

ENFIELD PLANNING AND ZONING COMMISSION  
SPECIAL MEETING

**MINUTES**

Thursday, March 3, 2022 – 7:00 p.m.  
ENFIELD TOWN HALL - COUNCIL CHAMBERS  
820 ENFIELD STREET - ENFIELD, CT

RECEIVED  
ENFIELD TOWN CLERK  
2022 MAR -8 AM 9:18  
Shirley M. DeLay

---

**Call to Order & Pledge of Allegiance**

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

**Roll Call**

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

Also present were Laurie Whitten, Director of Development Services and Ben Winter, Assistant Town Planner.

Chairman Fiore seated Alternate Commissioners D'Antonio and Grillo.

Chairman Fiore requested full decorum from the audience.

**Public Participation**

Angela Foss, 16 Crescent Beach Drive, addressed the Commission. She thanked them for holding the Public Hearing and listening to the public.

**Old Business**

- a. **SPR# 1881** – 25/35 Bacon Road – Site Plan Review for a warehouse/distribution center; WE 35 Bacon Road LLC, Owner; WE 35 Bacon Road LLC, Applicant; Map 94/Lot 65; I-1 Zone.

Chairman Fiore read a statement from the Commission aloud for the record which addressed each claim from the intervenor one by one. He concluded that the intervenor's claims are hereby dismissed.

**Motion:** Commissioner Alaimo made a motion, seconded by Commissioner Higley, to dismiss the intervenor's claims.

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

**Votes: 7-0-0**

Attorney Thomas Cote of Robinson & Cole addressed the Commission along with Valarie Ferro of Good Earth Advisors, LLC.

Commissioner Grillo stated that he would like to see the islands put back on Bacon Road if possible. He stated that he is not too keen on the entrance into Cottage Road and it should not exist. Chairman Fiore stated that the islands at the entrance into 25/35 Bacon Road were put in years ago by Hallmark to decrease the possibility of trucks coming down Brainard and making a left turn into that facility.

Ms. Whitten stated that this is a Zoning Enforcement issue, to which Chairman Fiore replied that this is a secondary entrance into this property. Ms. Ferro stated that this was brought up to them by the Zoning Enforcement Officer and they will certainly look at this and consider it as a condition.

Chairman Fiore stated that the Fire Chief requested that the gates in the back remain for access to that road, which is why they are on the plan for emergency use only. Ms. Ferro stated that there is currently no easement in place to allow an emergency vehicle to enter and exit Cottage Road, so the intent is for it to be used only for emergency vehicles.

Commissioner Alaimo asked if the people at home are able to see everyone in the meeting, to which Ms. Whitten replied that they are.

Commissioner Majmudar asked if the height of the visual and sound barrier proposed at the last meeting is determined by some sound monitoring equipment. He asked if the material that will be used is a longer lasting material.

Ryan Callahan of Epsilon Associates, Inc. addressed the Commission. He stated that the height of the wall is 15 feet and that height is chosen to block what is going on with the vehicles onsite, which are 14 feet tall. Mr. Callahan stated that it will block sounds as well, and the material is an absorptive material that absorbs sound rather than reflecting it. Commissioner Majmudar asked if it will also provide an aesthetic barrier, to which Ms. Ferro replied that it will offer a visual barrier in combination with the vegetation.

Commissioner Majmudar requested that if the wall is more effective slightly away or closer, the applicants consider that location. Mr. Callahan stated that you want a sound wall to be as close as possible to the sound source, so the current location will maximize the benefit.

Commissioner D'Antonio asked if there is any possibility that the sound barrier will help decrease sound from the existing facility at 25 Bacon Road. Mr. Callahan stated that they did not specifically place the wall with the other facility in mind, but explained that there will be some benefit.

Commissioner Petronella stated that on the plan there is no definition of how long the wall is and where exactly it is going. Ms. Ferro stated that the wall is considered a structure and the location is shown on the site plan, but the exact location will be determined during the Building Permit process. She stated that it will be on the site plans that are submitted for signature, which Ms. Whitten stated can be a condition of approval. Ms. Ferro stated that the west side is approximately 800 feet and the east side is approximately 1500 feet.

Commissioner Higley asked if all of the lighting is going to stay on the property. Chairman Fiore stated that the staff comments say there is some light trespass onto the adjacent parcel. Ms. Ferro stated that those should all be zeroed out but they will look at them again.

Commissioner Higley asked if there is going to be a 70 foot earthen wall on the property somewhere. Ms. Ferro stated that there is not.

Commissioner Higley stated that the Police officer sent over some comments and she is concerned about the increase in traffic. She went on to state that sidewalks were discussed in the past and she would like to see them on the property. Discussion took place regarding whether the sidewalks can be connected.

Mr. Cote stated that the comments from the Police Department are recognizing that the traffic is under the state's jurisdiction.

Commissioner Alaimo stated that he visited the site today and was pleased to see the natural buffer and distances from the neighborhoods. Ms. Ferro displayed aerial images of the site to illustrate the distances from the yards to the proposed building.

Commissioner Alamo asked for clarification on how sound from a truck would travel. Mr. Callahan stated that the sound travels through the air and some ground absorption occurs. Commissioner Alaimo asked Mr. Callahan for his professional opinion on how the sounds from trucks will travel and if weather has anything to do with it. Mr. Callahan explained how it propagates like a sphere in all directions, and the further it travels the lower the sound gets. Mr. Callahan stated that the sound from a truck backing up would reflect off of every surface that it encounters, and explained how they calculated the sound levels. Mr. Callahan stated that the wall should provide a 10 to 13 decibel reduction. Commissioner Alaimo stated that any sound that escapes from the wall also has to go over the berm and through all the trees.

Commissioner Alaimo asked if there is any additional information about the pipes and whether they are abandoned or capped. Mr. Cote stated that the pipe itself was relocated to the east and there is a pipe that runs along the railroad tracks. He stated that the pipe on the project site was emptied, purged, abandoned, and capped. Mr. Cote stated that when the project is built, the pipe will be removed. He stated that the easement that was located where the existing pipe is, was relocated elsewhere on the same site at the insistence of Buckeye. Mr. Cote stated that Winstanley knew about the issue and appropriately addressed it.

Commissioner Alaimo stated that they have to figure out maintenance of the emergency access road. Ms. Ferro stated that once the easement is crafted, the maintenance and responsibilities will all be spelled out very detailed.

Chairman Fiore stated that he has no problem reducing the amount of parking spaces by 43. Mr. Cote stated that the extra 43 parking spaces are not needed.

Chairman Fiore asked if the applicant is willing to donate the 22 acres of land as a condition of approval rather than upon receipt of a Building Permit. Mr. Cote explained why they prefer to keep it tied to the receipt of a Building Permit as this means the project is definitely going forward since construction does not start without that donation being given.

Chairman Fiore asked Staff why they are allowed to have a 43 foot high building. Ms. Whitten stated that for every foot away from the property line for setbacks the height can be increased. She stated that based on this the building could be even higher.

Chairman Fiore asked if there will be any blasting at the construction site. Ms. Ferro stated that they have not encountered any bedrock in their inspections and do not anticipate any blasting.

Chairman Fiore asked what type of truck dock plates will be used, to which Ms. Ferro replied that they are hydraulic.

Chairman Fiore stated that the Conservation Commission requested more evergreens in the plans as they hold up in the winter. Ms. Ferro stated that they could follow the landscape D buffer as the residents requested, but there is a lot more they can do there if they are allowed.

Chairman Fiore stated that he read the HRP report and asked for an explanation on whether all of the soil has been tested for contaminants and what steps are being taken to prevent contaminants from getting into the atmosphere. Mr. Cote stated that the site has a history of agricultural use and legal application of pesticides, which the CTDEEP is well aware of and has been working on for several decades. He stated that CTDEEP has cleanup standards that address this, and Winstanley hired HRP to investigate the site. He stated that there is no evidence of pesticide contamination in ground water, and that there were some soil residues for which HRP will create a management plan in accordance with CTDEEP regulations. Mr. Cote concluded that when it is time for construction, all of the proper management techniques will be utilized to prevent the contaminants from becoming airborne.

Chairman Fiore asked if HRP will be overseeing the project, to which Ms. Ferro replied that they will be there and will oversee the soil management plan.

Commissioner Majmudar requested that a small executive summary be sent to the town regarding communications with CTDEEP pertaining to the soil contamination. Mr. Cote stated that this is not a problem at all.

Chairman Fiore asked for an explanation of the maintenance procedures that will be used in the berms. Ms. Ferro stated that they will be constructed under the auspices of the soil management plan and then will be vegetated so they are secure. She stated that the maintenance will mostly be landscape and vegetation, and the berm will be part of the landscaping maintenance that the Winstanleys do. Chairman Fiore asked if the plantings will be placed at the base of the berm to help stabilize it.

Henry Thomas of The LRC Group addressed the Commission, stating that these berms are broad and softer so they will not be as dry. Mr. Thomas stated that they have native grasses and wildflowers planned, which will not have to be mowed like lawn.

Chairman Fiore asked if estimated water usage was ever provided to the town. Ms. Ferro stated that this is required during a connection permit process.

Chairman Fiore stated that it is nice that the building will not have any rooftop refrigeration units. He asked if the applicant will be amenable to having a condition that they will never have rooftop units. Mr. Winstanley stated that they will not do any refrigerated or dry cooler space in this building, but there are some tenants that would require tempered space and need cooling. Mr. Winstanley explained that the slab would have to be completely removed in order to add refrigerated or cooler space.

Commissioner Alaimo asked if there will be a parapet that will block any air conditioning units on the roof. Ms. Ferro stated that there will be normal mechanicals on the roof, but those are different from what is required for refrigeration/freezing.

Chairman Fiore asked how they verify that excess snow has been trucked out, and asked where snow piles will be stored on the site. Ms. Ferro stated that the initial submission shows snow storage areas.

She deferred to Staff as to how verification of the excess snow removal is confirmed. Ms. Whitten stated that Staff does not investigate where people store snow, but they do get concerned when it is stored in the wetlands. She stated that the wetlands conditions can be added to the PZC conditions, which Chairman Fiore replied that they will probably be doing.

Mr. Cote stated that they are fine with putting the islands back for traffic. Chairman Fiore stated that down the road they will need a light on that Bacon/Shaker Road intersection. He stated that the traffic study should be from the entrances and exits of 190 and 220 all the way to the development, as well as all of Brainard Road and South Road.

Chairman Fiore asked what it means that the catch basins must be hooded. Tom Zajac from Hayner/Swanson, Inc. explained what a catch basin hood is and that the idea behind it is for oil separation. Mr. Zajac stated that they can make this a condition.

Chairman Fiore asked if the rainwater from the roof was calculated, to which Mr. Zajac replied that it was done for the one year, two year, ten year, twenty five year, and hundred year storms. He stated that it ranges from 2.5 to 8 inches per hour.

Chairman Fiore asked if there is a contingency plan for the sediment fore bays in case they fail. Mr. Zajac explained how the ongoing maintenance and upkeep is a key component and should be sufficient.

Chairman Fiore stated that they want to add as a condition the intervenor's questions number 9, 10, 11, 12, 13, 24, 30, 42, 45, and 47. Ms. Whitten stated that these have all been added to the conditions of approval as site specific conditions. Mr. Zajac stated that they would also add 25, 26, 28, and 46, which they committed to doing in the response letter.

Chairman Fiore asked if the applicant submitted elevation plans for the building. Ms. Ferro stated that they submitted the elevations in the first Public Hearing, and utilized a PowerPoint presentation to show the Commission the rendering with dimensioned entrances and elevations. She showed the Commission an image of the parapet and submitted a hard copy for the record.

Chairman Fiore asked what is being done in the section south of the green color on the slide, to which Ms. Ferro replied that it is existing vegetation and the sound wall. She stated that in order to put vegetation there, they would have to clear, which has been their quandary from the beginning.

Mr. Thomas stated that there are trees in the island on the other side and planting may not be viable right on the edge of the existing woods without clearing. Chairman Fiore asked if they can drop a few evergreens, to which Ms. Ferro replied that they still need to clear. Ms. Ferro showed a photograph of the thicket that is there during the winter.

Commissioner Alaimo asked if any dead wood that may be in there can be cleared out and replaced, to which Ms. Ferro replied that this is all part of the biome that supports the area and should probably not be cleared. Mr. Thomas stated that you would have to be careful that removal activity does not create more disturbance. Ms. Ferro stated that dead wood still provides habitat.

Commissioner Alaimo asked where the donated acreage is in relation to the open space for the residents, and asked if it can be connected to the existing open space. Ms. Ferro showed an overhead

image of where it is located and stated that the open spaces can be connected and people are already using it this way.

Chairman Fiore stated that trucks going down Cottage Road is not a PZC issue, but there is only one No Outlet sign. He stated that he would like to see a recommendation letter requesting some Dead End signs or additional No Outlet signs. Ms. Ferro stated that they have been working on this, and any trucks that go down there are due to outdated GPS. She stated that Fuss & O'Neill are under contract to proceed with an encroachment permit to install customized signage, which has to go through DOT.

Chairman Fiore stated that the applicant has given the Commission the choice of whether they want to do the berm on Cottage Road or do the Class D buffer. Commissioner D'Antonio stated that he thought they were doing the berm in addition to the wall, which Ms. Ferro confirmed. Ms. Ferro stated that they can also do the landscaping D buffer in addition to this if the Commission desires.

Mr. Thomas stated that the Type D buffer plantings might be more effective if it is structured in terms of layers, and explained how this would work. Mr. Thomas utilized an aerial photograph of the site to illustrate the area to which he is referring. Ms. Ferro stated that regardless of the orientation, there would no longer be views of the rear yards.

Commissioner D'Antonio stated that the buffer requirements specify the distance but it does not say the buffer has to abut the property. He asked if there is any wiggle room for the applicant to adjust the buffer to provide a Class D buffer but also cater to residents' concerns about the open space. Ms. Ferro stated that they could supplement the buffers with plantings at the toe of the berm side to enhance that area and provide some visual relief.

Mr. Winstanley stated that if they put the buffer in, it enforces the property line to a certain extent. He stated that some residents have swingsets and are extending over the property line, and he would rather pull it back as placing a line of trees directly on the property line may be too jarring for the neighbors. Chairman Fiore asked if they have the discretion to pull it back, to which Ms. Whitten replied that they do.

Mr. Thomas stated that the light trespass is an issue where 25 and 35 meet. He stated that there is no trespass on the perimeter of the property but where those roads all come together, there is some sharing of lighting. Mr. Thomas stated that they will look to eliminate that in the proper way, but it is all on their property.

Ms. Ferro displayed an aerial view of the frontage and east entrance to 35 Bacon Road showing the proposed sidewalk adjacent to the curb line. Ms. Ferro pointed out where the sidewalks would end and stated that she did not see any tie-ins to existing sidewalks.

Chairman Fiore stated that he is not in favor of sidewalks that go nowhere, which is what these sidewalks would be. He stated that these sidewalks will need to be maintained and are not going to be used, even by the workers.

Chairman Alaimo stated that the regulations only require sidewalks to be installed on new frontages. Ms. Ferro showed a slide of the regulations pertaining to parking area setbacks. She stated that the regulations read that a landscaped area adjacent to a street requires a sidewalk. Ms. Ferro pointed out an area on the west side overhead photo where the 50-foot Type D buffer planting is proposed

along with a sidewalk adjacent to the curb line. Commissioner Alaimo asked who is going to maintain a sidewalk if one is placed in this area, as the proposed sidewalk would be within the town right of way. Mr. Thomas stated that due to the location of existing utility poles along that side of the street, the sidewalk has to be on one side or the other of those poles.

Commissioner Petronella asked what the Commission did with the sidewalk waiver request from back in December for 30-32 Bacon Road on the other side of the street. Ms. Whitten stated that the Commission required it and they have to go back to IWWA for it. Commissioner Petronella stated that he is in support of leaving it on the opposite side of the street, thereby agreeing to the waiver. He stated that he does not see the point of sidewalks on both sides of the street on Bacon Road. Commissioner Higley stated that this makes sense as long as there are sidewalks on the street.

The Commission took a five minute recess.

Chairman Fiore went over the following conditions for the site:

- In addition to 9, 10, 11, 12, 13, 24, 30, 42, 45, 47, 25, 26, and 28, the islands at the entrance to 25/35 Bacon Road will be put back.
- The sound wall will be added to the plan with appropriate location length and details.
- Lighting sheets 44 through 48 shall be reviewed and modified to the same light encroachment at the property line.
- Comments from Sergeant Meier shall be forwarded to the Connecticut OSTA Department.
- An executive summary will be sent to town Staff regarding the DEEP soil management plan, contaminants, and oversight during construction.
- The conditions of approval from the IWWA shall be incorporated into the PZC conditions.

Chairman Fiore read the following IWWA conditions of approval:

- The applicant will submit to the town the storm water management systems maintenance information schedule to be determined by the Commission.
- The applicant will not use pesticides, sodium chloride, rock salt, and glycol as it is prohibited per property maintenance conditions.

Chairman Fiore stated that the Town Engineer comment shall also be addressed. He stated that they also need to make a condition to accept the applicant's proposed parking reduction based on the parking needs. The Commission agreed to accept the recommendation for the decrease in parking spaces as designed.

Chairman Fiore asked if they have to waive the sidewalk requirement. Ms. Whitten explained that it is a matter of interpretation of the regulations. Chairman Fiore stated that they did like the idea of the applicant buffering up the little side area by the islands.

Ms. Ferro brought up the slide showing this area and pointed out the area where they will be adding 50 feet of buffer. She stated that they are requesting the buffer to be waived due to the substantial vegetation that is already there and the intent of the regulations is to protect residents from the view. She concluded that if they do not put a buffer, they do not need a sidewalk, which the Commission agreed with.

Chairman Fiore asked if they need to make the open space donation a condition, to which Ms. Whitten replied that they cannot require it. Ms. Ferro stated that the applicant has committed publicly to donating this open space.

Chairman Fiore stated that they would like to see the Cottage Road berm stay in place with a Class D buffer. Ms. Ferro stated that they would like to use plant materials appropriately to enhance the blockage, so if they had latitude to do that they can come up with a planting plan which they can review with Staff. She stated that Staff will review not only the locations but the plant materials. Ms. Whitten read the condition aloud that a Class D buffer shall be installed on the west side; however, to be located at the base of the berm rather than at the property line, and Staff shall approve the proposed plan.

Chairman Fiore asked if the hooded catch basins should be a condition. Ms. Ferro stated that this is the only comment from the Town Engineer, so it is already covered.

Commissioner Petronella asked how many total conditions there are, to which Ms. Whitten replied that there are 37 total.

Mr. Cote stated that he is concerned about the IWWA conditions being incorporated into the PZC conditions, as this could get very confusing and not controllable by this approval. Chairman Fiore stated that they are just looking to include the site specific conditions rather than all 24.

**Motion:** Commissioner Petronells made a motion, seconded by Commissioner Higley, to approve SPR# 1881 with 37 total conditions.

Chairman Fiore read a statement thanking the residents who took time to speak and submit comments into the record. He stated that what is before the Commission is an applicant's site plan review of a permitted use, so their hands are tied as to what can be considered and what they can factor into the decision. He stated that as long as the proposed complies with existing zoning regulations and is a proper use, they must approve it.

Commissioner Alaimo stated that the Commission did their due diligence and the Chairman allowed comment above and beyond what was required. He stated that having the public input was very helpful. Commissioner Alaimo stated that they have to follow all of the state statutes and town regulations, and they are representing the residents of the entire town. He stated that Winstanley is cooperative with the Fire Department and the community, and will act immediately if there are any issues that come up and he will be a good neighbor. Commissioner Alaimo concluded that he is going to support this application tonight.

Commissioner Grillo stated that Mr. Winstanley will do whatever it takes to make the residents happy, and this is the right company to go in there.

Commissioner D'Antonio extended his appreciation to the Winstanley team for being so cooperative and addressing residents' needs and concerns. He stated that a lot of the residents have had concerns about conservation, and they need to try to be more proactive and address these things where they ought to be addressed, which is not during a Site Plan Review for an approved usage in an Industrial zone. Commissioner D'Antonio concluded that he appreciates the residents' concerns and the Winstanley Company's cooperation.



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

**Votes: 7-0-0**

The Commission took a five minute recess.

### **Commissioner's Correspondence**

Chairman Fiore stated that Councilman Santanella offered to come before the Commission to provide information regarding the cannabis facility. Commissioner Alaimo stated that this will be helpful for both them and Councilman Santanella, specifically in regards to the Thompsonville zoning. The Commission agreed that they should invite Councilman Santanella to join them at the meeting next week.

Commissioner Alaimo stated that the owners of the mall should come before the Commission and provide an update, as it has been two years since the last Public Hearing. He stated that the parking lot lights are not working, there is no sign of Popeye's Chicken which was approved six months ago, and now Outback Steakhouse is gone so they have an empty building. Commissioner Majmudar asked if the Commission has the authority to do this or if it is part of an enforcement issue. Commissioner Alaimo stated that they said they wanted to be a good neighbor so maybe they will come. Ms. Whitten stated that they have a planned meeting with Namdar in the next couple of weeks, so she can bring it up.

### **Director of Development Services Report**

Ms. Whitten stated that Staff has been very busy on this one application, but they will be doing their budget soon and working on cannabis as well as outdoor storage. She stated that there is a CAZEO workshop on cannabis coming up, and she will send the information to the Commission.

### **Adjournment**

**Motion:** Commissioner Petronella made a motion, seconded by Commissioner Majmudar, to adjourn.

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

**Votes: 7-0-0**

Prepared by: Elizabeth Bouley

Respectfully Submitted,

---

John Petronella, Secretary