

ENFIELD ZONING BOARD OF APPEALS  
REGULAR MEETING  
**MINUTES**  
MONDAY OCTOBER 23, 2023, 7:00 PM  
ENFIELD TOWN HALL – COUNCIL CHAMBERS  
820 ENFIELD STREET – ENFIELD, CT

RECEIVED  
ENFIELD TOWN CLERK  
2023 NOV -7 PM 1:22  
*Sheila M Bailey*

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**1. Call to Order**

Chairman Urbanowicz called the meeting to order at 7:00 PM

**3.. Roll Call**

Members Present: Commissioners, Mary Ann Turner, Kelly Davis, Charles Mastroberti, and Alternate Richard Stroiney.

Absent: Commissioner Neville

Chairman Urbanowicz said Commissioner Stroiney will be seated as a member in the absence of Commissioner Neville.

Also present: Director of Planning and Zoning, Laurie Whitten

**6. Old Business:**

- a. ZBA# 2023-06-13 – 504 Hazard Ave** – Appeal of Zoning Enforcement Officer's Cease and Desist Order of Section 12.20- Enforcement & Administration; Michael McManus, Applicant; 504 Hazard, LLC, Owner; Map 92/Lot 63; I-1 Zone.

Chair Urbanowicz said he was not present at the previous meeting when this was presented but he did watch the meeting and read all the materials, and it was the applicant's decision if he wanted to have the Chair remain for the meeting.

Commissioner Mastroberti said he will recuse himself from the meeting due to having dealings with Mr. McManus.

Attorney Alan Kosberg representing Michael McManus agreed to have the Chairman remain in the meeting. Mr. McManus was absent from the meeting because he was ill. Attorney Kosberg said that over the past several weeks they have submitted the plans to gain compliance for the violations.

Conversation between Commissioner Turner and Director Whitten regarding documentation of progress from Mr. McManus. Mr. Rachele, the Zoning Enforcement Officer, has been out sick, he is the point person on this case. Director Whitten spoke with him on the phone, which he said they have been through two rounds with the building permits, they hired an architect, and they are moving forward with the plans.

Attorney Kosberg added that they have submitted a letter from the owner certifying that they approve the plans, and an insurance certificate.

Discussion between the Commissioners, Attorney Kosberg, and Director Whitten on a condition from the Planning and Zoning special permit application from July 2021 that stated a letter must be submitted from the owner of the property that they approve the plans and are

confident in the stability of the slope. However, in the Cease-and-Desist order that same condition was described differently. It was described as having to submit a letter from the property owner assuming all liability for the modification, construction, and location of the outside patio.

Commissioner Turner made a motion to close the public hearing, seconded by Commissioner Davis.

**Motion passed by a show of hands, 4-0-0 vote.**

Commissioner Turner made a motion to uphold **ZBA# 2023-06-13 – 504 Hazard Ave** Cease and Desist Order of Section 12.20- Enforcement & Administration; Michael McManus, Applicant; 504 Hazard, LLC, Owner; Map 92/Lot 63; I-1 Zone, seconded by Commissioner Davis.

**Motion passed by 4-0-0 vote.**

Commissioner Mastroberti joined the meeting at 7:31 PM

- b. ZBA# 2023-06-20 –78 Brainard Road** – Appeal of Zoning Enforcement Officer's Cease & Desist Order of Section 4.20- Use Requirements 4.40.5- Home Occupations/Home Professional Offices; Kevin Ferguson, Applicant/Owner; Map 36/Lot 293; R-33 Zone.

Chair Urbanowicz said he was not present at the previous meeting when this was presented but he did watch the meeting and read all the materials, and it was the applicant's decision if he wanted to have the Chair remain for the meeting.

Mr. Ferguson agreed to have the Chairman stay in the meeting.

Kevin Ferguson 78 Brainard Rd. Last time he was in front of the board, he said they asked him for proof of residency and to file his business with the Town.

Director Whitten said that there was a list of things that were asked of him at the last meeting; 1. that he get a special permit for the apartment, 2. proof of residency, 3. oil trucks cannot frequent the property, 4. and that the oil business was not registered.

Commissioner Turner made a motion to close the public hearing seconded by Commissioner Stroiney.

**Motion passed by a show of hands, 5-0-0 vote.**

Commissioner Turner made a motion to uphold **ZBA# 2023-06-20 –78 Brainard Road** the Cease & Desist Order of Section 4.20- Use Requirements 4.40.5- Home Occupations/Home Professional Offices; Kevin Ferguson, Applicant/Owner; Map 36/Lot 293; R-33 Zone, seconded by Commissioner Davis.

**Motion passed by 5-0-0 vote.**

**7. Legal Ad:**

**8. New Business:**

- a. **ZBA#2023-08-30-78 Raffia Rd** – Application seeking relief from Section 3.30.7.iii- Accessory Buildings and Section 4.10.3 – Special Requirements for Legal Non-Conforming Lots under 33,000 square feet; Steven P Denis and Yaritza Concepcion, Applicant/Owner; Map 67/Lot 111; R-33 Zone

Chair Urbanowicz read a notice explaining legal hardships.

Yaritza Concepcion, 78 Raffia Rd explained her application, they wish to get a garage on their property. Due to where their house is and being a corner lot, they need to request a variance of 10 feet to be able to put the garage up.

Commissioner Turner made a motion to close the public hearing seconded by Commissioner Stroiney.

**Motion passed by a show of hands, 5-0-0 vote.**

Commissioner Turner made a motion to approve **ZBA#2023-08-30-78 Raffia Rd** – Application seeking relief from Section 3.30.7.iii- Accessory Buildings and Section 4.10.3 – Special Requirements for Legal Non-Conforming Lots under 33,000 square feet; Steven P Denis and Yaritza Concepcion, Applicant/Owner; Map 67/Lot 111; R-33 Zone, seconded by Commissioner Davis.

**Motion passed by 5-0-0 vote.**

- b. **ZBA 2023-10-05- 10 Wheeler Drive-** Appeal of Zoning Enforcement Officer's Cease and Desist order of sections 3.00.1, 4.10.3 and 8.40.2- Daniel Smith, Applicant/Owner; Map 80, Lot 165, R-33 Zone

Chair Urbanowicz said they received an email from the applicant's attorney, Carl Landolina at which time Commissioner Turner read the email into the record.

Commissioner Turner made a motion to open the public hearing, seconded by Commissioner Davis.

**Motion passed by 5-0-0 vote.**

Commissioner Stroiney asked if they uphold the Cease and Desist that will force them to stop any work they are currently doing? Director Whitten said they should have stopped already, and it could potentially start the period of fines.

Commissioner Turner made a motion to close the public hearing, seconded by Commissioner Stroiney.

**Motion passed by a show of hands, 5-0-0 vote.**

Commissioner Turner made a motion to uphold the Cease-and-Desist order for **ZBA 2023-10-05-10 Wheeler Drive** of sections 3.00.1, 4.10.3 and 8.40.2- Daniel Smith, Applicant/Owner; Map 80, Lot 165, R-33 Zone, seconded by Commissioner Davis.

**Motion passed by 5-0-0 vote.**

- b. **ZBA 2023-10-12 – 566 & 588 Enfield St.** Application seeking relief of sections 5.10, 10.10.6. c. i, 10.10.7.A.vi, and 10.107.B for the expansion of a parking lot into adjacent town property, Town of Enfield, Owner/Applicant; Map 33, lot 1 & 2; R-33 and BL Zones.

Commissioner Davis made a statement that she is a member of the American Legion Post 154 and the Veteran's Council, but she does not have any outside knowledge of this issue. Commissioner Davis remained in the meeting.

Richard Gorman 52 Steele Road and James Maloney 39 Westview Dr. both of Enfield and Dana Steele professional engineer from JR Russo and Associates.

Director Whitten said that the Town has been working with the American Legion in past in trying to help them thrive in Enfield.

Mr. Steele presented the project for expanding the parking lot in the back of the American Legion. The area in which the American Legion wishes to expand the parking lot is the Town property. The Town uses this land for a sewer pump station. With the approval of the variances the American Legion will be able to put down asphalt milling creating a safer parking lot area, instead of having people parking on the grass in all types of weather conditions.

Commissioner Stroiney asked if the difference between the paving and millings is equally impervious? Mr. Steele said they are not noticeably different. The parking lot would go to the tree line, they do not want to go past that and disturb the older mature trees or wetlands.

Director Whidden added the project not only addresses additional parking but also handicap parking closer to the building.

Chair Urbanowicz asked if they are able to consider granting the variances to encumber the leasehold interest rather than the fee interest? That might be something the Commission would want to consider, since they have a long term recorded lease.

Commissioner Turner made a motion to close the public hearing, seconded by Commissioner Stroiney.

**Motion passed by a show of hands, 5-0-0 vote.**

Commissioner Turner made a motion to approve **ZBA 2023-10-12 – 566 & 588 Enfield St.** Application seeking relief of sections 5.10, from the 66% lot coverage to requested 75% lot coverage requested for the American Legion site. The hardship is that the lot is completely nonconforming and may not improve any part of the lot without a variance section, 10.10.7.A. vi, from the required 10-foot separation from the property line to the side and rear property lines for the parking is to zero setback is requested from

both the Town Enfield and American Legion properties. The hardship of the properties is unique as they operate as one despite property lines; section 10.107.B parking lot landscaping from the required 15% to 0% parking landscaping on both the Town of Enfield and American Legion properties. Hardships include due to the topography; the parking area is not seen by neighbors or from the street and the maintenance of the landscaping would be difficult with millings aside from aesthetics landscape. In addition, this area is in the lower third of the watershed where the goal is to discharge water as fast as possible and landscape island may detain waters; additional landscape islands will decrease the actual proposed parking that is desperately needed for the expansion of a parking lot into adjacent town property. The foregoing variances shall apply to the Tanguay-Magill Post 80 American Legion Incorporated lease with the Town of Enfield dated December 21, 2001, Town of Enfield, Owner/Applicant; Map 33, lot 1 & 2; R-33 and BL Zones, seconded by Commissioner Stroiney.

**Motion passed by 5-0-0 vote.**

## **9. Approval of Minutes**

### **a. July 24, 2023**

Commissioner Stroiney made a motion, seconded by Commissioner Turner, to approve the minutes for July 24, 2023.

**Motion passed by 4-0-1 vote.**

Chair Urbanowicz abstained from the vote as he was not present at the July 24, 2023, meeting.

## **10. Correspondence / Staff Reports**

Director Whitten spoke on the new agenda appearance. She informed the Commission that the department is starting to use Civic Clerk software to create agendas and log minutes. This allows users to click on an item in the agenda which will take them to the related documentation for that line item.

Chair Urbanowicz asked for the November webinar registration because some of the members have not registered.

Director Whitten mentioned fees for the Cease-and-Desist orders, and they are working on that, but the department is far behind with staff shortage.

## **11. Other Business-**

Commissioner Turner said that for people 65 or older, if you volunteer and have 400 hours you can receive \$400 tax abatement.

**12. Adjournment-** Commissioner Turner made a motion, seconded by Commissioner Stroiney to adjourn the meeting.

**Motion passed unanimously.**

The meeting was adjourned at 8:52 PM.

Next meeting, November 27, 2023.

Prepared by:

Sandie Barone, Recording Secretary

Respectfully Submitted,

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Mary Ann Turner, Secretary