

ENFIELD ZONING BOARD OF APPEALS

REGULAR MEETING

MINUTES

MONDAY February 27, 2023, 7:00 PM

ENFIELD TOWN HALL – COUNCIL CHAMBERS

820 ENFIELD STREET – ENFIELD, CT

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ENFIELD TOWN CLERK

2023 MAR -3 AM 9:51

Shila M Bailey

1. Call to Order

Acting Chairman Neville called the meeting to order at 7:00 PM

3.. Roll Call

Commissioner Turner took the roll and present were, Commissioners, Mary Ann Turner, Timothy Neville, Richard Stroiney, Kelly Davis, Robert Kwasnicki, and Charles Mastroberti

Also present, Lauren Whitten, Director of Planning and Property Inspector Rick Rachele

5. Town Attorney Report- January 25, 2023

6. Old Business-

a. Docket No. LND-CV-21-6143003-S -128 Moody Road- Remand back to ZBA to determine status of nonconforming use-trucking terminal.

Commissioner Turner made a motion to remove **Docket No. LND-CV-21-6143003-S -128 Moody Road** from the table, seconded by Commissioner Davis.

Motion passed by a show of hands 6-0-0 vote.

Attorney Maria Elsden gave an overview regarding the scope and reasons for the remand. The judge's decision in June of 2022 found that there was a truck terminal. However, the issue the judge could not review was whether the truck terminal constituted a legal non-conforming use. It went back to the ZBA board to determine the status. Attorney Elsden sent a memo to the Commission on February 8th outlining the limits and what the scope was and the process for making the determination of what a non-conforming use is. Attorney Elsden read her memo out loud (included in master packet)

Attorney Derrick Donnelly representing the owner of 128 Moody Road, stated that a communication was just discussed and that it was discussed in a public session, meaning privileged communication has been waived so he asked that they continue so that he may review the memo.

Attorney Elsden stated that she did not believe it was privileged as it was an outline of what was already discussed.

Commissioner Turner made a motion to table **Docket No. LND-CV-21-6143003-S -128 Moody Road** until next meeting, seconded by, Commissioner Kwasnicki.

Motion passed by a show of hands 4-0-0 vote.

b. ZBA# 2021-02-08- 69 Broad Brook Road- Bond release of \$25,000 under stipulated agreement, Town of Enfield v. Jarmoc Farms, LLC.

Rick Rachele stated that the stipulated agreement was that the structure be removed to the point where it came 50 feet from the front property line. A bond was taken as part of the agreement and they provided a site plan prior to the removal of the structure. Upon completion of the removal they submitted a final as built along with a zoning compliance form. Currently they are following the stipulated agreement.

Commissioner Kwasnicki made a motion to approve the release of the bond in the amount of \$25,000 submitted under the agreement for the project at **69 Broad Brook Road**, seconded by Commissioner Stroiney.

Motion passed 5-0-0 vote.

7. Legal Ad-

Acting Chairman Neville announced that Commissioner Stroiney is an alternate and will be taking the place of Andrew Urbanowicz.

8. New Business-

a. ZBA 2023-02-07- 9 Manning Road- Appeal of the ZEO's Cease and Desist order regarding Section 3.30.13 Commercial Vehicles and Section 10.10.2 Parking Standards; Christopher Latocki, Applicant/Owner; Map 34/Lot 8; R33-Zone

Christopher Latocki, 9 Manning Road. He stated that there are 2 outstanding issues, the number of cars parked and commercial vehicles parked on the property. The cars that are on the property are from his automotive business. These vehicles are on his property because he recently obtained a new business in Enfield, 9 Moody Road. He has not been able to move those vehicles to the new business location because it is not ready. Mr. Latocki asked for a continuance on this until March 15th when the building should be ready.

Commissioner Turner made a motion to table, **ZBA 2023-02-07- 9 Manning Road** until the next meeting, seconded by Commissioner Davis.

Motion passed by a show of hands 5-0-0 vote.

b. ZBA 2023-02-09- 33 Spier Ave.- Appeal of the ZEO's Notice of Violation regarding Section 4.60.10.2 Chickens/Fowl on Residential Properties; Michael Scalzo, Applicant Owner; Map 20/Lot 51; R33 Zone.

Mickey Scalzo, 33 Spier Ave. gave an overview of his pets, chickens. He bought these chickens for his home as pets and for mental health and wellness. He provided a petition with over 520 signatures that he has acquired in the past few weeks, and a handwritten letter from a neighbor that could not be present at the meeting, all who are in favor of him keeping his chickens. He asked the Commission for a variance to allow him to keep his pets.

Commissioner Kwasnicki asked if there was anything preventing him from putting the pen 10 feet from the setback requirement?

Mr. Scalzo stated no, there is nothing stopping that but the reason he put them close to the fence was because they could not be seen.

Mr. Rachele stated that he received a complaint and investigated. Regarding the regulations, this was deliberated on several years on chickens. In 2018 they determined what the regulations would be, and part of that decision was that the property had to be a minimum of a quarter acre. Mr. Scalzo's yard is .17 of an acre. Any changes to the regulations must be brought up to the Planning and Zoning Commission.

Commissioner Davis made a motion to close, seconded by Commissioner Turner.

Motion passed by a show of hands 5-0-0 vote.

Commissioner Turner made a motion to uphold the ZEO's Notice of Violation for ZBA 2023-02-09- 33 Spier Ave., seconded by Commissioner Davis.

Motion passed by 5-0-0 vote.

9. Approval of Minutes

a. January 23, 2023

Discussion: Commissioner Davis stated on page 3, 5th paragraph, it says tracker and it should read tractor.

Commissioner Turner made a motion to amend the minutes from January 23, 2023, seconded by Commissioner Stroiney.

Motion passed by a show of hands 4-0-1 vote.

10. Correspondence / Staff Reports-None

11. Other Business-

Director Whitten stated that the March 23rd public hearing on the Plan on Conservation and Development will be held here.

On Saturday, March 11th, there is a class with the Connecticut Bar.

Commissioner Stroiney asked if there is an update on the auto sales location, on Palomba Drive. Mr. Rachele stated that they are still dealing with the issue, and they have not filed any of the required special permit paperwork.

Commissioner Turner discussed the K-7s at the legislature. She testified and she doesn't think the legislation understands K-7s and how it impacts the towns.

12. Adjournment

Commissioner Stroiney made a motion, seconded by Commissioner Kwasnicki, to adjourn. The meeting was adjourned at 7:50 PM.

Next meeting, March 27, 2023.

Prepared by:

Sandie Barone, Recording Secretary

Respectfully Submitted,

Mary Ann Turner, Secretary