages. The locations of the water lines and connections to the building may be connected together.

The City indicated they wanted a streetscape, but was that was unfeasible. But, if that does not get done, then they would do something different with their vendors. After inquiries by the Commission, Attorney Furey explained a certain amount of glazing was required. The fenestration was glass and was able to be seen though, but not a false front situation. Mr. Flanagan reiterated the fenestration required 65% and it would be 83.5%.

No one else spoke in favor of the application.

No one spoke against the application.

Attorney Furey explained that Mr. Flanagan was part of the discussions with Justin Malley, Executive Director, Economic Community Development. Mr. Flanagan read into the record the letter dated April 12, 2021, from Justin Malley, Executive Director, Economic and Community Development to the Zoning Commission, regarding the process with their Board and requested approval of the plans.

Mr. Flanagan explained he included the plans approved from November 2019 for the downtown walkway and the intended access to the new parking lot adjacent to this parcel that was constructed by the DPW. He requested the Commission review the Franklin St. downtown development in Torrington and the renewal of that street and a new pedestrian walkway.

Against: None.
 Abstained: None.

The Application #2391 is approved with stipulations.

OLD BUSINESS:

There was no old business.

Item #8 was continued from previously on the agenda.

NEW BUSINESS:

8. Application #2401 – Revision to an Approved Site Plan for housing for the elderly (128 units): proposed modifications to: (1) main building; (2) parking area; (3) addition of storage building; (4) revisions to the alignment of proposed access drive (connecting to Pine Street); (5) revisions to utility locations/storm drainage structures/grading at 72 Mitchell Street; Assessor's Map 3, Lot 1; RM 44 Holdings, LLC/ Calamar Enterprises, Inc., applicants.

The Commission acknowledged receipt of the following items in their electronic packets: a Stormwater Management Report, entitled "Stormwater Management Report Amendment for Pine Street & Mitchell Street Property, Map 3, Lots 8 and 21, Bristol, CT, Prepared for Calamar Enterprises, Inc., 3949 Forest Parkway, Suite 100, Wheatfield, NY 14120, dated April 6, 2021, Original Approved Report Dated June 11, 2018, Revised: August 9, 2018; a Special Permit Application report, dated July 2, 2018; a copy of the first, second and third set of Site Plan Committee Review comments, respectively, dated July 17, 2018, August 27, 2018 and October 2, 2018; a copy of the draft Driveway and Maintenance Easement, dated June 11, 2018 and a Traffic Impact Study, dated May 2018.

Kevin Grindle, Anchor Engineering, reviewed the revisions to the approved Site Plan as summarized in his letter. The applicant Calamar in 2018 requested a 128-unit senior housing development with access on Mitchell St. and Pine St. The residential zone is owned by Calamar Construction and the BHZ zone is owned by John Senese, Calco Construction (Lots 4 and 5) and future development of two lots on Pine St. Since approval, they worked with the site engineers and architects to satisfy the City. The COVID-19 has affected the housing market, so the changes to the plan were because of the trends in housing.

Mr. Grindle reviewed the plan changes. The buildings were made 15 ft. wider (east to west direction) and property adjustments were required. The garages included tenant storage spaces (49 units); two and three garage units on the east and south side of the property, respectively, but because the building was increased about 15 ft. in width, and the garages would not exceed a 14 ft. height. The garage spaces were reduced and handicapped parking spaces were increased.

The 148 parking spaces were reduced to 142 parking spaces (128 parking spaces required). The storm drainage and utilities shifted slightly. They applicant has received approvals from the OSTA and encroachment permits. The State requested the storm drainage be shifted 10 ft. to the east. The plans were revised and re-submitted to the ConnDOT, and would be filed with the Land Use Office. The access drive on Pine St. would be adjusted, but the Mitchell St. access would be serviced at the cul-de-sac. There is no change to traffic.

Mr. Grindle explained these minor changes for the property. Regarding landscaping, the northwest side of the property was changed from 11 trees to a 6 ft. high solid fence and 15 low growing evergreens. Regarding the lighting plan, with the revised landscaping plan and garage locations they reduced the light fixtures from 35 to 29, which complied with the lighting at the property line and any impacts. Regarding storm water, pervious and impervious areas only changed slightly with two storm basins added to the northeast and southwest corners of the property. There is one slight reduction in storm water flow. These would not affect the total storm drainage.

He reviewed comments. The dumpsters were relocated to the south east corner of the property, which trucks would trash from the site. He explained the process for trash for the residents, which Staff would bring to the dumpsters, but residents would have access.

Mr. Flanagan explained the address was revised to 72 Mitchell St. He requested a note be placed on the plans that the construction of the accessway be the first phase of the development, so Mitchell St. residents do not have issues. In response to the Commission, the construction of the access drive about 10 ft. on Pine St. was just to reinforce the plan, but there were no significant changes to this item. He reviewed the items required with Mr. Grindle reviewed with the comments. He noted that the revised placement of the garages was a good design and can be used as a buffer for the residential area, which was not on the original plan. After inquiry by Mr. Flanagan, Mr. Grindle explained the applicant would like to construct the accessway as soon as possible out onto Pine St. and not Mitchell St. The construction time was about 12 to 14 months.

After inquiry by the Commissioner Marra, Mr. Grindle explained the original lumens versus the revised lumens were not done for the parking lot, but at the property line, but the fixtures were revised and there was only a slight change in lumens. Mr. Flanagan stated he would follow-up with Mr. Grindle as part of the review process and get the answer to Commissioner Marra’s question.

The buffer on the northwest side of the building was 11 white pine trees. The buffer varied from 8 ft. to 11 ft. on the south side, with a 6 ft. high fence and 15 evergreens.

MOTION Move that Application #2401 – Revision to an Approved Site Plan for housing for the elderly (128 units) at: 72 Mitchell Street; Assessor’s Map 3, Lot 1; RM 44 Holdings, LLC/Calamar Enterprises, 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. The width of the landscaped buffer required along the west property line shall be modified as shown on the approved Site Plan.
3. 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.

By: Massarelli

Seconded: Harlow.

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

Against: None.

Abstained: None.

The application is approved with stipulations.

CITY PLANNER’S REPORT:

9. Zoning Regulation Initiative - Update

Mr. Flanagan explained the contract for the Zoning Regulations was being reviewed last week.

ADJOURNMENT:

MOTION: Move to adjourn at 8:44 P.M.

By: Massarelli

Seconded: Harlow.

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

Against: None.

Abstained: None.

This meeting was taped.

Respectfully submitted,

Nancy King
Recording Secretary

Louise Provenzano, Chairman

Michael Massarelli, Secretary