

ENFIELD INLAND WETLANDS AND WATERCOURSES AGENCY

TUESDAY, FEBRUARY 4, 2020 – 7:00PM

REGULAR MEETING MINUTES

Enfield Town Hall – Council Chambers

820 Enfield Street, Enfield, CT 06082

Call to Order

Chairman Donna Corbin-Sobinski called the meeting to order at 7:01 P.M.

Roll Call

Secretary Higley took the roll and present were Chairman Donna Corbin-Sobinski, Commissioners Kevin Zorda, Carrie Howe, Virginia Higley and Alternate Commissioners Robert Hendrickson and Marie Pyznar. Absent were Commissioners Jane Smith, Robert Chagnon and Alternate Commissioner Marcy Taliceo.

Also present were Raquel Ocasio, Assistant Town Planner and Elizabeth Bouley, Recording Secretary.

Chairman Corbin-Sobinski seated Alternate Commissioners Hendrickson and Pyznar.

Correspondence

Chairman Corbin-Sobinski went over the documents contained within the Commissioners' packets, including the Pending Land Use Applications, Town Attorney Report dated January 29, 2020 and email regarding available conservation grants.

Approval of Minutes: January 21, 2020 Regular Meeting

Motion: Commissioner Higley made a motion, seconded by Commissioner Pyznar, to approve the minutes for the January 21, 2020 Regular Meeting.

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

Votes: 6-0-0

Old Business

Motion: Commissioner Zorda made a motion, seconded by Commissioner Higley, to take the Review of Model Regulation Amendments off of the table.

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

Votes: 6-0-0

Chairman Corbin-Sobinski stated that the cover page should say 2020. The Commission discussed possible photographs for the cover, which Ms. Ocasio stated that they can look at and vote on at a later date.

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Commissioner Higley asked for the definitions of Best Management Practices and Management Practices, which she stated appear to be the same. Ms. Ocasio stated that Management Practices is not found in the adopted regulations but the definition is in the model regulations provided by DEEP. Commissioner Howe suggested that under Management Practice it should say “see Best Management Practice.”

Chairman Corbin-Sobinski stated that she would like to add definitions for Agent and Duly Authorized Agent.

Commissioner Howe stated that the definition of Commissioner of Environmental Protection should say Commissioner of the State of Connecticut Department of Energy and Environmental Protection. Ms. Ocasio stated that this came from the DEEP model regulations so they will propose it to them.

Commissioner Higley stated that there are no definitions included for Forestry or Mulch.

Chairman Corbin-Sobinski asked if the definition of Designated Agent is the same as Duly Authorized Agent, to which Ms. Ocasio replied that it is. Commissioner Howe suggested they put Designated Agent/Duly Authorized Agent.

Ms. Ocasio pointed out new language Staff had proposed under Best Management Practices.

Commissioner Higley asked where the actual management practice documents can be found, to which Ms. Ocasio replied that they are located on the DEEP website. Ms. Ocasio stated that the documents may also be included in the Town of Enfield website.

Ms. Ocasio stated that Planning Staff had proposed definitions for Forestry, Mulch and Silviculture.

Commissioner Howe asked if they are taking out the definition of Management Practices and replacing it with “see Best Management Practice,” to which Ms. Ocasio replied that they are.

Chairman Corbin-Sobinski brought up Section 3.5 and asked how anyone would know if an area is not mapped. Commissioner Howe stated that a literal reading of this section is saying that every single application that comes in must go before the Commission so they can decide how to act on it. Ms. Ocasio stated that this can be removed in its entirety, which the Commission decided to do. Further discussion took place on how a wetland can possibly not be mapped, with Ms. Ocasio explaining that wetlands can be created and change over time.

Commissioner Zorda stated that if there is any unidentified/unmapped wetland structure such as a vernal pool, there should be no activity until it comes before the Commission. Commissioner Howe added that

there should be language specifying that anything with questionable wetlands soils needs to come before the Commission.

The Commission asked about the changes that had been made to section 4, ultimately accepting the changes Staff had made.

Commissioner Higley stated that in 7.2 it should say the documents can be obtained online on the Town website, to which Ms. Ocasio stated that this is in 7.1.

Commissioner Zorda stated that under 7.5B the word deed should say deed(s). Commissioner Howe added that the word deed should not be in all caps.

Chairman Corbin-Sobinski brought up the use of the word shall, with the Commission deciding that the word shall will remain in the regulations.

Commissioner Higley asked if the Commission can enforce Section h on page 13, to which Ms. Ocasio replied that they can. Ms. Ocasio went on to say that the State can encourage Low Impact Development and this language is a step forward that will allow them to be more specific in the regulations regarding types of Low Impact Development Management Practices.

Commissioner Higley stated that under 3 where it is talking about delineating wetlands and trees larger than 12 feet, it does not tell what practices should be used to save the trees. Commissioner Howe suggested that they add language that states "for potential preservation."

The Commission discussed the verbiage regarding preferable height and caliper of tree trunks to delineate on plans, with the Commission ultimately deciding on 6" caliper at breast height.

Commissioner Howe suggested that they add "and upland review areas" to delineating flagged wetlands.

Commissioner Howe suggested that they change the verbiage in S so that it says "an electronic submission of all items listed above via USB drive."

Ms. Ocasio stated that Staff received an email from DEEP which advised them of a timber harvest activity form that the applicant must complete for section j on page 13 of 35. The Commission approved of the language and decided to keep it in.

Commissioner Howe stated that on page 15 under 7.8 it should say that incomplete applications shall not be accepted by the Planning Office or submitted to the Commissioners. Ms. Ocasio stated that they cannot stop someone from applying, but when the Commission receives the application they can continue, table or deny without prejudice. Commissioner Howe stated that it should not be added to the

agenda and seen by the Commission if the correct documents are not included. Ms. Ocasio stated that the Commission must determine if the application is incomplete.

Chairman Corbin-Sobinski stated that regarding 7.8, the Commission does not need multiple copies of the large plans. Ms. Ocasio explained the reasons that the fourteen copies are needed in some cases. Chairman Corbin-Sobinski stated that the Commissioners do not need the large drawings delivered to their houses but rather just need a couple of large ones to look at during meetings. Commissioner Howe stated that 11x17 is perfectly acceptable on most applications, but the full-sized ones will be needed for some of the larger commercial applications. Commissioner Higley suggested that it be made clear in Staff Comments that the applicant was made aware by Staff that the application was incomplete and had missing items. The Commission ultimately decided to leave the current wording in place.

Commissioner Higley pointed out a discrepancy in Sections 7.10 and 11.6 in the language regarding how long a permit shall be valid. The Commission discussed the language with Commissioner Higley suggesting that it needs to be looked at further.

Commissioner Higley asked if, regarding letter D, Staff checks with the owner when an applicant submits a letter from the owner giving permission. Ms. Ocasio stated that the application is notarized and the onus is on the applicant to be providing honest information.

Discussion took place regarding Section 8.8 and whether there is a separate application for building permits. Ms. Ocasio explained that Section 8.8 is for building permits.

Commissioner Howe suggested that they add in “involving duly authorized Agent Approvals,” which the rest of the Commission agreed with. Commissioner Higley asked if Ms. Ocasio signs off on these, to which Ms. Ocasio replied that Zoning Enforcement Officer Ricardo Rachele does since he is a designated agent.

Commissioner Howe stated that C3 should be changed to say “Enfield Inland Wetlands and Watercourses Agency Duly Authorized Agent.”

Commissioner Higley stated that 4 should state that notice in the newspaper will be paid for by the applicant. Ms. Ocasio stated that the state statute covers that, to which Commissioner Higley replied that it should be consistent throughout the regulations.

Chairman Corbin-Sobinski stated that 8.10 should also have Duly Authorized Agent at the end.

Commissioner Howe stated that 8.9 a1 should say that the applicant shall provide all information required by the regulations.

The Commission requested additional semicolons to be added in section 9.1.

Commissioner Higley stated that in 10.2d on page 19 the word foreclose should be changed to preclude.

Commissioner Howe asked if under 10.1 DEEP and the Army Corps of Engineers should be added as agencies whose reports the Commission may consider when making a decision on an application.

Commissioner Howe stated that 10.8 b on page 20 should be added after 10.8a; Ms. Ocasio explained why it is formatted this way.

Commissioner Higley questioned whether 10.9 is consistent regarding the time frames. Ms. Ocasio stated that this is the language DEEP has proposed.

Commissioner Higley asked if the wetlands map mentioned in 15.8 gets redrawn and filed in the Town Clerk Files, and who does that. Ms. Ocasio stated that the Planning Office and Director of Development Services are working together on that to get accurate maps.

Commissioner Higley asked if it is illegal to accept cash as payment method, to which Ms. Ocasio replied that they can accept cash and add it to Section 19.1.

Commissioner Higley asked if a definition is needed for complex application, to which Ms. Ocasio replied that this came from the DEEP model regulations and it is up to the Commission.

The Commission discussed removing section 21, ultimately deciding to remove the section entirely.

Commissioner Howe suggested that they put as amended from time to time on page 32 of 35.

The Commission thanked Staff for their hard work.

Motion: Commissioner Zorda made a motion, seconded by Commissioner Howe, to forward the Inland Wetland and Watercourses Agency regulations as amended to DEEP and the Town Attorney for review prior to scheduling a Public Hearing for adoption.

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

Votes: 6-0-0

Chairman Corbin-Sobinski went over the timeline going forward.

Report of Development Services/Planning Staff

Ms. Ocasio stated that she is awaiting final plans from 0 King Street, the Elm Street Development and 39 Hazard Avenue

Ms. Ocasio stated that there are no new applications but she was talking with DEEP today and they would like a community visit with Wetlands, Aquifer Protection and PZC.

Adjournment

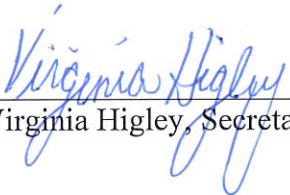
Motion: Commissioner Howe made a motion, seconded by Commissioner Higley, to adjourn.

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

Votes: 6-0-0

Prepared by: Elizabeth Bouley, Recording Secretary

Respectfully Submitted,



Virginia Higley, Secretary

Note: Next Regular Meeting is **Tuesday February 18, 2020** at 7:00 p.m. in the Enfield Room
By: Donna Corbin-Sobinski, Chairman - Files are available for review in the Planning Office.