

ENFIELD ZONING BOARD OF APPEALS
REGULAR MEETING
MONDAY, JANUARY 30, 2017 7:00 PM
Enfield Town Hall –Council Chambers – Floor 1
820 Enfield Street - Enfield, CT
DRAFT MINUTES FOR BOARD CONSIDERATION

1. Call to Order

Chairman LaRosa called the meeting to order at 7:00PM.

2. Roll Call

Present were Chairman Maurice LaRosa, Secretary Maryann Turner, and Commissioners Andrew Urbanowicz and Rob Kwasnicki. Commissioner Lynn Scull arrived at 7:35. Absent was Commissioner Charles Mastroberti.

3. Fire Evacuation Notice

4. Pledge of Allegiance

5. Legal Notice

6. Old Business

- a) ZBA 2016-11-19 - 4 Print Shop Road; M2 Realty Holdings, LLC (Raymond Millette), owner/applicant; Map 99/Lot 0009, I-1 Zone. Location Approval for an automobile dealership and restoration shop for Enfield Auto Restoration, Inc. Continued from December 19th, 2016.

Secretary Turner made a motion, seconded by Commissioner Urbanowicz, to continue ZBA# 2016-11-19 to the February 27, 2017 meeting. The motion passed with a 4-0-0 vote.

7. New Business

- a) ZBA 2017-01-13 - 157 South Road; Eric Hewitt, applicant, Joseph Bosco, owner; Map 055/Lot 0082; I-1 Zone. Location Approval auto repair, and used car dealership.

Eric Hewitt introduced himself as the applicant, along with Attorney Wendall Avery and the Engineer Russ Heintz. Attorney Avery presented the site plan and application. He explained that the Inland Wetlands and Watercourses Agency and the Planning and Zoning Commission approved it. There will be no on-site auctions. All auctions will take place online only.

Secretary Turner asked that the narrative be revised to reflect that no auctions are allowed on-site, they are only allowed online.

Attorney Avery stated that it is already a condition of approval for the Planning and Zoning Commission, but the narrative can be amended.

Chairman LaRosa stated that he is concerned about the storage of vehicles. Vehicles should only be stored inside the building.

Mr. Hewitt stated that he understands that. Most of his business takes place at Kristy's in East Windsor anyway. He also stated that he has already installed the required bollards to protect the gas meter on the building, removed the propane tank, and removed the fences.

Attorney Avery stated that Mr. Hewitt would only be repairing his own vehicles only. The repair business would not be open to the public.

Secretary Turner asked about the Phase I Environmental Report.

Martin Brogie, the Soils Scientist for the project, introduced himself and summarized the Phase I Environmental Report he prepared for 157 South Road in May 2016.

Secretary Turner asked whether a Phase II Environmental Report will be done and whether ground water monitoring wells will be installed.

Mr. Brogie stated that if Mr. Hewitt were to take ownership of the property, then the Phase II Environmental Report would be completed and the monitoring wells would be installed if necessary.

Secretary Turner asked that the Phase I report be made part of the file. She also asked whether the property was over an aquifer.

Mr. O'Brien stated that it was not.

Chairman LaRosa asked whether the berm on the site plans will be landscaped with plantings, and whether the berm and landscaping was required by the Planning and Zoning Commission.

Mr. Hewitt stated that he will be adding landscaping to the berm to make it look nice.

Secretary Turner asked what will happen to the area where the dumpster used to be and whether it will be seeded.

Mr. Heintz stated that the area where the dumpster used to be is currently seeded.

Chairman LaRosa asked whether the access drive will be paved.

Mr. Heintz stated that it will not be paved because it exists today as a mixture of millings and pavement.

Attorney Avery stated that there is a page that better details the types of plants on the berm.

Secretary Turner asked whether the Safety Kleen contract was with Mr. Hewitt and whether anything needed to be removed today.

Mr. Heintz stated that it is with Mr. Hewitt and that nothing needs to be removed currently.

Mr. LaRosa asked whether the stock pile areas are temporary.

Mr. Heintz stated that they will be removed once the site work is over. Designated stockpile areas are required on a Soil and Erosion Control Plan.

Mr. O'Brien asked whether the Commissioners received the resolution. There is a condition about the chain link fence around the parking lot. If the Board wants to add that condition then it should be discussed with the applicant.

Mr. LaRosa stated that he is not inclined to include that condition because there will be a berm there on the site.

Secretary Turner made a motion, seconded by Commissioner Urbanowicz, to close the public hearing for ZBA# 2017-01-13. The motion passed with a 4-0-0 vote.

Secretary Turner stated that she would like a Certificate of Zoning Compliance to be included in the file, and the narrative be revised to reflect that only online auctions are allowed at 157 South Road. She also asked that the Phase II monitoring wells be installed if the Phase II Environmental Report requires it.

Chairman LaRosa asked that all changes, minor or significant, require Mr. Hewitt to come back for approvals.

Secretary Turner made a motion, seconded by Commissioner Urbanowicz, to approve ZBA# 2017-01-13 with 63 conditions. The motion passed with a 4-0-1 vote, with Commissioner Scull abstaining.

WHEREAS, the Zoning Board of Appeals has received an application for Automotive Location Approval at 157 South Road; Industrial (I-1) Zone; and

WHEREAS, the historical use of the property has been an Auto Body Repair Garage; and

WHEREAS, the Planning and Zoning Commission has approved a Special Use Permit for the expansion of a non-conforming use in an Industrial (I-1) Zone;

NOW THEREFORE BE IT RESOLVED

RESOLVED, the Enfield Zoning Board of Appeals hereby approves the application for Automotive Location Approval at 157 South Road; Industrial (I-1) Zone; in accordance to the below referenced plans and with the following conditions:

Referenced Plans:

“Existing Condition Plan, Proposed Vehicle Repair and Wholesale Selling of Cars, Trucks, Motorcycles, Recreation Vehicles, Boats with Auction on Site; 157 South Road, Enfield, CT October 2016.”

Applicant: Eric Hewitt; Owner: Joseph Bosco, Somers, CT; Sheet 1 of 2; Scale: 1” = 50’; Prepared for Eric Hewitt, 61 Raffia Road, Enfield, CT 06082; Prepared by Tarbell, Heintz and Associates, Inc., dated June 22, 2016. Revised to January 10, 2017.

“Automotive Location Proposal, Proposed Vehicle Repair and Wholesale Selling of Cars, Trucks, Motorcycles, Recreation Vehicles, Boats with Auction on Site; 157 South Road, Enfield, CT October 2016.” Sheet 2 of 2; Scale: 1” = 20’; Prepared for Eric Hewitt, 61 Raffia Road, Enfield, CT 06082; Prepared by Tarbell, Heintz and Associates, Inc., dated June 22, 2016. Revised to January 10, 2017.

Inland Wetlands and Watercourses Agency Conditions of Approval:

SITE SPECIFIC CONDITIONS:

1. AN INTENSIFICATION OF USE FROM THE PRIOR AUTO REPAIR USE WILL REQUIRE INITIAL AND ANNUAL CERTIFICATION THAT THE SEPTIC SYSTEM IS NOT ADVERSELY IMPACTING THE WETLANDS
2. THE STANDARD TOWN NOTES MUST BE ADDED TO THE PLANS.
3. IF THERE IS AN INTENSIFICATION OF USE ON THE SITE, THEN THERE WILL BE AN INITIAL CERTIFICATION OF THE SEPTIC SYSTEM FUNCTION, THEN ANOTHER CERTIFICATION SIX MONTHS FOLLOWING THAT, AND THEN ANNUALLY.

STANDARD CONDITIONS

Prior to the start of construction:

4. Prior to the start of construction or, if applicable, the issuance of a building permit the full size plans as approved by the Agency (and the Planning and Zoning Commission) shall be submitted to the Inland Wetlands Agent;
5. The permittee/contractor shall schedule a pre-construction meeting (if required) with the Inland Wetlands Agent to be held no sooner than two weeks before the regulated activities are to begin. The permittee shall, at that time, review with the Inland Wetlands Agent, the procedures to be taken to protect the regulated areas prior to and during construction;
6. The Inland Wetlands and Watercourses Agency or its designated Agent must be notified in writing within three business days of the proposed commencement of permitted activities, and upon completion of said activities; a “business day” is a day when the Town Hall is open for business
7. This approval shall be valid for 5 years from the date of approval unless otherwise revoked or specifically extended;
8. All work and all regulated activities conducted pursuant to this permit shall be consistent with these terms and conditions hereof. Any structures, excavation, fill, obstruction, encroachments or regulated activities not specifically identified and authorized herein shall constitute a violation of this permit and may result in its modification, suspension, or revocation. Upon initiation of the

activities authorized herein, the permittee thereby accepts and agrees to comply with the terms and conditions hereof;

9. This approval is not transferable without the written consent of the Enfield Inland Wetlands and Watercourses Agency or its designated Agent;
10. In issuing this approval, the Agency has relied on information provided by the applicant and, if such information subsequently proves to be false, deceptive, incomplete and/or inaccurate this permit shall be modified, suspended or revoked;
11. This approval shall be made a part of all construction contracts and sub-contracts pertaining to the proposed regulated activities and shall supersede all other contract requirements;
12. The permittee shall permit the Agency, its authorized representative(s) or designee(s) to make periodic inspections at any time deemed necessary in order to assure that the activity being performed under authority of this permit is in accordance with the terms and conditions prescribed herein;
13. No equipment or material including without limitation, fill, construction materials, or debris, shall be deposited, placed, or stored in any wetland or watercourse on or off site unless specifically authorized by this permit;
14. This approval is subject to and does not derogate any present or future property rights or other rights or powers of the Town of Enfield, and conveys no property rights or in real estate of material nor any exclusive privileges, and is further subject to any and all public and private rights and to any activity affected hereby;
15. Prior to the start of construction, adequate erosion and sedimentation control measures shall be implemented, and shall be maintained throughout the entire construction phase and shall meet or exceed the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control, as revised, until the site has become stabilized with permanent vegetative cover.
16. The construction site shall be left in a stable condition at the close of each day. An adequate stockpile of erosion control materials shall be on site at all times for emergency or routine replacement and shall include materials to repair silt fences, hay bales, mulch, stone-riprap filter dikes or any other devices planned for use during construction. Additional erosion/stormwater control measures are to be installed as directed by the Inland Wetland Agency, its authorized representative(s) or designee(s) if field conditions necessitate.
17. The permittee shall immediately inform the Planning Department of any problems involving wetlands or watercourses which have developed in the course of, or which are caused by, the authorized work;
18. All temporary barriers, including erosion and sedimentation controls are to be removed when the site is stabilized in suitable weather conditions. The site is considered stabilized when there is equal to or greater than 70% vegetative cover;
19. The Permittee shall submit a plan noting plant type and number of plants to be placed in effected area.
20. With the exception of the addition of the items stated in these conditions, this application is approved in accordance with the plans referenced above. Any changes that would potentially cause greater impact to wetlands or watercourses, such as enlargement of the area of disturbance or reorientation of building footprints, from the plans shall require the permittee to come before the Enfield Inland Wetlands and Watercourses Agency for a Determination of Permit Modification.
21. The Inland Wetlands and Watercourses Permit number shall be located on all future plans to any Town or State Agency.

Planning and Zoning Commission Conditions of Approval

General Conditions:

1. 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.
2. This approval does not include signage permits, other than allowing the sign lighting as proposed.
3. This project shall be constructed and maintained in accordance with the referenced plans.
4. A building permit for the construction of facilities as approved must be obtained within 24 months of approval or this approval shall be rendered null and void, unless an extension is granted by the Commission.
5. All construction authorized by this approval shall be completed within five years or this approval shall be considered null and void, unless an extension is granted by the Commission.
6. 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.

Site Specific Conditions:

7. No live auto auctions shall take place on property.
8. The hours of operation are Monday through Saturday from 7AM to 6PM and Sunday from 9AM to 3PM.
9. Water Quality reports from the North Central District Health Department shall be supplied to the Planning office for review.
10. The roof shall be repaired on the shed.
11. No part-cleaning shall take place on the property.
12. The fenced area on the plans shall be removed and re-seeded.
13. All parking on the site must be located in the designated parking spaces or within the garage.
14. All vehicles to be repaired must be parked within the garage.
15. No outdoor storage is allowed on the site.
16. The designated employee parking must remain employee parking, and cannot be used for customers, cars for sale, or cars to be repaired.
17. The applicant must install a fire suppression system for the paint booth approved by the Fire Marshal.
18. If a natural gas meter is installed on the building, it must be protected with six-inch diameter bollards.
19. The parking lot must be paved and the spaces, including the handicapped space, needs to be striped.
20. The dumpster must be screened.
21. The conditions of the Wetlands Commission will be indicated on the final plans submitted for signature.
- 21a. A 3-foot high berm will be installed between the parking lot and the wetlands at the north end of the parking lot.

Standard Conditions to be met prior to signing of plans:

22. All plans submitted for signature shall bear the seal and live signature of the appropriate professional(s) responsible for the preparation of the plans.
23. The application number shall be displayed on the plans in or near the Title Block area.

24. 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.
25. A list outlining how the conditions of approval have been met shall be submitted along with final plans submitted for signature.
26. 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.
27. 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:

28. Four sets of paper plans and one set of mylar plans, with any required revisions incorporated shall be submitted to the Planning Department for signature of the Commission. The signed mylars shall be recorded by the applicants and/or owners in the Land Records.
29. This approval will become effective upon the filing of a Special Use Zoning Certificate signed by the Commission Secretary on the Land Records by the owner of the property. Such certificate must be filed within 90 days of approval by Commission. Proof of such filing shall be in the file prior to the issuance of any permits.
30. The applicant shall also submit final plans as approved by the Commission in a digital format compatible with the Enfield Geographic Information Systems Electronic Submittals Ordinance.
31. The applicant shall post a bond for Site Improvements in an amount to be determined by the Town Engineer and Director of Planning.
32. The applicant shall post a separate bond for Erosion and Sediment Control submitted in the form of cash or certified check, pledged to the Town, in an amount to be determined by the Town Engineer.
33. The applicant shall post a Landscaping bond to the Town, in an amount and format determined by the Planning Department.
34. A pre-construction meeting between the applicant, site contractors, project engineer and Town Staff shall be held.
35. Any required certificates and/or approvals from State or Federal agencies (i.e. CT-DOT, DEEP, Army Corps of Engineers) shall be obtained by the applicant and reported to the Planning and Zoning Commission file. Any changes to the plans required by such entities may require a plan modification from the Enfield Planning and Zoning Commission.

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

36. Complete as-built plans certified to Class A-2 accuracy shall be submitted prior to the issuance of any certificates of zoning compliance. The as-built plan shall also contain a certification by a Professional Engineer that they have inspected the site improvements and that they have been installed in accordance with the approved plans. Any deviations or omissions must be noted.
37. No Certificate of Occupancy or other final approval may be issued until the Zoning Enforcement Officer 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 of Enfield.
38. A request for final project review and certificate of zoning compliance must be made to the Planning Department not less than 10 days before a Certificate of Occupancy or other final approval is requested from the Building Official.

Zoning Board of Appeals Conditions of Approval:

1. All Inland Wetlands and Watercourses Agency Conditions of Approval from IW# 573 will apply to this approval.
2. All Planning and Zoning Commission Conditions Approval from PH# 2849 will apply to this approval.
3. Applicant will enclose the parking lot with a chain link fence.

Total Number of Conditions: 63

b) Approval of Minutes – December 19, 2016 Regular meeting – None

c) Correspondence / Staff Report

Mr. O'Brien stated that the minutes and revised forms and applications will be provided at the next meeting.

Chairman LaRosa stated that the Board received the Town Attorney's Report and the quarterly newsletter.

Secretary Turner asked whether the Board would be able to go over the forms and applications again at their next meeting.

Mr. O'Brien stated that the forms and applications will be revised based on the changes that the Board previously requested, and that they will be ready for review at the next meeting.

d) Other Business

Secretary Turner stated that the Board received site plan and special permit review procedures.

Mr. O'Brien stated that the Connecticut General Assembly has gone back and forth for the last few years on deciding whether the Planning and Zoning Commission or the Zoning Board of Appeals should approve Automotive Locations. As of July 1st, 2016, the Zoning Board of Appeals now is in charge of Automotive Location Approvals.

Chairman LaRosa asked whether there are any classes available on site plan review. He also asked that a site plan review workshop be held for the Zoning Board of Appeals members and the Planning and Zoning Commission members, since the Planning and Zoning Commissioners have experience in reviewing site plans.

e) Adjournment

Secretary Turner made a motion, seconded by Commissioner Urbanowicz, to adjourn. The motion passed with a 5-0-0 vote.

Prepared By: Jennifer Pacacha

Respectfully Submitted,

Maryann Turner, Secretary