

ENFIELD PLANNING AND ZONING COMMISSION
LIVE REGULAR MEETING

MINUTES

Thursday, February 24, 2022 – 7:00 p.m.
ENFIELD TOWN HALL - COUNCIL CHAMBERS
820 ENFIELD STREET - ENFIELD, CT

RECEIVED
ENFIELD TOWN CLERK

2022 FEB 28 AM 9:59

Shelia M Bailey

Call to Order & Pledge of Allegiance

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

Roll Call

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

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

- February 10, 2022 - Regular Meeting

Motion: Commissioner Higley made a motion, seconded by Commissioner Alaimo, to approve the minutes of the February 10, 2022 Regular meeting.

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

Votes: 7-0-0

Public Participation

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

Motion: Commissioner Higley made a motion, seconded by Commissioner D'Antonio, to move New Business before Old Public Hearings.

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

Votes: 7-0-0

New Public Hearings

- PH# 3025** – 917 Enfield St – Special Use Permit application for Class 1 Liquor License Wing Yuen Robert Lia + Julie P Lia, Owner; Sheckiera Stanberry - Williams, Applicant; Map 26/Lot 78; B-L Zone.

Sheckiera Stanberry-Williams, 917 Enfield Street, addressed the Commission. She stated that she is seeking a liquor license for her Jamaican restaurant at 917 Enfield Street. Chairman Fiore asked if she is just asking for wine and beer, which Ms. Stanberry-Williams confirmed.

Chairman Fiore stated that Sarape's had the same permit when they were in this location, which Ms. Stanberry-Williams confirmed.

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

Motion: Commissioner Alaimo 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 Majmudar made a motion, seconded by Commissioner Petronella, to approve PH# 3025.

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

Votes: 7-0-0

- b. **PH# 3026** – 95 High Street – Special Use Permit application for Commercial Recreation and Retail within the TD-5 Zone; Molinas Plaza LLC/Sergio Molina, owner; Bryan LeBlanc, applicant; Map 25/Lot 6; TD-5 Zone.

Bryan LeBlanc, 30 Circle Drive, Windsor Locks, addressed the Commission. He stated that this is a two unit use, and Unit 8 will be kept as retail while he will be applying for a Special Use Permit for Unit 7 for people who purchase from them to be able to play games in the location.

Chairman Fiore asked why the applicant had to come before the Commission. Mr. Winter stated that this use in the TD5 zone requires a Special Permit.

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

Motion: Commissioner Majmudar made a motion, seconded by Commissioner D'Antonio, to close the Public Hearing.

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

Votes: 7-0-0

Motion: Commissioner Alaimo made a motion, seconded by Commissioner Higley, to approve PH# 3026.

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

Votes: 7-0-0

New Business

- a. **SPR# 1883** – 175 Freshwater Boulevard – Site Plan Review for modifications to site plan, Eppendorf Holding Inc., owner; Eppendorf Holding Inc., Applicant; Map 55/Lot 1, I-P Zone.

Dana Steele, P.E. of J.R. Russo & Associates addressed the Commission as a representative for Eppendorf. Mr. Steele stated that some changes were made to the mechanical units, so they were asked by the Building Department to come back before the Commission to approve the changes. Mr. Steele described the changes, stating that they are proposing some storage containers and a catwalk between the mechanical units. He stated that the changes are minor and cannot be seen from the road.

Commissioner Alaimo asked if the building footprint has changed. Mr. Steele stated that the footprint has not changed and the storage containers are like an addition but are just for storage and there is no foundation for them. He stated that impervious coverage is actually slightly reduced.

Commissioner Majmudar asked if Staff can have the authority to review and approve such small changes. Ms. Whitten stated that they can consider this when they update the zoning regulations.

Chairman Fiore stated that he noticed in the application that 250 square feet (SF) of asphalt are going to be reduced. Mr. Steele stated that this is due to the removal of the concrete pads that the mechanical units were originally going to go on.

Motion: Commissioner Petronella made a motion, seconded by Commissioner Alaimo, to approve SPR# 1883.

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

Votes: 7-0-0

Old 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.

Chairman Fiore read aloud a statement accepting the intervenor petition and requesting that the intervenor not bring up anything related to wetlands. He went on to explain the process for the meeting tonight.

Attorney Tom Cote of Robinson & Cole addressed the Commission along with Valarie Ferro of Good Earth Advisors, LLC. Mr. Cote stated that Winstanley enlisted the services of an acoustical engineer who shared his analysis of the anticipated sound. He stated that the conclusion was that the project will comply with all standards including the town noise ordinance and the state noise regulations.

Robert O'Neal of Epsilon Associates, Inc. addressed the Commission to address the sound issues that were brought up at the last meeting. Mr. O'Neal stated that the project complies with all town

and state noise regulations. He stated that the applicant is proposing to put in two sound walls and utilized an overhead photo of the site to illustrate where those walls would be located. Mr. O'Neal stated that these will further reduce offsite sound levels in the East and West by an additional 10 to 13 decibels. He stated that the walls as proposed are 15 feet tall and the one to the East is 1500 feet long while the one to the West is 800 feet long.

Ms. Ferro stated that they have been working on the wall to achieve as much visual and sound buffer as possible. She described one of the prototypes currently under consideration and provided a photograph and diagram, stating that it is designed to absorb sound. Ms. Ferro stated that the walls they are considering are highly aesthetic and available in their choice of color. She stated that they are preserving the existing vegetation and proposing new vegetation, and with the addition of this barrier there will be a large benefit.

Mr. Cote stated that Tom Zajac of Hayner/Swanson, Inc. in Nashua, New Hampshire submitted a letter in response to the points brought up by the intervenor, as well as a second letter from consultant AECOM who reviewed the project. Mr. Zajac stated that the majority of the storm water comments from the residents involved concerns about storm water runoff flowing to Cottage Road and/or Shaker Pond to the west. He reiterated that the vast majority of the overall site drains to the South to Freshwater Brook.

Mr. Zajac presented a graphic of the overhead view of the site, stating that they will be maintaining the existing drainage patterns. He stated that there will not be any runoff from the proposed development areas, and the project will result in an overall decrease in runoff draining to Cottage Road and Shaker Pond.

Mr. Zajac stated that AECOM put an extra set of eyes on their design and reviewed the intervenor's letter. He stated that AECOM confirmed that the proposed plan is consistent with all applicable regulations and guidelines.

Mr. Zajac stated that the letter submitted by Hayner/Swanson addressed the comments made pertaining to storm water management/design and erosion control. He stated that the design is consistent with all applicable regulations and guidelines, and many of the items in the intervenor's letter are merely technicalities or even personal design preferences. Mr. Zajac went over the four areas of design change that they are proposing from the intervenor's letter, including the following: increasing the depth and volume of the sediment forebays, adding a note requiring further infiltration and soil testing at the two infiltration basins on the northerly part of the parcel, adding an amended soil layer to further slow some of the infiltration rates, and minor plan notes or construction detail cleanup as it relates to a few erosion control items. Mr. Zajac stated that the storm water management and erosion control design is consistent with all regulations and guidelines.

Matthew Skelly of Fuss & O'Neill addressed the Commission regarding traffic. He summarized a letter from Matthew Meier of the Enfield Police Department, which Ms. Ferro submitted to the Commission. Mr. Skelly stated that they added a few missing crashes that had been mislabeled in the UConn crash data repository system to their study. He stated that they looked at the traffic in 2020 and 2021 and found that it was right around on par.

Mr. Skelly stated that the rest of the comments were regarding the operations at the intersections of Bacon and Shaker Roads. He stated that they cannot propose changes to those intersections without the state's agreement, and the state does not want to see any of those intersections reconfigured. Mr.

Skelly stated that they incorporate the heavy vehicle percentage in their calculations. He stated that the increase in queue lengths also factored in heavy vehicle percentages.

Mr. Skelly stated that they are working with the DOT regarding the warrant analysis. He explained why they are not including truck traffic from 113 North Maple Street in this study, stating that the truck route for 113 North Maple is out Moody Road to Elm Street.

Ms. Ferro stated that the Industrial zone has been in place for 40 years and the applicant is proposing warehousing and distribution, which is an allowed use under Site Plan Review, not Special Permit. She stated that the building fits and they are in compliance with the bulk requirements in the zoning regulations. Ms. Ferro stated that the regulations do not grant the Commission the right to dictate the use, or the public the right to choose the use.

Ms. Ferro stated that they do not need to demonstrate consistency with the Plan of Conservation & Development (POCD) under the Site Plan Review process, but the project is consistent with the POCD. She stated that the claims that they are going to contaminate the lakes are false, and they have provided ample evidence to demonstrate this.

Ms. Ferro stated that their intent is to do what is right and what is best. She stated that the applicant is willing to install landscaping to fully comply with the landscape D buffer. Ms. Ferro stated that there is existing vegetation, and the clearing that is being done is the DOT and not them. She stated that the sound and visual barrier will offer an even greater level of protection to the residents and will eliminate any outstanding issues relating to landscaping or buffers.

Ms. Ferro stated that they will be planting berms in a configuration that avoids the crest where soils get drier, and the applicant inspects vegetation weekly during mowing. She stated that there are water trucks to water the berms when needed. Ms. Ferro stated that the properties held by the applicant are highly maintained.

Ms. Ferro stated that they have a letter from their environmental consultant, HRP Associates, Inc. She stated that the pesticides discovered onsite are historical and regulated by the CTDEEP, and they will fully comply with the CTDEEP.

Ms. Ferro stated that a parking waiver is not needed or requested. She stated that they asked the Commission to consider less parking.

Ms. Ferro stated that the plans include LED lighting, and the photometric analysis submitted demonstrates no light trespass beyond their property. She stated that the fixtures are dark sky compliant and the light will be limited and directed down to the facility.

Ms. Ferro stated that the building is an open floor plan as it is a warehouse facility. She stated that the parapet around the entire building will screen any rooftop mechanicals.

Ms. Ferro stated that the site plan drawings they submitted call out all existing vegetation and areas to be removed. She showed an additional graphic of the vegetation to remain and to be removed.

Mr. Cote stated that a package of documents had been submitted by Elizabeth Werner suggesting that there could be an old access easement and/or an agricultural restriction that exists over the property. He stated that Attorney Douglas Pelham of Cohn Birnbaum & Shea reviewed the documents and found no evidence of any agricultural restriction or access easement.

Mr. Cote explained that the tenant is not identified here because the focus is on the use rather than the tenant. He stated that the tenant is not relevant.

Mr. Cote stated that warehousing and distribution facilities are an allowed use in the I1 zone, and that the Commission must approve the application if it complies with the regulations.

Mr. Cote went over statements Nick Hopkins made at the last meeting, stating that some of them were clear mis-statements of the law. He stated that the Commission is not empowered to modify the plan if it does not comply with the wetland regulations.

Mr. Cote stated that harmony with the neighborhood, off-site traffic, property values, and other issues like that are under Special Permit review and not Site Plan review. He stated that the Commission is not to look beyond the scope of their jurisdiction. Mr. Cote stated that they believe the intervenor has failed to show any likelihood that an unreasonable impairment will occur with this project.

Commissioner Alaimo asked if they will still do berms in addition to the new proposed wall, to which Ms. Ferro replied that they will.

Commissioner Alaimo asked how far the state jurisdiction goes, to which Mr. Skelly replied that the state jurisdiction is Shaker Road and North Maple Street. Commissioner Alaimo asked if the state has jurisdiction over this development, to which Mr. Skelly stated that this site is certified as a major traffic generator. Ms. Ferro stated that the amount of trucks and employees that were utilizing 25 Bacon Road back in the 80s has not been exceeded since that point.

Commissioner Alaimo stated that according to the letter from the Fire Chief, they do not see any issues on Cottage Road, and the emergency road is going to be a benefit to the residents. He stated that the letter says they have never had any issues working with Winstanley, and Winstanley has always complied with any requests they have had.

Chairman Fiore stated that the Fire Department requested the gate be put in at the bottom of Cottage Road, not Winstanley. Commissioner Alaimo stated that the email from the Fire Department should be part of the record, to which Ms. Whitten replied that it is. Ms. Ferro stated that they did meet with the Fire Department in the beginning and discussed the gate.

Steven Trinkaus of Trinkaus Engineering, LLC addressed the Commission to provide intervenor rebuttal. He went over his credentials and experience, stating that he would like to defer many of his comments until he has a chance to go over the peer review performed by AECOM and the suggested modifications.

Mr. Trinkaus provided an explanation for how pollutant loading works and described how the plans make overly simplistic assumptions about it. He stated that street sweeping needs to be performed much more often than twice a year in order to be an effective storm water management practice, and went on to explain that a sediment forebay is not a standalone practice. Mr. Trinkaus stated that the analysis is flawed, and the claim that the truck parking and warehouse use are not high pollutant loads are incorrect.

Mr. Trinkaus explained how the soil testing submitted is inadequate, and stated that the Commission does not have enough facts before them.

Mr. Trinkaus stated that street sweeping is not a treatment practice, and stated that the designs have to meet the technical specifications and include the various components for a constructed wetland. He stated that the New Hampshire manual is a guideline if you do not need to get an alteration permit, but if you do need an alteration permit then you must follow the design specs. Mr. Trinkaus stated that in Connecticut if you are going to deviate from the components required for a wet pond, you need to provide independent data that shows the design will remove pollutants equally well. He stated that the manual was not developed in a vacuum, and is based on real world data.

Mr. Trinkaus stated that the roof is going to generate a tremendous amount of water every time there is a rain storm, and that does not include the parking lots. He stated that with this amount of runoff, they need a downstream analysis to show their system can contain the runoff volume. Mr. Trinkaus stated that he has worked with many attorneys on intervention petitions. He stated that the increased runoff volumes can cause adverse downstream impacts and increased pollutant loads will adversely affect water quality, so environmental harm has been established without a doubt.

Mr. Trinkaus stated that this building is almost 14 acres, and is a tremendous amount of impervious cover. He stated that the storm water management system pipe runs are extremely flat, and explained how this is an issue with keeping the pipes clean.

Stacy Daigle, 55 Cottage Road, addressed the Commission. She stated that the peak hours analyzed in the traffic study and the expected trip generation were approximately 300 trucks, with 70 per day from the building in front. Ms. Daigle stated that they did not say anything about the annex building, to which Chairman Fiore replied that this is not prevalent to this site plan review. Ms. Daigle stated that this is about 500 trucks per day going up Shaker Road and North Maple, and they have to go down Elm Street and Hazard Avenue to get there. She stated that they will go down Brainard Road, which is a single lane road with an elementary school, two churches, and many residences.

Ms. Daigle stated that the estimates are just for tractor trailer trucks and do not include the employee cars. She stated that the traffic from the prison when there is a change in prison guards is already bad, and asked where the tractor trailers are going to line up if there is a crash.

Steven Harz, 147 Cottage Road, addressed the Commission. He described a similar situation in South Windsor, stating that the site plan there was actually a truck terminal. Mr. Harz stated that the Commission should vote the truck terminal down.

Cheryl Cote, 92 Cottage Road, addressed the Commission. She thanked the Commission for allowing them to speak, and reiterated that the situation in South Windsor is considered a truck terminal and not a warehouse. Ms. Cote stated that according to case law, the Commission can reject site plans that are not in proper form. She stated that some construction vibrations are allowed, but none are allowed after construction is complete. Ms. Cote stated that the tires of a tractor trailer cause vibrations which can be extended by water tables. She stated that these vibrations can cause cracks in house foundations, walls, and ceilings, and the application should not be approved based on the vibrations.

Ms. Cote stated that if the Commission approves the application, she suggests a bond be required from Winstanley to support all of the affected abutters.

Angela and Jeffrey Foss, 16 Crescent Beach Drive, addressed the Commission. Ms. Foss requested that they do the right thing and vote no on this. Ms. Foss presented Swiss cheese as a visual to

illustrate the holes that the residents see in this project. She stated that IWWA Chairman Donna Corbin-Sobinski said that she was pleased that the applicant is not planning to touch trees and vegetation around the property, and the developer's plans will have a minimal impact to the wetlands. Ms. Foss showed an illustration of all of the trees that will be removed, stating that there is a misunderstanding since the IWWA thought there was not going to be any disturbance.

Mr. Foss submitted a handout to the Commission, stating that there is a hazardous liquid pipeline that runs through the center of this project twice. He stated that there is an easement through the property which runs right through the building they are proposing to build, so this project cannot go on.

Leslie Cunningham, President of Shaker Pines Lake Association, addressed the Commission. Ms. Cunningham stated that she is in support of the continued availability of the emergency access route from Cottage Road onto the Winstanley road. She stated that they need this road and she would like to advocate for it to be left in the plan.

Ms. Cunningham stated that they have had some issues with trucks mistakenly coming into the Cottage Road area thinking they are on Bacon Road. She stated that Winstanley does not want this and wants to work with them, and it seems to be a problem with GPS.

Ms. Cunningham stated that nobody wants a big building in their backyard, but a lot of the neighbors accept the fact that it is an Industrial zone and there could be more positive discussions.

Gerry Calnen, 74 Spruceland Road, addressed the Commission. He stated that the berm does not parallel Spruceland Road to the end and asked if the same is also true of the sound barrier. Mr. Calnen stated that he is concerned that he and some of his neighbors will not benefit from the sound protection of the barrier.

Jessica Duga, 101 Cottage Road, addressed the Commission. She stated that the Winstanley traffic specialist said the project is a major traffic generator, and the lawyer told the Commission to stay in their jurisdiction. Ms. Duga stated that her neighborhood is the Commission's jurisdiction, and read through sections of the regulations that say offensive odors, fumes, gases, dust, dirt, smoke, or ash shall not be emitted into the air to impair the enjoyment of property, cause air pollution, or create a nuisance. She stated that this major traffic generator will fly directly in the face of both of these ordinances, and cause negative impacts within the Commission's jurisdiction. Ms. Duga requested that the Commission deny this proposal or request major changes to it that will protect the people of Enfield.

Christina Nieves, 173 Cottage Road, addressed the Commission. She read a letter aloud to the Commission, stating that she works in medicine with a particular interest in environmental health. Ms. Nieves stated that this proposal may significantly negatively impact their watercourses, waterways, soils, native plants, and animal species. She stated that she cannot think of a worse place in town to build a warehouse of this size. Ms. Nieves stated that in her experience, land use boards have failed to use the authority vested in them to request independent studies. She went over some of her concerns, including airborne pollutants, vibrations to homes, and steady streams of trucks. Ms. Nieves stated that wetlands are essential but are in danger of extinction. She emphasized the vibrations and possible effects to their homes, and requested that the Commission consider these aspects of the proposal.

Anne Collins, 158 Cottage Road, addressed the Commission. She stated that there are over 27 years of them trying to get a balance between conservation and development, and asked how they will balance large construction projects like this with protecting the flood plain and keeping equal acreage for the wetlands. Chairman Fiore stated that this is a good question for Staff to discuss at the POCD meeting and not at tonight's meeting.

Ms. Collins suggested that the land for sale at 38-40 Bacon Road could balance the land usage at 35 Bacon. She asked why the buckeye easement that exists in the fields is now on the plans as being relocated over to the Cottage Road border, and questioned whether this means that they can expect the LP gas line to be re-dug and relocated.

Ms. Collins stated that they cannot accurately predict what the 50 and 100 year flood will be like.

Linda Ostapoff, 109 Cottage Road, addressed the Commission. Ms. Ostapoff stated that Connecticut state law allows the Commission to modify or deny the site plan. She stated that the site plan does not comply with all stated and town regulations, providing an example of a town regulation that requires soil erosion and sedimentation control plans to be based on the best available technology.

Ms. Ostapoff stated that the intervenor expert included a lot of evidence regarding storm water management and erosion and sediment control plans. She concluded that he has a 27 page CV documenting his experience, and it is very important that they listen carefully to what he has to say.

Dennis Duga, 85 Main Street, Stafford Springs addressed the Commission on behalf of his parents, Robert and Darlene Duga of 44 Cottage Road. Mr. Duga stated that he is familiar with the easements and the pipeline easement was renegotiated in 2018 and gave discretion to the applicant to place the easement wherever they want. He stated that the physical 6-inch pipe is still in place. Mr. Duga stated that the 100 foot wide emergency vehicle access easement is the one to be looked at, and is referenced in many documents on the records. He stated that he has never heard of an easement expiring, and the easement is dominant and survives every type of land ownership transfer with the exception of eminent domain.

Shari Jackson, 119 Cottage Road, addressed the Commission. She stated that it is unlawful for land owners to take actions that prevent adjoining land owners from reasonably enjoying their property, or injure adjoining land owners. She stated that the project poses many threats to land owners, and that the South Windsor Planning & Zoning Commission unanimously voted a similar warehouse down on the reason that the design was not compatible with the abutting zones and uses. She stated that Enfield can protect the residents as South Windsor did.

Ms. Jackson stated that the applicants did not contact residents as they claimed to, and that they conducted a traffic study during COVID lockdown and reported a grade that is inaccurate. She described other inconsistencies in the applicants' claims, concluding that the fox needs to be removed from the henhouse and good people are being driven out of the town.

Laurie Parker, 105 Cottage Road, addressed the Commission. She stated that the traffic study still contains low estimates and they will not see the true picture until the workforce is back to what it was before COVID. Ms. Parker stated that they will not know the traffic impact of the North Maple development until it is done. She stated that the Shaker/Bacon intersection is a level of service F and she was disappointed to see that the DOT was ok with this.

Ms. Parker stated that the applicants are requesting a reduction in the amount of parking required, and they cannot use off-site parking to comply with the regulations as this is only allowed in Thompsonville. Ms. Parker stated that other similar buildings have asked for increased parking as of late. She stated that parking of trucks over 26,000 lbs in the open is not allowed near residences, and requested a noise abatement plan with no trucks between 12 am and 6 am. Ms. Parker asked what the emergency plans are for mitigation of leakage and pollution in the event that a truck has a spill. She stated that many homes are on wells and well testing should be performed for contamination for all abutters for three years after the building is constructed.

Mike and Demetria Parsons, 2 Lake Drive, addressed the Commission. Mr. Parsons stated that he has asthma and Ms. Parsons has epilepsy, and they are both very concerned about the exhaust from the trucks as well as the noise and light pollution. He stated that they are also very concerned about flooding and water flowing to his house, as the applicants have said they are not going to take any responsibility for damage done to homes in the area. Mr. Parsons stated that they may or may not have to do blasting, and he is licensed as an asbestos supervisor and knows firsthand of a Walmart facility where asbestos was discovered during blasting and buried onsite.

Donna Merolla, 76 Spruceland Road, addressed the Commission. She stated that Southwick, Massachusetts turned down a Carvana in their town. She invited the acoustical and traffic engineers to try to cross the street. Ms. Merolla stated that no one came to her house and walked out her back gate. She stated that her husband has had a heart and kidney transplant and will not be able to be out in the yard due to the air pollution. Ms. Merolla stated that it is difficult not to speak about quality of life with this situation. She stated that Enfield is a farming town, but forests and farmland are disappearing.

Randy Daigle, 55 Cottage Road, addressed the Commission. He stated that the applicants have not said what the sound decibel will be, only that they will comply with it. He asked if the sound barrier wall will be around the entire property or just in certain areas. Mr. Daigle stated that he has had a lot of projects with AECOM and there have been numerous errors with what they have submitted, including the infiltration rate.

Mr. Daigle stated that the site plan does not show where the storage will be, or that the contaminated snow will not affect their wells or go into the underground water sources to either of the lakes. He stated that the estimated car length was also incorrect and the company that will be overseeing the maintenance of the property is owned by Winstanley.

Mr. Daigle stated that if the DOT will approve a light or stop signs going in, the town still has to pay for it. He stated that they only have two lakes in town and once this is done there is no way to do it over, and he would not want his name associated with this if it passes.

Tony Renna, 12 Ryefield Drive, addressed the Commission. He stated that Moody Road is the main route the trucks will be using, and there is a town referendum that is going to tear up Moody Road starting this year. He asked if the Town Planner overlooked this project.

Mr. Renna stated that the Commission cannot go through all of the documentation submitted tonight and make a decision. He stated that there were veiled threats for lawsuits if this project does not get approved, and asked the Commission to make their vote on facts rather than threats.

Ken Hanley, 72 Spruceland Road, addressed the Commission. He stated that when the trees are cut down, the decibel levels will be increased. Mr. Hanley asked what kind of dock plates are going in

the building itself, as they will generate a considerable amount of noise. He stated that the wall is a good start.

Nick Hopkins, 2 Varno Lane, addressed the Commission. He stated that state statutes set rules for when the Commission can modify site plans. Mr. Hopkins stated that he is a trial attorney and the applicant's attorney is not the town's attorney, and the Commission should seek a legal opinion if they desire one.

Elizabeth Warner, 74 West Shore Drive, addressed the Commission. She stated that the corrections officers and first responders in her neighborhood do not have the luxury to keep up with issues in town due to their long hours. Ms. Warner stated that many of them carry firearms in their duties to protect the public, and need sufficient rest. She stated that the lake association carries quiet hours in the bylaws. Ms. Warner stated that there are many insufficiencies in the plan, and the property owners are legally bound by the owners of the easements on the property. She stated that the project is dead until there is a determination in court by the easement owners.

Ms. Warner stated that Enfield needs to reconsider all plans made prior to COVID. Chairman Fiore requested that Ms. Warner keep her talking points relevant to this site plan.

Ms. Warner stated that she was not considered an abutter and was not notified, so she was unable to get information together in time for the Wetlands Commission.

Mariah Gentes, 37 Cottage Road, submitted a letter to the Commission.

Ms. Parker read aloud a letter from Carrie Gatten, 48 Wheeler Drive. She asked if letters sent to the Commissioners were posted to the website, to which Chairman Fiore replied that he did not read or acknowledge any letters he had received. Ms. Whitten stated that anything sent directly to the Commission should not get read and should be sent through Staff. Ms. Parker submitted copies of letters to the Commission.

Ms. Parker stated that the Commission can retain experts if they would like to. She stated that they would like their berms and the natural buffer right now is looking at a farmland and not a building.

Allison Cushing, 184 Cottage Road, addressed the Commission and gave her minutes to Ms. Parker. Ms. Parker stated that she did not see a pollution plan, and stated that the diesel can be smelled from across the street at Martin Brower where there are only 25 truck bays. She stated that she is concerned about the noise from the truck backup alarms as well as the lighting. Ms. Parker stated that she is concerned with the large amount of trees being removed.

Stacy Daigle, 55 Cottage Road, stated that the traffic study does not include the misses that could be potential crashes. Ms. Daigle stated that the Enfield police are on the roads 24/7 and they put in a report with an F grade for one of the corners. She stated that the Commission works for the Enfield residents and what is in their best interests, and can refuse the proposal. She asked how putting this building in this spot is a good idea.

Shari Jackson, 119 Cottage Road, read a letter aloud on behalf of Deb Burdick, 181 Cottage Road.

The Commission took a 5-minute recess.

Motion: Commissioner Alaimo made a motion, seconded by Commissioner Majmudar, to close the Public Hearing.

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

Votes: 7-0-0

Commissioner Alaimo asked if the applicant can explain the pipeline, to which Mr. Cote replied that this is not a bombshell and is on their plans. He stated that the easement was relocated and the new location is shown on the survey. Commissioner Alaimo asked if the pipes are under the building, to which Mr. Cote replied that there is a capped and abandoned pipe that has been there since 1939. He stated that he has the amended and relocated easement document and can submit it.

Chairman Fiore stated that the Commission is willing to have a Special Meeting next week. Ms. Whitten stated that the Commission has to take action by March 10th. Commissioner Petronella asked if architectural plans were submitted with this application, to which Ms. Whitten replied that the required drawings were submitted and sufficient to meet the criteria for a site plan review.

Mr. Cote stated that the applicant would be willing to continue this at a Special Meeting next Thursday.

Motion: Commissioner Alaimo made a motion, seconded by Commissioner Higley, to continue SPR# 1881.

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

Votes: 7-0-0

Other Business

a. Discussion on Cannabis

Motion: Commissioner Majmudar made a motion, seconded by Commissioner D'Antonio, take the discussion on cannabis off of the table.

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

Votes: 7-0-0

Commissioner Alaimo provided an overview of the tour they attended at the cannabis facility. He stated that it was very informative and all of his questions were answered.

Chairman Fiore went over the decisions they had come to at the last meeting, including the distance to schools. He stated that 1,000 feet will not work in Thompsonville and provided examples to illustrate why. Commissioner Alaimo stated that off street parking is allowed in Thompsonville, and to operate one of these facilities a lot of parking is required.

Motion: Commissioner Alaimo made a motion, seconded by Commissioner Majmudar, to table the discussion on cannabis.

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

Votes: 7-0-0

Motion: Commissioner Grillo made a motion, seconded by Commissioner Petronella, to extend the meeting to midnight.

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

Votes: 7-0-0

b. Food Truck Regulations

Michelle McCullough stated that they are looking to do a text amendment to allow R-Dee Wintery and Powder Hollow Brewery to be able to host a food truck on their property. She stated that they do not have a full kitchen or the ability to add a full kitchen. Ms. McCullough stated that they are looking for a permanent allowance and not just for the pandemic. She stated that they are looking to decrease the distancing that a food truck can be located to a brick and mortar establishment.

Commissioner Alaimo asked how food trucks are there now, to which Ms. McCullough replied that they fall under the extended outdoor dining provisions from the state, which expire at the end of March. She stated that clients come to their establishment because a certain food truck is present.

Commissioner Alaimo asked if there was a big public hearing regarding this topic, to which Ms. Whitten replied that it was before her time. Commissioner Higley stated that the verbiage was in place to be fair to both the restaurants and the food trucks.

Commissioner Petronella stated that the applicant also wants to extend the operating hours from 8 PM to 10 PM. Ms. McCullough stated that this would match the hours of their establishment.

Commissioner Petronella asked if the word may should be changed to shall under Item D.

Commissioner Higley asked if it would be the same truck all the time, to which Ms. McCullough replied that it would not.

Commissioner Grillo asked how many food trucks would be there at a time, to which Ms. McCullough replied that it would just be one at a time.

Ms. Whitten stated that they need to look at this in greater detail and look at the overall impact. She stated that most towns allow food trucks and she thinks they should be allowed, but she does understand the restaurant owners' concerns. The Commission agreed to take a look at it and continue to work on this.

Motion: Commissioner Alaimo made a motion, seconded by Commissioner Grillo, to table the discussion on food truck regulations.

Commissioner's Correspondence

Commissioner Alaimo stated that the light on Hazard Avenue going to the Johnson Surgical Center is going to cause an accident. Ms. Whitten stated that it is a state road and this needs to be taken up with the state. Discussion took place regarding the process to get something like this fixed.

Chairman Fiore read aloud an invitation from the Enfield Agricultural Commission and Connecticut Farm Bureau to a presentation regarding Public Act 490.

Opportunities/Unresolved Issues

Mr. Winter stated that he has a request for an extension of a condition for a Special Permit that was approved back in 2019. He stated that the extension is for 1559 King Street and is from 24 to 36 months.

Motion: Commissioner Petronella made a motion, seconded by Commissioner Higley, to approve the extension.

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

Votes: 7-0-0

Adjournment

Motion: Commissioner Higley made a motion to adjourn.

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

Votes: 7-0-0

Prepared by: Elizabeth Bouley

Respectfully Submitted,

John Petronella, Secretary