

ENFIELD PLANNING AND ZONING COMMISSION  
LIVE REGULAR MEETING  
MINUTES

Thursday, October 13, 2022 – 7:00 p.m.  
ENFIELD TOWN HALL - COUNCIL CHAMBERS  
820 ENFIELD STREET - ENFIELD, CT

RECEIVED  
ENFIELD TOWN CLERK

2022 OCT 20 PM 12: 22

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, Linda DeGray, John Petronella, Francis Alaimo and Alternate Commissioners Christian D'Antonio and Nicles Lefakis. Absent were Commissioners Kiran Majmudar and Kenneth Hilinski and Alternate Commissioners and Vinnie Grillo.

Chairman Fiore seated Alternate Commissioner D'Antonio and Commissioner Lefakis.

Also present were Laurie Whitten, Director of Planning and Matthew Davis, Assistant Planner.

**Approval of Minutes**

- a. September 8, 2022 – Regular Meeting

**Motion to accept the September 8, 2022 regular meeting minutes made by Commissioner Higley; seconded by Commissioner DeGray.**

Revision was requested to eliminate the first sentences of the first paragraph on page 3. The word “united” on page 5 is to be revised to read “units”. Commissioner DeGray recommended that the language regarding occupant count on page 4 be either revised or removed.

**Motion to table the September 8, 2022 regular meeting minutes made by Commissioner Higley; seconded by Commissioner DeGray and approved by a roll call vote of 5-0-2.**

**Motion to accept the September 22, 2022 regular meeting minutes made by Commissioner Higley; seconded by Commissioner DeGray.**

Revision was requested regarding the same section in question from the September 8, 2022 minutes, which was detailed under discussion for the minutes.

**Motion to table the September 22, 2022 regular meeting minutes made by Commissioner Higley; seconded by Commissioner DeGray and approved by a roll call vote of 5-0-2.**

**Town Attorney Report**

Commissioner Fiore confirmed that all commissioners received the latest Town Attorney report dated September 28, 2022.

## **Public Participation**

Susan Budd of 2 Francis Avenue and Melanie Dubiel of 4 Francis Avenue spoke together. As neighbors to Pizza Palace, they are concerned about the recent uptick in traffic violations. The noise is becoming a nuisance especially after the bar closes. They both asked the Commission to investigate the live entertainment license for this establishment. Ms. Dubiel expressed concern about emergency vehicle access with patrons double parking on Francis Avenue.

## **Bond Releases**

None.

## **New Public Hearings**

- a. **PH# 3047 – 18 Mullen Rd** – Expansion of outdoor storage; Connecticut Organics LLC, Applicant; CML Realty, Owner; Map 16/Lot 51; I-1 Zone

Commissioner Petronella read the legal notice into the record. Present on behalf of the applicant were Mark Lockwood and Robert Frey of Lockwood Frey, LLC and Brennan Sheahan of Connecticut Mulch. The applicant was present before the Commission in the spring working on a text amendment for outdoor storage. Since that approval, the applicant wants to increase storage. The proposed side yard and rear storage both are below the 50% maximum.

Seasonal agricultural mulch products will be stored after production ending in the fall and will go out in the early spring for consumer use. The bagged mulch will be neatly stacked. The aim is to eliminate a bottleneck in storage at their sister company located at 70 Mullen Road, which is operating at full capacity.

Commissioner Fiore asked staff if the applicant will have to amend the special permit for Application 2254. Mr. Davis explained that staff chose to defer that action into the future and focus on the application for 18 Mullen Road. Because of the lot line adjustments and transfer of the approximate 10 acres, it cannot be tied to this application. Commissioner Fiore raised several questions for the commissioners to consider including the bollards, parking spaces and screening.

Staff comments on screening were provided to the applicants, which Commissioner Fiore supports. Commissioner Higley requested the bollards be installed, which would allow for a demarcation spot and would ensure that the applicant would remain within the allotted area. Attorney Lockwood explained that the area will be defined, and the boundaries would be made by the milling.

Mr. Lockwood requested that the landscaper requirement be waived as many employees are licensed foresters including Mr. Sheahan. Mr. Davis agreed to the applicant's request. The applicant feels that the screening between 18 and 36 Mullen Road poses a safety risk. The employees at both facilities operate as an 'extra set of eyes' and by screening this area, this would hinder their ability to see.

Mr. Davis shared staff notes, which were all positive. Mr. Davis noted that the facility is very mechanized. Mr. Davis explained that the language in the adopted regulation says “shall”, which means it must be provided. It is the Commission’s first time applying this regulation, but there are no specifics. There is some flexibility with the applicants regarding the implementation of the screening. Mr. Frey noted that the screening can be low because of the vague language of the statute, and the applicant can come up with something that can meet the letter of the law and not provide a safety hazard.

Commissioner Alaimo expressed concern that the potential options for screening between the two properties were not properly discussed in previous meetings. Commissioner Fiore requested staff’s opinion on the bollards. Mr. Davis felt they are a low-cost, obvious way to mark edges that previously may not have been defined. He further noted that the screening issue is quite unique and there is flexibility to find a solution that makes sense. Mr. Davis provided potential options of continuing the public hearing or make a ruling this evening. Commissioner Higley requested that staff should have the final say on screening and have the Commission vote to approve it. Commissioner D’Antonio requested diversity of species be planted in hopes of regenerative landscaping. Staff and applicant representatives both agreed.

The public hearing was opened for comment. No one spoke for or against this application.

**Motion to close the public hearing made by Commissioner Higley; seconded by Commissioner DeGray and approved by a unanimous vote of 7-0-0.**

Commissioners agreed to eliminate the second sentence on General Condition 18. Commissioner DeGray opined that bollards would be a nice way to demarcate the areas throughout time. Commissioner Petronella requested specific language be added to Condition 19 that the applicant work with town staff to develop landscape buffers and screening design as appropriate. Commissioner Fiore confirmed that the bollards are covered under General Condition 17.

**Motion to approve PH #3047 in conformance with the resolution prepared by staff with the following amendments to the conditions listed: The second sentence of Condition 18 will be stricken and Condition 19 to be stricken entirely and to read as follows: applicant to work with staff to develop screening along the eastern boundary as required made by Commissioner Petronella; seconded by Commissioner Alaimo and approved by a roll call vote of 7-0-0.**

## **Old Public Hearings**

- a. **PH# 3040MA – 1297 Enfield Street–Zone change request from HR-33 to SDD; Felician Sisters of North America Real Estate Trust, Applicant/Owner; Map 49/Lot 2; HR-33 Zone. Public Hearing closed – Action pending – THIS ITEM WILL NOT BE DELIBERATED AT THIS MEETING**

Staff is working on final motions and hope to have the petition issue finalized by the next meeting. Per Ms. Whitten, the public will be informed through agendas and on the website.

### **New Business**

- a. **SPR# 1903 – 90 Elm Street** – Proposed site plan modifications for Popeyes Drive-Thru Restaurant; Enfield Development LLC, Applicant; Enfield Square Realty, LLC + Enfield CH, LLC, + Enfield Nassim, LLC; Map 43/Lot 17; BR Zone

Applicant representative John Rouse of R.J. O’Connell and Associates was present for discussion. Conditional approval was received for this project last May and he is back with site plan modifications based on comments received. Dead shrubbery will be replaced, and lawn tractor will be removed as soon as possible. The northeast corner was previously a landscaped island and has been removed. An updated plan will be provided to show where that area was and show the parking striping.

Commissioner Fiore noted that a complete plan set was not received. Mr. Davis explained that it will be provided before final approval. Commissioner Fiore requested an update about the letter of approval from the mall owner regarding off-site parking. Mr. Rouse noted that is has not been received as it is very difficult to get in contact with the owner of the mall, but it fits in with the scope of the area.

Commissioner Petronella requested clarification regarding the revision of scope, which eliminated two items from a bullet list previously provided by the applicant. Mr. Davis noted that the Zoning Enforcement Officer had already granted approval for those items on the list as field modifications during construction and felt they did not need approval at this level.

Mr. Davis shared thoughts on the adequacy of parking available at the parcel. Commissioner D’Antonio asked if there would be a problem with approval should the approval letter from the mall owner not be received. Ms. Whitten noted that the mall does have the covenants and restrictions and does allow for shared parking throughout the property and feels it is safe to remove that condition. Commissioners agreed to eliminate Condition 15.

**Motion to approve SPR #1903 in conformance with the resolution prepared by staff dated October 13, 2022 amended to eliminate Condition 15 and include all remaining 22 conditions listed made by Commissioner Petronella; seconded by Commissioner Lefakis and approved by a roll call vote of 7-0-0.**

Commissioner DeGray asked Mr. Rouse when Popeye’s plans to open. Mr. Rouse stated they are hoping to open as soon as possible.

- b. **SPR# 1905 – 90 Elm Street** – Administrative Approval Request to host a special event; Leanne Seely, Applicant; Enfield Square Realty, LLC + Enfield CH, LLC, + Enfield Nassim, LLC; Map 43/Lot 31; BR Zone.

Ms. Whitten shared that this is the L.E.A.D. Prevention Program. They are proposing a Midway, rides and games in the mall parking lot from October 20-23<sup>rd</sup>, 2022.

**Motion to Item 17: Opportunities/Unresolved Issues up to present made by Commissioner Higley; seconded by Commissioner DeGray and approved by a roll call vote of 7-0-0.**

**Opportunities/Unresolved Issues**

Ms. Whitten explained that Rick Rochelle has been in contact with the Fire Marshall and Traffic Control. Not much more can be shared because it is still being worked on. Commissioner Fiore requested that Ms. Whitten confirm if a new license was required when going for live entertainment. Commissioner Higley opined that they must go before the Commission for modification to allow for live entertainment. Commissioner Fiore notified the parties that the Town Manager and Councilors are all aware of the situation and are working on further investigation.

**Old Business**

1. **SPR# 1900- 7 Hazard Ave-** Administrative approval request for a drive-up ATM; The Colvest Group, Applicant; G&R Properties, LLC, Owner; Map 45/Lot 10; BR Zone. *CONTINUED TO OCT 13, 2022 – application withdrawn.*

**Enforcement Reports- SPR# 1736/IWWA# 584 – 1 Peerless Way**

This application was approved on 12/21/17 for two industrial condominium type buildings. To date, they have constructed the buildings, the bonds are released, no Certificate of Occupancy has been issued, no E&S insurance is being used and the owner continues to cancel inspections while renting out spaces. They have gone through every method of remediation and are seeking permission to push this to the Town Attorney for further action. Commissioner Fiore noted there have been a litany of fines issued over the past few years and is concerned as to why this has gone on so long. He requested staff contact the Building Department for further explanation. Commissioner Petronella recommended the building be condemned. Ms. Whitten confirmed that the Commissioners agreed to forward this to Town Attorney.

**Correspondence**

None.

**Commissioners Correspondence**

Ms. Whitten confirmed that the mall traffic input study will be discussed soon. Commissioner Alaimo requested identification be provided so that commissioners can go on properties. Ms. Whitten explained badges are available at the Police Department and can be obtained at their convenience.

**Director of Planning Report**

Ms. Whitten attended the Southern New England APA conference the week before. The emphasis on all sessions was on diversity, housing equity and climate change. Public Act 2225 will now need to be implemented and focuses on electric vehicle charging stations. She read portions of pertinent language within the Public Act. Mr. Lefakis requested clarification as to the timeline of approval. Commissioner Alaimo confirmed that the EV spaces can be used by other vehicles.

### **Receipt of Applications**

- a. **SPR# 1906 – 37-39 Pearl Street** – Application for a change of use to allow for a Latin Cafe; Dairysol Stovall, Applicant; E+D Stovall LLC, Owner; Map 24/Lot 79; TV-5 Zone;
- b. **XZA# 2202**-Town of Enfield application for public art exemption;
- c. **XZ# 3048**-Town of Enfield application for modification to marijuana setbacks and possible elimination of variances;
- d. **PH# 3049 - 92 Main Street**-Application for mixed use apartments and retail and site plan for a new parking lot;
- e. **PH# 3050** – 161 Post Office Road – One lot split subdivision; and
- f. **90 Elm Street** – L.E.A.D. Fest.

Ms. Whitten noted that the application 90 Alden Avenue is still pending and will likely be on the agenda on November 10, 2022.

### **Adjournment**

**Motion to adjourn made by Commissioner Higley; seconded by Commissioner DeGray and approved by a vote of 7-0-0.**

The meeting was adjourned at 8:16 PM.

Prepared by: Rebecca Jones

Respectfully Submitted,

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John Petronella, Secretary