

ENFIELD PLANNING AND ZONING COMMISSION
REGULAR MEETING
DRAFT MINUTES FOR COMMISSION CONSIDERATION
MONDAY, SEPTEMBER 10, 2020 – 7:00 p.m.
Virtual Meeting

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, Linda DeGray and Alternate Commissioners John Petronella and Vinnie Grillo. Absent were Commissioners Mary Scutt, Charles Ladd and Dane Thorogood.

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

Chairman Nelson seated Alternate Commissioners Grillo and Petronella.

Approval of Minutes – August 3, 2020 Special Meeting

Motion: Commissioner Szewczak made a motion, seconded by Commissioner DeGray, to approve the minutes of the August 3, 2020 Special Meeting.

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

Votes: 7-0-0

Public Participation

Chairman Nelson asked if anyone in the audience would like to speak about items not on the agenda; no one came forward.

Bond Release(s)

- a. **SPR# 1711** – 3 Pearson Way – Bond release request for a Landscaping Bond in the amount of \$4,800

Commissioner Higley stated that she was over there today and it looked very nice.

Ms. Pacacha stated that Zoning Enforcement Officer (ZEO) Ricardo Rachele had visited the site to make sure the project is complete and there are no issues with the bond release.

Motion: Commissioner Szewczak made a motion, seconded by Commissioner Higley, to approve the release of the Landscaping bond in the amount of \$4,500.

The Commission discussed whether the amount of the Landscaping Bond is \$4,500 or \$4,800. Ms. Whitten stated that the amount on the agenda is probably a typo as the memo from Mr. Rachele says \$4,500 so they should go by this.

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

Votes: 7-0-0

Continued Public Hearings

- a. **PH# 2980** - 118 Hazard Avenue – Special Permit application and Site Plan Review 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 and accessory uses; Ward Manor, LLC Owner; Kaplan Development Group, LLC., applicant; 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, Linda DeGray and Alternate Commissioners John Petronella and Vinnie Grillo. Absent were Commissioners Mary Scutt, Charles Ladd and Dane Thorogood.

Jeff Bord, P.E. from Bohler Engineering addressed the Commission on behalf of the applicant along with Benjamin Wells from Capital Development Group and Stephen Humphreys from EGA Architects. Attorney David Baram, George Logan of REMA Ecological Services, LLC and Sigrun Gadwa of Carya Ecological Services, LLC were present on behalf of the intervener.

Mr. Bord went over the changes to the application, stating that all Staff comments had been addressed since the last meeting. He stated that the proposed emergency access drive onto Middle Road has been removed from the current plans, resulting in additional land being dedicated to the town as an agricultural easement.

Mr. Bord stated that more trees had been added to the plans and pointed out on the 3D site rendering where these trees will be located.

Mr. Bord stated that they are requesting a sidewalk waiver as a sidewalk along Hazard Avenue promotes unsafe conditions and can be damaging to the environment.

Mr. Bord stated that the next step for them after local approval is to submit an encroachment permit application to the DOT.

Commissioner Szewczak stated that there is a sidewalk that runs to the east from South George Washington Street and all the way to the Trinity Health area. He stated that this area will become developed in the future and he feels strongly that there should be a sidewalk as car and pedestrian traffic will increase. Commissioner Szewczak stated that the town should not be responsible for installing these continuous sidewalks.

Chairman Nelson agreed, stating that he would like to see sidewalks from the driveway entrance east now, and the west side can be done at a later date at the expense of the property owner. Mr. Bord agreed, stating that prior to the DOT encroachment permit they can propose a sidewalk from

the driveway to the east. He went on to state that the driveway to the west is the one with difficulty due to the location of the wetland in this area. Commissioner Szewczak stated that if the area to the west gets developed then the town should not be responsible for installing the sidewalks, and that these sidewalks do not have to be installed now.

Commissioner Petronella stated that he is for sidewalks in that area, but across the street at 111 Hazard Avenue sidewalks had been installed. He stated that a few years ago the town removed those sidewalks and he has no idea why. Ms. Whitten stated that she can ask Public Works why they had been removed. Commissioner Petronella stated that he would like to know for planning purposes why they had been removed to avoid it happening in this case. Chairman Nelson requested that Staff find out why those sidewalks were removed.

Commissioner Alaimo asked if any corrections or safety precautions had been made pertaining to the roadway out front. Mr. Bord stated that they are not anticipating any changes or widening based on the DOT review they are about to go through. He stated that only 3-5% of the residents have vehicles so traffic increases will be minimal. Commissioner Alaimo stated that he feels there should be widening there for safety reasons.

Mr. Baram addressed the three recommended conditions of approval, which he stated that the applicant has agreed to. He stated that the first condition pertains to elevated seasonal high groundwater tables, and that if any modifications are required then plans should be submitted to the town and the intervener. Mr. Baram stated that the second condition has to do with guarantees for the plantings that the applicant had agreed to. He concluded that the final condition is for grading for the proposed wetland mitigation area to make sure that nothing impedes the surface sheet flow.

Mr. Baram stated that they believe there may have been some potential contamination from the Amico station to the east of the site and the Commission may want to look at that in the future. He stated that they had been unable to obtain additional records from DEEP.

Mr. Baram stated that the wetlands condition for the farmland preservation easement should also be adopted by the Planning & Zoning Commission.

Mr. Logan provided the Commission with detailed explanations and descriptions of the three recommended conditions of approval.

Mr. Logan stated that the sidewalks across the street disappeared in 2016 and the total length of them was 250 feet.

Ms. Gadwa stated that they were concerned about the shale that was deposited fifty-five years ago. She stated that the shale was crumbly and had been locked between rocks, but when it was blasted out and deposited it disintegrated and became soil.

Ms. Gadwa stated that they appreciate the addition of the trees to the plan, and described exactly what tree species will be added. She described the benefits of the trees, stating that they will provide additional visual buffering, air pollution filtering, shade and wildlife food/shelter.

Mr. Baram concluded that they are requesting the Commission adopt the three conditions and also include reference to the wetlands stipulation about the farmland easement.

Richard Chmura addressed the Commission as the intervener. He stated that with the added conditions he can now say he supports the project.

Chairman Nelson stated that the intervener's farmlands are under water in the spring and this has been an ongoing problem for years. He stated that the Commission may not be able to require that the additional trees be put in as the applicant met the landscaping guidelines prior to the trees being added to the plans. Ms. Whitten confirmed that the application had met all of the landscaping guidelines before the additional trees were added.

Regarding the third condition of approval about grading, Chairman Nelson stated that the applicant had been approved by Wetlands and this is out of the Commission's purview. He stated that the Commission cannot require anyone to go beyond what is required by the town of Enfield and at this point the applicant had met the regulations.

Mr. Baram stated that this is a joint agreement and Mr. Bord is in concurrence with all three recommendations. He stated that the regulations allow the Commission to have jurisdiction over surface water flow to make sure no buildings create more of a problem. Mr. Baram stated that in order to avoid future litigation and hold the project up another six months to a year, this is an easy thing for the Commission to decide since the applicant and intervener are both in agreement.

Chairman Nelson stated that making it a condition of approval is going above and beyond the Commission's regulations. He stated that it is great if the applicant and intervener have a gentleman's agreement, but the Commission should not force the applicant to do something that is not required according to the regulations. Chairman Nelson stated that it is blackmail to say they will tie the project up for a year in court if the Commission does not comply. He stated that the applicant met the regulations and he will not support Mr. Baram demanding the applicant do things or else be tied up in court for a year.

Chairman Nelson stated that the sidewalks are not being eliminated but are just being postponed.

Chairman Nelson asked if the intervener will take the issue to court if the Commission does not approve the conditions. Mr. Baram stated that this is his client's decision.

Mr. Baram stated that they do not have a legal agreement with the applicant on these conditions as they did not anticipate the Commission would not adopt the joint recommendation. He stated that they are not attempting in any way to blackmail the town.

Commissioner Alaimo stated that the attorneys should draw up a binding legal agreement and have it be part of the deeds so it is not executed through the Commission.

Chairman Nelson asked how adding fifty trees is beneficial to the applicant. Mr. Baram stated that it is not ornamental but rather has to do with containing water and benefiting the wildlife. He went

on to state that if the applicant opposed this they would have said so, and they never threatened the applicant in any way.

Mr. Bord stated that there was no necessary threat but they did hear at the last meeting that the project would be held up in court if they do not comply. He explained that two of the conditions are common engineering practice so they would have done the test pits and the grading in the wetland mitigation area anyway. Mr. Bord stated that this just left the additional plantings, which they agreed to in order to be a good neighbor. He stated that the additional plantings were added under the premise that the project would be held up if they do not add them. Mr. Bord concluded that they are fully compliant with all state and local regulations.

Mr. Wells stated that he was not thrilled with the threats and they have a lot of money and time invested in this project. He stated that they are providing a very low impact use and they have a solid reputation. Mr. Wells stated that he will not sign a separate agreement binding them to any additional improvements on the lot.

Mr. Baram stated that if there is a joint recommendation and the town approves it, it is fully enforceable. Chairman Nelson stated that Mr. Baram said if they do not agree he will tie the project up in court. He stated that the neighbor does not have the authority to demand anything, and if they work something out that is great but the Commission cannot enforce it.

Commissioner Szewczak stated that the Commission should look at the intervener's recommendations as they look at recommendations from other town departments. He stated that the Commission should include the conditions in the interest of keeping the project going. Commissioner Szewczak stated that the applicant can upgrade his plans to include these conditions, to which Chairman Nelson replied that the Commission is not requiring this. Chairman Nelson stated that every time an upset neighbor comes before the Commission they will be counted as a department and be allowed to add requirements. Commissioner Szewczak pointed out that this is an intervener, to which Chairman Nelson replied that it is a disgruntled neighbor who hired an attorney. Chairman Nelson stated that the Commission does not have the authority to expand the regulations for a particular application.

Commissioner Szewczak stated that the additional trees are currently on the plans so they are not going to condition the plantings. He went on to state that the applicant can add a note on the drawings that they will require the retention basins to be shallower based on test pits and this can be included as a condition of approval, to which Mary Ann Turner shouted No.

Ms. Whitten reminded the Commission that this is an intervener rather than a neighbor. She read the definition of an intervener, stating that the concerns are regarding air and water quality and therefore they have the right to be here. Ms. Whitten reiterated what Mr. Bord was saying, stating that the groundwater monitoring is a wetlands issue but is also a requirement when designing a drainage system and they should always be above the high-water mark.

Ms. Whitten stated that if the applicant is amenable, the Commission can just state that they would like to approve the plan as proposed with the landscaping.

Chairman Nelson stated that the intervener and his attorney saying they need fifty additional trees or they will tie the project up in court is bullying and blackmail.

Mr. Baram stated that there were two meetings between the two parties and he did not participate in those. He stated that he never threatened or blackmailed the applicant and that he takes issue with this allegation. He suggested that Chairman Nelson should recuse himself if he comes in with such a bias and cannot objectively rule on this.

Chairman Nelson asked again what Mr. Baram will do if the Commission does not include the conditions of approval. Mr. Baram replied that he will recommend his client appeal based on the comments from Chairman Nelson this evening.

Mr. Logan stated that the failure of the stormwater management system will not be in the interest of the town or the Commission. Chairman Nelson stated that he agrees and does not know an engineer who would design a water system without getting the high-water marks.

Ms. Gadwa stated that the test pits were done in October and did not have soil colors or data showing the location of the high-water table. She stated that Mr. Bord explained that they will do tests just before construction and make necessary adjustments in the field. Ms. Gadwa asked if the two letters submitted to the Commission today will be included as part of the record, to which Ms. Whitten replied that they will.

Mr. Bord stated that they cannot always perform these tests in the wet seasons, so common engineering practice is that once they get to construction in an area of concern they will do the test pits and make any adjustments in the field.

Ms. Gadwa stated that the number of additional trees is eighteen, not fifty. She stated that trees suck up a huge amount of water, which will help reduce the potential for flooding in the cornfield.

Chairman Nelson asked if the plans are submitted to the town when a change is made in the field. Mr. Bord stated that typically site plan changes are submitted to the Town Engineer.

Mr. Baram stated that if the Commission rejects the plans everyone will have to come back at a later date. He stated that the applicant has endorsed the revised plans, which are being presented to the Commission tonight for approval.

Mr. Chmura stated that the trees are not just pretty, and they perform special functions as agricultural buffers. Chairman Nelson stated that requiring above and beyond of someone "or else" does not agree with him. Mr. Chmura stated that they can all come to a mutual agreement.

Mr. Wells stated that they are ok with this plan and are looking to move forward with the project today. He stated that they want to be a good neighbor.

Chairman Nelson asked if anyone in the public would like to speak in favor or against the application.

Laurie Meehan, owner of Peter Ashley salon and the two acres across the street from the site, addressed the Commission. She stated that the sketch makes it appear that their driveway is directly in front of her driveway at 119 Hazard Avenue, and she is concerned about traffic in the area. Mr. Bord explained that they will submit an encroachment permit application to DOT if the application is approved. He stated that the DOT will review it extensively prior to construction for accident data, trip generation and other scenarios.

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

Ms. Whitten stated that it is up to the Commission to approve what has been agreed upon, stating that the wetlands and the ground water are moot points as they are happening anyway. She concluded that the Commission needs to make the decision about the trees on the record.

Chairman Nelson clarified that the Commission is going to require the sidewalks to the east, and the sidewalks to the left will be expanded by the applicant at a later date deemed necessary by the town.

Chairman Nelson asked three times if anyone in the audience would like to speak in favor or against the application with the addition of the added sidewalks; no one came forward.

Motion: Commissioner Szewczak made a motion, seconded by Commissioner Alaimo, to close PH# 2980.

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 the request for a waiver for the sidewalks.

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

Votes: 0-7-0

Motion: Commissioner Szewczak made a motion, seconded by Commissioner DeGray, to approve the resolution for PH# 2980 with 26 listed conditions and four additional site-specific conditions.

Commissioner Petronella asked if all the Staff comments were in, to which Ms. Whitten replied that they are.

Chairman Nelson stated that he supports the application in order to keep it moving.

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

Votes: 7-0-0

Commissioner Szewczak stated that the intervener showed the value of providing the additional conditions in order to preserve the integrity of the ecological and water quality of the site and the site to the west.

MOTION TO APPROVE PH# 2980 to approve the application for an Assisted Living Facility with 58 units and associated improvements to be located at 118 Hazard Avenue in the BP zone; Map 65/lot 59 according to the below referenced plans and with the following conditions of approval:

Application PH# 2980 Referenced Plans:

Proposed Site Plan Documents for KAPLAN Development Group, LLC, proposed All American Assisted Living Facility 118 Hazard Ave, Enfield CT , Map 65 Lot 59, Town of Enfield, Hartford County, CT,; prepared by BOHLER 16 Old Forge Rd, Ste A Rocky Hill, CT 06067 860/333-8900 www.BohlerEngineering.com dated 1/20/20 revised 3/10/20

1/17 “Proposed All-American Assisted Living Facility, 118 Hazard Avenue, Enfield, Connecticut 06082”; Cover Sheet with Site Location Map, Aerial Area Plan and Drawing Sheet Index; Sheet: C-101; Scale: As Noted; Prepared by Bohler Engineering, 16 Old Forge Road, Suite A, Rocky Hill, CT 06067. Prepared for Kaplan Development Group, LLC, 100 Jericho Quadrangle, Suite 142, Jericho, NY 11753. Dated December 6, 2019. Revised to March 10, 2020.

2/17 “General Notes Sheet” – Sheet C-102; Scale: None

3/17 “Demolition Plan” – Sheet C-201; Scale: 1” = 30’

4/17 “Site Layout Plan” – Sheet C-301; Scale: 1” = 30’

5/17 “Grading and Drainage Plan” – Sheet C-401; Scale: 1” = 30’

6/17 “Soil Erosion and Sediment Control Plan” – Sheet C-402; Scale: 1” = 30’

7/17 “Soil Erosion and Sediment Control Notes and Details” – Sheet C-403; Scale: None

8/17 “Utility Plan” – Sheet C-501; Scale: 1” = 30’

9/17 “Landscape Plan” – Sheet C-601; Scale: 1” = 30’

10/17 “Landscape Notes and Details” – Sheet C-602; Scale: None

11/17 “Lighting Plan” – Sheet C-701; Scale: 1” = 30’

12/17 “Detail Sheet” – Sheet C-901; Scale: None

13/17 “Detail Sheet” – Sheet C-902; Scale: None

14/17 “Detail Sheet” – Sheet C-903; Scale: None

15/17 “Detail Sheet” – Sheet C-904; Scale: None

16/17 “Detail Sheet” – Sheet C-905; Scale: None

17/17 “Detail Sheet” – Sheet C-906; Scale: None

Boundary and Topographic Survey

1/5 “Proposed All-American Assisted Living Facility, 118 Hazard Avenue, Enfield, Connecticut 06082”; Boundary and Topographic Survey with Location Map, Legend, Notes, Abutters Information and Map References; Scale: 1” = 60’; Prepared by Bohler Engineering, 16 Old Forge Road, Suite A, Rocky Hill, CT 06067. Prepared for Kaplan Development Group, LLC, 100 Jericho Quadrangle, Suite 142, Jericho, NY 11753. Dated September 5, 2019.

2/5 “Boundary and Topographic Survey” – Scale: 1” = 30’

3/5 “Boundary and Topographic Survey” – Scale: 1” = 30’

4/5 “Boundary and Topographic Survey” – Scale: 1” = 30’

5/5 “Boundary and Topographic Survey” – Scale: 1” = 30’

Architectural Plans prepared by EGA Architects, 1 Vernon St., Newberryport, MA 01950, Phone# 978-462-5515 ,dated 7/8/20

A1-1 Level 1 Floor Plan

A1-2 Level 2 Floor Plan

A1-3 Level 2 Floor Plan

A1-4 Front Entry Rendering

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. There is to be no exterior sheet metal venting pipes visible from the street.
4. Exterior mechanicals and electricals are to be boxed and screened.
5. This project shall be constructed and maintained in accordance with the referenced plans.
6. 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.
7. 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.
8. 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:

9. No dust, dirt, fly ash and smoke shall be emitted into the air so as to endanger the public health and safety, to impair the value and enjoyment of other property, to constitute a critical source of air pollution, or to create a nuisance.

10. A sidewalk must be installed running east along Hazard Avenue.
11. Additional test hole/soil pit data shall be obtained, including depths of soil mottling, in the areas with potential for an elevated seasonal high groundwater table, specifically at the locations of proposed below ground detention systems BMP-1 and BMP-2. Modifications to the stormwater management system, resulting from the additional data, shall be documented, to ensure that the bottom of the systems are above the seasonal high groundwater table. The Town's engineering and environmental/planning staff, Richard Chmurra, and the intervenor, shall receive a copy of the plan section to be modified, a narrative description of the modification(s) and the reasons for it, a copy of revised drainage calculations, and the test pit data logs.
12. Size specifications and performance guarantees for planting materials shall also apply to the native full-size native trees that have been added to the southern and western portions of the landscaping plan, dated 12/06/19, and revised through September 10, 2020.
13. The final grading for the proposed wetland mitigation approved by the Enfield Inland Wetlands Commission, shall not in any way impede sheet flows from the southern agricultural field to the forested areas to the north.

Conditions to be met prior to signing of plans:

14. All plans submitted for signature shall bear the seal and live signature of the appropriate professional(s) responsible for the preparation of the plans.
15. The application number shall be displayed on the plans in or near the Title Block area.
16. 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.
17. A list outlining how the conditions of approval have been met shall be submitted along with final plans submitted for signature.
18. 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.
19. 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:

20. 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.
21. 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 applicant. Such certificate must be filed within 120 days of approval by Commission. Proof of such filing shall be in the file prior to the issuance of any permits.
22. 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.
23. 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 and the Director of Planning.
24. The applicant shall post a Landscaping Bond to the Town, in an amount and format determined by the Director of Planning.

25. A pre-construction meeting between the applicant, site contractors, project engineer and Town Staff shall be held.
26. 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:

27. 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.
28. The design professional who prepared the approved PZC architectural drawings, shall provide as-built drawings with a certification that they have complied with approved plans. Any changes need to be noted on the plans and a list of changes submitted.
29. 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.
30. 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.

New Public Hearings

- a. **PH# 2981** – 504 Hazard Avenue – Special Permit application and Site Plan Review for a proposed outdoor dining patio associated with R Dee Winery and Powder Hollow Brewery; Mark McAuliffe, applicant; 10 Water Street, LLC., owner; Map 101/Lot 216; I-1 Zone.

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

Mike McManus, 504 Hazard Avenue, addressed the Commission along with Mark McAuliffe of R Dee Winery. He stated that they would like to add a permanent outdoor patio and need special permission as they are in an Industrial zone.

Chairman Nelson asked if they will be serving food, to which Mr. McManus replied that they use food trucks and serve only prepackaged food.

Commissioner Higley stated that it would not affect her vote but offered to recuse herself as she owns the property across the street, to which Mr. McManus replied that they are fine with her voting.

Commissioner Alaimo asked if the outside dining is just the packaged food and food trucks. Mr. McManus explained that technically beer is food, so the dining is just the beverages. He stated that they do not plan on adding a kitchen.

Commissioner DeGray asked how the stone on the parking lot will be contained, and whether the existing tables will be moved to the new dining area or left in place. Mr. McManus stated that the stone is going to be used with a transition strip which can be removed if they ever decide to leave. He went on to state that the existing tables on the right will be moved and the tables on the left side will be included on the patio.

Commissioner Alaimo asked if the current construction will be appropriate in the event that they decide to convert to serving food down the road. Mr. McManus stated that it will since they are currently licensed for food but right now they want to stick to beer and wine.

Commissioner Szewczak asked about car safety precautions around the dining area. Mr. McManus stated that the tables close to the parking lot are temporary and the long-term plan would be to include a drive safe area so guests on the patio are not so close to cars, making the temporary white barriers unnecessary.

Chairman Nelson asked for clarification on where the drive lanes are on the drawing. Mr. McManus explained that currently the cars drive where the white barriers are located. He stated that traffic will never go where the long-term patio outlined in black on the drawing is located.

Ms. Pacacha stated that the applicant met all of the requirements proposed in their text amendment.

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 Szewczak made a motion, seconded by Commissioner Alaimo, to close PH# 2981.

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# 2981.

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

Votes: 7-0-0

MOTION TO APPROVE PH# 2981 – 504 Hazard Avenue - for an outdoor seating area associated with Powder Hollow Brewery and R Dee Winery; Mark McAuliffe, applicant; 10 Water Street, LLC., owner; Map 101/Lot 216; I-1 Zone according the materials submitted under PH# 2981 and with the following 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.
3. There is to be no exterior sheet metal venting pipes visible from the street.
4. Exterior mechanicals and electricals are to be boxed and screened.
5. This project shall be constructed and maintained in accordance with the referenced plans.
6. 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.
7. 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.
8. 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:

9. All tables, chairs, trash receptacles, etc. shall be removed at the end of each outdoor seating season.

Conditions to be met prior to signing of plans:

10. 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.
11. A list outlining how the conditions of approval have been met shall be submitted along with final plans submitted for signature.
12. 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.
13. 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:

14. Two sets of paper plans with any required revisions incorporated shall be submitted to the Planning Department for signature of the Commission.
15. 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 applicant. Such certificate must be

filed within 120 days of approval by Commission. Proof of such filing shall be in the file prior to the issuance of any permits.

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

16. 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.
17. 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.

- b. **PH# 2983** – 20 Louise Drive – Special Permit application and Site Plan Review to allow a hair stylist as a home occupation; Alison Bosco, owner/applicant; Map 53/Lot 310; R-33 Zone.

Commissioner Higley recused herself.

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

Alison Bosco, 20 Louise Drive, addressed the Commission. She stated that she is currently a licensed traveling hairdresser and is hoping to be able to have clients come to her house.

Commissioner DeGray asked if the applicant will be able to meet all of the requirements of the Health Department. Ms. Bosco stated that she will comply with whatever she can to meet their expectations. She stated that she will only be doing haircuts in her home and will wet their hair if needed but can also do dry cutting.

Chairman Nelson asked how many clients the applicant will be seeing at a time, to which Ms. Bosco replied that there will only be one at a time.

Chairman Nelson asked if the applicant has off-street parking. Ms. Bosco stated that her driveway fits four cars so she has enough parking.

Commissioner Alaimo asked if the applicant's license is current and up to date, to which Ms. Bosco replied that it is.

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 Szewczak made a motion, seconded by Commissioner DeGray, to close PH# 2983.

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

Votes: 6-0-0

Motion: Commissioner Szewczak made a motion, seconded by Commissioner DeGray, to approve PH# 2983 including site specific conditions that the applicant will comply with the requirements of the Health Department and maintain off-street parking.

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

Votes: 6-0-0

Chairman Nelson stated that the regulation is very confusing as it says personal services are allowed but no salons or barbershops. He stated that this phrase regarding salons and barbershops should be removed from the regulations as they have approved two of them now. The Commission agreed that this phrase should be removed.

MOTION TO APPROVE PH# 2983 – 20 Louise Drive – Special Permit and Site Plan Review application to allow a hair stylist as a home occupation; Alison Bosco, owner/applicant; Map 53/Lot 310; R-33 Zone according to the materials submitted under PH# 2983 an with the following 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.
3. 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:

4. A copy of the approval letter and conditions shall be incorporated into the final plans submitted for signature.
5. A list outlining how the conditions of approval have been met shall be submitted along with final plans submitted for signature.

6. 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:

7. Two sets of paper plans with any required revisions incorporated shall be submitted to the Planning Department for signature of the Commission.
8. 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 applicant. Such certificate must be filed within 120 days of approval by Commission. Proof of such filing shall be in the file prior to the issuance of any permits.

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

- c. **PH# 2984** – 74 Palomba Drive – Special Permit application to allow a restaurant liquor permit; A & D Restaurant., Inc., applicant; Palomba Drive LLC., owner; Map 56/Lot 25; BL Zone.

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

Brian Silver addressed the Commission on behalf of his client, Dimitrios Patetso. He stated that the initial application neglected to include the permission to serve alcohol.

Chairman Nelson asked if there will be an outside patio, to which Mr. Silver replied that there will be and these plans have already been submitted. He stated that there will be tables on the patio but no outdoor bar. Chairman Nelson stated that when serving alcohol the outside patio must be fenced, to which Mr. Silver replied that his client has no issue with this.

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 Szewczak made a motion, seconded by Commissioner Alaimo, to close PH# 2984.

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 the resolution for PH# 2984 with the addition of a condition that the outdoor dining area be fenced in when serving alcohol.

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

Votes: 7-0-0

MOTION TO APPROVE PH# 2984 – 74 Palomba Drive – Special Permit to allow a restaurant liquor permit; A&D Restaurant, Inc., applicant; Palomba Drive, LLC., owner; Map 56/Lot 25; BL Zone with the following condition of approval:

1. 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 applicant. Such certificate must be filed within 120 days of approval by Commission. Proof of such filing shall be in the file prior to the issuance of any permits.

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

Other Business

- a. Discussion regarding proposed Lake Overlay District text amendment language

Ms. Whitten stated that there are a lot of variance requests in this district and only 25% of the lots are actually over coverage. She stated that 58% of the lots under the median lot size are nonconforming to coverage, so most of the nonconforming lots are the smaller lots. Ms. Whitten stated that anything under the median of 10,500 square feet (SF) would allow impervious coverage of up to 23% instead of 20%, which gives the smaller lots a little wiggle room for an extra shed or something of that sort. Ms. Whitten stated that this is just a starting point, although increasing coverage around a lake area is not usually the goal.

Commissioner DeGray stated that both lakes need to be looked at before a decision can be made. She stated that a new set of eyes looking at this might be helpful as well. Ms. Whitten agreed that Crescent Lake needs to be looked at, explaining that Staff did not want to spend much more time on it if the Commission thought they were going down the wrong path.

Commissioner Szewczak stated that the larger lots are about a half an acre, with the smallest lot being around 7,000 SF. He stated that working with round numbers is easier so they should allow for 11,000 SF and 25% lot coverage instead of 23%. Chairman Nelson stated that he agrees with this.

Chairman Nelson asked if they will run into problems with setbacks, to which Ms. Whitten replied that they will not as the setbacks will remain the same and would require a variance. Ms. Pacacha explained that the current lake overlay districts do allow for some relief to setbacks but there is no provision to provide relief as to lot coverage. She stated that setbacks and coverage seem to go hand in hand.

Ms. Whitten stated that if they are going to do the change they should just do it, and if there is a setback issue then they deal with it from the current regulation or by going to the ZBA for a variance.

Chairman Nelson asked why Crescent Lake cannot be included in this, to which Ms. Whitten replied that it can and should but Staff stopped where they did in order to get a feel for what the Commission thought. Ms. Pacacha stated that Shaker Lake and Crescent Lake both fall under the lake overlay district regulations.

Commissioner Alaimo asked if this will include the properties that are actually on the water, to which Ms. Whitten replied that it only includes the properties that actually abut the lake.

Chairman Nelson asked how the Commission feels about 11,000 SF, 25% lot coverage and both lakes being included. Commissioner DeGray stated that she would still like Crescent Lake looked at. Ms. Whitten stated that Staff can do a quick study of Crescent Lake, which has less lots. Chairman Nelson stated that he is fine with it the way it is written; Commissioner Szewczak agreed. Commissioner Petronella stated that he is fine with it but getting more information will cover all of their bases. Commissioner Higley stated that they want to make sure they do their due diligence with Crescent Lake. Commissioner Grillo stated that he is fine with it and he does not see a difference in the lots of the two lakes. Commissioner Alaimo stated that he is fine with it and asked if it has to be closed out tonight, to which Chairman Nelson replied that it does not.

Commissioner Alaimo asked if the lot coverage includes outbuildings, to which Chairman Nelson replied that it does.

Ms. Whitten stated that they will show on a graphic which parcels will actually be affected.

Commissioner Alaimo asked if this will satisfy the concerns of Mr. Daigle; Ms. Whitten stated that it is more than he would be asking for with the variance so it is a moot point once these are adopted.

Commissioner's Correspondence

Commissioner Szewczak stated that he was contacted about a flea market/consignment shop in a house on Hazard Avenue. Ms. Pacacha stated that a lot of the properties over there are split zoned and Staff will have to look into it to see if it is a violation.

Commissioner Szewczak stated that there is some activity at 178 or 179 South Road, and he noticed that there was a depression being filled in which may have been designed as a retention basin. Ms. Whitten stated that this activity had been stopped but that they looked into it and this depression was not a detention basin on the original plans.

Chairman Nelson stated that there is a property on the corner of Bess and Steele Roads with an excessive number of cars and auto parts. Ms. Whitten stated that Staff will take a look at it.

Commissioner DeGray stated that she is concerned with the Pride station at the state line. She stated that the empty building is overgrown and not being taken care of. Ms. Whitten stated that Staff will look into it.

Town Planner Report

Ms. Whitten stated that Staff is busy and has hired a Zoning Enforcement Technician to replace former secretary Pam Schweitzer.

Ms. Whitten stated that they have been working on the appeal for 113 North Maple. Chairman Nelson asked when it goes to court. Ms. Whitten stated that they are hoping it does not go to court but they should not be talking about it as it is pending litigation.

Ms. Pacacha stated that they are updating their permitting software to make it more user friendly.

Administrative Approval Report

- a. **SPR# 1829** – 10 Hazard Avenue – Administrative Approval application for a 6,800 square foot rear building addition to the former Walgreens space with minor site modifications to accommodate Burlington Coat Factory; Equity One (Northeast Portfolio) LLC., c/o Michael Lai, owner; Regency Centers, c/o Michael Lai, applicant; Map 56/Lot 22; Business Regional Zone.

Ms. Pacacha stated that the Commission had previously approved an addition to 10 Hazard Avenue to accommodate the needs of Burlington Coat Factory. She stated that the Fire Marshal wanted upgrades to the building which would require an extra 400 SF of building. She stated that there was no impact to impervious coverage because the area that will be built on was previously impervious anyway.

Applications to be Received

- a. **PH# 2982** – 10 Duff Drive – Special Permit and Site Plan Review application for the expansion of a non-conforming structure to allow a garage addition; Brian Embacher, owner/applicant; Map 68/Lot 9; R-33 Zone.

Ms. Pacacha stated that PH# 2982 is for a residential addition which is an expansion of a nonconforming structure. She stated that it is currently awaiting wetlands approval. Chairman Nelson asked if this would be handled administratively, to which Ms. Pacacha replied that all expansions of nonconforming structures require a Special Permit so it will go to Public Hearing.

Opportunities/Unresolved Issues

- a. Discussion – Combining Planning & Zoning Commission and the Inland Wetlands & Watercourses Agency

Ms. Whitten stated that this has not yet been scheduled to go before the Town Council. Chairman Nelson stated that they will wait to see when they get it onto their agenda.

Ms. Whitten stated that Dane Thorogood has resigned from the Commission.

Adjournment

Motion: Commissioner Higley 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