



TOWN OF ENFIELD

ENFIELD PLANNING & ZONING COMMISSION STAFF REPORT & DRAFT RESOLUTION

Application #	PH# 3016	Meeting Date:	September 23, 2021
Address:	113 Brainard Rd	Prepared By:	L. Whitten
Applicant:	Pat Ferreira		
Property Owner:	Ferreira John R + Patricia C	Wetlands/Watercourses:	No
Zone:	R33	Aquifer Protection Areas:	No
Current Use:	Residential /Home Occ	Flood Zones:	No
Proposed Use:	Commercial Vehicles	Variances:	No
Map/Lot:	36/237	Applicable Zoning Regulations:	3.30.13

SPECIAL PERMIT/SITE PLAN REVIEW

PROPOSAL: This is an application of owner Pat Ferreira requesting a special permit and site plan approval to allow 2 commercial vehicles to be stored on the property. They are described as 2 Peterbilt rollbacks with wheel lift. They are proposed to be stored 25' back from the barn which lies approximately 250' from the rear yard.

Hours of operation are proposed to be from 6:30 am to 6:30 pm

ADJACENT USES:

North: BR (Commercial Building)

South: R33 (Residential Neighborhood)

East: R33 (Residential Neighborhood)

West: BR (Commercial Building)

PARCEL HISTORY

This is a residential house with an inlaw apartment. Two of the tenants run the business utilizing trucks. A barn and shed are also located on the property.



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APPLICABLE ZONING REGULATIONS:

3.30.13 Commercial Vehicles

(Added 11/25/03)

- A. The parking of commercial vehicles may be permitted in any residential district as an accessory use only and subject to the following restrictions:
- i. Only one commercial vehicle not exceeding 11,000 pounds gross vehicle weight (GVW) may be parked or garaged on a lot provided it also does not exceed 10 (ten) feet in height from the base of the wheel to the top (including any cargo) or 10 (ten) feet in cargo (box) length, subject to the issuance of a Zoning Permit by the Zoning Enforcement Officer.
 - ii. By Special Permit, one commercial vehicle exceeding the requirements referred to in Paragraph i. may be parked or garaged on a lot, subject to the Special Permit Standards and Procedures of Section 9.20 of these regulations and following:
 - a. The Commission shall consider such factors as proposed screening; proximity to adjacent lots and buildings; the size, intended use, and hours of operation of the vehicle in question; other vehicles on the property; character of the neighborhood.
 - b. No commercial vehicle shall exceed thirteen feet, six inches (13'6") in height from the base of the wheel to the top (including any cargo).
 - c. No commercial vehicle shall exceed 26,000 pounds GVW.
- B. All commercial vehicles, regardless of GVW, shall meet the following standards:
- i. No vehicle shall have more than 2 (two) axles.
 - ii. No vehicle shall be parked so as to obstruct the view of traffic from adjacent driveways or streets.
 - iii. No vehicle containing hazardous materials or waste may be parked on a residential lot.
 - iv. Construction vehicles, including but not limited to, backhoes, bobcats, bucket loaders, track vehicles, shall not be allowed.
 - v. No tanker trucks or similar type vehicles used for hauling liquids including but not limited to, oil trucks, septic cleanout trucks, etc., shall be allowed.
 - vi. All commercial vehicles shall be parked on the driveway of the occupied residential lot or a parking area leased to the residential occupant, provided no commercial vehicle may be parked closer than ten (10') from any adjacent property line.
 - vii. The commercial vehicle shall be owned or operated by the permanent resident of the property on which it is to be parked.
 - viii. No maintenance or repair of a commercial vehicle shall be allowed on the residential property.
 - ix. There shall be no loading or unloading of commercial vehicles between the hours of 9 p.m. and 7 a.m.
 - x. No garbage hauling, dump trucks or any other trucks that haul cargo that emits objectionable odors shall be permitted.
 - xi. A copy of any Special Permit issued shall be forwarded to the Tax Assessor by the Planning Department.
 - xii. All vehicles allowed under this regulation are also subject to the Town's Noise Ordinance.
 - xiii. No tractor-trailer, nor the tractor or the trailer, shall be parked in a residential district at any time except in connection with a moving operation.



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- C. All applications for Special Permits shall include a detailed description of the vehicle to be used including gross vehicle weight, height, total length, box length (if applicable), wheelbase, model and make. Any permits granted shall be for the specific vehicle described in the application. Any changes to the vehicle specifications as approved shall require a new approval by the Commission.
- D. Commercial vehicles subject to Special Permits shall be screened along the closest residential property line by appropriate evergreen trees, shrubs, fence, or a combination thereof. Exceptions and modifications may be considered by the Commission taking into consideration topography and proximity of adjacent residential structures.

DEPARTMENT COMMENTS:

Planning – The applicant must verify the following:

All applications for Special Permits shall include a detailed description of the vehicle to be used including gross vehicle weight, height, total length, box length (if applicable), wheelbase, model and make. Any permits granted shall be for the specific vehicle described in the application. Any changes to the vehicle specifications as approved shall require a new approval by the Commission

Engineering Department – no response

Health Department – no response

Building Department –

1. Approved under BP 28589 from 6/2010, not to be used as a second dwelling unit.

Water Pollution Control Authority – no comment at this time

Police Department – no comment

Fire Department – No Concerns

MOTION TO APPROVE PH# 3016 – 113 Brainard Rd – Special Permit application to park two commercial vehicles on rear of the property; Patricia Ferreira, Owner/Applicant; Map 36/Lot 237; R-33 Zone.

General Conditions:

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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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:

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.



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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.

REFERENCE PLANS

Hand drawn diagram