

ENFIELD PLANNING AND ZONING COMMISSION
REGULAR MEETING
MINUTES

Thursday, February 11, 2021 – 7:00 p.m.
Virtual Meeting

Call to Order & Pledge of Allegiance

Chairman Nelson called the meeting to order at 7:01 PM.

Roll Call

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

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

Chairman Nelson seated Alternate Commissioners Grillo and Petronella.

Approval of Minutes

- a. January 28, 2021 – Regular Meeting

Motion: Commissioner DeGray made a motion, seconded by Commissioner Higley, to approve the minutes of the January 28, 2021 Regular Meeting.

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.

New Public Hearings

- a. **PH# 2992** – 8 Lake Drive – Special Permit & Site Plan Review application for the expansion of a non-conforming house to accommodate a 1,375 square-foot home and garage addition; Elizabeth Beninato, owner/applicant; Map 98/Lot 10; R-33 Zone; (Crescent) Lake Overlay District.

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

Jay Ussery with JR Russo & Associates addressed the Commission on behalf of the applicant. Mr. Ussery displayed a site plan to provide an overview of the proposed project. He stated that the applicant had purchased some property from her neighbor, which gave her more room to accommodate the project. He pointed out the addition and the existing house on the site plan,

stating that the addition will be handicap accessible in order to accommodate a disabled family member living in the house. Mr. Ussery explained that the project will involve removing an existing detached garage and adding an addition to the rear. He stated that they are not increasing the nonconformity in the front or side yards, and the proposed project meets the requirements in terms of building coverage.

Commissioner Szewczak asked how close the adjacent house is to the property line on the north side. Mr. Ussery stated that he does not have the exact distance but the neighbor is aware of the project and has no issue with the proposed plan.

Ms. Beninato stated that she has spoken to both of her neighbors and they are in favor of the plan. She stated that their house is a good 30 yards away from that line, and that the addition will also house a handicap bathroom on the first floor.

Commissioner DeGray asked why this is a Special Permit rather than a variance, to which Ms. Pacacha replied the coverage is fine but since they are expanding the building without further encroaching on the existing side setbacks, it is the expansion of a nonconforming structure. Mr. Ussery read aloud a section of the regulations which pertains to this question. Commissioner DeGray stated that she believes this would be better seen by the Zoning Board of Appeals (ZBA) so they can do a variance since variances can be very specific. Mr. Ussery described the previous R-17 zone from when Enfield was first being developed, explaining that in the 1980s it was changed. He stated that this created thousands of lots that became nonconforming, so this regulation was created to help alleviate the number of applications going before the ZBA.

Chairman Nelson stated that just because the existing house is nonconforming, it does not include the entire property line but rather is just for the existing structure that is there. He stated that Section 3.40.1d of the regulations gives them the ability to hold a Public Hearing. He asked if the neighbor to the left is present, to which Mr. Ussery replied that they are not but Ms. Beninato has spoken to them and they are in favor of the project.

Ms. Whitten stated that the neighboring house to the left of the diagram is about 45 feet from the property line according to the GIS.

Chairman Nelson stated that if the neighbor has any issue with the project, they are free to call into the meeting to voice their opinion.

Chairman Nelson asked three times 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 DeGray, to close the Public Hearing.

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

Votes: 7-0-0

Motion: Commissioner Szewczak made a motion, seconded by Commissioner Alaimo, to approve PH# 2992.

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

Votes: 7-0-0

Old Business

Site Plan Review(s)

- a. **SPR# 1846** – 710-718 Enfield Street – Site Plan Review application for site and building modifications within the Enfield Street/King Street Design Overlay District; Map 29/Lots 14 & 15; Business Local Zone.

Daniel McKellick from Bacon Wilson, P.C. of Springfield, Massachusetts addressed the Commission along with Bob Corriveau, representative for both the buyer and the seller. Mr. Ussery was also present as a representative for the applicant.

Chairman Nelson stated that the plans were received late and asked if the Commission had a chance to review them, to which Commissioner Alaimo replied that he did.

Mr. Ussery utilized a demolition plan to illustrate the plans for the pavement and gravel area as well as the areas to be removed and re-paved in order to accommodate the ramp. He went over the aesthetic changes to the front of the property, including areas of re-paving, installation of a new continuous sidewalk, new lawn areas, plant beds/planters and striping. Mr. Ussery pointed out the overhead doors that will be removed and where the new overhead doors will be added. He stated that the re-paving and landscaping will reduce the impervious coverage and look nice.

Mr. Ussery pointed out the flow of water on the property, stating that drainage patterns will not change.

Mr. Ussery stated that according to Water Pollution Control (WPC), there was an application by a previous owner to get floor drains and an oil/water separator. He stated that they were able to find the floor drains but the oil/water separator was never installed. Mr. Ussery stated that they will eliminate the existing floor drains as the buyer does not need them. Mr. Ussery pointed out the locations of the sewer lines entering the building.

Mr. Ussery stated that they did not lose any parking spaces. He pointed out the parking spaces inside the building, which are designated for employees with one for a customer vehicle waiting to be serviced.

Chairman Nelson asked who owns the property to the left rear where the water will be draining. Mr. Ussery stated that it is JPD Properties, LLC and the water has always drained this way.

Chairman Nelson asked how to prevent the grease and chemicals used to wash the floor from running onto the abutter's property. Mr. Corriveau explained the EPA guidelines on how to run a

dry garage. Chairman Nelson asked who monitors this, to which Mr. Corriveau replied that the owner does. Mr. Corriveau stated that most garages today do not have floor drains.

Chairman Nelson asked what type of repairs will be done in this facility, to which Mr. Corriveau replied that it will be regular automotive repair including brake jobs and tires. Mr. McKellick stated that there will be no autobody work done.

Chairman Nelson asked when an automotive dealer's license was put in place on this property. Mr. McKellick stated that they had car sales according to records going back to 1955. Chairman Nelson stated that he is concerned the previous owner had the huge lot across the street, which gave him more space to sell cars.

Commissioner DeGray asked where snow will be piled and whether an additional dumpster will be required. She asked where used tires will be stored.

Commissioner DeGray asked if the cars will be able to drive through the building, as it appears there is a wall blocking them from doing so. Discussion took place as to whether cars can be driven through the building, with Mr. Corriveau ultimately pointing out the path a car could take to access the front or rear of the building.

Mr. Ussery pointed out on the map where the snow will be stored, stating that they may have to have some hauled away if they have a particularly bad winter.

Commissioner DeGray asked about the dumpster, to which Mr. Ussery replied that the 10x12 dumpster pad will accommodate a lot of trash. He stated that the apartments may have roll-out barrels.

Commissioner Alaimo asked for clarification on whether the address for the project is 710 or 718 Enfield Street. Mr. McKellick stated that the used car sales date back to the parcel and, according to the ZEO, both 710 and 718 are preexisting nonconforming use. He stated that the use is only the sale of used cars.

Chairman Nelson stated that they are two separate lots, which means the Commission would be approving 718 to become a car lot when it currently is not. Mr. McKellick stated that according to the ZEO it is a preexisting nonconforming use relative to the parcel 710-718.

Commissioner Alaimo suggested that the previous intent was to sell cars at 718 and 710 was their mailing address. Chairman Nelson stated that there is no documentation listing 718 as a licensed repair facility or sales lot.

Ms. Whitten stated that ZEO Rachele investigated this and both sites are legally nonconforming vested sites. She stated that the applicant has been very cooperative in order to make this more conforming, add landscaping and decrease impervious area. She stated that the Commission purview is to review the design elements of the changes to the structure under the King Street Enfield Street Overlay Design District.

Chairman Nelson stated that a document should be produced which states that 718 has been a licensed repair facility or car dealer lot, otherwise the applicant is asking the Commission to blanket approve both lots. He went on to state that two separate properties should be two separate applications. Discussion took place regarding whether 718 had ever been approved to sell cars and if any proof can be produced.

Commissioner Szewczak asked what happens to the grading on the other side of the chain link fence. Mr. Ussery stated that there is a break between the two buildings and pointed out where the water will continue to run as it does today. He pointed out on the site map the grading behind the house.

Chairman Nelson asked if snow piles will back the water up into the parking lot during the winter. Mr. Ussery stated that the water will run right under the snow. He stated that they are not changing anything and there will actually be a little less water than what there was years back.

Chairman Nelson stated that there are no street trees on this property along Route 5 and asked if the blacktop could be replaced with street trees in order to prevent people from parking on the islands. Mr. Ussery stated that this is in the state highway right of way so they cannot put anything there but grass.

Commissioner DeGray stated that she would like to see bollards put around the gas connection for safety purposes. Mr. Ussery stated that they can take a look at this.

Chairman Nelson stated that he would like to see a document that has 718 as a registered dealer and repairs facility. He stated that he is ok to move on 710 at this time but not 718 until that document is produced. Mr. McKellick stated that Town Counsel has advised that since there is an existing variance on record for an ancillary use for 718 and 710, both parcels should fall under preexisting nonconforming use if so designated by the ZEO. He pointed out that the applicant does not have to do all they are doing as it is a preexisting nonconforming use. Chairman Nelson stated that they still need to see the documentation for 718. Mr. McKellick stated that they can move the two parking spots on 718 over to the landscaping area on 710.

Chairman Nelson stated that the previous owner had a lot on the other side of Carpet Street as well as a lot on Route 5 across the street from the parcel. He stated that the applicant is trying to do the same thing on less than half of the property. Mr. McKellick stated that the nonconforming use is constitutionally protected and runs with the land. He stated that they were told specifically by the ZEO that the only reason they need site plan approval is for the changes under 8.60. Mr. McKellick stated that they are trying to clean up the property.

Chairman Nelson agreed that the nonconforming use is a constitutional right provided nothing in the use changes. He stated that in this case it has been changed as part of the property was sold off so it is not the same parcel. Mr. McKellick asked if that land had been acquired back in 1925, 1956 or if it was purchased by Mr. Porcello more recently.

Mr. Corriveau stated that the used cars used to be parked in front of 718, to which Chairman Nelson replied that just because something was done does not mean it was right. Chairman Nelson stated

that they cannot do a blanket approval for a parcel with no documentation. Chairman Nelson reiterated that 710 can be approved but they need to produce a document for 718 for their records.

Chairman Nelson stated that the two parking spots need to be removed from 718 and moved to 710 since 710 is constitutionally protected. He stated that they need to produce something that states that 718 also has the same nonconforming use.

Mr. McKellick asked if they can limit the approval under 8.60 that the improvements made to both facilities are not creating any additional nonconformity under the King Street Enfield Street Overlay District. He stated that they will move the use to 710 where they are constitutionally protected.

Mr. Corriveau stated that one of the Batool partners said he would readily accept only having the used cars at 710 Enfield Street. Mr. McKellick stated that the issue is moot because if they provide the documentation then they have the constitutional protection, which they already have at 710. He reiterated that they are here for the 8.60 approval.

Ms. Pacacha stated that they do not have an approval on record to use the other two satellite properties, and the approval record only showed 710 and 718. She stated that historically the plans showed both properties as one approval.

Commissioner Alaimo stated that he supports this plan and just wanted to make sure everything was on the record properly in terms of the address.

Commissioner Szewczak stated that he can support this application and would be fine with allowing the paperwork to follow at a later date.

Commissioner Higley asked if the ZBA will look into the paperwork that is missing for 718, if this goes before them. Ms. Whitten stated that when this goes to ZBA they will clarify that the nonconforming status is for both properties.

Commissioner Higley asked if the ZBA will have the authority to say no if there is no history of approval from the DMV. Ms. Whitten stated that they would have the authority to say they cannot have the dealer's license.

Chairman Nelson stated that the only document they have for 718 is one from ZBA in 1982 that allows accessory parking within 9 feet of a resident's boundaries. He read the conditions of this approval into the record.

Motion: Commissioner Szewczak made a motion, seconded by Commissioner Higley, to approve SPR# 1846 as amended.

Commissioner DeGray requested that a condition be added for bollards to be put around the gas connection.

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

Votes: 7-0-0

New Business

Site Plan Review(s)

- a. **SPR# 1847** – 10 Hazard Avenue – Site Plan Review application to allow a freestanding monument sign associated with the already approved Chase Bank facility; Equity One (Northeast Portfolio) LLC. c/o April Carpentino, Regency Centers, owner; Chase Bank/National Sign/Darcie Roy, Agent, applicant; Map 56/ Lot 22; BR Zone.

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

Darcie Roy, 7 Burning Tree Lane, Wallingford described the physical features of the proposed sign including height, dimensions, materials, lights, colors and location. She stated that the sign will not create a visual obstruction to traffic and will allow cars to safely locate and navigate to the bank.

Chairman Nelson asked if the sign is freestanding, to which Ms. Roy replied that it is.

Commissioner Szewczak stated that the sign is on the corner and the business is a quarter of a mile up the road.

Chairman Nelson asked if the applicant exceeds the signage for the property, to which Ms. Pacacha replied that they do not. She stated that the requirement for freestanding monument signs is that they cannot exceed 32 square feet on each side.

Chairman Nelson asked why this was not administratively approved, to which Ms. Pacacha replied that the regulations require a site plan review by the Commission.

Commissioner Higley stated that the applicant can provide the Commission with the complete sign package when it is a new building.

Motion: Commissioner Szewczak made a motion, seconded by Commissioner DeGray, to approve SPR# 1847.

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

Votes: 7-0-0

Correspondence

Ms. Pacacha stated that they had sent out the Connecticut Federation of Planning & Zoning Agencies Quarterly Newsletter.

Ms. Whitten stated that anyone wishing to sign up for the Connecticut Land Use Law for Municipal Land Use Agencies, Boards, and Commissions Seminar Program should do so tonight as they are cutting the check tomorrow. Discussion took place regarding the information contained within the book, which is provided to Commissioners if they choose to sign up.

Commissioner's Correspondence

Commissioner Alaimo asked if there is a drop box for the Commissioners' packet envelopes, to which Ms. Pacacha replied that it is in the town hall lobby.

Director of Development Services Report

Ms. Whitten stated that the POCD Steering Committee will be starting March 17, 2021. She stated that the consultant Don Poland would like to attend the next meeting.

Chairman Nelson asked if the Enfield Square sold again. Ms. Whitten explained that they are in the process of trying to sell the subdivided parcels, not the mall itself.

Administrative Approval Report

Ms. Pacacha stated that they have one Administrative Approval (**SPR# 1845**) that Staff approved in the office for a playground at St. Bernard's School at 232 Pearl Street.

Applications to be Received

- a. **PH# 2991** – 95 Elm Street – Special Use and Site Plan Review application for a permanent outdoor dining patio for Chicago Sam's; KIOP Enfield LP, owner; Phil Frogameni, applicant; Map 43/Lot 1; BR Zone.

Ms. Pacacha stated that they are working with Chicago Sam's for a permanent outdoor dining patio. She stated that they also have an application for a new office building at 128 Moody Road.

Ms. Pacacha stated that there are two pending text amendments which are going to Capitol Region Council of Governments (CRCOG) for review.

Commissioner Alaimo asked if the Chicago Sam's dining will be going in the front of the building, to which Ms. Pacacha replied that it will. Commissioner Alaimo asked Staff to be sure they have public safety comments.

Opportunities/Unresolved Issues

- a. Discussion – Combining Planning & Zoning Commission and the Inland Wetlands & Watercourses Agency

Chairman Nelson stated that this should be on the Town Council agenda in March.

Adjournment

Motion: Commissioner DeGray made a motion, seconded by Commissioner ~~xxxx~~Higley, to adjourn.

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

Votes: 7-0-0

Prepared by: Elizabeth Bouley

Respectfully Submitted,

Richard Szewczak, Secretary