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MINUTES
ENFIELD PLANNING AND ZONING COMMISSION
REGULAR MEETING
THURSDAY, MAY 5, 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 – Commissioner Charles Duren called the meeting to order at 7:30 p.m.
2. Roll Call

Present were Chairman Charles Duren, Commissioner’s Elizabeth Ballard, Alan Drinan, Peter Falk, Nicles Lefakis, Charles Ladd, Mary Scutt, and Alternate Commissioner’s Linda DeGray and Richard Szewczak.

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

3. Approval of Minutes
 - a. April 7, 2016, regular meeting – Commissioner Falk made a motion, seconded by Commissioner Ballard to approve the minutes of April 7, 2016 as amended. On page 3 change the word ‘*intrameniscal*’ to ‘*inter-municipal*’, on page 11 change the word ‘*portable water*’ to ‘*potable water*’, and ‘*there*’ to ‘*their*’, and on page 13 change ‘*Enfield Street*’ to ‘*Elm Street*’. The motion passed with a 7-0-0 vote.
 - b. April 21, 2016, regular meeting – Commissioner Drinan made a motion, seconded by Commissioner Ballard to approve the minutes of April 21, 2016. The motion passed with a 7-0-0 vote.
4. Town Attorney Report (in writing)

Chairman Duren stated that he understands there was another meeting on their court case and Mr. O’Brien stated that there was but the town attorney sent out a report

saying it was confidential and it should not be discussed at all. He stated that if anyone had any questions they should contact the town attorney.

Zoning Enforcement Officer's Report (in writing)

Mr. O'Brien informed the commission that the owner of the liquor store north of the town hall has hired a new project manager who has been doing his research. He stated that the commission had approved revised plans which were signed on November 11th. The building permit is still from 2013 and had the prior plans from planning and zoning so they were not signing off on them because they did not match. The owner came in and made a copy of the approved plans and amended their building permit to include those plans. He said there was also a discrepancy with the height of the building as shown on the building permit's structural plans and the height shown on the commission's plans which have been reconciled. So, at this point in time they do have a building permit to reduce the roof and complete the siding although Mr. O'Brien stated that he is not sure if it has been signed but if not it is about to be as they have resolved all the issues.

Commissioner Drinan stated to Mr. O'Brien that there are a few frame signs that are not the kind that are allowed and at some point this might need attention.

Chairman Duren said to Mr. O'Brien that The Yard House has some signs; once facing north and one off the east side advertising Keno and he does not know if this is included in their signage for their building. Commissioner Ladd asked if they ever did the parking lot for which they were in violation. Mr. O'Brien stated that he had discussed this with Rich Rachelle and what they were supposed to do there.

5. Public Participation

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

Cheryl Pavlakis from 90 Shaker Road came before the commission and stated she would like to inform the zoning commission of an ongoing situation involving target shooting onto their property from the property adjacent to the back of their property which is on Moody Road. She stated they have been dealing with this for four and a half years and the first most serious issue is stray bullets. She stated she can name at least six incidences of property damage or near misses of shooting of a family member. She

went on to say that her husband's truck has been struck parking under a lean-to on their property and the top of the truck was damaged along with the windshield. She also said that another time they called because bullets were coming through the woods and two Enfield police officers went in to the woods and had to leave because they were in fear for their safety. She also said that they were cutting Christmas trees down a couple of years ago and had to stop due to bullets coming over their heads, and this year they had to stop their Easter egg hunt because they were actively shooting at 12:00 p.m. on Easter Sunday and bullets were coming through the woods. She said they own almost 25 plus acres. On April 24th she said she was walking her dogs and bullets came through the woods and were so close she could feel them coming over her to the point that she fell to the ground and her husband called the police department. The police went over there to speak to who was there. She stated that the police have been called on all occasions and a property damage report has been made. She also said that the only time they have called the police on the target shooting is when it has been all afternoon or all day or when the bullets are coming through the woods, and have allowed these people to have freedom to do what they want without addressing it but Sunday her grandchildren had been there and had just left a half an hour before. She then said the second issue is the noise from the target shooting and that sometimes it is for an hour and sometimes for several; sometimes it is Saturday and Sundays or during the week and after a while it becomes unnerving in lieu of the general public fear of multiple gun shots heard. She said that the Enfield Police Department suggested they come to the zoning board to start addressing this issue as they have done all that they could. She stated that finally last week it was investigated and it was highly recommended to the owner to shut all shooting down. The owner does not live on the property and rents the building out for a business so several people were using the property and they in turn are bringing in other people to shoot on the property and he had no idea who was shooting there and what qualification they have, what kind of weapons they are using and that there is an improper berm. She informed the commission that since the police talked to him he has shut down and put up signs that say no shooting and no trespassing but this does not prevent any rogue person from going in there and shooting. She stated that she is concerned about if he is liable for anything that might happen and she would be very upset if there was an accidental shooting of any animal or family member. She would like to ask the commission that if someone were to come to town and ask for a permit to build a shooting range even on private property the town would not issue a permit or variance for that. She went on to stay that there are several towns in Connecticut that do not allow discharge of firearms

within the city limits. She said there are schools, businesses, and other homes within the vicinity of the property. She also said she had a copy of legislative research report addressing shooting on private property and there is no stated law prohibiting this but it is up to the town to have ordinances. She read to the commission two of the basic laws; if a homeowner fired his or her firearm in a manner likely to cause bodily injury or death to a person, domestic animal, or wanton destruction of property, he or she could be guilty of unlawfully discharging a firearm. The second law is; a homeowner could be guilty of reckless endangerment if he or she recklessly engages in conduct that creates a risk of physical injury to another. She told the commission that several towns have ordinances concerning other aspects such as prohibition of firearm use in residential areas and regulations on range safety, gunfire noise, and target practice; so she believes that even if there was a proper berm constructed it would not be sufficient within city limits as a ricocheted bullet can travel up to a mile and there are several situations where that could happen. She stated to the commission there are just too many risk factors to allow shooting in the city limits and to please consider the situation seriously as it is ruining the feeling of safety on their farm and for their grandchildren and other family members.

Chairman Duren asked what the address of the property was she was referring to and she stated that they believe it to be number 35 Moody Road. She told the commission that the news station was out there last week and the mayor sent two detectives to investigate, where they found there was not a proper berm and that the targeting is directed right towards their property. She stated to the commission that her main concern is the reckless target shooting that is going on and who is over there and what kind of permits they have. She informed the commission that she had brought with her the legislative research report and a booklet on the outdoor shooting ranges and recommendation from the NRA which actually tell you what you should have on a range and what alternatives you should consider when you have a range. Chairman Duren stated that he did not understand why they can't enforce that and Ms. Pavlakis responded by saying there are no state laws keeping someone who owns private property from shooting on their property.

Mr. O'Brien said that they are familiar with the situation and Rich Rachele has been in conversation with the police department. He said that the initial conversation with the police department is that if somebody is shooting in a reckless manner then that is a police matter. The Planning Office will look into it and see if there was ever any approval for this activity to take place.. Ms. Pavlakis said to the commission that from everything

she has read and done research on it all states that it is up to the town to make its own ordinance regarding this kind of activity. Commissioner Drinan stated that their first question would be what is the zoning on the property and then go from there.

Commissioner Ladd asked if this wouldn't also be a council matter too and Mr. O'Brien said it would be if the citizen would like to stop all shooting on the property and the state as of right now says if you discharge your firearm endangering somebody else it is illegal. So the question is if they were to start shooting in a different direction to her house or in a manner that the bullets were contained in their own property whether that is an allowed activity. Ms. Pavlakis asked the commission if she should also be going before the town council and they informed her that yes she should also do that.

Commissioner Ladd asked if they could put out a cease and desist and Mr. O'Brien said that it has already been posted by the owner that there is to be no shooting on the property.

Chairman Duren asked if Mr. O'Brien could see if the town attorney could write whoever else owns the property a letter and inform him that whatever is taking place is illegal.

Mr. William Ballard of 312 Abby Road came before the commission and said that regarding the matter brought before them by Ms. Pavlakis, if she speaks to the councilman in her area she will get right on this. He also said that there should be perimeters developed where if they can use property for shooting they have to situate it in a place furthest from the bullets going on to other properties and there should also be a limit on what type of weapons can be used.

Ms. Karen LaPlante of 166 North Maple Street addressed the commission and stated that she can attest to everything that Mrs. Pavlakis has talked about because she lives on the North Maple Street side of that property and she hears the shooting going on all the time. She stated that this is the property that the FBI was parked outside of during a July 4th weekend. She stated it is gated so the police have a hard time getting in there. She also said that the police department does not seem to want to address this and stop it.

6. Bond Release(s)

Mr. O'Brien stated that he had asked staff and they have completed a report on the bonds that are still being held by the town on any number of projects and they will be getting that report to the commission so they can look at it and see which ones should still be in place.

7. Public Hearing(s) continued from April 7, 2016
- 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 Falk took the roll and present were Chairman Charles Duren, Commissioner Elizabeth Ballard, Commissioner Alan Drinan, Commissioner Peter Falk, Commissioner Charles Ladd, Commissioner Mary Scutt and Alternate Commissioners Linda DeGray and Richard Szewczak.

Attorney Carl Landolina came before the commission to represent the applicant and also present was Mr. Dana Steel of J.R. Russo and Associates and Mr. Ragnoff who is the property owner. As stated they had come before the commission on April 7 where they were given suggestions and have prepared a set of revised plans addressing comments and concerns from that prior meeting.

Mr. Dana Steele, P.E. addressed the commission and stated he would quickly review the overall proposal and then go over what has changed since the last hearing and the new information submitted. He stated that this is an application involving a number of site improvements at 146-144 South Road which includes two improved detached garages for which they have brought the material they will use. They are also proposing 17 material storage bins made of concrete blocks. The salt storage bin will have a roof over it but would not be completely enclosed. The applicant has looked into this and it is not required to be water tight but just to have a roof over it. Mr. Steele stated that as far as the salt goes the cost is very expensive and so if rain gets into it the applicant would be losing product so there is motivation to keep this area dry and they have found this system works and seems to be the standard procedure for dealing with this. Mr. Steele said that they are also proposing a dumpster pad and three 20 x 100 ft. plant houses located and a fourth that is 20 x 80 ft., which will be placed on the existing gravel surface. He stated that there were concerns about chemicals being used and as they explained last time they feel that fertilizers and materials that would be used would also be used in the fields so there is really no difference. Mr. Steele stated that they would

also be converting the residential house on the eastern portion of the site to a rental office for outdoor furniture and equipment. There will also be three additional parking spaces within the existing parking lot area located in the south east corner of the parking lot and will include one handicap space for the rental office. He said they are constructing a 60 x 60 ft. gravel equipment and vehicle parking area as well as a wet pond which will collect and treat storm water before discharging from the site and there will also be an irrigation pond.

Mr. Steele then presented to the commission the changes that have been made to the plans. He said that they have added additional street trees along South Road and will also be leaving two large existing trees that were originally set to be removed but will not be left there. He stated that they are now proposing to leave the existing vegetation in front of the gravel storage area which will provide a natural buffer and they will also provide some evergreen screening. He stated that they also moved the salt bins from being right up against the property line to out of the side yard setbacks to be in compliance, which is something that they felt should be done, and because they pushed them out they had to rotate the garage and dumpster so there is a minor change in the direction of the garage. Mr. Steele stated that one item that was discussed at length at the last meeting was lighting for the site which they felt the site was adequately lit but the impression from the commission was that they wanted to see more information; therefore, they prepared a photometric plan looking at some of the building mounted lights that the applicant wants to put up for security reasons as well as the existing lights on the utility poles that shine onto the property. He said that what they found was although it does light the parking lot up pretty well there is a dark spot in the middle of the parking area where the light really does not reach so they have added another light pole which is in the back middle of the parking lot. He also said that in discussion with staff there were some concerns about whether they need even more light, in one area in particular, on the other side of the detached garage where there is no lighting proposed other than a light right at the garage door, but the public does not go there either. Mr. Steele did mention to the commission that this is a daytime operation and not a nighttime operation and the hours the applicant would like to operate the facility is 7:00 a.m. to 6:00 p.m. Monday through Friday during the summer hours and 7:00 a.m. to 3:00 p.m. Saturday and Sunday which are daylight hours. During the winter time the applicant intends to restrict his hours from 8:00 a.m. to 4:30 p.m. Monday through Friday and 8:00 a.m. to 3:00 p.m. on Saturday and 8:00 a.m. to 1:00 p.m. on Sunday. Mr. Steele said that the applicant wants to put lighting on the buildings for security reasons and is willing to put up the extra pole although he does

not want to unless that is what the commission feels is appropriate. He said that the applicant will do whatever is required and will agree to a condition that they submit a revised photometric plan that complies with whatever standards and requirements for foot candle levels they want to impose on this property but they would ask the commission to consider the fact that this is a daytime operation. Mr. Steele stated that another comment was raised regarding landscaping in the parking lot to better screen it and they are proposing a new landscape island in the center of the parking lot near the garage and another landscaped island between the new spaces and the existing spaces up along South Road along with two trees to these islands. With regards to fencing around the ponds they are proposing a fence between the parking area and the wet pond so anywhere where the customers are they would not be able to get to the pond without climbing over a fence. Mr. Steele said that starting at the North West corner of the garage there will be a fence going toward the basin and then along the back of the parking lot, along the edge of the shade structure, and then terminating at the plant house, so any customer access to the pond will be blocked off. Commissioner Drinan asked if people could go through the plant house and behind to get to it and Mr. Steele said you would have to walk into the agricultural field to do that. He also said that they are showing a fence around the irrigation pond where again they are trying to accommodate their requests. Commissioner Drinan asked if it was possible for children to go around the fence and Mr. Steele stated that they could. Chairman Duren and Commissioner Drinan stated they would like to see the fence go all the way around the pond area. Commissioner Lefakis asked if customers were allowed to go into the agricultural fields behind the plant houses and Mr. Steele said they were not. Commissioner Falk asked what type of fence would be going around the pond and Mr. Steele said it would be a wooden split rail which is consistent with what is there now. Commissioner Scutt asked if they could explain the vehicle list and what they are and which ones will be on the site. Mr. Steele stated that there will be a skid steer loader, mason dump trucks, and a box truck which are associated with the loading and delivery of landscape materials. Under the landscape installation and maintenance there is a back hoe loader, another mason dump truck, three pick-up trucks, five trailers, and two other skid steer loaders. There would also be one additional box truck in the future for delivery of the outdoor furniture and so forth. He informed the commission that with the area being 50 ft. deep they can double and triple stack the equipment so that it fits in the area.

Mr. O'Brien wanted to remind the commission that in the staff report staff pointed out, section 6.30.5 of the regulations only allows for six trucks parked outside and it appears as though there is going to be 13. He also said that in terms of all of the uses other than the nursery, which is considered the principal use, every use that is being applied for here the commission has to make a finding that it is an accessory use and so if they get a list with 18 trucks to what extent is that still an accessory use to the nursery. Commissioner DeGray asked if they could use either of the garages for the vehicles. Attorney Landolina addressed the commission and stated that section 6.30.5 is the regulation from the industrial zone section and does not apply here, and this is the only place he can see in the regulations where it limits the outdoor storage and parking of construction vehicles related to construction operations which is not what they are proposing. Attorney Landolina also said that it has never been clear to him and may be not to the commission as well, whether this is one or two principal uses with accessory uses or whether this is under section 5-20 which is if they are in a business zone, and in section 5.20.2 that in addition to the uses listed in the table the commission may approve uses that are similar to and compatible with the uses in this table as a special permit use. Therefore, there is a distinction between uses and accessory use and uses which are special permit uses which are primary uses. He also wanted to point out to the commission that in their definitions at #42; Garden Supply Center – An agricultural and associated products retail sales operation where the primary use is the propagation, growth, storage, and/or sale of flowers, plants, shrubs, or trees. This use may also include the sale of garden related merchandise and power equipment, so they have a definition for a use of what fits most of what is ongoing here but Attorney Landolina said he could not find this use listed in any of the tables and it is not listed anywhere as a permitted use. Attorney Landolina stated to the commission that he feels the because commission had asked for a special permit they were not asking for any accessory uses but uses that are permitted under 5.20.2 after a public hearing by special permit.

Mr. O'Brien stated that he agreed to an extent but the regulations state that you can only have one principal use, so the question is what is the principal use and then everything else has to be an accessory use, and accessory is generally no more than 35 percent as big as the principal use. He said with respect to the number of trucks this particular use is not allowed in a BL zone except if the commission finds it is compatible with other uses. Attorney Landolina stated that he cannot find anything in the regulations that say you can only have one principal use on any lot and he also knows that there are areas in town where the commission has approved more than one principal use.

Commissioner Drinan asked where there will be drinkable water. Mr. O'Brien said that he wanted to correct the information, and said that the record shows is that there is an old well there and what the applicant has to do is assure that it is actually there and the water quality. Commissioner Drinan also asked if the pump that would be used is now on the plans and Mr. Steele stated that it would be a portable pump that will be moved to and from the area based on need.

Commissioner Szewczak stated that in terms of the storage bin he realized that there are other bins that are open to weather but he would still like to recommend that they look to either a curb or some kind of containment system at the edge of the bin. He also said that he wanted to make sure any excess material is removed from the property.

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.

Ms. Karen LaPlante of 166 North Maple Street addressed the commission and stated that this is a very aggressive use of this site. She said that she understands the applicant is trying to make this work and is trying to expand his landscaping business. She stated that she is concerned there is going to be additional construction type materials as they get into larger paving or wall jobs. She also said that she does think that the definition of a lot does saying something about one use for a lot. Ms. LaPlante said that no one has discussed where the tables, chairs, and tents etc. are going to be stored. She also asked if the applicant was going to be running all of these businesses himself or if he is going to subcontract any of them out. She also asked where would the dumping of material from his landscaping business be going and would he be bringing it back to the site. She said that she does feel the salt storage bin needs to be on pavement and be covered. She stated this is a very small area to farm and depending on what is being planted there is a wetland demarcation there. She also said the pond will not have a stream flow into it and will be very stagnant. She stated that any invasive vines on this site should be removed. With regards to the lights, typically the building mounted lights shine out and annoy people that have to live near there.

Chairman Duren asked if it was possible that this could be split between several companies and Mr. O'Brien stated that this would be like an industrial product by lease hold which would not be allowed under their regulations and he has not heard that the applicant is not going to be doing all of them. Attorney Landolina stated that it is the applicant's intent to operate all of these activities himself.

Mr. Steele stated that at the last meeting the commission asked for a maintenance plan for the irrigation pond which is on the plan now which also addresses the question of the stagnation and algae growth. He did also say that if this is something that becomes a problem they would put in a bubbler to keep this from happening. Mr. Steele also said that the commission had also asked them to contact the Hazardville Water Company and ask if they had any concerns and they have submitted in the plan a letter from them saying they had no objections. Mr. Steele read into the record an email of his own response back to Bob Sherwood.

Chairman Duren asked if all of the vehicles were going to be serviced off site and Attorney Landolina stated that yes they would be.

Commissioner Drinan asked about the anti-tracking exit pad that was added to the plan and Mr. Steele stated that this is to prevent the wheels from trucks leaving the site from tracking mud and dirt out onto the road. He informed the commission that by creating a stone pad the trucks have to drive over it and it breaks up any clogs of dirt on the wheels so they are clean by the time they reach the street. He said this is a standard erosion control measure which is temporary just during construction.

Chairman Duren stated that he would like to add a condition that vehicles be serviced and gassed off site.

Commissioner Drinan stated that he would be more comfortable considering this if he saw the revised drawings that reflect the conditions of which there are many.

Mr. Steele asked the commission if they would consider modifying condition number 16 in light of the hours of operation. Mr. Steele also asked about condition number 20 and that it says the hoop houses will have concrete floors and they were not planning on putting concrete floors there but rather gravel.

Chairman Duren again asked the public if anyone from the audience would like to speak in favor or against the application. This was asked several times and no one came forward.

Commissioner Lefakis stated that he was absent at the first meeting for this public hearing but has read the material and feels he can vote for this application.

Chairman Duren closed PH #2836.

Commissioner Falk made a motion, seconded by Commissioner Lefakis to approve PH# 2836.

REFERENCED PLANS :

“Proposed Expansion of Nursery and Garden Center, 144 and 146 South Road, Enfield, CT.” Prepared for S & R Property, LLC Nursery and Garden Center, P.O. Box 436, Enfield, CT 06083 April 2016.” Cover Sheet with Key Map and Sheet Index, Sheet 1 of 7; Scale: 1”= 500’; Prepared by J.R. Russo and Associates, LLC dated April 28, 2016.

“Existing Conditions/Demolition Plan, Proposed Expansion of Nursery and Garden Center, 144 and 146 South Road, Enfield, CT, Prepared for S & R Property, LLC Nursery and Garden Center, P.O. Box 436, Enfield, CT 06083.” Sheet 2; Sheet 2 of 7; Scale: 1”= 30’; Prepared by J.R. Russo and Associates, LLC dated October 19, 2015. Revised to April 22, 2016.

“Site Plan, Proposed Expansion of Nursery and Garden Center, 144 and 146 South Road, Enfield, CT, Prepared for S & R Property, LLC Nursery and Garden Center, P.O. Box 436, Enfield, CT 06083.” Sheet 3; Sheet 3 of 7; Scale: 1”= 30’; Prepared by J.R. Russo and Associates, LLC dated October 19, 2015. Revised to April 28, 2016.

“Erosion Control Plan, Proposed Expansion of Nursery and Garden Center, 144 and 146 South Road, Enfield, CT, Prepared for S & R Property, LLC Nursery and Garden Center, P.O. Box 436, Enfield, CT 06083.” Sheet 4; Sheet 4 of 7; Scale: 1”= 30’; Prepared by J.R. Russo and Associates, LLC dated April 28, 2016.

“Lighting Plan, Proposed Expansion of Nursery and Garden Center, 144 and 146 South Road, Enfield, CT, Prepared for S & R Property, LLC Nursery and Garden Center, P.O. Box 436, Enfield, CT 06083.” Sheet 5; Sheet 5 of 7; Scale: 1”= 30’; Prepared by J.R. Russo and Associates, LLC dated April 22, 2016

“Soil Erosion and Sediment Control Notes, Proposed Expansion of Nursery and Garden Center, 144 and 146 South Road, Enfield, CT, Prepared for S & R Property, LLC Nursery and Garden Center, P.O. Box 436, Enfield, CT 06083.” Sheet 6; Sheet 6 of 7; Scale: N.T.S.; Prepared by J.R. Russo and Associates, LLC dated October 19, 2015. Revised to April 28, 2016.

“Detail Sheet, Proposed Expansion of Nursery and Garden Center, 144 and 146 South Road, Enfield, CT, Prepared for S & R Property, LLC Nursery and Garden Center, P.O. Box 436, Enfield, CT 06083.” Sheet 7; Sheet 7 of 7; Scale: N.T.S.; Prepared by J.R. Russo and Associates, LLC dated October 19, 2015. Revised to April 28, 2016.

WHEREAS, The Town of Enfield Planning and Zoning Commission has reviewed an application for a Special Use Permit/Site Plan for (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; and

WHEREAS, A notice was published in the March 24, 2016 and March 29, 2016 editions of the Journal Inquirer regarding the Special Permit application; and

WHEREAS, A public hearing was opened on April 7, 2016; and continued on April 19 and May 5, and

WHEREAS, The applicant was asked to revise the plans to show a demolition plan, site plan revisions, a lighting plan, a letter from the Hazardville Water Company, conceptual floor plans, a list of commercial vehicles, and photos of a typical salt bin covering and flooring; details of the pond pump, and

WHEREAS, the Commission is satisfied with the information received; and

WHEREAS, the Commission has determine d that all of the uses proposed for the site in addition to the nursery are appropriate and qualifying accessory uses,

NOW THEREFORE IT BE RESOLVED

RESOLVED, The Town of Enfield Planning and Zoning Commission hereby approves the Special Permits to allow the (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:

Conditions to be met prior to signing of plans:

1. All plans submitted for signature shall require the seal and live signature of the appropriate professional(s) responsible for the preparation of the plans.
2. The application number PH# 2836 shall be displayed on the plans in or near the Title Block area.
3. 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 set.
4. A list outlining how any conditions of approval have been met shall be submitted along with final plans submitted for signature.
5. A list outlining all changes to the plans shall be submitted along with final plans submitted for signature. The list should cite the sheet number where each change has been made.
6. The conditions of this approval shall be binding on the applicant, land owners, and their successors and assigns.

Conditions to be met prior to the issuance of permits:

7. Four sets of paper plans with any required revisions incorporated shall be submitted to the Planning Department for signature of the Commission. The signed Special Permit and mylars shall be recorded by the applicants and/or owners in the Land Records.

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

8. No Certificate of Occupancy or other final approval may be issued until the Planning office has signed off on the final work.
9. A request for final project review from the Planning Department must be made at least 10 days before a Certificate of Occupancy or other final approval is requested from the Building Official.

General Conditions:

10. This approval is for the specific uses, site, and structures identified in the application. Any change in the nature of the uses, site, or the structures will require new approvals from the Enfield Planning and Zoning Commission.
11. This project shall be constructed and maintained in accordance with the referenced plans.
12. This approval does not include signage.
13. A building permit for the construction of facilities as approved must be obtained by May 5, 2017 or this approval shall be rendered null and void, unless an extension is granted by the Commission.
14. All construction authorized by this approval shall be completed by May 5, 2021 or this approval shall be considered null and void, unless an extension is granted by the Enfield Planning and Zoning Commission.
15. 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.
16. That no street trees shall be cut down for lighting purposes
17. Potable water is supplied to the building located at 146 South Road either by an extension of the water line serving 144 south road or by another means acceptable to the Health district.
18. 144 and 146 South Road shall be combined into one lot
19. The ponds shall be fenced.
20. A site restoration and erosion and sediment control performance be posted in an amount determined by the Town Engineer and the Director of Planning.
21. Hours of operation will be daylight only.
22. Vehicles stored outside will be limited to six.
23. All vehicles will be serviced off-site.
24. No fill materials brought will be brought onto site
25. No materials will be stockpiled on site
26. The trees in front of the former house to remain.

Commissioner Ladd made a motion, seconded by Commissioner Drinan to amend the main motion to reflect that they do not include a) The sale and service of new and used residential property maintenance equipment and b) Rental of outdoor furniture and equipment.

Commissioner Falk stated Tarnow sold lawn equipment and furniture so that is not new to this site and is an existing use.

The amended motion was denied with 1-6-0 vote with Commissioner Ladd voting for the motion and Chairman Duren, and Commissioner's Ballard, Drinan, Falk, Lefakis, and Scutt voting to deny.

Commissioner Falk stated that he thinks this is a good use for the property and most of what they are proposing is there already and the things that are new supplement what is there.

Chairman Duren stated that he agrees with Commissioner Falk but feels that it is the responsibility of the people using the property to be extremely careful with the merchandise because it is so close to an Aquifer and close to wetlands.

The motion for PH #2836 passed with a 6-1-0 vote with Commissioner Alan Drinan voting to deny.

A motion was made for a five minute break at this time in the meeting.

The meeting was called back to order and Secretary Peter Falk took the roll. Present were Chairman Charles Duren, Commissioner's Elizabeth Ballard, Alan Drinan, Peter Falk, Nicles Lefakis, Charles Ladd, Mary Scutt, and Alternate Commissioner's Linda DeGray and Richard Szewczak.

8. Public Hearing(s) continued from April 21, 2016

- a. PH #2835 – Zoning text change to section 4.40.3.J.i – Age restrictions. 343 North Maple, LLC, applicant. (MOPH: 4/23/2016, MCPH: 5/26/2016)

Chairman Duren read into the record a letter from the applicant requesting an extension for PH #2835 until the regular meeting for planning and zoning on June 2, 2016.

Commissioner Falk made a motion, seconded by Commissioner Ballard to accept the applicants request to grant an extension to complete PH# 2835 until the June 2, 2016 meeting. The motion passed with a 7-0-0 vote.

9. Old Business – None

10. New Business – None

11. Other Business – None

12. Correspondence

Chairman Duren stated the material on the State of Low Impact Development in Connecticut was very interesting.

13. Commissioner's Correspondence

Commissioner Lefakis stated that if you look at the parking lots they look very nice with all the blooming trees and that is testimony of all the previous commissions that pushed for landscaping in parking lots and planters.

Commissioner Scutt stated that she attended the Enfield Revitalization Strategy committee meeting. She said there was a presentation by Marty Levitz who discussed doing some zone changes down on the river front.

Commissioner Falk stated that he had a question for Mr. O'Brien and said that he had been talking to the Mayor who said they were going to vote on the food trucks on Monday night. Chairman Duren asked if Peter was ready because they were pushing for this on Monday night. Mr. O'Brien stated that Peter Bryanton made the changes and it went to the town attorney's office for final sign off. Chairman Duren stated that they have to do their part as that is what they said they would do.

14. Director of Planning Report

Chairman Duren asked if people could read the legal ads and if there were any questions to contact the town planner.

Mr. O'Brien stated that the results of the initial advertising for assistant town planner showed that none of the applicants met the qualification spec sheet so they have reopened the advertising today.

Mr. O'Brien informed the commission that he did meet with the general manager of the Enfield Mall about his proposal to have the tractor trailer training school and he has agreed that he will withdraw that proposal, but they will be coming in with special permits to the commission for a whole host of special events over the next few months. He also said that he did give the contact information for Ashley Furniture to the general manager also.

15. Authorization for Administrative Approvals - None

16. Applications to be received

Public Hearing Application(s)

PH# 2839 – Special Use Permit application to allow dog grooming shop located at 585 Hazard Avenue (Map#110-Lot# 0012; P&D Realty owner; Michelle Rosen, applicant.

PH# 2814.02 – Special Use Permit application for redevelopment of existing McDonald's restaurant located at 25 Hazard Avenue (aka 28 Hazard Avenue); Map#045-Lot# 0008; Equity One(Northeast Portfolio) Inc. owner; McDonald's USA, LLC, applicant.

Site Plan Application(s)

XSP## 16-05 – Site Plan application to install a 3,000 gallon emulsion tank for the DPW durapatch located at 40 Moody Road; Map#075-Lot# 27; Town of Enfield owner/applicant.

SPR# 1595.02 – Site Plan application to construct 12,878 s.f. building addition, access drive, drainage and site grading located at 6 Niblick Road; Map#055-Lot# 0089; Niblick Road Realty, LLC owner; Northeastern Sheet Metal Co., Inc., applicant.

17. Unresolved Issues
18. Adjournment – Commissioner Drinan made a motion, seconded by Commissioner Ballard to adjourn the meeting at 10:30 p.m. The motion passed with a 7-0-0 vote.

Prepared by Emma Gothers

Approved by:

Peter Falk, Secretary