

ENFIELD PLANNING AND ZONING COMMISSION  
SPECIAL MEETING  
**DRAFT MINUTES FOR COMMISSION CONSIDERATION**  
MONDAY, August 3, 2020 – 7:00 p.m.  
Virtual Meeting

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**Call to Order & Pledge of Allegiance**

Chairman Nelson called the meeting to order at 7:01 PM.

**Roll Call**

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

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

**Approval of Minutes** – July 23, 2020 Regular Meeting

**Motion:** Commissioner DeGray made a motion, seconded by Commissioner Ladd, to approve the minutes of the July 23, 2020 Regular Meeting.

The motion passed with a 6-0-0 vote.

**Votes: 6-0-0**

Chairman Nelson stated that Commissioner Petronella had left the meeting. He seated Alternate Commissioner Grillo for the absent commissioner.

**New Public Hearings**

- a. **PH# 2979** – 25 & 39 Hazard Avenue – Special Use Permit application to demolish the existing building at 39 Hazard Avenue and replace with a new building with a restaurant tenant with a drive-thru and two outdoor dining areas. Leo BHW LTD, LLC, Owner; Eric Kelly, Applicant Representative; Map 45/ Lot 002 and 008; BR Zone.

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

David Ziaks, P.E. presented a slideshow presentation about the Special Permit, Site Plan and Flood Hazard applications for the proposed retail/restaurant building at Enfield Commons. He utilized an aerial photograph to illustrate the overall layout of the subject site.

Mr. Ziaks stated that the former Red Lobster building will be demolished and replaced with a new building which is designed to accommodate three tenants. He stated that there will be no change to the shopping center access to Hazard Avenue. Mr. Ziaks utilized an aerial rendering to illustrate the parking, drive thru and circulation. He went over the tenants that will be occupying the building as well as dumpster location.

Mr. Ziaks stated that they had worked closely with Ocean State and they no longer have any concerns regarding the proposed operation. He pointed out the proposed outdoor dining areas and went over the proposed changes to the parking by Aspen Dental, adding that there will be no changes to the Olive Garden parking lot.

Commissioner Petronella re-joined the meeting.

Mr. Ziaks went over the proposed handicapped parking, sidewalks, walkways, lighting and landscaping. He stated that there are no planned changes to the mature landscaping along Hazard Avenue.

Mr. Ziaks utilized the zoning data table on the master plan to show how the plan meets all requirements and brings the property closer to conformity.

Mr. Ziaks described the drainage plan and stated that there will be no changes to traffic patterns. He stated that there is a little flood storage capacity lost in the back of the building, but they are compensating with underground storage containers. Mr. Ziaks stated that the Town Engineer had reviewed these containers and approved them as long as they are waterproof, which they will be.

Wesley Krech from Ni Design utilized a site construction plan to illustrate where the utility room is located. Mr. Krech showed the Commission the exterior elevations of the building and described the building materials that will be utilized for each of the store fronts as well as the drive thru.

Mr. Ziaks stated that the signage will meet all regulations and will come back before the town for approval. He stated that the current landscaping along the west side of the Olive Garden will be maintained.

Mr. Ziaks went over the Staff Reports and stated that they have no concerns with any of the comments.

Commissioner Szewczak asked if the outdoor seating areas will be raised, to which Mr. Ziaks replied that they will be flush with the sidewalks. Commissioner Szewczak stated that he is concerned that a car could go up over the curb and into the seating area. Mr. Ziaks stated that there are bollards at the handicapped parking spaces but they can also incorporate black metal bollards in with the fencing.

Commissioner Alaimo asked if the individual tenants will be connected to the grease traps, to which Mr. Ziaks replied that Starbucks will be connected to the existing grease trap and a new grease trap will be added to the Jersey Mike's side. He stated that the third tenant can be connected to one of those two grease traps if need be.

Commissioner Alaimo mentioned the comment in the Staff Report about wrapping the drainage pipe, to which Mr. Ziaks replied that the Town Engineer comments will be incorporated into the plan.

Chairman Nelson asked if there will be additional signage so people do not drive backwards through the drive thru thinking it is an exit. Mr. Ziaks utilized the layout plan to show where signage can be located to prevent this.

Chairman Nelson stated that there are no sidewalks and asked if the applicant had considered adding some so people do not have to walk down the main driveways. Mr. Ziaks stated that they can consider some short sidewalks in logical areas.

Commissioner Ladd asked for clarification on whether the new building can be accessed from the Olive Garden. Mr. Ziaks stated that there is access and added that there will be no changes to the front of the building at all.

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

Ms. Pacacha read comments from Fire Marshal Scott Ellis into the record. Mr. Ziaks stated that they can accommodate the landscaping concerns by swapping out the bark mulch for stones, and that they will work with the Fire Marshal to straighten everything out.

Commissioner Alaimo stated that Mr. Ellis was referring to the fire lane that should be in front of Ocean State. Chairman Nelson stated that the fire lanes should be corrected to the satisfaction of the Fire Marshal as a condition of approval.

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

**Motion:** Commissioner Alaimo made a motion, seconded by Commissioner DeGray, to close PH# 2979.

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

**Votes: 7-0-0**

**Motion:** Commissioner Szewczak made a motion, seconded by Commissioner DeGray, to approve PH #2979 with additional conditions.

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

**Votes: 7-0-0**

- b. **PH# 2980** – 118 Hazard Avenue – Site Plan Review application for the proposed construction of a new two-story 29,000 sq. ft. ‘All American Assisted Living’ facility along with new paved parking areas, landscaping, storm water management components and associated utilities; Ward Manor, LLC, Owner; Ben Wells, Applicant Representative; Map 65/ Lot 59; B-P and R-44 Zone.

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

Jeff Bord of Bohler Engineering addressed the Commission with a slideshow presentation on behalf of Kaplan Development Groups, LLC. Mr. Bord provided the Commission with a brief history of

the project and went over the existing conditions on the property. He pointed out the areas of wetlands and provided an illustration of the landscaping plan.

Benjamin Wells of Kaplan Development Group described the dimensions and details of the proposed building and utilized a floor plan to illustrate the wings and units within the facility. Mr. Wells explained the business model he is proposing and described the benefits to using this model.

Mr. Bord utilized the site and landscaping plan to describe the proposed driveways, parking, circulation, landscaping and exterior site amenities. He stated that there will be a gated rear entrance for emergency access.

Mr. Bord stated that they are only developing 19% of a much larger area and pointed out on the site map the area where there will be an agricultural easement to allow for farmland. Mr. Bord stated that that they will be providing some trees and showed the Commission where on the property they will be located.

Mr. Bord went over the drainage and utility plan for the project, stating that the stormwater design is in conformance with the 2004 Connecticut Stormwater Quality Manual and local stormwater regulations. He stated that the design is sensitive to the wetlands and that the plan meets or slightly reduces peak flow rates for the various storm events while also using best management practices.

Mr. Bord pointed out the utilities on the plan, including electric, water, sanitary and stormwater conveyance system. He stated that they are looking to do a hydraulic analysis, after which they will determine with the Fire Marshal the best location for the fire hydrant and fire lane.

Mr. Bord went over the erosion and sediment control plans for the project and described the proposed lighting plan.

Stephen Humphreys of EGA Architects in Newburyport, Massachusetts addressed the Commission. He utilized a floor plan to provide the Commission with a walk-through of the building, describing the various spaces and areas for residents. Mr. Humphreys used site elevation plans and an exterior photograph to illustrate the building materials and colors that will be utilized.

Commissioner Szewczak asked what the dog run is, to which Mr. Humphreys replied that it is for residents to let their dogs out. Commissioner Szewczak pointed out the aboveground infiltration basin in the vicinity of the dog run. Mr. Bord stated that the applicant will not be opposed to providing a separation distance, but as the engineer he is comfortable with the size of this relative to its proximity to the three water quality structures.

Commissioner Alaimo asked if there will be security or protection for the safety of the residents on the patio area. Mr. Wells stated that there is not typically fencing around the entire site but that there are surveillance cameras and staff at the front desk 24/7.

Commissioner Alaimo stated that the road is very dangerous along the Country Diner area on Hazard Avenue and asked what will be done there. Mr. Bord stated that the assisted living use is a low traffic generator and many of the residents do not have vehicles. He stated that they will be submitting the traffic data and studies they have to DOT and these will be reviewed and approved by DOT prior to construction.

Commissioner Szewczak asked how the parking will be handled when there are a lot of visitors. Mr. Wells stated that they have not had an issue in the past and the proposed parking is more than ample. Commissioner Szewczak clarified that he is concerned more with visitor parking than resident parking.

Chairman Nelson asked where the sidewalks are on Hazard Avenue, to which Mr. Bord replied that there are none and it would not be safe to introduce a sidewalk that goes to nowhere. Chairman Nelson stated that the regulations require all new construction to have sidewalks along the roadway, and the applicant should apply for a sidewalk waiver. Mr. Bord replied that it is not a financial or design issue, but rather it is a safety issue. Chairman Nelson stated that the applicant should formally request a waiver if they have a safety concern with the sidewalks.

Chairman Nelson stated that the parking at a shift change only leaves 6-7 extra spaces for the entire parcel. Mr. Bord stated that data with regards to the existing facilities speaks for itself and they have never had issues with parking before. Chairman Nelson asked how many parking spaces are on the property, to which Mr. Bord replied that there are 69 spaces including 9 handicapped spaces. Mr. Wells explained that not every staff member is coming with a vehicle and they have never had an issue with parking. Mr. Bord stated that they are ten spaces in excess of what is required for parking.

Chairman Nelson asked if a Phase 1 and Phase 2 have been completed, to which Mr. Bord replied that a Phase 1 was done with no hotspots. He stated that there was a potential spill in the 1990s on the property and they will look into cleaning it up if the project moves forward. Mr. Bord described the sampling that they performed as part of the Phase 1 and geotechnical inspection, and explained that they will be performing a Phase 2 prior to construction.

Chairman Nelson stated that it is a beautiful building but something needs to be addressed with the sidewalks.

Chairman Nelson asked who requested the 1,000-foot roadway out to Middle Road, to which Mr. Bord replied that somebody brought it up at a town meeting and he believes it was a fire chief. Chairman Nelson asked that they look into this as it is cutting right into the land that is supposed to be maintained as agricultural.

Commissioner Szewczak stated that the Fire Marshal wanted the extra access point to allow fire trucks access to the building if there was ever an issue with access to the front of the site.

Commissioner Szewczak asked if there are any snow storage areas allocated, to which Mr. Bord replied that during normal snow events they will be trucking everything from the front lot to the back. He stated that this was also an issue for the Wetlands Commission and pointed out on the site plan where the snow will be stored.

Commissioner Szewczak stated that there are two beds per unit and asked how this impacts the number of parking spaces. Mr. Bord reiterated that they are comfortable with the 69 parking spaces on the plan.

Chairman Nelson stated that the other medical facilities nearby do not have rear exits and asked why this plaza should be different. He went on to state that other than the sidewalks, everything has been answered and he would like to hear from the Fire Marshall.

Commissioner Alaimo stated for the record that the Alaimo land to the east is not his. He went on to ask what shifts the employees would be working, to which Mr. Wells replied that they will be working three 8-hour shifts.

Commissioner Alaimo asked if the fire department has any egress difficulties through the main entrance onto 190, to which Mr. Bord replied that that he believes not but they can clarify. He stated that they would rather not connect anything through Middle Road if possible.

Chairman Nelson asked if the applicant be petitioning the DOT for a light at the main entrance, to which Mr. Bord replied that they will not.

Chairman Nelson suggested that they put the sidewalks as a condition of approval until a waiver has been applied for.

Commissioner Ladd stated that there needs to be a secondary outlet for public safety vehicles as the parking lot will get all jammed up if there is an emergency event.

Chairman Nelson asked if anyone in the public would like to speak. Ms. Whitten clarified that this is the public hearing for the application and not for the intervener.

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

Ms. Whitten read the notice of intervention from Richard Smurra of 25 Middle Road into the record.

David Baram addressed the Commission as a representative for the intervener, who he stated is an adjacent property owner. Mr. Baram stated that the intervener is not opposed to this project, but rather they feel that there are changes that can be made to the plan that will make it less harmful to the environment.

Mr. Baram stated that the application is defective and the hearing should be continued. He went over the various reasons that the application is defective as detailed in the notice of intervention, including notice problems, misinformation about who the owner is, the application not asking for review of Special Permit and the inclusion of 13 units for memory care. Mr. Baram concluded that the Commission cannot go forward with the application tonight due to all of the defects.

Ms. Whitten stated that a Special Permit was checked off on the application but it was not posted on the web. She stated that the legal notice in the paper does call out 118 Hazard Avenue as a Special Permit application, though it should have been listed this way on the agenda. Ms. Whitten stated that memory care is an accessory use as far as assisted living facilities, and read through the regulations pertaining to this.

Mr. Baram stated that the application in the packet and the one that existed online as of yesterday do not have the Special Permit checked off. He concluded that the application is defective.

Chairman Nelson stated that if the presentation continues, Mr. Baram will have to do something about his sound as the Commission can barely hear him.

Commissioner Szewczak suggested that it might be beneficial to re-advertise and continue the application to the next meeting.

Ms. Whitten stated that the legal notice is correct and says Special Permit. She stated the fact that it is listed as a Site Plan but also a Public Hearing on the agenda is not a fatal flaw, and she does not understand the issue with the name of the company. Mr. Baram stated that according to the regulations, the application must be signed by both the applicant and the property owner. He stated that the owner is listed under two separate names on the documents, which is confusing.

Mr. Bord clarified that Ward Manor, LLC is the current owner of the property, and the letter they provided gives permission to Senior Housing Development, LLC to come forward with the application. Mr. Baram stated that the application has so many legal difficulties and mistakes that a new application should be filed.

Mr. Wells explained that it is very common to find a continuum of care within this industry, where there is independent living, assisted living and memory care all under one roof. He stated that it is not common to have skilled nursing in the same unit or building with other levels of care.

Mr. Humphreys stated that a nursing home is licensed as a different type of facility and the residents are confined to beds and cannot evacuate themselves. He stated that according to building code, assisted living includes memory care and assisted living, as the residents may be slow to evacuate but they are not confined to beds and can evacuate themselves. Mr. Baram stated that according to the presentation, the residents in the facility need 24/7 assistance and observation, which is not assisted living and is closer to a skilled nursing facility. Ms. Whitten read the definition of an assisted living facility from the regulations. Mr. Baram stated that the application does not contain any mention of seeking an accessory use, which is one of many things it is missing.

Chairman Nelson stated that tabling the application will give the applicant time to get a waiver in place for sidewalks, give the Fire Marshal time to address the issues, and Staff time to address the intervener's concerns regarding the meeting being legal. The Commission ultimately decided that tabling the meeting to make sure it is legal is the best course of action and Mr. Bord agreed.

Mr. Bord stated that they have complied with all state and town regulations regarding stormwater and environmental issues. He stated that they want to be a good neighbor and do not want the application to be held up longer due to a technicality.

Mr. Baram stated that the intervener does not oppose the project but just feels some of the technical issues can be made better in terms of stormwater management. He stated that the plan is not to try to stop the project but rather just to improve some of the plans.

**Motion:** Commissioner Ladd made a motion, seconded by Commissioner DeGray, to continue the Public Hearing until the week of August 24, 2020.

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

**Votes: 7-0-0**

## **Flood Permits**

- a. **FLD# 41** – 25 & 39 Hazard Avenue – Application for a Permit for Development within the Special Flood Hazard area to allow excavation and limited fill in the AE Zone; Paramount Newco Realty Owner/Applicant; Map 045/Lot 0002, 0008; BR Zone.

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

Ms. Pacacha stated that this is the first applicant, who had signed off. She stated that there is some compensatory storage, which is required. Ms. Pacacha stated that the Assistant Town Engineer comments had been addressed.

**Motion:** Commissioner Ladd made a motion, seconded by Commissioner DeGray, to accept FLD# 41.

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

**Votes: 7-0-0**

## **Adjournment**

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

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

**Votes: 7-0-0**

Prepared by: Elizabeth Bouley

Respectfully Submitted,

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Richard Szewczak, Secretary