

ENFIELD PLANNING AND ZONING COMMISSION
LIVE REGULAR MEETING
MINUTES
Thursday, September 8, 2022 – 7:00 p.m.
ENFIELD TOWN HALL - COUNCIL CHAMBERS
820 ENFIELD STREET - ENFIELD, CT

RECEIVED
ENFIELD TOWN CLERK

2022 SEP 27 AM 9:12

Sheila M Bailey

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

Chairman Fiore seated Alternate Commissioners D'Antonio.

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

Approval of Minutes

- a. July 28, 2022 – Regular Meeting

Commissioner DeGray directed the spelling error under the Director of Planning's Report be changed from "yea" to "year".

Motion to approve the July 28, 2022 regular meeting minutes as amended made by Commissioner Higley; seconded by Commissioner DeGray and approved by a vote of 7-0-0.

Motion to move New Business to after Bond Releases made by Commissioner Higley; seconded by Commissioner Hilinski and approved by a vote of 7-0-0.

Town Attorney Report

Commissioner Fiore noted there were minor changes to the report and encouraged commissioners to review at their leisure.

Public Participation

None.

Bond Releases

- a. PH #3007 – 11 Shaker Road Erosion & Sediment Control bond release and Landscaping Bond release

The Learning Experience is seeking a bond release in the amount of \$8,000.00. Town Zoning Enforcement Officer did an inspection at The Learning Experience and recommends release. Chairman Fiore confirmed location with Ms. Whitten. No further comment.

Motion to approve Erosion and Sediment Bond Release in the amount of \$8,000 made by Commissioner Petronella; seconded by Commissioner Hilinski and approved by a roll call vote of 7-0-0.

New Business

- a. SPR# 1901 – 160 Spring Street – Application for the demolition of 2 small warehouses and construction of a new building; Andrew Crane, Applicant; Kelly-Fradet Lumber, Owner; Map 21/Lot 2; I-1 Zone.

Applicant representative Andrew Crane was present for discussion. The proposed site plan will include the demolition of the two existing warehouses and new construction on a larger warehouse. Mr. Crane noted this property is a pre-existing non-conforming lot. There will be no change in the amount of traffic flow, but the new design will increase the efficiency of the traffic pattern. Mr. Crane shared slides of the proposed site noting the emergency exits and the fire department approved that their hoses fit around the building easily.

Kelly-Fradet is currently working with the Health Department regarding the investigation of a monitoring well from a tank taken out over 20 years ago. There is a sewer easement across the rear of the property. Mr. Crane noted a waiver was obtained to approve the building without bathrooms.

Commissioner Fiore asked if they plan to use a robot camera to scope the drain. Mr. Crane explained that this has not been completed yet as the applicant was waiting to come before the Planning & Zoning Commission before going forward. He further noted that this is a time sensitive project as these are masonry buildings and are affected by winter conditions. Commissioner Fiore confirmed that a waiver was not being sought at this time.

Commissioner DeGray expressed concern regarding the lack of detail in the plan as provided by the applicant. She would have liked to see information regarding lighting and landscaping. Staff noted that there is lighting included but it is difficult to see building mounted security on smaller plans. Mr. Crane noted that many of the Planning and Zoning requirements have been varied by the Zoning Board of Appeals. Commissioners DeGray and Fiore both noted that the application appeared rushed and is insufficient as it stands. Ms. Whitten noted that there is no landscape plan or frontage map because no landscape or frontage is required.

The commissioners discussed best next steps. Commissioner Fiore opined that more information is needed regarding the pipe before a decision can be made. Mr. Crane explained that the parking lot must be removed before it can be scoped. It was recommended that this item be tabled until the applicant can work with staff to get better documentation. Commissioner Petronella agreed with Commissioners DeGray and Fiore that there is a lack of required information regarding utilities. He also expressed confusion as to why the applicant sought a variance for landscaping when the new proposed building is directly facing residential properties.

The applicant and commissioners discussed what should be included before the next meeting. Mr. Crane explained that he provided several other plans including door schedules and roof plans but were somehow not included in the packets. Commissioner Majmudar asked for clarification from town staff about going before the ZBA before going to Planning and Zoning. Ms. Whitten confirmed that the normal process is to go to the Zoning Board of Appeals prior to Planning and Zoning because if the variances are not received, the applicant won't know how properly shape their application. If they have shown that they have a hardship, then the ZBA has the right to grant as deemed appropriate.

Commissioner DeGray asked why the ZBA has the authority to waive landscapes and Ms. Whitten clarified that it was varied, not waived. They could have not granted it, but decided it was appropriate for that site and that the lot is already totally paved. Further, the Town regulations do not make distinctions between residential and industrial, parking lots are the same regardless. They were faced with the difficulty of complying with regulations that did not conform with the use. Commissioner Fiore requested a copy of the ZBA minutes. The applicant was asked to furnish new plans showing the sewer, lighting, the well needs to be identified and landscaping needs to be shown. Commissioner Petronella opined that the applicant is absent some effort regarding landscaping.

Motion to table item SPR #1901 made by Commissioner DeGray; seconded by Commissioner Higley and approved by a roll call vote of 7-0-0.

New Public Hearings

a. **XSP# 3045 – 155 Raffia Road** – Application for a freestanding sign; JFK Middle School Renovation Building Committee, Applicant; Town of Enfield, Owner; Map 68/Lot 149; R-88 Zone.

Commissioner Petronella read the legal notice into the record. Applicant representative Bruce Kellogg and Jill Leske of JCJ Architecture were present for discussion. This is the last renovation to the middle school addition and is a replacement sign for the one outside the media center. The existing sign is 30 sq ft as permitted. Applicant met with Zoning Officer Rick Rochelle and is within the regulations. Commissioner Higley confirmed that the LED portion of the sign was stationary. Commissioner Fiore questioned why the new sign couldn't fit within the 30sq ft requirements. Mr. Kellogg explained that the LED modules used come in certain sizes. Commissioner Fiore also asked who was behind this sign initiative as he has not heard from any Board of Education member, JFK Building Committee member or superintendent's office as to why this needs to be approved. He also noted that no one from any of the three entities present in support of the application. Mr. Kellogg did note that members of the Board of Education are on the JFK Building Committee as required.

The meeting was opened to the public for discussion.

Nikki Price, of 1324 Enfield Street, explained that the JFK PTO from the early 2000's purchased this sign in the amount of \$13,000.00. She expressed concern as to what would going to happen to the previous sign that families worked hard to fundraise for.

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

Motion to approve XSP # 3405 – 155 Raffia Road made by Commissioner Petronella; seconded by Commissioner Hilinski and approved by a roll call vote of 4-3-0.

b. **PH# 3043- 78 Park Avenue** - Special Use Permit Application for new construction of a duplex home; Onyx Building & Remodeling, LLC, Applicant Lori Longhi, Owner; Map 39/Lot 4; R-33 Zone.

Commissioner Fiore notified the Commissioners that the applicant requested an extension to the September 22nd, 2022 meeting.

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.

Commissioner Petronella recused himself at 7:45pm.

Commissioner Fiore read a statement that the petition is denied due to lack of standing based on a legal opinion released by the Town attorney. The finding based on the petition presented do not equate to the minimum 20% of the lot area within the 500-foot boundary therefore the petition failed, and a super majority vote is not required should the application be approved.

Applicant representatives Attorney Carl Landolina, Kristin Anderson of Community Builders, Inc., and Bridget Armstrong of the Felician Sisters family were present.

Ms. Anderson began by responding to questions that arose during the last public meeting. She provided a clarification of the master plan and highlighted that the zone change would occur on the top of the campus and would minimize impact upon the historic district. She explained the current layout of each building, their historic use and current use.

Building 1 is the St. Felix Center, which has been vacant for three to four years and was a training program for the nuns. The plan is to turn that into senior housing with 50 total apartments. The convent is the other existing building that will be reused and remodeled. It is a 146-dwelling unit with 24 sisters currently using it. South Wing is currently occupied, and they plan to keep the building and renovate to 70 units of senior housing. New construction will add two buildings in the rear of the property and would be non-aged restricted, also known as family housing. There will be 109 units in that building. There will be no change to St. Francis House, which is currently 22 units of elderly housing. The mansion is currently being used by Enfield Montessori Middle School and will continued to be used as such. There will also be no change to the Enfield Montessori Elementary School. The chapel connected to the convent would remain as is.

Ms. Anderson provided proposed property views during winter months. The addition removed the deciduous trees and shared clear rendering. Those new proposed trees haven't been included in the rendering. Data was shown from comparable units in the area and the average was 1.67 residents per unit. Further using the model, an approximate 304 people would be on campus. The highest rate historically on that property was 167 residents. Ms. Anderson predicts there would be approximate .37 children per unit within the family housing. Data was gathered from Smyth Bus Company showing that this housing unit would have less school-aged students than other properties, with Crossroads being the highest in town.

Car data provided by Community Builders noted there are currently 159 parking spots on campus and would be adding eight spaces. There would be approximately 73 cars per unit. Bus pickup would be provided on campus along with bicycle storage and EV charging stations. While the latter initiatives do not reduce vehicle traffic, it does aim towards efficiency goals. The Magic Carpet bus will stop on campus.

Clarification was provided regarding income restricted units. 20% of the units would be restricted at 80% average monthly income. They plan to utilize workforce housing in a similar way to Countrywood Apartments and Bigelow Commons. Ms. Anderson noted that 19 acres of open space is being preserved. Ms. Anderson explained that the vacancy rate must remain at 80% in order to be eligible for a zone change. Once fully occupied, 24 sisters will be living there. 135,000 sq ft. is currently being subsidized by the sisters. The chapel is only being used by the sisters in that convent. The gym is noncompliant for the school and is being used as storage. The auditorium is used by Enfield Montessori School in inclement weather.

Ms. Anderson concluded by speaking about the reputation of Community Builders. This is a long-term investment with an ownership stake, and they have standards to maintain. The applicant has had multiple meetings with various town staff.

Mark Metrucci of Fuss and O'Neill provided traffic study dated June 2, 2022 as requested by the public and commissioners. Traffic counts used for this study were reviewed with what was provided by Enfield Montessori School and what was recommended by CT DOT. The counts were done in the peak morning and afternoon hours, which are the highest volumes are throughout the day. These volumes were then projected out to what would be expected by the full build out in 2031. This averaged out to be 6% per year growth factor provided by DOT. Mr. Metrucci opined that these are highly conservative figures having grown them out 15 years. They were cross checked with latest DOT counts on South Road done in 2018. Crash analysis was shared using the last 3 years of data from the statewide compilation. Proposed residential housing units will not significantly impact the area and the additional traffic will be safely accommodated. Based on the number of parking spaces on the site, they would still have to go to DOT for administrative review as required.

Ms. Armstrong shared that the convent is currently operating at a much lower than it is required. They still need the heating, lighting and utilities and it does not make sense to go forward at 20% occupancy. They are left with very few options available to preserve. Adjustments to the plan have been made based on community input. The sisters and Community Builders share the appreciation for the historical district and do not want to jeopardize the integrity of the campus.

The Felician sisters are asking what is God's will. The plan will continue their mission to be of service to the people around them.

Attorney Landolina reviewed the exact details of the zone changes. He noted that the current status of the number of units resided in has been below the 80%. This has been a two-year process of reviewing various options and not one would allow this project to proceed based on the current zoning. The proposal will provide a substantial benefit to the town and is the best way to ensure that the buildings that are there are still existing for the next 100 years. This will turn from non-taxable to a taxable property. He noted it could have been a solar farm before the Commission this evening, but the sisters were firm on keeping the campus residential. Density needs to be approved but number of units have not been changed.

Commissioner DeGray asked Ms. Armstrong how many of the complexes managed by the applicant are in a historic district. Ms. Armstrong noted a few including a large unit in New Haven. Attorney Landolina noted that the Montessori school does not fall within the zone change. Commissioner DeGray also remarked that the property being so close to Enfield Congregational Church is concerning as there are several people who park on either side of South Road on weekends. Commissioner Hilinski also expressed concern regarding the overflow of traffic. Mr. Metrucci rebutted that the level of service was not decreased in their study.

Commissioner Majmudar confirmed that the traffic entrances from South Road are both dedicated to being part of the new development. He is concerned that with the access to Post Office Road through the campus, people may still use it as a cut-through. Ms. Anderson confirmed there would be signage and no cut through would be present. He also requested clarifications regarding the voluntary conditions mentioned by the applicant. The applicant explained the voluntary conditions are that the site plan would substantially conform to the master plan and there would be no more units that what has been provided on the master plan. Further, the construction would move in phases prioritizing senior housing.

With no further comments from the Commissioners, the meeting was opened for public comment. Commissioner Fiore requested that the public not be redundant and keep new information at the forefront of their speeches.

Nikki Price, 1324 Enfield Street, addressed the commission. Ms. Price is concerned that the Commission cannot make a good decision about the zone change without a site plan. She listed four issues with Draft Resolution #3. She feels like there are too many unanswered questions and the fair thing is to continue the public hearing.

James Glista, 19 Post Office Road, addressed the Commission. He wanted something included in the lease that it will remain residential for the length of the lease. He noted that construction will be ongoing indefinitely which is concerning. Counting the highway as an abutter is a dirty move and excludes many families that are impacted that live on the east side on I-91.

Rita Crowley, 53 Edgewood Drive, addressed the Commission. Ms. Crowley is in support for 100% elderly housing. Her mother-in-law resided in the St. Francis Home. There is superior management of the complex and the sisters offer a safe and secure environment for the elderly residents and have foresight for the optimal use. A project like this has potential benefit to the

Enfield elderly who will be downsizing. If the proposal is not approved, the ramifications of this decision should be of great concern. They do have the option to sell if they needed to but that is not an option they have chosen.

Patrick Thibodeau, 20 Cora Street, addressed the Commission. The Catholic schools and the sisters saved the town millions of dollars in inflation and adjusted money. They have been a wonderful part of our community. Enfield is losing school kids and we are in economic decline. We need multifamily housing. The big picture is that the town lacks affordable housing. Who does this help? This is aimed at the people who do not get government help who have jobs and need to pay rent and cannot afford down payment. We want a better town, and this should be supported.

Ann Marie Galdenzi, 1330 Enfield Street, addressed the Commission. There is a document that does not clarify that the 142 are for single persons. They are currently used by sisters and other occupants. They should not be compared to a one- or two-bedroom apartments. It is more accurate to define it as a boarding house with 142 bedrooms as it doesn't have private facilities like an apartment. She proposed that they will take up a larger space and there will be a huge change of impact to the area. She called the fire department and remembered reviewing the master plan but that it could not be approved as it stands. This brings up several further concerns including DPW review, Police Department Review and other administrative reviews. She further opined that 2016 traffic studies are not good enough to compare to present day.

Maryellen Deluzio, 1330 Enfield Street, addressed the Commission. The petition of signatures does meet the super majority requirements based on the calculations done by Ms. Deluzio, who used data provided by the applicant in the application packet. She believes an independent assessment by an unbiased part needs to be done along with occupancy counts.

Commissioner Fiore interceded and noted that Town staff accepted the document and town legal staff will be review.

Theresa Criscitelli, 1336 Enfield Street, addressed the Commission. Fear and sadness fill the historic district with the increase of traffic and other issues. Because of the new boundary, we are now non-abutters. We are just a group of residents who don't have the deep pockets of Community Builders and all research has been done by us and our voices must be heard.

Lori Longhi, 1427 Enfield Street, addressed the Commission. A document called "Proposed Zone Change" is causing concern as it was not stamped in, and residents have no idea who produced said document. There are notable errors including discrepancies in the area occupied by the Little Sisters of the Poor. Being an appraiser, Ms. Longhi shared her calculations of the lot size. The zone change should not be approved as the lot calculations simply are incorrect. She also shared the procedure for accepting and denying petitions and believes that past practices should be followed.

Anthony Spazzarini, 40 Post Office Road, addressed the Commission. The financial income from just the land lease would be substantially more than what the sisters need to subsidize them. The vast amount of profit will go off to Chicago, which is clearly not a local endeavor.

Community Builders has 500-1,000 employees and is a \$2.5 billion dollar enterprise. This is a money maker not a benefit to the community and neighbors.

Donna Dubanowski, 23 Betty Road, addressed the Commission. She shared definitions of dormitory, residential unit and dwelling unit. Vacancy rate is being misconstrued. They can't meet the vacancy requirements the way it is written. There should be no waiver allowed on this site plan. SDD zone is in the business district only.

Tom Tyler, 18 Bridge Lane, addressed the Commission. Attorney Tyler has practiced land law in Enfield for the last 40 years. He asked how does the applicant's proposal to add more buildings to an already non-conforming lot prevent it from becoming more non-conforming which is prohibited by the town's zoning regulations. Zoning Regulation 5.60.4B which mandates SDD districts follow dimensional setback requirements of the underlying zoning district of the site. He shared another zoning regulation which states that no existing non-conforming lot can be increased. 1297 Enfield Street is already a non-conforming lot and other buildings being added is simply not permitted. SDD is for vacant and deteriorating buildings so as not to increase existing nonconformity. Until the public complained about the lack of transparency did the applicant apply for this waiver. Attorney Tyler also noted that a ¾ majority is required on this application along with various specific requirements.

Noel Price, 1324 Enfield Street, addressed the Commission. When Mr. Price left for a trip, he was an abutter and when he returned, he was not. Enfield already had four of five housing projects in the pipeline. He is concerned about where vehicles will go during inclement weather. There is no overflow lot close by.

John Kissel, 16 Frew Terrace, addressed the Commission. He is concerned about the impact the project will have on the historic district. While this is a nice development, it is not right for this property. He echoed Attorney Tyler's sentiment that this must be denied due to various legal technicalities. He is also concerned about not having a sidewalk on that side of the street. The traffic issues already affecting EHS will plague this project also. It is not appropriate to compare this to Bigelow Commons since Bigelow is hidden and this property is right out in the open.

Kim Wilcox Pappas, 1 Riverview Street, addressed the Commission. Her children attend the Enfield Montessori School. She is concerned that by re-zoning this you are changing the character of the entire campus.

Lori Longhi, 1427 Enfield Street, addressed the Commission for the second time. She was a past P&Z member and was part of the development of the current plan of Planning and Community Development. SDD was in for the business zones of the regulations. If the town is going to allow for residential in the industrial, 43 acres are identified as residential land. The yellow house is occupied by the Chaplin. The second floor of the school has been occupied by sisters up until this past winter. The second floor of the nun's convent is an infirmary, and the third floor is the Franciscan friars. It's fully staffed 24 hours a day and is used every day. The people in the area know the activity and know it can't meet the 80% vacancy. The town attorney mentioned the ART meetings. The Fire Marshall said the plan seen in the spring was not to be approved. Commissioner Alaimo asked about the meetings and was told there was no meeting.

Commissioner Fiore made a correction that there were no minutes taken at that meeting, but the meeting did take place.

Motion to extend the meeting past 11:00pm made by Commissioner D'Antonio; seconded by Virginia Higley and approved by a unanimous vote of 6-0-0.

Patrick Thibodeau, 20 Cora Street, addressed the Commission for the second time. If affordable housing is involved, there is intimidation and convoluted arguments. This has no impact on the historic district. Everyone will love it once it is built. In life, your opportunity to do some good are few and fleeting. You can change the lives of 304 people you will never know.

Public comment was closed.

Attorney Landolina provided brief rebuttals to resident comments. He reiterated that the historic district is not a zoning district and rezoning was not an attempt to get around 8-3B in the regulations. He opined that the addition of the 80 signatures was made at the eleventh hour to try to meet the requirements. He shared a recent court case opinion in which substantial evidence was defined. Public testimony is excluded from the definition.

Commissioner Fiore requested that any other notes or information packets prepared by members of the public be handed into town staff.

Motion to close public hearing made by Commissioner Higley; seconded by Commissioner Majmudar and approved by a unanimous roll call vote of 6-0-0.

Commissioners agreed that there would be no vote on this item and there were three major items to discuss. The first being should the Commission request the waiver. The second was if the Commissioners agree with the applicant regarding the occupancy requirements. The third being do they agree that the SDD zone will apply and therefore determine which waivers are needed. Commissioner Fiore opined that the rejection of one will reject the entire application.

Commissioner Fiore stated that he cannot agree to the waiver of the site plan. The site plan is required as per the regulations and needs to be provided. Commissioner Higley agreed that while it will be costly, the Commission needs to adhere to their regulations. Commissioner DeGray noted that the last two SDD applications provided site plans and the same precedent should be followed. Commissioner Hilinski opined that there is enough detail in the master plan to go forward. Commissioner Majmudar opined that a density limit should be submitted. Commissioner D'Antonio sees the value in giving the applicant the site plan waiver. He feels that the primary use seems satisfactory.

The commissioners discussed the density limits. Commissioner Fiore sides with the staff interpretation of density rate calculations and will not grant the waiver. Commissioner D'Antonio feels like more information needs to be provided regarding the non-residential uses and understands the applicant's intent. Commissioner Majmudar is willing to grant the waiver. Commissioner Hilinski agrees with staff interpretation. Commissioner DeGray is not comfortable with the waiver. Commissioner Higley noted that the traditional use of SDD is for vacant and deteriorating buildings and will not support the waiver.

Commissioner Fiore felt like at one point, the applicant was guided to apply for the SDD and feels bad that applicant came before the Commission and got steered in that direction, but the regulations are clear that it must be in an industrial zone. Commissioner DeGray and Higley agreed. Commissioners Hilinski does not see where it is specifically prohibited. Commissioner Majmudar feels as though the property is highly underutilized and residential use is appropriate. Commissioner D'Antonio does not see an intent behind to restrict it to just commercial and being able to adapt underutilized buildings is important and can see SDD being applied here. Commissioner Fiore read the reference in question from the POCD. Ms. Whitten noted that these are not waivers but interpretations of the regulations.

Motion to table Item PH #3040MA to September 22, 2022 made by Commissioner Higley; seconded by Commissioner DeGray and approved by a unanimous vote of 6-0-0.

Commissioner Petronella re-joined the meeting at 10:52 pm.

Other Business

Ms. Whitten shared that there have been inquiries to place a cannabis retail store in the business regional (BR) zone but because of the 1500 sq ft separation requirement from schools and daycares, over two thirds of the BR zone is immediately eliminated. She opined that BR is the best zone for this use. Mr. Davis explained that the nature of development in the BR zone legitimized the potential modifications within the zone. In the regulation, Planning and Zoning Commission will have authority over other agencies from granting variances for this use. While this is sparingly used, it is allowable. Commissioner DeGray asked about specific distance requirements. The best use should be in the BR zone. Commissioner Majmudar requested a newer version.

Correspondence

None.

Commissioners Correspondence

None.

Director of Planning Report

Draft POCD has been received. It hopefully will be to the commissioners by the next meeting. Tentative public hearing date is December 15th. There is a 65-day review. Final draft will be prepared by September 22nd, statutory timelines to OPM and Town Council. Commissioner Fiore stated that the Commission will have changes to the POCD and cannot automatically bless it. Timeline was reviewed, and a special meeting will be held in late September. Zoning technician has resigned and hired Jennifer Mackenzie as Secretary #3. Position will not be filled until the department is settled. New applications to be received are an outdoor storage facility on 18 Mullen Road, a smoke shop at 35 Enfield Street and a drive-up ATM at 7 Hazard Avenue.

Opportunities Unresolved

None.

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 11:16 PM.

Prepared by: Rebecca Jones

Respectfully Submitted,

John Petronella, Secretary