

ENFIELD PLANNING AND ZONING COMMISSION
REGULAR MEETING
MINUTES

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

Call to Order & Pledge of Allegiance

Chairman Nelson called the meeting to order at 7:04 PM.

Roll Call

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

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

Chairman Nelson congratulated Commissioner Petronella on moving up to a full time seat and seated Alternate Commissioner Grillo.

Approval of Minutes

- a. March 11, 2021 – Regular Meeting

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

The motion passed with a 7-0-0 vote.

Votes: 7-0-0

Public Participation

Chairman Nelson asked if anyone in the public would like to speak regarding items not on the agenda; no one came forward.

Continued Public Hearings

- a. **PH# 2991** – 95 Elm Street – Special Permit and Site Plan Review application for a permanent outdoor dining patio associated with Chicago Sam's; KIOP Enfield LP, owner; Phil Frogameni, applicant; Map 43/Lot 1; BR Zone. (DoR: 1/14/2021; MCPH: 4/15/2021)

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

Phil Frogameni, 61 Rugby Road, Feeding Hills, Massachusetts addressed the Commission. Commissioner Alaimo stated that he did not get a chance to open the email from late today; Ms. Pacacha stated that the email contained Department comments.

Mr. Frogameni stated that he met with Captain Ellis and came up with a re-design of the space to address comments and concerns from the last meeting. He stated they will no longer be using the sidewalk, which will allow pedestrian traffic to pass safely. Mr. Frogameni stated that concrete planters will be used in place of the jersey barriers and the entire area will be fenced with a gate. He concluded that they relocated the bollards to the perimeter of the fence.

Ms. Whitten shared her screen to display the revised plan. Mr. Frogameni stated that the sidewalk is wide open and pointed out the planters on each side of the fence and the bollards along the front.

Commissioner Szewczak asked if additional bollards will be added to stop cars from fitting between the bollard spacing. Mr. Frogameni stated that they will follow whatever the recommendation is for spacing and quantity of bollards.

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

Commissioner Grillo stated that the revised plan is awesome; Commissioner Alaimo agreed that he likes the plan.

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

The motion passed with a 7-0-0 vote.

Votes: 7-0-0

Motion: Commissioner Szewczak made a motion, seconded by Commissioner DeGray, to approve PH# 2991 as amended.

Chairman Nelson suggested that they make a condition that the second site plan provided is the one being approved; Commissioner Szewczak agreed and revised his motion.

The motion passed with a 7-0-0 vote.

Votes: 7-0-0

New Public Hearings

- a. **PH# 2994** – Text Amendment application to Section 6.20.1 Footnote 7 to allow Private Farmers Markets in Industrial zones; KBRC Realty LLC, applicant.

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

Attorney Tom Fahey of Fahey & Landolina LLC in Windsor Locks addressed the Commission as a representative for the applicant. Mr. Fahey explained that Manning Road is divided so that the rear part is zoned Industrial and the front part is zoned Residential. He stated that his client has had difficulty finding uses for the building that are more compatible with the Residential than the Industrial.

Mr. Fahey stated that agricultural uses are currently permitted in Industrial zones according to the regulations. He stated that, similarly to what was done in 2012 with roadside stands, they are requesting that the Commission add another subsection to footnote 7 in the regulations. Mr. Fahey stated that if approved the operation will take place inside the building Saturdays and Sundays for 26 weeks during the fall, winter and spring.

Commissioner Szewczak stated that he has a problem with footnote 7 for various reasons. He stated that normally an agricultural activity is a farmer who is in harmony with the land and has freedom to develop into the wetlands. Commissioner Szewczak explained how adding layers and layers onto the existing footnote makes it become convoluted as to what is trying to be achieved. Commissioner Szewczak stated that they should just establish an allowable use rather than adding layers onto the footnote. He stated that they have to be careful because this affects the entire town and not just this one area. Commissioner Szewczak stated that they should not call it an agricultural activity but rather call it what it is.

Mr. Fahey stated that the roadside stands section was put into the regulations in February 2012. He went on to state that agricultural uses were put into the regulations by the Commission in 2012. Mr. Fahey stated that footnote 7 is to define which agricultural uses are to be permitted by Special Permit, which allows the Commission to regulate those activities.

Mr. Fahey stated that this particular regulation requires the majority of the products to be farm products, and he questioned the statement that this is totally retail use. He stated that the regulation would require the majority of the products to be farm products that come from the earth and are sold directly to the consumer.

Mr. Fahey stated that there is a regulation that says agricultural products are permitted and a footnote that establishes a matrix for roadside stands being permitted by Special Permit. He stated that they are following a principle that was established by the Commission.

Commissioner Szewczak stated that he would not be against a roadside stand, but this is snowballing and will evolve to include other things. He stated that he would rather see a totally separate use group that allows this to happen rather than piggy-backing it onto the agricultural. Commissioner Szewczak stated that it is like a flea market, to which Mr. Fahey replied that it is not even close to a flea market. Commissioner Szewczak stated that he would like to see it divorced from the agricultural connotation.

Discussion took place between Commissioner Szewczak and Mr. Fahey regarding which section of the regulations should contain roadside stands.

Commissioner Higley stated that she would rather see maximums than minimums in the proposed amendment.

Mr. Fahey stated that they intend to operate Saturdays and Sundays during the winter with a number of farmers as vendors. He stated that there is a large building with plenty of parking and space. He stated that he does not know why the Commission would be so concerned with restricting someone's business. Mr. Fahey concluded that it is unacceptable to tinker with the ability for them to operate 26 weeks.

Commissioner Higley stated that saying a minimum of 26 weeks will block out all of the small farmers from being able to do a small farmer's market, which is why she thinks it needs to say maximum rather than minimum.

Commissioner DeGray stated that including furniture, textiles and other products in a farmer's market gets a little fuzzy. She stated that it could evolve into something that is not really a farmer's market.

Commissioner Alaimo stated that he is in favor of utilizing an empty building and having a farmer's market. He stated that they are just hearing the text amendment tonight and can deal with the details when the applicant comes back with a plan.

Mr. Fahey stated that this is only for a text amendment hearing and all of the questions being raised by the Commissioners will be addressed at the Special Permit hearing.

Chairman Nelson stated that the letter circulated to neighbors said the farmer's market will operate no more than three days per week and no more than nine months per year, so they should stick with what they told the neighbors. He stated that the traffic is already an issue Monday through Friday, and now it will also be an issue Saturday and Sunday. Chairman Nelson concluded that he would like to hear public comments as the letter sent to neighbors is very misleading.

Commissioner Szewczak stated that whatever is allowed in the text amendment will be allowed and the Commission will not be able to prevent it.

Chairman Nelson stated that he is concerned that marijuana is agricultural and the facility is large enough to become a dispensary. Commissioner Alaimo pointed out they will get a chance to address some of these concerns with conditions of approval. Chairman Nelson stated that if it is an allowed use, they cannot condition it.

Mr. Fahey stated that the marijuana comment is speculative and has no place in tonight's meeting. He stated that they are not asking for an as-of-right use and that the Commission has authority to regulate the uses via Special Permit.

Mr. Fahey stated that farmer's markets do not have semi-trucks coming down the street, and there are many permitted uses in the Industrial zone that would involve semi-trucks. He stated that the farmer's market is a much less intensive use, as the farmers come in pickup trucks and vans rather than semi-trucks.

Chip LaBonte stated that Brooks Brothers left a horrendous mess on his property and they are \$250,000 in the hole. He stated that the farmer's market will be operating about 77 days per year as opposed to 365 days per year, so it will be much less traffic and will take place during the colder months when children are not outside playing.

Mr. LaBonte explained what is meant by textiles, stating that it is not secondhand material but rather could be a weaver or a woodworker. He stated that he is trying to be a good neighbor and he needs to figure out some solutions.

Ms. Whitten stated that the Commission cannot regulate traffic but can regulate Special Permits.

Ms. Whitten stated that they can take hand-crafted items out of the text amendment. She stated that it can be added to the permitted use table rather than have it as a footnote.

Ms. Whitten stated that the state regulates marijuana dispensaries and manufacturers, and if there is one you will not smell it.

Commissioner Szewczak stated that they should call it what it is and they should not say it is agricultural activities if it is not.

Mr. Fahey stated that he did not create the definition of farmer's market, and they consist of more than just things grown in the earth.

Commissioner Szewczak stated that farmers by right can go into wetlands, so if they say this is an agricultural activity it can go into wetlands as well. He went on to state that this is not really agricultural activity but rather is retail.

Ms. Whitten pointed out that other uses such as farm stands and ice cream shops are still regulated even though they are agricultural in nature.

Chairman Nelson stated that a farmer's market is like a flea market or craft fair, and stated that he does not want to limit what they can do there. He stated that he does not know why flea markets are not allowed in the regulations. Chairman Nelson stated that does not want to limit the definition to just agricultural, and that he is concerned with the traffic over there. He suggested they remove the word agricultural and come up with a different word that fits.

Commissioner Szewczak stated that farmer's markets should be a separate line item in the regulations and should not be tied into footnote 7. He stated that footnote 7 should be removed from the regulations and they can create a definition for farmer's market without tying it into agricultural activities.

Mr. Fahey stated that agricultural products are already permitted in the Industrial zone.

Mr. LaBonte read the definition of flea market from Wikipedia. He stated that a flea market is for the sale of used items, and this is going to be more upscale than a craft fair or flea market. Mr.

LaBonte reiterated that this use will result in a significant lessening of traffic, and that they would be happy to prohibit box trucks and tractor trailer trucks.

Commissioner Petronella stated that the definition of private farmer's market should be separated on its own and should not be linked to footnote 7. He stated that this could grow into something like a flea market, and there must be a way to control how it expands.

Chairman Nelson asked if anyone in the public would like to speak in favor or against the application.

Mike McManus, 504 Hazard Avenue, stated that he is the owner of Powder Hollow Brewery and R Dee Winery, and would like to speak in favor of the text amendment. He stated that the text amendment they are going for is in line with farmer's markets and not secondhand flea markets. Mr. McManus stated that they would like to have one on their property at the brewery, so they would like the text amendment to also add the word "outdoor."

Mr. McManus stated that he agrees with the idea of putting a maximum amount rather than minimum.

Fred Muller, 8 Manning Road, addressed the Commission. He stated that several neighbors want to rescind their approval for this application and he is not in favor of it. Mr. Muller stated that he has lived on Manning Road for almost 60 years and his property value has gone down. He described the safety issues on the street and several incidents in which people had been hurt or killed due to vehicles. Mr. Muller stated that the end of his street is a nightmare and he is not for this application. He stated that he does not want to keep fighting this fight.

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

Mr. Muller stated that there was no signage to advertise the meeting, to which Mr. Fahey replied that this meeting is being run under the governor's executive orders and therefore the signs are not needed. Ms. Pacacha stated that this is a text amendment application and is not site-specific, and signs do not go up for text amendment applications.

Commissioner Szewczak stated that he will not be voting in favor of this application the way it is presented. He stated that if they want to create a separate line item defining a private farmer's market he might be more receptive, but not with it tied to footnote 7.

Ms. Pacacha stated that text amendments go for 35 day review with the Capitol Region Council of Governments (CRCOG) so the Commission can table this and request a different draft of the text amendment.

Mr. Fahey stated that they will consent to the continuance until the next meeting.

Commissioner Higley stated that she wants the minimum/maximum language looked at and revised. Chairman Nelson stated that he is in favor of tabling this until the next meeting.

Motion: Commissioner Szewczak made a motion, seconded by Commissioner DeGray, to continue PH# 2994 until the next meeting to allow the applicant time to adjust his application.

The motion passed with a 7-0-0 vote.

Votes: 7-0-0

- b. **PH# 2997** – 556 Hazard Avenue – Special Permit & Site Plan Review application for the expansion of a non-conforming use (auto repair garage) to accommodate a second tenant to repair small engines; Richard Polek & Peter Simlick, owners/applicants; Map 110/Lot 349; BL Zone. (DoR: 3/11/2021; MOPH: 5/15/2021)

Commissioner DeGray recused herself.

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

The Commission waited for the applicant to arrive at the meeting, ultimately deciding to move on to the next application due to technical difficulties.

Motion: Commissioner Szewczak made a motion, seconded by Commissioner Higley, to proceed with PH# 2999.

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

Votes: 6-0-0

- c. **PH# 2999** – 284 North Maple Street – Special Permit & Site Plan Review Application for a permanent outdoor dining area associated with Buona Vita restaurant; Kelly Miller – Two Gees LLC – Buona Vita, applicant; Agean Properties, LLC., owner; Map 80/Lot 203; BL Zone.

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

Kelly Miller, 64 Ridge Road, addressed the Commission. She stated that they would like to add a small outdoor dining section out front.

Commissioner DeGray stated that she is concerned there is another takeout restaurant near the enclosed area, and asked if this would interfere with the entering and exiting of that business. Ms. Miller stated that it will not interfere with access to that building.

George Carabase, 64 Ridge Road, stated that there is a third sidewalk which has direct access to the New China restaurant and daycare.

Commissioner Szewczak asked if the sides will be open and how the spaces will be defined in terms of railings. Ms. Miller stated that this is part of the proposal and they are planning on a granite style aluminum heavy picket and rails. Mr. Carabase stated that they want it to be nice and permanent as well as safe.

Commissioner Grillo asked if the ground is up higher where the parking lot is in the front, stating that if it is not there should be pylons in the front. He went on to ask how far the parking lot is from the closed-in area, to which Mr. Carabase replied that he does not have the exact measurements but they will be putting heavy decorative planters in front as barriers.

Chairman Nelson asked if anyone in the public would like to speak in favor or against the application.

Randy Daigle, 55 Cottage Road, addressed the Commission. He commended the Commission for allowing restaurants to do this and stated that he is all for it. Mr. Daigle stated that it is a very safe design.

Fire Chief Charles Macsata addressed the Commission. He stated that the plans do not affect the egress or entry into any of the other businesses and that he and the fire marshal are in favor of this plan.

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

Commissioner Szewczak stated that a condition should be added to address the Engineering Department comments. Chairman Nelson stated that they just approved an application that did not include these conditions because Engineering did not have any concerns, so they cannot ask that of this one. He stated that the Departments need to get their comments in on time and perhaps the Engineering Department can make a standard concern list.

Commissioner Szewczak withdrew his comment and stated that if the owners feel it is in the best interest of their patrons to diffuse headlights then they should possibly address those concerns. Mr. Carabase stated that the black fence will close it off more and the bollards will alleviate concerns there as well.

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

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

The motion passed with a 7-0-0 vote.

Votes: 7-0-0

Motion: Commissioner Szewczak made a motion, seconded by Commissioner Grillo, to approve PH#2999.

The motion passed with a 7-0-0 vote.

Votes: 7-0-0

- a. **PH# 2997** – 556 Hazard Avenue – Special Permit & Site Plan Review application for the expansion of a non-conforming use (auto repair garage) to accommodate a second tenant to repair small engines; Richard Polek & Peter Simlick, owners/applicants; Map 110/Lot 349; BL Zone. (DoR: 3/

Commissioner DeGray recused herself.

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

Richard Polek addressed the Commission. He stated that the top of his two-story repair business is zoned for auto repair and the bottom is currently occupied by a small engine repair business. Mr. Polek stated that he did not realize the zoning is different for auto repair and small engine repair, so he would like to get a variance for the bottom so they can stay in business.

Chairman Nelson stated that he has environmental concerns about the unprotected equipment in the back. He asked what is being done to maintain any oil that is leaking from the machines and possibly contaminating the soil. Mr. Polek stated that those photos were taken when the business was busier than it had been in years. He stated that there are currently six machines and there is no problem with oil or gasoline.

Commissioner Szewczak stated that it is a dirt driveway that leads to the back of the property, and the equipment in the back is just sitting on top of the ground. Mr. Polek stated that this has been a business since 1940 and there has never been a problem, to which Commissioner Szewczak replied that there were no environmental laws until the 1970s or 1980s. Commissioner Szewczak stated that if they are storing items there need to be some mechanisms in place to prevent an environmental catastrophe as environmental cleanups are very costly.

Chairman Nelson stated that ten years ago the property was a storage facility for a gentleman who installed For Sale signs and none of this equipment was back there. Mr. Polek stated that prior to this there was an auto body repair shop from 1985 to 2007.

Chairman Nelson stated that the outside storage of all of this equipment is a new use and normally it would be stored indoors. Mr. Polek stated that he is not in charge of where the equipment is stored, to which Chairman Nelson replied that as the owner of the building he actually is.

Commissioner Higley stated that there is not a provision for outdoor storage in business districts, so what is shown in the photos is a violation. Chairman Nelson stated that they have also established that it is not a grandfathered use.

Mr. Polek stated that he cannot guarantee the tenant will store the equipment inside. Chairman Nelson stated that he should be concerned about the environmental impact. Mr. Polek stated that he can give them an ultimatum to keep the equipment inside or leave.

Ms. Pacacha stated that there is not a provision for outdoor storage in Business zones, and that in the past the Town Attorney's office has said that if it is not provided for in the regulations it is not allowed. She stated that there are no wetlands, aquifers or flood zones in this area, though she does understand the Commission's concern for general contamination.

Ms. Pacacha explained that this application is a Special Permit for the expansion of a nonconforming use.

Chairman Nelson stated that this application has nothing to do with automotive repair, which is where the grandfathered use and continued nonconforming use would be. He stated that this is a new use and is not permitted here.

Chairman Nelson asked if outside storage containers are allowed, to which Ms. Pacacha replied that the Commission would have to approve those on a regular basis and the office approves outdoor temporary containers. Chairman Nelson suggested that the tenants could request a temporary outdoor storage unit during the busy months.

Commissioner Petronella suggested a screened-in area for storage and stated that he would like to see a landscape buffer along the fence line. He stated that if there is going to be outdoor storage it should be minimal and should be screened.

Chairman Nelson stated that he had suggested a CONEX box because it would be temporary and this would prevent the leakage of oil. Commissioner Petronella stated that he sees a lot of CONEX boxes around town.

Commissioner Grillo stated that a screened-in area will enclose it, but will not help with leakage of fluids into the ground or prevent the second floor tenants from seeing it. He stated that the outside storage is not allowed there and should be moved inside.

Mr. Polek stated that if the main issue is with outdoor storage, he can just tell the tenant to leave if he stores anything outside the building.

Commissioner Higley stated that she does not understand how they can approve something that is not in their zoning regulations. She stated that it is not a good idea for him to have outdoor storage in his backyard unless it is temporary.

Chairman Nelson stated that if they approve the use and say that all equipment is to be kept indoors, this may be limiting the tenant during his busy season. He stated that the tenant can apply for a

temporary storage container for the busy season, which would help the applicant to keep his tenant and also protect the grounds.

Commissioner Petronella stated that the application before them is to allow small engine repair and that business does not allow for outside storage. He stated that if the Commission approves this, he is not allowed any outside storage and would be in violation.

Ms. Whitten stated that if there is outside storage and they have to go to an enforcement procedure, the owner would be the one to have to pay the fees.

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

Chairman Nelson asked if this property was posted, to which Ms. Pacacha replied that it was.

Motion: Commissioner Szewczak made a motion, seconded by Commissioner Grillo, to close the Public Hearing.

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

Votes: 6-0-0

Motion: Commissioner Szewczak made a motion to approve PH# 2997 with the addition of a site-specific condition that there will be no outdoor storage and if any storage is required they have to apply for a temporary storage container.

Chairman Nelson stated that he would also like to see a condition that the tenant has 15 days to remove the outside storage that is currently present.

Motion: Commissioner Szewczak made a motion, seconded by Commissioner Petronella, to approve PH# 2997 as amended.

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

Votes: 6-0-0

- b. **XSP# 21-01** – Text Amendment application to Section 4.80 to allow an increase in lot coverage for smaller properties located within the Lake Overlay District; Town of Enfield, applicant.

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

Ms. Pacacha stated they had discussed offering some relief as far as lot coverage in the Lake Overlay District as the lots there vary vastly in size. She stated that a lot of them are already over their lot

coverage with just a house or small storage area on their property. She stated that it might make sense to allow properties of 11,000 SF or smaller to have 25% lot coverage. She stated that it was sent to both Lake District associations as well as CRCOG and there were no comments.

Chairman Nelson stated that lakefront properties in this district are restricted due to the wetlands, and the back hundred feet of the property is essentially unusable. He stated that they have a road on the back side, which would be considered a front yard also.

Ms. Pacacha stated that the regulations require a Special Permit for anything in the Lake Districts. She stated that the Commission has previously reviewed Lake District regulations with the back yard and the rear yard reversed from the norm. Chairman Nelson asked if they can add something in the regulations to say they have the ability to adjust the setback, to which Ms. Pacacha replied that this would require an additional amendment.

Ms. Whitten stated that in past discussions the Commission did not want to start addressing the setbacks and just wanted to deal with the percentages. She stated that if they cannot fit the 25% coverage then they cannot fit it. Chairman Nelson stated that the smaller lakefront properties can only go wider and cannot go forward or back, which hugely limits them.

Commissioner Szewczak stated that they should keep the regulations the way they are and if there is a hardship with a viable reason to violate the setbacks, they have the discretion to modify or accept it on a case by case basis.

Commissioner Higley asked if they should have an actual percent increase rather than just saying an increase. Ms. Whitten posted the exact wording of the text amendment on the screen to show that the 25% increase is on there.

Commissioner DeGray stated that people can go to the Zoning Board of Appeals (ZBA) for variances since the land is creating a hardship. Ms. Whitten stated that this is not an all-encompassing fix, but rather is just giving some leeway for the smaller lots.

Chairman Nelson asked if anyone in the public would like to speak in favor or against the application.

William Creedon, 57 Cottage Road, addressed the Commission. He stated that he is in favor of the application, and that he assumes it would be approved under a Special Permit application rather than administrative review. Mr. Creedon stated that the wetlands end at the walls for the most part and agreed that the issue of reducing front yards, rear yards and side yards should go to the ZBA. He concluded that the Commission approves this and it is not under administrative review, to which Commissioner Higley agreed.

Liz Beninato, 8 Lake Drive, asked if her property on the side would come under 25 feet and asked how far she can build from her side yard to the property line. Ms. Pacacha stated that they would have to look that up specifically but she guesses that the side yard setback would be ten feet. Chairman Nelson stated that they are not changing the side yard setbacks at this time.

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

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

The motion passed with a 7-0-0 vote.

Votes: 7-0-0

Motion: Commissioner Szewczak made a motion, seconded by Commissioner Grillo, to approve XSP# 21-01.

The motion passed with a 7-0-0 vote.

Votes: 7-0-0

Other Business

Ms. Whitten went over the 8-24 referrals including the proposed replacement basketball court at 558 Enfield Street (Lafayette Park), proposed new basketball court at 1010 Enfield Street (Alcorn School) and proposed Butler Building in the north parking lot at 124 North Maple Street (Enfield Annex).

Motion: Commissioner Szewczak made a motion, seconded by Commissioner Alaimo, to forward a positive referral to the Town Council for 558 Enfield Street (Lafayette Park).

The motion passed with a 7-0-0 vote.

Votes: 7-0-0

Motion: Commissioner Szewczak made a motion, seconded by Commissioner Alaimo, to forward a positive referral to the Town Council for 1010 Enfield Street (Alcorn School).

The motion passed with a 7-0-0 vote.

Votes: 7-0-0

Motion: Commissioner Szewczak made a motion, seconded by Commissioner DeGray, to forward a positive referral to the Town Council for 124 North Maple Street (Enfield Annex).

The motion passed with a 7-0-0 vote.

Votes: 7-0-0

Discussion Items

a. Discussion regarding 28 Maple Avenue

Ms. Pacacha stated that they provided the Commission with revised plans which show the foundation and a street view of the building. She stated that this is not an application but rather the owner of the property is showing the Commission that he is putting it back to a two-family since they did not approve the three-family.

Commissioner Alaimo stated that all of their past concerns seem to have been satisfied.

Ms. Pacacha stated that Zoning Enforcement Officer (ZEO) Rachele can sign off on the Building Permit, which is still pending in the Building Department. The Commissioners agreed that they are satisfied.

Correspondence

Ms. Pacacha stated that the Plan of Conservation & Development (POCD) Steering Committee kickoff meeting took place last week. Commissioner Alaimo asked if there is a list of members of this Committee, to which Ms. Whitten replied that she has one and can send it to the Commission. Chairman Nelson stated that Bill Lee was appointed Chairman of the committee.

Discussion took place regarding getting members of the public onto the committee. Chairman Nelson asked if they had reached out to Eppendorf, to which Ms. Whitten replied that they had not. The Commission discussed other possible candidates to reach out to for members of the POCD Steering Committee.

Director of Development Services Report

Ms. Whitten stated that they lost the casket building and that they are working on updating the master plan for the TIF. She went on to state that they are working on hiring a new Assistant Town Planner.

Commissioner Alaimo asked if there had been any discussion with the mall owners regarding visions, to which Ms. Whitten replied that she had reached out to them but it is a little too soon.

Chairman Nelson asked if there is a date yet for the teardown of the Strand theatre, to which Ms. Whitten replied that there is not. Chairman Nelson asked if it is possible to get a tour of the building, to which Ms. Whitten replied that there is not as the building is too contaminated.

Ms. Whitten stated that the POCD expires April 7 and they are going to request a one year extension.

Administrative Approval Report

- a. SPR# 1850 - 151 Hazard Avenue - Administrative Approval Application for a dog groomer to be located within the existing shopping center where other personal service uses currently exist; Lourene Lea Santana, applicant; Karios Properties LLC, owner; Map 74/Lot 255; BL Zone. (DoR: 3/25/2021; MAD: 5/29/2021)**

Ms. Pacacha stated that historically the Commission has handled dog grooming as a personal service and there are already several personal services in that plaza.

Applications to be Received

Ms. Pacacha stated that they are working on an application for a new building for Porcello's.

Ms. Pacacha stated that there are currently no other pending Public Hearing applications but they expect to have a very busy summer. She stated that TGI Fridays, 99 Restaurant and a number of other establishments will be applying for temporary outdoor dining.

Commissioner Alaimo asked if any correspondence has been received from the Town Attorney regarding outside dining. Ms. Whitten stated that the Town Attorney is looking at other communities to see what they are doing, but it is by ordinance not Planning & Zoning.

Adjournment

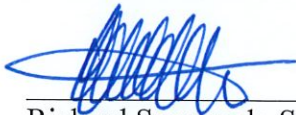
Motion: Commissioner DeGray made a motion, seconded by Commissioner Higley, to adjourn.

The motion passed with an 7-0-0 vote.

Votes: 7-0-0

Prepared by: Elizabeth Bouley

Respectfully Submitted,



Richard Szewczak, Secretary