

BRISTOL PLANNING COMMISSION
REGULAR MEETING OF NOVEMBER 23, 2009

ATTENDANCE: Chairman William Veits
Commissioner John Soares (VC)
Commissioner Marie Keeton
Joseph Kelaita (Alternate)
Charles Cyr (Alternate)
Angelo Cannici (Alternate)
City Planner, Alan Weiner
City Engineer, Paul Strawderman

ABSENT: Commissioners Anthony Dell'Aera and Brian Ewings.

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

Chairman Veits designated Commissioners Cannici and Kelaita as voting members in place of Commissioners Dell'Aera and Ewings.

I. Minutes

1. Regular Meeting of September 30, 2009.

Motion was made by Commissioner Soares to accept the minutes of September 30, 2009 as presented.

Motion seconded by Commissioner Kelaita.

Motion carried 5-0.

2. Regular Meeting of October 28, 2009.

Commissioner Soares noted a correction on page three.

Chairman Veits designated Commissioner Cyr to vote for Commissioner Keeton due to her absence at the October meeting.

Motion was made by Commissioner Soares to accept the minutes of October 28, 2009 with the correction.

Motion seconded by Commissioner Kelaita.

Motion carried 5-0.

II. Pending Applications

1. Proposed Amendment to Section 2.08 of the Subdivision Regulations to allow the Planning Commission to grant one or more renewals of conditionally approved subdivisions beyond the original five-year expiration date; initiated by the Bristol Planning Commission.

Mr. Weiner explained the provisions of the Subdivision Regulations regarding conditional approvals and an apparent conflict with the state laws regarding extensions of these approvals. The regulations do not explicitly allow the Commission to extend a conditional approval beyond five years, although this is allowed under state statute.

Mr. Weiner reviewed the two alternate revisions discussed at the last meeting and said that the proposed amendment reflects the Commission's consensus from that meeting.

No one from the public spoke regarding the amendment.

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

Motion seconded by Commissioner Soares.

Motion carried 5-0.

Motion was made by Commissioner Kelaita to adopt the amendment to Section 2.08 of the Subdivision Regulations as presented, with an effective date of December 7, 2009.

Motion seconded by Commissioner Keeton.
Motion carried 5-0.

2. Proposed Amendment to Section 5.04 of the Subdivision Regulations to clarify that sidewalks shall be required along proposed streets in a subdivision but not along existing streets that abut the subdivision; initiated by the Bristol Planning Commission.

Mr. Weiner reviewed for the commission the Connecticut Supreme Court decision that Planning Commissions, in considering subdivision applications, could not require sidewalks to be constructed along existing streets. The decision creates a conflict with the city's subdivision regulations, which require sidewalks on all streets abutting the property to be subdivided. The proposed amendment would limit the requirement to new streets only.

The Commission discussed how the decision might apply to approved but unconstructed streets ("paper streets"). Mr. Weiner said that the decision did not address this circumstance and felt that any street that had not been constructed would be classified as a new street, even though it had previously existed on paper. The Commission decided that no changes to the proposed amendments were warranted.

No one from the public spoke regarding the amendment.

Motion was made by Commissioner Kelaita to close the public hearing.
Motion seconded by Commissioner Keeton.
Motion carried 5-0.

Motion was made by Commissioner Keeton to adopt the Proposed Amendment to Section 5.04 of the Subdivision Regulations as presented, with an effective date of December 7, 2009.
Motion seconded by Commissioner Soares.
Motion carried 5-0.

III. New Applications

1. Application #338 – Subdivision, 50 Emmett St. (2 lots); Assessor's Map 39, Lot 71; BG (General Business) zone; Robert Dabkowski, applicant.

Mr. Weiner noted that the application has an Inland Wetlands application pending and that the applicant's attorney requested that the Planning Commission postpone its discussion until next month. It was noted that the application constitutes a resubdivision and would require a public hearing.

Mr. Weiner pointed out that the proposed lot has a small frontage on Broad Street but that access is proposed from Emmett Street through an easement. The zoning regulations do not require street frontage in this zone, and it is not clear how the various setback requirements would be applied to this lot. The Commission felt that this question should be submitted to the Zoning commission with a request for a determination.

Motion was made by Commissioner Keeton to schedule a public hearing for Application #338 for the regular December meeting and to refer the request to the Zoning Commission for a determination on the setback requirements.
Motion seconded by Commissioner Soares.
Motion carried 5-0.

IV. Zoning Commission Referrals

None.

V. City Council and Other Referrals

1. Disposition of property
 - a. Lot 405/420, Malone Ave.
 - b. Lot 406-407, Malone Ave.

Mr. Weiner described the properties, noted that staff received little background information but that both lots had Inland Wetlands and there might be a building on Lot 405/420. He was not sure how usable the properties were to anyone. Chairman Veits explained his discussion with Corporation Council on the subject properties. He noted they would be getting a request for proposal for the lots, and if not the property could go to the abutting property owners.

Mr. Strawderman noted that the question for the Commission was whether these properties had a public purpose.

Commissioner Keeton pointed out that there are two different properties in the area with the same lot numbers and that the referral was not clear which of these is being considered.

Mr. Strawderman suggested that either he or Mr. Weiner—or both of them—attend the Real Estate Committee meetings regarding these lots and for other referrals, so someone will know what their requests are concerning.

Mr. Weiner felt that the lots are all too small to be developed individually, but that consideration should be given to merging them and disposing of them as one parcel.

A discussion ensued regarding the amount of information typically received with Council referrals, and it was agreed that having someone attend the various committee meetings would be helpful.

Mr. Weiner noted the Commission could make a recommendation for the disposition of property only if the lots are a group of merged lots and if the lots are sold or developed, the lots could only be developed as one merged lot. He noted the City acquired these properties separately.

Motion was made by Commissioner Kelaita to recommend to the City Council approval of the disposition of the lots, but only if the three lots are merged as one parcel for possible future development.

Motion seconded by Commissioner Soares.

Motion carried 5-0.

VI. Old Business

1. Request for extension of subdivision approval – Cold Springs Farm, Sec. 5, east side of Village St. (App. #274)

Mr. Weiner noted the subject subdivision would expire on December 29, 2009 and based on the amendment adopted this evening, the Commission could extend this subdivision approval. He noted the Commission could vote on this item tonight as long as it did not take effect until after the effective date of the amendment approved earlier tonight. The Commission could also continue this item until the December meeting.

Motion was made by Commissioner Keeton to continue the request for extension of subdivision approval, Cold Springs Farm, Section 5, east side of Village Street (App. #274), to their regular December 28, 2009 meeting.

Motion seconded by Commissioner Cannici.

Motion carried 5-0.

2. Expiration of 5-year subdivision approval – Cold Springs Farm, Sec. 4 (App. #268)

The Commission received a letter dated November 17, 2009, from William Delfino, requesting an extension of this subdivision approval.

Mr. Weiner noted regarding explained that the applicant let this subdivision lapse based on an incorrect interpretation of the conditional approval provisions by staff. The Commission could continue this item to their December meeting until the amendment was in effect.

Motion was made by Commissioner Keeton to continue the request for expiration of 5-year subdivision approval, Cold Springs Farm, Section 4 (App. #268), to their regular December meeting.

Motion seconded by Commissioner Kelaita.

Motion carried 5-0.

VII. New Business

None.

VIII. Staff Reports

1. Monthly Subdivision Status Report

The Commission acknowledged receipt of the Monthly Subdivision Status Report dated November 16, 2009.

Mr. Weiner noted that Cedar Hill, Phase I, the bond has been posted, and it is a final subdivision, which will expire in 2013.

2. West End Neighborhood Planning Study

Mr. Weiner noted that he and Mr. Beauchemin were working on the draft report with the consultants. He noted the Commission might a report at the beginning of the year.

Mr. Weiner also reviewed the following Site Plans:

ESPN, 300 Ronzo Road, parking lot:	Almost completed and would be completed by spring next year.
76 Halcyon Drive, archive storage:	Completed inspection, work almost completed, dumpster relocated requiring screening. Also, there is a question of the driveway. A bond would be posted.

IX. Communications

None.

Motion was made by Commissioner Kelaita to adjourn.

Motion seconded by Commissioner Soares.

Motion carried 5-0.

The meeting adjourned at 8:35 P.M.

These minutes represent the proceedings of the meeting.

This meeting was taped.

Respectfully submitted,
Nancy King

Marie Keeton
Secretary
City Planning Commission