

ENFIELD PLANNING AND ZONING COMMISSION  
LIVE SPECIAL MEETING

MINUTES

Thursday, February 17, 2022 – 6:30 p.m.

ENFIELD TOWN HALL - COUNCIL CHAMBERS

820 ENFIELD STREET - ENFIELD, CT

RECEIVED  
ENFIELD TOWN CLERK

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*Shirley M Bailey*

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**Call to Order & Pledge of Allegiance**

Chairman Fiore called the meeting to order at 6:30 PM.

**Roll Call**

Commissioner Petronella took the roll and present were Commissioners Lewis Fiore, Virginia Higley, John Petronella, Kiran Majmudar, Linda DeGray and Alternate Commissioners Christian D'Antonio and Vinnie Grillo. Absent was Commissioner Frank Alaimo.

Also present was Ben Winter, Assistant Town Planner.

Chairman Fiore seated Alternate Commissioners D'Antonio and Grillo.

**Public Participation**

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

**Old Business**

- a. **SPR# 1878** – 90 Elm Street – Site Plan Review for an Outdoor Special Event; Enfield Square Realty, LLC, owner; Miguel Betancourt/Juan Vargas/413 Kustoms LLC, applicant; Map 43/Lot 16; B-R Zone.

Juan Vargas of Agawam, Massachusetts and Miguel Betancourt, 25 Lawn Street, Springfield, Massachusetts, addressed the Commission. Mr. Vargas explained that they would like to have a charity auction at the Enfield mall on May 1, 2022. He stated that it is an outdoor car show with food, entertainment, photo opportunities, and nice vehicles. Mr. Vargas stated that the event will bring in a lot of foot traffic, which will be great for the stores inside the mall. He stated that there will be people coming in from all over the east coast, and the event will be dedicated to Shriners. Mr. Vargas stated that it will be a family event and there will be food trucks. He stated that they are also doing an indoor sneaker expo with tables which will attract a lot of foot traffic.

Mr. Vargas stated that safety is their number one concern, and everyone will follow the rules. He stated that the traffic flow will not be an issue, and he will have enough police officers present to keep it safe. He stated that he has been in touch with the fire and police departments. Mr. Vargas stated that there will be porta potties by the food trucks, and the cars will arrive one hour before the show so by the time it opens there will be no cars moving. He stated that the cars are not allowed to play loud music.

Mr. Vargas stated that he will have police officers and parking attendants inside the parking lot, and asked if the town will be able to help with the traffic coming into the area. He stated that if not they will have to look for more police officers.

Mr. Vargas stated that he provided an estimate of how many food trucks and people will show up, so if the numbers go up he will provide more porta potties and more security. He reiterated that he will follow all of the rules and do whatever he is directed to do. Mr. Vargas explained why he wants to help Shriners, and stated that he is always giving back and willing to help.

Mr. Betancourt stated that the biggest concern will be safety and following COVID restrictions.

Mr. Winter asked if there is a rain date, to which Mr. Vargas replied that they do not have one due to scheduling but he will work on that. He stated that they will have one or two great shows in Enfield regardless of when they are. Commissioner Higley asked if they can stipulate that the Assistant Planner can approve the rain date rather than having the applicant come back. Mr. Winter stated that they can make this a condition.

Commissioner DeGray asked when the second show in the fall might be, so they can approve both dates to keep him from having to come back. Mr. Vargas stated that they could do something in September or October before people put their cars away for the winter.

Commissioner DeGray thanked the applicant for helping Shriners, to which Mr. Vargas replied that they helped his daughter out so he wanted to help them.

Commissioner Majmudar asked how many more permits are required, and asked if there was a good turnout for his previous events. He asked how people can show their cars in the show. Mr. Betancourt stated that they have all of their permits, but the food trucks have to get their own permits from the city once they decide on them. Mr. Vargas stated that their last event at the Big E had a lot of unanticipated COVID restrictions and they were still one of the top three indoor/outdoor car shows from here to North Carolina. He stated that this show is fully outdoors and free admission.

Mr. Betancourt stated that there will be some traffic, and if approved they will go around to the businesses and let them know to expect a lot of traffic that day.

Commissioner Petronella asked if the rain date should be timed out to say that it occurs within six months, to which Mr. Winter replied that it will have to be within the calendar year.

Commissioner Grillo asked where the activities for the kids will take place, to which Mr. Vargas replied that the kids' entertainment will be in the food area as there are no cars in that area. Commissioner Grillo stated that he loves car shows and thinks this will be a great event.

Commissioner D'Antonio asked if the show cars will be limited to that area. Mr. Vargas pointed out on the map the extra spaces that can be utilized.

**Motion:** Commissioner Petronella made a motion, seconded by Commissioner DeGray, to approve SPR# 1878 with the added condition to allow Staff to administratively approve a proposed future rain date within one year.

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

**Votes: 7-0-0**

- b. **FLD# 043** – Orlando Drive, Lat 41.9664/Long -72.5993 – Application for a permit for development within the Special Flood Hazard Area to allow bridge repairs to culvert in the AE Zone. Town of Enfield, owner/applicant; Lat 41.9664/Long -72.5993; R-33 Zone.

Paul Brand of GM2 Associates, Inc. in Glastonbury addressed the Commission. Mr. Brand provided a slideshow presentation about the proposed project, describing the history, funding details, existing conditions, and proposed replacement project. He stated that the culvert is in very rough condition and will be replaced with a concrete three-sided new natural streambed. Mr. Brand stated that they will be replacing about 100 feet of roadway.

Mr. Brand utilized an aerial view of the site to illustrate the locations, and provided photographs of the street view, upstream, and inside the pipe. He showed the Commission the existing contour plan, stating that they will not be changing the alignment of the stream.

Mr. Brand utilized the grading plan to demonstrate what the flood plain looks like around the existing stream. He pointed out the existing floor plain, regulated floodway, and project limits. Mr. Brand stated that that the proposed culvert is slightly longer and wider than the existing culvert.

Mr. Brand went over the water handling plan, stating that it is designed for the two year storm. He stated that the existing culvert needs to be shut down during replacement, so they will be placing a temporary pipe while the project takes place.

Mr. Brand went over the environmental permitting that they have already gone through, stating that they received approval from the IWWA and the US Army Corps of Engineers. He stated that Fisheries signed off on the design, and there is no adverse effect for the flood plain.

**Motion:** Commissioner Petronella made a motion, seconded by Commissioner Majmudar, to approve FLD# 043.

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

**Votes: 7-0-0**

Commissioner Majmudar stated that this is a safety related project, and there should be language in the regulations that will allow Staff to review and approve rather than have the entire Commission involved.

### **Other Business**

**Motion:** Commissioner Higley made a motion, seconded by Commissioner DeGray, to discuss Item B (Outdoor Storage in Industrial Zone) prior to Item A on the agenda.

- b. Outdoor Storage in Industrial Zone

Attorneys Mark Lockwood and Robert Frey addressed the Commission as representatives of Connecticut Mulch and Connecticut Organics on Mullen Road. Mr. Lockwood stated that they provided the sample drawing that the Commission had asked for. He stated that the proposed

text amendment compliments rather than really changes the regulation and they would like to get this going.

Chairman Fiore stated that he is very leery about in an Industrial Zone, and also about side yard. Commissioner Higley stated that 65% is too much, and she would be comfortable with 25-35%. She stated that it might be better if they limit it to Agricultural, which Commissioner DeGray agreed with. Commissioner DeGray stated that their product is fast moving, but other industries may not have a product with such a quick turnover. She stated that she would prefer to see the percent increase in the rear and not on the side.

Commissioner Petronella stated that limiting it to Agricultural takes away any storage in Industrial use, which he is totally against.

Chairman Fiore stated that right now in Industrial Zones they can have outdoor storage up to 20%, and asked if they can leave this in place and add extra for Agricultural only. Commissioner Petronella stated that he still does not think they should limit it and be discriminatory towards other businesses in an Industrial Zone.

Commissioner Grillo asked what zone the Mini Mobile is under, to which Commissioner Petronella replied that it is Industrial. Commissioner Grillo stated that they are using 80-90%, to which Chairman Fiore replied that the Zoning Enforcement Officer (ZEO) is looking into that. Commissioner Grillo stated that they should look at locations sometimes.

Commissioner Majmudar stated that 20% is very restrictive in the Industrial Zone, and there should be a general change in the text to something much higher. He stated that it is discriminatory to have it only for certain uses within the Industrial Zone. Commissioner Majmudar stated that they already have buffer zones between Residential and Industrial, and it is appropriate to change the text to something much higher than 20%.

Commissioner D'Antonio stated that there is good reason for the Commission to consider adding the ability for them to take use of the side property. He stated that 60% is unrealistic with parking requirements and general site usage, and it is reasonable to allow side usage. Commissioner D'Antonio stated that he likes the point about a height restriction. He stated that he agrees with avoiding the discriminatory uses.

Commissioner Petronella asked if anything had been submitted showing the storage area, roadways, and access. Mr. Lockwood stated that they had given full sized drawings to the Planning Office; Mr. Winter distributed the drawings to the Commission.

Commissioner Higley asked if they can limit the time for outdoor storage, to which Mr. Winter replied that a time limit can be placed on a Special Use Permit.

Mr. Frey stated that their product is of a perishable nature. Commissioner Higley stated that it is being opened up to the entire town, and Industrial can sometimes border Residential and it takes years for the buffers to grow up.

Commissioner Petronella stated that he is not in favor of a time limit as they do not want to put a burden on other industries such as construction companies and auto parts. Commissioner Higley

stated that they cannot have junkyards, to which Commissioner Petronella replied that it is permitted where they are.

Chairman Fiore stated that they are not ready to move on this tonight and they need to re-table it and come back to it.

Commissioner Majmudar asked how soon the applicant needs the change, to which Mr. Lockwood replied that this product is used mostly in the springtime so they would like something in place in the springtime of this year.

Commissioner Majmudar asked if the applicant can use the yard temporarily until the Commission comes to a decision, to which Mr. Winter replied that they cannot. Chairman Fiore stated that they will not let this sit.

**Motion:** Commissioner Grillo made a motion, seconded by Commissioner DeGray, to table the discussion.

**Motion:** Commissioner DeGray made a motion, seconded by Commissioner Higley, to take Item A off the table.

The motion to take Item A off the table passed with a 7-0-0 vote.

**Votes: 7-0-0**

a. Discussion on Cannabis

Commissioner Petronella asked if there are any rules about distance to schools, to which Chairman Fiore replied that it follows the liquor store curriculum. Commissioner Petronella stated that they have drug safe zones where it cannot be within 1,500 feet of a school zone, so he is confused with that as they are proposing 500 feet. He stated that putting it in an Industrial zone is always a safe bet, and if it is too close to schools there will be many kids walking past it.

Chairman Fiore provided an overview of the tour that he took of the facility in Holyoke. He stated it was a wonderful facility and most people were spending at least \$125. Chairman Fiore stated that it was a high class operation with top notch security, and he was very impressed.

Chairman Fiore stated that these are the distances that a lot of other towns are using as their points for where the facilities can exist. He stated that there is a separation for Thompsonville as it is a more condensed zone.

Commissioner Grillo stated that he does not agree with the 500 feet away from a school, and this is way too close. He stated that he would like to see 1,500 feet at minimum. Commissioner D'Antonio stated that for alcohol it is 1,000 feet. Chairman Fiore asked the Commissioners if they want the distance to be more than what they have in place for liquor stores. Commissioners Grillo, DeGray, Higley, and Petronella stated that they do and Commissioners Majmudar, Fiore, and D'Antonio stated that they do not. Chairman Fiore stated that their restrictions will say that the distances must be more than a liquor store, and therefore these will never be allowed in the Thompsonville District.

Commissioner Grillo stated that it is not so much the proximity to other buildings, but the schools that bothers him. Chairman Fiore asked if he would be willing to just break out 1,500 feet for schools, to which Commissioner Grillo and Higley both replied that they would. Chairman Fiore stated that they would like the regulations for non-Thompsonville districts to have the same distances as liquor stores for everything else, but 1,500 feet for distance to schools. The Commissioners all agreed with this.

Commissioner DeGray stated that right now they can only have one dispensary and one cultivation facility, or one combined facility. Chairman Fiore stated that Thompsonville might qualify for a distressed designation. Commissioner DeGray stated that they have to treat this right now as a town-wide thing and not separate out Thompsonville. She stated that they need to decide where they would want the facilities to be. Chairman Fiore stated that a cultivator is going to need a large building, and he believed that Connecticut law would allow cultivators to be in greenhouses as long as they are covered.

Commissioner DeGray stated that if Thompsonville was going to have a dispensary, it would have that ability as there are storefronts that would be able to accommodate it. Chairman Fiore stated that the problem with Thompsonville is the distance between public buildings, parks, and churches as it is a much more condensed district.

Commissioner Grillo asked if they have the room in Thompsonville for dispensaries. Chairman Fiore stated that there is certainly room for a dispensary but cultivation may be a different story. Chairman Fiore stated that dispensaries are destinations. He stated that he wanted Thompsonville separated because it is a unique district and they do not want to eliminate it because of the footage.

Commissioner Petronella stated that if they approve it as-is, they will eventually get feedback and can amend the zone based on that. He stated that the cultivation facilities require a lot of security measures by the state, which probably belongs in an Industrial area. Chairman Fiore asked if anyone would object to including it in an Agricultural zone.

Commissioner Majmudar stated that the Commission should provide the industry some sort of incentive to come in and do what they want to do, and restricting them to certain parts of the town is not the right way to approach it. He stated that they should be a lot more business and industry friendly.

Chairman Fiore asked the Commissioners again if they had a problem with allowing dispensaries in Industrial and Agricultural. The Commission agreed that they are fine with this. Commissioner Petronella pointed out that they do not have an Agricultural zone, which Mr. Winter confirmed. Commissioner Petronella stated that most of the farms in town are in Residential zones.

Mr. Winter stated that if they want to limit cultivation to I-1 they can alter the table. Chairman Fiore stated that they need some kind of language that allows them to consider it in the Residential zone where other agricultural uses are located. Commissioner Higley suggested that they do Residential parcels that are a certain size; Mr. Winter stated that he can look into this. Commissioner Petronella stated that this seems to be getting into spot zoning. Commissioner Higley stated that a farm is three acres or more and can be anywhere. Mr. Winter stated that the size facility a cultivator requires would be strictly limited by Residential building coverage, where the I-1 has a larger footprint to work with for their facility.

Commissioner D'Antonio stated that if they could treat it and have some consistency with farm regulations, which seems reasonable. He stated that they will fall under Special Use Permit when they come in.

Commissioner Majmudar stated that they already have a built-in buffer as a limitation and asked if they want more limitations.

Chairman Fiore read what they have so far for cultivation and dispensing facilities: they cannot be located within 200 feet of a Residential property, within 100 feet of a property containing a Residential use, within 1,000 feet of another dispensary or cultivation facility, within 1,000 feet of a public building, public park, public/private recreation areas, places of worship, or within 1,500 feet of a school. He suggested that the Commissioners think about how they want to handle Thompsonville.

Chairman Fiore stated that the dispensary in Holyoke had another one right next door and two smaller ones down the road. He stated that their regulations do not allow this and will only have one. The Commission agreed that they want this to remain in place and not allow clusters of these types of facilities.

Commissioner DeGray asked if they would limit the number of possible dispensaries and cultivators in the future to fifty in a town as they do with liquor stores. Chairman Fiore stated that the state is taking care of this for them right now. Mr. Winter stated that he would look into this.

Commissioner D'Antonio stated that a consideration for Thompsonville is that they have public parking. He stated that he would challenge part D as this can be unnecessarily restrictive. Commissioner D'Antonio stated that there is no reason not to keep it consistent with package store zones, which are allowed in all Business and I-1 zones.

**Motion:** Commissioner Majmudar made a motion, seconded by Commissioner D'Antonio, to table this.

### **Commissioner's Correspondence**

Chairman Fiore stated that they will probably have two new members at the next meeting.

### **Opportunities/Unresolved Issues**

Commissioner DeGray stated that the Commission is in charge of flood plains, so any construction done in a flood plain should come before the Commission and not be an Administrative Approval. Mr. Winter stated that it is in the ordinance. Commissioner Majmudar stated that it was a safety issue. Commissioner Higley stated that normally flood applications come before the Commission at the same time as a regular application, and it is not normally an extra step.

Chairman Fiore reminded the Commission that they have a Regular meeting next Thursday and it will be a long night. He stated that they may end up having another Special Meeting.

### **Adjournment**

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

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

**Votes: 7-0-0**

Prepared by: Elizabeth Bouley

Respectfully Submitted,

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John Petronella, Secretary