

**BRISTOL ZONING COMMISSION
MINUTES
REGULAR MEETING OF WEDNESDAY MAY 12, 2021**

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 M. Flanagan, AICP, City Planner	X	
	Edward Spyros, Zoning Enforcement Officer	X	

PLEDGE OF ALLEGIANCE

ADMINISTRATIVE MATTERS:

1. Approval of Minutes – 3/10/21; 3/26/21 & 4/14/21

Chair Provenzano designated regular Commissioners Massarelli, White, Harlow, Marra and Provenzano to vote on the regular minutes of March 10, 2021.

MOTION: Move to approve the minutes of the March 10, 2021, regular meeting.

By: Massarelli

Seconded: White.

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

Against: None.

Abstained: None.

Chair Provenzano designated regular Commissioners Massarelli, White, Harlow and Provenzano to vote on the special minutes of March 26 2021. She also designated alternate Commissioner Tyler to vote in place of Commissioner Marra with his absence at the March 26, 2021, special meeting.

MOTION: Move to approve the minutes of the Friday, March 26, 2021, special meeting.

By: Massarelli

Seconded: White.

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

Against: None.

Abstained: None.

Chair Provenzano designated regular Commissioners Massarelli, White, Harlow, Marra and Provenzano to vote on the regular minutes of April 14, 2021.

MOTION: Move to approve the minutes of the April 14, 2021, regular meeting.

By: Massarelli

Seconded: Marra.

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

Against: None.

Abstained: None.

2. Zoning Enforcement Officer's Report

The Commission acknowledged receipt of the following item in their electronic packets: the monthly Zoning Enforcement Officer's Report dated May 3, 2021. Mr. Spyros reviewed his monthly Zoning Enforcement Officer's report with the Commission.

RECEIPT OF NEW APPLICATIONS:

- 3. Application #2402 – Site Plan for multi-family dwellings at 370 Emmett Street (Thornberry Ridge); Assessor's Map 3, Lot 36-2; A (Multi-Family Residential) zone; A. Milo Builders, Inc., applicant.

Chair Provenzano designated regular Commissioners Massarelli, White, Harlow, Marra and Provenzano to vote on Application #2402. Mr. Flanagan explained that this project began construction in 2006, but the 21 units on the original plan were not constructed. This application could be reviewed by the Commission this evening.

Attorney James Ziogas, 104 Bellevue Avenue, on behalf of the applicant, explained the Commission approved the plan May 12, 2006 for an expandable condominium with 68 units (47 were constructed.) The Site Plan was valid for 14 years, but expired in May 2020. The new property owner is reapplying for the same Site Plan. The Site Plan has to be renewed before they can construct the remaining 21 units. If the Commission agreed, it may be reviewed this evening because of the work proposed, it does not require a Public Hearing. The Commission agreed to review the plan under New Business this evening.

MOTION: Move that Application #2402 – Site Plan for multi-family dwellings at 370 Emmett Street (Thornberry Ridge); Assessor's Map 3, Lot 36-2; A (Multi-Family Residential) zone; A. Milo Builders, Inc., applicant be moved to New Business on tonight's agenda so that the application can be reviewed later in this meeting.

By: Massarelli

Seconded: Harlow.

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

Against: None.

Abstained: None.

The application was moved to New Business.

- 4. Application #2403 – Revision to an Approved Site Plan (parking) at 71 Horizon Drive, Map 4, Lot 24; IP-1 (Industrial Park) zone; D'Amato Construction, Inc., applicant.

Attorney James Ziogas, 104 Bellevue Avenue, on behalf of the applicant, explained this was a modification of an existing Site Plan for a warehouse facility. The request was for additional parking to service the parking for the Amazon facility. This application does not require a public hearing and he requested it to be reviewed under New Business.

MOTION: move that Application #2403 – Revision to an Approved Site Plan (parking) at 71 Horizon Drive, Map 4, Lot 24; IP-1 (Industrial Park) zone; D'Amato Construction, Inc., applicant be moved to New Business on tonight's agenda so that the application can be reviewed later in this meeting.

By: Massarelli

Seconded: Harlow.

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

Against: None.

Abstained: None.

The application was moved to New Business.

- 5. Application #2404 – Special Permit for fuel oil and heating fuel oil storage facility at 351 Minor Street; Map 66; Lot 263-2; Christopher Armstrong, applicant.
- 6. Application #2405 – Site Plan for fuel oil and heating fuel oil storage facility 351 Minor Street; Map 66; Lot 263-2; Christopher Armstrong, applicant.

Chair Provenzano explained Application #2404 and #2405 would be heard concurrently, but voted on separately. She also designated regular Commissioners Massarelli, White, Harlow, Marra and Provenzano to vote on Applications #2404 and #2405.

MOTION: Move to schedule Applications #2404 and #2405 for a public hearing for the June 9, 2021, regular meeting of the Commission.

By: Massarelli

Seconded: Marra.

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

Against: None.

Abstained: None.

The Applications #2404 and #2405 are scheduled for public hearing.

PUBLIC HEARINGS:

- 7. Application #2396 – Special Permit for drive-thru facility at 10 Main Street; Assessor’s Map 30, Lot 96-1; BD-1 (Downtown Business) zone; D’Amato Construction, Inc., applicant.
- 8. 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.

Chair Provenzano designated regular Commissioners Massarelli, White, Harlow, Marra and Provenzano to vote on Applications #2396 and #2397.

The Commission acknowledged receipt of the following items in their electronic packets: the first set of Site Plan Committee Review Comments dated April 23, 2021; a Site Plan report dated February 19, 2021, entitled “*Site Plan for 10 Main St., Assessors Map 30, Block 96, Lot 1, prepared by Robert Green Associates, LLC*” and a letter dated February 17, 2021, from Michael Liam O’Connor, Regional President and Director, Corporate Real Estate, of Webster Bank, from to Robert Flanagan, City Planner, regarding permission to apply for the applications for the intended use and Site Plan Committee Review Comments dated May 12, 2021. Mr. Flanagan explained this request was for an adaptive reuse of existing buildings.

Attorney James Ziogas, 104 Bellevue Avenue, on behalf of the applicant, explained this plan has been worked on for a number of years. He reviewed the new developments in the downtown area. The property is 3.35 acres and has City sewer and water. The larger building is five floors (60,000 sq. ft.) and the smaller building is one floor (2,500 sq. ft.) The connection between the buildings would be demolished. The buildings existed prior to the Regulations, but the BD-1 zone Regulations made non-conformities, which included the buildings that do not have a 10 ft. build-to-line from the street; the buildings cannot be relocated. Also, the parking spaces would be reduced to make it more conforming. The occupancies are Tracey Driscoll and the applicant and the remaining areas would be renovated.

The requests include a Special Permit for a drive thru window. The Webster Bank had an existing drive thru facility now which will be relocated. The building connection would be replaced with a three-lane drive isle with an ATM; a drive thru window (potential restaurant); and an exit lane. The three lanes would merge and egress to Main St. (left and right turn.) The Site Plan had a patio of 1,700 sq. ft. would be constructed to seat about 100 people. A liquor permit would depend on the tenant. The employees would park in a loading/employee entrance area. There are an existing 173 existing parking spaces would be reduced to 162 parking spaces (139 required).

He reviewed the comments, which were resolved and a revised map was submitted with incorporated comments. They were unsure of the business hours because there is no tenant yet. Regarding the lighting plan, there is a significant amount of existing lighting for the parking and the patio. The parking is non-conforming and existing. The outdoor dining lighting is about 1,700 sq. ft. The addresses are 8 and 10 Main St. There is a loading area/employee parking. His opinion was the plan would benefit Bristol.

Mr. Flanagan explained there was a moratorium for the downtown area for drive-thru facilities (since 2013), but an amendment to the Regulations in 2020 for the downtown area allowed drive-thru facilities on a site that is 3 acres or more. Attorney Ziogas explained the three isles complied with the Regulations for safety. He also reviewed the traffic pattern and the three-lane traffic pattern.

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

Mr. Flanagan explained each applicant is given a chart for plans in the downtown area. There were non-conformities on the property and they have been properly identified during the review process. If it were a new building, it would be able to comply with the Regulations. This would be a very smart addition to the downtown area in his opinion. The Commission was enthusiastic about these plans and the various plans going on in the downtown area.

The public hearing #2396 is closed.

By: Massarelli Seconded: Harlow.

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

MOTION: Move that Application #2396 – Special Permit for drive-thru facility at 10 Main Street; Assessor’s Map 30, Lot 96-1; BD-1 (Downtown Business) zone; D’Amato Construction, Inc., applicant, be approved.

By: Massarelli Seconded: Harlow.

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

The Application #2396 is approved.
The public hearing #2397 is closed.

By: Massarelli Seconded: Harlow.

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

MOTION: Move that 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 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. All site improvements which have not been satisfactorily completed by December 31, 2023 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 #2397 is approved with stipulations.

9. 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.

- 10. Application #2399 – Site Plan 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.

Chair Provenzano designated regular Commissioners Massarelli, White, Harlow, Marra and Provenzano to vote on Applications #2398 and #2399.

The Commission acknowledged receipt of the following items in their electronic packets: the first set of Site Plan Committee Review comments dated April 27, 2021 and an approval letter dated April 12, 2021, from the Inland Wetlands Commission. Mr. Flanagan explained this a single-family house and the request is to construct a garage with an accessory dwelling unit above the garage. The applicant received an Inland Wetlands Commission approval, which may require a slight adjustment to the plan.

Jesse Monda, P.E., Northwest Hills Design, 21 Tamarack Lane, Goshen, on behalf of the applicant (the applicant’s builder), explained the plan was to demolished the existing two car garage and construct an attached three vehicle garage with two floors (833 sq. ft.) and an exercise room to the rear of the garage. The applicants’ parents would reside in the unit (821 sq. ft.) and the net floor area is 641 sq. ft., which complied with the Regulations including the building height, 20% lot coverage and setbacks. They received an approval from the Inland Wetlands Commission of which they have to provide calculations for the flood area and apply for a Floodplain application. After inquiry by Mr. Monda, Mr. Flanagan noted he received the affidavit from the applicant.

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

After inquiries by the Commission, Mr. Monda explained there is City sewer and water and an infiltration system under the driveway that went to a catch basin in the road (Inland Wetlands Commission comment.)
The public hearing #2398 is closed.

By: Massarelli Seconded: Harlow.

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

MOTION: Move that 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, be approved.

By: Massarelli Seconded: Harlow.

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

The Application #2398 is approved.
The public hearing #2399 is closed.

By: Massarelli Seconded: Harlow.

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

MOTION: Move that Application #2399 – Site Plan 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, 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. All site improvements which have not been satisfactorily completed by December 31, 2023 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 #2399 is approved with stipulations.

- 11. Application #2400 – Proposed amendments to the Zoning Regulations: to add car or truck washes as a Special Permit and Site Plan use in the Route 72 Corridor Business (BHC) zone (Section VI.E.3.x.); Attorney James Ziogas, applicant.

Chair Provenzano designated regular Commissioners Massarelli, White, Harlow, Marra and Provenzano to vote on Applications #2398 and #2399.

The Commission acknowledged receipt of the following items in their electronic packets: a letter dated April 7, 2021, from Attorney James Ziogas, regarding the request; a referral memorandum dated April 30, 2021, from the Planning Commission to the Zoning Commission, regarding a positive referral; a referral memorandum dated April 6, 2021, from the Zoning Commission to the Planning Commission and a referral memorandum dated April 6, 2021, from the Zoning Commission to the Therese Pac, Town and City Clerk.

Attorney James Ziogas, 104 Bellevue Avenue, explained in May 2012 the Zoning Commission approved an amendment to the Zoning Regulations for permitted and special uses. The uses were not intended to be an exhaustive list. The uses not carried over to the new zone at that time became non-conforming uses. If a new building were to be constructed, it would have to be in the same location. Car washes are not a permitted use in the zone now. There is an existing property with this use since 1970, which the new owner wanted to demolish the existing building and construct a new facility. The Planning Commission gave a positive referral for the request.

After inquiries by the Commission, Attorney Ziogas explained the "truck wash" was the way the BG zone Regulation was written and the same language was adopted and added to the BHC zone. If a truck does not fit in the car wash bay, it would not be permitted.

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

The hearing is closed.

By: Massarelli

Seconded: Harlow.

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

Against: None.

Abstained: None.

MOTION: Move that Application #2400 – Proposed amendments to the Zoning Regulations: to add car or truck washes as a Special Permit and Site Plan use in the Route 72 Corridor Business (BHC) zone (Section VI.E.3.x.); Attorney James Ziogas, applicant, be approved because:

The text amendment to the Regulations, as presented, would be consistent with the goals and policies of the 2015 Plan of Conservation and Development, amended to April 1, 2018, and specifically

- a. Section 9.3.1.4. – Encourage the retention and expansion of existing business and industry in Bristol; and
- b. Section 9.3.1.5. – Encourage the attraction of new business and industry to suitable locations in Bristol.

The effective date of the text amendment shall be June 7, 2021.

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.

The Commission resumed Items #3 and #4, under Receipt of New Applications, which were relocated to New Business.

NEW BUSINESS:

- 3. Application #2402 – Site Plan for multi-family dwellings at 370 Emmett Street (Thornberry Ridge); Assessor’s Map 3, Lot 36-2; A (Multi-Family Residential) zone; A. Milo Builders, Inc., applicant.

Chair Provenzano designated regular Commissioners Massarelli, White, Harlow, Marra and Provenzano to vote on Application #2402.

The Commission acknowledged receipt of the following items in their electronic packets: the set of Site Plan Review Committee comments; a technical memorandum, dated February 18, 2021, from Joseph Perugini, P.E., Weston and Sampson; Stormwater Management (LID) Compliance and a Wetlands/Watercourse and Soil report, from Soil Science and Environmental Services, Inc.

Attorney James Ziogas, 104 Bellevue Avenue, on behalf of the applicant, explained this was a request for a new Site Plan; the prior Site Plan was approved on May 12, 2006. This would be an expansion of the originally constructed 47 units to 67.

There are no changes to the plan or architecture. He reviewed the comments of three additional lights would be added to the parking lot. There would be two egresses to Emmett St. and 25 ft. aisle ways with two-way traffic. Regarding handicapped wheel stops and handicapped parking spaces, the handicapped parking spaces service the building and access aisle. The wheel stops would create an access to the sidewalk, but the buildings are only accessible to the rear. The engineer noted wheel stops were not required in this situation. The amounts of handicapped spaces complied with the Regulations. But the curbing should be sufficient for this area. The new phase will have parking spaces for that phase. Regarding comment #13, the landscape isle would be between buildings #7 and #8 (432 sq. ft.), which exceeds 2,040 sq. ft. (required.) The low impact development plan was submitted this afternoon. They had addressed the comments and had to provide revised plans.

The public hearing #2400 is closed.

By: Massarelli

Seconded: Harlow.

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

Against: None.

Abstained: None.

MOTION: Move that Application #2402 – Site Plan for multi-family dwellings at 370 Emmett Street (Thornberry Ridge); Assessor’s Map 3, Lot 36-2; A (Multi-Family Residential) zone; A. Milo Builders, Inc., 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. 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.

- 4. Application #2403 – Revision to an Approved Site Plan (parking) at 71 Horizon Drive, Map 4, Lot 24; IP-1 (Industrial Park) zone; D’Amato Construction, Inc., applicant.

Chair Provenzano designated regular Commissioners Massarelli, White, Harlow, Marra and Provenzano to vote on Application #2403.

Attorney James Ziogas, 104 Bellevue Avenue, on behalf of the applicant, explained this was a request for Site Plan modification on 8.5 acres of land, which is being used as a wholesaling and distribution center for Amazon. Under the current use, the parking spaces are insufficient for their fleet vehicles. As part of the expanded lease, additional parking was required for 153 parking spaces. The applicant received approval from the Zoning Board of Appeals for 8 parking spaces to re-grade the southeast corner of the parking lot in excess of 3%. The applicant received Inland Wetlands Commission approval for this activity within the upland review area. Carol Noble, P.E., noted the water quality plan was far superior to any City system and recommended approval, which was the low impact development system. He reviewed comments regarding parking, landscaping, fleet vehicle process and the lighting plan. They have an agreement with Eversource with requirements.

MOTION: Move that Application #2403 – Revision to an Approved Site Plan (parking) at 71 Horizon Drive, Map 4, Lot 24; IP-1 (Industrial Park) zone; D’Amato Construction, Inc., 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. All site improvements which have not been satisfactorily completed by December 31, 2023 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:

12. Bristol Zoning Regulation Initiative:
 - a. Status update

Mr. Flanagan there would be a special meeting in June in the Council Chambers to kick-off the project; Chair Provenzano noted that she may be traveling on the day of the special meeting in June. He also noted that in the last 16 months, the Commission has approved developments totaling approximately \$150 million.

ADJOURNMENT:

MOTION: Move to adjourn at 8:37 P.M.

By: Massarelli

Seconded: Harlow.

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