

BRISTOL PLANNING COMMISSION
REGULAR MEETING OF MARCH 24, 2010

ATTENDANCE: Commissioner John Soares (VC)
Commissioner Marie Keeton
Commissioner Brian Ewings
Anthony Dell'Aera
Joseph Kelaita (Alternate)
Charles Cyr (Alternate)
Angelo Cannici (Alternate)
City Planner, Alan Weiner
City Engineer, Paul Strawderman

ABSENT: Commissioner Veits.

The meeting was called to order at 7:03 P.M.

Acting Chairman Soares designated Commissioner Cyr as a voting member in Commissioner Veits's absence. Also, he reminded the Commission that the next regular meeting is on April 28, 2010.

I. Minutes

1. Regular Meeting of February 24, 2010.

Commissioner Soares noted that his name required a correction on the first page of the February 24th minutes.

Motion was made by Commissioner Dell'Aera to accept the minutes of February 24, 2010 as presented and amended.

Motion seconded by Commissioner Keeton.

Motion carried 5-0.

II. Pending Applications

1. Application #340 – Subdivision, south side of Bernie Ave./north side of Lillian Rd. (3 lots); Assessor's Map 33, Lots 115-3 and 115-4; A (Multi-Family Residential) zone; Greater Bristol Realty Corporation, applicant.

The following items were submitted into the record: a letter (attachments) dated February 25, 2010, regarding the non-profit intentions of the applicant for the plan; a letter dated October 6, 1998, 2010, from the Internal Revenue Service, regarding the tax exempt status of the plan; a copy of the certificate of Incorporation of the applicant (attachment), January 13, 1997 and a copy of the declaration restriction undated (submitted by Attorney James Ziogas). Also, an electronic mail, dated February 16, 2010, from Peter Forrest, City Surveyor, regarding his recent review of the plan.

Attorney James Ziogas, 271 Farmington Avenue, on behalf of the applicant, described the zone change process for the property and the intention to develop the property as affordable single family housing. He presented and explained the documentation of the applicant's non-profit status and the affordable housing declaration and restrictions that would be filed on the land records.

Mr. Strawderman noted that, aside from minor mapping comments from the City Surveyor, the plans presented are ready for approval.

Robert Hiltbrand, P.E., 575 North Main Street, described the site development and grading plan and how the lots were graded to drain away from the houses into the storm water system in the road.

Attorney Ziogas explained that an existing fence encroaching onto the property would be relocated.

Kim Mari, 197 Lillian Road noted that a portion of her property floods when it rains and expressed concern that runoff from the proposed house sites would impact her. Mr. Hiltbrand explained that the existing problem comes largely from the paved portion of Lillian place, which will be removed, and an ineffective drain on Housing Authority property. He said that the proposed development may divert some of the existing water currently entering her property, and will not add more.

Mr. Weiner noted that these are existing streets and that sidewalks were not required.

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

The Commission discussed the affordable housing declaration and questioned the application of the ten year time period and the proposed price cap.

The Commission agreed to reopen the public hearing to further discuss the issue.

Motion was made by Commissioner Keeton to reopen the public hearing for Application #340.
Motion seconded by Commissioner Dell'Aera.
Motion carried 5-0.

Attorney Ziogas said that the applicant was agreeable to amend the declaration to apply the ten year period from the issue of a certificate of occupancy rather than sale of the property.

Motion was made by Commissioner Ewings to close the public hearing.
Motion seconded by Commissioner Dell'Aera.
Motion carried 5-0.

Motion was made by Commissioner Ewings to approve Application #340 with the following stipulations:

1. The plan shall not be signed off until all remaining staff comments have been addressed and the plan revised accordingly.
2. The declaration agreement associated with the plan under Subsection IV. of affordable housing agreement shall be amended to the term of ten years from issuance of certificate of occupancy and indicated on the declaration agreement before any certificates of occupancy are approved and applied for on each dwelling.

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

2. Application #342 – Re-subdivision, 30 Battle St. (2 lots); Assessor's Map 62, Lot 17A; R-25 (Residential) zone; Joseph and Anna Stanco, applicants.

Attorney James Ziogas, 271 Farmington Avenue, on behalf of applicants, described the proposed re-subdivision, including one rear lot. He explained the past subdivision of this property that consisted of five lots with excess land to accommodate one rear lot, although that was not taken at the time. Attorney Ziogas felt that the entire property, including the previous subdivision, should be considered in determining whether the current application meets the rear lot regulations.

Mr. Weiner noted that this application involves a policy question for the Commission that might set precedent for other applications. The Commission has to decide whether the applicant was correct in its view of going back to the original subdivision to determine how many lots were allowed, including rear lots.

Attorney Ziogas argued that a rear lot should be allowed now because a rear lot would have been permitted in the original subdivision, even though it was not created at that time. He addressed a question from the Commission by describing how the house would be identified for emergency services.

Attorney Ziogas explained there was not City water and sewer on the site. Also, the row of trees along the west side of the property has been removed.

Mr. Weiner commented that this was the applicant's property, but there is an adjoining property owner that would have benefited of screening from the trees.

Robert Hiltbrand, P.E., 575 North Main Street, on behalf of the applicant explained the trees would not benefit the neighbor for any screening because they were 20 feet high but had with no low branches. He noted the trees were a lot of maintenance, but if screening were required, the applicant would agree to it.

Mr. Strawderman expressed the opinion that the application was for a two-lot subdivision, and the previously approved subdivision was irrelevant. He asked whether the applicant was proposing open space, and if so whether the amount should be calculated based upon the two lots or the six lots encompassing the original subdivision.

Attorney Ziogas said he did not know if there was open space on the original subdivision, but if open space were required now, it could not be based on the six lots, because it was approved previously and land would be taken from the existing homeowners.

The Commission discussed the issue and generally agreed with the applicant's view. Mr. Strawderman later clarified that he raised the issue to suggest that, if the Commission were to consider the previously approved subdivision in relation to the rear lot request, then it should be considered in evaluating all other regulations as well.

The following persons spoke concerning the application: Louise Grabowski, 50 Battle Street; Daniel Grabowski, 585 Perkins Street; Lucy Oxtan, 603 Perkins Street. Among their concerns were the location of the proposed septic system near the property line and the top of the bank; capability of the site for well and septic service; loss of privacy; drainage from the property toward existing homes to the east, especially from the steep bank; noise and construction traffic. Questions were also raised about the use of an existing shed on the property as a residence.

Blake DellaBianca, 20 Wooster Court, felt that it was appropriate to consider the previously approved application in relation to the request for a rear lot.

Mr. Hiltbrand explained the tests he performed to demonstrate to the Bristol Burlington Health District that the site is suitable for wells and septic systems. He said that an easement was created on the previous subdivision to allow a sewer connection from the applicant's property to Perkins Street should issues arise with the septic systems.

Joseph Stanco, 30 Battle Street, explained that existing shed was not used for a dwelling unit.

Motion was made by Commissioner Cyr to close the public hearing.
Motion seconded by Commissioner Dell'Aera.
Motion carried 5-0.

Motion was made by Commissioner Dell'Aera to approve Application #342 with the understanding that the original five lot subdivision was considered in evaluating this re-subdivision.
Motion seconded by Commissioner Ewings
Motion carried 5-0.

III. New Applications

1. Application #343 – Subdivision, 351-357 Terryville Ave. (3 lots); Assessor's Map 61, Lot 67; I (General Industrial) zone; Laviero Realty LLC, applicant.

Mr. Weiner explained that there were previously approved Site Plans for four buildings and a telecommunication tower for this site. This application is to subdivide the property into three lots. He said that the Commission needs to decide if a public hearing is required.

The Commission decided because there were some houses in the area, it might affect those homeowners.

He noted that the application is only to divide the property and that any subsequent development on the site would require Site Plans and other any required permits.

The Commission decided that a public hearing was not required.

Richard Laviero, 156 Ridgewood Lane, explained that they are subdividing the property in anticipation of future sale and development. Mr. Laviero described the existing access right of way for the communication tower and said that a portion of it will be relocated on the applicant's property.

Motion was made by Commissioner Keeton to approve Application #343.
Motion seconded by Commissioner Ewings.
Motion carried 5-0.

2. Application #344 – Re-subdivision, south side of Marsh Rd. east of 515 Marsh Rd. (4 lots); Assessor's Map 65, Lot 7B; R-25 (Residential) zone; Jan Joseph Chizinski, applicant.

Attorney James Ziogas, 271 Farmington Avenue, representing the applicant, requested that a public hearing be scheduled.

Motion was made by Commissioner Keeton to schedule Application #344 for a public hearing on April 28, 2010.
Motion seconded by Commissioner Ewings
Motion carried 5-0.

IV. Zoning Commission Referrals

1. Application #2051 – Change of Zone from BN (Neighborhood Business) to R-15 (Single-Family Residential) for 692 Pine St.; Assessor's Map 2, Lot 41-1; City of Bristol, applicant.
2. Application #2052 – Change of Zone from BG (General Business) to R-15 (Single-Family Residential) for 754 Pine St.; Assessor's Map 2, Lot 44; City of Bristol, applicant.

The Commission acknowledged receipt of the following item: Two memos dated March 1, 2010, from the Bristol Zoning Commission, regarding the Applications #2051 and #2052.

Mr. Weiner suggested that the Commission should hear these applications concurrently, but vote on them separately.

Attorney James Ziogas, 271 Farmington Avenue, on behalf of the applicant, explained the proposal to construct a new school on the property to replace the current Green Hills School. He explained the existing school site is 14.2 acres, a 54,000 square foot building, and 50 parking spaces. He explained the proposed school site is 17.937 acres with a 121, 000 square foot building, 185 parking spaces (including 16 school buses). He noted a school is allowed in BG, BN, and R-15 zone, but having parts of the site in different zones created potential problems with the Zoning Regulations concerning set-backs and other issues. In his view, this site would be better re-zoned to R-15 for the area because the request would be in one zone and it would an extension of a like zone. If approved, there would be one-setback regulations for the application. He noted the existing school would remain in place until the proposed school was built. He mentioned the market and Crowley's would not house any structures and the school would still be on the property while the new school is being built.

After inquiries by the Commission, Attorney Ziogas explained there were four existing lots. There were only three businesses in the area. If approved, the lots would be merged to the lot that had access to the school.

Mr. Strawderman noted there were few businesses in the area and the R-15 zones were in the surrounding area.

Mr. Weiner noted the existing school would be demolished after the new school is built. After inquiries by the Commission, Mr. Weiner noted that the access way would not be affected and be merged into the property.

Motion was made by Commissioner Dell'Aera to recommended approval of Application #2051 to the Zoning Commission because it was an extension of a like zone of the area to construct a new school and it was consistent with the Plan of Conservation and Development.
Motion seconded by Commissioner Keeton.
Motion carried 5-0

Motion was made by Commissioner Dell'Aera to recommended approval of Application #2052 to the Zoning Commission because it was an extension of a like zone of the area to construct a new school and it was consistent with the Plan of Conservation and Development.
Motion seconded by Commissioner Ewings.
Motion carried 5-0

V. City Council and Other Referrals

1. Proposed 2010-11 Community Development Block Grant (CDBG) Budget

The following item was submitted into the record: a map undated, entitled "City of Bristol, Low to Moderate Income Areas (submitted by Debra Shapiro).

Debra Shapiro, Community Developer Coordinator, Bristol Development Authority, presented the request for the allocation of \$714,000 for the City by the US Housing and Urban Development. She explained there would be for policies for next year to be approved by the City Council. She reviewed the areas of the City for housing rehabilitation completed this past year. She noted there was a need for the larger multi-family house rehabilitation that were owner occupied, which would be in the plan submitted to State. She explained they would not be allocating any money this year for the west end, but they surveyed the area and spoke of the program to the area business to improve the facades of the buildings. She noted the commercial building rehabilitation would be to the west end of the City for façade improvements and code enforcement. She noted this was the Development Authorities main program for the City to rehabilitate houses.

Ms. Shapiro explained the Development Authority Committee listened to the Commissions concerns this past year for the downtown and the West End Study and they would be submitting a plan to the State. On Divinity Street, they would be reviewing sidewalk reconstruction with this request to help pedestrian traffic. She noted the plan would show improvements to benefit neighbors to help to initiate an area association. Lastly, this was the first year of the five-year program.

After inquiries by the Commission, Ms. Shapiro explained 262 Park Street would be demolished for the entrance to the park and a grant could be used for this proposal. She explained the sidewalk reconstruction was a city program, which was paid for by half of the homeowner and half by the City, which would be federal money. Also, she reviewed the Enterprise Zone.

The Commission commented that homeowners usually do not reconstruct their sidewalks.

Mr. Weiner noted the West End program would have to be completed by both the City and the neighbors in the area.

Ms. Shapiro noted they try to spend \$15,000 a year, but the need was great in the area. She explained some programs were discontinued and she reviewed the public services allocations. Also in the priorities, the west end study shared an allocation with housing modernization's, and money was not allocated this year, but there might be a west end study allocation category and housing improvements next year.

After inquiries by the Commission and Mr. Strawderman, Ms. Shapiro explained the CW Resources Program for maintenance on houses. The allocation for the administration of support staff for rehabilitation was difficult to determine the allocations, but there were required public hearings for this item was required to be reported separately. Also, the \$163,000 was in addition to the \$396,000.

Motion was made by Commissioner Ewings recommendation approval to the Bristol Development Authority of the Proposed 2010-11 Community Development Block Grant (CDBG) Budget because it recognized the allocations to the west end study.

Motion seconded by Commissioner Cyr.

Motion carried 5-0.

2. Disposition of property – Lot 62-63, east side of Belmont St.

Mr. Weiner explained this item was placed on the agenda in error, and the Commission reviewed this item previously.

3. Disposition of property – Lot 7-14, south of Woodland St.

Mr. Weiner explained that the Commission reviewed this item previously. He did not know why these properties were referred back to the Commission.

Motion was made by Commissioner Ewings to restate the Commission's recommendation from its meeting of December 28, 2009, that the City Council not dispose of the above property due to a lack of information to fully consider the proposal and also the potential for use of the property as open space.

Motion seconded by Commissioner Cyr.

Motion carried 5-0.

4. Disposition of property – Lot 52, east side of Union St.

Mr. Strawderman noted this was a foreclosed property and there is no apparent public use for this property.

Motion was made by Commissioner Cyr to recommend approval to the City Council of the disposal of this property.

Motion seconded by Commissioner Keeton.

Motion carried 5-0.

5. Disposition of property – Lot 6+7+8, west side of Witches Rock Rd., north side of Longview Ave.

Mr. Weiner noted that the City was looking to sell this property that was one lot. He noted this was all the information they received on the request.

Mr. Strawderman explained he had no other information on this property. There was a study done of the feasibility of extending sewer and water service to the southwest part of the City, but these properties were not identified as part of the proposed concepts.

Motion was made by Commissioner Cyr to recommend approval to the City Council to dispose of the property, as long as the City Council determines it is not required for City Sewer and Water.

Motion seconded by Commissioner Keeton.

Motion carried 5-0.

VI. Old Business

1. 2/26/10 legal opinion re rear lots in a proposed subdivision

Mr. Weiner summarized the Assistant Corporation Counsel's opinion, which concluded that the Commission has the authority to limit the rear lots and the Zoning Regulation did not conflict with this issue.

VII. New Business

VIII. Staff Reports

1. Monthly Subdivision Status Report

The Commission acknowledged receipt of the Monthly Subdivision Status Report dated March 18, 2010.

He noted there was not a lot of activity, but the Burlington Meadows subdivision filing deadline was in May.

2. West End Neighborhood Planning Study

Mr. Weiner explained they received information from the consultant and they would be receiving a draft by the end of the month. He noted they would like to receive information from the public. He noted there would be some criticism on this matter and the Commission should be ready to defend the study.

3. Mr. weiner explained to the Commission that the Land Use Office was trying to put items online for the Commission to review before meeting such as maps and applications, etc. He noted they would still have to mail their packets to them. After inquiry by the Commission, Mr. Weiner noted that all the minutes were scanned.

IX. Communications

1. 3/17/10 memo from Paul Strawderman, City Engineer re Intersection Improvements at South, Church and Union Streets

The Commission acknowledged receipt of a memo dated March 17, 2010, from the Paul Strawderman, City Engineer, regarding the subject matter.

Mr. Strawderman noted this was a State notice of realignment and the Commission was on the list, if they wanted to attend the State meeting.

IX. Communications

Motion was made by Commissioner Keeton to adjourn.

Motion seconded by Commissioner Ewings.

Motion carried 5-0.

The meeting adjourned at 10:20 P.M.

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

Respectfully submitted,
Nancy King

Marie Keeton
Secretary
City Planning Commission