

ENFIELD PLANNING AND ZONING COMMISSION
REGULAR MEETING
DRAFT MINUTES FOR COMMISSION CONSIDERATION
THURSDAY, May 14, 2020 – 7:00 p.m.
Virtual Meeting

Call to Order & Pledge of Allegiance

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

Roll Call

Commissioner Szewczak took the roll and present were Commissioners Charles Ladd, Richard Szewczak, Virginia Higley, Ken Nelson, Linda DeGray and Alternate Commissioners Vinnie Grillo and John Petronella. Absent were Commissioners Mary Scutt, Francis Alaimo and Alternate Commissioner Dane Thorogood.

Chairman Nelson stated that he would not be seating any alternates.

Also present were Laurie Whitten, Director of Development Services; Jennifer Pacacha, Assistant Town Planner; Ricardo Rachele, Zoning Enforcement Officer and Elizabeth Bouley, Recording Secretary.

Capital Improvements Budget Presentation

Michael Szlosek, Business Operations Manager at Public Works, addressed the Commission to present an overview of the capital improvements budget. He stated that the Town Council is very adamant about keeping the tax rate stable, so the budget is limited. Mr. Szlosek went over the proposed budget and the items included on it.

Jeff Leonowicz, Deputy Director of Public Works, went over the need for boiler replacement and a new bathroom at Stowe Early Learning Center as well as boiler replacement at the Alcorn building.

Mr. Szlosek went over the remaining line items with Mr. Leonowicz elaborating on the reasons for various items to be included in the budget.

Chairman Nelson stated that Enfield EMS has pride in the equipment provided to them by the town and he has no problem providing them with additional vehicles if needed.

Mr. Szlosek stated that the Water Pollution Control capital fund is pretty spare, with all of the items being things that are charged on a yearly basis such as the sewer relining program, sewer replacements, manhole covers and vegetation management.

Chairman Nelson asked if the sewer main is going to be replaced on Maple Avenue. Mr. Szlosek stated that they will do any necessary repairs but he is not sure if they are replacing it. He stated that he will find out what exactly is being done there and get back to the Commission.

Commissioner Alaimo asked if other utilities and gas companies are invited in to do upgrades during road resurfacing projects. Mr. Szlosek stated that he is not sure on the specifics of this but can find out.

Motion: Commissioner Szewczak made a motion, seconded by Commissioner DeGray, to recommend the acceptance of the capital improvements budget.

The motion passed with an 8-0-0 roll call vote.

Votes: 8-0-0

Report of the Zoning Enforcement Officer

a. 79 Enfield Street

Mr. Rachele stated that the property is zoned Business Local, so recycling and manufacturing are not allowed. He stated that he had gone through the enforcement process up until citation and the property owner has not paid any of the fines and is still operating the business. Mr. Rachele stated that the issue should now move forward to the Town Attorney.

Chairman Nelson stated that he is pro-business but in this case the Commission has received complaints from local residents and he supports moving forward to the Town Attorney.

Commissioner Alaimo asked if the property owner also owns the old Friendly's that was converted to a bar. Mr. Rachele stated that he does and this property is also in foreclosure by the same bank. Commissioner Alaimo stated that he is surprised to hear that the owner is not cooperating.

Chairman Nelson asked if the courts are actually hearing these cases right now. Mr. Rachele stated that there has been a 90-day extension on all court actions at this time, but he would rather get it to the Town Attorney now so they are prepared.

Chairman Nelson asked if they currently have a Cease and Desist, to which Mr. Rachele replied that he had gone through the whole process including notice of violation, Cease and Desist and citation. He stated that the owner showed up to a hearing but did not pay any fines and continues to operate the business.

Chairman Nelson asked if the fine goes against the building or the owner, to which Mr. Rachele replied that it goes against the owner.

Chairman Nelson asked at what point the police can get involved, to which Mr. Rachele replied that the only option is to go through the town with a civil action toward the property owner.

Commissioner DeGray suggested that the tenant can be moved out of the building as the courts are hearing some of these cases. Chairman Nelson stated that if turning it over to the Town Attorney is all they can do, they should move forward that way.

Commissioner Alaimo asked if the civil process will be used, to which Mr. Rachele replied that the Town Attorney can get an injunction by which a lien can be obtained on the property.

Motion: Commissioner Szewczak made a motion, seconded by Commissioner Ladd, to forward action to the Town Attorney to prosecute to the fullest extent of the law and recoup as many liens as possible.

The motion passed with an 8-0-0 roll call vote.

Votes: 8-0-0

Discussion took place regarding the detrimental impact this issue is having on the neighbors. Mr. Rachele stated that he had contacted DEEP regarding possibly hazardous containers on the property that were being washed in the parking lot. He stated that DEEP visited the property and has a case on it but no further action has been taken at this time.

Approval of Minutes – April 23, 2020 Regular Meeting

Motion: Commissioner Szewczak made a motion, seconded by Commissioner DeGray, to approve the minutes of April 23, 2020.

The motion passed with an 8-0-0 roll call vote.

Votes: 8-0-0

Bond Release(s)

Chairman Nelson requested that a list be provided to the Commission with all of the bonds that the town is currently holding back on. Ms. Pacacha stated that bonds are filed in the Finance Department and it is a card system rather than electronic, but Staff will look into it and see if a list can be created.

Chairman Nelson asked if Connecticut Mulch issue was ever resolved. Mr. Rachele stated that it has not been resolved and he is in the process of typing up a violation for the Special Use Permit that was originally issued due to the millings on the property. Mr. Rachele stated that he has a spreadsheet of bonds, which Chairman Nelson requested that he bring to the next meeting.

Commissioner Grillo stated that he has personally seen millings being laid down at CT Mulch and the entrances now are not dirt. He stated that there is no longer dirt going onto the main road.

Commissioner Alaimo asked if the bonds can expire before it has been verified that the work has been done correctly, to which Mr. Rachele replied that they can. Commissioner Alaimo stated that he is concerned with this expiration of bonds; discussion took place as to how this can be avoided.

Ms. Whitten stated that it has probably been a problem more in the past than it will be in the future.

Commissioner DeGray stated that the bond could have been released had the gentleman come in when the Commission asked him to.

Continued Public Hearings

- a. **PH# 2970** – 34 Maple Street – Special Permit application to convert a two-family home to a three-family home; 34 Maple Enfield, LLC., owner; Chris Marszalek, applicant; Map 83/Lot 246; R-33 Zone.

Commissioner Nelson seated Alternate Commissioners Grillo and Petronella.

Commissioner Szewczak took the roll and present were Commissioners Charles Ladd, Richard Szewczak, Virginia Higley, Ken Nelson, Linda DeGray, Francis Alaimo and Alternate Commissioners Vinnie Grillo and John Petronella. Absent were Commissioners Mary Scutt and Alternate Commissioner Dane Thorogood.

Chris Marszalek of Our Town Investments, 15 South Road, addressed the Commission. Ms. Pacacha stated that the applicant reached out to the Fire and Building Departments and both departments agreed that it is two two-family structures on the property. She stated that it is already more dense than the regulations allow, so the Commission can approve it under the Special Permit for the expansion of a nonconforming use on the property. Ms. Pacacha stated that they could require a variance to that section because the density calculation number is higher and therefore being increased, whereas under the expansion of nonconforming structures and uses it has been past practice to accept special permits only when the nonconformity is not being intensified.

Chairman Nelson stated that the intensity of the nonconformity is being increased and asked what would stop someone with a four-family from coming forward and converting it to a five-family. Ms. Pacacha stated that under the conversion of the residential buildings, you cannot go higher than a four-family in one building.

Commissioner Szewczak stated that it is non-conforming because it has two residences on the property.

Mr. Marszalek reiterated that this would be considered converting a two-family to a three-family according to the Fire and Building Departments. Chairman Nelson stated that it will be a five-family property, which is a commercial property.

Commissioner Szewczak stated that if the applicant subdivides the property, he would agree that it is two separate dwellings on two separate properties.

Commissioner Ladd stated that he would be against it at this time.

Commissioner DeGray stated that they are making a non-conforming property even more non-conforming.

Chairman Nelson asked if the applicant can withdraw his application and look into subdivision as he cannot come before the Commission for twelve months if his application is denied. Mr. Marszalek stated that he would like to withdraw the application.

Motion: Commissioner Szewczak made a motion, seconded by Commissioner Alaimo, to accept the withdrawal of PH# 2970 without prejudice.

The motion passed with an 8-0-0 roll call vote.

Votes: 8-0-0

New Public Hearings

- a. **PH# 2974** – 28 Maple Avenue – Special Permit application to convert a 2-family home to a 3-family home with a building addition and second driveway cut; Adam Fiore, owner/applicant; Map 21/Lot 12; Thompsonville District-1 Zone.

Commissioner Szewczak took the roll and present were Commissioners Charles Ladd, Richard Szewczak, Virginia Higley, Ken Nelson, Linda DeGray, Francis Alaimo and Alternate Commissioners Vinnie Grillo and John Petronella. Absent were Commissioners Mary Scutt and Alternate Commissioner Dane Thorogood.

Adam Fiore, 24 Harvest Hill Road, West Simsbury addressed the Commission; Chairman Nelson requested that the Mr. Fiore put the infant child in his lap into a car seat as his vehicle was visibly moving down the road. Mr. Fiore stated that he is looking to convert a building that was once a commercial zoned dilapidated illegal studio apartment into a conforming three family home.

Ms. Pacacha brought up a view of the site plan for the Commission to look at. Chairman Nelson stated that the Cease and Desist is in effect and there is still work going on at the subject site. He stated that there is a large hole that is a huge safety issue for people walking down the sidewalk. Chairman Nelson stated that the plans refer to existing foundation, but the foundation was removed prior to the submittal of these plans so these plans are no longer accurate since the foundation is gone.

Mr. Fiore stated that the plans are accurate and he would like to move forward now while the street is torn up. He stated that he has an email from the building inspector stating that he is allowed to keep going on the project.

Chairman Nelson reiterated that the existing foundation depicted on the site plan is no longer there, to which Mr. Fiore replied that it was never really there to begin with and it is only now visible. Chairman Nelson stated that he saw the applicant's crews taking the foundation out. Mr. Fiore stated that they do not want to build on anything that was crumbling but rather are trying to take it all out and start from scratch.

Commissioner Ladd stated that the demo plans, code plans and construction plans have a side address for 28 Maple Avenue, East Hartford. He stated that the plans should have the correct address. Mr. Fiore stated that he would see that this is fixed.

Chairman Nelson asked if anyone would like to speak in favor or against the application; no one came forward.

Commissioner Szewczak stated that there is a requirement from the Health Department about whether the sanitary lateral had been done. Mr. Fiore stated that there is a new sanitary lateral that will be inspected prior to the CO being issued.

Commissioner Szewczak asked about the proposed parking and how it conforms with the neighborhood. Mr. Fiore stated that he will probably have to remove the garage and expand into a four-space parking lot with two people parking in the driveway, resulting in six cars total. Mr. Fiore stated that he will not be adding to the congestion of the street.

Commissioner Szewczak stated that he is concerned about egress, particularly from the third floor. Mr. Fiore stated that the building inspector told him the egress windows meet regulations and the roof is available for people to exit onto in the event of a fire.

Chairman Nelson stated that the plans before the Commission do not reflect the parking proposed by the applicant with the garage removed. Mr. Fiore stated that he will have to revisit this issue and knocking down the garage is his best idea but he is open to suggestions.

Chairman Nelson stated that the Plan of Conservation & Development (POCD) has a very different vision for Thompsonville and this plan goes in the opposite direction of what the POCD is calling for right now. He stated that the storefront and foundation had been removed without approvals.

Chairman Nelson went on to state that there is a hole on the corner that a child could fall through and is very unsafe. Mr. Rachele stated that he would take care of it first thing in the morning.

Chairman Nelson requested that Staff make sure the building official did give the applicant permission to keep working on the structure.

Commissioner Szewczak asked if there would be a new site plan to reflect the modified parking being discussed tonight. Ms. Pacacha stated that according to the Thompsonville District Regulations, parking cannot be in the front yard setbacks. She stated that she has a proposed condition of approval that the parking be taken out of the front yard setback and moved elsewhere.

The Commission discussed the need for updated plans which reflect the new parking plan.

Commissioner Petronella asked if the existing structure was being demolished due to crumbling foundation, to which Mr. Fiore replied that it was not framed to current standards and the brick was giving way. Commissioner Petronella stated that the footprint of the new foundation should be the same size as the old one, to which Mr. Fiore replied that it will be significantly larger per current regulations. Commissioner Petronella stated that he would like to see a plan that depicts parking as well as elevations.

Chairman Nelson asked what the front yard setback is in Thompsonville, to which Ms. Pacacha replied that it is 20 feet. She stated that the proposed addition is within the setback and falls within the expansion of a nonconforming structure where the Commission can approve a Special Permit as long as it does not further violate the setback. Chairman Nelson stated that the entire addition expands the setback as it is located within the setback.

Chairman Nelson stated that the existing foundation which had been removed is no longer grandfathered. Mr. Fiore stated that it was not removed but rather had crumbled and fell apart.

Chairman Nelson asked if the addition increases the nonconformity. Ms. Pacacha stated that it does not because the building is already one foot from the property line and the applicant is not going any closer to the property line.

Commissioner Alaimo stated that he would like to see exactly what the Commission is voting on, so the applicant should come in with the correct plans and documents.

Chairman Nelson asked three times if anyone would like to speak in favor or against the application; no one came forward.

Commissioner Ladd stated that he is concerned for the egress as jumping off of a second story roof is not possible for everyone.

Commissioner Alaimo asked if they can get comments on this application from the Departments; Mr. Fiore stated that they had already signed off on it. Ms. Pacacha stated that the Fire Department will comment on more site-specific fire safety issues during the building permit process. Commissioner Alaimo stated that he would like to see a complete application packet with elevations and Department comments.

Commissioner Petronella stated that code issues should come up during the building permit process after the Commission approves it. Chairman Nelson stated that safety does fall within the Commission's jurisdiction and they cannot approve a structure if people do not have a way to get out of the structure on the property. Commissioner Petronella stated that it is not within the Commission's purview to examine building codes.

Commissioner Alaimo asked if they still hold ART meetings, to which Ms. Pacacha replied that they do for larger projects. She explained that she had sent it out to the Thompsonville Fire Department four times and had received no response.

Ms. Whitten stated that Staff will distribute the revised plans to the departments for comments prior to the next meeting.

Chairman Nelson asked three times if anyone would like to speak in favor or against the application; no one came forward.

Motion: Commissioner Szewczak made a motion, seconded by Commissioner DeGray, to continue PH# 2974 until the next meeting.

The motion passed with an 8-0-0 roll call vote.

Votes: 8-0-0

- b. **PH# 2971** – 104 Middle Road – Special Permit application to place 10 raised garden beds along with a shed and fencing; Town of Enfield, owner/applicant; Map 74/Lot 52; R-44 Zone.

Commissioner Szewczak took the roll and present were Commissioners Charles Ladd, Richard Szewczak, Virginia Higley, Ken Nelson, Linda DeGray, Francis Alaimo and Alternate Commissioners Vinnie Grillo and John Petronella. Absent were Commissioners Mary Scutt and Alternate Commissioner Dane Thorogood.

Ms. Whitten stated that Enfield is going to expand the community gardens and they are proposing to do ten beds on the south side of the public library on Middle Road.

Chairman Nelson asked if the \$25 fee can be waived. Ms. Whitten stated that they are not looking at that right now, but people can donate beds if someone cannot afford one. She went on to explain how someone can donate a bed.

Chairman Nelson asked three times if anyone would like to speak in favor or against the application; no one came forward.

Motion: Commissioner Ladd made a motion, seconded by Commissioner DeGray, to close the Public Hearing.

The motion passed with a 8-0-0 roll call vote.

Votes: 8-0-0

Motion: Commissioner Szewczak made a motion, seconded by Commissioner DeGray, to approve PH# 2971.

The motion passed with a 8-0-0 roll call vote.

Votes: 8-0-0

- c. **PH# 2972** – 2 Chapel Street – Special Permit application to place 40+/- raised garden beds along with a shed and fencing; Town of Enfield, owner/applicant; Map 27/Lot 162; Thompsonville District-5 Zone.

Commissioner Szewczak took the roll and present were Commissioners Charles Ladd, Richard Szewczak, Virginia Higley, Ken Nelson, Linda DeGray, Francis Alaimo and Alternate Commissioners Vinnie Grillo and John Petronella. Absent were Commissioners Mary Scutt and Alternate Commissioner Dane Thorogood.

Ms. Whitten addressed the Commission as a representative for the Town of Enfield. She described the proposed location and dimensions of the raised garden beds.

Chairman Nelson asked who constructs the raised beds, to which Ms. Whitten replied that Buildings and Grounds does.

Chairman Nelson asked three times if anyone would like to speak in favor or against the application; no one came forward.

Motion: Commissioner Alaimo made a motion, seconded by Commissioner Higley, to close the Public Hearing.

The motion passed with an 8-0-0 show of hands vote.

Votes: 8-0-0

Motion: Commissioner Szewczak made a motion, seconded by Commissioner DeGray, to approve PH# 2972.

The motion passed with an 8-0-0 show of hands vote.

Votes: 8-0-0

Old Business

Ms. Pacacha stated that the Town Attorney had reviewed the Commission bylaws and all suggested changes had been made. She stated that if the Commission is ok with the bylaws, they can move forward.

Commissioner Higley stated that she had read them and is fine with them.

Motion: Commissioner Szewczak made a motion, seconded by Commissioner Alaimo, to adopt the amended bylaws.

The motion passed with an 8-0-0 vote.

Votes: 8-0-0

New Business

8-24 Referrals

Motion: Commissioner Szewczak made a motion, seconded by Commissioner Alaimo, to forward a positive approval to the Town Council for the community gardens at 104 Middle Road and 2 Chapel Street.

The motion passed with an 8-0-0 vote.

Votes: 8-0-0

Other Business

Discussion of Outdoor Dining Patios

Commissioner DeGray stated that she looked at the memo and is upset with what they have. She stated that they are asking too much of the restaurant owners by asking them to do everything that is on the memo, and this is not business friendly at all.

Ms. Whitten stated that she has been working with the Town Attorneys following the Governor's Executive Order, which just came out on Tuesday night. Ms. Whitten went over some of the requirements contained within the guidelines.

Commissioner DeGray stated that to put ten more days on these restaurants is outrageous and she does not understand why other towns are able to get their restaurants open sooner. Ms. Whitten explained that this is by order of the Governor, to which Ms. DeGray replied that it does not make sense that Somers is opening on the 18th and Suffield on the 20th. Ms. Whitten stated that they are going by Town Attorney recommendations and are following the Governor's orders. She stated that they will be meeting with all departments to figure out how to get this done in a safe and timely manner. Commissioner DeGray reiterated that it is not business-friendly to make the restaurants wait an extra ten days.

Commissioner Szewczak stated that ten days is the maximum, but Staff will strive to work together with applicants to see that no one actually has to wait ten days.

Chairman Nelson stated that they are not seeing timely responses from other departments and that it is wrong for the ZEO to be forced to deny permits if they are not signed off on in ten days. He suggested that they be automatically approved if this occurs.

Ms. Pacacha stated that they already have applications and plans from various restaurants in town and Staff is just requesting input from the Commission on whether this process is acceptable to them. She stated that they will work expeditiously to make sure the restaurants can get back open.

Chairman Nelson asked if Dominic's on the Avenue is one of the businesses that applied. Mr. Rachele stated that it was not, but that Staff expects to be inundated with applications.

Mr. Rachele stated that this Executive Order is only pertaining to temporary outdoor dining and is not for permanent patios.

Ms. Whitten stated that if everything looks fine with an application but they do not hear back from certain departments, Staff will probably just approve it. Chairman Nelson stated that if they do not do anything and it automatically approves, it will not fall back on the Town.

Commissioner Petronella asked if this process is exempt for establishments that have existing patios. Ms. Whitten stated that it is, but they will be required to have social distancing in place. Commissioner Petronella stated that some restaurants that already have patios may not have to go through this process.

Commissioner Petronella stated that he does not agree that the applications should pass if they do not get an approval after ten days, as the Health and Fire Departments should be involved in the approvals.

Commissioner DeGray stated that the restaurants are inspected by the Health Department and have passed their inspections and paid their inspection fees. She stated that these restaurants need to get back to work and to hold them up because one department is too busy is unfair.

Chairman Nelson stated that the memo from the Governor says that it will automatically be approved after ten days. He stated that the Health Department has many towns and it is going to be a holdup.

Ms. Whitten stated that Staff will not be denying anything unless it really needs to be denied.

Ms. Whitten stated that for Phase 2 on June 20th the restaurants may have up to 50% capacity.

Chairman Nelson asked Mr. Rachele to tell Dominic's on the Avenue that they need to apply.

- a. General Discussion of Regulations and Procedures – Review of Request for Proposals for Plan of Conservation & Development and Zoning Regulation Updates

Ms. Whitten stated that she hopes to have approval to send the RFPs out tomorrow or Monday.

Commissioner's Correspondence

Commissioner DeGray stated that she received a phone call about the restaurant where Guido's used to be on Hazard Avenue. Ms. Pacacha stated that she had been working with the property owner and they are having trouble tracking down a site plan. She stated that the cooler onsite had never been legally put in, so they are looking for permits for it. Ms. Pacacha explained that they are not changing anything and are just looking for an approval. The Commissioners stated that they are good with it.

Commissioner Alaimo asked if the recent Dunkin Donuts exterior administrative approval was the one on Elm Street next to the highway, to which Ms. Pacacha replied that it was. He stated that there is a hedgerow with a fire hydrant that needs to be cleared. Ms. Pacacha stated that Staff will talk to them about it.

Town Planner Report

Ms. Whitten stated that they had hired a new Assistant Town Planner.

Chairman Nelson asked if there is anyone in the office when Mr. Rachele is on the road. Ms. Whitten explained that it depends upon the day, but they do have phone calls rolling to their email or cell phones so they are receiving their calls. Chairman Nelson asked why someone cannot be in the office, to which Ms. Whitten replied that there is almost always someone in the office.

Ms. Pacacha stated that Staff is very busy and doing the best that they can. Discussion took place regarding how incoming emails are sent to and divided up amongst Staff.

Applications to be Received

- a. **PH# 2973** – 55 Cottage Road – Special Permit application for a home addition located within the Lake Overlay District; Randy Daigle, owner/applicant; Map 80/Lot 178; R-33 Zone.

Ms. Pacacha stated that there was new documentation submitted today which she will be going over tomorrow morning.

Opportunities/Unresolved Issues

Ms. Whitten stated that the issue of combining the Planning & Zoning Commission with the Inland Wetlands & Watercourses Agency has not gone before the Town Council yet.

Chairman Nelson asked if the Town Council had approved the budget yet, to which Ms. Whitten replied that they will be approving the budget next Wednesday.

Adjournment

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

The motion passed with an 8-0-0 show of hands vote.

Votes: 8-0-0

Prepared by: Elizabeth Bouley

Respectfully Submitted,

Richard Szewczak, Secretary