

BRISTOL PLANNING COMMISSION
REGULAR MEETING OF JANUARY 28, 2009

ATTENDANCE: Chairman William Veits
Commissioner John Soares (VC)
Commissioner Brian Ewings
Anthony Dell'Aera
Joseph Kelaita (Alternate)
Charles Cyr (Alternate)
City Planner, Alan Weiner
City Engineer, Paul Strawderman

ABSENT: Commissioners Cannici and Keeton.

The meeting was called to order at 7:00 P.M.

Chairman Veits designated Commissioner Cyr as a voting member in Commissioner Keeton's absence.

I. Minutes

1. Regular Meeting of December 22, 2008.

Motion was made by Commissioner Cyr to accept the minutes of December 22, 2008 as presented.

Motion seconded by Commissioner Soares.

Motion carried 5-0.

II. Pending Applications

1. Application #330 – Subdivision, 421 Shagbark Drive (1 lot); Assessor's Map 49, Lot 15-A-2; R-15 (Residential) zone; Shagbark North, LLC, applicant (continued from 12/22/08).

The Commission acknowledged receipt of a memo dated January 22, 2009 from Raymond Rogozinski, Assistant City Engineer, regarding the Engineering Division's most recent review of the applicant's plan.

The following item was submitted into the record: a map dated January 27, 1998, depicting the previously approved waived rear lot for the subject site (submitted by Attorney Richard Goodine).

Attorney Richard Goodine, 120 Laurel Street, on behalf of the applicant, reviewed the issues concerning storm drainage discussed at the previous meeting and noted that the applicant has revised the plans to include yard drains and other measures to contain runoff from the site.

Joseph Green, 6 Old Waterbury Road, of Robert Green Associates, explained the proposed drainage system.

Mr. Strawderman noted that revised plans were received, but a review was not completed. He felt that the revised plan provides a reasonable approach to handle runoff from the subdivision, but noted that it would not address existing offsite problems

The following persons spoke against the application: David Chiovoloni 482 Shagbark Drive North; Brian Rankin, 46 Deerpark Road; and Ernest Domingue, 56 Deerpark Road. Their concerns were centered on developing property with poor drainage.

Mr. Weiner reviewed provisions Subdivision Regulations concerning the nature of property to be developed and rear lots with the Commission.

Attorney Goodine reviewed the previously approved subdivision and described how, with the addition of the proposed drainage system, the application in his opinion conformed to the Subdivision Regulations and why the rear lot waiver was warranted.

Mr. Weiner pointed out that, if the rear lot waiver is not approved, there would be no subdivision.

Motion was made by Commissioner Cyr to close the public hearing.

Motion seconded by Commissioner Ewings.

Motion carried 5-0.

Commissioner Soares pointed out that one factor in considering a waiver of any provision of the Subdivision Regulations is whether the subject property has unique characteristics that make conformance with the regulations unfeasible. He felt that this property did

not have any characteristics that met this criteria. A discussion ensued, with the Commission generally in agreement with Commissioner Soares's point.

Motion was made by Commissioner Cyr to grant the waiver for the rear lot for Application #330 - Subdivision, 421 Shagbark Drive, inasmuch as the lot met the conditions of the Subdivision Regulations 1.06.

Motion seconded by Commissioner Ewings.

Roll call vote:	Ewings -	No
	Dell'Aera -	No
	Cyr -	Yes
	Veits -	No
	Soares -	No

Motion denied 1-4.

Motion was made by Commissioner Soares to deny Application #330, Subdivision, 421 Shagbark Drive (1 lot); Assessor's Map 49, Lot 15-A-2; R-15 (Residential) zone; Shagbark North, LLC, applicant, inasmuch it did not meet Subdivision Regulation 5.02, which prohibits any rear lots when the total number of lots is one to four.

Motion seconded by Commissioner Ewings.

Motion carried 5-0.

III. New Applications

None.

IV. Zoning Commission Referrals

None.

V. City Council and Other Referrals

1. Acquisition of land for construction of a public school – 692 Pine Street (Starlite Market)
2. Acquisition of land for construction of a public school – 735 Matthews Street and 747 Matthews Street

Mr. Strawderman noted that a request was received from the Board of Education to postpone these requests to next month's meeting.

3. Discontinuance of a portion of Clark Avenue

The Commission acknowledged receipt of a copy of an electronic mail dated January 22, 2009, from Attorney Wyland Dale Clift, regarding Section 8-24 Referral – Discontinuance of portion of Clark Avenue; a letter dated January 15, 2009 from Therese Pac, Town and City Clerk notifying the Commission of the City Council's vote to schedule a public hearing concerning the subject site and a letter dated January 20, 2009, from Attorney Andre Dorval, regarding the request of the City of Bristol purchase of the subject property.

Attorney Andre Dorval, 17 Riverside Avenue, on behalf of the City, described a portion of Clark Avenue that was not discontinued when the road was relocated in the 1970's. This portion is on property that the City is negotiating to purchase for a new school, and both parties are interested in removing the encumbrance of the old road right-of-way. He noted that there are no underground utilities on the right-of-way or other public purposes for it any longer.

Mr. Strawderman said that, with the new school proposed at that location, improvements may be needed to the intersection of Clark Avenue and Matthews Street, and recommended that the right-of-way be discontinued subject to retention of any highway easements needed for those improvements.

Commissioner Dell'Aera made a motion to recommend approval to the City Council of the discontinuance of a portion of Clark Avenue, subject to the retention of any highway easements, as shown on the map entitled "*Property/Boundary Survey Map Depicting Land N/F Diann Sahlin, Land N/F Estate of Landon Morris Sahlin, And Land Formerly Used as Clark Avenue, Assessors Map 66, Lot 258, #851 Matthews Street, Also Fronting on Clark Avenue, Bristol, Connecticut 06010*".

Motion seconded by Commissioner Soares.

Motion carried 5-0.

4. Sale of Property – Lot 7, Southeast Bristol Business Park

The Commission acknowledged receipt of a letter dated January 15, 2009, from Therese Pac, Town and City Clerk regarding the City Council's vote to refer to the Commission the approval the purchase of a lot for sale located at the subject property.

Mr. Weiner noted that this item was just for the Commission's information.

VI. Old Business

None.

VII. New Business

1. The 2009 Capital Improvements Program – Bond Counsel

The following item was made part of the record: a resolution, undated, from the Corporation Council Office, regarding a project on Matthews and Perkins Street.

Mr. Strawderman noted item was this was left out from their December 22, 2008 meeting and the Commission needed to vote on the resolution for the Bonding Counsel.

Resolution was presented by Commissioner Soares;

RESOLVED, that the Planning Commission of the City of Bristol approves the following project pursuant to Section 8-24 of the General Statutes of Connecticut:

- Replacement of existing storm drainage culvert located on Matthews Street approximately 1,100 feet north of Perkins Street. The project shall include replacement of the existing culvert, channel improvements, installation of new and/or improvements to existing retaining walls, installation of curbing and roadside barriers, paving and related site and other improvements as needed.

Motion seconded by Commissioner Ewings.

Motion carried 5-0.

2. Electronic Mail dated January 28, 2009, regarding the appointment of Donald Padlo to the Central Connecticut Regional Planning Agency.

Mr. Strawderman noted that Mr. Padlo was interested in being re-appointed to the Central Connecticut Regional Planning Agency recommended that the Commission reappoint Mr. Padlo.

Commissioner Ewings motioned to reappoint Donald Padlo to the Central Connecticut Regional Planning Agency for three years.

Motion seconded by Commissioner Cyr.

Motion carried 5-0.

3. Application #243 – Revision to Site Plan, 440 North Main St.

The following item was submitted into the record: a letter dated January 26, 2009, from Attorney Salvatore Vitrano, regarding revision to a Site Plan, 440 North Main Street and a copy of the Connecticut State law applying to the application.

Mr. Weiner noted the letter was received today for this request and the Commission was required to vote on whether to place it on the agenda this evening.

Motion by Commissioner Soares to place Application #243, Revision to Site Plan, on the January 29, 2009 agenda this evening.

Motion seconded by Commissioner Dell'Aera.

Motion carried 5-0.

Attorney Salvatore Vitrano, 135 West Street, representing the applicant, read into the record, a letter dated January 26, 2009. The applicant is interested in revising and completing work on a previously approved site plan that has expired. He described the approved plan and the proposed revisions.

Mr. Weiner reviewed the Connecticut State law and the Subdivision Regulations with the Commission.

Attorney Vitrano requested approval of a retroactive extension of the approval of the site plan and indicated that an application for the revisions would be submitted shortly.

Motion was made by Commissioner Ewings to approve the request for extension of the completion date, of the above referenced revision to site plan to December 31, 2009 for Application #243.

Motion seconded by Commissioner Dell'Aera.

Motion carried 5-0.

VIII. Staff Reports

1. Monthly Subdivision Status Report

The Commission acknowledged receipt of the Monthly Subdivision Status Report dated January 21, 2009.

Mr. Weiner explained application #300 had a lack of progress and that the developer should attend the Commission's meeting in February. The Commission agreed to send a letter to the applicant.

2. West End Neighborhood Planning Study

Mr. Weiner noted that the consultants have proposed recommendations and there would be a draft report to the Commission.

3. Discussion of Amendments to Plan of Conservation and Development

The Commission agreed they would use the West End Study as an amendment to the Plan of Conservation and Development.

4. Revisions to Application Filing Fee Schedule

Mr. Weiner noted the Commission should place this item on their agenda next month.

IX. Communications

None.

Motion was made by Commissioner Soares to adjourn.

Motion seconded by Commissioner Ewings.

Motion carried 5-0.

The meeting adjourned at 9:05 P.M.

These minutes represent the proceedings of the meeting.

This meeting was taped.

Respectfully submitted,
Nancy King

Marie Keeton
Secretary
City Planning Commission