

ENFIELD PLANNING AND ZONING COMMISSION
REGULAR MEETING
MINUTES

Thursday, January 28, 2021 – 7:00 p.m.
Virtual Meeting

Call to Order & Pledge of Allegiance

Chairman Nelson called the meeting to order at 7:05 PM.

Roll Call

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

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

- a. January 14, 2021 – Regular Meeting

Motion: Commissioner DeGray made a motion, seconded by Commissioner Szewczak, to approve the minutes of the January 14, 2021 Regular Meeting.

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

Votes: 6-0-0

Public Participation

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

Commissioner Higley joined the meeting.

Continued Public Hearings

- a. **PH# 2988.2** – 135 Freshwater Boulevard – Application for a modification to a previously approved site plan and modifications to the conditions of approval; HartZito Investments, LLC & South Meadows No. 9, LLC., owner/applicant; Map 56/Lot 24; IP Zone.

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

Dave Ziaks from F.A. Hesketh & Associates, Inc. addressed the Commission along with Applicant Representative Shawn DiBella. Mr. Ziaks stated that they took time to address the concerns of the

Commission, including the height of the Laird Plastics building. Mr. Ziaks stated that the elevation is 143 at the rear and the highest ground point in the outdoor storage area is 124.

Mr. Ziaks presented a PowerPoint presentation to illustrate the proposed berm and additional landscaping along the southerly boundary line. He explained how they would construct the berm and where the proposed arborvitae would be located in order to provide additional screening. Mr. Ziaks stated that the arborvitae will grow quickly to a height of 25 feet.

Mr. Ziaks utilized a GPS map to illustrate the distances from Freshwater Boulevard to the storage units at various angles. He showed photographs of the vegetation from Freshwater Boulevard in both summer and winter. Mr. Ziaks stated that the units are the same color as the building.

Mr. Ziaks showed a three-dimensional rendering and video of the mobile mini units stacked three high along with the trees and arborvitae row.

Mr. Ziaks concluded that the applicants have done their best, adding two berms as well as lots of landscaping, and the units will not be an issue for people driving by.

Mr. DiBella stated that they would like to keep the project in Enfield, but the restriction of stacking the containers two high will not allow the project to move forward. He thanked the Commission for their time.

Commissioner Szewczak commended the applicant for his due diligence and stated that the Commission needs to abide by their regulations. He stated that outdoor storage is not supposed to exceed 20% of the side and rear yard of the building and all outdoor storage must be screened, according to the regulations. Commissioner Szewczak stated that the Commission cannot disregard the regulations to accommodate every business that cannot conform to the regulations.

Commissioner Higley stated that the paperwork all says that Laird Plastics will be responsible for maintaining 25% of the berm, but she has not seen anything stating that Laird Plastics agrees to that. Mr. DiBella stated that they are responsible builders and would not have moved ahead on this if Laird Plastics was not on board. He stated that he will be responsible for the berm as the owner of the property and that they want to be a good partner to the town.

Commissioner Petronella stated that the regulations restrict rear outdoor storage space, and the outdoor storage must be in defined areas rather than scattered about the site. He stated that the applicant did a good job addressing the height issues, but he has a hard time supporting it based on the storage area not being defined in the plans and not knowing if they will meet the 20% requirement.

Commissioner Alaimo stated that the Commission has already approved the application and all they are here for now is the height, which the applicant has addressed.

Chairman Nelson stated that he agrees with Commissioner Alaimo and the applicant has done everything the Commission requested. He stated that the rear storage is inventory rather than storage and the company is not making money if the yard is full of containers.

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 DeGray made a motion, seconded by Commissioner Higley, to close the Public Hearing.

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

Votes: 7-0-0

Motion: Commissioner Szewczak made a motion, seconded by Commissioner DeGray, to approve PH# 2988.2 as amended.

Commissioner Szewczak reiterated his position that it is not good business to modify the regulations to satisfy everyone who wants to put a business in town.

The motion passed with a 4-3-0 vote with Commissioners Higley, Petronella and Szewczak voting against.

Votes: 4-3-0

New Business

Site Plan Review(s)

- a. **SPR# 1846** – 710-718 Enfield Street – Site Plan Review application for site and building modifications within the Enfield Street/King Street Design Overlay District; Map 29/Lots 14 & 15; Business Local Zone.

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

Daniel McKellick from Bacon Wilson, 99 Westfield Road in Westfield, Massachusetts addressed the Commission along with Jay Ussery of J.R. Russo & Associates and broker Bob Corriveau. Mr. McKellick stated that his office represents Batool Express and went on to provide a summary of the site plan narrative including physical description and history of the parcel. He went over the proposed changes to the site plan, which he stated will bring the parcel more into conformity.

Mr. McKellick stated that there would be auto repair and very limited used vehicle sales, with which he said the property has a long history. He went over the proposed hours of operation and described the cosmetic and safety changes they have planned for the property, including cutting back vegetation and re-paving/patching the parking lot. Mr. McKellick concluded that the use, the building and the lot are all pre-existing non-conforming, according to the Zoning Enforcement Officer.

Mr. Ussery displayed a drawing of the existing site and went over the various site features including the existing building structures, parking areas, curb cuts and entrances. He stated that they could not fit the amount of parking spaces onsite that are required by the current regulations. Mr. Ussery stated that they will reduce the parking onsite by reducing the number of apartments from three to two and reducing the five service bays to three service bays in the main building. He pointed out on the drawing where the 18 proposed parking spaces will be located.

Mr. Ussery went over the existing floor plans of both buildings, stating that there will be no changes to the fronts that are facing Enfield Street. He described the proposed changes to door locations and how traffic will be directed to eliminate backing in and out of the bays, which he stated will make it safer.

Mr. Ussery stated that the parking area will be patched and paved, and pointed out on the drawing where the fenced and screened dumpster will be located. He stated that all of the existing fencing will be replaced with 6-foot chain link fencing with privacy slats, and all of the buildings will be painted.

Mr. Ussery pointed out on the sketch a concrete ramp which will be used to get up to the finished floor elevation of the building. He pointed out the basement access door and areas of new line striping in the parking lot. Mr. Ussery stated that there will be a little change in the grade with a concrete ramp in order to get up into the bay area when the new overhead door is installed.

Mr. McKellick concluded that the building modifications are planned for safety and cosmetic reasons, and the site plan does not create any further nonconformities.

Commissioner DeGray stated that the doors do not line up on the north and south sides, and there are gas line connections in the southwest corner which cars are going to have to maneuver around. She pointed out that a car parked in the parking space behind the apartment building may be hit by a car coming out.

Commissioner DeGray stated that there is no curb frontage or landscaping on the property and asked how they will stop people from coming off of Enfield Street and pulling up in front of the office doors.

Mr. Ussery stated that the building itself is 45 feet wide, which leaves plenty of room for an employee to navigate in and out of the building and also to exit the property without impacting the parking space. He pointed out the bituminous islands in front of the building and stated that they can add additional signage indicating where to park. Mr. Ussery stated that this has been a long running existing non-conforming use for decades.

Commissioner DeGray asked why they need to pave behind the garage, to which Mr. Ussery replied that this is existing pavement and they are not proposing to pave it. He stated that the entire property is paved.

Chairman Nelson stated that the parking in front of the building did not exist because there were gas tanks there for many years. Chairman Nelson asked how they plan to work inside the building if the three parking spots inside the building are occupied.

Chairman Nelson asked how the truck will get in to dump the dumpster if two cars are parked there.

Chairman Nelson asked if there will be any towing performed. He stated that Water Pollution Control (WPC) did not have any comments but there are floor drains inside the building so he wants to see their comments.

Chairman Nelson stated that he is concerned with the applicant trying to squeeze everything that Porcello had on four properties onto two properties, as Porcello used the property across the street for parking.

Mr. McKellick stated that his client's focal point is repair work, and the used car sales is ancillary to that. He stated that they have a non-conforming property, according to the ZEO, and his client is doing his best to make this lot safer and bring it more into conformity.

Mr. Corriveau stated that the property across the street was sold to Mr. Porcello and used primarily for vehicle storage. He stated that the current buyer wants to keep the front of the building open with no parking and will not be doing any towing.

Chairman Nelson asked about the floor drains and waste oil separators. Mr. Corriveau stated that he saw floor drains inside the building but is not familiar with oil separators. Chairman Nelson stated that they need to hear comments from WPC.

Chairman Nelson asked how the dumpster truck is going to maneuver to empty the dumpster. Mr. Ussery stated that the drive aisle is 20 feet wide so there is plenty of room. Regarding the floor drains, Mr. Ussery stated that if they exist they will have to go through an oil/water separator and discharge into the sanitary sewer system.

Commissioner Szewczak stated that the lot appears to be 100% impervious. He suggested that they remove the paving in front of the building and install some grass and landscaping. He asked how steep the grade will be on the ramp and how long the ramp will be.

Commissioner Szewczak stated that there is only one parking space for two office rooms, so the parking should be reviewed.

Chairman Nelson stated that there is nothing to stop a car from rolling into Route 5, which is a huge safety concern. He stated that landscaping or curbing would prevent this. Mr. McKellick stated that making this all grass and landscaping would prohibit their access to the three overhead doors on the Route 5 side. He stated that they can use something such as large floral pots to act as a jersey barrier along with the previously-discussed signage. He stated that only employees will be pulling cars into the bays. Mr. McKellick stated that they are trying to make the property safe and less non-conforming.

Chairman Nelson asked if there is a current repairs and sales license on the property. Mr. McKellick stated that there is not currently, but those are personal in nature and do not run with the land. Chairman Nelson stated that in his experience, when the license on the building had expired for more than 12 months, the use itself is expired and he had to start the process over from the beginning.

Commissioner Alaimo stated that he likes this proposal, which seems to be bringing back the original Porcello's garage. He described some of his memories of the original Porcello's. Commissioner Alaimo stated that according to the environmental reports everything has been cleaned, brought up to code and the fire marshal has no problems with it.

Ms. Pacacha explained that the 12-month license lapse causing the process to re-start was due to this being written into the regulations at one time. She stated that this is no longer in the zoning regulations and that non-conforming uses, whether the license stands or not, are still legal non-conforming uses for these properties.

Commissioner Grillo asked where the proposed overhead door will go in; Mr. Ussery pointed out on the drawing where it will be located. Mr. Ussery reiterated that the moving of cars will all be done by employees of the facility.

Commissioner Grillo stated that a ramp must be built from the building out and he is concerned that there is not enough room due to the parking spot located there. Mr. Ussery explained that it is not a handicap ramp, but rather it is a ramp to drive a vehicle into the building. Mr. McKellick stated that it grades down so it is not as high by the parking spot and is higher down by the chain link fence.

Chairman Nelson asked if the applicant could bring a revised plan to the next meeting with the proposed grading, ramp, new door locations and drainage. Mr. Ussery replied that they can do this.

Commissioner DeGray asked how car carriers will be accommodated in terms of parking, as this could be a safety issue. Mr. Ussery stated that if a car carrier is utilized it will pull onto Carpet Street to unload the car and then back out. Commissioner DeGray stated that Carpet Street is a narrow dead-end street with houses on it. Mr. McKellick stated that it is not much different from a delivery truck going to some of these residences. He stated that a lot of the cars would be driven in from auction, and that this is not a towing operation or an impound lot. Commissioner DeGray reiterated that she is concerned with car carriers parking on Enfield Street or Carpet Street and would like it to be a condition of approval that they are not allowed to do so.

Commissioner Szewczak asked for clarification on the name of the facility, which Mr. Ussery stated is Batool.

Commissioner Higley stated that there should be some fire lane striping in front of the building with No Parking signs.

Commissioner Alaimo stated that the fire trucks were always able to get down Carpet Street. He asked if there will be a restroom for the customer waiting room. Mr. Corriveau stated that there are two bathrooms on the north wall.

Motion: Commissioner Szewczak made a motion, seconded by Commissioner DeGray, to continue SPR# 1846 until the next meeting.

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

Votes: 7-0-0

Chairman Nelson went over the questions the Commission would like to see answered at the next meeting.

Chairman Nelson stated that he would like to see conditions limiting vehicle sales to two at a time, and not allowing any loading or unloading of any vehicles on any public roadway for safety reasons.

- b. 8-24 Referral** – for the purchase of 8 Moody Road; 1.07 acres; Map 75/Lot 31; I-1 Zone; and property on Elm Street; 6.07 acres; Map 75/Lot 30; I-1 Zone.

Ms. Whitten explained that the town is trying to purchase approximately seven acres of land in order to create a larger campus.

Motion: Commissioner Szewczak made a motion, seconded by Commissioner DeGray, to forward a positive recommendation to the Town Council for the purchase of 8 Moody Road.

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

Votes: 7-0-0

Other Business

- a. Zoning Regulation Update:** Discussion of Zoning Use Tables

Don Poland went over the changes he had made to the use tables. He stated that there is an over-reliance on special permits, and there are a lot of uses that were allowed via site plan in more community-scale zones that then required special permits in more regional-scale intensive zones.

Mr. Poland used the example of Child Day Care Centers to illustrate the special permit vs. site plan issue.

Commissioner DeGray asked the difference between Adult/Child Day Care Facilities and Child Day Care Centers. Mr. Poland stated that they may want to split Adult Day Care from Child Day Care as two separate uses, but he will look into it.

Commissioner Szewczak stated that they want to allow the public to comment on what is going on in their neighborhood, which is why they often use a special permit. Mr. Poland stated that transparency and public input are important, but that the Commission does not need to put themselves through that with angry residents and late-night meetings since they have to approve something if it complies. He stated that they can always allow public comment at a site plan if they want to.

Chairman Nelson stated that it was wrong to have a Public Hearing with Winstanley when their opinions did not matter. He stated that they must abide by the regulations regardless of whether the residents are happy about it.

Commissioner Petronella suggested that bed and breakfasts and rooming houses should be owner-occupied rather than just maintaining the appearance of being owner-occupied. Mr. Poland stated that the current regulations group bed and breakfasts and rooming houses together but he broke them out into two separate uses. He stated that a bed and breakfast should always be owner-occupied while a rooming house does not necessarily have to be.

Commissioner DeGray asked if there are any regulations on Airbnbs. Mr. Poland stated that they have become controversial and some larger cities have adopted very strict Airbnb regulations due to pushback from the hotel industry. Commissioner DeGray stated that this may be the way of the future so they have to consider it. Discussion took place regarding Airbnb regulations with Mr. Poland concluding that he will look into the issue.

Ms. Whitten stated that wireless communication facilities are mentioned in the regulations and they are going to need to have a lot of focus on the regulation of 5Gs. Mr. Poland replied that they will look at where the technology is heading so they can come up with regulations that will not become obsolete right away.

Ms. Whitten stated that she is curious about the Commission's thoughts on outdoor dining given the current COVID-19 situation. Chairman Nelson stated that they cannot know how to proceed with it until COVID is over. Ms. Whitten stated that the popups in parking lots and sides of buildings would never have been allowed before, and asked whether the Commission would be more relaxed about allowing them. Commissioner Szewczak stated that they have to let it run its course and safety will be the main concern. Chairman Nelson stated that the businesses are going to need their parking lots back when business picks up. The Commission discussed outdoor dining on patios and decks, ultimately deciding that they will have to revisit the issue when COVID is over.

Correspondence

Ms. Whitten reminded the Commission of the Connecticut Land Use Law Biannual meeting invitation and instructed them to let Zoning Enforcement Technician Nicole Maruca know if they want to sign up.

Director of Development Services Report

Ms. Whitten stated that they will be getting the train station. She stated that it is a platform and a single track on the east side.

Commissioner Higley asked if there will be a waiting room, to which Ms. Whitten replied that there will be overhangs to protect people from the elements.

Applications to be Received

Ms. Pacacha stated that there is one application for a freestanding sign associated with the Chase Bank that is being constructed.

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,

Richard Szewczak, Secretary