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## MINUTES

### ENFIELD PLANNING AND ZONING COMMISSION REGULAR MEETING

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

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#### REGULAR MEETING 7:00 P.M.

1. Call to Order & Pledge of Allegiance – Commissioner Charles Duren called the meeting to order at 7:00 p.m.
2. Fire Evacuation Announcement
3. Roll Call

Present were Chairman Charles Duren, Commissioner's Elizabeth Ballard, Alan Drinan, Charles Ladd, Mary Scutt, and alternates Linda DeGray and Richard Szewczak.

Absent were Commissioners Peter Falk and Nicles Lefakis.

Also present were Roger J. O'Brien, Director of Planning and Kim Holden.

Alternate Commissioners Linda DeGray and Richard Szewczak were seated for the absent commissioners.

4. Approval of Minutes
  - a. March 3, 2016 - regular meeting – Commissioner Drinan made a motion, seconded by Commissioner Scutt to approve the minutes of March 3, 2016 as amended. On page 1 under roll call, change the following sentence; *'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.'* to read as *'Commissioner Ladd made a motion, seconded by Commissioner Lefakis to move item (b) under New*

*Business on the agenda to after approval of minutes.* On page 3 change 'Jeannine Cairl' to 'Jeannine Carl'; on page 5 change item number 7 from 'Bone Release(s)' to 'Bond Release(s)'; on page 7 change under item 12 change the word 'objections' to 'objectives'; and on page 8 in the last sentence of item 14(a) add the words 'and produce'. On page 9 change the sentence, '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.' to read as, 'This may be one square or rectangular pattern or two (2) or more square or rectangular patterns that form an overall uniform appearance. Examples are shown on diagrams below.' and also on page 9 change the word 'orderly' to 'development'. The motion passed with a 5-0-2 vote with alternate commissioners Linda DeGray and Richard Szewczak voting for the absent commissioners. Chairman Duren, Commissioner Ballard, Commissioner Ladd, Commissioner Scutt, and alternate Commissioner DeGray voted to approve and Commissioner Drinan and alternate Commissioner Szewczak abstained from the vote.

- b. March 17, 2016 – special meeting – Commissioner Ladd made a motion, seconded by Commissioner Drinan to approve the minutes of March 17, 2016. The motion passed with a 6-0-1 vote with alternate commissioners Linda DeGray and Richard Szewczak voting for the absent commissioners. Chairman Duren, Commissioner Ballard, Commissioner Ladd, Commissioner Scutt, alternate Commissioner DeGray and alternate Commissioner Szewczak voted to approve and Commissioner Drinan abstained from the vote.

5. Town Attorney Report (in writing)

The only item on the report was *CREC v. Enfield ZBA*. Mr. O'Brien stated that there is a court date on April 25<sup>th</sup> and Commissioner Ladd was going to represent the commission along with other representative from various other offices. This was requested by the judge so that everyone would hear the same information and be there to listen and observe.

Commissioner Ballard asked if The Villages were due to come back in and Mr. O'Brien stated that yes there was a previous report from the town attorney that the court sent that decision back but it is incumbent upon the applicant to re-file and this commission has been directed to re-hear the case. He also said that outside of an inquiry that the applicant made to the former ZEO verbally, they have not heard anything but whenever it is coming before them he will make sure they get an early indication.

Commissioner Ladd stated that he was under the impression by what the town attorney said that some of them may be required to testify also at the meeting. Mr. O'Brien stated that any time you go into a session with a judge it is possible that someone could ask but he did not think it was something anyone is anticipating but more a discussion with the judge and the attorneys.

Commissioner Drinan said that at the FOIA meeting there was some discussion as to whether or not they may be compromising their ability to sit as a group to entertain a re-application by the other party and whether that would force a recusal on the part of people who attended the meeting on the 25<sup>th</sup>. Maria has said she will check with the town attorney. Chairman Duren stated that, they could leave it at if there is a question you should contact the town attorney.

#### 6. Zoning Enforcement Officer's Report (in writing)

Mr. O'Brien informed the commission that the report is mostly complaints and enforcement but also permits that have been signed off but there is a lot more that the ZEO does in terms of signing off on building permits that are not listed there.

Chairman Duren asked who was signing off on signs and Mr. O'Brien said that he was.

Mr. O'Brien introduced Kim Holden and stated that she has already attended several other commission meetings and is a seasoned planner and has worked in many different environments. Kim is here to help and has been doing an outstanding job. Ms. Holden addressed the commission and stated she was the Chief Staff Planner for the City of Hartford so she has some background and she is also a commissioner on the P&Z commission for the Town of Burlington. She stated that currently she works for the town of W. Hartford in the department of public works as a business operations manager.

#### 7. Public Participation

Chairman Duren asked if anyone from the audience would like to come forward and address the Commission.

Mr. Dana Steele, Engineer for J. R. Russo & Associates addressed the commission and stated that he is representing the Family Ford auto dealership. He said that they are still interested in expanding their facility and he wanted to express this to the commission with reference to any text amendments that would allow them to do that. Mr. O'Brien stated that this has gone to CRCOG and they sent it back stating that there were no

intrameniscal conflicts and it has been advertised and posted in the town clerk's office ready for the meeting on April 21<sup>st</sup>.

Ms. Maureen Mullen of 1625 King Street came before the commission and stated she was here to give them an update on her sump pump. She stated that last year it was running up to every fourteen minutes during the wettest time but this past two or three months it has been up to every 12 minutes at the most, and she thinks there must be pressure in all the soil and the water accumulating because it is very soggy around her yard. She stated she is available for any questions any time and if she needs to be she can make herself available on the 25<sup>th</sup>.

8. Bond Release(s) – None

9. New Public Hearing(s)  
Reading of Legal Notice

- a. PH# 2836 –144 South Road (Map# 055/Lot# 0008) and 146 South Road (Map# 0055-Lot# 0006), Zone District is BL(Business Local); S&R Property, LLC Owner/Applicant. Special Use Permit/Site Plan (1) Proposed expansion of existing nursery and commercial operations to include: (a) sale and service of new and used residential property maintenance equipment, such as snow blowers and lawn mowers, (b) rental of outdoor furniture and equipment, (c) landscaping installation and maintenance services, (d) winter property maintenance services, and (e) storage of equipment, such as: Trucks, plows, etc. (f) small engine repair on site associated with services. (2) Special Permit for farming activity in a BL zone.

Commissioner Ballard took the roll and present were Chairman Charles Duren, Commissioner Elizabeth Ballard, Commissioner Alan Drinan, Commissioner Charles Ladd, Commissioner Mary Scutt and Alternate Commissioners Linda DeGray and Richard Szewczak. Chairman Duren stated for the record that Commissioner DeGray and Commissioner Szewczak would be sitting in for the absent commissioners.

Attorney Carl Landolina addressed the commission. Also present was Dana Steele, P.E. the project engineer and Darshanawd Ragnauth principal member of S&R Property LLC who is the owner and applicant of 146 and 144 South Road.

Mr. O'Brien stated that prior to tonight they put in the file a draft report which they shared with the applicant and the commission. The applicant subsequently got in touch with staff with suggestions and clarifications and they did make modifications and

accepted some of their suggestions, but at the same time members of the commission still felt there was information that they had not provided in the draft report so they did issue a second report and then today they incorporated the additional information they asked for and corrected some typographical things so what they should now be looking at is a report which says meeting date April 7<sup>th</sup> and is a 13 page of 13 page document that was distributed tonight to the commission and the applicant. He stated it is basically the same report but he wanted to make sure they were all looking at the correct document.

Attorney Landolina informed the commission that the applicant did post the sign on the property as required under the regulations. He stated that he had no comments at this time and would turn over the presentation to Mr. Steele.

Mr. Dana Steele, P.E. with J. R. Russo & Associates addressed the commission and stated he would go over the plan and what is being proposed for this application. He stated that this is the site of the Tarnow Nursery which has been under renovation and the new owner would like to open this operation as soon as possible. The applicant is proposing to expand the nursery to include a growing area for the plants in the north east corner of the property where he proposes to clear all the trees from that area and grow container plants to sell at the nursery which would fall under the farming activities portion of the regulations requiring a special permit. He also said that part of the farming activity includes a farm pond also in the north east corner of the site for irrigation of the fields. In the middle of the site there would be four plant houses which would be temporary type of structures like a greenhouse for growing, also linked to the farming activities. He went on to say that to expand the farming nature of this property they would continue the uses that were there before, such as mulch, stone, and landscaping materials. They are proposing a silt fence along the limit of the wetland area and everything to the south of that would be gravel or pavement. The applicant is proposing to put in new storage bins for materials in the gravel area along with delivery vehicles and other trucks all of which will take place at the back of the site behind the building and mostly out of view. Mr. Steele went on to say that the area around the building has been used for outside display of plants and there are some wooden structures there which will remain just to the north of the parking lot and another one just to the east of the main building. In addition to the storage bins for landscaping materials there are three bins on the side of the property for salt and de-icing storage because the applicant would like to continue to provide winter maintenance service to his customers. He has vehicles that can plow and distribute salt or other de-icing agents and these bins where the material will be stored will be configured so that storm water will not flow into the bin and dissolve it and will also be covered. Because of the equipment and vehicles that is involved in doing this type of service there are two new storage garages being proposed on the property of 40 x 36 ft. one being north of the main building and another on the adjacent property which currently has a residential

house on it. The house will be converted to a retail use and the garage will be near the existing house. These properties will be merged into a single property which is required and was a condition of approval from Inland Wetland and also required in the regulations to have a minimum of five acres for farming activities. The garages would be a metal, red steel building with a pitched roof and there would be green paneling on the structure of which there are two proposed. In the middle of the site there is a parking lot which will remain. Staff had commented on landscaping on the site in that the regulations require a certain amount of trees and a certain amount of landscaped area within the parking area; however, because this is an existing parking lot the regulations do not require them to be brought up to standards but rather just anything that is expanded which they are willing to listen to what the commission would like to see. The applicant would prefer not to cut up and remove pavement that is already there to provide additional landscaping within an existing parking lot but is certainly willing to enhance the area around it. Related to that there is a good amount of space of approximately 25 feet between the handicap parking spaces against the main building and the regulations require ten feet of landscaping between the building and the parking lot, but again they would point out that is an existing condition and the area is really part of the whole display area. The only expansion of parking area is in the south east corner of the parking lot that is currently a gravel surface and they are proposing to add five parking spaces there, and this would also give an additional handicap parking space close to a new use that is being proposed. Mr. Steele said that the new use will be related to the garden center use and will be a retail use for rental of outdoor furniture and equipment which will take place in the sales office formerly the house and detached garage. The main garden center in addition to garden tools will also have power equipment and there will also be an area for the repair of power equipment located in the detached building behind the main building. Mr. Steel stated that what they are presenting is a retail use that has some accessory uses and in order for them to be accessory they do need to be not primary and not dominating the site so they feel that by containing it to the small building it meets that intent. This is consistent with other retail services that sell equipment and also service them so they feel it is consistent with the BL zone. Mr. Steele said that there will be an outside display and the applicant intends to utilize all the area around the building. The only changes to the parking as mentioned are the five additional spaces in the south east corner and a re-stripping of the spaces right up against the building as there are not enough handicap spaces there now so they will bring that into conformance. As a part of these improvements that are being proposed; the garages and most of the bins and the hoop

houses are being placed on existing gravel areas so it is really not changing run off or drainage that much but the improvements on the lot where the residential lot is where there is some increase in impervious coverage. Initially they were proposing asphalt pavement but the applicant is a landscaper by trade and does hardscape installations and has experience installing pervious pavers which he sees could serve as advertising for the business and a functional purpose for vehicles. He stated that when they designed the storm water basin it is a water quality basin that provides storm water detention as well as storm water treatment and it is sort of creating a wetland with vegetation that can filter runoff. The applicant already owns a landscaping business and so they are proposing a gravel storage area to the east of the pervious paver driveway that accesses the garage which will be where he parks his backhoe and trailers and various other vehicles. The nature of this is going to be small and will be properly screened as there are residential properties across the street and the site will be brought up to code in terms of trees and landscaping. With regards to buffers below the outside storage of the equipment and vehicle area there is a berm and some evergreen plantings and they are willing to put additional plantings there and will work with staff to come up with something that fully complies with the A-buffer requirement. The existing parking lot is closer than 25 ft. to the street and does not conform to the A-buffer and they would have to eliminate all the spaces that are along the street significantly reducing the amount of parking for the site and so would like to leave the spaces there and not cut out existing pavement. Mr. Steele also pointed out that there is an area behind the proposed shed for snow storage so they do not have to push the snow into the storm water basin. Mr. Steele presented to the commission a plan showing the location of the site regarding surrounding streets and that it abuts industrial zones to the west and north, across the street there are residential uses, and to the east is a substantial wooded buffer. Erosion control and sediment control notes were presented and provided the specifications for treatment. Also provided was a construction schedule which is another requirement of the E&S guideline along with a post-construction maintenance schedule.

Chairman Duren confirmed with Mr. O'Brien about the buffer to the street and that they cannot do waivers on their regulations according to recent rulings and that he would have to go to the ZBA. Mr. O'Brien responded and stated that the garden center is not a retail use in the regulations, as a nursery is a farming use and they need to bear in mind that the main use is under farming which is a special permit use in the BL-zone so for everything else they would have to make a finding that it is consistent with the main

use. He also informed the commission that when you go to a special permit as an accessory use you are not really bound by any of the things that might be required for construction services in the industrial zone and you only have the right to determine what is an adequate buffer and that is one of the reasons that staff have recommended the parking lot be landscaped; if the parking is actually part of the buffer then it should have some trees in it but if they considered it a special permit use as an accessory to the garden center they could determine that, so he does not believe the applicant needs to go and get a variance. Mr. O'Brien did state that it was his understanding the residential house was going to be the office for the landscaping and construction services but they described that it was going to be the rental office. Mr. Steele stated that there is an office in the main building and the office in the house will be for the rental. Mr. O'Brien also asked about lighting, and he also stated that in the BL-zone farming is a special permit use.

Chairman Duren stated that there is an Aquifer one lot up and he is concerned about contamination and if they should notify whomever services the water in this area. Mr. O'Brien stated that they were in attendance and did not raise any issues. Mr. Steele stated that he checked and they are not in an Aquifer and are not required to notify. Chairman Duren stated that he would like to know because their trucks are close to it.

Commissioner Drinan asked if they would be washing trucks on the property after they had been used for salt and de-icing and Mr. Steele said there would be no washing of the trucks and they would submit to that as a condition of approval. Commission Drinan also asked if all the salt and chemicals that they use will be on the west side of the property away from the Aquifer in the covered storage bins. Mr. Steele stated they would ask the water company to comment specifically on the de-icing location and the outside storage equipment. Commission Drinan also asked about them doing maintenance on equipment and if it would involve petrochemicals and oil removal and if so do they need a degreaser or trap for that. Mr. Steele said yes they would be using t hose materials but it would all be done inside the building and any spills would be picked up with absorbent materials and waste oils would be stored in containers inside the building. Chairman Duren asked where the storage of things that they would be selling such as fertilizers and pesticides would be and Mr. Steele said they would be inside the existing storage building.

Commissioner Szewczak stated that he wanted to point out that the existing gravel parking area will be expanded from wetlands flag #9 to wetlands flag #19 so that will be a change and a disruption in encroachment on the upland review area. Mr. Steele stated that it had already been approved by Inland Wetlands but went on to say that yes

there would be an expansion of the parking lot on the residential site so there would be disturbance at that location.

Commissioner Ballard asked if they were going to continue to have the large mounds of mulch in the parking lot and Mr. Steele stated they would not be and it will be moved to the storage bins in the back

Commissioner Ladd asked about leaks that may occur from the equipment on the gravel and if they have some way to contain spillages in that area and Mr. Steele stated that the gravel contains it better than asphalt. Commissioner Ladd said that it does not stay in the gravel but gets washed out. Mr. Steele asked if they would rather see it paved and Commissioner Ladd stated he would rather see it cement or asphalt which would keep it from going through to the ground. Mr. Steele said that is something they could take a look at but his only concern would be if making that change would require them to go back to Wetlands. Commissioner Drinan asked if it would just be in that area or if they would consider converting other gravel areas to impervious in the event of leakage. Commissioner Ladd also asked about where such things are stored and Mr. Steele said that the storage bins will be set on asphalt pads to prevent that type of thing.

Attorney Landolina asked if the commission would be satisfied if when they approached Hazard Water they told them that what is proposed is gravel and if they were to make it concrete or bituminous would that have an impact on their decision and Chairman Duren said yes that is what they would want.

Commissioner Scutt asked Mr. O'Brien if he may want to look at the regulations at section 10.20 under landscaping standards section c, and if that would help them to be able to make their determinations and Mr. O'Brien stated that yes it would.

Mr. Steele addressed the commission and stated that there is about 20 feet of existing vegetation that technically does not qualify as a buffer because it is not on their property and they could leave it there as additional supplement.

Commissioner Szewczak asked how the storage bins would be constructed and if there could be an accumulation of water in the bins that could wash out any of the materials and is this something that will be able to be contained. Mr. Steele said they could look at this but he would envision a tarp over the bins but they will look at options. Commissioner Szewczak also said that another concern he has is that it appears there is a significant amount of accumulation of water right about the wetlands flag delineation area and if they start clear cutting that area how usable will that area be. Mr. Steele said

that he believes this will be a usable area. Commissioner Szewczak asked how they are diverting the water flow off the site into the water wetland management pond and Mr. Steele said that right now the parking lot drains from south to north sheet flow into the wetlands and they are creating a swale along the edge of the parking lot so that all of the water from the parking lot is intercepted and funneled towards this pond. He also said that yes it is not collecting the entire site but it is runoff from parking areas that are the most desirable to collect and contain and right now there is nothing helping with this. So from a storm water management standpoint they are over detaining the smaller area to compensate for the other areas that they cannot practically collect and detain and so the net result for the entire site is a decrease. Commissioner Szewczak asked how they are going to be getting the water from the pond back up into the main portion of the site where they will be utilizing it and Mr. Steele said they would be using an immersible pump over the ground.

Commissioner DeGray stated that the plant houses are very close to the wetland and wanted to know what type of flooring the houses would have for drainage when they water the plants and fertilize and put insecticides in the plants to prevent draining into the ground. Chairman Duren said that there are certain regulations concerning farming that they cannot interrupt.

Chairman Duren stated that the pond has a six foot depth and asked if there was protection around it for children. Mr. Steele stated that something like a white plastic/vinyl fence. Chairman Duren also mentioned the irrigation pond at the back of the site that also has about a 10 foot depth. Commissioner Ladd stated that it was not a public area and Chairman Duren and Chairman Drinan stated that children could go back there. Mr. Steele stated that he understands their concern for safety but there are ponds and natural water bodies everywhere and none of them have fences around them. Chairman Duren also said that he would like to have on the plans a maintenance and inspection schedule for both of the ponds.

Commissioner Drinan asked if they could bring a floor plan for the repurposed house so they can look at that. He also asked about a landscaping berm that was mentioned in their write up and wanted to know where this is and how big it is. Mr. Steele said that if you look at the plan in the lower right hand corner of the site, below the gravel parking are three evergreen trees which are located on a berm that is two feet tall. There is also existing vegetation in front of that which will remain.

Commissioner Scutt asked what the plant houses are constructed off and Mr. Ragnauth addressed the commission and stated that the greenhouse will be like hoop houses and

will be installed with plants. Commissioner Drinan asked if they could bring a picture. Commissioner Scutt also asked what the storage bins for the stone and mulch will be made of. Mr. Ragnauth said the bottom will be asphalt and the sides will be concrete blocks. Commissioner Scutt asked if they were going to close off the existing entrance to the house and Mr. Steele said the curb cut that is there now will be eliminated and there will be a new one further to the east. She also asked about the garage that shows three bays and asked which way they are facing. Mr. Steele said there are actually two detached garages and the one behind the existing garden center has bays on the north side only and the other garage is going to be a pull through facing east and west; both garages are green and are detached.

Commissioner DeGray asked how many commercial vehicles would be parked on this site at a given time and Mr. Steele said there are six parking spaces on the side where the gravel area is and they are 50 feet deep. This gives the opportunity to double stack those spaces so approximately         .

Chairman Duren referenced the plan of the main building and asked if around this building was where the outside display would be. Mr. Steele said that yes that is the area building and there are two shade structures.

Commissioner Szewczak asked if there were going to be any new signs or labels to direct public where things are on the site.

Mr. O'Brien stated to the commission that when he did the ART back in November the health district brought up the fact that the new building has no portable water and the sprinkler system is not drinkable and with the shifting around of what is going where has the applicant discussed this with the health district. The other thing Mr. O'Brien also wanted to know is if the commission wanted to give the applicant any direction with respect to lighting.

Mr. Steele stated that he did forget to mention lighting during his initial presentation and there feeling is that the parking lot is already adequately lit with the light from the street lights and there are lights on the street lights that shine towards the parking area which seem to provide enough lighting and the applicant is satisfied with them. Mr. Steele said if they would like to go out there at night and take a look and if they think it's too dark then they will look at that. Commissioner DeGray asked if there is adequate light for pick up or drop of equipment if someone were to come to the site after dark. Mr. Ragnauth stated that there are street lights on each pole as well as flood lights that point to the parking lot.

Chairman Duren opened public hearing PH #2836 to the public and asked if anyone from the audience would like to speak in favor or against the application.

Mrs. Dorothy McNulty of 139 South Road addressed the commission and stated she has been upset since Tarnow's closed. She is very excited for another landscaping business to have purchased it and is waiting for this to open and feels this would be a wonderful boost to the town of Enfield.

Commissioner Drinan made a motion, seconded by Commissioner Ladd to continue PH# 2836 until April 21, 2016. The motion passed with a 7-0-0 vote with alternate commissioners Linda DeGray and Richard Szewczak voting for the absent commissioners.

10. Old Business – None

New Business

- a. PH# 2817 – Request for extension of time to obtain a building permit, Empire Wine & Liquor Superstore, LLC located at 55-B Palomba Drive.

Mr. O'Brien informed the commission that when they approved this there was a typo in the approval resolution in that it said they had to get a building permit the same night that they approved it. He feels that the applicant has moved along and did file an application but the application was currently pending and on a technicality he ran out of time and so only this commission has the authority to give him the extension. Mr. O'Briens feels it is reasonable to give him three months to get his building permit.

Commissioner Drinan made a motion, seconded by Commissioner Scutt to grant a three month extension for PH# 2817. The motion passed with a 7-0-0 vote with alternate commissioners Linda DeGray and Richard Szewczak voting for the absent commissioners.

12. Other Business – None

13. Correspondence

- Letter from Ms. Maureen Mullen

14. Commissioner Correspondence

Commissioner Szewczak stated that he did attend the Economic Development Commission on March 9, 2016 and they were looking at the zoning regulations and how they affect some of the spaces they have, specifically at the mall area, and with Macy's leaving there is going to be a considerable amount of interest in that area. They want to be sure that the area is developed in conformance with the growing way things are developing and that they need to start looking at multi-zone zoning regulations so it will encapsulate possibly retail, office, housing, and recreational use in certain zones. Chairman Duren said that they have not taken zoning along with their plan of development and it has been done in a lot of places where it has gone commercial with residential in such places as a mall but they have not included Mr. O'Brien in recent discussions. Commissioner Szewczak said that he would just like to make sure they do not fall too far behind and that they get proactive on such things and they also should not leave the other sections of town out in terms of Hazardville, Thompsonville, Scitico, etc. Mr. O'Brien stated that what Peter Bryanton, Jim Taylor, and himself did at the council meeting in their budget presentation when asked how they were going to address some of these things they said that repurposing the mall is one of the items they had on there, along with the TOD around the transit station, and also they expanded in the budget the Thompsonville fund, calling it Thompsonville/neighborhood preservation, which allows them to spend money in the other neighborhoods as well.

15. Director of Planning Report

Commissioner Ladd asked Mr. O'Brien where the list of future and incoming applications that was presented to them a while ago had gone and Mr. O'Brien said that they were all working. There was an ART on the Pride proposal on Enfield Street and the applicant took away all the comments from that meeting and will be coming back. He stated that he met with Control Module who has plans on three sites around town; a former school that they would like to make into upscale luxury housing, a financial building on the north of Enfield Street, and another site. Mr. O'Brien also said that the dentist is also building his dentist that the commission approved. He also met with Mr. Triojano and his attorney with respect to his proposal on Enfield Street which is moving forward and will come back to the commission. The active application that will be on the meeting for the next meeting is 35 Manning Road where the commission approved the former Lego site and they have one half of the warehouse rented out. They now have a well-known furniture retailer who wants to take the other half for their northeast distribution center which would be consistent with the approval from last December. They would like limited direct sales to the public which would be a special permit for which they have filed, so in anticipation of this they have been working with the public works and the police departments on the issues of the road so the town is moving forward with the rebuilding

of that road in terms of the design. The police department is also looking into getting a speed monitor on that road. Chairman Duren said that when they are looking at re-doing the road they should take a look at the storm sewers because there was a prior discussion on how they could carry as the pipes are smaller.

Mr. O'Brien stated to the commission that he had been asked by the Chairman to look into a situation where the regulations required that liquor stores are special permits and from time to time if a liquor store changes hands or is sold the procedure that was in place by the zoning enforcement office was if it was an existing liquor store in the same location it was considered a continuation and signed off on the liquor permit. Now they have a situation where a liquor store was in the same building but moved one unit down and expanded and became twice as large and was signed off by the ZEO as a continuation of use. So the question is whether that should have been a special permit and how do we address the issue. Mr. O'Brien said that the regulations do require it to be a special permit and despite the fact that the ZEO signed it off it is a special permit. Mr. O'Brien did say that he does not feel it is clearly black and white. He went on to say that a continuation would normally be if it was a use by right or site plan, but a special permit does go with the person who has the special permit so if that changes hands. He said there are many situations where if the owner changes but nothing else does do they need to see it. Mr. O'Brien said that he did not see how they could go to an existing shop that has all the permits and Chairman Duren said that they could issue the special permit and make it legal. Mr. O'Brien stated that the fact that they have had a discussion on this and it is clear that the commission would not consider a new owner taking over a special permit as a continuation it could be established as a policy.

16. Authorization for Administrative Approvals

Commissioner Drinan made a motion, seconded by Commissioner Szewczak to grant the Director of Planning, Mr. Roger O'Brien, administration approval to move a playscape at Eli Whitney Elementary School. The motion passed with a 7-0-0 vote with alternate commissioners Linda DeGray and Richard Szewczak voting for the absent commissioners.

17. Applications To Be Received

18. Unresolved Issues

19. Adjournment – Commissioner Scutt made a motion, seconded by Commissioner Ballard to adjourn the meeting at 10:05 p.m. The motion passed with a 7-0-0 vote with

alternate commissioners Linda DeGray and Richard Szewczak voting for the absent commissioners.

Note: Next Regular Meeting is Thursday, April 21, 2016

Minutes prepared by Emma Gothers

Respectfully submitted,

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Peter Falk, Secretary