

ENFIELD PLANNING AND ZONING COMMISSION
LIVE MEETING

MINUTES

Thursday, February 10, 2022 – 7:00 p.m.
ENFIELD TOWN HALL - COUNCIL CHAMBERS
820 ENFIELD STREET - ENFIELD, CT

RECEIVED
ENFIELD TOWN CLERK

2022 FEB 15 AM 10:28

Shela M Bailey

Call to Order & Pledge of Allegiance

Chairman Fiore called the meeting to order at 7:02 PM.

Roll Call

Commissioner Petronella took the roll and present were Commissioners Lewis Fiore, Virginia Higley, John Petronella, Kiran Majmudar and Alternate Commissioners Christian D'Antonio and Vinnie Grillo. Absent were Commissioners Linda DeGray and Frank Alaimo.

Also present were Laurie Whitten, Director of Development Services and Ben Winter, Assistant Town Planner.

Chairman Fiore seated Alternate Commissioners D'Antonio and Grillo.

Approval of Minutes

- January 13, 2022 - Special Meeting

Motion: Commissioner Higley made a motion, seconded by Commissioner D'Antonio, to approve the minutes from the January 13, 2022 Regular meeting.

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

Votes: 6-0-0

Approval of Minutes

- January 27, 2022 - Regular Meeting

Motion: Commissioner Higley made a motion, seconded by Commissioner Majmudar, to approve the minutes from the January 27, 2022 Regular meeting as amended.

Chairman Fiore stated that Commissioner Grillo was also at the Executive Session and this should be added to the minutes.

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

Votes: 6-0-0

Public Participation

Chairman Fiore asked if anyone would like to speak regarding items not on the agenda.

Angela Foss, 16 Crescent Beach Drive, addressed the Commission. She stated that she appreciates the Commission, and the people working at the Planning and Zoning Office are patient and do a good job, particularly Ben and Nicole. Ms. Foss stated that she is concerned that the paperwork is all on the Planning Department, so when paperwork comes in there is no one hired to actually go

through and really look at the documents with an open mind. She stated that she wants the documents to go through the correct channels and more help should be hired in the Planning Department.

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

New Public Hearings

- a. **SPR# 1881** – 25/35 Bacon Road – Site Plan Review for a warehouse/distribution center; WE 35 Bacon Road LLC, Owner; WE 35 Bacon Road LLC, Applicant; Map 94/Lot 65; I-1 Zone.

Mr. Winter read a prepared statement from Director of Development Services Laurie Whitten into the record regarding a verified petition to intervene that had been received by Staff.

Chairman Fiore explained how the meeting is going to work, stating that it is for a Site Plan Review.

Commissioner Petronella read the motion to acknowledge receipt of the verified petition to intervene from Linda Ostapoff.

Motion: Commissioner Higley made a motion, seconded by Commissioner Grillo, to accept receipt of the verified petition.

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

Votes: 6-0-0

Attorney Tom Cote of Robinson & Cole addressed the Commission. He stated that the application is the culmination of a long and intense period of review, planning, and design work. Mr. Cote provided a brief history of the property from the time it was purchased in 2016, concluding that the application adheres to all of the regulations.

Valarie Ferro of Good Earth Advisors, LLC addressed the Commission. She stated that they began a formal outreach program back in September and maintained ongoing dialogue with the residents, and incorporated the residents' desires into their design. Ms. Ferro presented an aerial photograph of the property and stated that Winstanley has done everything possible to be a good neighbor. She explained how the former Hallmark property was reconfigured, creating 35 Bacon Road. Ms. Ferro stated that Winstanley has offered to donate 22 acres on the property as dedicated open space upon receipt of the building permit.

Ms. Ferro stated that some of the development offers they received were for much larger uses in excess of 1.2 and 1.3 million square feet (SF). She stated that the development they are proposing was deliberately chosen to be more sensitive to residents and to natural resources. Ms. Ferro pointed out the proposed area of disturbance, stating that they reached a compromising balance with the proposed site plan.

Ms. Ferro utilized a graphic to illustrate all of the areas that will remain undeveloped. She stated that distribution warehousing is as of right, and they are not requesting any variances.

Tom Zajac of Hayner/Swanson, Inc. in Nashua, New Hampshire addressed the Commission to provide an overview of the site design. He utilized an aerial view of the property to describe the

building access, dimensions, tenant locations, and parking spaces designated for each tenant. Mr. Zajac went over the lot and bulk requirements and max impervious and building coverages. He stated that the setbacks are far in excess of the allowed minimums according to the regulations.

Mr. Zajac stated that 46% of the parcel is being disturbed by the proposed project. He stated that the site is balanced from an earthwork perspective and relatively flat, and they do not anticipate any import/export of materials to balance the site.

Mr. Zajac described the utilities and planned snow storage for the site, stating that any excess snow will be trucked offsite and disposed of properly.

Mr. Zajac described the local pre and post-development watershed in this area of town, stating that they are almost identical. He went on to explain the proposed storm water management plan, stating that post development peak rates of runoff are less than those of pre-development.

Mr. Zajac went over the planned erosion and sediment control measures, stating that they adhere to town regulations and the state erosion and sediment control manual. He stated that they are 43 parking spaces short and provided a graphic to display where they are going to add those spaces so the Commission does not have to reduce their parking.

Mr. Zajac concluded the plan complies with all regulations and guidelines.

Matthew Skelly of Fuss & O'Neill provided a presentation of the methodologies and findings of the traffic study they conducted. He stated that there is a very slight increase of queuing and that the crash analysis did not reveal any abnormal crash patterns or frequencies. Mr. Skelly stated that crash patterns are not expected to be exacerbated by the proposed development, and the intersection sight distance is adequate at the existing driveways. He stated that no significant increases in queue length are expected and congestion at the intersection of Bacon and Shaker is not attributed to the proposed development. Mr. Skelly stated that the delay at the intersection of Bacon and Shaker is confined to peak hours and concluded that none of this can go through without DOT approval.

Henry Thomas of The LRC Group provided a presentation of the proposed site lighting for the property. He stated that all of the lighting is located within traffic islands and will not be subject to minor impacts from vehicles. Mr. Thomas stated that they submitted a full photometric analysis of the site lighting and there is no trespass onto any of the perimeter boundaries.

Mr. Thomas stated that the landscaping goal is to create a facility that looks well maintained and is easy to maintain. He stated that the landscape plan includes native and adaptive plants and seed mixes so as not to require irrigation or lots of fertilizers and treatments. Mr. Thomas stated that the landscape at 25 Bacon is lawns and trees, and they are applying this to the new building as well. He stated that they are trying to reduce lawn areas by utilizing a low mow lawn mix that could be maintained but will not turn into an abandoned property appearance if you let it go. He stated that wherever possible they are going to utilize wildflower mix.

Mr. Thomas described the various types of trees they will be using onsite and where they will be located. He described where the low mow and wildflower mixes will be located on the site, stating that there will be a lot of space for pollinators.

Mr. Thomas described the landscaping plan for the buffers where the industrial zone abuts the residential zone. Chairman Fiore asked what the plans are for the retention pond area, to which Mr.

Thomas replied that this area is 100 feet of existing woods and everything below that perimeter road is left undisturbed all the way out to the left. He stated that the existing buffer is a mature tree stand and Ms. Ferro stated that in order to comply with the buffer requirement they would have to clear cut those and plant new ones and wait 50 years for them to grow. Mr. Thomas stated that the proposed berm is variable in terms of elevations so that it does not look like a dyke. Ms. Ferro pointed out the location of the berm on the site plan.

Ms. Ferro pointed out the buffers on the aerial view of the site, stating that they are substantial. She pointed out open areas where the vegetation had been cleared along the property line. Mr. Thomas stated that they are proposing a large scale earth form as a buffer running through the area near where the existing farm field abuts all of the houses. Ms. Ferro stated that in order to apply the landscape D buffer according to the regulations, they would have to densely landscape right next to their property line and the rear yards of the people living on that property line. She stated that she has been told that the residents like the view of that field, so if they were to apply the regulations then no one would have the view of that field. Ms. Ferro stated that they will also be casting shade onto those properties, and they will do it either way but were trying to be sensitive to the neighbors and their enjoyment of their yards.

Mr. Thomas utilized additional slides to show the depth of the vegetation on the site as well as sidewalks. Ms. Ferro read through a portion of the zoning regulations regarding parking area setbacks and landscaping standards. She stated that if a landscape buffer is not required then a sidewalk would not be placed in that buffer, according to the regulations. Mr. Thomas pointed out on aerial photographs the proposed 4-foot sidewalks adjacent to the curb lines at the east and west frontages.

Ms. Ferro provided an overview of the planned architecture for the proposed building including dimensions, building materials, and colors which she stated were selected to be neutral. She stated that they decided not to add condenser units on the rooftop, so there will not be any type of cold storage or cooling requirements in the building.

Robert O'Neal of Epsilon Associates, Inc. addressed the Commission to present the highlights of the sound analysis his firm had conducted on the proposed project. Mr. O'Neal described the goals and methodology of the sound level study. He went over the findings of the sound analysis study, concluding that the anticipated project operations do not exceed town or state noise level limits.

Ms. Ferro reviewed the Commission's decision-making criteria according to the regulations, and explained how the plan complies with all of the Commission's site plan approval criteria.

Mr. Cote stated that he will save his wrap-up until a later point in the meeting.

The Commission took a brief recess.

Chairman Fiore went over the ground rules for public participation, stating that everyone will be given five minutes to speak.

Steven Trinkaus of Trinkaus Engineering, LLC addressed the Commission, stating that he had been hired by the neighbor group to review the site plan. He stated that the design of the storm water management system for this site does not conform to the 2004 storm water quality manual. He stated that an industrial site such as this is considered a high pollutant load site and the manual forbids the infiltration of runoff without adequate treatment. Mr. Trinkaus explained how the proposed plan

does not conform to the 2004 storm water quality manual. He stated that there is no water quality treatment proposed and no volume reduction. He stated that there has been no assessment by the applicant of the downstream impacts from the building roof runoff, and that there will be a lot of flooding caused. Mr. Trinkaus stated that there are a lot of technical issues with the plans, and described the ways that the application is incomplete and not in compliance with the regulations, which he stated are outlined in the letter he submitted.

Mr. Trinkaus stated that the trees do not provide effective screening and the giant building will be highly visible regardless of berms. He stated that the project is not in compliance with erosion guidelines or the storm water quality manual, and there will be adverse storm water impacts if the plan goes forward as-is.

Karen LaPlante, 166 North Maple Street, addressed the Commission as a representative for the Enfield Conservation Commission (ECC). She read a letter from the ECC aloud detailing how the proposed plan does not meet the landscaping standards for buffer yards or berm heights. The letter concluded with a request that the developer be aware of and consider Public Act 490.

Shari Jackson, 119 Cottage Road, addressed the Commission. She stated that she hopes changes can be made based on the concerns of the constituents in the town, and she hopes the Commission will require a remedy from the applicant. Ms. Jackson stated that the Commission may reject a site plan, and provided examples of other town Planning & Zoning Commissions that rejected site plans based on residents' concerns. She stated that there are concerns with this plan such as noise, public safety, traffic, property value reduction, and flooding. Ms. Jackson stated that the public does not want this plan approved and requested that the Commission deny it today.

Karen Mulready, 147 Cottage Road, addressed the Commission. She requested that the Commission think about the information presented tonight. Ms. Mulready thanked the Commission and Winstanley, and read a portion of the regulations regarding the Commission's purpose. She stated that the traffic study done was inadequate and pointed out concerns that the Police Department highlighted in the Staff Report.

Cheryl Cote, 92 Cottage Road, addressed the Commission, thanking them for allowing the public to be heard. She went over her concerns with the site plan including contaminated soil in the berms, and suggested that there be a maintenance protocol and spill prevention. Ms. Cote stated that there should be a contingency plan for the sediment forebays in case they fail. She stated that the Commission can request modifications of the site plan according to the regulations, and suggested that they request a variety tree plantings as a buffer between the residents and industrial to reduce the noise and visual appearance, and also help prevent water from flowing into the residents' properties.

Jessica Duga, 101 Cottage Road, addressed the Commission. She requested that the Commission take some time and consider the facts brought before them. Ms. Duga stated that storm water management is her main concern right now, and the residents on the lake side will have to deal with rapidly rising water levels. She stated that some of the residents will also have flood water to contend with and they currently do not have flood insurance, which is going to be a huge expense for them. Ms. Duga stated that the storm water will have many hazardous contaminants in it, and a third party expert should be utilized rather than the one Winstanley hired. She urged the Commission to do right by the residents and not approve this plan.

Maureen Butler, 69 West Shore Drive, addressed the Commission. She stated that the applicant would like to add 43 parking spaces to avoid a variance, and asked if this is a way to avoid going back before the Inland Wetlands and Watercourses Agency (IWWA). Ms. Butler stated that the backup alarms on trucks and the traffic will add additional noise for the residents. She asked about the Cottage Road access, and what type of emergency this is for and what kinds of vehicles can travel down Cottage Road.

Patricia Holden, 67 West Shore Drive, addressed the Commission. She stated that there are no sidewalks on Cottage Road so people have to walk in the street, which is a safety issue if tractor trailers are driving down the road, especially when there are snow banks on both sides. Ms. Holden asked the Commission to spend a lot of time thinking about this, and not trade the two lakes in town for a commercial building.

Angela and Jeffrey Foss, 16 Crescent Beach Drive, addressed the Commission. Ms. Foss stated that they have lived in Enfield their entire lives and are building a home on the lake. She pointed out the trees that will be cut down on a site map of the property, and stated that there are 48 maps. Ms. Foss stated that the regulations say it has to be in harmony with the neighborhood, and this plan does not follow that. She pointed out the table for I-1, stating that the applicants chose wholesale warehousing and distribution facilities, which only requires a site plan. She stated that they need to know what is going into the building. Ms. Foss stated that the building appears to be covering more than 10% of the property, and questioned the amount of parking spots needed according to the regulations. Ms. Foss stated that the buffer yard should be 100 feet deep, and requested that the Commission read through all of the related documents and understand everything before they vote yes.

Mr. Foss stated that according to the rules and procedures, no member of a Commission should publicly take a position on granting or denying an application before it has been publicly heard, which is what is going on tonight. He stated that at the last meeting Ms. Whitten said the Commission must follow the statutes or there could be a lawsuit. Mr. Foss read statements from the Commissioners made at the last meeting that he said indicated that the decision was already made regarding this application.

Neal Narkon, 5 Claire Street, addressed the Commission. He stated that any spills that occur are going to be very difficult to correct, and the trucks will be idling, making noise and giving off diesel fumes. Mr. Narkon stated that there is an idling limitation in Connecticut, which is not enforced. He stated that this application is going to generate a lot of diesel fumes, and the idling limitation must be enforced. Mr. Narkon stated that the rain water may become contaminated and needs to be cleaned and controlled.

Linda Ostapoff, 109 Cottage Road, addressed the Commission. She stated that there are sensitive areas around Shaker Pond, which require attention and special treatment. Ms. Ostapoff read through the items that the Commission must consider according to Enfield Municipal Code Section 7.10, and requested that they look over the Engineer's study. She concluded by thanking the Commission for their service and time.

Stan Anderson, 6 Lake Drive, stated that the proposed building will negatively impact the view upon entering the neighborhood. He requested that a barrier wall of some sort be installed if this project goes forward, in order to provide a zero visual impact on the surrounding properties. Mr. Anderson stated that his property abuts the proposed project, and they can hear the trucks in the distance. He stated that the current facility is 800 plus feet from their window and they can hear it, so the proposed facility will greatly increase the sounds they hear now. Mr. Anderson stated that the information

presented by the lay public has exceeded the appropriation of the Commission to deny this project and entertain alternate uses for the property to create a win-win for all.

Laurie Parker, 105 Cottage Road, addressed the Commission. She described various concerns that she has with the traffic study including that the data is too old or from 2020 during the pandemic when many were still working from home, certain roads that trucks are using are not included in the study, and traffic at the Bacon Road/Shaker Road intersection which is currently at a level of service F. Ms. Parker asked why the applicant is not looking at the town standards for the parking waiver request, rather than the ITE standards. She stated that the lighting at 25 Bacon Road is bright, and asked if the exclusion of backup alarms means it is ok for those to be beeping all night. Ms. Parker asked if the off-site parking can be used in the I-1 zone, and who would be overseeing the design standards for the berms. She asked if ADA compliancy is in the plan somewhere, and requested that the Public Hearing be continued as there is a lot of new information to digest and they would also like to opportunity to see any revised plans.

Elizabeth Warner, 74 West Shore Drive, addressed the Commission and submitted some materials for the record. She stated that she has been a resident of Enfield for 17 years, and was a professional firefighter for 25 years. Ms. Warner stated that the current use in this application says vacant but it has been active farming since the Shakers. She stated that there are several easements on the deed, and many of them are regarding farming. Ms. Warner stated that the land was intended to be maintained as farmland when it was sold to Hallmark, and read through portions of the deeds pertaining to this. She stated that the sellers in 1979 expected the land to be protected by the 1972 Inland Wetland and Watercourses Act. Ms. Warner stated that Mr. Winstanley added something to the land records that appears to extinguish the easements, but it cannot be done this way and must go through the heirs. She stated that the truck noise will echo across the lake, and if this goes through walls would be appropriate. Ms. Warner concluded that the diesel fumes from the trucks going by cause pollution.

Randy Daigle, 55 Cottage Road, addressed the Commission. Mr. Daigle stated that there have been inconsistencies in the documentation shown and requested that the Commission look into the traffic studies. He stated that they did not disclose the numbers or the police reports, and that there are supposed to be no right turns but trucks do it all the time. Mr. Daigle stated that they need to look at the access road in the back, which will cause more traffic. He stated that there are no sidewalks and the kids play in the street. Mr. Daigle stated that it will take years for the trees to grow, and the soil being used for buffers may be contaminated. He stated that there is a pond with fish and it should not be covered up. Mr. Daigle requested that the Commission re-look at this application and consider everything.

Ken Hanley, 72 Spruceland Road, addressed the Commission. He stated that a lot needs to be done with the sound and light studies. He stated that the truck backup noises are for safety and will not be turned off. Mr. Hanley stated that there is no buffer zone as the railroad employee cleaned up all the trees and the pipeline employee trimmed all the brush. He stated that five of their houses are right at the back door of the warehouse, and Mr. Winstanley would not want to live there. Mr. Hanley beseeched the Commission to do more for the noise pollution and lighting.

Chairman Fiore asked for clarification on exactly where Mr. Hanley's home is located; Mr. Hanley described his location.

Donna Merolla, 76 Spruceland Road, addressed the Commission. She stated that her home used to be considered a desirable location but is no longer, and thanked Mr. Winstanley for donating the

open space area. Ms. Merolla stated that she can hear trucks backing up on 25 Bacon Road, but they can deal with it. She stated that she will not be able to deal with that kind of constant noise only 150 feet from her backyard. Ms. Merolla thanked Ms. Ferro for responding promptly and answering all of her questions. She stated that the proposed traffic for the North Main Street site is approximately 100 trucks per day, and this proposed building will be double the size. Ms. Merolla stated that the wetlands are disappearing, and invited the Commissioners to come to her property and see how close the distribution is going to be to her home.

Sandy Gardner, 66 Spruceland Road, described the location of her property in proximity to the previous speaker. She stated that only a thin line of trees is left there and it is going to be pretty bad.

Mike Parsons, 2 Lake Drive, addressed the Commission. He stated that they paid a lot for their house and they were impressed with the view and wanted to raise a family there. Mr. Parsons stated that they already hear the trucks and the loading docks every night, and there are no longer any trees in what the applicant is calling a wooded area. He stated that in one year they have watched warehouses and ugly buildings being put up, and it is going to greatly impact quality of life. Mr. Parsons questioned why they are even discussing it if the town does not want it.

Nick Hopkins, 2 Varno Lane, addressed the Commission. He stated that it is up to the Commission to make sure that site plans meet minimum requirements, and read through various portions of the state and town regulations pertaining to this. Mr. Hopkins went on to read additional portions of the regulations regarding storm water runoff, and stated that the Commission is empowered to hire an independent expert should they deem one necessary. He stated that the Commission is not required to approve every application that comes before them.

Motion: Commissioner Higley made a motion, seconded by Commissioner Majmudar, to continue the Public Hearing past 11:00.

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

Votes: 6-0-0

Mariah Gentes, 37 Cottage Road, addressed the Commission. She stated that she lives on Shaker Pines Lake at the spillway section, and that she is concerned about the impacts of the storm water runoff. Ms. Gentes stated that she is concerned with how things are going to be monitored and maintained long term, and asked if this information can be made available to the public. She stated that her property is one of the lowest on the lake and they have already had to use sandbags to protect it, so any degree of elevation is going to impact her. Ms. Gentes stated that the lake is used for swimming and it would be a shame to lose this resource or put anyone at risk with pollutants. She asked the Commission to be thoughtful on this.

Karen Mulready, 147 Cottage Road, addressed the Commission for the second time. She stated that there are some bad apples in the trucking industry and a lot of crime including serial killers and human trafficking, which Chairman Fiore stated that she needs to bring before the Town Council or the Town Manager. Ms. Mulready requested that the Commission think hard about all of the information presented and appreciate the efforts of the people who have come here and paid for the experts that were heard tonight.

Cheryl Cote, 92 Cottage Road, addressed the Commission for the second time. She stated that the tractor trailers can be up to 70 feet or longer and weigh over 80,000 lbs and contain dangerous

chemicals. Ms. Cote stated that there could be significant wear and tear on the roads, and Brainard Road is a town road. She asked if there can be a sign at the beginning of Cottage Road that says No Tractor Trailers. Ms. Cote asked if they can limit the time that the truckers can be active onsite. She stated that there are areas where there are concerns with the lighting trespassing into the residential property. Ms. Cote asked if they can address the Fire Department in the event that anything catastrophic happens at that property. She stated that there is a lot of potential for devastating things to happen if this application passes, and asked if they can request a significant bond to make sure they are covered should a catastrophic event happen. Ms. Cote stated that the applicant has said they are not responsible for any cracks in their foundations or other damage resulting from the construction or vibrations, and asked if there is any way to hold them responsible should something fall off of their home during construction. She suggested that a noise detector could be put into use, and thanked the Commission for their time.

Laurie Parker, 105 Cottage Road, addressed the Commission for the second time. She read aloud letters opposing the project from the following residents: Lisa Batchelor, 6 Deer Run; Lisa Lacombe, 143 Cottage Road; Karen Weseliza, 25 Renee Lane; and Bob Rossman, former Shaker Pines fireman. Ms. Parker submitted copies of the letters to the Commission.

Chairman Fiore asked if anyone else would like to comment.

Neal Narkon, 5 Claire Street, addressed the Commission for the second time. He stated that light pollution has been addressed by Winstanley on the new building but not the old building. Mr. Narkon suggested that they get a third party review on the wetlands issue, to which Chairman Fiore replied that the Wetlands Commission already ruled. Mr. Narkon stated that there are a lot of holes in this application and he suggested that the Commission reject the plan until everything has been investigated.

Randy Daigle, 55 Cottage Road, addressed the Commission for the second time. He stated that the sound guy never said what the proposed sound will be. Mr. Daigle stated that the size of the building is more than 10% coverage. He stated that the tractor trailer headlights are going to be illuminating some residents' backyards.

Angela Foss, 16 Crescent Beach Drive, addressed the Commission for the second time. She stated that map 41 of 48 shows all of the trees that have been cut down, and map 39 of 48 shows the rip rap that they are putting in to collect all of the pollutants. Ms. Foss recommended that they use Cultec instead, which she said is a sub-surface drainage. She stated that everything should be cleaned more often than semi-annually, and requested that the Commission not allow all of the parking the applicant is requesting. Ms. Foss requested that the Commission hire a professional to assist them.

Pat Holden, 67 West Shore Drive, addressed the Commission for the second time. She stated that noise travels on a lake and they hear the banging from Hallmark on her road.

Stan Anderson, 6 Lake Drive, addressed the Commission for the second time. He asked what exactly the Commission's responsibility is, to which Ms. Whitten replied that Staff reviews the applications for the Commission, including plans, traffic studies, drainage studies, and that they show how it meets or does not meet the minimum requirements of the zoning regulations. She stated that property values are not reviewed under zoning. Mr. Anderson asked what it would take for this project to be denied. Ms. Whitten stated that in her experience it can be denied if it does not meet the minimum requirements.

Shari Jackson, 119 Cottage Road, addressed the Commission for the second time. She thanked the Commission and Staff as well as her neighbors.

Donna Merolla, 76 Spruceland Road, addressed the Commission for the second time. She asked if the Commission is expected to vote on the project where the tenants are unknown. Ms. Whitten stated that they vote on it based on the proposed use, so the tenants must adhere to the proposed use.

Chairman Fiore asked if they should close the Public Hearing since there is an intervenor. Ms. Whitten stated that the Public Hearing can remain open or be closed, but the Commission still has to act on the site plan application. She stated that an intervenor status may be part of the proceedings whether it is a site plan or a Public Hearing, and this is not a Special Permit but rather is a Public Hearing to allow the public to speak even though it is just a site plan application. Ms. Whitten stated that the Commission should still have the opportunity to ask questions of the applicant as well.

Tom Cote addressed the Commission again as a representative for the applicant. He stated that they spent a great deal of time on the application, and there is a lot of misunderstanding of the application. Mr. Cote stated that many things said tonight were taken out of context and did not provide a full picture. He stated that they would like the opportunity to respond to a number of the issues that have been raised. Mr. Cote stated that the intervenor's expert, Mr. Trinkaus, provided a very slanted and grossly inaccurate view. He stated that much of the law and guidance was mischaracterized by Mr. Trinkaus. Mr. Cote stated that the Commission deserves a full response on the issues that have been presented, and the Winstanley team has come too far and deserves the chance to put a rebuttal together, so they support the Commission keeping the hearing open.

Commissioner Higley stated that there has been a lot of information tonight from both sides and she would like to read some of the materials presented tonight, so she thinks it should be continued.

Chairman Fiore agreed that the Public Hearing should stay open and this should be tabled until the next meeting.

Motion: Commissioner Petronella made a motion, seconded by Commissioner Higley, to keep the Public Hearing open and table SPR #1881 until the next meeting on February 24, 2022.

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

Votes: 6-0-0

The Commission took a five minute recess.

New Business

- a. **SPR# 1878** – 90 Elm Street – Site Plan Review for an Outdoor Special Event; Enfield Square Realty, LLC, owner; Miguel Betancourt/Juan Vargas/413 Kustoms LLC, applicant; Map 43/Lot 16; B-R Zone.

Motion: Commissioner Higley made a motion, seconded by Commissioner Grillo, to table SPR# 1878.

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

Votes: 6-0-0

- b. **FLD# 043** – Orlando Drive, Lat 41.9664/Long -72.5993 – Application for a permit for development within the Special Flood Hazard Area to allow bridge repairs to culvert in the AE Zone. Town of Enfield, owner/applicant; Lat 41.9664/Long -72.5993; R-33

Motion: Commissioner Higley made a motion, seconded by Commissioner Petronella, to table FLD# 043.

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

Votes: 6-0-0

Other Business

- a. Commission Bylaws

Motion: Commissioner Higley made a motion, seconded by Commissioner Grillo, to take Commission Bylaws off of the table.

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

Votes: 6-0-0

Motion: Commissioner Higley made a motion, seconded by Commissioner Majmudar, to accept the bylaws in their packets.

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

Votes: 6-0-0

- b. Discussion on Cannabis

Chairman Fiore stated that he and Commissioner Alaimo attended the tour last week, and he will pass on some information from the tour when the Commission discusses it.

- c. Outdoor Storage in Industrial Zone

Chairman Fiore stated that they will work on the outdoor storage.

Director of Development Services Report

Ms. Whitten asked if the Commission will be having the Special Meeting next week. She stated that they did have a meeting with the owner of the Enfield Square, Namdar, and are all on the same page.

Applications to be Received

Mr. Winter stated that they have two Public Hearings coming up, one for a liquor license for a restaurant on Enfield Street.

Opportunities/Unresolved Issues

Chairman Fiore thanked the Commission for staying so late, and stated that they need to have a Special Meeting next week to work on other issues since the meeting on February 24th will be very full with more regarding the Winstanley project. The Commission discussed scheduling for the Special Meeting, ultimately deciding to have it Thursday February 17, 2022 at 6:30 PM.

Adjournment

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

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

Votes: 6-0-0

Prepared by: Elizabeth Bouley

Respectfully Submitted,

John Petronella, Secretary