

ENFIELD PLANNING AND ZONING COMMISSION
REGULAR MEETING
MINUTES
THURSDAY, May 28, 2020 – 7:00 p.m.
Virtual Meeting

Call to Order & Pledge of Allegiance

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

Roll Call

Commissioner Szewczak took the roll and present were Commissioners Charles Ladd, Richard Szewczak, Virginia Higley, Ken Nelson, Linda DeGray and Alternate Commissioners Vinnie Grillo and John Petronella. Absent were Commissioners Mary Scutt, Francis Alaimo and Alternate Commissioner Dane Thorogood.

Chairman Nelson seated Alternate Commissioners Petronella and Grillo.

Also present were Laurie Whitten, Director of Development Services; Jennifer Pacacha, Assistant Town Planner; Ricardo Rachele, Zoning Enforcement Officer and Elizabeth Bouley, Recording Secretary.

Approval of Minutes – May 14, 2020 Regular Meeting

Motion: Commissioner Higley made a motion, seconded by Commissioner Ladd, to approve the minutes of May 14, 2020 as amended.

The motion passed with a 7-0-0 show of hands vote.

Votes: 7-0-0

Bond Release(s)

Continued Public Hearings

- a. **PH# 2974** – 28 Maple Avenue – Special Permit application to convert a 2-family home to a 3-family home with a building addition and second driveway cut; Adam Fiore, owner/applicant; Map 21/Lot 12; Thompsonville District-1 Zone.

Ms. Pacacha stated that the applicant requested this to be continued as he was not able to obtain the plans requested by the Commission.

Motion: Commissioner Szewczak made a motion, seconded by Commissioner Ladd, to continue PH# 2974 until the next meeting on June 11, 2020.

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

Votes: 7-0-0

New Public Hearings

- a. **PH# 2973** – 55 Cottage Road – Special Permit application for a home addition located within the Lake Overlay District; Randy Daigle, owner/applicant; Map 80/Lot 178; R-33 Zone.

Commissioner Szewczak took the roll and present were Commissioners Charles Ladd, Richard Szewczak, Virginia Higley, Ken Nelson, Linda DeGray and Alternate Commissioners Vinnie Grillo and John Petronella. Absent were Commissioners Mary Scutt, Francis Alaimo and Alternate Commissioner Dane Thorogood.

Ms. Whitten stated that Staff will be meeting with the applicant on Monday due to several issues that need to be addressed within the application. She recommended that the Commission table it until the next meeting as the applicant may end up going before the Zoning Board of Appeals (ZBA) for a variance.

Randy Daigle stated that he is unclear why he has to go to appeals if nothing has been rejected yet. He stated that he has been paying fees and uploading documents but does not understand why he would have to go before the ZBA.

Ms. Whitten stated that as Staff reviewed the application, more issues have arisen. She stated that the application should be complete prior to the Commission reviewing it.

Ms. Whitten explained that due to the addition currently in place as well as the new proposed addition, he is nonconforming to the overall coverage. She stated that he may not have to go before the ZBA once they have their meeting on Monday.

Chairman Nelson asked if the applicant will get his money back from the Commission if ZBA rejects him. Ms. Whitten stated that this can only be done with Town Council approval. Chairman Nelson stated that if the applicant had to go to ZBA first, then money should not have been collected for Planning and Zoning. Ms. Whitten explained that if the funds must be returned, they can go to the Town Council and request.

Chairman Nelson asked if the ZBA will call a Special Meeting, to which Ms. Pacacha replied that Staff can reach out to them.

Commissioner Szewczak pointed out that the application is still under review and the applicant may not have to go before the ZBA.

Motion: Commissioner Szewczak made a motion, seconded by Commissioner DeGray, to table PH# 2973 until the next meeting on June 11, 2020.

The motion passed with a 7-0-0 show of hands vote.

Votes: 7-0-0

Bill Creedon stated that he has some questions and concerns that had been sent to the Commission and have not been addressed. Chairman Nelson stated that the Public Hearing has been closed and therefore they cannot discuss any items on the agenda. He stated that the tabling of this issue will work to their benefit.

New Business

8-24 Referrals

- a. 800 Enfield Street – Referral from the Town Council for acquisition of property

Ms. Whitten stated that the Town Council decided to acquire 800 Enfield Street, which is the bank building just north of the town hall. She stated that they would like to use the drive thru for non-contact permitting such as dog licensing, and that it would most likely be lease to own.

Commissioner Ladd asked where the town would get the money to buy it, to which Ms. Whitten replied that it will be leased rather than purchased and she is not privy to the amount that would be spent. She stated that the lease conditions are being worked out and they would like to get it done as soon as possible in order help the public.

Commissioner Higley asked if they can ask questions, to which Ms. Whitten replied that at this time it is just a request for an 8-24 referral but asked what Commissioner Higley's questions are.

Commissioner Higley stated that there are 19 parking spaces at the building, and that there are currently empty buildings that could be used for this purpose as the town is supposed to be economizing right now. Ms. Whitten stated that she cannot speak to the financing but there are 40 spaces as well as the drive thru. She stated that this building is easily accessible as town hall Staff can walk across the parking lot to drop off and pick up items.

Chairman Nelson stated that an 8-24 is more of a courtesy and the Town Council can move forward regardless of what the Commission decides. Ms. Whitten confirmed that the Town Council still has the right to move forward even if the Commission does not approve it.

Chairman Nelson asked what gym the town is leasing, to which Ms. Whitten replied that it is the one on Alden Avenue that has not been renovated yet.

Motion: Commissioner Szewczak made a motion, seconded by Commissioner Ladd, to forward a positive 8-24 referral to the Town Council as it will be a benefit to the town and community.

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

Votes: 7-0-0

- b. **XSP 20-07** – 800 Enfield Street – Site Plan Review application to convert a former bank with drive thru to a government office; Map 29/Lot 2; BG Zone; S BNK Enfield LLC., owner; Town of Enfield, applicant.

Commissioner Szewczak took the roll and present were Commissioners Charles Ladd, Richard Szewczak, Virginia Higley, Ken Nelson, Linda DeGray and Alternate Commissioners Vinnie Grillo and John Petronella. Absent were Commissioners Mary Scutt, Francis Alaimo and Alternate Commissioner Dane Thorogood.

Ms. Whitten stated that this is the site plan application for 800 Enfield Street, and stated that it is just a request rather than a permit.

Ms. Whitten stated that drive thrus are currently only allowed for takeout meals and financial institutions, and there is an application for the next meeting to allow drive thrus for government buildings as well. The Commission discussed whether the town hall is considered a financial institution.

Commissioner DeGray stated that she is fine with this building having a drive thru but has an issue with having any government building be allowed to have a drive thru.

Commissioner Szewczak stated that it will be quicker and more convenient in this case, and other government facilities that need a drive thru will be dealt with on a case by case basis.

Chairman Nelson stated that the Health District is a government entity and he is concerned that they will not even have to come before the Commission if this regulation goes through. Ms. Whitten stated that it would still need a Special Permit.

Commissioner Szewczak stated that if the situation ever arose again it could be used for other purposes as well, such as food shelf. He reiterated that it is a Special Permit and will have an approval process.

Motion: Commissioner Szewczak made a motion, seconded by Commissioner Ladd, to approve the resolution for XSP 20-07.

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

Votes: 7-0-0

Ms. Whitten stated that the name of the facility will be the Enfield Express.

Motion to approve XSPR # 20-07 , Application of Town of Enfield to change the use of 800 Enfield Street from a financial institution to government offices per Section 5.2 of the zoning regulations. BG Zone, Map 29 Lot 02.

Planning and Zoning Commission Site Plan Standard Conditions of Approval

Application XSPR 20-07

Referenced Plans: as prepared by staff

General Conditions:

1. This approval is for the specific use, site, and structure identified in the application. Any change in the nature of the use, site, or the structure will require new approvals from the Enfield Planning and Zoning Commission.
2. This approval does not include signage permits.
3. There is to be no exterior sheet metal venting pipes visible from the street.
4. Exterior mechanicals and electricals are to be boxed and screened.
5. This project shall be constructed and maintained in accordance with the referenced plans.
6. A building permit for the construction of facilities as approved must be obtained within 24 months of approval or this approval shall be rendered null and void, unless an extension is granted by the Commission.
7. All construction authorized by this approval shall be completed within five (5) years or this approval shall be considered null and void, unless an extension is granted by the Commission.
8. By acceptance of this permit and conditions, the applicant and owner acknowledge the right of Town staff to periodically enter upon the subject property for the purpose of determining compliance with the terms of this approval.

Site Specific Conditions:

9. Will be added for each unique application.

Conditions to be met prior to signing of plans:

- ~~10. All plans submitted for signature shall bear the seal and live signature of the appropriate professional(s) responsible for the preparation of the plans.~~
- ~~11. The application number shall be displayed on the plans in or near the Title Block area.~~
- ~~12. A copy of the approval letter and conditions shall be incorporated into the final plans submitted for signature, preferably located on the cover sheet or first sheet of the plan set.~~
- ~~13. A list outlining how the conditions of approval have been met shall be submitted along with final plans submitted for signature.~~
- ~~14. A list outlining all changes to the plans shall be submitted along with final plans submitted for signature. The list should cite the sheet number where each change has been made.~~
- ~~15. The conditions of this approval shall be binding on the applicant, land owners, and their successors and assigns.~~

Conditions to be met prior to the issuance of permits:

- ~~16. Four sets of paper plans with any required revisions incorporated shall be submitted to the Planning Department for signature of the Commission. The Director of Planning may require Mylars.~~

- ~~17. The applicant shall also submit final plans as approved by the Commission in a digital format compatible with the Enfield Geographic Information Systems Electronic Submittals Ordinance.~~
- ~~18. The applicant shall post a bond for Site Restoration in an amount to be determined by the Town Engineer and the Director of Planning.~~
- ~~19. The applicant shall post a separate bond for Erosion and Sediment Control submitted in the form of cash or certified check, pledged to the Town, in an amount to be determined by the Town Engineer and the Director of Planning.~~
- ~~20. The applicant shall post a Landscaping Bond to the Town, in an amount and format determined by the Director of Planning.~~
- ~~21. A pre-construction meeting between the applicant, site contractors, project engineer and Town Staff shall be held.~~
- ~~22. Any required certificates and/or approvals from State or Federal agencies (i.e. CT DOT, DEEP, Army Corps of Engineers) shall be obtained by the applicant and reported to the Planning and Zoning Commission file. Any changes to the plans required by such entities may require a plan modification from the Enfield Planning and Zoning Commission.~~

Conditions which must be met prior to the Issuance of a Certificate of Compliance:

- ~~23. Complete as built plans certified to Class A-2 accuracy shall be submitted prior to the issuance of any certificates of zoning compliance. The as built plan shall also contain a certification by a Professional Engineer that they have inspected the site improvements and that they have been installed in accordance with the approved plans. Any deviations or omissions must be noted.~~
- ~~24. The design professional who prepared the approved PZC architectural drawings, shall provide as built drawings with a certification that they have complied with approved plans. Any changes need to be noted on the plans and a list of changes submitted.~~
25. No Certificate of Occupancy or other final approval may be issued until the Zoning Enforcement Officer has signed off on the final work. When minor site work cannot be completed because of weather or other pertinent reason, a conditional approval may be issued for a period not to exceed 180 days, providing satisfactory surety shall be posted with the Town of Enfield in an amount sufficient to complete the site work and with surety acceptable to the Town of Enfield.
26. A request for final project review and certificate of zoning compliance must be made to the Planning Department not less than 10 days before a Certificate of Occupancy or other final approval is requested from the Building Official.

Note: The Conditions of Approvals do not take the place of other requirements found in the Town Codes, Regulations, and Application Instructions.

Other Business

- a. General Discussion of Regulations and Procedures – Review of Request for Proposals for Plan of Conservation & Development and Zoning Regulation Updates

Ms. Whitten stated that the RFPs and RFQs are out and should be back in by June 9, 2020.

Chairman Nelson asked if Commissioners Ladd and Szewczak will be present at the opening. Ms. Whitten stated that it will probably be done virtually and they can distribute the proposals afterwards to conduct interviews and figure out how many people they want on the panel. Chairman Nelson stated that Commissioners Ladd and Szewczak can be part of that narrowing-down process. Ms. Whitten asked Chairman Nelson if he would like to be part of that process, to which Chairman Nelson replied that he would not and Commissioners Ladd and Szewczak can report back to the Commission.

Correspondence

Ms. Pacacha stated that the outdoor dining patios are getting approved and the new Assistant Town Planner started yesterday.

Commissioner's Correspondence

Commissioner DeGray thanked the town for getting the restaurants approved so quickly.

Commissioner Szewczak stated that the Economic Development Commission has a challenge to fundraise for the community gardens, pitting the different Commissions against each other. He encouraged the other commissioners to donate a little money to get the community garden active.

Ms. Whitten stated that the idea is to have the commissioners reach out to friends and family for donations as well.

Chairman Nelson stated that he will donate \$100 himself and encouraged the rest of the Commission to donate. Commissioner Higley stated that she received the email and donated as well. At Commissioner DeGray's request, Ms. Whitten instructed the viewing public as to how they can donate.

Town Planner Report

Ms. Whitten stated that the Farmer's Market will be opening on Sunday mornings starting in July.

Administrative Approval Report

Chairman Nelson asked if Ms. Pacacha had a list of all restaurants that have been approved for outdoor dining. Ms. Pacacha read through the list of restaurants that had been approved so far.

Chairman Nelson asked if there was much of a backlog, to which Mr. Rachele replied that they are getting comments back from the various departments quickly and everyone is pitching in to move things along quickly so there is not much backlog.

Commissioner Szewczak asked how outdoor dining works for the smaller restaurants and whether they have to go through the application process if they just have one table outside. Mr. Rachele stated that they are trying to move everything along as quickly as possible regardless of the size of the restaurant, but any business has to go through the approval process according to the Executive Order.

Ms. Whitten stated that that they are just trying to go out and help and make sure everyone is safe, and that staff does not want to hinder anyone.

Chairman Nelson asked if businesses with picnic tables outside already need approval again, to which Mr. Rachele replied that the only thing that comes into play in this case is the social distancing and Health Department requirements.

Chairman Nelson asked if the Commission would be ok with allowing people to have some sort of “Open” banner just temporarily until the Executive Order is lifted. Commissioners DeGray and Higley stated that they would agree with this.

Mr. Rachele stated that there is a provision within the regulations for Grand Openings and that they are trying to allow businesses to promote themselves as much as possible.

Ms. Whitten stated that the Executive Order allows businesses to put up signs.

Applications to be Received

- a. **PH# 2971** – 90 Elm Street – Re-subdivision application for the former Macy’s property located at the Enfield Square Mall; Enfield Sq. Realty LLC/ Enfield Square CH LLC / Enfield Sq. Nassim LLC, owner/applicant; Map 43/Lot 17; BR Zone.
- b. **FLD# 40** – 55 Cottage Road – Application for a Permit for Development within a Special Flood Hazard Area to accommodate a residential addition for a bedroom, bathroom, and two-car garage within the Lake Overlay District; Randy Daigle, owner/applicant; Map 80/Lot 178; R-33 Zone.

Ms. Whitten stated that in addition to PH# 2971 and FLD# 40 there is also XZA-20-06 which is the text amendment previously discussed regarding drive thrus.

Opportunities/Unresolved Issues

- a. Discussion – Combining Planning & Zoning Commission and the Inland Wetlands & Watercourses Agency

Ms. Whitten stated that Staff will be looking into why the Commissions were combined in the first place prior to moving forward.

Mark McAuliffe addressed the Commission stating that he is looking to do a text amendment for permanent outdoor seating in an industrial zone. He stated that he has met with Staff and they have drafted a text amendment.

Ms. Pacacha requested that Mr. McAuliffe forward her proposal to her directly so they can move forward with it. Chairman Nelson asked if they could get it onto the next agenda, to which Ms. Whitten replied that it would be a Public Hearing process so they would not have time to do it for the next meeting. Chairman Nelson stated that it must have gotten lost in the shuffle when Assistant Town Planner Raquel Ocasio left, so the sooner they get it moving the better.

Chairman Nelson clarified for Mr. Bill Creedon that they cannot speak about anything on the agenda and instructed him to contact Staff tomorrow morning so they do not violate any rules.

Adjournment

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

The motion passed with a 7-0-0 show of hands vote.

Votes: 7-0-0

Prepared by: Elizabeth Bouley

Respectfully Submitted,

Richard Szewczak, Secretary