

ENFIELD PLANNING AND ZONING COMMISSION
REGULAR MEETING
MINUTES

THURSDAY, JANUARY 23, 2020 – 7:00 p.m.
ENFIELD TOWN HALL - COUNCIL CHAMBERS
820 ENFIELD STREET - ENFIELD, CT

RECEIVED
ENFIELD TOWN CLERK
2020 FEB 14 PM 3:12

Call to Order & Pledge of Allegiance

Chairman Nelson 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 Commissioners Vinnie Grillo and John Petronella. Absent was Alternate Commissioner Dane Thorogood.

Also present were Laurie Whitten, Director of Development Services; Jennifer Pacacha, Assistant Town Planner and Elizabeth Bouley, Recording Secretary.

Approval of Minutes – January 16, 2020 Special Meeting

Motion: Commissioner Higley made a motion, seconded by Commissioner DeGray, to approve the minutes of January 16, 2020.

The motion passed with a 8-0-1 vote with Commissioner Alaimo abstaining.

Votes: 8-0-1

Report of the Zoning Enforcement Officer

Ms. Pacacha stated that the Zoning Enforcement Officer was not present, to which Chairman Nelson replied that he would like the ZEO to be present at the next meeting in order to get the new Commission up to speed.

Public Participation

Chairman Nelson asked if anyone in the public would like to speak about items not on the agenda; no one came forward. Chairman Nelson closed Public Participation.

New Public Hearings

Old Business

- 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; MAD: 3/21/2020)

Motion: Commissioner Ladd made a motion, seconded by Commissioner Higley, to take PH# 2960 off of the table.

The motion passed with a 6-0-1 vote with Commissioner Alaimo abstaining as he was not present at the Special Meeting or Executive Session.

Votes: 6-0-1

Commissioner Alaimo recused himself as he was unable to make it to the Special Meeting or Executive Session.

Chairman Nelson seated Alternate Commissioner Petronella.

Ms. Whitten read the following clarification from Staff into the record:

- A map for re-subdivision was recorded on the land records and depicts the current eight parcels.
- No parcels within the approved area of the Enfield Square have ever gone through a merging of lots.
- There are currently tax bills associated with each of the eight parcels owned by Namdar.
- Regarding possible discrepancy between Section 5.30 and Section 5.10 in the regulations as pertains to acreage requirements, Ms. Whitten stated that the more specific regulation takes precedence over the general regulation, therefore 5.10.1.9 governs this re-subdivision application.

Commissioner Higley pointed out that the map provided by Staff shows parcels owned by May Company and not Namdar. Ms. Whitten explained that May was the owner at the time of the subdivision in 1986. She stated that deeds change but the maps do not. She stated that the parcels Namdar owns are contained within the application, and they match the configuration shown on the map.

Motion: Commissioner DeGray made a motion, seconded by Commissioner Scutt, to approve PH# 2960 with conditions.

Commissioner Higley clarified that this is just for the re-subdivision and anything else will have to come back before the Commission, which Ms. Whitten stated would only occur if additional permits are required.

Chairman Nelson stated that he is very concerned about this and the regulations are unclear. He stated that he has no choice but to approve the application and he hopes that in thirty years it does not create another Thompsonville with his name associated with it.

Commissioner Higley stated that she had pulled the map for the commercial business district in the Plan of Conservation & Development (POCD), which shows how the property should be subdivided. She stated that this project does not look anything like what the people of the town had hoped would happen.

Commissioner Nelson stated that unfortunately these are the regulations they were handed when appointed. He stated that the way it is written right now they have no choice but to approve it.

Commissioner DeGray stated that she has concerns but the company is within their rights to ask for the re-subdivision. She stated that she is hoping this company steps forward and does what they say they are going to do.

Chairman Nelson stated that if they vote against the application, they have to state the reasons.

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

PH# 2960 – REFERENCED PLANS:

1/8 “Existing Lot Layout - Re-Subdivision Map - Proposed Re-Subdivision of Enfield Square”, 90 Elm Street, Enfield, Connecticut 06082; Site Plan with Legend, Vicinity Map and Notes; Scale: 1” = 60’; Scale for Vicinity Map: 1” = 800’; Prepared by Close, Jensen and Miller, P.C., 1137 Silas Deane Highway, Wethersfield, CT 06109. Prepared for Enfield Square Realty, LLC, Enfield Square CH, LLC and Enfield Square Nassim, LLC, 855 Hillsdale Road, West Chester, PA 19382. Dated November 20, 2019.

2/8 “Existing Lot Layout” – Scale: 1” = 60’

3/8 “Existing Lot Layout” – Scale: 1” = 60’

4/8 “Existing Lot Layout” – Scale: 1” = 60’

5/8 “Proposed Lot Layout” – Scale: 1” = 60’

6/8 “Proposed Lot Layout” – Scale: 1” = 60’

7/8 “Proposed Lot Layout” – Scale: 1” = 60’

8/8 “Proposed Lot Layout” – Scale: 1” = 60’

Conditions of Approval:

1. This approval of a re-subdivision does not include the construction or modification of any structures, nor the installation of any utilities or any on site improvements. Any such proposal shall be required to adhere to the local zoning and/or subdivision regulations with a new application, and bonding requirements.

Conditions to be met prior to signing of plans:

2. All plans submitted for signature shall bear the seal and live signature of the appropriate professional(s) responsible for the preparation of the plans.
3. The application number shall be displayed on the plans in or near the Title Block area.
4. 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.
5. A list outlining how the conditions of approval have been met shall be submitted along with the final plans submitted for signature. The list should cite the sheet number where each change has been made.
6. The conditions of this approval shall be binding on the applicant, landowners, and their successors and assigns.

Conditions to be met prior to the issuance of permits:

7. One set of paper plans with any required revisions incorporated shall be submitted to the Planning Department for signature of the Commission. The Director, or Assistant Planner may require additional copies if needed.
8. Filing Mylars of the final approved re/subdivision plans shall be submitted for the signature of the PZC. Once signed, the applicant must file the signed mylars in the office of the Town Clerk within 90 days after the 15 day appeal period has elapsed. The Commission may extend the time for filing up to an additional 180 days at the written request of the applicant. Failure to file the approved plans in a timely fashion shall result in the re/subdivision becoming null and void.
9. One paper copy of the approved signed plans shall be submitted to the Planning office.

10. 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.
11. The Declaration of Easements, Covenants, Conditions and Restriction shall be filed with the re-subdivision maps, and with each deed.
12. This approval does not preclude the applicant from meeting any other applicable federal, state, or local regulation. Please ensure that you have obtained all necessary permits and approvals from all governing agencies that have authority over your project.

Votes: 7-0-0

Chairman seated Commissioner Alaimo again.

New Business

- a. Discussion Regarding Changes to Section 9.10.7 B. Modifications to Approved Site Plans – Administrative Approval Requirements

Ms. Pacacha stated that at a past meeting the Chairman had suggested changing the regulations to allow Administrative Approvals. She cited the section of the regulations that pertain to this issue and stated that she had submitted to the Commission sample regulations from surrounding towns, which all vary in their level of specificity. Ms. Pacacha asked the Commission for discussion and direction as to how they would like the regulations to be worded.

Chairman Nelson stated that he was not part of the Commission when they adopted the rule that Staff has to come before the Commission for everything. He stated that he would like to hear from Commissioners who were here when it was enacted.

Commissioner Higley stated that at one time the Chairman was not always aware of the scope of the project, or was not included in the discussion. She stated that she would like to see the current Chairman receive a phone call from Staff as a courtesy, as this is how it was done before.

Commissioner Scutt stated that in the past there was lack of trust between the Commission and the Planner, so the Commission wanted to pull back some control. She stated that she agrees with the Chairman being in touch with Staff and bringing items before the Commission when needed.

Commissioner Szewczak stated that Staff has to be knowledgeable enough to look at drawings and see what modifications are being made. He stated that with the Chairman they can weed out the applications that do not have to come before the Commission, thereby streamlining the process.

Commissioner Ladd stated that there were a lot of issues at one point where things were getting approved that were not even legal, so they decided that everything had to be brought before the Commission. He stated that currently they have a very knowledgeable Staff that can deal with items though the Chairman.

Chairman Nelson assured the Commission that anything with even a question will come before the Commission, but the easy items can be administratively approved. He stated that he has faith in Staff.

Commissioner DeGray suggested that a note be added to 9.10.7 C to say that approval may be granted by the Director of Planning in consultation with relevant departments and the Chairman. She also stated that she would like the word "shall" to be changed to "must."

Chairman Nelson stated that if he decides something should go before the Commission, he does not want to have to prove the reasons why.

Commissioner Alaimo asked if there will be a place in the agenda to say what Administrative Approvals had been done, to which Chairman Nelson replied that it will appear on the agenda.

Commissioner Szewczak stated that he has a problem with the word "must" and prefers the word "shall." The Commission discussed at length the issue of using "shall" or "must." Ms. Whitten explained that "shall" is used throughout the regulations and in statutes frequently, therefore she believes the Town Attorney will want to use the word "shall" for consistency.

Ms. Whitten provided the Commission with examples to illustrate the differences in procedure between Site Plan Modifications and Zoning Permits.

Commissioner Alaimo asked if they should add the word "recorded," to which Ms. Whitten replied that if something needs to be recorded it will likely be more than a minor modification.

Commissioner Higley stated that they should just reinstate the wording that was in place before and allow the Chairman to confer with the Planner.

The Commission decided to have the wording just say "with relevant departments and the Chairman" without use of the words shall or must. Ms. Whitten suggested changing the Commission's files to the Department's files, as the Commission does not have files.

Chairman Nelson asked if a Commissioner can come into the Planning Office and request to see files, to which Ms. Whitten replied that any citizen can do that at any time.

Chairman Nelson asked the process and timeline moving forward, which Ms. Whitten subsequently described.

Motion: Commissioner Szewczak made a motion, seconded by Commissioner Higley, to move Item #16 on the agenda up between New Business a and b.

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

Votes: 7-0-0

Authorization for Administrative Approvals

- a. **SPR# 1802** – 173 Elm Street – Administrative Approval Request to allow a hair and tanning salon to be located within the former Buzz Salon space; Lynn O'Connell, owner; Dallas Wood, applicant; Map 57/Lot 202; R-33 Zone. (DoR: 1/23/2020; MAD: 3/28/2020)

Chairman Nelson stated that Enfield is watching and suggested the applicant sell their business.

Dallas Wood addressed the Commission, stating that he is opening a tanning salon/barber shop. He stated that it is a great location on Elm Street, and it will be a tanning salon along with a small barber shop that has four chairs. Mr. Wood stated that he is excited to get started.

Chairman Nelson asked for the exact address, to which Mr. Wood replied that it is 173 Elm Street.

Chairman Nelson asked when the business will be open, to which Mr. Wood replied that they will be opening in one month.

Chairman Nelson asked what types of tans will be provided, to which Mr. Wood replied that there will be four tanning beds, two standups and one spray tan.

Chairman Nelson asked if the applicant will be renting out chairs or hiring employees. Mr. Wood stated that he will be renting out chairs and has not yet decided if it will be weekly or monthly rentals.

Chairman Nelson welcomed the applicant to Enfield.

Motion: Commissioner Szewczak made a motion, seconded by Commissioner Scutt, to allow for Administrative Approval in cooperation with other town departments for SPR# 1802.

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

Votes: 7-0-0

New Business (continued)

b. Discussion Regarding the Requirement of Site Restoration Bonds

Ms. Whitten stated that before a building permit can be issued for new construction, a Landscaping Bond, Erosion & Sedimentation Control Bond and Site Restoration Bond are all required. She went on to state that before a Certificate of Occupancy (CO) is issued, the applicant must provide an as-built of the property as well as an Engineering as-built of any improvements. Ms. Whitten stated that the Site Restoration Bond is onerous and costly. She explained that the bond is used to restore a property back to pavement or grass if the applicant walks away from the site. She stated that they have never pulled this bond and it is not business friendly.

Commissioner Grillo stated that the bonds are outrageous and there are too many. He brought up the issue of tree bonds, stating that thousands of dollars are spent and not all trees last the year or even thirty days. Chairman Nelson stated that the Landscaping Bond covers the trees, and if the tree dies before a year is up then it must be replaced until it lasts a year. He stated that there are issues with the tree bonds that need to be addressed, particularly that the trees should be on town property.

Chairman Nelson stated that most reputable commercial contractors get bonds on themselves to finish large projects.

Commissioner Petronella stated that he is not sure why posting bonds for private improvements on private land is necessary. He stated that the improvements should be bonded if they involve public property, but on private land he does not see the need for it. Commissioner Petronella concluded that these bonds are a major deterrent for many developers.

Commissioner Petronella asked for clarification on what is included in the Site Restoration bond. Ms. Whitten explained that in the event a contractor walks away from a site, the town can use this bond to return the site back to its original state. She stated that off-site improvements are usually associated with subdivisions.

Commissioner Petronella asked who calculates the bond, to which Ms. Whitten replied that the Engineering Department does. Commissioner Petronella stated that it should be a Site Improvement Bond rather than a Site Restoration Bond. Ms. Whitten stated that there seems to be a disconnect between what they are looking for and what is being required.

Commissioner Petronella stated that they have the other bonds and the big thing is the CO. He stated that the Engineer needs to certify an as-built prior to the issuance of the CO.

Chairman Nelson stated that he is concerned that if the building is half erected, they do not own the property and cannot trespass onto it. He went on to state that the Erosion and Landscaping Bonds are necessary, but this particular bond is more for the commercial buildings and is done through private financing. Chairman Nelson stated that he is all for eliminating a Site Restoration Bond.

Commissioner Szewczak stated that all municipal work should have a Site Restoration Bond, but any private development should not.

Ms. Whitten stated that there is the Erosion & Sedimentation Bond which can be used to stabilize the site if it is left unattended for some time.

Commissioner Higley stated that at one time there was an Engineering Bond that covered the infrastructure or whatever else the building needed. She stated that she is all for only having bonds they need, but she does not want them to take away something that is in place for a reason. Chairman Nelson stated that the reason was to protect the town for town work.

Commissioner Petronella stated that he does not see this as a problem for various reasons. Chairman Nelson stated that even if the contractor walks away, the bank who forecloses will finish the property or somebody will.

Ms. Whitten asked for clarification on the specific text amendment to 9.10.5 C. She stated that Staff will bring the changes before the Commission, hopefully at the next meeting.

- b. Review of Zoning Regulation Updates to Remove Thompsonville Village Center regulations and add the adopted Thompsonville District Regulations

Ms. Pacacha explained that the Thompsonville District regulations were approved and adopted by the Commission last year, but the Thompsonville Village Center regulations need to be removed. She went over the proposed amendments to remove the Thompsonville Village Center regulations.

Motion: Commissioner Scutt made a motion, seconded by Commissioner DeGray, to remove the Thompsonville Village Center regulations and add the adopted Thompsonville District regulations.

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

Votes: 7-0-0

c. Discussion Regarding Changes to Section 3.30.7 A. i. Accessory Buildings –
Modification to Residential Height Maximums

Ms. Pacacha stated that this discussion is on the agenda to show that it has not fallen off of the radar of Staff. She stated that these were updated and sent to the Capitol Region Council of Governments (CRCOG), and the Town Attorney will have to take a look at them as well. She stated that these items will be on the agenda around the end of February after the 35-day period at CRCOG.

d. General Discussion of Regulations and Procedures

Ms. Whitten stated that she added this to the agenda to ask if there is anything specific in the zoning regulations that the Commissioners would like Staff to address sooner than later.

Commissioner Szewczak stated that the Commission should look at the regulations for the Central Business District (CBD), particularly in light of what occurred earlier this evening.

Ms. Whitten stated that housing is not allowed in the CBD. She stated that in order to allow the uses in the POCD, the regulations need to be changed, which is a text amendment and takes time.

Ms. Whitten asked if the Commission wants to use the Thompsonville regulations as a guide for the mall area, to which Commissioner Szewczak replied that they should. Commissioner DeGray stated that she agrees and would like to look at other uses in that area so it does not turn into a mini airport or truck stop.

Commissioner Scutt agreed, stating that the Commission should review what is allowed as well as the mixed use. She stated that some of the Thompsonville market analysis may be relevant to this area as well.

Commissioner Higley stated that she would like to see certain time frames where the Commission looks at the POCD and how it can be put into place in the zoning regulations.

Chairman Nelson stated that there is confusion as the regulations do not reflect the POCD.

Commissioner Scutt stated that an implementation matrix is in there along with time frame and the Commission needs to follow it. Chairman Nelson stated that there should be liaisons from the Commission on the POCD subcommittee.

Ms. Whitten asked if the Commission would use iPads if they were in the budget. Discussion took place regarding the use of iPads with the Commission ultimately deciding that they are in favor of iPads if they make things easier for Staff and do not cost the taxpayers any extra money. Ms. Whitten stated that she will put the iPads into the budget.

Other Business

a. Review of Bylaws

Ms. Pacacha stated that perhaps aquifer should be referenced in the Commission bylaws since they are the Aquifer Protection Agency. Ms. Whitten stated that the alternative is to have complete separate bylaws for both.

Correspondence

The Commission went over the Land Use Commissions 2020 Schedule of Meetings, Land Use Commissioners List 2020, and Planning & Zoning Commissioner Contact Information.

The Commission discussed various edits to be made to the Commissioner Contact Info form. Ms. Whitten stated that Staff would make the changes.

Ms. Whitten went over some details of the Metro Hartford Future Executive Summary – Accelerating Shared and Sustained Economic Growth: A Comprehensive Economic Development Strategy for the Capitol Region. She stated that the Commission can reference this and use it in the POCD.

Commissioner's Correspondence

Commissioner DeGray stated that she is seeing a lot of sandwich boards and signs coming down Enfield Street that should not be there.

Chairman Nelson stated that sandwich boards are good advertising for local businesses, and he thinks there should be something in the regulations to allow them to be placed in the morning and taken in at night for certain promotions. Commissioner Higley stated that some local businesses that could benefit from this would have to use the sidewalks, which could become a liability for the town. Commissioner DeGray stated that people could abuse it, to which Chairman Nelson replied that there could be a permit for a temporary sign which is lost if it is abused.

Commissioner Scutt suggested that the Commission look at what other towns are doing to see if there is a way to maintain some control while still allowing businesses to prosper.

Commissioner Szewczak stated that the axe-throwing venue is open for business.

Commissioner Petronella stated that he is for the sandwich boards advertising a product and not an establishment, and also size needs to be discussed.

Commissioner Grillo stated that signs in other towns are permitted but they cannot be lighted.

Ms. Whitten stated that Staff can investigate temporary sandwich board signage regulations, adding that the Commission cannot regulate content. She stated that businesses like them, but they are impossible to enforce.

Commissioner Alaimo asked if the Commissioners ever have to go onto private property and whether there is identification required. Ms. Whitten stated that she would come up with the official process to get badges.

Applications to be Received

Ms. Pacacha stated that they had received an application for pylon signs at the Big Y plaza. She stated that there is also a text amendment application to allow multi-family in the historic district.

Ms. Whitten stated that she would be providing the RFPs for the zoning regulations and POCD update for hiring consultants at the next meeting.

Chairman Nelson suggested they leave General Discussion of Regulations and Procedures on the agenda.

Chairman Nelson stated that at last night's Town Council meeting decided that Commissioners on all boards are responsible for their own fees if there is a lawsuit and the town insurance will not cover them. He stated that he would like clarification from the Town Attorney about this issue and would like it put onto the agenda at the next meeting.

Ms. Whitten stated that Staff will obtain clarification on this issue and she can request the Town Attorney's presence but he may not be able to attend every meeting.

Additional discussion took place regarding the reasons behind this policy.

Chairman Nelson reiterated that he wants the ZEO at the next meeting.

Adjournment

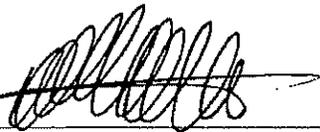
Motion: Commissioner Scutt made a motion, seconded by Commissioner DeGray, to adjourn.

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 February 13, 2020.