ENFIELD PLANNING AND ZONING COMMISSION
SPECIAL LIVE MEETING
MINUTES
Thursday, December 9, 2021 – 7:00 p.m.
ENFIELD TOWN HALL - COUNCIL CHAMBERS
820 ENFIELD STREET - ENFIELD, CT

Call to Order & Pledge of Allegiance
Chairman Nelson called the meeting to order at 7:10 PM.

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

Also present were Ben Winter, Assistant Town Planner; Ricardo Rachele, Zoning Enforcement Officer and Laurie Whitten, Director of Development Services.

Chairman Nelson seated Alternate Commissioners Correia and Majmudar.

Approval of Minutes
a. November 18, 2021 – Regular Meeting

Motion: Commissioner Higley made a motion, seconded by Commissioner DeGray, to approve the minutes of the November 18, 2021 Regular Meeting.

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

Votes: 7-0-0

Zoning Enforcement Report
Mr. Rachele stated that past complaints have been handled and several new ones have come in as illustrated on the spreadsheet. He stated that he can answer any questions the Commissioners have. Commissioners Higley and DeGray stated that the report is very good.

Mr. Rachele stated that a project was approved for industrial condos at 1 Peerless Way and the condos are being used without COs. He explained the status of the violations and citations, stating that he has no choice at this point but to send it on to the Town Attorney as the situation still has not been rectified.

Commissioner Szewczak asked why the building owner thinks it is ok to rent out his building when everyone else says he cannot. Mr. Rachele stated that there are still issues with the Building Department that have not been satisfied. He stated that there have been plumbing issues, sewer connection issues and electrical issues, and that they are not supposed to be occupied without a CO. Mr. Rachele stated that he has given him a year and nothing has been rectified.

Commissioner Petronella asked if a CO was issued for the previously approved indoor basketball court, to which Mr. Rachele replied that it was not as there was an issue with the flooring.

Commissioner Petronella asked if they can get a CO for that space without a CO for the whole building, to which Mr. Rachele replied that they can but this has not been done. Mr. Rachele stated that a conditional CO for each unit could be requested, but this has not been done.

Commissioner Higley stated that Mr. Rachele should request the Town Attorney take over. Chairman Nelson asked if Mr. Rachele is acting as the Zoning Enforcement Officer on this, to which Mr. Rachele replied that he is. Chairman Nelson stated that the Building Official can shut him right down, which Mr. Rachele confirmed to be the case.

Discussion took place regarding whether the issues that are holding up the CO are petty. Chairman Nelson stated that these things can drag out in court and the Building Official may have more teeth. Mr. Rachele stated that he will speak to the Building Inspector again to see if they can get some movement so they can get conditional COs for some of the units.

Commissioner Petronella stated that his is under a Cease & Desist (C&D), to which Mr. Rachele replied that they are beyond the C&D and he has been issued a citation and has been given a lot of extra time.

Motion: Commissioner Szewczak made a motion, seconded by Commissioner DeGray, to allow the Zoning Enforcement Officer to pursue the issue with the Town Attorney to resolve the violations if no resolution has been made by December 24 after trying to connect with the building owner one more time with the Building Official.

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; no one came forward.

Bond Release(s)

Old Public Hearings

a. **PH# 3013** – 51 Enfield Street – Special Use Permit application to convert a non-conforming use to a less intensive non-conforming use for a car wash and motor vehicle detailing facility; Diane Pagano, Owner/Applicant; Map 35/Lot 206; BL Zone.

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

John Kucavich, 28 Francis Avenue, addressed the Commission along with Jose Rosado, 44 Adna Road, Bristol, Connecticut.

Mr. Winter stated that they have submitted their revised parking and drain plans, so there are no more issues with this 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 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# 3013.

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

Votes: 7-0-0

Chairman Nelson asked the applicants to describe their business. Mr. Rosado described the various services they will be offering.

New Public Hearings

a. **PH# 3020** – Text Amendment - Text Amendment application to Section 4.70.6 and 4.10.1 to add a Single-Family Detached Dwelling Units section to the Multi-Family Housing Development Zone; Washington Associates of Enfield LLC, applicant.

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

Commissioner Petronella recused himself.

Attorney Paul Smith, 27 South Main Street, Windsor Locks addressed the Commission as a representative for the applicant along with Frank Troiano and Dana Steele of JR Russo & Associates.

Mr. Smith provided an overview of items that were discussed at the informal October meeting. He stated that the proposal is to add a section to the Multi-Family Housing Development (MFHD) zone to allow single family detached dwelling units within the zone. He stated that this would keep the unique feature of single family standalone homes while still having a private road and an association to maintain the roads and landscaped areas of the property.

Mr. Smith stated that this allows more single family homes to be developed in Enfield in an economically and environmentally friendly way. He stated that his client has approval for Senior Residential Housing, but the market for this sort of housing is very problematic due to the age limitation. Mr. Smith stated that recent legislative changes are pushing towns to design regulations for more affordable housing, and this proposed project is helping the town to move toward that goal.

Mr. Smith stated that what they are proposing is very limited in terms of density, the impervious coverage requirements are the same and the maximum height is two stories with no more than three bedrooms in any particular unit. He stated that they did not include a minimum or maximum floor area.

Mr. Smith stated that this is not a text change that is imposed on any particular property in town, and in order to have this as a zone one would have to come before the Commission and request a zone change.

Chairman Nelson asked what Pheasant Hill on Weymouth Road is classified as, since it is a PUD with single family homes that are not age restricted. Ms. Whitten stated that she is not familiar with how it was developed and is guessing that it is probably condos. Mr. Rachele stated that there were setback issues that were changed over a period of time. He stated that he is pretty sure it is R33 but it was approved as a Private Unit. Ms. Whitten stated that it is not a subdivision.

Chairman Nelson stated that if the association takes care of the landscaping it will eliminate headaches from neighbor disputes for the association and the town. Mr. Smith stated that the wording can say all areas will be maintained by an association of the owners, rather than all common areas. Chairman Nelson suggested that they specify all exterior areas, which Mr. Troiano and Mr. Smith agreed with.

Chairman Nelson asked if this is only for new developments. Mr. Smith stated that someone could come in with an old development that meets the acreage and density, but they would need unanimous consent to undo what they have and they also would still need to apply to the town and change the zone.

Commissioner Szewczak asked if Item G can say "a minimum of two" rather than "two." Mr. Troiano stated that they like this idea. Chairman Nelson suggested that it be at the discretion of the Commission, to which Commissioner Szewczak replied that it is at their discretion. Ms. Whitten stated that the Commission would have to approve the amenities.

Commissioner Majmudar stated that the Commission needs to hear the market approach that the developers are bringing to it. He stated that Staff and the Commission will have to change the zoning regulation books, to which Chairman Nelson replied that they are doing this now. Commissioner Majmudar stated that the market focused approach is what they need and is what is being presented here, so he is in favor of 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.

Ms. Whitten stated that this application was sent to the Capitol Region Council of Governments (CRCOG) and received a positive referral. She read the statement from CRCOG aloud to the Commission.

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# 3020 with the changes as discussed during the Public Hearing.

Commissioner Szewczak stated that the changes are that all exterior areas of the development shall be maintained by an association of the owners, and the development shall provide a minimum of two amenities listed in section 7.70.6E.

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

Votes: 6-0-0

New Business

a. **SPR# 1877** – 875 Enfield Street – Site Plan Review application for Temporary Use Permit within the B-L Zone; Irving and Maple Streets LLC, owner; CVS Health – Chris Geise and Bill Hellmann, Applicant; Map 026/Lot 0073

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

Margaret Moree, 14, South Washington Street, Athens, New York addressed the Commission on behalf of CVS Health. She stated that they are requesting a re-upping of the temporary use permit for a COVID-19 testing kiosk as they still have a need for it. She stated that the existing kiosk will not be moving and there will be no changes.

Commissioner Higley asked how long they would like the permit to be for, to which Ms. Moree replied that the first permit was granted for a year and they would like this one for a year as well.

Commissioner DeGray asked if they can make this for two years so the applicant does not need to come back every year. Ms. Moree stated that they would be fine with two years.

Motion: Commissioner Szewczak made a motion, seconded by Commissioner DeGray, to approve SPR# 1877 with the end date for the approval to be for a maximum of two years.

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

Votes: 7-0-0

b. **SPR# 1876** – 30 – 32 Bacon Road – Site Plan Review application for site and construction within the I – 1 Zone; Joseph Liquore, owner; Mark O'Neill, Hamlet Homes LLC, Applicant; Map 095/Lot 0032, 095/0031

Mark O'Neill of Hamlet Homes addressed the Commission along with William Walter of Alfred Benesch & Company. Mr. O'Neill stated that 32 Bacon Road was two parcels to start with: 30 and 32 Bacon Road.

Mr. O'Neill stated that a trailer truck will be able to pull in and back out everywhere without any impediment to the main road. He described the physical features of the buildings.

Mr. Walter stated that they received their wetlands permit and pointed out on the site plans where each building will be located. He described the parking plan and utility plans, stating that Staff says they are in compliance with all regulations. Mr. Walter stated that the Town Engineer asked them to provide proof that they will not be increasing the peak flow. He stated that he submitted a stormwater management plan that shows this and submitted it to the Town Engineer.

Mr. Walter stated that the regulations talk about a sidewalk across the front of the property. He stated that this is an industrial zone and there are no sidewalks in the area and it will not get used, so they are requesting the Commission to waive that requirement.

Commissioner Higley asked if the two parcels are going to be merged, to which Mr. O'Neill replied that they have already been merged. He stated that he will purchase the property if he gets the approval.

Commissioner Petronella stated that he is not seeing any Department comments in the Staff Report. Mr. Winter stated that at the time the Staff Report was written, there were no comments from the Departments.

Mr. O'Neill stated that they received Department comments at the pre-application meeting as well as through the online permitting system. Chairman Nelson stated that the Commission should be getting a synopsis of the ART meetings to know what the Department comments are. Ms. Whitten stated that most of the comments made at the ART meeting are addressed before the application is submitted. She stated that they need to get back in practice of following up to obtain updated Department comments. Discussion took place regarding the issues that applicants resolved with the various Departments.

Chairman Nelson asked if the property is on public sewer and water, to which Mr. O'Neill replied that it is.

Mr. O'Neill stated that the sidewalk in question would be a sidewalk to nowhere. The Commission discussed the current location of existing sidewalks abutting the subject property, with Commissioner Higley pointing out that Mr. Winter said 28 Bacon Road has a sidewalk. Mr. O'Neill requested that he be able to put in a bituminous sidewalk if he must put a sidewalk in.

Commissioner Majmudar stated that if the Departments do not provide comments then they should lose the opportunity and be unable to make demands after the fact.

Commissioner Petronella stated that he is not in favor of the bituminous sidewalks because the town requires concrete.

Commissioner Szewczak asked if the site plan is also the grading plan and whether the property is really that flat. Mr. O'Neill stated that it is really that flat and it is wet.

Ms. Whitten stated that there were some Department comments but they were not finalized. She read through the comments that had been received and stated that if the Departments do not comment then it is on them as Staff cannot be babysitting all of the Departments for every application.

Motion: Commissioner Szewczak made a motion, seconded by Commissioner DeGray, to approve SPR# 1876 with a site specific condition that sidewalks be added to the roadside perimeter of the property in accordance with town standards.

Chairman Nelson asked if there is a waiver for sidewalks, to which Commissioner Szewczak replied that there is not.

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

Votes: 7-0-0

Other Business

a. **Leete-Stevens, Inc.** SUP - Condition of approval review

Ms. Whitten explained that Leete-Stevens received a modified permit in 2006 so that they could operate their crematory up to 90 hours per week. She stated that a condition of approval was that they submit monthly reports to the Planning Office that demonstrate compliance with that condition. Ms. Whitten stated that they have been receiving a report every month since 2006 and not even coming close to half of what their maximum would be. She asked if the Commission would be willing to modify the condition of approval as they now have a 3-inch notebook of these reports.

Commissioner Szewczak stated that in this day and age they do not need to keep all of the paper copies. He stated that they need to have a system of checks and balances for that business, especially at that location, so they know what is going on. Ms. Whitten stated that they have to save everything for 10 years, according to statute. Commissioner Szewczak stated that they have records from 2006 so they can start getting rid of the oldest reports, and that he feels very strongly that they need to maintain this system of checks and balances.

Commissioner Higley stated that the funeral home keeps records of their own so the town can get a copy of it if they need it. Commissioner Szewczak stated that once they have conditions they should not relax them just for convenience. Commissioner DeGray stated that she agrees with Commissioner Szewczak that the reporting is necessary, but this report can be emailed and stored electronically.

Commissioner Petronella asked how many inquiries Staff is getting from the neighbors to review this report. Ms. Whitten stated that to the best of her knowledge there have been none.

Commissioner Majmudar stated that nobody has shown interest other than at the public hearing many years ago, so why continue to burden a taxpayer in town. He stated that the funeral homes may be required to report to a State Health Department recordkeeping, so why make it more difficult. Commissioner Correia stated that he is in agreement with getting rid of the report, as not one person has ever come forward to see it. He stated that the funeral home has been operating flawlessly. Commissioner Szewczak stated that it is a matter of keeping record of what is going on and this is part of the decision that allowed the 4-3 vote to go one way and not the other.

Ms. Whitten stated that they would have to have a Public Hearing to change the conditions. Chairman Nelson stated that he would not want someone overturning stipulations that they had put on an application. He stated that he is not willing to overturn a condition of approval that he was not a part of and that is there for a reason. Commissioner DeGray stated that they try to be consistent and set standards, so to reverse it makes the Commission look whimsical and does not send a good message.

Mr. Rachele stated that it would be easier for them to email the report for Staff to put on file. Chairman Nelson stated that the Commission is good with this. Ms. Whitten stated that they will make it work electronically.

Commissioner's Correspondence
Commissioner Higley stated that Ms. Whitten had sent them an email about that Connecticut organization and she found it very interesting. She stated that there is one more coming up on lot sizes, which might be of interest to other Commissioners.

Commissioner DeGray stated that she watched the Aquifer Protection eight hour and took the associated quiz until she passed. She stated that it was interesting and helpful and advised the other Commissioners to watch it if they get a chance.

Director of Development Services Report
Ms. Whitten provided a POCD update to the Commission. She stated that they are still on track to have the POCD adopted by April or May, and are still working on the zoning regulations.

Commissioner Higley asked when the next meeting is, to which Ms. Whitten replied that it is next Wednesday evening.

Chairman Nelson asked if Ms. Whitten wanted to discuss the daycare on Shaker Road. Ms. Whitten distributed paperwork regarding The Learning Center to the Commission. She stated that the applicant put the drainage swale all the way around the property and they would like to reduce the area shown in orange. Ms. Whitten stated that the drainage calculations were recalculated and there would be a site reduction in the storage area which would raise the remaining basin by one inch. She stated that the basin will still hold any increase in elevation of the hundred year storm waters with ample room. Ms. Whitten stated that this is what would be considered a field change but after speaking to the Chairman it was decided to bring it before the Commission.

Chairman Nelson stated that he wanted it brought before the Commission because it was a hot topic and neighbors were concerned. He asked if there is any correspondence from the neighbor, to which Ms. Whitten replied that there is not. Chairman Nelson stated that the neighbor is a rental property and both the tenant and owner already stated that the basement has been flooding for years and they do not want it to get worse. He stated that it is taking away storage so keeping more of their water on their property cannot make the flooding problem that already exists worse. Chairman Nelson stated that he is concerned they are going back on what they promised the people at a public hearing.

Chairman Nelson stated that the developer told him the tenant is demanding that they plant a row of shrubs down the property line. He stated that they had an opportunity to be at the public hearing to discuss these issues and they were not there, so he does not think it is right to change the decision they made. Commissioners DeGray and Higley agreed.

Ms. Whitten asked if the Commission would like them to come back and present if they want to have a change. Chairman Nelson stated that there is no change and the developer is all set. He stated that the developer did not provide the emails to him or to Staff, and questioned whether they are real or the developer is just trying to cut back on drainage.

Applications to be Received

Mr. Winter stated that the only application they have is a Special Use Permit for an in-law apartment over a garage in the R33 zone at 9 Overhill.

Ms. Whitten stated that they also have a text amendment for farm breweries, cideries and distilleries. Chairman Nelson asked if it is a Public Hearing, to which Ms. Whitten replied that it is.

Opportunities/Unresolved Issues

Chairman Nelson stated that a lot of Commissioners are up for reappointment and he will 99% not be the Chair if he is put back on the Commission. He thanked the other Commissioners and Staff. Commissioner Szewczak stated that he will not be on the Commission next month and wished the Commission well. He advised them to look at every word and pay attention and be fair. Chairman Nelson stated that if he does not stay on the Commission he will not be on the POCD Steering Committee.

Adjournment

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

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

Votes: 7-0-0

Prepared by: Elizabeth Bouley

Respectfully Submitted,

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Richard Szewczak, Secretary