

ENFIELD PLANNING AND ZONING COMMISSION
REGULAR MEETING
THURSDAY, MARCH 14, 2019 – 7:00 p.m.
ENFIELD TOWN HALL - COUNCIL CHAMBERS
820 ENFIELD STREET - ENFIELD, CT

RECEIVED
ENFIELD TOWN CLERK
2019 MAR 29 PM 12:50

Call to Order & Pledge of Allegiance

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

Roll Call

Secretary Szewczak took the roll and present were Commissioners Charles Duren, Charles Ladd, Richard Szewczak, Virginia Higley, Mary Scutt and Alternate Commissioners John Petronella, Guillermo Salazar and Linda DeGray. Absent were Commissioners Nicles Lefakis and Ken Nelson. Chairman Duren seated Alternate Commissioners Petronella and Salazar for the absent Commissioners.

Also present were Jennifer Pacacha, Assistant Town Planner; Raquel Ocasio, Assistant Town Planner and Elizabeth Bouley, Recording Secretary.

Staff Reports

a. Town Attorney

Chairman Duren asked if there was a report from the Town Attorney, to which Ms. Pacacha replied that there was not and that the Commission had received a report from the Zoning Enforcement Officer in their packets. Chairman Duren asked if there were any questions for the Town Attorney through the Assistant Town Planner; no questions were raised.

b. Zoning Enforcement Officer.

Commissioner Szewczak asked about the status of North Street, as the owner appears to be ignoring the Cease & Desist orders without consequence. Chairman Duren agreed and asked if the removal of soil from town is a town ordinance, to which Commissioner Higley replied that it is in the regulations. Ms. Pacacha confirmed that it is a town ordinance and is also in the regulations. Chairman Duren stated that it is surprising that so much work went on without anyone reporting anything to the town. Ms. Pacacha stated that a Cease & Desist was issued which had gone on to citation, and at this point the State is involved as the deed specified that this land was protected farmland.

Ms. Pacacha explained that it was sent to the Town Manager's office once the citations were issued. Chairman Duren stated that the holes should be filled, to which Ms. Pacacha replied that the owner has a certain amount of time to request a hearing. She went on to explain that if he continues to ignore the citations, the Town Attorney will get involved.

Chairman Duren stated that he was surprised the neighbors did not report the activity. Commissioner Szewczak stated that some people notified the town of their concerns that the soil was being removed and taken to a landfill in Chicopee.

Commissioner Salazar asked when the next action will take place if operations do not cease. Ms. Pacacha stated that he had until March 16, 2019 to apply for a hearing at the Town Manager's Office,

after which it goes to the Town Attorney and he will continue to accrue fines. She stated that Staff will talk to the Town Attorney's office tomorrow to get the ball rolling.

Chairman Duren asked who the hearing would be with, to which Ms. Pacacha replied that it is a hearing officer through the town when it goes to violation. Chairman Duren asked when the State will take action. Ms. Pacacha replied that ZEO Ricardo Rachele had reached out to the State but he has not been in the office recently.

Commissioner Higley stated that the owner has way more equipment than what is allowed, so all operations should be ceased completely until he gets approval from Planning and Zoning.

Approval of Minutes – February 28, 2019 Regular Meeting

Motion: Commissioner Scutt made a motion, seconded by Commissioner Higley, to approve the minutes from the February 28, 2019 Regular Meeting as amended.

The motion passed with a 6-0-1 vote with Commissioner Salazar abstaining.

Votes: 6-0-1

Public Participation

Chairman Duren asked three times if anyone in the public would like to speak about items not on the agenda; no one came forward.

Bond Release(s)

None

Old Business

Public Hearing(s)

- a. **PH# 2936** – 1489 King Street – Special Permit application to allow the conversion of a single-family home to a two-family home; Timothy Smyth, owner/applicant; Map 18/Lot 260; R-44 Zone; King Street/Enfield Street Design Overlay District. (DoR: 2/14/2019; MCPH: 4/4/2019)

Secretary Szewczak took the roll and present were Commissioners Charles Duren, Charles Ladd, Richard Szewczak, Virginia Higley, Mary Scutt and Alternate Commissioners John Petronella, Guillermo Salazar and Linda DeGray. Absent were Commissioners Nicles Lefakis and Ken Nelson. Chairman Duren seated Alternate Commissioners Petronella and Salazar for the absent Commissioners.

Chairman Duren stated that the Commission has a letter signed from Mr. Timothy Smyth of 1489 King Street requesting a withdrawal of the application.

Motion: Commissioner Szewczak made a motion, seconded by Commissioner Scutt, to accept without prejudice the withdrawal of PH# 2936.

The motion passed with a 7-0-0 vote.

Votes: 7-0-0

New Business

Site Plan Review(s)

- a. **SPR# 1770** – 604 Enfield Street – Site Plan Review application to allow a BYOB paint party studio and ceramics studio; Enfield Retail Properties, LLC., owner; Industrial Development Group, LLC., applicant; Map 32/Lot 007; BL Zone. (DoR: 3/14/2019; MAD: 5/18/2019)

Secretary Szewczak took the roll and present were Commissioners Charles Duren, Charles Ladd, Richard Szewczak, Virginia Higley, Mary Scutt and Alternate Commissioners John Petronella, Guillermo Salazar and Linda DeGray. Absent were Commissioners Nicles Lefakis and Ken Nelson. Chairman Duren seated Alternate Commissioners Petronella and Salazar for the absent Commissioners.

Richard Maloney of Industrial Development Group in Waterbury addressed the Commission along with the proprietor Wendy Markham, 110 Hamden Street, Chicopee.

Ms. Markham explained that she has owned the business for five years. She stated that business has tripled during this time, therefore she is moving forward in leasing a studio location in the Enfield Plaza. Ms. Markham stated that in addition to the paint studio, Topsy Paintbrush, there will also be a pottery studio called Kil'n It Pottery Studio at this location. She explained that there will be lessons for both children and adults as well as parties. Ms. Markham went over the alcohol policies and hours of operation for the business. She stated that they will be closed on Mondays with the exception of a few holidays when schools are closed, and that there will be extended hours in the summer for summer camp-type lessons.

Commissioner Higley complimented Ms. Markham on her presentation and asked if anyone can come in and sign up for lessons. Ms. Markham went over the different types of lessons available.

Commissioner DeGray asked what the Health Department concerns are from the Staff Report. Ms. Pacacha stated that the Health Department did not tell Staff the exact concerns, but usually they pertain to disposal of food and beverage waste. Ms. Pacacha asked if the Health Department had reached out to the applicant yet, to which Ms. Markham replied that they had not.

Ms. Pacacha stated that this can be dealt with at the building permit level, as the Health Department signs off on building permits.

Ms. Markham stated that she will only be offering customers disposable products for the food they bring in.

Commissioner Szewczak asked if there will be watercolor painting done, to which Ms. Markham replied that there will be acrylic paint used on canvas and enamel paint on glassware.

Chairman Duren asked which unit the business will be occupying, to which Mr. Maloney replied that it is the unit just to the left of Ballroom Fever and just to the right of the gymnastics place.

Motion: Commissioner Szewczak made a motion, seconded by Commissioner Ladd, to approve SPR# 1770 with conditions.

The motion passed with a 7-0-0 vote.

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.
3. This project shall be constructed and maintained in accordance with the referenced materials under SPR# 1770.
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 (5) 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:

Conditions to be met prior to signing of plans:

7. A copy of the approval letter and conditions shall be incorporated into the final plans submitted for signature, preferably located on the cover sheet or first sheet of the plan set.
8. A list outlining how the conditions of approval have been met shall be submitted along with final plans submitted for signature.
9. 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.
10. 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:

11. Four sets of paper plans with any required revisions incorporated shall be submitted to the Planning Department for signature of the Commission. The Director of Planning may require Mylars.

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

12. No Certificate of Occupancy or other final approval may be issued until the 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.
13. 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.

Note: The Conditions of Approvals do not take the place of other requirements found in the Town Codes, Regulations, and Application Instructions.

Votes: 7-0-0

Other Business

- a. Town Council Referral** – Adoption of Midtown Enfield Tax Increment Financing District (Encompassing the Enfield Square Mall and surrounding areas, as well as the Thompsonville District exclusive of the TD-2 Zone) - Presentation by Patrick McMahon

Patrick McMahon, CEO of Connecticut Main Street Center in Hartford, addressed the Commission with a presentation on the Tax Increment Financing (TIF) District Master Plan and associated process. Mr. McMahon went over various definitions and legal guidelines pertaining to TIF districts and the utilization of TIF revenue. He stated that the town will have to decide what percentage of the increased value will be captured and reinvested back into the district, explaining that the District Master Plan proposes 50%. Mr. McMahon explained that this means 50% of any increased value will go to the general fund and the other 50% will be designated for reinvestment into the district.

Mr. McMahon described the TIF advisory panel and what their role would be in allocating the TIF revenue. He described the Credit Enhancement Agreement (CEA) or Developer's Agreement and explained how it would work and under what circumstances it would be appropriate. He went on to explain how the TIF revenue could also benefit smaller projects in town.

Mr. McMahon addressed the Plan of Conservation & Development, explaining how the TIF could work as an economic engine for the community and fund some improvements. He stated that retail across the country is still doing very well and the TIF is a tool that can be utilized along with other economic development tools.

Mr. McMahon stated that the neighboring town of Windsor Locks is already generating TIF revenue which will be invested into downtown Windsor Locks. He went over the various features of Thompsonville that make it ideal for a successful downtown.

Commissioner Scutt asked if any future mil rate increases will go toward the TIF. Mr. McMahon explained that it is not a new tax as the residents will be taxed on the mil rate regardless. He stated that this is a way for the community to designate a portion of that future tax revenue to be reinvested in this particular area rather than going into the general fund.

Commissioner Scutt asked for clarification on how to calculate the percentage of how much will go into the general fund and how much will go to the TIF. Mr. McMahon clarified that the TIF program is just a diversion of funds and does not involve any additional costs.

Commissioner Higley stated that she is concerned that Hazardville will be locked out entirely. Mr. McMahon explained that up to 10% of the town's taxable value can be within TIF districts and there is potential for other TIF districts within the community. He stated that they are currently just under 6% of the town's taxable property, which leaves other areas open to be included at a later date.

Commissioner Petronella asked if a mil rate increase would be needed to make up for the money contributed to the TIF fund annually, since this money will no longer be going to the general fund. Mr. McMahon explained that this is only looking at new projects with new value, so anything being produced today will continue to go toward the general fund.

Commissioner Petronella asked if the money generated in the TIF areas goes back specifically to these same areas, to which Mr. McMahon replied that it does.

Chairman Duren asked what was meant by “older portions of the mall.” Mr. McMahon pointed out on the site map the newer buildings on Hazard Avenue which are unlikely to get any significant changeover or additions in the near future. Discussion took place regarding the area in question and what is meant by “the mall area.” Commissioner Scutt explained that the mall area is comprised of the area between Hazard Avenue and Elm Street and includes Freshwater and Palomba, but does not cross over to Phoenix or Shop Rite, with the exception of the Mobil Station area.

Commissioner Scutt asked when this will all go into effect. Mr. McMahon stated that a Public Hearing is planned on Monday and that per state law it cannot be adopted until 90 days after it was referred to the Commission, which would be sometime in the May/June timeframe.

Commissioner Salazar asked how the limits of the Credit Enhancement Agreement (CEA) are established. Mr. McMahon explained that the limits are established up front and the Town Council will determine, on a case by case basis, whether a CEA will be provided.

Commissioner Salazar asked how long the TIF has been around, to which Mr. McMahon replied that the municipalities were given the option to create TIF districts in 2015. He stated that there are some early successes, including the Montgomery Mill project in Windsor Locks. Mr. McMahon explained how having the CEA on that project helped Windsor Locks to score better on state funding projects.

Commissioner Szewczak stated that the TIF enhances the urban development of the area, and if it does not get done the town will fall behind in creating jobs and helping businesses. He went on to state that as a member of the Economic Development Commission, he endorses this.

Commissioner Scutt asked if there have been other successes with programs like this across the country. Mr. McMahon stated that the program is modeled after the State of Maine, which has many communities that have adopted TIF districts for several years.

Commissioner DeGray asked if there have been any negative points. Mr. McMahon stated that there have been some abuses on the developer’s agreements in Chicago; however, there are criteria and policies in place that will prevent that type of backroom deals. He stated that in Maine there is one great story after another, and that is what this program is modeled after.

Motion: Commissioner Szewczak made a motion, seconded by Commissioner Scutt, to forward a favorable recommendation to the Town Council for the adoption of the Midtown Enfield Tax Increment Financing (TIF) District.

The motion passed with a 7-0-0 vote.

Votes: 7-0-0

Correspondence

Commissioner Ladd asked about the new project planned for Riverside Reptiles Education Center on South Road. Ms. Pacacha stated that staff has been in contact with the owner and will be holding an ART with him.

Commissioner Higley wondered if animals will be sold at that business.

Commissioner Ladd asked if they would be making sure the building is safe prior to the new business coming in, to which Ms. Pacacha replied that staff had received a preliminary site plan that is currently under review.

Chairman Duren asked if the new Wood-n-Tap restaurant in the Big Y plaza will have to come before the Commission. Ms. Pacacha stated that they will as there will be alcohol served there.

Commissioner Ladd asked if there will be a Public Hearing for the Riverside Reptiles Education Center. Ms. Pacacha stated that it is under a site plan in the business zone and therefore does not require a Public Hearing. Chairman Duren stated that they can have a Public Hearing if the Commission wants one.

Commissioner Higley what zoning district this is in, to which Ms. Ocasio replied that it is Business Local.

Director of Planning Report

Ms. Pacacha stated that 33 Post Office Road is in the office as an application to be received. Chairman Duren asked where this is, to which Ms. Pacacha replied that it is on the corner of Post Office and Post Road. She stated that the issues with Wetlands had all been resolved between the owner and the Town Attorney's Office and the Wetlands Commission, so now the site plan is under review for the new building. Chairman Duren stated that this should be a Public Hearing so the neighbor has a chance to come before the Commission.

Ms. Pacacha provided a brief description of other new applications that will be coming before the Commission.

Commissioner Ladd asked about the slideshow that someone had requested to show the Commission regarding the lights off of the high school. Chairman Duren stated that he had taken care of it and explained how he had told the person over the phone how to proceed.

Commissioner Scutt asked if there had been any progress on the mall, to which Ms. Pacacha replied that they are working on it but she has no updates.

Chairman Duren suggested that Ms. Pacacha put the Post Office Road application on the next agenda.

Commissioner Scutt asked when a presentation will be given before the Town Council by Ms. Whitten regarding funding for the Plan of Conservation & Development. Ms. Higley stated that it is several months out. Commissioner Scutt requested to be kept updated on this so she can attend the Town Council meeting.

Commissioner Ladd asked about ZEO Rachele, to which Chairman Duren replied that Mr. Rachele is in the hospital and will be out for a while. Commissioner Ladd asked if there is anyone filling in for Mr. Rachele in his absence, to which Ms. Pacacha replied that there is not.

Adjournment

Motion: Commissioner Scutt made a motion, seconded by Commissioner DeGray, to adjourn.

The motion passed with a 7-0-0 vote.

Votes: 7-0-0

Prepared by: Elizabeth Bouley

Respectfully Submitted,



Richard Szewczak, Secretary