

**BRISTOL ZONING COMMISSION  
MINUTES  
SPECIAL MEETING OF MONDAY JANUARY 27, 2020**

**CALL TO ORDER:**

By: Acting Chair Provenzano

Time: 7:00 P.M.

Place: City Hall

**ROLL CALL:**

MEMBERS	NAME:	PRESENT	ABSENT
REGULAR MEMBERS:	Louise Provenzano (Acting Chair)	X	
	Michael Massarelli (Secretary)	X	
	Peter Del Mastro	X	
	Richard Harlow	X	
	David White	X	
ALTERNATE MEMBERS	Timothy Gamache (Alternate)	X	
	Thomas Marra (Alternate)	X	
	Marc Gagnon (Alternate)	X	
STAFF	Robert M. Flanagan, AICP, City Planner	X	
	Christopher P. Schaut, AICP, Assistant City Planner	X	

**PLEDGE OF ALLEGIANCE**

**CITY PLANNERS REPORT**

1. Staff Review of Administrative Matters

Acting Chair Provenzano explained that she would recognize the City Planner, Robert Flanagan to review any administrative items before the public hearing begins this evening.

Robert M. Flanagan, AICP, City Planner, welcomed the members of the public, Commissioners and staff to Bristol Central High School and thanked them for their interest in this application. He explained that there is sufficient seating for those in attendance this evening, so the Public Hearing may begin.

**PUBLIC HEARING**

2. Application #2348 – Change of Zone from R-10 & R-15 (Single-Family Residential) zone to A (Multi-Family Residential) zone at 560, 594 & 644 Redstone Hill Road; Assessor’s Map 1, Lots 9B-1; 9B-2; 11-11-2-11-3; 10-B-1; 594 Redstone Hill, LLC, applicant – (Public Hearing continued from January 13, 2020).

Acting Chair Provenzano designated regular Commissioners Massarelli, Provenzano, Del Mastro and Harlow to vote on Application #2348. She also designated alternate Commissioner Gagnon to vote on Application #2348.

**MOTION:** Move that Application #2348 – Change of Zone from R-10 & R-15 (Single-Family Residential) zone to A (Multi-Family Residential) zone at 560, 594 & 644 Redstone Hill Road; Assessor’s Map 1, Lots 9B-1; 9B-2; 11-11-2-11-3; 10-B-1; 594 Redstone Hill, LLC, applicant – (Public Hearing continued from January 13, 2020), be reopened.

By: Del Mastro

Seconded: Massarelli.

For: Harlow, Del Mastro, Provenzano, Massarelli and Gagnon.

Against: None.

Abstained: None.

The Commission acknowledged receipt of the following items in their electronic packets:

1. a 560 Redstone GIS Radius Map;
2. a 594 Redstone GIS Radius Map;
3. a 644 Redstone GIS Radius Map;
4. a Lot 9B-2 Redstone GIS Radius Map;
5. a letter dated December 9, 2019, from Attorney Timothy Furey, regarding the request to continue Application #2348 to the January 13, 2020 regular meeting in order to allow the reposting of the public hearing signs and consenting to waive the time frame for opening the public hearing;
6. a referral letter dated November 21, 2019 **(REVISED)**, from the Zoning Commission to the Planning Commission;
7. a referral letter dated November 6, 2019, from the Zoning Commission to Therese Pac, Town and City Clerk;
8. two copies of the Zoning Commission minutes dated December 11, 2019 and November 13, 2019;
9. An Excel list, undated, of 131 letters from various neighbors in favor and against the application, entitled "Application #2348 – List of Correspondence Received";
10. Petition A, dated December 11, 2019, from various neighbors against the application to the City of Bristol Zoning Commission (26 Pages);
11. An Excel list of names and addresses of property owners on the petition entitled "Redstone Hill Road Zone Change Petition A";
12. Petition B, undated, entitled "Redstone Hill Road Zone Change, Petition B", from various neighbors against the application to the City of Bristol Zoning Commission;
13. An Excel list, undated, of names and addresses of property owners on the petition, undated, entitled "Redstone Hill Road Zone Change Petition B";
14. An Excel list, undated, of the correspondence received entitled "Application #2348 – List of Correspondence Received with Name, Street Number, Street, In favor/Opposed, Within 500', Date and Method of Correspondence";
15. An Excel list, undated, entitled "Recorded Property Owners Within 500 feet of Redstone Hill Road zone change";
16. a list of various letters received from Attorney Timothy Furey of support and also of individual support, entitled "Letters from Attorney Furey Received January 9, 2020" and entitled "Redstone Letters of Support and Individual Letters of Support";

Attorney Wyland Dale Clift, Corporation Counsel, Corporation Council's Office, City of Bristol, 111 North Main Street, explained that on Friday, January 10, 2020, he received credible reports of improper communications regarding this application that were directed to some members of the Zoning Commission. Specifically, some Commissioners may have received improper communications intended to influence their decisions on this application.

Such should not have happened, and now the City of Bristol needs to ensure that this application will be decided based on the merits and on the record after a fair and impartial hearing. Therefore, in his capacity as the City's Chief Legal Officer, he is advising that each Commissioner must make a statement on the record in response to two questions.

- 1) Has anyone tried to influence you or your decision on this application prior to tonight?...and
- 2) If anyone has tried to influence your decision, can you disregard these communications and consider only what is presented on the record and at this public hearing?

After these inquiries by Attorney Clift, Acting Chair Provenzano explained that yes she was approached by someone and yes she can disregard any communication and consider only what's presented this evening.

After these inquiries by Attorney Clift, Commissioner Gamache stated he was not contacted.

After these inquiries by Attorney Clift, Commissioner White stated he was not contacted.

After these inquiries by Attorney Clift, Commissioner Gagnon stated he was not contacted.

After these inquiries by Attorney Clift, Commissioner Massarelli stated he was not contacted.

After these inquiries by Attorney Clift, Commissioner Marra stated he was not contacted.

After these inquiries by Attorney Clift, Commissioner Del Mastro stated that yes he was contacted and yes can disregard any communications and consider only what's presented this evening.

After these inquiries by Attorney Clift, Commissioner Harlow stated he was not contacted.

Attorney Clift explained it was important to assure the integrity of the process and he appreciated the opportunity to put these matters on the record.

Acting Chair Provenzano explained that for some in the audience this evening, that this may be the first time they are attending a public hearing. The Zoning Commission is following the same protocol for this meeting as they follow for all other meetings. She stated that the Commission follows Robert's Rules of Order to run orderly meetings.

She stated that there must be respect for everyone's comments and opinions. Any questions must go through the Acting Chair. The applicants and the applicant's representatives will present the application, with no interruption, by either the Commissioners or the audience and then the audience would be allowed to speak with two rounds of questioning.

Because of the size of the audience this evening, each round would allow for three minutes per person. The public should consider these guidelines and prepare their comments for this timeframe when addressing the Commission. She asked that the audience be considerate and to respect the process. In addition, there is a 10:00 P.M. curfew, but at 9:30 P.M. the Commission will assess where they are in the meeting and the meeting may be extended to 11:00 P.M. She thanked the audience for their cooperation.

Mr. Flanagan explained that the Acting Chair would review the zone change application and the uses that could be allowed in that zone should the zone change application be approved.

Acting Chair Provenzano explained that the applicant is requesting a Change of Zone to an "A" multi-family residential zone. The purpose of the zone is to provide appropriate areas for low and medium density multi-family development, outside the downtown area, as identified in the City's Plan of Conservation and Development. The "A" zone areas are to be located along major commercial thoroughways and on the fringes of single-family neighborhoods to serve as a transitional use between such neighborhoods as non-residential areas.

In the "A" zone, if the zone change were to be approved, the site plan uses permitted would be:

- 1) any combination of single family, two family, three family or multi-family dwellings on a maximum density of eight dwelling units per acre;

In the "A" zone, if the zone change were to be approved, the special permit uses permitted would be:

- 1) any combination of single-family, two-family, three-family or multi-family dwellings, at a density greater than eight dwelling units per acre up to a maximum of 12 dwelling units per acre, consistent with the recommendations of the City's Plan of Development;
- 2) mobile manufactured home parks;
- 3) The adaptive re-use of existing non-residential buildings to multi-family residential use, subject to the provisions of Section V.A.9.;
- 4) housing developments owned, operated or sponsored by a governmental agency or by a non-profit housing corporation;
- 5) housing for the elderly including aggregate housing and life care facilities.

She reminded the audience that the request this evening was for a zone change, which if approved, would require a subsequent Site Plan or Special Permit review by the Commission. The Commission will not be discussing any specific uses for the property this evening.

Mr. Flanagan reviewed the General Statutes of Connecticut with respect to the timelines associated with land use applications. The next Zoning Commission regular meetings are scheduled for February 12, 2020 and March 11, 2020, which would not have Application #2348 on the agenda.

He suggested that the Commission follow the same special meeting protocol for this application, so if the present application is continued this evening, that the meeting would also be held at the Bristol Central High School Auditorium, which has been reserved for Monday February 24, 2020. There is also a tentative special meeting on March 16, 2020 for Application #2348, if the application is continued beyond the February special meeting, which will also be at the Bristol Central High School Auditorium.

He explained that the application was received on November 6, 2019 in the Land Use Office and that the Commission formally received the application on November 13, 2019. There was a public hearing sign posting defect by the applicant for the December 11, 2019 meeting and the public hearing had to be postponed. The applicant then reposted the property to a rescheduled public hearing date of January 13, 2020, but with a large audience in attendance at the meeting, the public hearing was opened and then immediately continued to this evening, January 27, 2020 here at BCHS.

State Statute requires that the public hearing on any land use application be closed within 35 days, which would be February 16, 2020. At the January 13 meeting, the applicant's attorney, agreed on behalf of his client, to grant a 30 day extension to close the public hearing to March 16, 2020, in anticipation that winter weather could potentially impede the progress of the public hearing.

Mr. Flanagan explained that there were two petitions received by the Land Use Office.

Petition A was submitted by Natallia Majancik and had 231 property owner signatures. State Statute provides that property owners within 500 feet of a zone change application have special rights in any appeal of a land use decision, and if those property owners within 500 feet sign a petition against a zone change, that action then forces the Zoning Commission to have a super-majority vote (4 of 5 votes) to approve the application.

The Planning Commission made a positive referral to the Zoning Commission, which would be a 3 to 5 vote (simple majority) of the Zoning Commission to approve. When the petitions were received, Christopher P. Schaut, AICP, Assistant City Planner, analyzed the signatures and determined 28.2% of the recorded property owners within 500 ft. of the property had signed the petition. State Statute requires 20%. Application #2348 will now require a super majority or 4 of 5 votes to approve the zone change.

Mr. Flanagan explained that Petition B was submitted by an unknown person and that petition had 76 residents signing the petition, which also had several duplications on it from Petition A, and was officially 9.9% of the recorded property owners within 500 ft. of the property. The super-majority had already been achieved by Petition A. The Assistant City Planner has posted the several spreadsheets on the Zoning Commissions website in an effort to provide transparency and the best and most accurate information possible to Bristol residents and the public at large who have an interest in this application.

In summary, Petition A met the State statute, but Petition B did not. The Land Use Office had also received approximately 135 letters generally not in favor of the application; 100 letters from Attorney Furey's office generally in favor of the application, along with a few letters mailed to the office that were generally in favor of the application.

Mr. Flanagan reviewed with the Commission and the audience Section 8-3b of the General Statutes of Connecticut.

Acting Chair Provenzano explained that if the audience fails to respect the process this evening, that there were police officers present. If there is any yelling or disruptive behavior from the audience, the police officers have been instructed to escort anyone causing a disturbance out of the building. The Commission wants this to be a respectful and orderly process.

Commissioner Massarelli read into the record the public hearing protocol.

Attorney Timothy Furey, 43 Bellevue Avenue, on behalf of the applicant, explained the beginning comments by the City Attorney was a unique experience for him, which he has never happened to him in the State of Connecticut.

He explained that he was approached by the City Planner and the City Attorney on reports that some ethical improprieties had potentially occurred and were being investigated. He wanted to make it clear on the record that the ethical violations did not involve his client (the applicant) or any of his team.

Attorney Clift explained he did not want this inquiry to be a sideshow/inquisition of who said what, but they have seen the demeanor of the Commissioners and they were honest. He advised the Commissioners they were not required to provide additional details per State Statute.

Attorney Furey explained it was important because he had to determine what had occurred in order to properly advise his client.

The Acting Chair stated that no one on behalf of the applicant had approached her and she can disregard anything that was said to her. Also, the situation was corrected, so it would not occur again.

After inquiry by Attorney Furey, Commissioner Del Mastro stated that he was not approached by the applicant and was not approached by the former Chair, but by personal friends with opinions. Attorney Furey had a brief discussion with his client.

Attorney Furey explained they were told of the unethical conduct by the former Chair of the Zoning Commission, William Cunningham and that Mr. Cunningham had resigned. He explained that Mr. Cunningham had disqualified himself appropriately at the time the application was accepted.

At that time, Attorney Furey said he was unsure of Mr. Cunningham’s opinion on the application, but he stated if Mr. Cunningham was in favor of the application he should disqualify himself because he creates an appealable issue. Also, if he was against the application he also should disqualify himself.

But, Attorney Furey discovered that he tried to influence one Commissioner outside the public forum and also tried to influence the Staff by asking them to write a motion to deny the application and aid in the process. The Commissioners, Staff, the audience and the applicant did not deserve this action.

He stated on behalf of the applicant, that they were withdrawing the application, but the applicant would re-apply with a new application and they would address neighbors’ concerns. At this point, Acting Chair Provenzano admonished those in attendance who started to become boisterous and stated that this behavior was not respectful and unprofessional.

Commissioner Del Mastro read into the record the letter of withdrawal dated January 27, 2020 for Application #2348.

**MOTION:** Move that Application #2348 – Change of Zone from R-10 ad R-15 (Single-Family Residential) zone to A (Multi-Family Residential) zone at 560, 594 & 644 Redstone Hill Road; Assessor’s Map 1, Lots 9B-1; 9B-2; 11-11-2-11-3; 10-B-1; 594 Redstone Hill, LLC, applicant, accept the letter of withdrawal from Attorney Timothy Furey.

By: Harlow Seconded: Del Mastro.

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

The hearing is closed.

By: Massarelli Seconded: Harlow.

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

The application is withdrawn.

**ADJOURNMENT**

**MOTION:** Move to adjourn at 7:39 P.M.

By: Massarelli Seconded: Harlow.

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

This meeting was taped.

Respectfully submitted,

Nancy King  
Recording Secretary

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Louise Provenzano, Acting Chair

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Michael Massarelli, Secretary