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MINUTES

ENFIELD INLAND WETLANDS AND WATERCOURSES AGENCY

TUESDAY, February 7, 2023, 7:00PM

REGULAR MEETING

Council Chambers; 820 Enfield Street, Enfield, CT 06082

1. Call to Order

Chairwoman Corbin-Sobinski called the meeting to order at 7:00 P.M.

3. Roll Call

Commissioner Higley took the roll and present were Chairwoman Corbin-Sobinski, Commissioners, Kevin Zorda, Virginia Higley, Robert Hendrickson, Anne Collins, Nancy Martin, and Phil Kober.

Also, present Georgienna Driver, Assistant Town Planner

4. Public Communication- None

5. **Agent Correspondence-** Chairwoman Corbin-Sobinski mentioned that they received an email regarding Planning and Zoning land use seminars. Jennifer McKenzie emailed the training calendar and an email from Kenzie Lee on the agenda and minutes from the boards and commissions that talk about the Freedom of Information Act.

6. Approval of Minutes:

a. January 3, 2023

Commissioner Higley made a motion to approve the minutes from January 3, 2023, seconded by Commissioner Martin.

Motion passed by 5-0-2 Vote.

b. Commissioner Higley made a motion to approve the minutes from January 31, 2023, seconded by Commissioner Zorda

Motion passed by 5-0-2 Vote.

7. Town Attorney Report: January 25, 2023

8. Continued Public Hearings: None

9. New Public Hearings:

a. **IW# 675-29 Moody Road-** Application for a Wetlands Permit for the construction of a 19,800 SF building associated with the parking lot and stormwater management system; 29 Moody Road, LLC, Applicant Owner; Map 75/Lot; I-1 Zone.

Commissioner Zorda made a motion to open the public hearing for **IW# 675 Moody Road**, seconded by Commissioner Higley.

Motion passed by 7-0-0 Vote.

Chairwoman Corbin-Sobinski briefly went over the meeting rules:

Applicants must state their name and address and give statements on the application.

The Agents and Staff may ask questions.

The public shall sign up on the sign in sheet to speak.

The public may make comments only during the public hearing.

Items from other agencies shall not be brought up during the public hearing.

If at any time the meeting becomes unruly or unmanageable, the Chairwoman will call a recess.

No back-and-forth conversation.

Tim Coon, Engineer representing the applicant gave an overview of the property, location, 29 Moody Road and size 4.7 acres zoned as industrial. The proposal is for a 19,800 square foot commercial building on 4.7 acres located at 29 Moody Road in Enfield. The proposed building is divided into 11 tenant spaces, which will be served by a 29-space parking lot. There are no tenants at this time, however, a plan was submitted for the record of the potential uses allowed under the zoning regulations.

Light Manufacturing and assembly, Warehouse and Storage, Distribution, and workshops. They have restricted the storage of hazardous materials on this property.

An onsite storm water management system will consist of a series of catch basins and piping to collect and divert the runoff to a storm water infiltration system. There will be an overflow outlet from their basin into one of the wetland creation areas. Tim, referred to the map in magenta color as the wetland mitigation creation area.

A dumpster will be on site located on a concrete pad and enclosed by fencing. The pad will be sloped into the parking lot, so if there are any leaks from the dumpster it will be captured into the stormwater system.

Two retaining walls will be built to reduce wetland impacts. They will provide lighting on the building as well as pole lights and will be LED.

Snow storage areas will be located on the southern end of the parking lot.

Erosion control measures during construction will include an anti-cracking pad, silt fence, logs, topsoil stockpile will be enclosed in silt fence. The area will be stabilized and seeded.

Overall the plan will result in 3704 square feet of wetland fill. To offset the wetland fill there will be mitigation areas, 2 creation areas that were referred to on the map.

George Logan, from REMA, discussed wetland delineations. The report from December 2, 2022, describes the soil types. Most of the site has been disturbed from previous excavation. (Aerial photographs are included in this report)

The report dated January 30, 2023, is robust report for the public hearing that gives the Wetlands Assessments and Summary of Findings. (This report is included in the master packet)

Mr. Logan discussed the wetland areas; wetland A/1A which is associated with Freshwater Brook, wetland A is in the southwestern portion of the site, and wetland B is a small, isolated wetland created as part of sand extraction.

Mr. Logan discussed the impacts to the wetlands and outlined the mitigation to wetland A. Wetland A will be mitigated by the creation of 5,038 square feet of wetland and 1,053 square feet of wetland enhancement.

Tim Coon stated that they submitted an alternative analysis based on the comments made. The reduction in building size, number of units, 29 parking spaces and retaining walls are part of the revised plan. Accessible fire lanes were added to the north and south ends of the building.

Commissioner Higley made a comment of concern regarding the area for the snow stockpile. She asked for a sign to be put up that states "no snow stockpile"

Commissioner Collins asked if the hardpan at 48 inches would be disrupted. Mr. Logan stated that he found the iron pan at 42 inches. She asked if they would be excavating at the 48-inch level. Mr. Coon stated that no not in this area but in other areas where there is no wetland, they will be excavating more than 48 inches.

Commissioner Collins asked Mr. Logan to explain the pipe in the ditch area that runs through piles of leaf debris. Mr. Logan stated that it's possible that someone had dug that out so that soil was not going into the brooks.

Commissioner Collins asked if it possible to test the water that is coming out of that pipe? Mr. Logan stated that he did not see anything flowing from the pipe.

Ms. Driver indicated that there are ariel images dating back to the 1970's that show excavation in this area.

Commissioner Collins read her letter that outlined her site walk. The applicants received the letter and this letter was added for the record.

Commissioner Collins stated that she has a concern with the Japanese Knot weed on the site. Mr. Logan stated that to get rid of the Japanese Knot weed, they will cut it down, strip it, put it in a stockpile and cover it with plastic. It will die after being under the plastic and in the sun for about a month.

Commissioner Kober asked where the fill is coming from. Mr. Coons stated there will be around 1200 cubic yards that will be exported from the site. The only thing that will be brought onto site will be the gravel.

Ms. Driver went over her staff report which is included in the master packet. She made some corrections: she did not want the building moved but merely suggested it. During the application process, other departmental staff should make comments on the online portal. She was not aware of the comment about the fire marshal and the extra 20 feet and if she had been made aware of it, she would not have suggested it. A variance would not be needed for this project because wetlands do not constitute a valid hardship. Ms. Driver went on to summarize the revised narrative dated January 24, 2023. (can be found in the master packet) The applicants narrative should be revised to reflect the correct building size. The Enfield Conservation Commission had a recommendation regarding the pear trees which are invasive. The applicant should consider native species.

Ms. Driver stated there are about 7 site specifics for this property and she stated she would like to revise #5 to say the Wetlands Mitigation Plan on sheet 10 of 10 will be updated with the correct number of permanent wetlands impacts and wetlands creation. Also to add to #7, no snow stockpile signage.

Commissioner Kober stated for the record that as an alternative to the Enfield Conservation Commission that when this came up for discussion that he abstained from discussion.

Commissioner Zorda stated he has a concern with the "landscaping" use of the property as indicated in the narrative report. However, the restrictions state that there will be no outside storage or vehicles. Will this be part of the leasing agreement for the tenants? Mr. Coons, stated yes it will be.

Ms. Driver stated that since they are over the Aquaphor protection area all activities are limited to being within the building. They are not allowed to have any outdoor storage to protect the water. She asked the Commission to give her the copies that Mr. Logan passed out to them so she can stamp them in for the record.

Public Comments:

Albert Keenan, 41 Burns Ave. and representing the property of 33 Moody Road. He is not opposed to the construction of the building but is concerned with the impact to the wetlands. He referred to an area on the map that is a concern to him.

Henry, he owns 35 and 37 Moody Road. His concerns are the wetlands and preserving them. He wants to make sure no one will be building on the wetland.

Mr. Coons addressed the concerns of Albert and Henry to reiterate that the project is providing mitigation to enhance and create additional wetlands.

Commissioner Zorda informed that public with concerns that all the documents are online for review.

Commissioner Zorda made a motion to close the public hearing, seconded by Commissioner Higley.

Motion passed by 7-0-0 vote.

Commissioner Zorda made a motion to approve **IW# 675-29 Moody Road**, seconded by Commissioner Higley with the following site-specific conditions:

1. Finals Plans will include notes about the snow stock piling locations for the north and south ends of the development and will reduce the amount of salt use for the Winter season.
2. Applicant is permitted to do maintenance on the stormwater basin provided the Town's Wetland Agent is notified of the work.
3. All wetland mitigation and enhancement work will be monitored by the applicant's soil scientist or P.E.
4. A report will be submitted to the IWWA by November 30th of the monitoring years with updates about the wetlands mitigation.
5. The wetland mitigation plan on Sheet 10 of 10 will be updated with the correct number of permanent wetland impact and wetlands creation.
6. The Ornamental Pear Tree species will be replaced with a native tree species.
7. Signage will be installed at the north end of the site that says, "No Snow Stockpiling" to prevent snow stockpiling in that location.
8. No outdoor storage is permitted on site.

Chairwoman Corbin-Sobinski stated that the Agency did not find a feasible and prudent alternative.

Motion passed by 4-2-1 vote.

Commissioners Collins and Martin voted against the approval due to considerable activity in the wetlands area and Commissioner Kober abstained.

10. Old Business: None

11. New Business: None

12. Enforcement Report (s):

a. 243 Shaker Road-Yankee Casting Company

Ms. Driver stated that on February 1, 2023, the VEO did go out to the site and photographed new silt fencing and hail bales that have been installed by Yankee Casting. (copies of photographs were passed out)

Some background on this property. They had an original site visit on December 8, 2022, to discuss the conditions and activities. Yankee Casting works on engine manufacturing, and they have a large sand pile that has been onsite for quite some time.

During the site visit they noticed that the silt fencing was failing, and that it would be repaired within 2-3 weeks before this meeting date. A notice of violation was sent on January 25, 2023, because the silt fencing had not been repaired. This is why Graham is here to discuss the violation with the Agency.

Graham Sales VP of Engineering at Yankee Casting. He stated that he did not fully grasp the timeline at the meeting on December 8, 2022. He said that they want to be compliant and be environmentally conscious. Graham goes on to discuss the history, back in 2018 they applied for a permit to install a reclamation system. With the new system they would have been able to reduce the sand, however COVID hit and everything stopped. It's hard to put a time line on getting things done, because some of this is contingent on things happening.

Ms. Driver informed the Agency that there were previous conditions that were specified when the application was approved. These outstanding conditions have not been met.

The sand and debris were to be removed.

Required to submit documentation on the removal of the sand pile.

The applicant was to submit an operation plan.

An annual report on the sand mound was to be submitted yearly.

There was an agreement with DEEP that the sand mound would not increase, and they would submit a plan to decrease sandpile.

Commissioner Higley and Commissioner Zorda requested that the applicant submit a mitigation plan to Ms. Driver within 2 weeks.

Graham stated he would work on a loose timeline with a sequence of what needs to occur to diminish the sand pile.

Ms. Driver suggested to Graham that he put November 3 of each year on the calendar to submit a report on the status of the sand mound to her office.

Commissioner Collins asked what metals is the reclamation system removing? Graham stated that the sand goes through a mechanical separator and it vibrates them out, then it goes through an elevator that takes only the sand and lastly the thermal system disposes of the resin.

13. Report of Planning Staff: Ms. Driver asked if the Agency received the article on the ornamental pear tree. Also she found a Wetlands article.

Update on 113 North Maple is requesting Wetlands CO. She did an onsite inspection with them and they are ok with giving the CO under the condition that they repair the silt fencing.

8 Dust house Road site visit, Mr. Daigle had a concern with the pond known as Choles pond. The pond has always been there. She pulled the file which indicated it was to improve drainage. She is trying to find out if there is an impact from the road work because there is a concern of flooding and pollution in that pond.

Commissioner Zorda had a question on Abby Road, there is a significant stockpile of soil. Ms. Driver said she is aware of this. She stated that those piles do not have anything to do with the DPN that he came in for.

Ms. Driver mentioned the solar facility that they discussed at the special meeting on January 31, 2023, the reason the Agency did not receive her letter, is that they requested an extension with the siting council on public comment and they have granted that request. The extension is granted through February 23, 2023.

Lastly, there is a typo on the agenda, the next meeting is February 21, 2023, not February 23, 2023.

14. New Applications to be Received:

a. **DPN#2023-01-26: 600 Enfield Street-** Application for a Determination of Permit Needed for regulated activities within 100 feet of Grape Brook; Shiraz Choudhary, Applicant; Troiano Realty Corporation, Owner; Map 32/Lot 8; BL-Zone

b. **DPN#2023-02-07: 92 Post Office Road** -Application for a Determination of Permit Needed for minor disturbances in the Upland Review area for a single-family home; Windbrook Homes, LLC Applicant owner; Map 47/Lot 10; R-44 Zone

15. Miscellaneous: Chairwoman Corbin-Sobinski reminded everyone on a POCD public hearing at JFK on Monday at 6pm.

Commissioner Kober asked about the bylaws that they worked on in November.

Ms. Driver said she would provide them in their packets for the next meeting and update the website.

16. Adjournment: Commissioner Zorda made a motion, seconded by Commissioner Higley, to adjourn the meeting.

Meeting adjourned at 9:18 PM

Motion passed by a show of hands 7-0-0 vote.

Prepared by: Sandie Barone

Respectfully Submitted,

Virginia Higley, Secretary