

**ENFIELD PLANNING AND ZONING COMMISSION
REGULAR MEETING**

2017 MAR -6 PM 4:14

MINUTES

THURSDAY, February 2, 2017 – 7:00 P.M.
ENFIELD TOWN HALL - COUNCIL CHAMBERS
820 ENFIELD STREET - ENFIELD, CT

1. Call to Order & Pledge of Allegiance
2. Fire Evacuation Announcement
3. Roll Call

Present

Chairman: Charles Duren.

Commissioners: Elizabeth Ballard, Linda DeGray, Charles Ladd, Mary Scutt, Nicles Lefakis.

Absent

Commissioners: Peter Falk, Richard Szewczak, and Allan Drinan.

Alternate Commissioner

Commissioner: Linda DeGray sat in for absent commissioners.

Also Present

Director of Planning: Roger J. O'Brien.

Code Inspector: Rick Rachele.

Assistant Town Planner: Raquel Ocasio.

4. Staff Reports
 - a. Town Attorney (in writing)
Received.
 - b. Zoning Enforcement Officer (in writing): Rick Rachele presented a Zoning Enforcement Report.
 - Issues with stones in the parking lot on 55 Main Street have been removed.
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- 59 West Street concern about a pod kept by RH White Construction to store equipment when they were doing the gas main on north Main Street has been removed.

- Notice of violation has been issued to an individual. Individual states that he has paperwork to allow him to have

the business there. However, he has not presented information to the office. The concern has been going on for the past two weeks.

- 215 Moody Road, Rick met with new owners and a local engineering representative. They reviewed the property and Rick advised the owners to submit appropriate application information for this commission to review. Status: materials have not been received.
- 350 North Maple Street, appears to be a junk yard 12 abandon vehicles, 55 gallon drums, propane tanks, numerous tires, building equipment, construction equipment. Other issue is part of the property is in wetlands and appears to be over the aquifer. Notice of violation through zoning, a cease and desist order through wetlands, and property maintenance addressing issue because of blight. Charmain Charles Duren asked if there is anything that may leak. Rick reiterates concern with the vehicles and the 55 gallon drums on the property.
- Chairman Charles Duren, asked Roger about the fire station. Roger stated it has not yet risen in the queue. Chairman Charles Duren, asked if there were any complaints in the area. Roger stated that we have not received complaints.
- Roger stated in respect to the town attorney's report, there was also a zoning enforcement matter which went to court and a consent order had been signed. It was the first case that the town has levied zoning enforcement fines that had been accruing. This was for a landscaping business that was operating in a residential zone. Result: now in compliance.

5. Approval of Minutes – January 5, 2017 – regular meeting

Chairman: Charles Duren

Commissioner Charles Ladd, made a motion to approve minutes of January 5, 2017. Motion was second by commissioner Nicles Lefakis. Chairman Charles Duren, notes the importance of verbiage on page 5 beginning with whereas, "We did not determine the landscaping that existed on the landscape was sufficient. Roger stated,

it was a previous resolutions that were added to the minutes that were changed the night of the meeting. Chairman Charles Duren stated: If it stays this way it means we are happy with what was there but wasn't. Chairman Charles Duren stated, reference plan made no mention of landscaping plans. On page 9 Chairman Charles Duren, mentioned approval from director/administratively is to be completed in collaboration with appropriate departments, as to not appear as being the sole entity for approval.

Motion: Commissioner Charles Ladd made a motion to move January 19, 2017 meeting minutes until the next meeting for approval and Commissioner Mary Scutt second the motion.

Vote: Chairman Charles Duren: All if favor: unanimous.

6. Public Participation

Questions: none.

7. Bond Release(s)

- a. PH# 2827 - Request for E&S Bond release in the amount of \$4,150.00; located at 100 Elm Street, in an Business Regional (BR) District, Map 43 - Lot 15; Alliance Energy, LLC, owner.

Roger noted that it is the gas station in front of the mall and that construction is no longer active. The soil erosion devices have been removed and that they have met their responsibilities through inspections. In addition, they have been awarded a Certificate of Zoning Compliance signed off by the Engineering Department therefore, recommending the commissions release. Chairman had given permission of filter mechanism permit however, the mechanism was never built. Roger stated that part of the construction (summer 2016) remediation activities were conducted under the supervision Fire Marshall and D.E.E.P. There was soil testing, new soil taken out and brought in. The company also installed monitoring devices which will be reporting to the D.E.E.P and the town on a regular basis. At request of the Chairman (Charles Duren) and the Chairman of the ZBA the Planning and Zoning Department did contact them. Rick stated that there are an addition 12-13 monitoring wells and had reviewed the soil scientist reports from the summer. The wells will be monitored for the next year. Commissioner Charles Ladd asked about documentation for the files. Roger stated that the Planning and Zoning Department does have the report for the inspection and sign off from the Fire Marshall and D.E.E.P. Both parties have agreed to share their required reports to D.E.E.P with the Planning and Zoning Department.

Motion: Chairman Charles Duren asked for a motion. Commissioner Elizabeth Ballard moved the resolution prepared by staff, seconded by Commissioner Charles Ladd.

Resolution:

Whereas, the site has been inspected by the town of the Enfield Planning Department, it was found that the responsibilities of the applicant have been fulfilled.

Whereas, the site has been inspected by the Engineering Department and it was found that the responsibilities of the applicant have been fulfilled.

Now therefore, be it resolved the Town of Enfield Planning and Zoning Commission hereby approves the release of the erosion and sediment control bond in the amount of \$4,150.00 to Alliance Energy LLC.

Votes: All in favor: Unanimous.
6-0-0

8. Public Hearing(s)
 - a. PH# 2850 – Modification to a Special Use Permit application site and building modifications including the construction of 1,230 sf new addition and 1,050 sf enclosure of vehicle delivery located 20 Palomba Drive; Zone BR (Business Regional) Map 057/Lot 0335; W.L. Realty. Ltd, owner/ Collin Rostohar, applicant.

Chairman Charles Duren stated that this is continued from January 19, 2017 and notes that the applicant was not present. Roger stated that the land use drawings presented by the engineer differed from the drawings submitted by the construction company. In addition, the applicant had not been to the Wetland Commission. After they attend the Wetland Commission the applicant submitted a revised site plan without any architectural drawings. The company was advised to submit consistent site and architectural plans together. The arrival of the revised plan were available after the distribution of the packets for the commission; however, they were immediately distributed to the appropriate departments for comments and have yet to receive commentaries. The applicant was also advised that given the absent of revised drawing and comments from the departments it would be prudent to continue it to the next meeting. Chairman Charles Duren asked

about the wetlands approval. Roger stated that the Wetlands Commission approved the building modification, turf restoration, and tree planting. Roger will seek their input onto whether the new drawings that were submitted were consistent with their approval.

Motion: Chairman Charles Duren asked for a motion to continue. Commissioner Charles Ladd moved to continue to the next meeting February 16, 2017. Motion was seconded by Commissioner Nicles Lefakis.

Votes: All in favor: Unanimous.

- b. PH# 2851 - 53 Manning Road – Site and interior building modifications to accommodate self-storage, KBRC Realty Inc., Owner/Applicant. Map 034 Lot 0015, I-1 (Industrial 1 Zone).

Chairman Charles Duren asked if the applicant was present. Roger stated the applicant was not present and at the direction of the commission, until the department receives revised drawings the matter would be continued. The applicant had asked for a continuance within their timeframe. The architect has requested a meeting with the Planning and Zoning Department without submitting new plans. The applicant was advised that in order to progress forward, new plans would need to be submitted to schedule a joint meeting. Thereafter, a meeting with the Building, Fire, and Planning Departments would be arraigned to ensure that every department is reviewing the same set of plans. Roger also advised them of the stop work order from the Building Department and of the order to remove. Rick stated that the order to remove was to be completed by February 10, 2017 because it is a building within the building. Roger also added that the building within the building was built with combustible materials with no access to sprinklers or an appropriate fire escape route. In addition, there has been a pending order since December 2016 to remove the building within the building. Roger disclosed that the applicant had a meeting with the building official regarding the fire escape and was given the option to submit for a variance with the state building official.

Motion: Chairman Charles Duren asked for a motion. Commissioner Mary Scutt moved to continue until Feb 16, 2017 meeting. Motion was second by Commissioner Linda DeGray.

Votes: Motion all in favor: No abstentions: Unanimous.

- c. PH# 2852- 113 Raffia Road - Cans for Kids, Inc. applicant; Raffia Farms, Inc., owner; Special Use Permit Application for Charitable Redemption Center; BR/R-33 Zone (Business Residential / Residential-33); Map 067/Lot 0426.

Commissioner Linda DeGray sat in for absent members. Roger informed the Chairman that the applicant was not present due to the insufficient length of time required for public notification regarding his signage. Therefore, the public hearing needs to be continued in order to provide the public adequate notification. Commissioner Mary Scutt questioned, how close to the property line is the redemption/sorting center, as it appears to be located within a residential area. Roger stated that the proposed sorting center is located within the existing barn on the property. Roger also noted that the map did not include a scale for reference. Commissioner Mary Scutt also questioned the level of noise that would come from the sorting center. Commissioner Linda DeGray disclosed her understanding of the matter, in which the cans would be collected and stored in a trailer to be hauled off. Rick stated that the collection area is located further up the road by the strip mall area. The applicant would organized the cans and bottle in the barn to reduce traffic congestion by the strip mall area. Thereafter, a third party would pick up the cans and bottles from the barn. Chairman Charles Duren disclosed that if the applicant does not have a third party to pick up the cans and bottles then the applicant would have to bring the cans to Worchester, MA. Rick confirmed the statement. Roger stated that the applicant needs to have the location designated as a redemption center for their purpose of colleting cans for charity. Roger stated that no signs would be posted due to having to provide monetary value of \$0.05 per can or bottle to anyone who chooses to redeem for cash rather than for charitable donations which is the purpose of the applicant.

Motion: Commissioner Charles Ladd makes a motion to continue until February 16, 2017. Commissioner Mary Scutt. Second the motion.

Votes: All in favor: Unanimous.

- d. PH#2853 – 1654 King Street – Special Use Permit for a multi-use building including office, industrial and motor vehicle uses; JFP Realty, LLC., applicant/owner; Map 013/Lot 0009; I-2 Zone (Industrial 2).

Roger stated that the building was an existing business complex. The building has been in business for 19-20 years and was the former utility company that morphed into a multi-use building throughout the years. Recently, they have approved use for an eye doctor. The purpose of this application is for the automobile use in the

rear of the property. Roger advised the applicant to have this matter continued after reviewing the plans, as to arrange an appointment with staff to review alternatives for the proposal. Roger disclosed that the existing building has uses however, uses are not grandfathered. Roger also stated that the applicant's narrative/map gloss over some of the uses on the property that are currently not allowed. In addition, the application received from the engineer, states that the property is business residential but the property is actually split. A portion of the property is zoned R33 (Residential 33) and the other portion is zoned industrial therefore, there is a requirement for a 100 foot buffer zone that can be accommodated/relocated. Roger disclosed that there is an alternative, in which, the applicant may request to have the property rezoned to industrial therefore, moving the 100 foot buffer zone. In addition, there are various concerns regarding the property including the jersey barriers, fences, trailers, and barbed wire. Also some of the parking is located in the state right of way. Rick discussed the 7-8 trailers located on the loading dock in the rear. Chairman Charles Duren discussed the option for a special permit for the open storage. Currently, open storages are not allowed. Roger also disclosed the concern regarding the proposed truck repair and has asked for guidance from the commission. The mix uses within the use itself complicates the matter even more, according to Rick. Commissioner Mary Scutt, questions the site's ongoing (2010) remediation process, as the site has been designated as a potential contaminated site. Roger disclosed that the area where the trucks appear to be parking is located within the R33 zone. Roger proposed changing the R33 zoning to industrial or to move the trucks to the industrial side of the property and provide a buffer. Roger and the commission discuss open outdoor storage and the possibility of adding an amendment to the regulations. Chairman Charles Duren proposed that we work together, as the open outdoor storage has been at the location for many years. Commissioner Mary Scutt stated that she is open to the modification of zone R33. Roger also informed the commissioners that the map that provided to them was a class D map thus not meeting the commission's requirements. Roger stated that the bottom line is that the location has evolved into a multi-purpose site but we need some creativity to bring it into conformance.

Motion: Chairman Charles Duren entertains a motion to continue. Commissioner Mary Scutt made a motion to continue for the next meeting on February 16, 2017. The motion was seconded by commissioner Nicles Lefakis.

Vote: 7-0-0.

9. New Business: None
10. Old Business: None.
11. Other Business: None.

12. Correspondence:

Commissioner Linda DeGray attended the ECSU (Eastern Connecticut State University) CROG (Capital Region Council of Governments) Sustainable Development Workshop on January 19, 2017. The workshop was about adopting a certificate program similar to *Sustainable New Jersey*. The workshop discussed sustainable best practices, many of which the Town of Enfield is currently doing or has done so in the past. The program is to distribute grants from private concerns and non-profit organizations so that towns can apply sustainable concepts within their communities. In turn, towns will be awarded certificates based on their progress.

Chairman Charles Duren revisits an earlier discussion about automobiles at dealerships and their trees. He stated that he likes the trees in the area surrounding Home Depot and would consider accepting trees similar in nature for the auto dealerships in lieu of maple trees. Commissioner Nicles Lefakis described a tree with lower maximum height such as a flowering pear or crab apple tree.

13. Director of Planning Report:

Roger introduces the new Assistant Town Planner: Raquel Ocasio. Roger states that Raquel was the top scorer on the HR oral testing panel.

Roger reviewed the pre-application assistance program. Three pieces of critical information needed in order to assist in the pre-application assistance process include: sketch of the property (what the applicant is looking to do), a floorplan (changes that the applicant is thinking about doing), and a narrative (what the applicant will actually do). Thereafter, the planning department will meet with the applicant followed by an administrative review team. In addition, the applicant's information will be distributed to all departments for review. Once revisions are received based on the feedback from various departments and new plans are filed then the applicant will be ready to meet with the commission.

Chairman Charles Duren noted that if an applicant goes to A.R.T. (Administrative Review Team) and follows the recommendations of A.R.T. then the applicant is usually taken care as soon as possible.

14. Authorization for Administrative Approvals: None.

15. Applications to be received: None.

16. Opportunities/Unresolved issues:

Roger disclosed that the Journal Inquirer (JI) recently contacted him regarding the number of solar panels permits being distributed after the amendments made by the commission. Roger stated that since the amendments the number for solar panel permits has increased from 10 permits a month to 19 permits per month.

Roger also stated that the Planning and Zoning Department was going to make some tweaks to the Standard Conditions of Approval. Roger disclosed that prior to receiving a Zoning Certificate of Approval, the department needs as-built architectural plans and as-built site plans. The department is looking to add a statement that clarifies that the Standard Conditions of Approvals does not absolve you from anything else in the zoning regulations book. In regards to as-built and our conditions of approval, included is an A2 survey with site design improvements certified by an engineer. It is not mentioned that architectural drawings certified by the architect are also needed per the Town of Enfield's Zoning Regulation 9.1 Conditions of Zoning Compliance and the definition of Zoning Compliance. The commission agreed that the protocol is to have both architectural and engineering as-built.

17. Adjournment

Motion: Commissioner Mary Scutt made a motion to adjourn. Commissioner Elizabeth Ballard seconded the motion.

Votes: All in Favor: Unanimous.

Note: Next Regular Meetings are Thursday, February 16, 2017 and Thursday, March 2, 2017.

Prepared By: Raquel Ocasio

Respectfully Submitted,



Richard Szewczak, Secretary