

ENFIELD PLANNING AND ZONING COMMISSION
REGULAR MEETING
MINUTES

Thursday, April 8, 2021 – 7:00 p.m.
Virtual Meeting

Call to Order & Pledge of Allegiance

Chairman Nelson called the meeting to order at 7:06 PM.

Roll Call

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

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

Approval of Minutes

- a. March 25, 2021 – Regular Meeting

Motion: Commissioner DeGray made a motion, seconded by Commissioner Alaimo, to approve the minutes of the March 25, 2021 Regular Meeting.

The motion passed with a 5-0-0 vote.

Votes: 5-0-0

Town Attorney Report

Chairman Nelson asked if there were any questions for the Town Attorney; there were none.

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# 2994** – Text Amendment application to Section 6.20.1 Footnote 7 to allow Private Farmers Markets in Industrial zones; KBRC Realty LLC, applicant. (PH Opened: 3/25/2021; MCPH: 4/29/2021)

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

Tom Fahey of Fahey & Landolina, LLC was present to address the Commission.

Commissioner Szewczak stated that a private farmer's market is similar to retail and in table 6.2 should have the same limitations as retail establishments that are allowed in Industrial zones. He stated that in the table, retail outlets are not allowed in I-2. Commissioner Szewczak asked for an

explanation of why the designation is there for a Special Permit for I-1 and I-M and it is not allowed in I-2 and is just a Site Plan Review for I-P.

Commissioner Higley arrived at the meeting.

Commissioner Szewczak stated that this is a retail usage and therefore should be mimicking the requirements for retail in the Industrial zones.

Ms. Whitten explained that if retail is allowed, it is usually as accessory to the primary business. She explained that this is not a straight retail since it is relative to farmer's markets. Commissioner Szewczak stated that it is still retail.

Mr. Fahey stated that most planners say there is a difference between buying at a grocery store and at a farmer's market. He stated farmer's markets need distinct regulations since they are not regulated like a retail grocery store. He stated that the farmers cut out the middleman and can sell directly to the end user. Mr. Fahey stated that the majority of the goods have to be farm products, so the majority of the use is not just retail.

Mr. Fahey stated that the Commission can examine and regulate the plan much more closely when the applicant comes back for a Special Permit. He went over the changes that had been made including limiting the hours of operation and adding the maximums.

Mr. Fahey stated that they amended it to include outdoor farmer's markets as well, so the regulation applies to more than just one situation.

Commissioner Szewczak stated that vendors are allowed to be selling all kinds of other wares, which muddies the waters. He stated that if they eliminate all of the other vendors then he would agree that it is a farmer's market. Mr. Fahey stated that farmer's markets are a community destination and all farmer's markets include all of these other vendors.

Commissioner Szewczak stated that they need to look at the total package, and since things are being bought and sold he does not see the difference between this and retail. He stated that farmers should have a place for this but it should not have all of the auxiliary vendors that do not fall into the agricultural or farming definition.

Chairman Nelson asked what he is considering auxiliary vendors, to which Commissioner Szewczak replied the Item D new craft products such as wooden furniture, textiles and artwork. Commissioner Szewczak stated that there are probably more people creating crafts than farming.

Chairman Nelson stated that the farmers do a lot of the crafts at farmer's markets. He stated that furniture may be more questionable unless it is something like handcrafted wicker furniture. Commissioner Szewczak stated that it could be within a farmer's market but is diluting the definition of what a farmer's market is. Commissioner Szewczak stated that he supports farmers and is not opposed to farmer's markets, but is concerned with introducing all of these vendors. He concluded that if you have not grown it out of the ground, then it is not agriculture.

Chairman Nelson provided examples of farms in town that sell their own farm products as well as other items. Commissioner Szewczak stated that once the Commission allows this they are not going to go back and put limitations on it, so they need to have the discussion now. He stated that if they follow the guidelines in the current regulations for this line item then it falls right into place with everything else they have anticipated for these uses. Commissioner Szewczak stated that the text should reflect what the table shows.

Chip LaBonte stated that there is some social aspect to the farmer's market. He explained that in order for this to be successful it has to be interesting, and people are not going to be interested in used items. Mr. LaBonte described some items that will be fun and interesting, such as candy, coffee, fish and wood carving. He stated that they want to have a nice combination of items that come from a farm as well as produced items like maple syrup and honey.

Ms. Pacacha stated that they can tweak letter D to say something along the lines of hand-crafted goods, and remove the part about wooden furniture. Commissioner Szewczak stated that he is not against them selling furniture or other whimsical items, but retail is retail. He stated that he just wants to make sure the definition fits what they are trying to achieve.

Mr. Fahey stated that they are not trying to hide anything, and they tried to address all of the comments made at the last meeting. He stated that they are talking about Industrial zones and putting empty buildings to use. Mr. Fahey stated that in order for it to be a successful farmer's market, they need to have these other vendors. He stated that they would love to have it be an as of right use, but the chart makes it a Special Permit use which allows the Commission to scrutinize it at a much higher level. Mr. Fahey stated that the word "new" was added to ensure that any products being sold are new and not flea market-type products.

Commissioner Higley stated that having it listed by month, like May to December, would make more sense than saying 35 or 36 weeks.

Chairman Nelson stated that he does not want to limit the use of the building. He stated that the furniture place across from the building has a bargain bin for damaged goods. Mr. LaBonte stated that he has never been over there and has no idea.

Commissioner DeGray pointed out that this text change will affect all Industrial and not just this building.

Commissioner Alaimo stated that he likes this plan and the Commission can address more concerns during the Special Permit process. He stated that he thinks this is good for the neighborhood and the residents.

Ms. Whitten explained that the 36 weeks is per fiscal year. She stated that this is all encompassing and the retail is accessory to a primary Industrial use.

Chairman Nelson stated that they never restrict the amount of weeks any businesses can operate and asked why they would do it here. Ms. Whitten stated that the applicant would likely be happy to have it unrestricted but they restricted it based on the Commission's concerns regarding it being

a year-round operation. Mr. Fahey confirmed that they would love to operate it year round but they are willing to restrict the weeks or hours just to get it going.

Mr. LaBonte stated that he does not need the farmer's market to operate in the summer and would like to take the summer off anyway.

Commissioner Petronella stated that even a roadside farmer's stand is considered retail. He stated that the applicant did a good job with this revision and he is satisfied with it. Commissioner Petronella stated that the ancillary products can add diversity and help attract more people. He stated that he does not have a problem with this, and it will be good for the neighborhood.

Chairman Nelson stated that he hopes the applicant is not limiting his hours of operation because he feels the Commission wants him to. He stated that he does not want to limit the applicant to 35 weeks per year if he wants to keep it open. Mr. LaBonte stated that he expected to deal with this at the Special Permit level and they may have July days. He stated that it is a nice use that is consistent with a residential area and he can make it work with 36 weeks. Chairman Nelson stated that what they are doing now overrides the Special Permit.

Commissioner Alaimo stated that if the applicant wants to extend it or keep it the way it is, he is fine either way.

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

Chairman Nelson stated that he is concerned about limiting the time to 35 weeks and ten hours per week, as they are talking about a change in all Industrial zones and not just this building.

Commissioner Szewczak stated that the residents on Manning Road are going to be affected by this text change. He stated that they should not be limiting other possible events that could occur elsewhere with this text change.

Commissioner Szewczak pointed out that it is no longer a text amendment that includes footnote 7, and will be a text amendment that reflects the draft resolution received today.

Chairman Nelson stated that they can leave the hours of operation open to 52 weeks per year in the text change and then restrict them in the Special Permit process for each specific application. Mr. Fahey stated that the simplest thing to do is to eliminate A and insert it in the Special Permit.

Chairman Nelson stated that removing A and leaving the hours of operation to the Special Permit makes it more site specific. He stated that he understands the neighbors' concerns but when you buy a house down the road from an industrial building you have to expect some traffic. Chairman Nelson stated that the minimal traffic for the last few years has been great for the neighbors but is not real. He stated that this use is not high traffic and he is in favor of removing A and going forward with this.

The Commissioners all agreed that they are good with removing the restrictions. He reminded the Commission that they are not talking about Manning Road but rather all Industrial zones. He stated that Mr. LaBonte will have to come back for a Special Permit to get this approved, at which time the Commission can address the location of the specific building and what surrounds it.

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

Fred Muller, 8 Manning Road, addressed the Commission. He stated that it is very confusing to figure out what is going on with this project. Mr. Muller stated that last week this project was going to be 12,000 to 15,000 square feet, and asked what is going to be done with the rest of the property. He stated that he will not be able to enjoy his weekends with unlimited traffic and that there was supposed to be a road built to alleviate traffic, which has not been done.

Mr. Muller stated that it is ridiculous that they are still dealing with this after 60 years when the Town of Enfield has collected taxes on these properties all these years. He stated that the text amendment change is just a stepping stone, and if it is allowed they will be back to square one. He concluded that the residents on Manning Road will be left holding the bag once again. Mr. Muller stated that the town should build the road and be done with it, and this is very distressing for him and his family.

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 the Public Hearing.

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

Votes: 6-0-0

Motion: Commissioner Szewczak made a motion, seconded by Commissioner Petronella, to approve PH# 2994 as amended.

Commissioner Szewczak stated that they do have the opportunity to restrict certain areas and they have not lost sight of that. He stated that they are trying to move forward to improve the entire town and cannot fix all of the sins of their predecessors.

Chairman Nelson stated that the applicant has done his due diligence and the resident's comments tonight will be better suited at the Special Permit meeting.

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

Votes: 6-0-0

New Public Hearings

- a. **PH# 3000** – 8 Parky Drive – Special Permit & Site Plan Review application to expand a non-conforming residential structure to allow accommodate a larger garage; Thomas Sattal, applicant; Thomas & Cindy Sattal, owners; R-33 Zone; Map 52/Lot 131.(DoR: 3/25/2021; MOPH: 5/29/2021)

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

Thomas Sattal, 8 Parky Drive, stated that the entire neighborhood is nonconforming and he is trying to put an addition on his garage which will not add to the nonconformity as he is maintaining the current front yard setback. Ms. Pacacha stated that there were no Department comments.

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 the Public Hearing.

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# 3000.

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

Votes: 6-0-0

Extension Request(s)

- a. **PH# 2918** – 0 King Street (Metro Park North)

Ms. Pacacha stated that this is the Metro Park North approval. She stated that they are working on getting their final plans submitted, but in the meantime the time to file a Special Permit and pull a Building Permit have both expired. Ms. Pacacha recommended extending both of the deadlines and concluded that it is up to the Commission.

Chairman Nelson stated that he is ok with the extensions and is glad they are moving forward with it.

Motion: Commissioner Szewczak made a motion, seconded by Commissioner DeGray, to approve the extension of PH# 2918.

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

Votes: 6-0-0

- b. **PH# 2942** – 147 Elm Street (The Shops at Elm Street Square)

Commissioner Petronella recused himself.

Ms. Pacacha stated that the deadlines for this one are also expired. Commissioner Szewczak described the location of this property.

Commissioner Alaimo stated that the he does not want what they do tonight to jeopardize the permitting process with DOT.

Motion: Commissioner Szewczak made a motion, seconded by Commissioner DeGray, to approve the five year extension for PH# 2942.

The motion passed with a 5-0-0 vote.

Votes: 5-0-0

Discussion Items

- a. Discussion regarding self-storage facilities

Ms. Pacacha stated that there was some interest in the Burlington Coat Factory store, which straddles the town lines between Enfield and East Windsor. She explained that the East Windsor side is Industrial and the Enfield side is Business General. Ms. Pacacha stated that they do not specify self-storage as a use, but they have someone interested in using this building as self-storage. She stated that they are looking for guidance from the Commission on whether it would be allowed as a form of warehousing or if the regulations need to be amended to allow self-storage facilities.

Chairman Nelson stated that he would be ok with changing the zone for the remainder of the building to Industrial as he would not want to start allowing self-storage in Business. He stated that half of the building is already Industrial, so this is not spot zoning but rather is making the building whole. Commissioner Szewczak agreed, stating that the owners may need to come back for another zone change if the self-storage does not work out.

Chairman Nelson stated that the Commission would be open to a self-storage facility there as a form of warehousing with a site plan review.

Director of Development Services Report

Ms. Whitten stated that they have been working on updating the TIF due to the reevaluation of the mall. She stated that this will increase the amount of money going into the TIF.

Ms. Whitten stated that the new Assistant Town Planner, Georgianna Driver, will be starting on Monday.

Commissioner Alaimo asked if there had been any dialogue between any town departments with the mall owners as far as concept. Ms. Whitten stated that she has been in touch with Namdar and they have not shared their master plan yet, and are not willing to discuss it until they have tenants.

Chairman Nelson stated that confidentiality is an issue, which Commissioner Alaimo replied that he understands.

Applications to be Received

Ms. Pacacha stated that they are working with Panella's on getting their site plans prepared for Commission review, and they will be coming before the Commission soon.

Ms. Pacacha stated that there is another text amendment application to allow Child Day Care Facilities within the Limited Office Zone.

Ms. Pacacha stated that they received another application today for 359 Hazard Avenue, which should be on for the next meeting.

Ms. Pacacha stated that Popeye's was approved by the Wetlands Commission so that will be coming before the Commission soon.

Chairman Nelson asked if PH# 2995 is on the Panella property, to which Ms. Pacacha replied that it is not. Chairman Nelson clarified that at the last meeting Ms. Pacacha said some buildings were going to be torn down on the Porcello property when she meant to say Panella property.

Adjournment

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

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

Votes: 6-0-0

Prepared by: Elizabeth Bouley

Respectfully Submitted,

Richard Szewczak, Secretary



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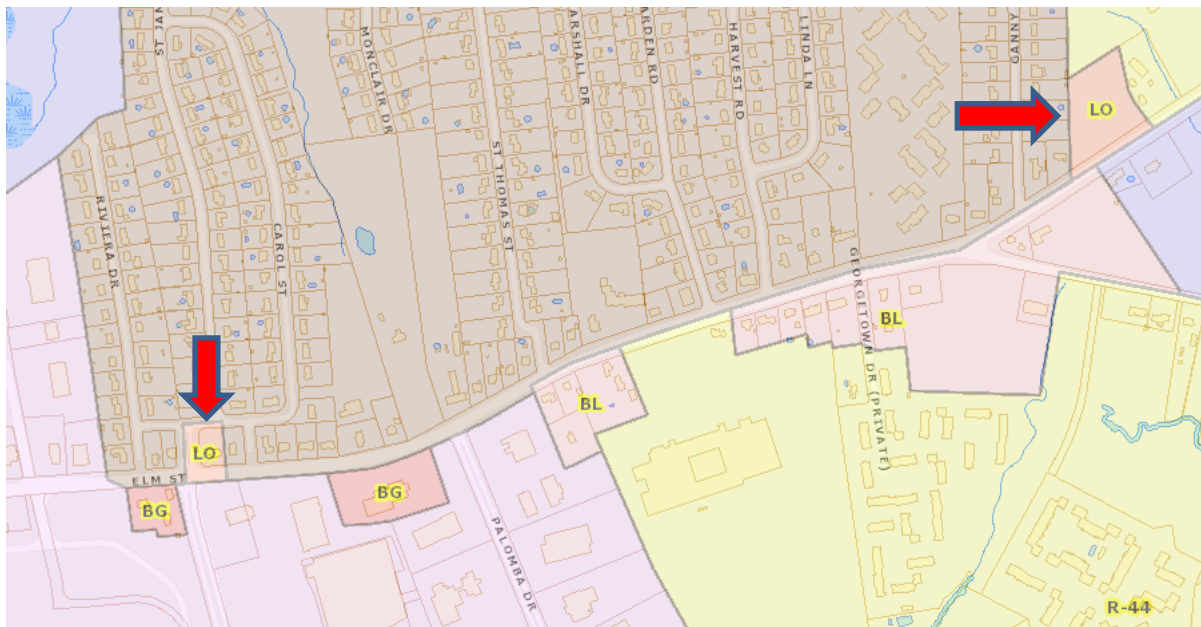
ENFIELD PLANNING & ZONING COMMISSION STAFF REPORT & DRAFT RESOLUTION

Application #	PH# 2995	Meeting Date:	April 22, 2021
Address:	N/A	Prepared By:	Jennifer Pacacha, MRP, AICP
Applicant:	Winston Properties, LLC.		Assistant Town Planner
Property Owner:	N/A	Wetlands/Watercourses:	N/A
Zone:	Limited Office Overlay	Aquifer Protection Areas:	N/A
Current Use:	N/A	Flood Zones:	N/A
Proposed Use:	Child Day Care	Variiances:	No
Map/Lot:	N/A	Applicable Zoning Regulations:	Table 5.10 & Section 5.70.3

TEXT AMENDMENT APPLICATION

PROPOSAL:

The Limited Office Overlay Zone was meant to be a zone that overlays onto another zone.. There are two cases in town, however, where spot zones have been created and the actual zone was changed for individual properties to Limited Office.



Both properties are located along Route 220 (Elm Street/Shaker Road) as shown in the picture above. One Limited Office zoned property is the State Farm office at 131 Elm Street. The other is a vacant piece of property that would be 11 Shaker Road. If 11 Shaker Road were to be

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developed, it would be limited to either Business/Professional Offices, Financial Institutions without a drive-thru, Medical Office, Government Offices, or Personal Services as spelled out in Section 5.70 – Special Requirements Pertaining to the Limited Office (LO) Overlay District).

The applicant in this case would like to expand that list of uses to include Child Day Care facilities. They would also like to expand the hours of operation limitations under 5.70.4 in order to allow Child Day Care facilities to operate from 6:30AM to 6:30 PM Monday through Friday. This change would allow child day care facilities to be located in all places that fall under the Limited Office Overlay Zone. Section 5.70 .1 says,

“The Commission may establish a Limited Office Overlay District for any group of properties, the majority of which are currently occupied by residential buildings which front on state highways are across the street from major traffic generators, business/industrial uses and similar uses and are, therefore, no longer appropriate for single family residential use.”

The state highways in Enfield include Route 5 (Enfield Street/King Street), Route 220 (Elm Street/Shaker Road/Taylor Road), Route 190 (Hazard Avenue), Route 192 (North Maple Street), and Route 191 (Broad Brook Road).

The applicants would also like to amend the footnote 8 to table 5.10. Footnote 8 coincides with the 35% maximum building coverage in Limited Office Zones. The footnote only applies to the Limited Office Zone and it limits single buildings to 2,000 square feet. A building may be up to 5,000 square feet for lots of record with more than 200 feet of frontage on consolidated lots with more than 150-feet of frontage and using a shared access drive, a building size of 4,000 square feet may be approved.

The applicants would like to amend that to allow buildings of 10,000 square feet when lots are over 2 acres and have more than 300 feet of frontage.

The Limited Office regulations were adopted as part of the Zoning Regulation rewrite in 2002. Page 246 of the Plan of Conservation & Development says, “The Limited Office District (LO) is designed for smaller office establishments. The LO District is currently not in use.”

The Commission must determine if a Child Day Care is an appropriate use for Limited Office zones, as they are meant to be transitional zones between business and residential areas for pieces of property not likely to be used as residential.

For Commission consideration – Child Day Cares are allowed in residential single-family homes as of right under State Statute for up to six children. More than six children requires a Special Permit by the Planning & Zoning Commission. Any change of use in the Limited Office Overlay Zone also requires a Special Permit approval. Many if not all schools are usually located in residential zones.



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MOTION TO APPROVE PH# 2995 – Text Amendment Application to Table 5.10 to allow buildings larger than 5,000 square feet in Business Districts, and Section 5.70.3 to allow Child Day Care Facilities within the Limited Office Zone; Wintson Properties, LLC., applicant according to the language as proposed under PH# 2995.



TOWN OF ENFIELD
ENFIELD PLANNING & ZONING COMMISSION
STAFF REPORT & DRAFT RESOLUTION

Application #	PH# 3001	Meeting Date:	April 22, 2021
Address:	40 Edgewood Drive	Prepared By:	Jennifer Pacacha, MRP, AICP
Applicant:	Rachel Boulette and Daniel Cezuz		Assistant Town Planner
Property Owner:	Rachel Boulette and Daniel Cezuz	Wetlands/Watercourses:	Yes
Zone:	R-33	Aquifer Protection Areas:	No
Current Use:	Residential	Flood Zones:	No
Proposed Use:	Residential	Variiances:	No
Map/Lot:	53/519	Applicable Zoning Regulations:	See Below

SPECIAL PERMIT/SITE PLAN REVIEW

PROPOSAL: The owners of 40 Edgewood Drive would like to add a breezeway and a garage to their home. The property is zoned R-33 but it is less than 33,000 square feet, making it legally non-conforming. The Lot and Bulk Requirements are therefore in Section 4.10.3 – Special Requirements for Legal Non-Conforming Lots under 33,000 square feet. The front yard requirement is a minimum of 35-feet. The existing home was built at 28 feet from the front property line. The applicant does not wish to further encroach into the front setbacks, or encroach on the required minimum side or rear setbacks, therefore a Special Permit is required to expand the non-conforming structure as detailed in Section 3.40 – Non-Conforming Uses, Structures, and Lots.

ADJACENT USES:

North: R-33
South: R-33
East: R-33
West: R-33

APPLICABLE ZONING REGULATIONS:

Section 4.10.3 - Special Requirements for Legal Non-Conforming Lots under 33,000 square feet

A. Any new construction on a legal non-conforming lot under 33,000 sq. ft. of area developed prior to (effective date of these regulations) shall meet the following requirements:

Minimum Front Yard: 35 feet

Maximum Lot Coverage: 20 %

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Minimum Yard Setbacks:

Front and Rear: 35 feet

Side: 10 feet

Maximum Building Height: 35 feet and not to exceed 2½ stories

Minimum Total Finished Floor Area: 1,200 square feet

Minimum Total First Floor Area in Two Story Building: 800 square feet

B. See also Section 3.40 for General Requirements for Non-Conforming Uses, Structures, and Lots

Section 3.40 – Non-Conforming Uses, Structures, and Lots

3.40.1 – General Requirements

D. The Commission may hold a public hearing and review a Special Permit application for the expansion of an existing non-conforming use to extend or enlarge a non-conforming use or building. The Commission may approve such Special Permit, if it finds that the proposal is consistent with the goals of the Plan of Conservation & Development and is in harmony with neighboring uses and will not be detrimental to the orderly development of adjacent properties. (Added 5/9/2016) – **The proposed development is in keeping with the POCD and the neighboring properties will not be impacted.**

DEPARTMENT COMMENTS:

Engineering Department – No apparent easements.

Health Department – Per the Application filed this property is serviced by the public water and public sewer - Therefore our Dept. has no comments. If this information is not correct please notify our office.

Building Department –

Water Pollution Control Authority – The WPC has no comments at this time. Should the application change, the WPC will review at that time.

Police Department – No comments or concerns at this time.

Fire Department – No concerns with this application

MOTION TO APPROVE PH# 3001 – 40 Edgewood Drive – Special Permit & Site Plan Review application to allow the expansion of a non-conforming structure to accommodate a breezeway and garage addition; Rachel Boulette and Daniel Cezus, owners/applicants; Map 53/Lot 519; R-33 Zone. according to the plans submitted for PH# 3001 and with the following conditions of approval:

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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. This project shall be constructed and maintained in accordance with the referenced plans.
4. 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.
5. 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.
6. 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:

7. A list outlining how the conditions of approval have been met shall be submitted along with final plans submitted for signature.
8. 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.
9. 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:

10. Two sets of paper plans with any required revisions incorporated shall be submitted to the Planning Department for signature of the Commission.
11. 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.
12. A pre-construction meeting between the applicant, site contractors, project engineer and Town Staff shall be held.

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

13. 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



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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.

14. 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.



TOWN OF ENFIELD
ENFIELD PLANNING & ZONING COMMISSION
STAFF REPORT & DRAFT RESOLUTION

Application #	PH# 04-09-2021	Meeting Date:	April 22, 2021
Address:	359 Hazard Avenue	Prepared By:	Jennifer Pacacha, MRP, AICP
Applicant:	359 Hazard Avenue, LLC.		Assistant Town Planner
Property Owner:	359 Hazard Avenue, LLC.	Wetlands/Watercourses:	No
Zone:	HV-33	Aquifer Protection Areas:	No
Current Use:	Vacant	Flood Zones:	No
Proposed Use:	Mixed Use Business/Residential	Variances:	No
Map/Lot:	Map 92/Lot 1	Applicable Zoning Regulations:	See Below

SPECIAL PERMIT/SITE PLAN REVIEW

PROPOSAL:

The property owner of 359 Hazard Avenue in Enfield previously applied to change the regulations to amend Section 8.70 – Hazardville Design Districts in order to allow him to re-develop the underutilized former Hazardville Grammar School. The owner/applicant received approval for the amended regulations and would now like to apply under said regulations for a Planned Design Special Permit. The applicant proposes to have businesses uses in the lower level of the building, with 10 apartments located on the first and second floors of the building. There will be enough parking to accommodate two spaces per dwelling unit as well as several spaces for the business uses below. The applicant will also rehabilitate the building to ensure safety and preservation as shown on the elevations.

ADJACENT USES:

North: HV-33
South: HV-33
East: HV-33
West: HV-33

APPLICABLE ZONING REGULATIONS:

Section 8.70 - Hazardville Design Districts

- A. Purpose: These use and design standards contained herein are intended to promote a variety of residential and commercial uses which will complement and enhance the existing historical character of the Hazardville section of Enfield and encourage and

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enable the rehabilitation and/or adaptive reuse of vacant, deteriorated buildings and the lots on which such buildings are located. The standards contained herein shall apply to the Hazardville Design District A (“HDDA”) as shown on the Zoning Map. The standards for the overlay design district shall be in addition to the requirements of the underlying zone.

B. Special Standards for the HDDA Overlay District:

- i. All requirements of Section 4.20 regarding Home Occupations, Home Professional Offices shall apply to properties zoned R-33 except that within the HDDA, there shall be no limitation as to nonresident employees/employer. Additionally, any structure proposed for such use shall have such use limited to the ground floor of the structure and the second floor shall be devoted to residential use.- **The basement is proposed to be used for business and storage, and the upper floors are proposed to be residential apartments.**
- ii. Any property located within the HDDA shall also be designated as being in the **Limited Office District** under the provisions of Section 5.70 of the Zoning Regulations.
- iii. Any property located within the HDDA may apply for development approval under a **Planned Design Special Permit (“PDSP”).** Such special permit may allow a use of land, buildings and other structures, and related site development, not permitted within the existing zoning district where the lot is located but which would be beneficial to and consistent with the orderly development of the Town and the neighborhood, and consistent with the purposes of these Regulations and the Plan of Conservation and Development. In order to be approved for a PDSP, the proposed development must be shown to accomplish the following:
 - a. Successfully addresses a specific goal for Hazardville as contained in the Plan of Conservation & Development.- **The Plan of Conservation calls for the historic preservation of buildings within the Hazardville Design District, and specifically calls 359 Hazard Avenue out as a notable resource in the district. The plan also calls for mixed-use in Hazardville, which this proposal fulfills.**
 - b. Provides for a new or renovated building the design of which complements and improves the appearance of Hazardville. – **The proposal is to renovate and rehabilitate a historical building.**
 - c. Provides pedestrian amenities such as gathering areas, sidewalk cafes, new sidewalks or extensions thereof. – **A sidewalk exists. There will also be trees installed along the sidewalk.**
 - d. Provides a service or business to address the needs of the neighborhood. – **There is business space proposed for the basement of the building. There is not a proposed business yet. There are apartments proposed for above. This will bring more residents into the area to frequent the businesses in Hazardville.**



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- iv. Planned Design Special Permits shall require applications for Site Plan and Special Permit approval. Applications shall also include a restoration plan for the building, as well as a narrative statement detailing the uses proposed, the lot, building, and yard requirements proposed for the property, and the manner, if any, in which such uses and standards differ from those of the underlying zone. – **A Site Plan & Special Permit application was submitted along with a narrative. The Restoration Plan is shown on the architectural elevations in the site plan set.**
- v. Conversion of only existing non-residential buildings to business-residential mixed use buildings may take place under this Section, subject to the following requirements and notwithstanding Sections 4.70.6 and 4.70.8 of these regulations:
- a. Minimum lot size required for a PDSP is .5 acres – **Property is .6 acres**
 - b. Minimum Floor Area for a PDSP:
 - One Bedroom: 650 square feet – **All one bedrooms meet or exceed the 650-square foot requirement**
 - Two Bedrooms: 800 square feet – **All two bedrooms meet or exceed the 800-square foot requirement**
 - c. Maximum Lot Coverage for a PDSP: 25% - **Lot coverage is currently and is proposed to be 25%.**
 - d. Maximum Density for a PDSP: 10 Dwelling Units per parcel/property – **10 dwelling units are proposed.**
 - e. Minimum Parking for a PDSP: Two (2) spaces per dwelling unit – **20 parking spaces are proposed for the apartments.**
 - f. An addition to an existing building or alteration of the exterior of an existing building is not permitted unless the addition or alteration is necessary for access by occupants or for other related uses of the building or structure. – **No addition or alteration is proposed.**
 - g. Minimum of 15% floor area of the building to be used as office, retail or personal service use, taking into account the layout of the building, parking, and other practical considerations that may affect the development thereof. – **19.8% is proposed in the bottom floor of the building**
- vi. Permitted sign areas for attached and free-standing signs may be increased by 20% when the Commission determines that the design of the sign has incorporated appropriate historical details relevant to the Hazardville area. – **A freestanding sign is proposed and shown on the plans.**
- vii. New or expanded residential structures may observe a 15-foot front yard setback providing that the new or expanded structure incorporates an open porch along the full frontage of the structure, and that the width of the structure along the frontage is at least 85% of the width of the widest part of the structure parallel to Hazard Avenue. – **Not applicable.**



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- viii. Existing, otherwise non-conforming site conditions, shall be allowed to continue in accordance with Section 3.40 (Non-conforming Uses, Structures, and Lots). – **This is an existing non-conforming site with the structure being located within the front setbacks and the parking lot landscaping being non-conforming as well.**
- C. Building Design Elements: Materials, texture, and color used on the exterior walls and roofs shall be those associated with traditional New England architecture. Preferred building materials shall be brick, stone, and wood including narrow width siding, clapboards, wood shingles, or reasonable equivalents.- **The building is currently and will remain to be brick.**
- D. Architectural Details: Architectural details characteristic of the particular style and period proposed should be incorporated into the design for any new construction and should relate harmoniously to adjacent buildings. It is not intended that the architectural details of old buildings be duplicated precisely, but they should be regarded as suggestive of the extent, nature and scale of details that would be appropriate on new buildings or alterations. Desirable architectural features, where appropriate for a particular style, include gabled roofs, multi-pane windows, chimneys, porches, shutters, gothic arches, white columns and entablature, and fanlights. Examples of designed architectural style include Colonial, Georgian, Federal, Greek Revival, Romantic Revival and Victorian styles. Stonewalls, picket-type fences, wrought iron fences, and decorative wrought iron street-furniture are encouraged.
- E. In addition to the standards set forth above and in the evaluation criteria found in Article IX of these regulations all applications for development within the Hazardville Design District A as shown on the Enfield Zoning Map shall contain a review of the application’s consideration of the guidelines contained in the Hazardville Study Design Review Guide which is found in the appendix of these Regulations. (Amended 06/02/08 & 01/14/2021)

DEPARTMENT COMMENTS:

Engineering Department –

Health Department – Previously sent Comments re Lead Painted surfaces – in older building pertaining to the proposed residences.

Building Department –

Water Pollution Control Authority – Recommend video of sanitary sewer lateral to make sure the pipe is functioning properly.

Police Department – No further comments or concerns at this time.

Fire Department –

Department of Development Services
Building/Community & Economic Development/Planning & Zoning
820 Enfield Street
Enfield, Connecticut 06082

Telephone (860) 253-6507
Fax (860) 253-6310
www.enfield-ct.gov



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MOTION TO APPROVE PH# 3002 – 359 Hazard Avenue – Planned Design Special Permit application with a site plan review to convert a currently vacant building/property into a mixed-use building containing business offices and residential apartments within the Hazardville Design District; 359 Hazard Avenue, LLC., owner/applicant; Map 92/Lot 1; HV-33 Zone; Hazardville Design District; Limited Office Overlay Zone according to the below referenced plans 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. This project shall be constructed and maintained in accordance with the referenced plans.
4. 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.
5. 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.
6. 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:

7. All plans submitted for signature shall bear the seal and live signature of the appropriate professional(s) responsible for the preparation of the plans.
8. The application number shall be displayed on the plans in or near the Title Block area.
9. 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.
10. A list outlining how the conditions of approval have been met shall be submitted along with final plans submitted for signature.
11. 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.
12. 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:

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13. Two sets of paper plans with any required revisions incorporated shall be submitted to the Planning Department for signature of the Commission. The Director of Development Services may require Mylars.
14. 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.
15. 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.
16. 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.
17. The applicant shall post a Landscaping Bond to the Town, in an amount and format determined by the Director of Planning.
18. A pre-construction meeting between the applicant, site contractors, project engineer and Town Staff shall be held.
19. 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:

20. 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.
21. 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.
22. 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.
23. 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.



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REFERENCE PLANS

1/12 – Title Sheet – “359 Hazard Avenue Mixed Use Development” – 359 Hazard Avenue, Enfield, Connecticut; Prepared by BSC Group, 655 Winding Brook Drive, Glastonbury, Connecticut 06033; Prepared for 359 Hazard Avenue, LLC., 94 Union Street, Vernon, CT 06066; Sheet T-1.0; Scale: 1”=1000’; Prepared on April 8, 2021.

2/12 – Existing Condition Plan – Prepared by William R. Palmberg & Son LLC., Land Surveyors, 112 Main Street, Broad Brook, Connecticut 06016; Prepared for Samuel & Doris Jacobs, Enfield, Connecticut; Sheet 2029; Scale 1”=20’; Prepared on May 5, 2000.

3/12 – Erosion & Sedimentation Control Plan – “359 Hazard Avenue Mixed Use Development” 359 Hazard Avenue, Enfield, Connecticut; Prepared by BSC Group, 655 Winding Brook Drive, Glastonbury, Connecticut 06033; Prepared for 359 Hazard Avenue, LLC., 94 Union Street, Vernon, CT 06066; Sheet C-1.0; Scale: 1”=10’; Prepared on April 8, 2021.

4/12 – Site Plan; Sheet C-2.0

5-6/12 – Details; Sheets C-3.0 & C-3.1; Scale: As Shown

7/12 – Photometrics Plan – “Site Lighting Photometric Calculation” 359 Hazard Ave, Enfield, CT; Prepared by Apex Lighting Solutions; Sheet SL-1A; Scale: 1”=20’; Prepared on April 8, 2021.

8/12 – Basement Plan – “Alterations to Existing Building” 359 Hazard Ave, Enfield, CT; Prepared by AWH Architect; 49 Hartford Turnpike, Vernon, CT 06066; Sheet A-1; Scale: ¼”=1’-0””; Prepared on April 7, 2021.

9/12 – First Floor Plan; Sheet A-2

10/12 – Second Floor Plan; Sheet A-3

11/12 – Front & Right Side Elevations; Sheet A-4

12/12 – Rear & Left Side Elevations; Sheet A-5