

ENFIELD PLANNING AND ZONING COMMISSION
LIVE REGULAR MEETING
MINUTES
Thursday, May 12, 2022 – 7:00 p.m.
ENFIELD TOWN HALL - COUNCIL CHAMBERS
820 ENFIELD STREET - ENFIELD, CT

RECEIVED
ENFIELD TOWN CLERK
2022 MAY 16 AM 9:11
Shahar-mu Basu

Call to Order & Pledge of Allegiance

Chairman Fiore called the meeting to order at 7:02 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 Commissioner Nicles Lefakis and Vinnie Grillo. Absent was Alternate Commissioner Christian D'Antonio.

Also present were Laurie Whitten, Director of Development Services and Matt Davis, Assistant Town Planner.

Approval of Minutes

- a. April 28, 2022 – Regular Meeting

Motion: Commissioner Higley made a motion, seconded by Commissioner DeGray, to approve the minutes of the April 28, 2022 Regular Meeting.

Commissioner Lefakis stated that he would like the sentence on page 9 to say that he is in agreement with what has been said by Commissioners DeGray and Higley.

Motion: Commissioner Hilinski made a motion, seconded by Commissioner DeGray, to approve the minutes of the April 28, 2022 Regular Meeting as amended.

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

Votes: 7-0-0

Motion: Commissioner Higley made a motion, seconded by Commissioner DeGray, to take the Town Manager presentation on Capital Improvement Plan (CIP) 5-year plan and the 8-24 Referral – Pearl St - Creation of a pocket park out of order on the agenda to be heard prior to the Town Attorney Report.

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

Votes: 7-0-0

New Business

- a. Presentation on Capital Improvement Plan (CIP) 5-year plan

Town Manager Ellen Zoppo-Sassu provided the Commission with an overview of the five-year Capital Improvement Plan. She went over the proposed upgrades included in the plan and explained the reasons some of them are necessary.

Commissioner Higley stated that the presentation was very thorough.

Commissioner Alaimo asked if the town's responsibility for the dredging of the pond goes upstream east into the channel that feeds it, to which Ms. Zoppo-Sassu stated that she believes the Army Corp of Engineers has jurisdiction over the entire piece of it but she will defer to Ms. Whitten. Ms. Whitten stated that there has been an improvement study to help minimize flooding along the Freshwater corridor. She stated that some of it may involve replacing the culvert under 91, berming, dams, and things of that nature throughout the watershed.

Old Business

- a. **8-24 Referral** – Pearl St - Creation of a pocket park.

Commissioner Petronella read aloud the resolution for the 8-24 referral.

Ms. Zoppo-Sassu stated that the Soldier for Civil War statue sits in the middle of the redevelopment site for the Strand/Lamagna Center area. She stated that they would like to designate the area as a park so that the Police Department has more authority there for loitering and other issues.

Ms. Zoppo-Sassu stated that 11 Thompson Court had been demolished yesterday. She stated that they are trying to make the area aesthetically pleasing and attractive to people who may want to develop there.

Chairman Fiore read an email from Commissioner D'Antonio into the record, which stated that he is in support of the 8-24 referral to create the pocket park but does not support the removal of grass and replacement with stones, as this is hostile architecture which they should avoid on public lands.

Commissioner DeGray stated that this whole area was supposed to be a green space and designated as a park, and she does not understand why police cannot move someone along if they are drinking in public. She asked why they would move the statue to an area that could be flooded, and stated that it should be in a prominent place with the other monuments on Enfield Street as it is also a World War I statue and not just the Civil War.

Ms. Zoppo-Sassu stated that there will be a nice home for that statue that will be a centerpiece of the outside space, so the movement of the statue is no longer an issue. She stated that the portion of grass adjacent to the community gardens is not designated as a park, and the police are bringing solutions to the complaints in the area about loitering and illicit activity. Ms. Zoppo-Sassu stated that they proposed stones and not grass as this is the police mentality, and they agree to give them another tool in their toolbox in terms of citations. She stated that they are not looking to arrest the homeless but rather to refer them to services. She stated that this area is a problem as it is a gathering space, and they need to designate it as a park to give the police citation powers.

Commissioner DeGray stated that they can put up some bayberry bushes and possibly another light if they are concerned about loitering and people sitting on the wall.

Commissioner Higley asked if the town will lose control of the statue if it is placed on private property. Ms. Zoppo-Sassu stated that this made her uncomfortable but she feels confident that they will continue to have a conversation with this group and it was placed in an area that she is comfortable with. She went on to state that they will have a good relationship with the developer if something comes up with the condition of the statue.

Commissioner Petronella stated that moving the statue has been taken off the table and is no longer part of the referral. He stated that he agrees with Commissioner D'Antonio that the stones are a bad idea and grass or creative landscaping would be better.

Commissioner Lefakis stated that he wrote to all of the Town Council as well as the Town Manager and Chief of Police, and he wrote against moving the statue due to flooding in the area. He stated that if the statue stays there, the property can be subdivided and they can retain that portion.

Commissioner Alaimo asked if they can do a MOU with the new owners if the statue stays in place so it can be maintained. Chairman Fiore stated that the statue is off the table. Ms. Zoppo-Sassu stated that this is a hot topic in town and the Commission will hopefully see something in front of them soon that incorporates the statue.

Chairman Fiore asked if the town can move the statue to the pocket park without the Commission's referral. Ms. Whitten suggested that if they do not want the statue to be included in the referral, they should make that clear. She stated that if they are going to move the statue there will have to be some kind of process and they will have to find the money to do so.

Commissioner Higley suggested that they mention using grass or creative landscaping instead of stones. Commissioner Petronella suggested that they say any improvements to the pocket park will have to come back before the Commission.

Motion: Commissioner Petronella made a motion, seconded by Commissioner Higley, to forward a positive 8-24 referral to the Town Council to create a new pocket park with the condition that the town apply for any proposed future improvements to the pocket park.

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

Votes: 7-0-0

Ms. Zoppo-Sassu stated that she will forward the final CIP to the Commission once it is complete

Town Attorney Report

Chairman Fiore stated that they received a Town Attorney report in their packet.

Public Participation

Chairman Fiore asked three times if anyone in the public would like to speak.

Kelley Hemmeler, 10 Hartford Avenue, addressed the Commission. She stated that they are not allowed to speak regarding XZA#3040, to which Chairman Fiore replied that they cannot talk about this as it is on the agenda. Ms. Hemmeler asked if they can talk during that part of the meeting, to which Chairman Fiore replied that they have not decided yet.

Matt Schmitt, 1304 Bigelow Commons, stated that the pocket park is a great idea and suggested another pocket park 100 feet from St. Patrick's Church and 100 feet down Pearl from there.

Lori Parker, 105 Cottage Road, stated that the POCD meeting was very informative. She stated that she would like to see a moratorium of two years or longer. Ms. Parker stated that South Windsor is making it a requirement for Public Hearings on Sites Plans for large warehouses and they should consider the same. She stated that the wind has not stopped blowing for the last month at 113 North Maple Street and the sand has been terrible, so she would like the landscaping rules to be enforced there.

Dean Gousse, 151 Spring Street, addressed the Commission. He stated that it would be great to think about the pocket park more and take time as the people down there have no respect and will try to find a way through whatever gets put there.

Liz Warner, 74 West Shore, asked if they will be able to speak during the discussion about the warehouse. Chairman Fiore stated that they will not but he recommends that she stay, though she will not be allowed to participate. Ms. Warner thanked the Commission for their dedication and stated that she enjoyed the POCD meeting and hopes they will have more. She stated that there is a disconnect with the community and the plans for Thompsonville, and most people do not realize how big warehouses are until they are in their neighborhood. Ms. Warner stated that she would like to see a required public hearing for any warehouse of that size next to residential areas, in wetlands, or that would affect farmlands. She concluded that getting the community involved is key.

Chairman Fiore asked if anyone else would like to speak; no one came forward.

New Public Hearings

- a. **PH#3024- 100 Elm Street-** Application for the interior addition of a deli; Christopher Algoo, Applicant; Alliance Energy, LLC, Owner; Map 43/ Lot 15; BR Zone. ***TABLED TO 5/26/22***

Motion: Commissioner Higley made a motion, seconded by Commissioner Hilinski, to table PH#3024 until May 26, 2022.

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

Votes: 7-0-0

- b. **PH# 3036- 33 Palomba Drive-** Application for a used car dealership; Gale Toyota Inc, Applicant; Machem LLC, Owner; Map 57/ Lot 343; BR Zone ***TABLED TO 5/26/22***

Motion: Commissioner DeGray made a motion, seconded by Commissioner Higley, to table PH#3036 until May 26, 2022.

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

Votes: 7-0-0

- c. **PH# 3038- 370 North Maple Street-**Modification to allow a solid vinyl fence to replace earthen berm; Mayfield Place LLC, Applicant/Owner; Map 78/ Lot 30; MFHD Zone.

Motion: Commissioner Hilinski made a motion, seconded by Commissioner Higley, to table the Public Hearing until May 26, 2022.

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

Votes: 7-0-0

- d. **PH# 3040ZA-** Zoning Text Amendment for additional outdoor storage in any industrial zone up to 50% of the rear and side yards, subject to buffers, screening, and other design standards; Connecticut Mulch Distributors, INC, Applicant.

Commissioner Petronella read the legal notice.

Robert Frey addressed the Commission on behalf of CT Organics. He asked that the narrative statement submitted back in December for this text amendment be added to the record for tonight's meeting.

Mr. Frey stated that the text amendment as drafted shows the collaboration and compromise of both sides, and is a good fit for the town as well as his client.

Chairman Fiore stated that this was a collaborative effort and there was a lot of compromise. He stated that they are expanding the side and rear yard outdoor storage in Industrial zones by Special Permit only. Chairman Fiore stated that he was not enthusiastic about the change at first, but he commended the Commission for coming to a compromise to make this work.

Commissioner Lefakis stated that he would like to tighten up the description in Section 6.30.2 Item B3. He stated that he would like it to say all outdoor storage should be screened from neighboring property in the places where it says it should be screened.

Mr. Frey stated that this is in the Industrial zone only, and stated that "from neighboring only" adds a hard limitation that the Special Permit process cannot work around due to the condition of the site. Ms. Whitten stated that it was originally from public view, and now it is geared toward having the side and rear yard screened so in general it is screened.

Mr. Davis stated that the second part says may for the rear, which addresses the concern. He stated that the concern is not from like use to like use. Mr. Frey stated that residential buffers still would apply. Commissioner Higley stated that there are a lot of residential properties that are zoned Industrial, and they have to look at this. Mr. Davis stated that as a legislative matter, if a property is zoned for industrial uses then a hierarchy has been established which says that this is the community's preference for use of that land. He stated that residential homes within this area take a lower status, and asked why they would screen a subordinate use from a principal use. Commissioner Higley stated that some of those properties were there before it was Industrial, to which Mr. Davis stated that it is too much conversation for tonight but when the decision was made to make the zone Industrial, the decision was made to rezone those lands for Industrial. He stated that in his experience the concern is from incompatible districts. Commissioner Higley stated that it would be good to put something in there to give some relief to the homeowners, so she thinks Commissioner Lefakis's suggestion is a good one.

Mr. Davis suggested that the Commission consider which of the Industrial zones they want this in, to which Ms. Whitten replied that they did discuss it and decided they want it in all of them. Mr. Davis stated that they can consider when they are doing the POCD whether the concept of the hierarchy between I1, I2 and IP is even valid anymore.

Ms. Whitten stated that she is not sure what else they would be screening it from, and stated that it was supposed to be screened from public view and the Commission took it out. She stated that more words always complicate things.

Motion: Commissioner Hilinski made a motion, seconded by Commissioner Higley, to change the resolution to include the new language to say "from neighboring property."

Mr. Frey asked if the change would make them have to go back to CRCOG, to which Chairman Fiore replied that it would not.

Mr. Frey stated that additional language further hamstrings the Commission from making decisions that are tailored to the specifics of the site.

Commissioner Hilinski asked why screening from the neighbors is different from public view. Mr. Frey stated that neither of those terms is currently in the regulation as amended. Commissioner Hilinski stated that he does not see the change as a big restriction to any company that is doing this kind of effort in their area.

Commissioner Petronella stated that he is not for the proposed change as he does not see the point in screening from Industrial to Industrial. He stated that there are screening landscaping requirements in Industrial to Residential.

Chairman Fiore asked if anyone in the public would like to speak.

Lori Parker, 105 Cottage Road, stated that she is concerned about the large increase in thinking about large buildings and large properties. She asked what kinds of things can be outdoor storage, and stated that this might be too much for large buildings and large volumes.

Matt Schmitt, 1304 Bigelow Commons, addressed the Commission. He stated that he is concerned with what this would look like and asked the Commission to consider what this 50% storage would look like at 113 North Maple.

Chairman Fiore stated that this is a Special Use Permit and not a Site Plan Review. He asked if anyone else in the public would like to speak; no one came forward.

Commissioner Grillo stated that he agrees with Commissioner Petronella, and this is ready to go so they should not change it now.

Commissioner Lefakis stated that he has revised his thought based on what Commissioner Petronella said, and that screening should not be required from Industrial to Industrial. Chairman Fiore stated that they already have the buffers in there.

Commissioner Majmudar stated that they have been working hard since January on this regulation and buffers are already in place to protect residential properties so they do not need more.

Motion: Commissioner Hilinski withdrew his motion; Commissioner Higley withdrew her second.

Motion: Commissioner Higley 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

Mr. Davis stated that article 6 has rigorous language about discussing the interface between Industrial and Residential zones. He stated that it does not address an existing single family home embedded within an Industrial zone, but this can be dealt with during the Special Use Permit. Ms. Whitten stated that a residential house in an Industrial zone is a non-conforming use and the rest of the property can be developed with industrial uses.

Commissioner Petronella stated that this does not in any way increase the area of development for the impervious coverage ratios.

Ms. Whitten stated that this does not include trucks or parking, and is for product only.

Motion: Commissioner Petronella made a motion, seconded by Commissioner Higley, to approve PH# 3040ZA.

Ms. Whitten stated that she included a sheet for the Commission to make reference to how this conforms with the POCD and also suggested setting the effective date.

Motion: Commissioner Petronella made an amended motion, seconded by Commissioner Hilinski, to approve PH# 3040ZA as it conforms with the findings of the POCD as proposed by the Town of Enfield and expands their economic development strategy.

The motion passed with a 6-1-0 vote with Commissioner Higley voting against.

Votes: 6-1-0

Mr. Davis requested that the Commission set an effective date. The Commission decided to make it effective May 26, 2022.

- e. **PH#3034MA-1706 King St**-Zone change request from BG to I-1; Josh Sullivan, Applicant; Burlington Coat Factory/Warehouse Corporations, Owner; Map 14/Lot 26; BG Zone. **TABLED TO 5/26/22**

Chairman Fiore stated that this is going to stay on the table so no motions are needed.

Old Public Hearings

- a. **XZA#3040**-Text Amendment to allow recreational retail and production of marijuana establishments; Town of Enfield, Applicant

Motion: Commissioner Higley made a motion, seconded by Commissioner Hilinski, to close the Public Hearing.

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

Votes: 7-0-0

Ms. Whitten went over the text amendments that had been added to the regulations.

Chairman Fiore stated that the State changed part of the regulations for cannabis, but Staff does not feel that this has any impact on their proposal for tonight.

Commissioner Alaimo asked if the change was taking away the lottery process, to which Chairman Fiore replied that there is some confusion but right now there is no impact. Ms. Whitten stated that they should not be discussing this as the Public Hearing has been closed. Chairman Fiore stated that the State has no bearing on them as of today.

Motion: Commissioner Petronella made a motion, seconded by Commissioner Hilinski, to approve XZA#3040.

The motion passed with a 6-1-0 vote with Commissioner Alaimo voting against.

Votes: 6-1-0

Chairman Fiore stated that this is in compliance with the POCD and expands economic development. He stated that it will be effective two weeks from today.

New Business

- b. **SPR# 1890- 662 Enfield Street-** Application for Administrative Approval to change a use from a financial institution to a personal service; Michelle Brouillard/Principal Property Management, LLC, Applicant/Owner; Map 32; Lot 4; BL Zone

Ms. Whitten stated that it is a bank going into a personal service so Staff did not feel there was much change in parking or anything of that nature.

Other Business –

- a. Discussion on size limits for warehouse distribution centers

Chairman Fiore stated that he is interested in everyone's comments about this. Commissioner Higley stated that she would like to see a moratorium so they can look at how other towns have done it. She stated that this is a good time to do it since they will be looking at the zoning regulations soon.

Commissioner DeGray stated that it is hard to say a business cannot come here, and they need some kind of assurances from the state to repair the roads as most of the big developments that have been happening are on state roads.

Chairman Fiore stated that they are on their own and cannot count on the state doing anything.

Commissioner DeGray stated that she is interested in looking at the regulations and possibly doing some text changes without a moratorium.

Commissioner Griller stated that if a piece of Industrial land can fit a building on it, he does not see why they should stop it.

Chairman Fiore stated that no one is looking to stop anything, but they want to make sure that some of these larger buildings are done through Special Use Permit rather than Site Plans.

Commissioner Grillo stated that he does not want to limit anybody. He stated that he does not want a big building next to his house, which is why he did not buy a house next to Industrial land.

Commissioner Alaimo suggested that they leave it alone and look at it during the POCD and regulation review within the next 6 to 8 months. Chairman Fiore asked if the regulation review will be done this calendar year, to which Ms. Whitten replied that this is the goal. Commissioner Alaimo stated that they should just address it during the regulation review.

Commissioner Hilinski stated that the problem of large buildings in town is serious and there is some urgency here to review the regulations for this. He stated that some people do not realize they bought next to Industrial land. Commissioner Hilinski stated that he would be in favor of a moratorium and a text change.

Commissioner Majmudar stated that he is not in favor of a moratorium as this seems like a knee-jerk reaction. He stated that it is difficult to tell a land owner that they cannot do what they want to do with their land and there may be a need to put some by-right development language or special use permit language into the regulations. Commissioner Majmudar stated that he would like to know how many Industrial sites like this that they have in town, and if it is a large number they need to think about it seriously.

Commissioner Petronella stated that he is opposed to a moratorium, and they can discuss this when they discuss the POCD and the regulations. He stated that there is nothing big proposed right now, which Ms. Whitten confirmed. Commissioner Petronella stated that everyone wants the mall filled and no one has an issue with that, so he does not understand. He stated that Industrial buildings bring in a lot of tax revenue and the town should allocate that revenue towards road improvements.

Commissioner Lefakis stated that he is open to a text change, and this should be their primary focus.

Chairman Fiore stated that three Commissioners are for a moratorium and four are not for a moratorium, so they will not proceed with a moratorium. He stated that eight of them are in favor of exploring a text change, and requested that the Commission start thinking about the particulars.

Chairman Fiore requested that Staff leave this item on the agenda.

Commissioner's Correspondence

Commissioner DeGray asked if they can get an updates on the contaminated sites in town, and the Elm Street corridor CRCOG study. Ms. Whitten stated that they just finished up their draft proposal, so she will forward it. At Chairman Fiore's request, Ms. Whitten provided a description of the study

Director of Planning Report

Ms. Whitten stated that they have been short staffed for a couple of weeks.

Receipt of applications

Ms. Whitten read through the following applications to be received:

- a. **SPR #1891** – Application of Shaun Mayo and owner Anderson properties LLC for approval of a fabrication facility for car and window wraps to be located at 9 Moody Rd, Unit 3a in the I-1 zone . Map 75 lot 36.
- b. **SPR #1892** – Application of owner Walter LaBonte requesting approval for an indoor long term parking facility to be located at 53 Manning Rd, in the I-1 zone , Map 32, Lot 15.
- c. **PH #3041** – Application of David Weeks of Kelly Fradet Lumber, Inc and owner Town of Enfield for a special permit for the environmental remediation and conversion to open storage of 92 Prospect St, in the I-1 zone, Map 21, Lot 20 (received April 28,2022 *PH - 5/26/22*)

Opportunities/Unresolved Issues

Chairman Fiore stated that there is not a convenient place in the agenda for Commissioners to comment on Public Participation or change the agenda. He suggested that they amend the bylaws to put Commissioners Correspondence after Public Participation to allow Commissioners to respond back to the public or change the agenda if they want to move things around. The Commission agreed that this is a good idea.

Adjournment

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

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

Votes: 7-0-0

The meeting was adjourned at 8:56 PM.

Prepared by: Elizabeth Bouley

Respectfully Submitted,

John Petronella, Secretary