

ENFIELD PLANNING AND ZONING COMMISSION
REGULAR MEETING

MINUTES

Thursday, April 8, 2021 – 7:00 p.m.
Virtual Meeting

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ENFIELD TOWN CLERK
2021 APR 23 AM 11:28

Call to Order & Pledge of Allegiance

Chairman Nelson called the meeting to order at 7:06 PM.

Roll Call

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

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

Approval of Minutes

- a. March 25, 2021 – Regular Meeting

Motion: Commissioner DeGray made a motion, seconded by Commissioner Alaimo, to approve the minutes of the March 25, 2021 Regular Meeting.

The motion passed with a 5-0-0 vote.

Votes: 5-0-0

Town Attorney Report

Chairman Nelson asked if there were any questions for the Town Attorney; there were none.

Public Participation

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

Continued 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. (PH Opened: 3/25/2021; MCPH: 4/29/2021)

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

Tom Fahey of Fahey & Landolina, LLC was present to address the Commission.

Commissioner Szewczak stated that a private farmer's market is similar to retail and in table 6.2 should have the same limitations as retail establishments that are allowed in Industrial zones. He stated that in the table, retail outlets are not allowed in I-2. Commissioner Szewczak asked for an

explanation of why the designation is there for a Special Permit for I-1 and I-M and it is not allowed in I-2 and is just a Site Plan Review for I-P.

Commissioner Higley arrived at the meeting.

Commissioner Szewczak stated that this is a retail usage and therefore should be mimicking the requirements for retail in the Industrial zones.

Ms. Whitten explained that if retail is allowed, it is usually as accessory to the primary business. She explained that this is not a straight retail since it is relative to farmer's markets. Commissioner Szewczak stated that it is still retail.

Mr. Fahey stated that most planners say there is a difference between buying at a grocery store and at a farmer's market. He stated farmer's markets need distinct regulations since they are not regulated like a retail grocery store. He stated that the farmers cut out the middleman and can sell directly to the end user. Mr. Fahey stated that the majority of the goods have to be farm products, so the majority of the use is not just retail.

Mr. Fahey stated that the Commission can examine and regulate the plan much more closely when the applicant comes back for a Special Permit. He went over the changes that had been made including limiting the hours of operation and adding the maximums.

Mr. Fahey stated that they amended it to include outdoor farmer's markets as well, so the regulation applies to more than just one situation.

Commissioner Szewczak stated that vendors are allowed to be selling all kinds of other wares, which muddies the waters. He stated that if they eliminate all of the other vendors then he would agree that it is a farmer's market. Mr. Fahey stated that farmer's markets are a community destination and all farmer's markets include all of these other vendors.

Commissioner Szewczak stated that they need to look at the total package, and since things are being bought and sold he does not see the difference between this and retail. He stated that farmers should have a place for this but it should not have all of the auxiliary vendors that do not fall into the agricultural or farming definition.

Chairman Nelson asked what he is considering auxiliary vendors, to which Commissioner Szewczak replied the Item D new craft products such as wooden furniture, textiles and artwork. Commissioner Szewczak stated that there are probably more people creating crafts than farming.

Chairman Nelson stated that the farmers do a lot of the crafts at farmer's markets. He stated that furniture may be more questionable unless it is something like handcrafted wicker furniture. Commissioner Szewczak stated that it could be within a farmer's market but is diluting the definition of what a farmer's market is. Commissioner Szewczak stated that he supports farmers and is not opposed to farmer's markets, but is concerned with introducing all of these vendors. He concluded that if you have not grown it out of the ground, then it is not agriculture.

Chairman Nelson provided examples of farms in town that sell their own farm products as well as other items. Commissioner Szewczak stated that once the Commission allows this they are not going to go back and put limitations on it, so they need to have the discussion now. He stated that if they follow the guidelines in the current regulations for this line item then it falls right into place with everything else they have anticipated for these uses. Commissioner Szewczak stated that the text should reflect what the table shows.

Chip LaBonte stated that there is some social aspect to the farmer's market. He explained that in order for this to be successful it has to be interesting, and people are not going to be interested in used items. Mr. LaBonte described some items that will be fun and interesting, such as candy, coffee, fish and wood carving. He stated that they want to have a nice combination of items that come from a farm as well as produced items like maple syrup and honey.

Ms. Pacacha stated that they can tweak letter D to say something along the lines of hand-crafted goods, and remove the part about wooden furniture. Commissioner Szewczak stated that he is not against them selling furniture or other whimsical items, but retail is retail. He stated that he just wants to make sure the definition fits what they are trying to achieve.

Mr. Fahey stated that they are not trying to hide anything, and they tried to address all of the comments made at the last meeting. He stated that they are talking about Industrial zones and putting empty buildings to use. Mr. Fahey stated that in order for it to be a successful farmer's market, they need to have these other vendors. He stated that they would love to have it be an as of right use, but the chart makes it a Special Permit use which allows the Commission to scrutinize it at a much higher level. Mr. Fahey stated that the word "new" was added to ensure that any products being sold are new and not flea market-type products.

Commissioner Higley stated that having it listed by month, like May to December, would make more sense than saying 35 or 36 weeks.

Chairman Nelson stated that he does not want to limit the use of the building. He stated that the furniture place across from the building has a bargain bin for damaged goods. Mr. LaBonte stated that he has never been over there and has no idea.

Commissioner DeGray pointed out that this text change will affect all Industrial and not just this building.

Commissioner Alaimo stated that he likes this plan and the Commission can address more concerns during the Special Permit process. He stated that he thinks this is good for the neighborhood and the residents.

Ms. Whitten explained that the 36 weeks is per fiscal year. She stated that this is all encompassing and the retail is accessory to a primary Industrial use.

Chairman Nelson stated that they never restrict the amount of weeks any businesses can operate and asked why they would do it here. Ms. Whitten stated that the applicant would likely be happy to have it unrestricted but they restricted it based on the Commission's concerns regarding it being

a year-round operation. Mr. Fahey confirmed that they would love to operate it year round but they are willing to restrict the weeks or hours just to get it going.

Mr. LaBonte stated that he does not need the farmer's market to operate in the summer and would like to take the summer off anyway.

Commissioner Petronella stated that even a roadside farmer's stand is considered retail. He stated that the applicant did a good job with this revision and he is satisfied with it. Commissioner Petronella stated that the ancillary products can add diversity and help attract more people. He stated that he does not have a problem with this, and it will be good for the neighborhood.

Chairman Nelson stated that he hopes the applicant is not limiting his hours of operation because he feels the Commission wants him to. He stated that he does not want to limit the applicant to 35 weeks per year if he wants to keep it open. Mr. LaBonte stated that he expected to deal with this at the Special Permit level and they may have July days. He stated that it is a nice use that is consistent with a residential area and he can make it work with 36 weeks. Chairman Nelson stated that what they are doing now overrides the Special Permit.

Commissioner Alaimo stated that if the applicant wants to extend it or keep it the way it is, he is fine either way.

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

Chairman Nelson stated that he is concerned about limiting the time to 35 weeks and ten hours per week, as they are talking about a change in all Industrial zones and not just this building.

Commissioner Szewczak stated that the residents on Manning Road are going to be affected by this text change. He stated that they should not be limiting other possible events that could occur elsewhere with this text change.

Commissioner Szewczak pointed out that it is no longer a text amendment that includes footnote 7, and will be a text amendment that reflects the draft resolution received today.

Chairman Nelson stated that they can leave the hours of operation open to 52 weeks per year in the text change and then restrict them in the Special Permit process for each specific application. Mr. Fahey stated that the simplest thing to do is to eliminate A and insert it in the Special Permit.

Chairman Nelson stated that removing A and leaving the hours of operation to the Special Permit makes it more site specific. He stated that he understands the neighbors' concerns but when you buy a house down the road from an industrial building you have to expect some traffic. Chairman Nelson stated that the minimal traffic for the last few years has been great for the neighbors but is not real. He stated that this use is not high traffic and he is in favor of removing A and going forward with this.

The Commissioners all agreed that they are good with removing the restrictions. He reminded the Commission that they are not talking about Manning Road but rather all Industrial zones. He stated that Mr. LaBonte will have to come back for a Special Permit to get this approved, at which time the Commission can address the location of the specific building and what surrounds it.

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

Fred Muller, 8 Manning Road, addressed the Commission. He stated that it is very confusing to figure out what is going on with this project. Mr. Muller stated that last week this project was going to be 12,000 to 15,000 square feet, and asked what is going to be done with the rest of the property. He stated that he will not be able to enjoy his weekends with unlimited traffic and that there was supposed to be a road built to alleviate traffic, which has not been done.

Mr. Muller stated that it is ridiculous that they are still dealing with this after 60 years when the Town of Enfield has collected taxes on these properties all these years. He stated that the text amendment change is just a stepping stone, and if it is allowed they will be back to square one. He concluded that the residents on Manning Road will be left holding the bag once again. Mr. Muller stated that the town should build the road and be done with it, and this is very distressing for him and his family.

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 Szewczak made a motion, seconded by Commissioner Alaimo, to close the Public Hearing.

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

Votes: 6-0-0

Motion: Commissioner Szewczak made a motion, seconded by Commissioner Petronella, to approve PH# 2994 as amended.

Commissioner Szewczak stated that they do have the opportunity to restrict certain areas and they have not lost sight of that. He stated that they are trying to move forward to improve the entire town and cannot fix all of the sins of their predecessors.

Chairman Nelson stated that the applicant has done his due diligence and the resident's comments tonight will be better suited at the Special Permit meeting.

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

Votes: 6-0-0

New Public Hearings

- a. **PH# 3000** – 8 Parky Drive – Special Permit & Site Plan Review application to expand a non-conforming residential structure to allow accommodate a larger garage; Thomas Sattal, applicant; Thomas & Cindy Sattal, owners; R-33 Zone; Map 52/Lot 131.(DoR: 3/25/2021; MOPH: 5/29/2021)

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

Thomas Sattal, 8 Parky Drive, stated that the entire neighborhood is nonconforming and he is trying to put an addition on his garage which will not add to the nonconformity as he is maintaining the current front yard setback. Ms. Pacacha stated that there were no Department comments.

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

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

Votes: 6-0-0

Motion: Commissioner Szewczak made a motion, seconded by Commissioner DeGray, to approve PH# 3000.

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

Votes: 6-0-0

Extension Request(s)

- a. **PH# 2918** – 0 King Street (Metro Park North)

Ms. Pacacha stated that this is the Metro Park North approval. She stated that they are working on getting their final plans submitted, but in the meantime the time to file a Special Permit and pull a Building Permit have both expired. Ms. Pacacha recommended extending both of the deadlines and concluded that it is up to the Commission.

Chairman Nelson stated that he is ok with the extensions and is glad they are moving forward with it.

Motion: Commissioner Szewczak made a motion, seconded by Commissioner DeGray, to approve the extension of PH# 2918.

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

Votes: 6-0-0

- b. **PH# 2942** – 147 Elm Street (The Shops at Elm Street Square)

Commissioner Petronella recused himself.

Ms. Pacacha stated that the deadlines for this one are also expired. Commissioner Szewczak described the location of this property.

Commissioner Alaimo stated that he does not want what they do tonight to jeopardize the permitting process with DOT.

Motion: Commissioner Szewczak made a motion, seconded by Commissioner DeGray, to approve the five year extension for PH# 2942.

The motion passed with a 5-0-0 vote.

Votes: 5-0-0

Discussion Items

- a. Discussion regarding self-storage facilities

Ms. Pacacha stated that there was some interest in the Burlington Coat Factory store, which straddles the town lines between Enfield and East Windsor. She explained that the East Windsor side is Industrial and the Enfield side is Business General. Ms. Pacacha stated that they do not specify self-storage as a use, but they have someone interested in using this building as self-storage. She stated that they are looking for guidance from the Commission on whether it would be allowed as a form of warehousing or if the regulations need to be amended to allow self-storage facilities.

Chairman Nelson stated that he would be ok with changing the zone for the remainder of the building to Industrial as he would not want to start allowing self-storage in Business. He stated that half of the building is already Industrial, so this is not spot zoning but rather is making the building whole. Commissioner Szewczak agreed, stating that the owners may need to come back for another zone change if the self-storage does not work out.

Chairman Nelson stated that the Commission would be open to a self-storage facility there as a form of warehousing with a site plan review.

Director of Development Services Report

Ms. Whitten stated that they have been working on updating the TIF due to the reevaluation of the mall. She stated that this will increase the amount of money going into the TIF.

Ms. Whitten stated that the new Assistant Town Planner, Georgianna Driver, will be starting on Monday.

Commissioner Alaimo asked if there had been any dialogue between any town departments with the mall owners as far as concept. Ms. Whitten stated that she has been in touch with Namdar and they have not shared their master plan yet, and are not willing to discuss it until they have tenants.

Chairman Nelson stated that confidentiality is an issue, which Commissioner Alaimo replied that he understands.

Applications to be Received

Ms. Pacacha stated that they are working with Panella's on getting their site plans prepared for Commission review, and they will be coming before the Commission soon.

Ms. Pacacha stated that there is another text amendment application to allow Child Day Care Facilities within the Limited Office Zone.

Ms. Pacacha stated that they received another application today for 359 Hazard Avenue, which should be on for the next meeting.

Ms. Pacacha stated that Popeye's was approved by the Wetlands Commission so that will be coming before the Commission soon.

Chairman Nelson asked if PH# 2995 is on the Panella property, to which Ms. Pacacha replied that it is not. Chairman Nelson clarified that at the last meeting Ms. Pacacha said some buildings were going to be torn down on the Porcello property when she meant to say Panella property.

Adjournment

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

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

Votes: 6-0-0

Prepared by: Elizabeth Bouley

Respectfully Submitted,



Richard Szewczak, Secretary