

ENFIELD PLANNING AND ZONING COMMISSION
REGULAR MEETING
MINUTES

Thursday, February 25, 2021 – 7:00 p.m.
Virtual Meeting

Call to Order & Pledge of Allegiance

Chairman Nelson called the meeting to order at 7:01 PM.

Roll Call

Commissioner Higley took the roll and present were Commissioners Frank Alaimo, Ken Nelson, Virginia Higley, Linda DeGray and Alternate Commissioners Vinnie Grillo and John Petronella. Absent were Commissioners Richard Szewczak and Mary Scutt.

Also present were Laurie Whitten, Director of Development Services; Jennifer Pacacha, Assistant Town Planner and Elizabeth Bouley, Recording Secretary.

Chairman Nelson seated Alternate Commissioners Grillo and Petronella.

Approval of Minutes

- a. February 11, 2021 – Regular Meeting

Motion: Commissioner DeGray made a motion, seconded by Commissioner Higley, to approve the minutes of the February 11, 2021 Regular Meeting.

Chairman Nelson stated that the Commission was not voting to approve the car dealership at 718 and were just voting on the King Street Overlay district, which is not in the minutes.

Motion: Commissioner Alaimo made a motion, seconded by Commissioner DeGray, to approve the minutes of the February 11, 2021 Regular Meeting as amended.

The motion passed with a 6-0-0 vote.

Votes: 6-0-0

Public Participation

Chairman Nelson asked three times if anyone would like to speak; no one came forward.

New Public Hearings

- a. **PH# 2993** – 0 Elm Street – Zone Change application from Business Regional Zone to Business General Zone in order to allow a car wash to be located between Hannoush & the Mobil gas station in front of the Enfield Square Mall; NEC Ventures II, LLC., applicant; Enfield Square Realty, LLC., Enfield CH LLC., & Enfield Nassim, LLC., owners.

Commissioner Higley read the legal notice and took the roll and present were Commissioners Frank Alaimo, Ken Nelson, Virginia Higley, Linda DeGray and Alternate Commissioners Vinnie Grillo and John Petronella. Absent were Commissioners Richard Szewczak and Mary Scutt.

Attorney Carl Landolina of Fahey & Landolina in Windsor Locks addressed the Commission on behalf of the applicant. He described the location of the parcel, which he stated is a vacant parcel of land between the Mobile gas station and Hannoush Jeweler.

Mr. Landolina stated that the Business Regional (BR) zone has a minimum acreage requirement of 5 acres and the Business Local (BL) has a minimum area requirement of 22,500 SF. He stated that when the mall property was subdivided, many of the lots were left undersized for development within the BR zone. He stated that the long term desire of the Commission was to create a central business district on Elm Street, and this is the first of many zone change applications the Commission will see as the parcels are all under the required 5 acres for the BR zone.

Mr. Landolina went over the uses allowed in the BR zone, stating that they are not appropriate for this parcel so it will need to be re-zoned to the next zoning category which is Business General (BG). He stated that there are other BG parcels in the area, including one that abuts this parcel. Mr. Landolina concluded that the next logical step is to re-zone some of these smaller parcels so they can be used in accordance with the zoning standards in the BG zone. He stated that it fits with the Plan of Conservation & Development (POCD).

Chairman Nelson stated that the subdivided mall parcels are still tied to the Enfield square due to the restrictive covenants that go with them. Mr. Landolina stated that there is a declaration of restrictions and covenants that goes along with this parcel and there are cross easements so there is a connection. He went on to say that the list of uses permitted by the mall owner are more akin to BG uses, and the mall owners have to approve any uses that go into any of the parcels.

Chairman Nelson stated that he considers the mall to be a Planned Unit Development (PUD) and he agreed to the subdivision because the parcels are tied to the mall, which does still meet the requirements of the BR zone. He stated that if Mr. Landolina is correct, all of the other parcels will have to go before the Commission as well.

Mr. Landolina stated that the mall owners do not want to use any of their resources to do this re-zoning.

Chairman Nelson stated that it is considered a PUD and he does not believe this needs to be done as the parcel is part of a larger cluster. Mr. Landolina stated that under the declaration of covenants and restrictions, they are not part of a larger group and are going to be a stand-alone parcel. He stated that the proposed use for the parcel does not appear to be a permitted use in BR. Chairman Nelson stated that he agrees with the zone change if the use is not permitted in BR.

Chairman Nelson stated that he does not want any of these parcels down the road to be wanting direct access to any of the surrounding main roads, and it should be kept as a PUD where everyone has to use the roads through the square. Mr. Landolina stated that this is a condition under the

declaration of restrictions and covenants, and the DOT would never allow an encroachment permit to put a driveway onto Elm Street.

Commissioner DeGray stated that she is concerned that changing the zoning of this lot to BG may result in the constant re-zoning of little plots and subsequent loss of the entire shopping district. Chairman Nelson stated that if the entire parcel was to be re-zoned it would not be spot zoning, but just doing one particular lot is spot zoning.

Commissioner Alaimo stated that the covenants are the reason he approved of the whole idea. He stated that he is in favor of the zone change if needed so the lots can be developed and the area can come back to life. Chairman Nelson stated that the zone change is not needed if the parcels are still connected to the mall. He stated that it is spot zoning unless they change the zone for the entire mall.

Mr. Landolina asked if the Commission can approve almost any use on there as long as it is part of the mall. Chairman Nelson stated that they are about developing the mall and helping in any way possible, and some of the Commission does not believe this zone change is needed.

Commissioner Higley stated that she does not understand why it was not changed in the use table. She stated that unless they are not legally allowed, she would rather see it as a text change to the zoning regulations than a zone change.

Ms. Whitten stated that any of these parcels all fall under the Covenants, Conditions & Restrictions (CC&Rs) and are all part of the mall. She stated that the parcels along Elm Street are out-parcels and not part of the physical mall. Ms. Whitten stated that she does not see a problem re-zoning the parcels along the street and pointed out that the neighboring site is also BG. She stated that she is concerned about putting this use in the BR zone as that could allow someone to put a car wash in the middle of the mall.

Ms. Pacacha stated that it makes more sense to change the zoning for that parcel rather than allowing a car wash in the BR zone. She stated that all of the BR uses are allowed by Special Permit.

Chairman Nelson asked if the car wash could be put on the property with a Special Permit without the zone change, to which Ms. Pacacha replied that the allowed uses are permitted with a Special Permit but car washes are not an allowed use.

Additional discussion took place regarding changing the zone for the strip of roadside parcels from the highway to Hannoush.

Commissioner DeGray suggested that the Commission have a workshop with the consultant to discuss this. Ms. Whitten stated that they are working on the POCD and will be looking at this area through a traffic corridor study. She stated that there will also be some market studies of the mall.

Commissioner Petronella asked if approving this would encourage adjacent parcels under the BR to do the same and pursue zone changes. He stated that he has no issue with the outer parcels but is worried about the inner parcels, to which Chairman Nelson agreed.

Chairman Nelson suggested that they say this pertains to properties that abut the Elm Street corridor, which would eliminate anything behind these properties. Ms. Whitten stated that she would be reluctant to add things like that without review. She stated that this is not opening Pandora's Box as the Commission can just deny anyone else trying to change the BR zone to BG. Chairman Nelson stated that if they keep nipping pieces away then it is no longer going to be a large parcel. Ms. Whitten stated that it is dangerous to start including other parcels without a full review.

Mr. Landolina stated that when the Commission is doing a zone change or text amendment, they are acting legislatively and are not bound by any prior decision. He stated that an approval of a zone change has no impact on abutting parcels.

Chairman Nelson asked three times if anyone in the public would like to speak; no one came forward.

Motion: Commissioner Alaimo made a motion, seconded by Commissioner DeGray, to close the Public Hearing.

Commissioner Alaimo withdrew his motion; Commissioner DeGray withdrew her second.

Chairman Nelson stated that the Commission is all over the place on this and if they close the Public Hearing they cannot discuss it any further.

Commissioner DeGray stated that they need to have a workshop as a Commission with the consultant and she does not feel comfortable doing this.

Ms. Whitten stated that the parcel is still part of the mall and will still be part of the overall acreage whether or not it is re-zoned. Commissioner DeGray stated that the whole thing needs to be looked at as a large area in the center of town. Ms. Whitten stated that the Commission has an application before them and what Commissioner DeGray is requesting could take months. Commissioner DeGray reiterated that she is uncomfortable.

Commissioner Nelson stated that Namdar should be here to discuss this.

Chairman Nelson asked if Hannoush is in the BR zone, to which Mr. Landolina replied that it is BG. Chairman Nelson stated that it does not follow the restrictive covenants and has no bearing on what happens at the square, which Mr. Landolina confirmed.

Chairman Nelson stated that nothing will ever happen with the mall if they keep selling off little parcels and changing the zones. Mr. Landolina stated that the frontage parcels are all being marketed right now. Chairman Nelson stated that Namdar should be doing the work to make these marketable.

Commissioner Alaimo stated that Staff and Mr. Landolina do not see a problem so he feels they should close the Public Hearing and move forward with a vote. Chairman Nelson stated that what they are trying to put on this lot does not fit and is not a permitted use unless they switch it to BG.

Chairman Nelson stated that this is setting precedence, to which Commissioner Alaimo replied that they were given an opinion that what they decide tonight does not impact any other parcels. Further back and forth discussion took place between Commissioner Alaimo and Chairman Nelson.

Commissioner Petronella stated that he has some concerns about this being pecked away at gradually and more applicants will be looking for zone changes. He stated that they need to keep the large BR parcel as it is and he fears opening up Pandora's Box if they change the zone on this parcel.

Commissioner Grillo stated that he is torn on the issue and can see both sides.

Mr. Landolina stated that there is only one other vacant frontage parcel on Elm Street, so having only BG lots along the frontage would only apply to this parcel and one other. He read a portion of section 5.3 of the regulations regarding the BR district and stated that he does not know what the word "control" means for this parcel in this context.

Mr. Landolina asked if the town owns any of the parcels, to which Ms. Pacacha replied that she believes one parcel by the highway is owned by the state.

Ms. Whitten stated that the Commission can table this if they want and Staff can do a quick analysis of all the parcels this applies to.

Chairman Nelson stated that they need to discuss it further, obtain a legal opinion from the Town Attorney and do more research.

Commissioner Alaimo asked if the Commission will be looking at the individual lots and their individual sizes going forward. Chairman Nelson stated that they will not if it is a PUD as the size of the lot is irrelevant since it is tied to the mall.

Chairman Nelson asked three times if anyone in the public would like to speak in favor or against the application; no one came forward.

Motion: Commissioner Alaimo made a motion, seconded by Commissioner Grillo, to table PH# 2993 until the next meeting.

The motion passed with a 6-0-0 vote.

Votes: 6-0-0

New Business

- a. **SPR# 1848** – 128 Moody Road – Site Plan Review application for the construction of a 2,880 square foot office building; Jarmoc Farm, applicant; 128 Moody Road, LLC., owner; Map 93/Lot 5; I-1 Zone.

Commissioner Higley read the legal notice.

Mr. Landolina addressed the Commission along with Owen Jarmoc of Jarmoc Farms and Jay Ussery of J.R. Russo & Associates. Mr. Ussery went over the details of the proposed site plan, pointing out the entry from the street, building location and parking spaces. He described the utility connections onsite and pointed out on the site plan where they will be located. Mr. Ussery stated that they have a large farming operation and cannot fit everything they need in the current small office area.

Mr. Ussery stated that this is not an actual agricultural building and it will mainly just have workers and occasionally the public and vendors. He pointed out the proposed landscaping on the site plan and stated that the parcel is just under 40 acres. Mr. Ussery stated that they are working in a relatively small area and the full property boundary survey of the 40 acre parcel is not necessary.

Mr. Ussery utilized elevation plans to describe the building materials for the proposed building and the view from Moody Road.

Owen Jarmoc, 33 School Street, introduced himself at the request of Chairman Nelson. He stated that they need more space than the current “shed” they are using.

Commissioner Petronella stated that he is concerned that there will be millings rather than hard concrete for the parking area, particularly considering the handicap parking space. Mr. Ussery stated that this was discussed at the ART and the area where the handicap space and front entryway to the building are located does need to be paved for safety.

Chairman Nelson asked where the driveway to this building is located. Mr. Ussery pointed out on the site plan exactly where the entryway and gate are located to enter the property and drive to the proposed building. Chairman Nelson asked if they are doing any new curb cuts, to which Mr. Ussery replied that they are not.

Mr. Ussery stated that the applicant has no problem with paving the parking spaces in front of the building and they are fine with this being a condition of approval.

Ms. Whitten stated that if this is going to be a condition, she would like them to add the pavement detail on the plans.

Motion: Commissioner Petronella made a motion, seconded by Commissioner DeGray, to approve SPR# 1848 as amended.

The motion passed with a 6-0-0 vote.

Votes: 6-0-0

Other Business

- a. Discussion with Consultant regarding update of the Plan of Conservation & Development

Ms. Whitten explained that the Consultant was not able to attend the meeting tonight. She stated that he will be here at the next meeting and the POCD Steering Committee starts March 17.

Correspondence

Ms. Whitten stated that the Commissioners received an email regarding a free webinar on land use commissions, procedures and policies.

Ms. Pacacha stated that they received the books in the office for the Connecticut Bar Association land use seminar and will be sending them out tomorrow. Chairman Nelson requested that they just send them out in next week's packet. Discussion took place regarding whether this will allow them enough time to receive their books before the meeting.

Director of Development Services Report

Ms. Whitten stated that they are working on budget, which is difficult this year as they want 0% increase.

Ms. Whitten stated that they will be starting the traffic study around the Enfield Square mall. She stated that they will get some market feasibility studies with this as well.

Ms. Whitten stated that Capitol Region Council of Governments (CRCOG) is trying to finalize some funding to do some market analysis studies in the TOD area.

Ms. Pacacha stated that Assistant Town Planner Savannah-Nicole Villalba had left and they will be looking to hire another.

Applications to be Received

Ms. Pacacha stated that they still have the Chicago Sam's permit application pending and it should be on the next agenda. She stated that there are several text amendments currently at CRCOG for comment.

Ms. Pacacha stated that they will most likely have another Special Permit application for an expansion of a nonconforming structure on the next agenda. Chairman Nelson asked what street that is on, to which Ms. Pacacha replied that it is on Overhill Drive. Chairman Nelson asked if it can be handled administratively, to which Ms. Pacacha replied that a Special Permit is required.

Adjournment

Motion: Commissioner DeGray made a motion, seconded by Commissioner Petronella, to adjourn.

The motion passed with a 6-0-0 vote.

Votes: 6-0-0

Prepared by: Elizabeth Bouley

Respectfully Submitted,

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke extending to the right.

Richard Szewczak, Secretary