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MINUTES

ENFIELD PLANNING AND ZONING COMMISSION REGULAR MEETING

THURSDAY, March 3, 2016 – 7:00 P.M.
ENFIELD TOWN HALL – COUNCIL CHAMBERS
820 ENFIELD STREET – ENFIELD, CT

REGULAR MEETING 7:00 P.M.

1. Call to Order & Pledge of Allegiance – Commissioner Charles Duren called the meeting to order at 7:03 p.m.
2. Fire Evacuation Announcement
3. Roll Call

Present were Chairman Charles Duren, Commissioner's Peter Falk, Nicles Lefakis, Charles Ladd, Mary Scutt, and Linda DeGray.

Absent were Commissioner Elizabeth Ballard, Alan Drinan, and Richard Szewczak.

Also present was Mr. Roger J. O'Brien, Director of Planning.

Alternate Commissioner Linda DeGray was seated for the absent commissioner.

Commissioner Ladd made a motion, seconded by Commissioner Lefakis to move item (b) under New Business to this point on the agenda after approval of minutes. The motion passed with a 6-0-0 vote with alternate commissioner Linda DeGray voting for the absent commissioner.

4. Approval of Minutes
 - a. February 4, 2016 regular meeting – Commissioner Falk made a motion, seconded by Commissioner Lefakis to approve the minutes of February 4, 2016 with the following

amendments. On page 17 change the name 'Mary DeGray' to 'Mary Scutt'. The motion passed with a 6-0-0 vote with alternate commissioner Linda DeGray voting for the absent commissioner.

February 18, 2016 regular meeting – Commissioner Falk made a motion, seconded by Commissioner Ladd to approve the minutes of February 18, 2016 with the following amendments. On page 4 in the fourth paragraph change the following; '*Chairman Duren asked about the ten foot fencing to allow for truck access*' to say '*Chairman Duren asked about the fencing to allow for truck access*', and on page 8 under item 13 change the word '*grown*' to '*ground*' and '*of white pine*' to '*or white pine*'. The motion passed with a 6-0-0 vote with alternate commissioner Linda DeGray voting for the absent commissioner.

10. New Business

- b. SPR #1672 – Site plan application for proposed hair salon located at 77 Hazard Avenue, Unit L (Map #56/Lot #37); Jeannine's Salon, LLC., applicant/owner. *DoR: 02/18/2016; MAD: 04/23/2016.*

Jeannine Carl from 51 Grove Street, Windsor Locks, CT addressed the commission. She stated that she bought 77 Hazard Avenue, Suite 3 which used to be a nutrition store and she would like to turn it into a beauty salon. Commissioner Falk asked if there were changes to the outside of the building and she said no there were not. Mr. O'Brien stated to the commission that he had brought their attention to this application at the last meeting because the only changes were interior and they did accept that and there was a resolution that says they would waive all the other requirements for site plan and so forth and architectural drawings. Chairman Duren said that the only thing he noticed on the drawings was that in the application it said four chairs but it shows only two. Ms. Carl gave to the commission an architectural drawing that she just got which they accepted. Commissioner Ladd stated that she had said unit 3 but on the application it says unit L and Ms. Carl said it is both; it is unit L technically but the electric company has it as unit 3. Chairman Duren said that although the address is Hazard Avenue, it is actually located on Palomba Drive.

Commissioner Falk made a motion, seconded by Commissioner Lefakis to waive the submission requirements in connection with application SPR #1672. The motion passed with a 6-0-0 vote with alternate commissioner Linda DeGray voting for the absent commissioner.

Commissioner Falk made a motion, seconded by Commissioner Lefakis to approve application SPR #1672 by Jeannine Salon, LLC to change use of 77 Hazard Avenue, from professional office to personal service (hair salon), in accordance with the submitted application; referenced plan cited below; documentation listed in the public record; testimony received during the public meeting of March 3, 2016; and in accordance with conditions appended hereto.

The referenced plans are as listed below:

"Interior Sketch" Sheet 1 of 1. No Scale. Prepared by Jeannine Cairl. Dated 2/18/16. Submitted Feb. 18, 2016 Exhibit #5 in submitted application.

This application is approved with the following conditions:

Conditions to be met prior to signing of plans:

1. The application number SPR #1672 shall be displayed on the plans in or near the Title Block area.
2. A copy of the approval letter and conditions shall be made part of the final plans submitted for signature, preferably located on the cover sheet or first sheet of the plan.
3. The conditions of this approval shall be binding on the applicant, land owners, and their successors and assigns.
4. The approval of the North Central Health District to be obtained.

Conditions to be met prior to the issuance of permits:

5. Four sets of paper plans, with any required revisions incorporated shall be submitted to the Planning Department for signature of the Commission.

General Conditions:

6. 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.
7. This project shall be constructed and maintained in accordance with the referenced plans.
8. This approval does not include signage.
9. A building permit for the construction of facilities as approved must be obtained by **March 3, 2017** or this approval shall be rendered null and void, unless an extension is granted by the Commission.
10. All construction authorized by this approval shall be completed by **March 3, 2021** or this approval shall be considered null and void, unless an extension is granted by the Enfield Planning and Zoning Commission.

11. 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.

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

12. No Certificate of Occupancy or other final approval may be issued until the Planning office 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 Attorney and Finance Department.

The motion passed with a 6-0-0 vote with alternate commissioner Linda DeGray voting for the absent commissioner.

5. Staff Reports

- a. Town Attorney (in writing)

Chairman Duren had a note regarding Capital Region and the status of the conference which was going to be held February 25th. Chairman Duren stated that the town attorney sent an email and asked that they have a pre-trial hearing on Friday, April 1st at 2:00 p.m. and would like Chairman Duren to attend but he is unable to make it. Chairman Duren said that he had asked Peter to attend for him and from what he understands the mayor, the chairman of the ZBA, and Mr. Roger O'Brien had also been asked to go. Mr. O'Brien stated that an email had gone out today from the executive assistant to the town manager calling a meeting on the 22nd of the full town council, the full P&Z, and the full ZBA at which it would be appropriate to ask questions. Commissioner Falk asked Mr. O'Brien if he wanted a quorum to attend the meeting on the 22nd and Mr. O'Brien said that it is a full joint executive session of two boards being called by the town council and the town attorney.

- b. Zoning Enforcement Officer (in person)

Mr. Roger O'Brien addressed the commission and stated he had nothing to report. Chairman Duren asked if they would be hiring a new ZEO and Mr. O'Brien said that they are in the process of budget discussions but the final budget has not been finalized to the town council at this point in time, so they will have to wait and see exactly what they will have for staff. Mr. O'Brien went on to say that Rick Rachelle has attended a few meetings for the wetlands commission and he is an inspector and the idea is to cross-

train inspectors, so he is taking zoning classes along with two other gentlemen. He stated they have also hired an acting assistant town planner for evening board meetings so there is back up for himself in the event that he cannot be somewhere and she is a fully qualified planner with many years of experience.

6. Public Participation – No one was present.

7. Bone Release(s) – None

8. New Public Hearing(s) – None

9. Old Business – None

10. New Business

a. Section 8-24 Referral 2015-2016 Town of Enfield Capital Improvements Budget, presentation by Lee Erdmann, Acting Town Manager.

Mr. O'Brien informed the commission that Lee Erdmann has a full slate of budget reviews and hearings with department heads so he asked that Mr. O'Brien go through the proposed capital budget with the commission. He said that he met with Mr. Erdmann that afternoon and had the chance to ask any questions he had so he could better answer questions from the commission. Mr. O'Brien stated that the capital budget last year for the town of Enfield was \$3,000,000.00 and the proposed capital budget this year is \$4,000,000.00 which is a significant increase. The capital budget despite the fact that it is \$4,000,000.00 its total debt service is still very reasonable when you look at the surrounding communities. He stated that the debt service as a percentage of proposed operating budget is around 4.1 and a general rule of thumb is no more than 10 percent of your operating budget should be allotted to debt service, so even with the increase it is very conservative.

i. Vehicle replacement \$ 1,779,909.00

Mr. O'Brien said that this is the second year of the town's vehicles replacement plan. Commissioner Falk stated that one of the categories is for police motorcycles and asked why they are not part of the vehicle replacement and Mr. O'Brien said he would note that as a comment from the commission.

ii. Public works equipment \$ 258,560.00

iii. Facilities plan \$ 280,000.00

iv. School Facilities \$ 367,000.00

Commissioner Falk stated that it was in the paper tonight that they were not going to use Fermi as a school which means the town will own it and it will be the

town's responsibility to maintain it and he stated that they do not know if there is money in here to accommodate that. Mr. O'Brien stated that when he spoke to Lee that afternoon there were two referendums out last year; energy and facilities and if you look at the capital budget going out in the following year there is Fermi and JFK monies starting in the following year but not in this year and they are placeholders for what the town may decide to do. Commissioner Falk said again that they would have to go from July of 2016 to July of 2017 with the building being vacant and the town being responsible. Commissioner Ladd said that on the back page it says further discussion is anticipated after board of education decision in March. Commissioner Scutt asked under the miscellaneous school facility projects where were some of the things listed going to be done such as AC installations and computer lab construction. Mr. O'Brien stated that there is a detailed sheet on the \$367,000.00. Commissioner Scutt said that this is \$75,000.00 and she is trying to understand where it is going. Mr. O'Brien stated that this is a standard thing on capital budgets because you can't anticipate everything so you can't really lock anything in at a certain place only to find out that another school has a need, so it is decided when the need comes in and is usually subject to appropriation from the capital budget.

v.	Recreation Replace / Repair Play Scapes	\$	125,000.00
vi.	Refuse and Resource Mgmt. Repair of Leachate Break/ Landfill Cover	\$	20,000.00
vii.	Town Building Repairs	\$	203,000.00
viii.	Town Road Paving / Miscellaneous Town Road Projects	\$	297,000.00
ix.	Other DPW Property	\$	439,000.00
	Chairman Duren read the description into the record. He stated that he thinks this may be the third year or a sequential budget item. Mr. O'Brien stated to the commission that in general the reason the state statute provides the capital budget go to the planning and zoning commission for review is that it is an implementing tool as a municipality to implement their plan of conservation and development.		
x.	Other Projects	\$	229,600.00

Commissioner Falk made a motion, seconded by Commissioner Ladd to approve section 8.24 Referral for 2015/2016 Town of Enfield Capital Improvements Budget. The motion passed with a 6-0-0 vote with alternate Commissioner Linda DeGray voting for the absent commissioner.

11. Correspondence

SPR #1641 - Request for extension of time to obtain building permit:

Chairman Duren stated that there was a note from staff stating that the planning department had received site restoration bond and is awaiting receipt of erosion and sediment bonds and landscape bond. The building permit application process has been started but no permitted approval has been granted. He said that they would like a motion or approval by the P&Z that the commission approves an extension of time for SPR #1641 Huntington Chase Development, LLC of 160 Hazard Avenue to allow an additional three months to obtain a building permit. The move date to obtain the building permit would be June 19, 2016.

Commissioner Ladd made a motion, seconded by Commissioner Falk to look at SPR #1641 Huntington Chase Development under Other Business on the agenda. The motion passed with a 6-0-0 vote with alternate commissioner Linda DeGray voting for the absent commissioner.

- Letter from Environmental Protection

12. Commissioner's Correspondence

Commissioner Scutt stated that she attended the Enfield Revitalization Strategy Committee meeting last week and they voted in a new chairperson, Earl Stallings. She said that most of the discussion was about reviewing committee goals and objections and their action plan which she will get to the rest of the commission as she gets it. She also said that they were talking about doing another bus tour and would be asking planning and zoning to go.

Commissioner DeGray stated that she attended the food truck meeting and it looks like they will be moving forward. She said there were some revisions that have been forwarded to the town attorney.

13. Other Business

a. Blight

There was no blight report in the commission's packet. Mr. O'Brien informed the commission that he did not include the report for this meeting as they are working on implementing a new system so that everything is combined into one report.

b. SPR #1641 - Request for extension of time to obtain building permit:

Commissioner Falk made a motion, seconded by Commissioner Ladd to approve extension of time on SPR #1641 Huntington Chase Development, LLC of 160 Hazard Avenue, to allow an addition of three months to obtain a building permit. The new date to obtain a building permit will be June 19, 2016.

Mr. O'Brien explained to the commission that this is a new medical building and the applicant did not realize everything that needed to be done to get an approval for a new building, so it has taken him longer than he thought. The commission had given him one year to get the building permit which he was approaching. He is now working with Linda Campbell in the building office now.

The motion passed with a 6-0-0 vote with alternate commissioner Linda DeGray voting for the absent commissioner.

14. Report of Director of Planning

a. Roof –top Solar Panels:

Mr. Roger O'Brien presented to the commission pictures of what is currently allowed in the towns regulations for solar panels, which is a single square of rectangle. He then presented pictures for suggestions of other configurations. Mr. O'Brien stated to the commission that when they looked at the other 169 towns in Connecticut there are very few that deal with aesthetics at all. Therefore, most towns don't regulate the aesthetics at all and then Enfield that is very limited, so to the extent that they can broaden it and still provide some overall uniformity would be good. He went on to say that the language he drafted, which he can pass out, calls for a uniform pattern on the roof so there can be more than one panel, provided it is still in a uniform pattern. Commissioner Scutt commented that under the regulations 8.80.1.1 it says; *The energy generated by the small solar energy system shall be used for direct consumption on the subject property and be interconnected to the electric utility power grid to offset energy use on the subject property in accordance with current state net-metering laws*, so she thinks there is some kind of coverage that it is only for that specific property. Chairman Duren stated that the only thing that would have to be done would to have the ZEO or whomever is appointed to sign off on these have the certification or the figure of how much that house needs and how much they use.

Mr. O'Brien read the existing regulations section 8.80.1.5.d to the commission as follows:

'Roof top panels shall be configured in one (1) square or rectangular pattern. Commercial and industrial buildings located in Business and Industrial Districts are exempt from this configuration pattern, provided that they are not visible to abutting residential uses within 750 feet and located in a Residential zone.' (Effective 12/10/2015)

Mr. O'Brien then proposed the following as the replacement language for section 8.80.1.5.d

'Roof top panels shall be configured in an overall square or rectangular pattern so as to present a uniform appearance. This may be one square or rectangular panel or two (2) or more square or rectangular panels that form an overall uniform appearance. Examples are shown on diagrams below.'

After discussion Mr. O'Brien suggested that they add a line to the proposed draft regulations that says *'Commercial and industrial are exempt from a uniform pattern'*.

The commission reviewed and reached consensus on draft roof top solar regulations and scheduled a public hearing for April 21, 2016.

b. Non-Conforming Uses regulations:

Mr. O'Brien addressed the commission regarding non-conforming uses and stated that this Section 3.40 talks about general requirements of non-conforming uses, structures, and lots. Section (c) talks says that they may approve a special permit to allow a change in another non-conforming use after making findings, so what he is proposing is that they add (d) here that says the commission may hold a public hearing and review a special permit application for the expansion of an existing non-conforming use to extend or enlarge a non-conforming use or building and they may approve such special permit if it finds that the proposal is consistent with the goals of the plan of conservation and development and is in harmony with neighboring uses and will not be detrimental to the orderly of adjacent properties.

Mr. O'Brien then discussed Section 3.40.4.a where it talks about non-conforming uses cannot be modified in any way except in accordance with Section 3.40.1.c and so that can be amend to include Section 3.40.1.d.

Commissioner Ladd stated that most of their ordinances are based on state law and what does the state law say about non-conforming uses, because they can make them more stringent but not less stringent than what the state statute says. Mr. O'Brien said that the proposed regulations are consistent with the state statutes.

Mr. O'Brien said they are not waiving their regulations, but granting a special permit based on specific findings from a public hearing, testimony, and the facts before them.

Commissioner Lefakis stated that he liked the proposal for section 3.40.1.d but thinks that they need to change 3.40.1.c to be consistent with the added section of 3.40.1.d.

Mr. O'Brien agreed with Commissioner Lafakis comments and stated that they would incorporate the change to the regulations.

The commission reviewed and reached consensus on draft changes to the non-conforming uses section of regulations and scheduled a public hearing for April 21, 2016.

15. Authorization of Administrative Approvals - None
16. Applications to be Received
 - Application to reduce age from 62 to 55 which needs to go CRCOG and then it will come before the commission.
 - Special permit for 144-146 South Road.
17. Unresolved issues
No discussion was conducted at this meeting.
18. Adjournment – Commissioner Falk made a motion, seconded by Commissioner Scutt to adjourn the meeting at 9:00 p.m. The motion passed with a 6-0-0 vote with alternate commissioner Linda DeGray voting for the absent commissioner.

No regular meeting on Thursday, March 17, 2016

Next Meeting is a special meeting on Thursday March 24, 2016

Minutes prepared by Emma Gothers

Respectfully submitted,

Peter Falk, Secretary