

**BRISTOL PLANNING COMMISSION
MINUTES
REGULAR MEETING OF WEDNESDAY MAY 27, 2020
VIA WEB-EX**

CALL TO ORDER:

By: Chairman Veits

Time: 7:03 P.M.

Place: City Hall

ROLL CALL:

MEMBERS	NAME:	PRESENT	ABSENT
REGULAR MEMBERS:	Chairman William Veits (Chairman)	X	
	John Soares (Vice Chairman)	X	
	Andrew Howe (Secretary)	X	
	Jon Pose	X	
	Terry Parker	X	
ALTERNATE MEMBERS	Jeff Hayden (Alternate)	x	
	Joseph Kelaita (Alternate)	X	
	Tracey Bacchus (Alternate)	X	
	Robert Flanagan, AICP, City Planner	X	
STAFF	Nancy Levesque, P.E., City Engineer	X	

Chairman Veits designated regular Commissioners Soares, Howe, Pose Parker and Veits as voting Commissioners this evening. He also reminded the Commission the next regular meeting was Wednesday July 22, 2020.

The Approval of Minutes was taken out of order.

APPROVAL OF MINUTES

- Minutes from the May 27, 2020 Regular Meeting

MOTION: Move to approve the minutes of the April 22, 2020, regular meeting.

By: Pose

Seconded: Parker.

For: Pose, Howe, Parker, Soares and Veits.

Against: None.

Abstain: None.

PUBLIC PARTICIPATION

There was no public participation.

Ernie Pitti 65 Palmorr Place, had questions with respect to the SustainableCT – Housing Data Presentation.

NEW APPLICATIONS

There were no new applications.

PUBLIC HEARINGS

There were no public hearings.

MOTION: Move to take Item #5 on tonight's Agenda (Sustainable CT – Housing Data Presentation) and move it up to be the first item on the agenda this evening.

By: Howe

Seconded: Parker.

For: Howe, Parker, Pose, Soares and Veits.

Against: None.

Abstain: None.

NEW BUSINESS

5. SustainableCT – Housing Data Presentation

The Commission acknowledged receipt of the following items: a letter dated May 8, 2020, from David Oakes, Public Works Department, Facility Manager and Energy Manager, regarding SustainableCT Action 8.1 Housing Needs Assessment Submission

David Oakes, Facilities Manager, City of Bristol, Department of Public Works, 111 North Main Street, explained as he mentioned earlier in the meeting there was a worksheet with requirements based on Partnerships for Strong Communities. There are actions Bristol has completed on the Website of the Partnerships for Strong Communities, which was a bronze status for Bristol. These actions were based on all the Departments of the City and the Commission review would help check off a few more requirements. Bristol is ranked high for affordable housing units, Action 8.2, which had a lot of point in this category. This was a summary of Bristol's status for affordable housing. Bristol is ahead of most towns in CT for affordable housing and diversity. They would continue to work on obtaining a silver status for Bristol, which was the highest level to obtain. Bristol was one of the first of 18 towns to obtain SustainableCT in 2018. Mr. Flanagan was a member of the SustainableCT team and has contributed substantially to the application and process to be one of the top leaders in CT.

After inquiry by Mr. Flanagan, Mr. Oakes noted he would only need the agenda to submit, which would help accrue 15 more points.

After inquiries by the Commission, Mr. Flanagan explained the definition of affordable housing was an income calculation to determine the income median for a town, which the affordable housing Statute would dictate the prices of the houses, if there was an Affordable Application. He explained an example of 20 units with a certain amount of them had to be affordable, which was from 20% to 30%. It was based on the town's income and a calculation. The buyer cannot spend more than 33% of income on housing.

ZONING COMMISSION REFERRALS

1. Application #2372 – Proposed amendments to the Zoning Regulations: to add Drive-up facilities, including those which are part of a use otherwise permitted by right, with a minimum area of 3 acres, but excluding car and truck washes as a Special Permit use in the Downtown Business (BD) zone (Section V1.C.3.c.); Attorney James Ziogas, applicant.

The Commission acknowledged receipt of the following items in their electronic packets: a letter dated May 14, 2020, from Attorney James Ziogas, regarding the request; a referral memorandum dated May 28, 2020, from the Zoning Commission to Therese Pac, Town and City Clerk; a referral memorandum dated May 28, 2020, from the Zoning Commission to the Planning Commission; a page entitled "Application #13-1 (2013)"; a copy of the Zoning Commission minutes dated Regular Meeting of November 14, 2012 (Pages 1 and 5); a copy of the Zoning Commission agenda from the Regular Meeting of December 12, 2012; a copy of the Zoning Commission minutes dated December 12, 2012 (Pages 6 and 7); a referral memorandum dated December 13, 2012, from the Zoning Commission to the Planning Commission, regarding an 18 month moratorium in the BD-1 and BD-2 zones; a special Planning Commission agenda, dated December 27, 2012; a copy of the special minutes of the Planning Commission dated December 27, 2012; a referral letter dated January 3, 2013, from the Planning Commission to the Zoning Commission, regarding the establishment of an 18 month moratorium; a special Meeting Agenda of the Zoning Commission dated January 30, 2013; a copy of a proposed amendment entitled "Proposed Amendment to the Bristol Zoning Regulations, Bristol Zoning Commission, Draft for January 30, 2013, Public Hearing; a copy of the minutes of the Bristol Zoning Commission, Special Meeting of January 30, 2013 (Pages 1 to 3); a copy of the regular meeting agenda of the Zoning Commission, dated February 13, 2013; a copy of the Zoning Commission regular meeting minutes of February 13, 2013 (Pages 1,8 and 9); a copy of a page entitled "Application #14-1 (2014)"; a copy of the Zoning Commission agenda of the special meeting of Monday, June 10, 2013; a copy of the minutes of the Zoning Commission special meeting of June 10, 2013 (Pages 1 and 2); a copy of the Zoning Commission regular meeting agenda dated October 9, 2013; a copy of the Zoning Commission regular meeting minutes dated October 9, 2013 (Pages 1 and 4); the Zoning Commission regular meeting agenda dated November 13, 2013; a copy of the Zoning Commission regular meeting of November 13, 2013 (Pages 1 and 5); a referral letter dated November 26, 2013, from the Zoning Commission to the Planning Commission;

a Planning Commission regular meeting agenda dated December 18, 2013; a copy of the Planning Commission regular meeting minutes dated December 18, 2013 (Pages 1 and 2); a referral memorandum dated December 30, 2013 from the Planning Commission to the Zoning Commission, regarding their report and recommendations; a copy of the proposed amendments entitled "AZR-14-1: Proposed Amendments to the Bristol Zoning Regulations, Bristol Zoning Commission, Draft for January 15, 2014 Public Hearing; a copy of a map of the Drive-Up Windows in the Downtown Bristol, CT, dated January 2014; the Zoning Commission regular meeting agenda dated January 15, 2014; a copy of the Zoning Commission regular meeting minutes of January 15, 2014 (Pages 1, 3 and 4) and a copy of a Planning article from a National Planning Magazine entitled "Planning, April 2020, In This Issue: Is Fast-Food Through With Drive-Thrus?, Responding to pressures from consumers and planners, a new generation of fast-food restaurants is replacing the familiar cookie-cutter, car-centric prototype."

Attorney James Ziogas, 104 Bellevue Avenue, explained there was a moratorium established for drive-up windows in 2013 in the BD zones. Then about a year later, the moratorium and the use of drive-up windows was taken out of the Regulations, entirely. So there has not been any new drive thru windows approved since then in the downtown area. Partial considerations in 2013 for the Zoning Commission was a development plan and vision statement of what they wanted downtown to look like and to make it pedestrian friendly. He reviewed the downtown area map.

From South Street to North Street there are no retail businesses with exception of Mafale's Plaza, but going north there is a few retail plazas. The Commission's opinion at that time was drive thru windows were not pedestrian friendly and to have them removed. The development of downtown has not happened in 2020 with the exception of the Bristol Hospital facility and the assisted living facility. With the lack of development and reviewing this Regulation, we are hoping to encourage development to improve the downtown area. With the events of 2020 and COVID-19, the restaurant and retail businesses are facing many challenges with the pandemic. He has researched the surviving businesses during the pandemic and most have survived with a drive thru window. His opinion was the City has to prepare for development and to have tools in the Regulations for these types of applications.

Attorney Ziogas reviewed the various drive-thru appointments and services during the pandemic. His opinion was these were necessary for the downtown area as well. Drive thru medical procedures may become necessary.

The amendment has a three-acre minimum parcel to prevent concerns of every vacant lot parcel in the BD-1 zone. A hardship for a smaller property would require a Variance with the Zoning Board of Appeals. The amendment might encourage merged 3-acre properties.

Attorney Ziogas' opinion was this amendment would improve the downtown area. With the three-acre minimum, that would protect the smaller parcels from over development of drive thru windows. This would promote a business-friendly downtown environment and protect the City.

After inquiries by the Commission, Attorney Ziogas was unsure of the amount of building versus vacant properties in this area, but there were less than six existing properties that were 3 acres. He had a client interested in the Center Square property, but a drive thru window was required and it could not be accommodated with the current Regulations.

The Commission agreed the view of 2020 changed lifestyles with e-commerce and drive thru services increasing. There is the 3-acre protection for the City and they were in favor because it would be more opportunity for the downtown area. But, pedestrian friendly can work with drive thru windows.

Attorney Ziogas explained regarding the Plan of Conservation and Development themes of walkability and pedestrian friendliness were motivated by towns like West Hartford with restaurants and shopping, which made it successful. But, shopping has gone to e-commerce. There would be businesses and restaurants closing now in certain states.

The Commission agreed with the comments and regarding the Plan of Conservation and Development, regarding Page 78, on Policies, but particularly two policies, to retain the existing businesses and attract new businesses to suitable locations in Bristol. They were in favor of the request.

The Commission commented if considered for approval, with the development of the BD-1 and BD-2 zones, the applications should be considered on an individual basis. They were unsure of when the pandemic would end and changed lifestyles would be normalized. After inquiries by Attorney Ziogas, Mr. Flanagan explained there was a reference on Page 74, to e-commerce in the Plan of Conservation and Development, but not obviously to the scope of use during the pandemic.

The CT General Statute 8-24 Referral is recommended for approval

- b. Proposed lease for the purpose of installing a fuel cell on approximately 8,500 sq. ft. of City owned property known as Assessors Map 4 & Lot 17.

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

MOTION: Move to remove City Council C.G.S. 8-24 Review: 3.b. off of the agenda.

By: Howe

Seconded: Soares.

For: Howe, Parker, Pose, Soares and Veits.

Against: None.

Abstain: None.

The CT General Statute 8-24 Referral was removed from the agenda.

- c. Proposed lease of approximately 1.5 acres of City owned property known as Assessors Map 3 & Lot 31; property at located at 75 Battisto Road.

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

Ms. Levesque, P.E., explained the applicant D’Amato Construction was proposing to lease a portion of the Water Pollution Control Plant property. The frontage is on Vincent P. Kelley Road near the employee parking lot for the Public Works Yard and the Sewage Plant, which are behind 400 Middle Street that D’Amato Construction owns. The intent of D’Amato Construction would be expanding their outdoor storage area, which would be a lease.

MOTION: Move to direct staff to forward the following report to the City Council:

- a. Pursuant to the Connecticut General Statutes Section 8-24, the Planning Commission recommends that the City approve a proposed lease of approximately 1.5 acres of City owned property known as Assessors Map 3 & Lot 31 and is located at 75 Battisto Road. This action would be consistent with the 2015 Bristol Plan of Conservation and Development, updated to April 1, 2018, specifically:

9.3.1.4. – Encourage the retention and expansion of existing business and industry in Bristol.

By: Howe

Seconded: Soares.

For: Howe, Parker, Pose, Soares and Veits.

Against: None.

Abstain: None.

The CT General Statute 8-24 Referral is recommended for approved.

OLD BUSINESS

- 1. Project Status Update: Application #324 – Bristol Crossing Subdivision (aka: Bristol Crossing Subdivision); Assessor’s Map 9, Lots 12, 13 & 26 through 42 – Phase 2: Corbin Ridge (19 lots) & Lots 14 through 25 – Phase 3: Tevin’s Way (12 lots); Sachem Capital Realty, LL; owner/applicant.

Scott Iovine, Project Manager, on behalf of Sachem Capital, Branford, explained he was requested to provide a project update and he reviewed the many improvements. This was a 12-year-old approved Site Plan the applicant resumed after foreclosure from the previous developer. There were four houses constructed and two additional houses constructed from 2018 to 2019. He was hired last year to review the plans and get the project back on track. There was a lot of destabilized soils eroding into the inland wetlands. The applicant compiled a grading and stabilization plan in 2020 to stop erosion, improve the site substantially, improve esthetics and to re-open the road. They are halfway finished with the stabilization process. Phase 3, Tevin’s Way has been graded, hydroseeded, irrigation system with water meters. Corbin Ridged, Phase 2, regarding the grading and stabilization plan the excavation was finished on the left side of the road, but the steeper grade remains on the right side.

The detention pond grades are done based on the Site Plan. They met with David Lord, C.S.S., of Soil Resource Consultants, for the detention pond specifications. Because of the age of the plans, some of the protocols changed and Mr. Lord provided a recent survey of the pond with recommendations to convert it from a temporary sedimentation basin to a storm water wetland basin. hE would provide a revised report to Ms. Levesque, P.E., Carol Noble, P.E., Environmental Engineer and Raymond Rogozinski, Director of Public Works, to review the recommendations. Any changes would be reviewed with the Commission for approval. They are ahead of the schedule.

The sidewalks and paving have not begun, but the contractor finished the stages from Old Orchard to house #177. The sidewalks should be finished in two weeks in conjunction with finishing the hydroseeding with the Corbin Ridge grades.

Staff Reports

7. Monthly Subdivision Status Report

Ms. Levesque explained the Commission just reviewed the updated on the Bristol Crossings subdivision. Regarding Great Pyrenees Way, they were working on the property, but she mentioned to them to stabilize the site as soon as possible. Also, the Inland Wetlands Enforcement Officer has reviewed the site a few times to inspect their erosion control.

COMMUNICATIONS

ADJOURNMENT

Motion was made by Commissioner Parker to adjourn.
Motion seconded by Commissioner Soares.
Motion carried 5-0.

The meeting adjourned 8:35 P.M.

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

Respectfully submitted,
Nancy King

Andrew Howe
Secretary
City Planning Commission