

ENFIELD PLANNING AND ZONING COMMISSION  
LIVE REGULAR MEETING

**MINUTES**

Thursday, March 10, 2022 – 7:00 p.m.

ENFIELD TOWN HALL - COUNCIL CHAMBERS  
820 ENFIELD STREET - ENFIELD, CT

RECEIVED  
ENFIELD TOWN CLERK

2022 MAR 12 AM 12:00

Sheila M Bailey

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**Call to Order & Pledge of Allegiance**

Chairman Fiore called the meeting to order at 7:00 PM.

**Roll Call**

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

Also present were Laurie Whitten, Director of Development Services; Ben Winter, Assistant Town Planner; and Ricardo Rachele, Zoning Enforcement Officer.

**Approval of Minutes**

- February 17, 2022 - Regular Meeting

**Motion:** Commissioner Higley made a motion, seconded by Commissioner Petronella, to approve the minutes of the February 17, 2022 Regular meeting.

The motion passed with a 6-0-3 vote with Commissioners Alaimo, Hilinski and Lefakis abstaining.

**Votes: 6-0-3**

**Approval of Minutes**

- February 24, 2022 - Regular Meeting

**Motion:** Commissioner Higley made a motion, seconded by Commissioner Majmudar, to approve the minutes of the February 24, 2022 Regular meeting.

The motion passed with a 6-0-3 vote with Commissioners DeGray, Hilinski and Lefakis abstaining.

**Votes: 6-0-3**

**Zoning Enforcement Report**

Mr. Rachele stated that the Mobile Mini at Freshwater is at no higher than three units and everything seems good the way it is set up currently.

**Public Participation**

Angela Foss, 16 Crescent Beach Drive, addressed the Commission. She asked why they are voting yes on site plans when they do not know who the tenants are going to be. Ms. Foss asked the Commissioners why they voted yes on the site plan for 113 North Maple Street when Agri-Mark was going to be one of the tenants. She stated that, according to the regulations, this would require a Special Permit under the I-1 district, and asked why a Special Permit was not required. Ms. Foss

asked why they voted yes to the building at 35 Bacon Road, since they have no knowledge of the tenant, and asked what their next steps are. She asked what happens to the new tenants if they do not fall under a site plan review, and whether this is then left up to the Zoning Enforcement Officer. Ms. Foss stated that their first question should be who the tenants are going to be, because without knowing this they cannot merely allow a site plan. Ms. Foss concluded that the Commissioners can vote no and vote with their conscience.

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

### **New Public Hearings**

- a. **PH# 3028** – 786 Enfield Street – Special Permit Application for Class 4 liquor permit, Shaan Realty LLC, owner; Marek Gusciora, applicant; Map 29/ Lot3, B-G Zone.

Commissioner Petronella read the legal notice.

Marek Gusciora, 10 Elm Avenue, addressed the Commission. Mr. Gusciora stated that many of his customers want to buy Polish beer so he would like to apply for the liquor permit. Commissioner DeGray asked if this would be a grandfathered use since it used to be the A&P grocery store, to which Mr. Winter replied that it would not since that was a Class 3 liquor permit for a package store and this is a Class 4 for beer only.

Commissioner DeGray stated that the use had not been abandoned since it is still a grocery store. Mr. Winter stated that this grocery store came before the Commission last year for approval. Commissioner DeGray stated the whole building used to be one big grocery store. Chairman Fiore stated that the package store was separate from the grocery store.

Chairman Fiore asked if a Class 3 slot would open up if they grant this Class 4 liquor permit. Mr. Winter stated that the prior Class 3 from that location is no longer valid, and this is just a Class 4.

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

**Motion:** Commissioner DeGray made a motion, seconded by Commissioner Alaimo, to close and approve the Public Hearing.

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

**Votes: 7-0-0**

### **New Business**

- a. **SPR# 1882** – 25 Hazard Avenue – Site Plan Review for modifications to site plan, Paramount Realty Services Inc., owner; AAA Club Alliance Inc., Applicant; Map 45/Lot 8, B-R Zone.

Dave Ziaks of F.A. Hesketh & Associates, Inc. addressed the Commission. He utilized an aerial photograph of the site to illustrate the current conditions, pointing out the flood compensation area and parking change areas to the east of Home Sense. Mr. Ziaks stated that the current management and tenants do not want them to add the five extra parking spaces they had originally planned to add because they are worried about people backing out and getting into conflict. He stated that

they would like to keep that area as the main fire lane, and stated that the Fire Marshal has no comments and is in favor of the parking spaces going away.

Mr. Ziaks pointed out an area where the parking bulges, stating that it is a bus stop. He stated that they are going to stripe that area as a bus stop, add a sidewalk and paint the crosswalk. Mr. Ziaks stated that they want to introduce a phasing line down the middle of the lot and everything East of the phasing line must be completed, so AAA can get its Certificate of Occupancy. He explained that work on the other side of the phasing line is being done by the owner/management and not AAA's contractor.

Mr. Ziaks stated that the whole project for erosion control and landscaping has been bonded, and the bonding will remain in place as security for the town. He stated that the town departments have no concerns and requested the Commission's approval.

Chairman Fiore asked if there is a change to the catch basins and two plunge pools. Mr. Ziaks explained that there is no change and the latest set of plans is updated, which Mr. Winter confirmed.

Commissioner Petronella stated that Engineering and the Fire Marshal emailed revised comments, which Mr. Winter confirmed. He asked if there is a time limit for the Phase 2 to be completed, to which Mr. Ziaks replied that it falls under the Site Plan time limit in general but the intent is to wrap it up this summer. He stated that the bonds in place now will stay in place until the whole project is completed.

Commissioner Alaimo asked if any of the parking spots were required for occupancy for AAA, to which Mr. Ziaks replied that there is more than enough parking for AAA within the eastern line.

Commissioner Majmudar stated that this appears to be a recently approved Site Plan and this modification is an improvement. He asked if it would have been easier for Staff to review it so the applicant did not have to come back before the Commission.

Chairman Fiore quoted the Engineering Department comment and asked if the modified plans reflect the change to the gas service location. Mr. Ziaks stated that these things are evolving every day and he has not had a chance to change it yet, but they can leave it as a condition. Mr. Rachele stated that Engineering brought this up and it was not on the most recent plans shown.

Chairman Fiore stated that the existing impervious coverage is over the maximum of 66% and was approved by the last Commission. Mr. Ziaks stated that this is built over old asphalt and the impervious coverage is actually better.

Chairman Fiore stated that Staff is not advising them to phase this and he does not think they should deviate from that. He asked if anything is being done about the dip in the driveway behind the restaurants, to which Mr. Ziaks replied that management is reviewing that as part of the ongoing improvements.

Commissioner DeGray asked what the timeline is to do the other part of the parking lot, to which Mr. Ziaks replied that it is definitely this summer. She stated that the parking lot is pretty full most of the time and doing it all at once would relieve the stress rather than trying to piecemeal it. Commissioner DeGray stated that Home Sense customers may start parking at AAA. Mr. Ziaks

stated that AAA will be ready to open and if it has to sit there with an empty building while the owners are doing their thing, it will be a hardship. He stated that these shopping centers are constantly in flux and they are bringing a new tenant into town, to which Chairman Fiore replied that it is not a new tenant.

Commissioner Alaimo stated that Engineering recommends not to do this, to which Mr. Ziaks replied that the other Departments have no problem with the phasing. Commissioner Alaimo asked if there is any new information, to which Mr. Winter replied that the only new information is the updated plans but the proposed modifications on the western portion of the site still need to be modified. He stated that the detention area was already approved in the January 11, 2021 plans.

Commissioner Alaimo stated that the initial application was supposed to improve the entire mall. Mr. Ziaks explained how the flood compensation area is a big enhancement to the center, and stated that the Wetlands Commission was excited about the opportunity to put in this flood storage area.

Commissioner Alaimo asked if there is any way to do it all at once, to which Mr. Ziaks replied that he has been told there are issues that make this difficult. Mr. Rachele explained that in March of 2021 they had the pre-construction meeting where he learned that the construction company had no intention of doing the section of work on the west side. He read an excerpt of an email from Paramount, stating that it does not appear they had any intent to do any of the work on that portion of the approved plans. He stated that this is an issue because the project was approved as a whole. Commissioner Alaimo stated that it does not sound like there is any guarantee the work will get done.

Commissioner Hilinski asked for elaboration on the objection to having the phased-in process. Mr. Rachele stated that the plans were to improve the entire site including the portion on the western side. He stated that a normally when a project is approved, they come in for a CO when the project is completed. Mr. Rachele stated that with the phasing in there is no guarantee it will ever get done.

Commissioner Petronella stated that the guarantee the work will get done is that it is bonded. Ms. Whitten stated that the bonding is just erosion control and landscaping, so there is no guarantee the paving is going to get done.

Mr. Petronella stated that he understands the hardship as AAA has no control over the mall owner that is doing the work, and he supports this application. He stated that there should be a time frame in which the second phase should be completed by.

Chairman Fiore asked what the ramification is if they put a time limit on it, stating that they cannot kick AAA out of the building. He stated that the plan was presented as one, and now they have no guarantee that the west phase is going to be done in a timely manner.

Mr. Ziaks stated that it is a unique situation and suggested that the Commission require a bond for the west side work. Chairman Fiore stated that they can do the bond but they get five years automatically.

Ms. Whitten stated that this is a Site Plan, not a Special Permit, and they did away with their site restoration bonds. She stated that they could do the bonding for the asphalt but they have nothing in writing that says the owners are going to do this, which is her concern.

Commissioner Petronella asked if there is any leverage with the issuance of a TCO permit, to which Mr. Rachele replied that there is not. He asked if a TCO can be stipulated with conditions on it, to which Mr. Rachele replied that they do not normally do this and the high school is the only time he remembers this being done.

Mr. Winter stated that a final as-built survey is required prior to signing off on a CO, and he does not know how they would get this if half of the project is still under construction.

Commissioner Majmudar asked if the applicant can provide a statement that each phase will be done in a certain amount of time. Mr. Rachele stated that they can take a bond application in for the amount of pavement that would be determined by the Engineer, but they would like to have a statement from the property owner that the west side would be completed in a certain amount of time. He stated that they need a commitment from the property owner that it will be done in the time determined by the Commission. Mr. Ziaks stated that he will take the message back.

Commissioner Higley stated that if they get a bond from the property owner and the work does not get done, they can come back for extensions. She stated that if the town pulls the bond, the town does not have staff to finish the project. Commissioner Higley stated that they are not just talking about the bond, but follow-through. Mr. Rachele stated that this is true but they are also in violation of their Special Use Permit and the approvals, so if enforcement action must be taken then they go the route of normal enforcement.

Commissioner Alaimo stated that the paperwork if the owner gives them an affidavit should go through the Town Attorney's office to make sure it is legal and to figure out the amount of the bond.

**Motion:** Commissioner Majmudar made a motion, seconded by Commissioner Petronella, to table SPR #1882.

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

**Votes: 7-0-0**

- b. **SPR# 1884** – 1559 King Street – Site Plan Review for modifications to site plan, Baker-Properties Limited Partnership., owner/applicant; Map 17/Lot 39, SDD Zone.

Commissioner Petronella read the legal notice.

Attorney Paul Smith of Smith & Bishop LLC addressed the Commission along with Don Duthaler and Oliver Goldstein from Baker Properties, L.P. Mr. Smith stated that this is the old Bernie's property on King Street and provided a brief description of the parcel. He stated that the tenant going in does not need four overhead doors so they are looking to only have two, which means they can leave the handicap ramp and emergency exit door in place. Mr. Smith stated that the tenant is a commercial use, which is what this building was designed for.

Mr. Smith stated that the building is well maintained and the tenants are quiet and responsible, and his client has been a good corporate citizen for Enfield.

Commissioner DeGray stated that the Fire Department wanted to know the intended use of the drive-in bay as it may require a sprinkler system modifications. Ms. Whitten stated that this will be looked at during the building permit process.

Commissioner Majmudar stated that they should be able to have Staff handle minor adjustments like this one to make it easier for everyone. Chairman Fiore stated that they are doing a regulation review this summer and will consider this.

**Motion:** Commissioner Petronella made a motion, seconded by Commissioner Alaimo, to approve SPR# 1884.

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

**Votes: 7-0-0**

c. **8-24 Referral** – Discontinuance on Old Neelans Rd

**Motion:** Commissioner Higley made a motion, seconded by Commissioner Alaimo, to send a positive referral to the Town Council to move forward with this project.

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

**Votes: 7-0-0**

**Other Business**

a. Discussion on Cannabis

Councilman John Santanella, 1204 Enfield Street, addressed the Commission. Mr. Santanella stated that he is here as a representative of the Town Council and is here to answer questions and be a resource. Chairman Fiore stated that they asked Mr. Santanella to come before them as he has done a lot of research on this.

Mr. Santanella explained the reasons Thompsonville may have a different set of parameters than the rest of Enfield. He explained the boundaries of the disproportionately affected area, which he stated impacts the Thompsonville neighborhood. He stated that disproportionately affected areas have the first preference, which confines them to that area.

Mr. Santanella stated that the size of a cultivating facility is limited to 10,000 SF with the potential to be expanded up to 25,000 SF, so there are opportunities for that kind of facility in that neighborhood.

Chairman Fiore stated that 100 feet gives them some flexibility in Thompsonville, as opposed to 1,000 feet in other areas.

Chairman Fiore stated that a cultivator cannot go into the R-88 zone, which is agricultural. He stated that he would like to see that added since they do have buffers to protect residents. Chairman

Fiore asked if they are including all of the Business zones, to which Mr. Winter replied that it is just the Business Regional zones.

Mr. Santanella stated that Thompsonville is a disproportionately affected zone, so that area is given first priority. He provided the definition of a disproportionately affected area, and stated that the first round opportunities are limited to these areas.

Commissioner Alaimo asked if the disproportionately affected area designation hurts them for any other development opportunities they pursue. Mr. Santanella explained that this designation is just for cannabis licensing and is not a global designation for that area. Mr. Santanella asked that the Commission consider that with the foot traffic, heavy investment, and retail that such a place can bring to the neighborhood, the area may never be considered disproportionately affected again.

Mr. Santanella stated that the facility they toured in Holyoke was very successful in a neighborhood very similar to Thompsonville, and they can have a successful dispensary or growing operation in that area. He stated that they will need to be careful and fully vet the business owner and their motives when the time comes.

Commissioner Hilinski asked what advantage they get by reducing from 1,000 feet to 100 feet from public buildings and parks. Chairman Fiore provided examples of buildings in Thompsonville that would be ruled out from being used if the distance was 1,000 feet. He concluded that it maximizes the opportunity as Thompsonville is the only area that is eligible for a cannabis facility in the first round.

Discussion took place regarding the locations of places of worship in Thompsonville and the distances they had decided on from schools and public buildings. Chairman Fiore stated that if they are not willing to go to 100 feet in Thompsonville, they might as well say that they are not going to allow this in Thompsonville.

Commissioner Petronella stated that the building will have the appearance of an Industrial building, and stated that he is not in favor of such a building being plopped in the middle of a residential area. He questioned whether anyone with 2,000 SF can have a micro-cultivation establishment in their backyard in a residential area. Chairman Fiore stated that they are not including residential areas in their applicable zones.

Mr. Santanella stated that money appears to be no object for the companies in this business, and they will go the distance to make sure the building is not going to look like a warehouse in the middle of Thompsonville. He stated that they do not want to come in and devalue neighborhoods, and what the building looks like is a collaboration between the builder and the town through the application process.

Commissioner Petronella asked if the 2,000 SF for micro-cultivation facilities means that someone with enough property in a residential house can put up such an operation in their backyard. Chairman Fiore stated that if they do not include R-88 then they cannot, so they should take R-88 off of the table and proceed.

Commissioner Majmudar stated that the minimum square footage for cultivation is 15,000 SF, and asked if there is enough space available where someone can put up a dispensary as well as cultivation in Thompsonville. Mr. Winter stated that there are some Industrial parcels zoned I1

and some formerly town-owned buildings on larger parcels in the TD2 zone. Chairman Fiore stated that he believes there are three.

Mr. Winter provided a PowerPoint presentation to the Commission regarding locations for cannabis dispensary or production facilities in Enfield. He showed maps with buffers around schools, town buildings, parks, and places of worship to illustrate where these facilities will be allowed.

Mr. Winter asked if the Alcorn building is still considered a school, to which Chairman Fiore replied that he does not believe there are any classes. Chairman Fiore stated that there is a park in the rear which will be expanded.

Commissioner D'Antonio asked why they excluded the other business zones, to which Mr. Winter replied that it was just a starting point as he looked at how other towns are doing it. Commissioner D'Antonio stated that some of the other business zones allow retail so he does not see the need for the limitation. Chairman Fiore agreed, stating that he has no problems opening up the other business zones. The Commission decided to add the other business zones, and Mr. Winter stated that he will update the maps.

Commissioner Alaimo asked for clarification on how the 100 feet is measured. Mr. Winter explained that the GIS runs the buffer from the center point of the parcel.

Mr. Winter stated that he would adjust the regulations to say no residential zones and add the BL and BG zones. Commissioner Alaimo stated that no residential zones will exclude Thompsonville, to which Chairman Fiore replied that these are TD special zones. Mr. Winter stated that he would exclude the R zones.

**Motion:** Commissioner Higley made a motion, seconded by Commissioner Alaimo, to table the discussion on cannabis.

#### 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 provided an overview of previous discussions they had with the Commission regarding expanding the outdoor storage. He stated that the revised text amendment has reduced the maximum considered area and allows for only products that are processed onsite.

He stated that they would like the Commission to consider the text amendment and get it over to CRCOG so their client can move forward with the process.

Commissioner DeGray stated that she is uncomfortable with it saying that the Commission may require outdoor storage to be screened. She stated that she would like to see the word "shall" for screening for outdoor storage if side yard is used. Commissioner DeGray stated that the word "may" is fine for the backyard but if it is in the side yard it should be screened.

Commissioner D'Antonio pointed out that these changes are becoming less restrictive with the exception of that one line.



Commissioner Higley stated that the side yard should not be the same size of storage as the rear yard since nobody sees the rear yard. She suggested that they leave it at 20% for the side yard, and keep the requirements for the side yard completely separate from the requirements for the rear yard.

Mr. Lockwood stated that this is an Industrial zone and they are trying to give the Commission the discretion in the Special Permit application to look at individual applications. He stated that there are buffers and setbacks for Residential.

Mr. Frey pointed out that there may be corner lots with side yards that function as a rear yard. He stated that leaving it as written gives the Commission much more latitude. Commissioner Higley stated that in this case the applicant can go in for a variance.

Chairman Fiore stated that it feels like they are trying to shoehorn this to accommodate them while still keeping the rest of the town in mind.

Commissioner Majmudar asked for an explanation #1 and #6 as they seem to conflict to him. Mr. Winter stated that #6 was added if something being used for storage does not meet the definition of a structure or accessory structure, to keep it out of the setback area. He stated that #6 is referring only to the setbacks and not the rear or side yards themselves.

Commissioner Hilinski stated that if they leave it at the 50%, the Commission still has control as far as granting the Special Permit. Commissioner Alaimo stated that they should just leave it at 50% and the Commission can deal with each application individually when they come before the Commission.

Chairman Fiore stated that they will leave the wording the way it is at 50% since the majority of the Commissioners prefer it that way. He stated that they will change #3 to say that the Commission shall require outdoor storage to be screened for the side yard and may require outdoor storage to be screened for the rear yard.

### c. Food Truck Regulations

Michelle McAuliffe addressed the Commission as a representative of 504 Hazard Avenue. Ms. McAuliffe stated that the changes look appropriate. Mr. Winter stated that he increased the distance to mirror the separation distance for package stores at 1,000 feet from the brick and mortar.

Commissioner DeGray stated that the current regulations require mobile food vendors to be licensed by the Health Department and this is not included on the proposed. Chairman Fiore stated that it is in there and pointed out where she can find it.

Commissioner Alaimo asked if there is any interest in tabling this for the second meeting in April. He stated that he had a discussion with Representative Hall today and this is active at the legislation and there will probably be a vote to continue the governor's emergency orders regarding how they operate until April of 2023. Commissioner Alaimo stated that the legislature will very likely make it permanent after that.

**Motion:** Commissioner Majmudar made a motion, seconded by Commissioner Higley, to table this discussion until they see what the legislature is going to do.

**Director of Development Services Report**

Ms. Whitten stated that the Town Council approved the reorganization of Development Services. She stated that she will now be the Director of Planning, which allows her to focus more on planning than management. She stated that Mr. Winter has given his resignation as of today and will be the Town Planner in Windsor Locks. The Commission thanked Mr. Winter for his service.

Ms. Whitten stated that the Connecticut Federation of Planning & Zoning Agencies has their annual meeting coming up on the night of the next Commission meeting. She asked Commissioner Lefakis if he received his years of service award, to which Commissioner Lefakis replied that he has. Chairman Fiore stated that they can let two or three Commissioners attend if they want to, since they have Alternates.

**Applications to be Received**

Mr. Winter read over the three applications to be received.

**Adjournment**

**Motion:** Commissioner DeGray made a motion, seconded by Commissioner Higley, 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