

ENFIELD PLANNING AND ZONING COMMISSION
REGULAR MEETING

MINUTES

THURSDAY, JANUARY 9, 2020 – 7:00 p.m.

ENFIELD TOWN HALL - COUNCIL CHAMBERS

820ENFIELD STREET - ENFIELD, CT

RECEIVED
ENFIELD TOWN CLERK

2020 JAN 17 PM 2:49

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Call to Order & Pledge of Allegiance

Mayor Michael Ludwick called the meeting to order at 7:00 PM.

Roll Call

Secretary Szewczak took the roll and present were Commissioners Charles Ladd, Mary Scutt, Richard Szewczak, Virginia Higley, Ken Nelson, Frank Alaimo, Linda DeGray and Alternate Commissioner Vinnie Grillo. Absent were Alternate Commissioners John Petronella and Dane Thorogood.

Also present were Laurie Whitten, Director of Development Services and Jennifer Pacacha, Assistant Town Planner.

Election of Chair

Commissioner DeGray made a motion, seconded by Commissioner Alaimo, to appoint Commissioner Nelson as Chairman.

Commissioner Nelson made a motion, seconded by Commissioner Scutt, to close nominations.

The motion to close nominations passed with a 7-0-0 vote.

The motion to appoint Commissioner Nelson as Chairman passed by unanimous roll call vote.

Election of Vice Chair

Commissioner Szewczak made a motion, seconded by Commissioner Higley, to appoint Commissioner DeGray as Vice Chairman.

Commissioner Ladd made a motion, seconded by Commissioner Scutt, to close nominations.

The motion to close nominations passed with a 7-0-0 vote.

The motion to appoint Commissioner DeGray as Vice Chair passed with an 8-0-0 vote.

Election of Secretary

Commissioner Higley made a motion, seconded by Commissioner DeGray, to appoint Commissioner Szewczak as Secretary.

Commissioner DeGray made a motion, seconded by Commissioner Scutt, to close nominations.

The motion to close nominations passed with a 7-0-0 vote.

The motion to appoint Commissioner Szewczak as Secretary passed with an 8-0-0 vote.

Election of Second Vice Chair

Commissioner Higley made a motion, seconded by Commissioner Nelson, to appoint Commissioner Ladd as Second Vice Chair.

Commissioner Ladd made a motion, seconded by Commissioner DeGray, to close nominations.

The motion to close nominations passed with a 7-0-0 vote.

The motion to appoint Commissioner Ladd as Second Vice Chair passed with an 8-0-0 vote.

Staff Reports

a. Town Attorney Report

Ms. Pacacha stated that the Commissioners had received updates in their packets from Town Attorney Maria Elsdén. Commissioner Ladd asked when they would be meeting the new Town Attorney, to which Ms. Whitten replied that he will be appointed Monday night.

b. Zoning Enforcement Officer

Ms. Pacacha stated that everything the ZEO has been working on is contained within the Town Attorney report.

Chairman Nelson requested that the Commission be brought up to speed on what the ZEO is working on at the next meeting.

Approval of Minutes – December 12, 2019 Regular Meeting

Motion: Commissioner DeGray made a motion, seconded by Commissioner Scutt, to approve the minutes of December 12, 2019 as amended.

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

Votes: 7-0-0

Public Participation

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

Old Business

Public Hearing(s)

- a. **PH# 2960** – 90 Elm Street – Application for a re-subdivision; Enfield Square Realty LLC+Enfield, CH LLC + Enfield Nassim, LLC., owners/applicants; Map 42/Lot 29; Map 45/Lot 11; Map 43/Lot 16; Map 45/Lot 75; Map 45/Lot 6; Map 45/Lot 1; Map 57/Lot 325; Map 57/Lot 323; Business Regional Zone. (DoR: 12/12/2019; MOPH: 2/13/2020)

Secretary Szewczak took the roll and present were Commissioners Charles Ladd, Mary Scutt, Richard Szewczak, Virginia Higley, Ken Nelson, Frank Alaimo, Linda DeGray and Alternate Commissioner Vinnie Grillo. Absent were Alternate Commissioners John Petronella and Dane Thorogood.

Cory Garro of Close, Jensen & Miller, P.C. in Wethersfield addressed the Commission as a representative for the applicant along with Michael Gavin, authorized representative for the owners, and Glen Chalder of Planometrics. Mr. Garro clarified that there are currently eight existing lots owned by the mall and this application proposes to create thirteen lots out of the current eight. He utilized a site drawing to illustrate the locations of the proposed thirteen lots.

Mr. Garro stated that there are no physical changes to the mall, and this is just a subdivision of the existing lots. He stated that not all of the lots meet the requirements, but there is a footnote within the regulations which still allow this application to go forward. Mr. Garro went on to read the footnote to the Commission, stating that this could have been done by Administrative Approval according to the regulations.

Mr. Chalder stated that this is not a Special Permit application, but rather it is a re-subdivision application. He clarified that tonight is not a discretionary situation like a Special Permit would be. Mr. Chalder stated that the application complies with zoning regulations and the property has been subdivided previously under the regulations, so they are looking to continue this. He stated that the regulations allow this.

Mr. Chalder read portions of a report which details how the proposal is consistent with the Plan of Conservation & Development (POCD). He stated that there are many other examples of malls in Connecticut that are subdivided similarly.

Mr. Chalder concluded that the application complies with zoning and subdivision regulations and this has been done in Enfield before.

Commissioner Szewczak stated that they are not necessarily against the subdivision, but that they would like to see a plan for what types of businesses will be located within it and what the development will look like.

Mr. Chalder stated that the application complies with zoning and subdivision regulations, and this is not a discretionary matter. Commissioner Szewczak reiterated that he would like to see the internal configuration as the lot is being divided up in the proposed plans with no real vision of what the outcome will look like. He went on to state that the Commission is looking for some definitive reason why they should accept the proposed plan because at this time it is not there.

Mr. Chalder stated that he wishes the Commission had modified their regulations after 2011 to do what Commissioner Szewczak is suggesting, but they did not. He went on to state that they are before the Commission trying to comply with the regulations, and suggested that Commissioner Szewczak read the subdivision regulations which are administrative in nature.

Commissioner DeGray stated that she agrees with Commissioner Szewczak, particularly in light of the letter they received today stating that the owner may not want to develop the mall. She stated that there is no vision and the Commission and town residents would benefit from understanding where the project is going.

Mr. Chalder stated that the mall has existed as multiple properties with easements and agreements between tenants allowing it to operate as one facility for at least 20 years now. He stated that letters of intent were on record but have now expired, so it is difficult for the mall owners to operate and move in positive directions. Chairman Nelson stated that this was not presented to the Commission until the second meeting in December, so the issue of the letter intent falls on the applicant and not the Commission.

Mr. Chalder stated that this was erroneously presented to the Commission as a Special Permit application when it is actually a subdivision Administrative Approval. He stated that the Commission has approved this before and did not ask for this level of information at that time. Mr. Chalder stated that the application does comply with the zoning and subdivision regulations, so they are asking to move forward.

Chairman Nelson stated that the town has reached out over the past year to try to partner with the applicant, but have not heard from them until very recently. He went on to state that this is the largest parcel in Enfield and affects the entire town.

Commissioner Higley read through some of the regulations pertaining to the application. Mr. Chalder stated that the regulations Commissioner Higley is citing are not applicable to this application. Mr. Chalder stated that they are not developing a building, but rather are subdividing the parcels. Commissioner Higley asked if the applicant will be keeping all of the parcels being created, to which Mr. Chalder replied that they will not.

Mr. Chalder stated that they are talking about an Administrative Approval, to which Commissioner Higley stated that she will not continue but the Town Attorney can come in if need be.

Commissioner Alaimo asked if the applicant will have to come back before the Commission with any changes after the property is subdivided, to which Ms. Whitten replied that they will.

Commissioner Alaimo asked the applicant to provide details regarding the placement of the easements and property lines. Mr. Garro utilized the site plans to illustrate the locations of current businesses within the subject area and the property lines between them. Commissioner Alaimo stated that the conveyances cannot be seen in the plans, and asked if Water Pollution Control (WPC) had attended the administrative review meeting. Ms. Pacacha stated that the application was sent out electronically for comment and WPC emailed that they had no comments.

Commissioner Alaimo asked how the shutoffs and curb boxes for the property lines and easements will work if the properties are being divided in this way. Mr. Gavin stated that he had met with Staff to go over the property and was responsible for the preparation of the plans and the application. Mr. Gavin stated that with regards to retail, all agreements have confidentiality of sale within them so he is unable to give specifics. He explained that in today's climate, competition is fierce to keep brick

and mortar stores going. He stated that a retail business has two sources of income: their rental and the common area maintenance portion.

Mr. Alaimo asked for clarification on what is meant by the term "tenants," which Mr. Gavin explained is a generic term. He stated that they prefer businesses to rent, but if they buy they can be relied upon as a long-term tenant so they will agree with that.

Mr. Gavin stated that the center as a whole will be operated as a first-class center and each property owner will pay a share of the common area maintenance. He went over the terms of access for the parcels, stating that the common area remains with the mall owner and each of the property owners as they purchase gains access so no landlocked parcels are created.

Mr. Gavin explained how the easement document is meant to provide flexibility and protection for future redevelopment.

Commissioner Ladd asked if the existing tenants are required to buy, to which Mr. Gavin replied that they can continue to lease and do not have to buy. Mr. Gavin provided the Commission with some examples of other malls he had worked on and how the anchors were secured.

Commissioner Ladd asked if the rent for businesses who want to continue renting will stay reasonably close to what it currently is, to which Mr. Gavin replied that the rent is a contract and they cannot change it. He stated that a typical commercial lease has a five-year term with four renewals, and explained how that typically works. Commissioner Ladd stated that he does not want to see existing businesses go under because they are forced to buy. Mr. Gavin stated that they are not looking to chase out any existing tenants.

Commissioner Scutt asked if this is being marketed as retail or mixed use of some sort, to which Mr. Gavin replied that all properties they own are marketed as mixed use. Mr. Gavin provided some examples of complimentary uses of retail, schools and residential within other properties they have worked with.

Commissioner Scutt asked what the common areas are going to be and whether they are going to be their own specific lots, to which Mr. Gavin replied that common areas are not their own specific lots. He explained which areas are considered to be common areas and stated that the only parts excluded from common areas are the specific buildings.

Chairman Nelson stated that everything being described is a condo and he does not understand why they are not making condos out of the property. He went on to state that he is concerned about the creation of landlocked parcels. Chairman Nelson stated that the town does want to work with the applicant to make this project successful, and he hopes that at the next meeting some history can be provided of a project where something similar was done and what it looks like now.

Mr. Gavin stated that they have a by right plan and agreements of sale that expire at the end of the month, so he does not have another month. He stated that there are not landlocked parcels but rather are easements that are legal rights, to which Chairman Nelson replied that the Commission does not have any of that information. Mr. Gavin stated that it is part of the application package.

Chairman Nelson asked if anyone in the public would like to speak.

MaryAnn Turner, 7 Meadow Road, addressed the Commission. She stated that she had done some research on the Namdar group, and the Commission has not been given information about who this company is and what they have done. Ms. Turner stated that they have owned the property for a year and have not come forward with information, so the town should not be blamed for not moving quickly enough at this point.

Ms. Turner provided the Commission with packets detailing some malls currently owned by Namdar, stating that they are devastated properties. She stated that Namdar has a reputation as not being the best neighbor. Ms. Turner stated that Namdar got their property taxes and asked for a rebate, which is one of their standard operating procedures and they will continue over the years to draw those dollars out of the assessment.

Ms. Turner stated that people have the right to make money and profit; however, it just does not feel good. She explained Namdar's value add strategy, and stated that the mall is not a used car dealer parking lot. Ms. Turner read through portions of a newspaper article about Namdar that is contained within the packets submitted to the Commission, stating that Namdar has upset communities and is involved in lawsuits which mention them not repairing air conditioning, roof leaks, lighting, security and other infrastructure issues.

Ms. Turner reminded the Commission how large this property is, stating that Namdar is an absentee landlord according to an article contained within their packets. She stated that she hopes Namdar will be good partners with the town, but based on the other properties that they own and the business they have conducted over the last twenty years, it does not look like they will be.

Chairman Nelson asked if Ms. Turner had left a copy of the packet for the applicant, to which she replied that Ms. Whitten gave them a copy.

Marie Pyznar, 25 Roy Street, stated that when the Enfield Square opened it brought new life and job opportunities to the town. She stated that e-commerce has taken over, and she agrees that this should be a mixed-use parcel which includes medical, residential, dining and entertainment and could be a destination. Ms. Pyznar stated that she was hoping to see the vision of what would actually be brought to the town and they need more clarity. She stated that this decision is going to affect the redevelopment of the entire town, and she does not want this mall to set them back.

Zachary Zannoni, 1417 Enfield Street, stated that how you say something is just as important as what you are saying, and the applicants feel that they are entitled to do this because it is within the confines of the law. He stated that they do not have any intention of being partners and have no attachment to this complex. Mr. Zannoni stated that they need a multi-use property with green spaces, which cannot be achieved by dividing the property into parcels with multiple owners. He stated that they need to see exactly which business is going to be placed where, and that this has been explained in other similar proposals down south. Mr. Zannoni concluded that he hopes the Commission will vote against this project.

Raymond Peabody, 370 Washington Road, thanked Chairman Nelson for stating that the town is open for business and willing to partner. He stated that the mall is virtually dead and if it can be turned around it should be done in partnership with the town. Mr. Peabody stated that rather than voting it down, the Commission should continue the application in order to allow for a partnership to occur which will be beneficial for both the applicant and the community.

John Unghire, 271 Abbe Road, stated that he knows very little about the mall situation but what he has heard tonight concerns him as a citizen. Mr. Unghire stated that he sensed an edge in the presentation which he found offensive. He stated that he would like to see the mall and its properties be prosperous and developed in a way they can be proud of, but he does not support this application based on what he has seen tonight.

Mr. Chalder stated that unfortunately what the Commission and the residents are expressing as their desire for the property is not what is reflected within the regulations. He stated that the application as submitted complies with the zoning and subdivision regulations, and that the Commission could have changed their regulations over the last eight years to implement the vision that they want.

Mr. Gavin stated that they have a compliant application and they are asking the Commission to approve it.

Chairman Nelson stated that what is being presented to the Commission is landlocked, which is a concern. He stated that the company should show the Commission some history of what they have done in the past.

Commissioner Szewczak read through a portion of the lot and bulk requirements within the regulations, stating that the application does not meet the POCD. Mr. Chalder stated that the POCD is an advisory document, but is not directly applicable. He stated that there are also landlocked situations in condominiums, to which Chairman Nelson replied that they also all have ownership which is what makes them a condo.

Mr. Chalder stated that the Easements, Covenants, Conditions & Restrictions (ECCR) in this application provides cross access, utilities, and everything to all of the properties. Chairman Nelson stated that the Commission does not have any of that, to which Mr. Chalder replied that it is part of the record. Ms. Whitten stated that she was asked not to include that as it was proprietary.

Chairman Nelson stated that he wants a legal opinion from the Town Attorney about the applicant's interpretation of the regulation, and he would also like to see the paperwork that they are supposed to have regarding the landlocked parcels. He stated that he would like time to review the paperwork that had been submitted this evening and he would like the applicant to bring in some history of similar projects they have worked with in the past.

Motion: Commissioner Ladd made a motion, seconded by Commissioner DeGray, to continue until the next meeting on January 23, 2020.

Mr. Chalder suggested the Commission consult with Staff prior to voting.

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

Votes: 7-0-0

Mr. Chalder stated that under Connecticut State law the Commission is not allowed to do that and must close the hearing in thirty days. Commissioner Higley stated that he could give the Commission an extension should he wish to.

Commissioner Alaimo stated that if all of the information contained within the application was not provided to the Commission, this argument is null and void.

Ms. Whitten stated that the applicant has a right to ask for an extension of the public hearing closing date, which is January 16, 2020. Commissioner Szewczak stated that the Commission could also vote on the application and deny it without prejudice, which Ms. Whitten stated is not correct. Commissioner Szewczak stated that they cannot vote on an application without all of the information they need to make a decision.

Commissioner Ladd withdrew his previous motion and Commissioner DeGray withdraw her second.

Mr. Chalder stated that he thought the ECCR was part of the application and that they are prepared to authorized Staff to share that with the Commission. He stated that no parcel is truly landlocked and went over additional details of the ECCR. Ms. Whitten stated that the applicant did request to share the ECCR, not the redevelopment plan. She stated that it is a 45-page document and will be submitted to the Commission.

Chairman Nelson asked if the applicant would like to request an extension or have the Commission vote tonight. Mr. Gavin stated that they do not want to request an extension as the application does meet the minimum requirements and they do not want to default on their own deadlines and contractual obligations.

Chairman Nelson asked why the applicant is here tonight for a Public Hearing if this is an Administrative Approval. Mr. Chalder stated that it is Connecticut State law.

Ms. Pacacha stated that the date to close the Public Hearing is next Thursday, so a Special Meeting can be held prior to that in order for the Commission to review the ECCR. Commissioner Higley stated that all of the information may not be ready in time. Chairman Nelson asked if the applicant is willing to provide the Commission with some success stories to counter the ones they had heard tonight. Mr. Gavin stated that the application is what it is.

Chairman Nelson asked three times if anyone in the public would like to speak for a second time; no one came forward.

Motion: Commissioner DeGray made a motion, seconded by Commissioner Higley, to close PH#2960.

Commissioner Higley stated that she does not feel comfortable voting as she does not have enough information at this time to do so.

Commissioner Alaimo stated that many of the questions he had would be answered by the document and he is troubled by the applicant not asking for a continuance; he suggested that the applicant reconsider closing the Public Hearing. He concluded that he does not feel comfortable voting at this time.

Commissioner Szewczak stated that this space could develop into something positive and he is not against the subdivision.

Commissioner DeGray stated that she is uncomfortable about this and they only have part of the information at this time. She stated that the Commissioners have to live here and face the residents, and she wishes they had the information needed.

Commissioner Alaimo asked whether a motion had been made to close the Public Hearing, to which Ms. Whitten replied that the Commission had not yet voted to close the Public Hearing.

Commissioner Scutt stated that the ECCR is an essential piece and she cannot make a good decision without it.

Chairman Nelson stated that the Commission can vote without prejudice or deny the applicant at this time. He stated that he is willing to give the applicant an opportunity to sell their application. Chairman Nelson asked if the Commission can vote and deny without prejudice, to which Ms. Whitten replied that they can do that and the applicant will have to come back and make a re-application.

Discussion took place as to whether the Commission had voted to close the Public Hearing. Commissioner DeGray stated that they had made the motion to close the Public Hearing but had not yet voted on it.

Motion: Commissioner Alaimo made a motion to withdraw the motion to close the Public Hearing.

Commissioner DeGray withdrew her motion in order to have a five-minute recess. Commissioner Higley withdrew her second. The Commission took a five-minute recess.

When the meeting resumed Ms. Whitten stated that she can email the ECCR to the Commission tonight and she is trying to get the applicant to agree to a one-week extension. Commissioner Higley asked about obtaining a legal opinion, to which Ms. Whitten replied that Attorney Gavin is unavailable next week or the following.

Mr. Gavin stated that they are able to extend until next Thursday, but that he will not be able to come back as he has other business in Chicago. He stated that he can provide any feedback regarding the ECCR, which is a contract that goes into the record. Mr. Gavin stated that they are not going to put their business on trial. He stated that it had been provided to the town for review/comment and the

changes that had been discussed were incorporated. Mr. Gavin concluded that they were purposeful and deliberate in coming up with an application that met the ordinance requirements.

Chairman Nelson stated that the applicant is now aware of the residents' concerns and can send any information regarding them next week.

Mr. Gavin requested that the Commission provide an extension until next Thursday to consider the information, particularly the ECCR, and that they vote that night.

Commissioner Szewczak asked what controls the subdivision and re-subdivision applications, to which Ms. Whitten replied that the subdivision regulations are what this application falls under. She explained that the Commission is working under the subdivision regulations rather than the zoning regulations.

Commissioner Szewczak stated that the applicant should not be able to re-subdivide without considering anything and he would like to know what the applicant is required to present to the Commission. Ms. Whitten went over the definition of a re-subdivision according to the regulations.

Chairman Nelson went over the information that the Commission would like to have before the next meeting. Ms. Whitten stated that they would have the ECCRs tonight and she would reach out to the Town Attorney tomorrow.

Motion: Commissioner DeGray made a motion, seconded by Commissioner Higley, to extend PH# 2960 until next Thursday, January 16, 2020.

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

Votes: 7-0-0

New Business

Public Hearing(s)

- a. **PH # 2963-** 90 Elm Street- Special Permit application to allow for a place of worship; Enfield Square Realty, LLC + Enfield CH LLC + Enfield Nassim, LLC., owners; David Sangster, applicant; Map 043/ Lot 0016; Business Regional (BR) Zone. (DoR 12/26/19; MOPH: 02/27/20)

Secretary Szewczak read the legal notice and took the roll and present were Commissioners Charles Ladd, Mary Scutt, Richard Szewczak, Virginia Higley, Ken Nelson, Frank Alaimo, Linda DeGray and Alternate Commissioner Vinnie Grillo. Absent were Alternate Commissioners John Petronella and Dane Thorogood.

David Sangster, 11 Alma Road, Windsor Locks, addressed the Commission along with Michael Pardi, 88 North Main Street, Windsor Locks. Mr. Sangster stated that he is a pastor and they are looking to create a space for New Life Church in the Enfield Square mall. He stated that they are currently meeting in Enfield where they tear down and set up on a regular basis in theater 11 at the former Raveis Cinemark Theaters. He stated that they are getting great results and would like a more permanent place close to the one where their mobile church is currently meeting.

Commissioner DeGray asked if this will be the church's new home and they will no longer have a place in Windsor Locks. Mr. Sangster stated that this is the ultimate goal.

Commissioner Alaimo asked if there were any comments from the Departments. Ms. Pacacha pointed out the Department comments in the Staff Report.

Commissioner Alaimo asked if there was any review from the Fire Department, to which Mr. Sangster replied that he had spoken with the Assistant Fire Marshal who said that fire code allows for 300 people in that space. Mr. Sangster went on to state that the Assistant Fire Marshal had given him tentative approval pending his meeting with the Commission.

Mr. Sangster stated that this is a temp lease rather than a long-term lease. He stated that they are not allowed to make major structural changes to the space. Commissioner Alaimo stated that he would like to see more comments from the departments in their notes.

Commissioner DeGray stated that she is concerned about food safety if there is some sort of meet and greet in the space. Mr. Sangster stated that they are currently not allowed to make their own foods and bring them in, but they can bring in packaged foods.

Commissioner Higley suggested that the applicant share some information with the audience in order to advertise his church. Mr. Sangster described the church and various programs that they offer.

Chairman Nelson asked if anyone in the public would like to speak.

Jonathan Grande, 33 Spruceland Road, addressed the Commission to voice his support of the church. He respectfully requested that the Commission pass the application with no concerns.

Lori Unghire, 271 Abbe Road, stated that a lot of churches are coming to town and the people need it. She stated that she does not know this pastor personally but she has known the Grande family for over 30 years and they are good, kind-hearted people.

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

Chairman Nelson closed PH #2963.

Motion: Commissioner Szewczak made a motion, seconded by Commissioner Scutt, to approve the resolution for PH #2936 with conditions.

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

General Conditions:

1. This approval is for the specific use, site, and structure identified in the application. Any change in the nature of the use, site, or the structure will require new approvals from the Enfield Planning and Zoning Commission.
2. This approval does not include signage permits.
3. This project shall be constructed and maintained in accordance with the referenced plans.
4. A building permit for the construction of facilities as approved must be obtained within 24 months of approval or this approval shall be rendered null and void, unless an extension is granted by the Commission.
5. All construction authorized by this approval shall be completed within five (5) years or this approval shall be considered null and void, unless an extension is granted by the Commission.
6. By acceptance of this permit and conditions, the applicant and owner acknowledge the right of Town staff to periodically enter upon the subject property for the purpose of determining compliance with the terms of this approval.

Site Specific Conditions:

Conditions to be met prior to signing of plans:

7. All plans submitted for signature shall bear the seal and live signature of the appropriate professional(s) responsible for the preparation of the plans.
8. The application number shall be displayed on the plans in or near the Title Block area.
9. A copy of the approval letter and conditions shall be incorporated into the final plans submitted for signature, preferably located on the cover sheet or first sheet of the plan set.
10. A list outlining how the conditions of approval have been met shall be submitted along with final plans submitted for signature.
11. A list outlining all changes to the plans shall be submitted along with final plans submitted for signature. The list should cite the sheet number where each change has been made.
12. The conditions of this approval shall be binding on the applicant, land owners, and their successors and assigns.

Conditions to be met prior to the issuance of permits:

13. Two sets of paper plans with any required revisions incorporated shall be submitted to the Planning Department for signature of the Commission. The Director of Planning may require Mylars.
14. This approval will become effective upon the filing of a Special Use Zoning Certificate signed by the Commission Secretary on the Land Records by the applicant. Such certificate must be filed within 120 days of approval by Commission. Proof of such filing shall be in the file prior to the issuance of any permits.
15. The applicant shall also submit final plans as approved by the Commission in a digital format compatible with the Enfield Geographic Information Systems Electronic Submittals Ordinance.

Conditions which must be met prior to the Issuance of a Certificate of Compliance:

16. No Certificate of Occupancy or other final approval may be issued until the Zoning Enforcement Officer has signed off on the final work. When minor site work cannot be completed because of weather or other pertinent reason, a conditional approval may be issued for a period not to exceed 180 days, providing satisfactory surety shall be posted with the Town of Enfield in an amount sufficient to complete the site work and with surety acceptable to the Town of Enfield.
17. A request for final project review and certificate of zoning compliance must be made to the Planning Department not less than 10 days before a Certificate of Occupancy or other final approval is requested from the Building Official.

Note: The Conditions of Approvals do not take the place of other requirements found in the Town Codes, Regulations, and Application Instructions.

REFERENCED PLANS

Enfield Square – Enfield, Connecticut Lease Plan; Scale: 1" = 100'; Received in the Enfield Planning Department December 24, 2019

New Life Church Mall Location, Enfield, CT – Floor Plan Option #3; Created by Design Works, PO Box 251, Windsor Locks, CT 06096; Created for New Life Church; Sheet A2-1 OPT #3; Scale: 1/8" = 1'-0"; Created on June 19, 2019.

Votes: 7-0-0

Other Business

- a. Designation of CRCOG Liaison(s)

Motion: Commissioner Szewczak made a motion, seconded by Commissioner DeGray, to appoint Commissioner Scutt as primary CRCOG Liaison and Commissioner Higley as Assistant CRCOG Liaison.

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

Votes: 7-0-0

- b. Review of Bylaws

Discussion took place regarding the order of the agenda and when meetings should take place. Chairman Nelson stated that he has concerns about setting specific dates as the ZEO can come on a different date if they happen to have a full agenda one night. Commissioner Higley stated that he can be moved down, but if the Commission is not seeing him on a regular basis then they cannot remain apprised of what he is working on.

Ms. Pacacha stated that the first meeting of the month always has the ZEO reports on the agenda, which are included in the meeting regardless of whether the ZEO is able to attend the meeting in person. It was decided to require the ZEO to attend a meeting in person once per month.

Commissioner Alaimo asked about Executive Session being included on the agenda. It was decided that it does not need to be on the agenda.

The Commission discussed whether the Recording Secretary can work remotely, ultimately deciding that it is necessary for the Recording Secretary to be present at all meetings.

Correspondence

Commissioner Higley stated that one of the new laws that took effect January 1, 2020 states that the town can now go to court and claim ownership of blighted properties.

Commissioner Ladd asked if food trucks can go to the Senior Center, to which Ms. Pacacha replied that there is a list in the Town Manager's Office of places where food trucks are allowed to go and she will check to see if the Senior Center is on it.

Commissioner Szewczak asked for a new copy of the Commissioner List with contact information, to which Ms. Whitten replied that Staff will provide it to them.

Chairman Nelson stated that everything written should be read as an approval to avoid confusion. Ms. Whitten stated that motions should always be in the affirmative.

Chairman Nelson stated that the way Administrative Approvals are done is obsolete, and that Staff should be able to approve something that meets the regulations without having to wait two weeks to come before the Commission. Commissioner Higley stated that on other Boards the Planner calls the Chair, who either approves or requests that it be brought to the Board. Ms. Pacacha stated that it is in the regulations so a text amendment would be required to allow for this.

Ms. Pacacha stated that the Thompsonville Regulations had been approved by the Commission and they are currently talking with the Town Attorney's office about going back to Public Hearing to remove the old regulations and replace them with the new ones.

Commissioner Higley asked if it would be possible for Staff to call Chairman Nelson to get Administrative Approvals put onto the agenda as Applications to be Received. Chairman Nelson stated that he is concerned that things the Commission has decided upon are not in the regulations yet and therefore are not legal yet. Ms. Pacacha explained that Staff has been talking to the Building Department and legal about it. Ms. Whitten stated that only one application is pending so they can work on regulations for the next Regular Meeting.

Chairman Nelson reiterated that his main priority is Administrative Approvals.

Ms. Whitten stated that Site Restoration bonds are required to calculate how much it would cost to finish the site should the applicant not finish it. She went over the other types of bonds that are required such as Landscaping and Erosion & Sedimentation. Ms. Whitten stated that it is a duplicative effort as the building code ensures that these things are all finished before a CO is issued. Chairman Nelson stated that the Building Department can refuse to accept a road, and without a bond on the road the developer can walk away and the town has to assume the bond. Ms. Whitten

stated that this has nothing to do with roads but rather involves the parcel. Ms. Pacacha stated that what is bonded for is how much it will take to regrade and put grass down. Chairman Nelson asked for clarification on how that falls outside of Landscaping, which Ms. Whitten provided. Chairman Nelson asked Staff to find out why they started doing this.

Chairman Nelson stated that he would like to have a discussion with Staff about putting the Wetlands Commission and Planning & Zoning Commission back together. He stated that it will streamline the application process for applicants and waste less time. Commissioner Szewczak stated that he would feel very comfortable with this. Ms. Whitten stated that there are pros, but the cons include figuring out the statutory time frames for Wetlands.

Commissioner Higley stated that this is worth looking at since Wetlands does not meet as often as they used to. Commissioner Scutt stated that Wetlands and Planning and Zoning are a lot of different hats for the Commissioners to wear.

Ms. Pacacha stated that they are working on updating software for permitting to make it more cohesive among Departments. Ms. Pacacha clarified that applications are always circulated among the various Departments and if the Staff Report says that no comments were received it means that the Department was contacted but did not provide any comments.

Chairman Nelson stated that the Commission should not be political and should all work together. The Commission discussed how best to arrange their seating in order to maintain a non-political board.

Authorization for Administrative Approvals

- a. SPR# 1800 – 90 Pearl Street – Administrative Approval Request to allow a retail grocery store from 80 Pearl Street to 90 Pearl Street; Rich Weintraub, owner; John Moran, applicant; Map 24/Lot 116; TD-5 Zone. (DoR: 1/9/2020; MAD: 3/14/2020)

Motion: Commissioner Higley made a motion, seconded by Commissioner Scutt, to allow for Administrative Approval in cooperation with other town departments for SPR# 1800.

Ms. Pacacha stated that it is straightforward.

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

Votes: 7-0-0

Ms. Pacacha stated that the Commissioners had received a narrative at their desks regarding a site at 8 Niblick Road which has alcohol being stored inside and outside as part of their industrial operation, which is a fire hazard. She stated that the proposed plan includes three concrete pads and a canopy to store the alcohol outside in a fire rated chemical storage container. She stated that all of the Departments had been notified and there were no comments.

Motion: Commissioner Higley made a motion, seconded by Commissioner DeGray, to allow for Administrative Approval for SPR# 1801 High Tech Conversions.

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

Votes: 7-0-0

Applications to be Received

Ms. Pacacha stated that there is a road adoption coming down the line and she is unsure of whether it will appear on the next agenda.

Adjournment

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

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

Votes: 7-0-0

Prepared by: Elizabeth Bouley

Respectfully Submitted,



Richard Szewczak, Secretary

Note: The next Regular Meeting is January 23, 2020.