

ENFIELD PLANNING AND ZONING COMMISSION
REGULAR MEETING
MINUTES

Thursday, May 13, 2021 – 7:00 p.m.
Virtual Meeting

Call to Order & Pledge of Allegiance

Chairman Nelson called the meeting to order at 7:00 PM.

Roll Call

Commissioner Szewczak took the roll and present were Commissioners Richard Szewczak, Frank Alaimo, Ken Nelson, Linda DeGray, Virginia Higley and 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 seated Alternate Commissioner Grillo.

Approval of Minutes

- a. April 22, 2021 – Regular Meeting

Motion: Commissioner DeGray made a motion, seconded by Commissioner Higley, to approve the minutes of the April 22, 2021 Regular Meeting.

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

Votes: 7-0-0

Town Attorney Report *In writing) - April 2021*

Chairman Nelson asked if there were any questions from the Commissioners regarding the Town Attorney report; there were none.

Public Participation

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

Bond Release(s)

- a. **PH# 2904** – 130 Elm Street – Bond Release Request for the release of a Landscaping Bond in the amount of \$11,130.00

Ms. Pacacha stated that the bond release is related to the Panera project, which is completed.

Motion: Commissioner Szewczak made a motion, seconded by Commissioner DeGray, to allow for the release of the Landscaping Bond in the amount of \$11,130.00.

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

Votes: 7-0-0

New Public Hearings

- b. **PH# 3001** – 40 Edgewood Drive – Special Permit & Site Plan Review application to allow the expansion of a non-conforming structure to accommodate a breezeway and garage addition; Rachel Boulette and Daniel Cezus, owners/applicants; Map 53/Lot 519; R-33 Zone. (DoR: 4/8/2021; MOPH: 6/12/2021).

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

Dan Cezus, 40 Edgewood Drive, stated that they would like to build a two-car garage and mud room onto their house. He stated that they want to build it flush with the front of the house, but it is a non-conforming lot so they had to apply for a Special Permit.

Chairman Nelson asked if a change in the zoning laws created the non-conforming use, to which Ms. Pacacha replied that it did.

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 DeGray made a motion, seconded by Commissioner Alaimo, 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# 3001.

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

Votes: 7-0-0

- c. **PH# 3003** – 612 Hazard Avenue – Zone change application from Residential-44 to Special Development District; Meadow Manor, LLC., owner/applicant; Map 110/Lot 343; R-44 Zone.

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

Peter Alter of Alter & Pearson, LLC addressed the Commission along with Dana Steele of JR Russo & Associates. Mr. Alter described the location and dimensions of the property, which he explained is the former Blair Manor nursing home. He stated that the proposal is pursuant to the regulations for a Special Development District to allow the conversion of the nursing home to a multi-family development consisting of 43 units.

Mr. Alter stated that the application complies with all of the Special Development District requirements in the regulations. He stated that the proposed multi-family use is an excellent redevelopment of a building that would otherwise begin to deteriorate. He stated that they are not expanding the building but only re-using it.

Mr. Alter stated that he had reviewed the Plan of Conservation & Development (POCD) and described how the proposed project is consistent with the POCD.

Mr. Alter stated that they had received approval from the Inland Wetlands and Watercourses Agency (IWWA) and a Wetlands Permit was not required. He concluded that the project meets all of the requirements for approval for a Special Design District.

Commissioner Szewczak asked how many developable acres are in the 8.37 acres. Mr. Steele stated that approximately 5 or 6 of the 8.37 acres are developable. He stated that the wetlands, the Scantic and the steep slopes around the perimeter of the property are not developable. Commissioner Szewczak requested that the applicant provide exact information regarding number of developable acres to the Commission with the application so they can examine the density.

Chairman Nelson stated that the Commission required mixed use for the old school down the street in order to maintain the POCD. Mr. Alter stated that the building is a single-story former nursing home and it would therefore be difficult to create a mixed use environment. He stated that the building is much better served as a residential use.

Chairman Nelson asked if there are escarpments going down to the river, to which Mr. Steele replied that there are.

Commissioner Alaimo asked if the Commission will be locked into anything if they approve this zone change tonight. Ms. Pacacha stated that there is also a site plan application which the Commission will review separately.

Commissioner Higley stated that she does not know how this use is compatible with the adjacent zoning districts. Mr. Alter stated that a residential use would be more compatible than commercial, based on the surrounding zones.

Mr. Steele stated that the residential use is compatible with the surrounding zones, and the only issue is density. He stated that the traffic report shows that there is only a very small traffic increase, and a commercial or mixed use site might have a more significant change. Chairman Nelson disagreed that there would be no increases to traffic.

Commissioner DeGray stated that she likes the idea of re-using a building but she would like to see the mixed use happen there. She stated that the re-zoning will affect the property for more than 20 years, and she is ok with this but also not ok with this.

Commissioner Petronella stated that he likes the application and the use, and that trying to do a mixed use on this property would not make sense and would probably increase traffic.

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

Commissioner Szewczak stated that he would like to see the information regarding density. Discussion took place regarding whether to close the Public Hearing or continue it. Ms. Whitten explained that if the Commission needs more information they should table this Public Hearing.

Mr. Alter stated that the site plan follows the zone change, according to the ordinance. He stated that the information the Commission requested will be provided in the site plan application, and asked for specific guidance on what information the Commission would need with respect to the zone change.

Commissioner Szewczak stated that the application has to conform to the regulations in terms of multi-family housing. Chairman Nelson stated that the question is regarding developable land, which is information that they do not have at this time. Mr. Alter stated that the Commission can determine the issues regarding density during the site plan review.

Chairman Nelson stated that this is spot zoning, to which Mr. Alter replied that it is not. Ms. Whitten suggested that they go through the criteria for the zone change in the regulations and move forward if the plan meets all of the criteria.

Commissioner Alaimo stated that since they asked Staff to just discuss the zone change tonight, they should just vote and move on.

Commissioner Petronella asked if the density is based upon the overall acreage of the parcel or just the developable acreage. Ms. Pacacha stated that it varies in different sections of the regulations, but in the regulations for Special Development Districts the density is based upon what the Commission thinks is appropriate.

Mr. Steele stated that the developable area is approximately 5 acres, and that the developable area is not one of the factors in determining how this will be developed. Mr. Steele concluded that the density is 8.6.

Chairman Nelson asked three times if anyone in the audience 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 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 # 3003.

The motion passed with a 4-3-0 vote with Commissioners DeGray and Nelson voting against because it does not meet the POCD, and Commissioner Higley voting against because in addition to not meeting the POCD it also does not meet requirements E, F and G in the regulations.

Votes: 4-3-0

- d. **PH# 3004** – 9 North Main Street – Special Permit & Site Plan Review Application to allow a place of worship (church) in one of the units in the building at 9 North Main Street; Dayal & Pritam Patel, owners; David Arce, applicant; Map 24/Lot 59; TD-5 Zone

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

David Arce, 144 Wynola Avenue, New Britain addressed the Commission. He stated that they would like a Special Permit in order to start a worship center. He stated that their goal is to make a positive impact in the community of Enfield as well as neighboring towns and states. Mr. Arce stated that this was previously a place of worship for more than five years.

Mr. Arce stated that they would not be building or altering the structure.

Commissioner DeGray pointed out a typo in the Public Hearing number, which Ms. Pacacha replied had been fixed prior to posting.

Chairman Nelson asked if anyone in the public would like to speak

Pritam Patel stated that he is the building owner and welcomes the applicants to start a worship place in this building.

Dayal Patel stated that he also owns the property at 9 North Main Street and it has a lot of vacancy. He stated that this will improve the social environment and benefit both the town and the state.

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 Higley, 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# 3004.

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

Votes: 7-0-0

- e. **PH# 3006** – 90 Elm Street – Special Permit & Site Plan Review application to allow the construction of a 2,300 square foot Popeye's restaurant with a drive thru and associated parking lot; Enfield Square Realty, LLC, Enfield CH, LLC, and Enfield Nassim, LLC., owners; Enfield Dev LLC (Attn: Ed Baksh), applicant; RJ O'Connell & Associates (Attn: Stephen Glowacki), applicant representative; Map 43/Lot 17; BR Zone.

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

Steve Glowacki of RJ O'Connell & Associates, LLC addressed the Commission. Mr. Glowacki went over the location, size and dimensions of the parcel and described the adjacent businesses. He went over the parking onsite, dumpster location and proposed lighting.

Mr. Glowacki described the storm water management plan and proposed erosion control measures. He stated that the plan exceeds all regulations in terms of the landscaping plan. Mr. Glowacki concluded that the project is harmonious with the area and is designed to meet all local and state regulations.

Chairman Nelson asked if they could find a better location for the dumpster. Mr. Glowacki stated that the building is surrounded on all sides so it is tricky, and they have taken effort to screen the dumpster area with a wall and some landscaping. Commissioner Szewczak stated that it is inappropriate to have the dumpster pad in this location.

Commissioner Szewczak stated that if the parking lot is full people will likely park at Outback or Figaro's, and suggested they put up signs requesting that people respect the neighbors. Mr. Glowacki stated that Popeye's typically requires 21 parking spaces, which is sufficient.

Mr. Glowacki stated that he can check with the client and consider moving the dumpster to a different location.

Commissioner Alaimo asked for the height of the dumpster screening and what material it is made of. Mr. Glowacki stated that it is 8 feet high and CMU. He stated that the shrubbery is about 30 inches tall.

Commissioner Alaimo asked if the site blocks Outback's sign, to which Mr. Glowacki replied that it does not.

Commissioner Grillo pointed out a possible alternate dumpster location on the site plan.

Commissioner DeGray stated that they normally only allow a 6-foot fence and the wall is 8 feet. Additional discussion took place regarding where exactly the dumpster should be located. Chairman Nelson requested a condition that the dumpster be moved to the back of the property; Commissioner Szewczak agreed.

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 7-0-0 vote.

Votes: 7-0-0

Motion: Commissioner Szewczak made a motion, seconded by Commissioner Grillo, to approve PH# 3006 as amended.

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

Votes: 7-0-0

- f. **PH# 3007** – 11 Shaker Road – Special Permit & Site Plan Review application to allow the construction of a 10,000 square foot daycare facility; Michael, Jeffrey & Joseph Filiault, owner; Winston Properties, LLC. (Attn: Eric Spungin), applicant; J.R. Russo & Associates LLC (Attn: Tim Coon), applicant representative; Map 64/Lot 106; Limited Office Zone.

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

Tim Coon of JR Russo & Associates addressed the Commission. He stated that the text amendment passed at a previous meeting so now they are seeking the Special Permit and Site Plan Review. Mr. Coon provided an overview of the existing site and went over the dimensions and abutters.

Mr. Coon described the proposed child development center. He went over the Department comments and described how they had been addressed.

Mr. Coon stated that there are 53 parking spaces and described the utilities for the property. He stated that Water Pollution Control (WPC) has reviewed and approved the design.

Mr. Coon went over the storm water management plan and drainage calculations for the proposed project. He pointed out the dumpster pad on the property as well as sidewalks and signage.

Mr. Coon described the lighting plan for the parcel and described how they plan to reduce some of the lighting levels at the property line in order to address Staff comments.

Mr. Coon pointed out the landscaping buffers on the plan and described the types of plants that would be used to provide screening to the neighbors.

Mr. Coon stated that there are no wetlands on the site, but there are some off to the northeast of the parcel. He stated that the Wetlands Permit was obtained.

Mr. Coon stated that they had addressed the Engineering comments and will address the remaining ones as conditions of approval.

Mr. Coon stated that there is no bus drop-off or pickup at the site.

Mr. Coon showed a print of the building elevations and described the rooftop materials, which he stated will be hidden behind a parapet.

Mr. Coon concluded that the proposed facility and use are in harmony with the neighborhood and will not create any public safety issues.

Commissioner Szewczak stated that the periphery of the lot is being used for drainage and water storage, which is problematic. He stated that the ground will get saturated during periods of heavy rainfall. He stated that the water will run onto the neighbors' yards and the town will be responsible for fixing it.

Mr. Coon stated that they did test pits and the soils are very sandy with a fast permeability rate. He stated that they provided drainage calculations which demonstrate that the water will not run onto the abutting properties but rather will infiltrate quickly back into the existing soils.

Commissioner Szewczak asked where the water goes during winter freezes. Mr. Coon explained that they will add stone trenches which go down into the ground so they do not freeze. Commissioner Szewczak stated that he is still uncomfortable with the flooding issue, to which Mr. Coon replied that the water will be contained on the property.

Chairman Nelson voiced additional concerns about the water running off into the neighbors' yards. Extensive discussion took place regarding the water runoff issue, with Mr. Coon stating that the calculations demonstrate that there is sufficient area and storage so there is no concern with flooding the neighboring houses.

Commissioner Alaimo read Town Engineer Cabibbo's comments that the proposed stone trench should be increased to 48 inches, to which Mr. Coon replied that this comment has already been addressed. Mr. Coon stated that they compromised with 36 inches. Commissioner Alaimo stated that he would like to see somewhere in the record that the Town Engineer approved the 36 inches.

Commissioner Alaimo stated that he would like to see the easement document for the sewer line, to which Mr. Coon replied that they can make this a condition of approval.

Commissioner Szewczak stated that water cannot infiltrate into frozen soil so he is still concerned with the issue of flooding. He stated that the drain is not continuous around the entire property. Mr. Coon stated that it will be the property owner's responsibility if it floods, and the Commission can make that a condition of approval.

Erik Sponge of Winston Properties, LLC stated that he is confident in the calculations and will take responsibility as the property owner if there is an issue.

Additional discussion took place regarding the flooding concern in terms of the trenches not being continuous around the entire perimeter of the property. The Commission ultimately decided that they would be comfortable adding a condition that the 2'x 36" stone trench goes along the entire property.

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 Higley, 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# 3007 as amended.

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

Votes: 7-0-0

Chairman Nelson asked Staff to send the Commission the Town Engineer's comments agreeing to the 36" trench depth.

- g. **PH# 3008** – 504 Hazard Avenue – Special Permit & Site Plan Review application to allow a farmer's market associated with Powder Hollow Brewery & R Dee Winery; 10 Water Street, LLC., owner; Michele McAuliffe & Michael McManus, applicants; Map 101/Lot 216; I-1 Zone.

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

Mike McManus, owner of Powder Hollow Brewery and Michelle McAuliffe, owner of R Dee Winery, addressed the Commission.

Mr. McManus stated that they would like to start a farmer's market in their parking lot. He stated that it would be a great fit for their business and good for the town as well.

Commissioner DeGray asked if this market would only be in the summer months, to which Mr. McManus replied that it will as it is outdoor-only and weather dependent.

Commissioner Higley asked if the farmer's market will be postponed to Sunday in the event that it rains on Saturday. Mr. McManus stated that it will likely be postponed to the following week.

Chairman Nelson asked if there is outdoor seating, to which Mr. McManus replied that there is and the patio is almost completed.

Chairman Nelson asked if there will be enough parking, to which Mr. McManus replied that there will be.

Commissioner Grillo asked where on the property the market will be located. Mr. McManus stated that it will be tucked in the back so the big front parking lot and side parking will still be available. He explained that they will use rain drums to stop cars from pulling in but to allow emergency vehicles access.

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

Motion: Commissioner Szewczak made a motion, seconded by Commissioner Grillo, 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# 3008.

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

Votes: 7-0-0

Other Business

Withdrawal Request(s)

- a. **PH# 2998** – 654 Enfield Street – Special Permit & Site Plan review to allow an accessory structure over 600 square feet in accordance with Section 3.30.7; Michael Panella, owner/applicant; Map 32/Lot 6; BL Zone. (DoR: 3/11/2021; MOPH: 5/15/2021)

Ms. Whitten stated that she does not know why the applicant withdrew.

Commissioner Alaimo asked if the Commission can return funds, to which Ms. Whitten replied that they do not have the authority to return funds and the Town Council will have to make that call.

Motion: Commissioner Szewczak made a motion, seconded by Commissioner DeGray, to accept the withdrawal without prejudice.

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

Votes: 7-0-0

Discussion Item(s)

- a. Discussion regarding temporary outdoor lighting for ball fields at the Eli Whitney School

Ms. Whitten shared an aerial photo of the property showing where the temporary lights would be located. She stated that there is nothing in the regulations about this but the Commission does typically regulate lighting.

Commissioner DeGray stated that the temporary lighting on Meadow Road was blinding, so it may be a concern to the neighbors as well as cars driving by.

Commissioner Grillo stated that the baseball field is in the back corner and is blocked by the trees and the library building. He stated that he does not believe it will be a concern, to which Commissioner DeGray replied that she disagrees.

Commissioner Petronella stated that he is not concerned with this request and they know who to call if there ends up being an issue with the lights.

Commissioner DeGray stated that she is concerned that the houses on Middle Road and Olmstead are going to be disturbed by the lighting.

Commissioner Higley stated that she is in favor of the lights as they are temporary and if the residents have issues that cannot be addressed they can remove the lights. Commissioner Szewczak and Chairman Nelson agreed with this.

Commissioner's Correspondence

Chairman Nelson stated that the governor's order is coming due and all of the temporary outdoor dining will be made illegal. He requested that the Commission do a local extension of the temporary outdoor dining at least through October. Ms. Whitten stated that the state extended the temporary outdoor dining for a year.

Administrative Approval Report

Ms. Pacacha went over the following administrative approvals:

- a. **SPR# 1861** – 10 Lego Way – Administrative Approval application to install dumpsters on a new concrete pad; Rocky Ridge Realty, LLC., owner/applicant; Map 75/Lot 104; Industrial-1 Zone.
- b. **ZP# 2021-30** – 740 Enfield Street - Zoning permit for Nick's Barber Shop where a previous hair salon existed; The 740 House, LLC., owner; Nicholas Coleman, applicant; Map 29/Lot 11; BL Zone.
- c. **ZP# 2021-31** – 94 Middle Road – Zoning permit for temporary lights for ball fields at Eli Whitney School; Town of Enfield, owner/applicant; Map 74/Lot 52; R-44 Zone.
- d. **ZP# 2021-32** – 54 Hazard Avenue – Zoning permit for a retail Game X Change store within the existing retail shopping center; Enfield Station, LLC., owner; Game X Change (Chris Runyan), applicant; Map 56/Lot 26; BR Zone.
- e. **ZP# 2021-34** – 786 Enfield Street – Zoning permit for a retail meat market within the existing shopping center; Shaan Realty, LLC., owner; Maria L. Gonzalez Perez, applicant; Map 29/Lot 3; BG Zone.
- f. **ZP# 2021-36** – 54 Hazard Avenue – Zoning permit for a smoke shop to be located within the existing shopping center; Enfield Station, LLC., owner; Enamul Hoque, applicant; Map 56/Lot 26; BR Zone.

Applications to be Received

Ms. Pacacha went over the following applications to be received:

- a. **SPR# 1858** – 612 Hazard Avenue – Site Plan Review application for adaptive reuse within an SDD Zone to allow for a 43-unit apartment complex in the former Blair Manor facility; Meadow Manor, LLC., owner/applicant; Map 110/Lot 343; Current Zone: R-44, Pending Zone Change: SDD. (DoR: 04/22/2021; MAD: 6/26/2021)
- b. **XZA# 21-05** – Text Amendment to Section 4.20.1 Footnote 14 to allow bedrooms in basements as long as the requirements of the Building Code are met; Town of Enfield, applicant.

Chairman Nelson asked if an in-law apartment could be done in a basement if codes are met. Ms. Pacacha stated that in-law apartments require a Special Permit and she is not sure if they would be allowed.

Adjournment

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

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

Votes: 7-0-0

Prepared by: Elizabeth Bouley

Respectfully Submitted,

Richard Szewczak, Secretary