

ENFIELD PLANNING AND ZONING COMMISSION
REGULAR MEETING
DRAFT MINUTES FOR COMMISSION CONSIDERATION
THURSDAY, June 11, 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, Francis Alaimo and Alternate Commissioners Vinnie Grillo and John Petronella. Absent were Commissioners Mary Scutt and Alternate Commissioner Dane Thorogood.

Chairman Nelson seated Alternate Commissioner Petronella.

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

Report of the Zoning Enforcement Officer

Mr. Rachele provided the Commission with an update on 160 Hazard Avenue, a medical office building that had been approved. He stated that in 2016 the whole property had been clear cut without a pre-construction meeting, and a Cease & Desist (C&D) had been ordered. Mr. Rachele stated that they had since added more trees and plantings than originally required by the landscaping bond and the property owner had planted an additional fifty evergreens as well.

Chairman Nelson stated that they went above and beyond to rectify the situation with the clear cutting. Mr. Rachele stated that he would submit the paperwork for the release of the landscaping bond at the next meeting.

Mr. Rachele asked for input from the Commission regarding kennels. He stated that similar to farms, kennels could be allowed on farm property of three acres or more with certain restrictions such as random inspections.

Commissioner Szewczak stated that as long as they meet the zoning requirements he does not believe kennels need to be limited to farms. He stated that there is a difference between companion animals and livestock so the restrictions should be different.

Commissioner DeGray asked if there is a state body that would oversee them, to which Mr. Rachele replied that there are none that he knows of aside from the American Kennel Club. Commissioner DeGray stated that barking dogs could be an issue with neighbors if the kennels are self-regulated.

Ms. Whitten stated that the Department of Agriculture oversees domesticated animals, but they are unlikely to come out unless there is a major issue. She asked if they are talking about breeding kennels or sheltering dogs. Mr. Rachele stated that the calls they have received lately are for the

breeding of dogs. He stated that this is not allowed in residential zones but three acres or more provides more distance from other residential properties.

Commissioner Higley stated that she agrees with the three acres due to the noise impacts on the neighbors.

Commissioner Alaimo stated that he abuts a three-acre farm which he loves, but he would not appreciate it if it turned into a bunch of dogs barking all night.

Commissioner Grillo stated that he hears dogs barking all day and night even though there are no kennels. He stated that he is not against it and the three acres should be a requirement.

Chairman Nelson stated that he would be in support of it under a Special Permit. He stated that three acres may not be enough depending on the situation, and that it would need to be site specific. Chairman Nelson stated that dogs are noisy, unlike farm animals.

Mr. Rachele stated that they will research it more and get back to the Commission.

Commissioner Alaimo suggested that the regulations state the kennel must be a certain distance from homes, as three acres is not that large when there are homes around it on three sides.

Chairman Nelson reiterated that dogs bark and the noise can be a nuisance.

Commissioner Alaimo stated that the hydrant on the Dunkin Donuts on Elm Street had been cleared out and looks good.

Approval of Minutes – May 28, 2020 Regular Meeting

Motion: Commissioner DeGray made a motion, seconded by Commissioner Alaimo, to approve the minutes of May 28, 2020.

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

Votes: 7-0-0

Public Participation

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

Continued 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.

Ms. Pacacha stated that the applicant is not ready to go forward and asked that the Public Hearing be continued. She stated that he has another three months due to the current COVID 19 restrictions.

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

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

Votes: 7-0-0

New Public Hearings

- 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 this will be going before the Zoning Board of Appeals (ZBA) on June 22, 2020 and will be back before the Commission on June 25, 2020.

Motion: Commissioner Szewczak made motion, seconded by Commissioner Alaimo, to table PH# 2973.

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

Votes: 7-0-0

- b. **PH# 2975** – 90 Elm Street – Re-subdivision application for the former Macy’s property located at the Enfield Square Mall; Enfield Sq. Realty LLC/ Enfield Square CH LLC / Enfield Sq. Nassim LLC, owner/applicant; Map 43/Lot 17; BR 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.

Glenn Chalder from Planimetrics and Michael Gavin addressed the Commission on behalf of the owner along with Cory Garro of Close, Jensen and Miller, P.C.

Mr. Chalder provided the Commission with a brief overview of the project, stating that they are proposing a three-lot subdivision at the Enfield Square mall. He stated that since the last approval they received for the mall subdivision, they have acquired the Macy’s property and incorporated it into the development plan for the subdivision.

Mr. Chalder utilized a site map to show the Commission an overview of the proposed re-subdivision including the Macy’s parcel.

Mr. Chalder stated that the plans are compliant with subdivision regulations and the lots are compliant with zoning regulations. He went on to state that the plans are consistent with the Plan of Conservation and Development (POCD).

Mr. Gavin stated that they have been working on attracting anchor tenants so he appreciates Staff's hard work in trying to move this along.

Chairman Nelson asked if the applicant had seen the comments from the Building Department. Mr. Chalder stated that they have and there are provisions in the building code that address the concern raised by the Building Department. He stated that he received an email today from the Building Official stating that there are no concerns with the subdivision, which Ms. Whitten confirmed. Ms. Whitten went on to state that the applicant is willing to work with them in the future should any issues arise.

Fire Marshal Scott Ellis stated that the big concern was with the lot lines and existing buildings, as well as not knowing what the concept is going forward. He stated that the applicant understands that approval at this point does not indicate a blanket approval from the Building Department or the Fire Marshal, as things could change moving forward.

Mr. Ellis stated that Wendy's and Friendly's are not sprinklered but Macys and Figaro's are.

Chairman Nelson asked if the applicant can say anything to the people to reassure them that the mall will be a great place. Mr. Gavin stated that there is nothing specific he can share at this time, but they have been working with the Town Manager and Ms. Whitten. He went on to state that the town should know their government and officials are working very hard on their behalf.

Ms. Whitten stated that Namdar and Mr. Gavin have been very forthcoming, and she anticipates a successful mall coming soon.

Commissioner Alaimo thanked Mr. Ellis for being involved in the process as well as for his comments regarding 28 Maple Avenue. He asked what who will own Friendly's and Wendy's, to which Mr. Gavin replied that the intent is for the parcels to be owned by the actual entities or an affiliated entity.

Mr. Gavin stated that they want to attract quality tenants and need to be able to offer them assurances that the property is going to be maintained. He went on to state that this is the purpose of the ECCR, which has been recorded, and the amendment will be added to it in order to include the Macy's, Wendy's and Friendly's parcels.

Commissioner Alaimo stated that there have been past problems with aging infrastructure such as electrical and sewer lines in the area, so he is glad to hear that they will not have any issues with those.

Mr. Gavin stated that capital improvements will be made to the mall as tenants come along and asked that the community have patience. He stated that they will come before the Commission as tenants come in.

Chairman Nelson asked who would be responsible for the Wendy's parking lot if the Wendy's property is sold off. Mr. Gavin explained that today tenants pay two parts: rent for their space and their share of common area maintenance. He stated that they are a neutral management company

and they maintain control of common area maintenance in order to be able to assure tenants coming in that the areas will be maintained.

Chairman Nelson requested that the applicants come before the Commission with possible tenants even if they do not appear to fit the regulations, because they all want this to be a success. Mr. Gavin stated that they are thankful for the partnership with the community and he thinks they will be pleased with the outcome.

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

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

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

Vote: 7-0-0

Commissioner Szewczak asked for Staff opinion on Condition #11. Ms. Whitten stated that once the ECCR is filed, any further deeds will reference that deed. She stated that this keeps them from having to file a 60-page document over and over again.

Commissioner Szewczak stated that they should modify Condition 11 to add that it will be referenced with each deed.

Commissioner Alaimo asked for clarification on why the document cannot be recorded with each deed, to which Ms. Whitten replied that it is just repetitive and costly. She stated that it will reference the exact volume and page number each time.

Motion: Szewczak made a motion, seconded by Commissioner DeGray, to approve PH#2975 as amended.

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

Votes: 7-0-0

CONDITIONS OF APPROVAL:

1. This approval of a re-subdivision does not include the construction or modification of any structures, nor the installation of any utilities or any on site improvements. Any such proposal shall be required to adhere to the local zoning and/or subdivision regulations with a new application, and bonding requirements.

Conditions to be met prior to signing of plans:

2. All plans submitted for signature shall bear the seal and live signature of the appropriate professional(s) responsible for the preparation of the plans.
3. The application number shall be displayed on the plans in or near the Title Block area.

4. 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.
5. A list outlining how the conditions of approval have been met shall be submitted along with the final plans submitted for signature. The list should cite the sheet number where each change has been made.
6. The conditions of this approval shall be binding on the applicant, landowners, and their successors and assigns.

Conditions to be met prior to the issuance of permits:

7. One set of paper plans with any required revisions incorporated shall be submitted to the Planning Department for signature of the Commission. The Director, or Assistant Planner may require additional copies if needed.
8. Filing Mylars of the final approved re/subdivision plans shall be submitted for the signature of the PZC. Once signed, the applicant must file the signed mylars in the office of the Town Clerk within 90 days after the 15 day appeal period has elapsed. The Commission may extend the time for filing up to an additional 180 days at the written request of the applicant. Failure to file the approved plans in a timely fashion shall result in the re/subdivision becoming null and void.
9. One paper copy of the approved signed plans shall be submitted to the Planning office.
10. 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.
11. The Declaration of Easements, Covenants, Conditions and Restriction shall be filed with the re-subdivision maps, and with each deed.
12. This approval does not preclude the applicant from meeting any other applicable federal, state, or local regulation. Please ensure that you have obtained all necessary permits and approvals from all governing agencies that have authority over your project.

- c. **XZA# 20-06** – Text Amendment Application to amend Section 5.20 footnote #12 to allow drive-through facilities as part of governmental buildings & offices/facilities; Town of Enfield, applicant.

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 the use had been approved and read the proposed text amendment to allow drive-thrus in government buildings.

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 close XZA# 20-06.

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 XZA#20-06.

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

Votes: 7-0-0

Ms. Whitten stated that the lease would be signed tomorrow and Enfield Express will be up and running by July.

Chairman Nelson asked if the building would be open to the public, to which Ms. Whitten replied that they will be starting with just the drive thru and eventually may open up the front desk.

New Business

Extension Request(s)

- a. **SPR# 1738** – 300 Shaker Road/100 Print Shop Road – Request for extension of time to obtain a building permit

Ms. Pacacha stated that the Commission had approved a parking lot expansion and the two years to pull the Building Permit has expired. She stated that the applicant has a number of other ongoing projects and are at this time requesting that it be extended for another two years.

Commissioner Alaimo asked if they had recently approved a parking lot there, to which Ms. Pacacha replied that there have been several parking lot expansions over the last few years. Commissioner Alaimo asked if anything would change with drainage if it is extended, to which Ms. Pacacha replied that Winstanley is always monitoring their wetlands and they always modify their drainage with each project.

Chairman Nelson stated that Winstanley is a great partner with the town and he is in favor of the extension.

Motion: Commissioner Szewczak made a motion, seconded by Commissioner DeGray, to grant the extension request.

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

Votes: 7-0-0

Other Business

- 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 the RFQ and RFP went out and Staff had received five good responses to do both the POCD and the Zoning Regulation updates. She stated that it takes time to review them and asked who would like to be on the interview panel. Commissioner Szewczak stated that he would be available but has a conflict on Wednesday nights.

Commissioner Ladd stated that he has started reading through them.

Commissioner Szewczak recommended that Chairman Nelson be included in the interview process. Discussion took place as to who should be on the interview panel, what the interview process would be like and how the meetings would be conducted. Ms. Whitten stated that if a Commissioner is going to be at one interview, they should be at them all.

Extensive discussion took place regarding when to meet, with the Commission concluding that they will do it on Thursday.

Commissioner Alaimo stated that these are not public meetings so they have to be careful about reaching a quorum. The Commission discussed how best to conduct the meetings in order to avoid having a quorum.

Commissioner's Correspondence

Commissioner Alaimo asked if the iPads had been approved in the budget and if Commissioner ID badges would be provided. Ms. Whitten stated that COVID put a stop to all of that for the moment but they can look into it. She stated that she will obtain the information and get it to the Commission.

Town Planner Report

Ms. Whitten stated that Staff is very busy and the new Assistant Town Planner will be taking over IWWA, Historic District and Aquifer Protection.

Ms. Whitten stated that she is meeting with Maria Elsdon regarding Liquore and moving that forward through the courts.

Ms. Whitten provided an update on the community gardens, which she stated are filling up.

Chairman Nelson stated that there is a bunch of debris and gravel stored on the lot on the corner of Post Office and Oliver Road. He asked if Staff could find out if they have permission to do that.

Commissioner Alaimo asked what was going on by the railroad tracks on North Road and whether there is a permit as there has been a lot of tree clearing. Ms. Whitten stated that if it is a private property people are allowed to cut trees as long as there are no wetlands, but she would look into it.

Administrative Approval Report

Ms. Pacacha stated that Target will be applying to redo the outside of the store again, to change the wood paneling which is difficult to maintain.

Ms. Pacacha stated that the outdoor dining has slowed a bit, but Mr. Rachele is currently working with Red Robin. The Commission agreed that they are ok with Target getting the second face lift.

Applications to be Received

Ms. Pacacha stated that they have the flood permit application associated with 55 Cottage Road, which is contingent upon what happens at the ZBA meeting.

Ms. Pacacha went on to describe two text amendment applications that will be coming before the Commission.

Ms. Pacacha stated that 53 Manning Road would like to put an indoor winter farmers market in that building. She asked the Commission for some direction on whether they would entertain this as a retail outlet under the regulations, or if they would prefer to see a text amendment first.

Commissioner Ladd asked whether this would cause a lot of traffic, to which Ms. Pacacha replied that the idea is to decrease traffic as there would be less trucks going up and down Manning Road.

Ms. Pacacha stated that the proposed hours are very limited and the traffic going into and out of the site would be decreased. Chairman Nelson stated that this would increase traffic on weekends for the neighbors. Ms. Pacacha explained that this would not be in addition to a tenant upstairs but rather in place of the tenant, who is leaving.

The Commission discussed the need for a public hearing and input from the neighbors, ultimately deciding that this does not fit the retail outlet so a text amendment is the avenue to pursue.

Commissioner DeGray stated that the traffic will end up increasing rather than decreasing. She stated that it could turn bigger than just a farmer's market and end up with more wares being sold.

Ms. Whitten stated that it would be a winter-only farmers market, to which Commissioner DeGray replied that it still does not give the neighbors any respite from the traffic they are already enduring. Ms. Whitten stated that there will be no traffic at all in the summer but Staff will go back and talk to this gentleman and take it from there.

Chairman Nelson asked Staff to have someone address Porter & Chester as the grass is two feet high, to which Commissioner Petronella replied that it had been cut yesterday.

Opportunities/Unresolved Issues

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

Ms. Whitten stated that she does not have an update yet.

Adjournment

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

The motion passed with a 7-0-0 show of hands vote.

Votes: 7-0-0

Prepared by: Elizabeth Bouley

Respectfully Submitted,

Richard Szewczak, Secretary