



**MINUTES
ZONING BOARD OF APPEALS
REGULAR MEETING**

June 23, 2025

**7:00 PM - Town Hall-Council Chambers
820 Enfield St, Enfield, CT**

<https://www.youtube.com/watch?v=SKx84mneK4g>

1. CALL TO ORDER

Chair Urbanowicz called the meeting to order at 7:10pm.

2. FIRE EVACUATION ANNOUNCEMENT

Fire evacuation announcement was made.

3. PLEDGE OF ALLEGIANCE

4. ROLL CALL

Present: James Byrne (via Teams), Charles Mastroberti, Mary Ann Turner, Andrew Urbanowicz

Absent: Christine DeBonnee, Dana Palmer, Richard Stroiney

Also present was Rick Rachele, Zoning Enforcement Officer; and Rebecca Jones, Recording Secretary.

5. OLD BUSINESS

A. Legal Notice

B. Motion to Approve Stipulated Agreement - Jarmoc Real Estate LLC v. Zoning Board of Appeals of the Town of Enfield, Docket number LND-HHD-CV23-6168303-S (147 Abbe Road)

MOTION by: Mary Ann Turner **seconded:** Charles Mastroberti to table the Motion to Approve Stipulated Agreement - Jarmoc Real Estate LLC v. Zoning Board of Appeals of the Town of Enfield.

UPON A ROLL CALL VOTE, the Chair declared the motion approved. Yes: James Byrne, Charles Mastroberti, Mary Ann Turner No: None Abstain: Andrew Urbanowicz.

6. NEW BUSINESS

A. Legal Notice

B. **ZBA# 2025-05-22 - 263, 293 and 295 North Maple Street** - Appeal of Zoning Officer's Cease & Desist Order for violation of Sections 8.40, 8.40.2, 6.10.2, 6.30.2, and original approvals

of PH# 682, 2242, and ZBA# 1979-03-03; Tri-State Rentals LLC, Applicant and Owners of 295 and 293 N. Maple Street; Kari Ann Nunes, Owner of 263 N. Maple St; I-1 and R-44 Zones Secretary Turner read the legal notice into the record. Attorney Martin Kroh and Fred Fieldhouse of Plaza Excavation were present for discussion. Chair Urbanowicz offered the applicant the option to continue this hearing until the next meeting, since there were only four commissioners present. Attorney Kroh agreed to proceed with the hearing. He gave a procedural history of the property. He explained that the use of these three properties is solely construction-related activity, including stockpiling, processing and recycling aggregate building materials. Most of the material is generated by excavation activities and operations that are not located on these three properties. These processed materials are then sold to construction and agricultural industries as well as the public. This has been an ongoing use since the late 1970's and was approved by the Town as a pre-existing, non-conforming use at a hearing in January 1978. Plaza Excavation does not engage in and has not in the past engaged in 'excavation' activities or any mining or quarry-type activity on the properties. Attorney Kroh noted that Mr. Jablonski had a handshake deal with the past owner of 263 North Maple Street, which allowed him to lease a few acres on that property for construction-related materials. Tri-State Rentals, LLC is in the process of purchasing 263 North Maple Street and all three lots will be under one ownership.

Mr. Rachele reviewed the zoning violations. Plaza Excavation, which operated from 293 and 295 North Maple Street, has expanded to 263 North Maple Street with piles of materials and the storage of equipment, including trucks and semi-trucks. 263 North Maple Street is listed for sale and listing photos show how Plaza Excavation has expanded onto 263 North Maple Street and its proximity to a waterway and wetlands. The expansion and use of 263 North Maple Street by Plaza Excavation is a violation of the original approval for that business and property and is a violation of the IWWA regulations. The previous approvals were reviewed, and 293 and 295 North Maple Street were the subject of several approvals, including a subdivision, a variance for setbacks and a rezoning of the parcels from residential to I-1. The activity that has taken place appears to be an expansion outside the parcels as previously approved. Much of this activity is also in violation of the IWWA regulations due to the proximity to Jawbuck Brook that runs through 263 North Maple Street.

Mr. Rachele reviewed aerial photographs of the properties, and he highlighted areas of topographical changes, including what appeared to be a pond that was filled. An excavation permit is required for moving 600 cubic yards of materials per Town regulations. Mr. Fieldhouse explained the screening process, which can contribute to what may appear to be topographic changes. Attorney Kroh explained that the pond drained after rip rap failed after significant storms a few years ago. Since addressing the wetlands violations, the pond is back. The activity that has taken place appears to be the expansion outside the approved

parcels as previously approved. Next best steps were discussed. The previously approved setback approved in 1978 was reviewed. Attorney Kroh confirmed that 263 North Maple Street will not be further developed and will keep the parcel as is.

MOTION by: Mary Ann Turner **seconded:** Charles Mastroberti to close the public hearing.
UPON A SHOW OF HANDS VOTE, the Chair declared the motion approved. Yes: James Byrne, Charles Mastroberti, Mary Ann Turner, Andrew Urbanowicz No: None Abstain: None.

Commissioner Byrne asked if it was possible for the applicant to withdraw their appeal in order to obtain the same objective. Mr. Rachele explained that a withdrawal would give the applicant more time to come into compliance. Attorney Kroh is unsure how long the PZC approval process will take and noted that the applicant has been cooperative in correcting the issues thus far. Chair Urbanowicz suggested tabling the application to give the applicant another month to work on correcting the issues. Attorney Kroh confirmed that the activities at 293 and 295 North Maple Street are allowed and are within compliance, which Mr. Rachele stated they are.

MOTION by: Mary Ann Turner **seconded:** Charles Mastroberti to approve ZBA 2025-05-22 - 263, 293 and 295 North Maple Street - Appeal of Zoning Officer's Cease & Desist Order for violation of Sections 8.40, 8.40.2, 6.10.2, 6.30.2.

UPON A ROLL CALL VOTE, the Chair declared the motion failed. Yes: None No: James Byrne, Charles Mastroberti, Mary Ann Turner, Andrew Urbanowicz Abstain: None

The Cease and Desist Order was upheld.

7. APPROVAL OF MINUTES

A. May 19, 2025

MOTION by: Mary Ann Turner **seconded:** Charles Mastroberti to accept the minutes as amended to include Mr. Rachele's name under Item 6 on page 4 to read "Mr. Rachele stated that because Planning staff accepted the appeal, the commission must hear it".

UPON A SHOW OF HANDS VOTE, the Chair declared the motion approved. Yes: None No: None Abstain: None.

8. CORRESPONDENCE/STAFF REPORT

None.

9. OTHER BUSINESS

None.

10. TOWN ATTORNEY REPORT

A. May 23, 2025

11. EXECUTIVE SESSION

None.

12. ADJOURNMENT

MOTION by: Mary Ann Turner, seconded: James Byrne to adjourn.

Upon a **SHOW-OF-HANDS** vote being taken, the Chair declared the motion adopted unanimously, and the meeting stood adjourned at 7:56pm.

Respectfully submitted,

Mary Ann Turner

Secretary

Rebecca Jones

Recording Secretary