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**MINUTES**

ENFIELD INLAND WETLANDS AND WATERCOURSES AGENCY

**TUESDAY, April 18, 2023, 7:00PM**

REGULAR MEETING

Council Chambers; 820 Enfield Street, Enfield, CT 06082

APR 25 PM 4:35

Sheila M Bailey

**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, Nancy Martin, and Phil Kober. Commissioner Collins arrived at 7:01 PM

Also, present Georgienna Driver, Assistant Town Planner

**4. Public Communication:** None

**5. Agent Correspondence:** Chairwoman Corbin-Sobinski stated that they received an email for save the date for Land Use training for June 1<sup>st</sup> at 7 PM.

**6. Approval of Minutes:**

**a. April 4, 2023**

Commissioner Zorda made a motion to approve the minutes from April 4, 2023, seconded by Commissioner Higley.

Discussion: Commissioner Kober stated that he came in a couple of minutes late and that it was not reflected in the minutes, he came in at 7:04 PM but was recorded as being present for roll call.

Also, Commissioner Kober stated the minutes were over summarized and therefore will vote against approving the minutes. Some of the narratives seem to be over summarized and missing things.

Ms. Driver stated that the minutes do not have to be an exact reflection of what was said word for word, because that is what the transcripts are for.

**Motion passed by 6-1-0 Vote.**

**7. Town Attorney Report:** Legal Opinion/Application Process

Regarding a legal opinion on DPN's, they were asked to table that for discussion until another meeting. Chair Corbin-Sobinski has asked the town attorney to come to an IWWA meeting sometime in May so that they can discuss the legal opinion and application process.

**8. Continued Public Hearings:** None

**9. New Public Hearings:**

a. **IW# 677-92 Post Office Road**- Application for the development of a single-family home; Windbrook Homes LLC, Owner/Applicant; Map 47/Lot 10; R-44 Zone.

Commissioner Zorda made a motion to remove IW #677- Post Office Road from the table, seconded by Commissioner Higley.

**Motion passed by 7-0-0 vote.**

Commissioner Zorda made a motion to open the public hearing for IW#677 92 Post Office Road seconded by Commissioner Martin.

**Motion passed by 7-0-0 vote.**

Chair Corbin-Sobinski went over the rules for the public hearing. The applicant will give their name and address for the record and then give statements about the application.

The agents and staff will ask questions and make comments. The public may speak only on the public hearing for areas of concern for the wetlands. Those wishing to speak should have signed up on the sign in sheet. Do not bring up other departments at this hearing.

Eric Davison soil Scientist gave an overview of what he did on the property. In April of 2022 he delineated the wetlands on the property. He briefly went over his report on the wetland impacts. Which indicates no adverse impacts to the wetlands.

Commissioner Zorda asked what the dirt pile on the property is from and what is it?

They are not sure what the dirt pile is, it was there when they surveyed the property. If it is suitable for use, they will spread it around the house.

Other areas that were addressed are:

where the water connection will be

milled and paved full width of the front of the property.

100-foot buffer from the wetlands revised on the plan.

Ms. Driver stated that all staff comments from departments have been satisfied and revisions by the applicant have been made. Ms. Driver went over her staff report which is in the master packet.

Lori Longley, 1427 Enfield Street. Ms. Longley stated that in 2008 she noticed a large amount of water on lots 1 and 2 on the subdivision plan. Lot 2 is the subject of this permit. She stated that the Town dug a drainage ditch which created a stream. This was a 6–7-year lawsuit which ended in the court stipulated judgement which is in the packet. Ms. Longley provided the Commissioners with a packet that shows the history of the case and other documents. She stated the previous Wetlands Commission would not renew the permit because of the significant changes to these lots. She further discussed the photos that were in the packet she handed out that reference lot 1 and 2 and the amount of water. The entire lot needs to be re-engineered to prevent storm water runoff to lot 3 as the court stipulated agreement.

Michelle Menard, 94 Post Office Road. She discussed her concerns and how it would impact her property. She said currently there is storm water runoff without the proposed house that flows into her property. Ms. Menard handed out a packet to the Commissioners and discussed the photos included. One which depicts an ariel photo of her property and the subject's property. Since the lot has been cleared the runoff activity has gotten worse. She stressed that this runoff is not hypothetical, it is happening. She believes that there needs to be a storm water mitigation strategy.

Anne Marie Galdenzi, 1330 Enfield Street. Ms. Galdenzi discussed the history of this property and the lawsuit. She asked that they look at the back history of the wetlands of this property to better understand and make an informed decision to protect the neighborhood and wetlands.

Niki Price, 1324 Enfield Street. Ms. Price discussed the petition that she was told was required to obtain a public hearing for this property. They received 39 signatures but were told by the town staff that it was jurisdictional and not an application. She asks that they refer to town council, Eldensen DPN on April 5, 2023, which states a DPN application constitutes an application for purpose of CT General Statute 22 a, through 42a, C1 and therefore a petition with sufficient signature requiring a public hearing must be accepted.

Karen Cambridge, 40 Fairfield Road. She served on the IWWA in July 2007 -July 2011. She shared her concerns with building on this lot. She summarized the history of this property with the Commissioners. She discussed her history with the IWWA and the lawsuit on this property. She indicated her concerns of decisions being made with out-of-date information which could lead to bad and costly decisions.

Lori Longley, 1427 Enfield Street, presented the Commissioners with 2 maps. She stated that the issue she had with the wetlands flagging and the mapping is by the photograph. She discussed the pictures and maps to the Commission. An ariel photo shows a cluster of trees in the middle of the property line and the pink flag is at the cluster of trees. She indicated that if you look at the map from the soil scientist, he has the blue line as where the wetlands are. However, the cluster of trees is north. The blue line on the map is not in the same location as it appears to be different from where the tree cluster is. Therefore she has a concern with the engineer marking the wetlands and somehow it does not match up with the actual real photographs. Lastly, the timeline of 92 Post Office Road the DPN she watched the meeting

and saw the DPN come up for this property, she went to the office to talk with Ms. Driver, and explained to her that there was a 6-7 year court case on this property and wanted to let her know that the wetlands permit was not extended and there were significant changes to the land such as a stream and pond. Ms. Driver copied all the documents that she brought in that day. Ms. Longley stated that Ms. Driver was very nice, and that she needed 25 signatures to request the public hearing. The following week, Ms. Longley said she went back to Ms. Driver with 39 signatures but refused to accept the petition and said the DPN was jurisdictional and she had talked to other planners and attorney and that she could not request a public hearing. She tried to submit the petition under correspondence as suggested by an attorney. Ms. Whitten said in the office that there was nowhere to put this and the DPN was not an application. Ms. Longley stated that she does not understand why a petition or letter cannot be submitted under correspondence. She is thankful that the Commission requested a full permit because she could not speak on this until this meeting.

Mr. Davison stated that they do not use old town maps or old subdivision maps to delineate the wetlands. They go into the field and dig holes and identify wetland soils and put flags around it.

Commissioner Kober asked the applicant to explain the fill that will be used on the property. It was indicated that they will not use any fill. The second question, asked by Commissioner Kober was if the applicant had any alternative to construct with the wetlands being a proponent of flooding by staying away from the 100-foot regulated area. It was stated that the drawing shows the house 100 feet from the disturbed area and it would be difficult to go beyond that. Silt fence will be installed to prevent any sediment from washing toward the wetland.

Commissioner Marin asked if a drainage ditch could be installed in between the properties to alleviate some of the water. It was stated that based on the soil type a drainage would not be necessary. About 60% of the water from the driveway will flow towards the street and collected by the catch basin and the rest would run off to the existing property.

Commissioner Zorda asked if the house could be moved more to the west?

Reinhard Von Hollander, the applicant, talked about the drainage swale.

Ms. Driver stated that putting the house to the northwest will put it in the 500-year flood plain. They should not have an increase in water because of the swale. She pointed out that the GIS on the town's website shows practically no wetlands on this lot. Also for the record the regulations are a little outdated and do not really line up with the state statutes. She briefly talked about the process for the DPN's which was done incorrectly by the past predecessors. The regulations are incorrect. They will be addressing in the future and make corrections. Staff were advised by Attorney Mark Cerrato that correspondence is strictly for the agency. However the public can communicate under public communication. Thanks to Ms. Longley's bringing these items to their attention, although they were not able to assist her, they were able to discuss corrections.

Michelle Menard stated that it's hard to discount that there is runoff into the wetlands when it's already happening. She does not see how there will not be an increase in storm water.

Lor Longley stated the answer to this is to put a swale and pipe it, do whatever. They are not allowed to drain water into this lot and this is what is happening. She stated that she does not understand how they can approve something that is impacting neighbors and the court stipulation, that states you can not do that.

Ms. Driver asked Ms. Longley when the trees were there, was there an increase in storm water or did the trees help mitigate the storm water. Ms. Longley stated that when the trees were there, there was less water.

Commissioner Kober asked if the agency was interested in doing a site walk and that he would be in favor of continuing the public hearing as they received more information at this time.

Ms. Driver stated perhaps the applicant can do a vegetative buffer or some good landscaping that could assist in reducing the amount of runoff.

Mr. Davison stated that the wetland soil is poorly drained, and after a storm you would see temporary flooding of the wetland. He also stated that a rain garden would work as well.

Ms. Driver stated that the latest they could close the public hearing would be May 16<sup>th</sup>, so May 2<sup>nd</sup> puts it on day 14. The Commissioners agreed to do a site walk with the applicant. The site walk is observation only, not discussion. They can discuss the site walk at the next meeting. The Commission agreed to do a site walk on Friday, April 21<sup>st</sup> at 5pm with the applicant.

Commissioner Kober made a motion to do a site walk on Friday 4/21/23 at 5PM and continue the public hearing for **IW# 677-92 Post Office Road**, seconded by Commissioner Zorda.

**Motion passed by 7-0-0 vote.**

**10. Old Business:**

**Determination of Permit Needed**

a. **DPN# 2023-03-24A- 131 Town Farm Road-** Application for a determination of permit needed for the expansion of the existing pond; Jarmoc Tobacco, LLC, Applicant; 131 Town Farm Road, LLC, Owner; Map 89/Lot 30; R-88 Zone.

b. **DPN# 2023-03-24B-128 Moody Road-** Application for a determination of permit needed for the expansion of the existing pond; Jarmoc Tobacco, LLC, Applicant; 128 Moody Road, LLC, Owner; Map 93/Lot 5; I-1 Zone.

c. **DPN#2023-03-24C- 24 Charnley Road-** Application for a determination of permit needed for the expansion of the existing pond; Jarmoc Tobacco, LLC, Applicant; Jarmoc Farms, LLC, Owner; Map 108/ Lot 4; R-88 Zone.

d. **DPN#2023-03-24D-147 Abbe Road-** Application for a determination of permit needed for the expansion of the existing pond; Jarmoc Tobacco, LLC, Applicant; Jarmoc Real Estate, LLC, Owner; map 85/Lot 16; R-44 Zone.

Ms. Driver informed the Commissioners that the applicant withdrew 3 applications and they do not need to do a motion to accept the withdrawal. They received a request on 147 Abbe Road to continue until the next meeting. The Agency will need to make a motion to table 147 Abbe Road.

Attorney Donnelly stated that they submitted a continuance on this as well as on the enforcement action. His client hired JR Russo to do surveying on the property. He asked to continue this DPN for 147 Abbe Road as well as item 12 the violation to the first meeting in June,

**11. New Business:**

**Determination of Permit Needed**

a. **DPN-2023-04-04-10 Patricia Circle-**Application for a determination of permit needed for an inground pool; Nadia Wright, Applicant; Jamie Herrick; Owner; Map 70/Lot 66; R-88 Zone.

Nadia Wright from Juliano's Pools. They are proposing a 20x42x31 inground pool with a safety fence. There will be an 800 square feet patio and a 12x24 shed. No tree removal. For erosion control silt fencing will be installed.

Corbin-Sobinski asked what is happening to the current shed. Ms. Wright indicated she was not aware that a shed was there, but they would get rid of the old one and replace it with a new shed. Commissioners discussed that they would like more information on the shed.

Commissioner Kober made a motion to require wetlands permit for **DPN-2023-04-04-10 Patricia Circle**, seconded by Commissioner Higley

**Motion passed by 7-0-0 vote.**

**12. Enforcement Report (s):**

a. 147 Abbe Road- Violation tabled until first meeting in June.

Chair Corbin-Sobinski asked if there was an update on Manning Road. The property owner was given until today weather permitting. Ms. Driver said that Rick has been sick and is not sure of his timeline. She does know that Rick and Mr. Latocki have been communicating.

### **13. Report of Planning Staff:**

Ms. Driver said that she has been researching a lot to make sure they are up to date on everything and doing everything correctly by state statutes. In the future they are planning on redoing the regulations as there are a lot of errors.

### **14. New Applications to be Received:**

a. IW# 679 -161 Post Office Road-Application for a re-subdivision; Garrett Homes, LLC, Applicant; Mitchell Wojnar, Owner; 68/Lot 232; BL-Zone.

**15. Miscellaneous:** Commissioner Kober said he noticed that the bylaws have not been updated on the website. Also he noticed in the Town Managers report that the Town Clerk received FOI training. He brought this up because they are interested in receiving FOI training as well. Lastly, he brought up the master packet that is on the website, if there was a way to break it down by applications because its difficult for him to download the packet on his phone.

Ms. Driver explained there are more errors on the website with downloading a single document vs. downloading several pages. With the PDF master packet, you can search for a particulate item that you need instead of scrolling through the entire packet. They will be working on writing that down for the public to learn how to review the master packet.

Commissioner Kober asked since the POCD was approved can they get a hard copy of it. Ms. Driver said she would ask about getting copies for the Commissioners.

Commissioner Kober asked about regulations and map amendments. Ms. Driver indicated that she would give them the drafts and they can revise them. Commissioner Kober says his stance is that they should be involved in the revisions. Ms. Driver stressed that they will be involved in revising and reviewing regulations and maps.

### **16. Adjournment:**

Commissioner Zorda made a motion to adjourn, seconded by Commissioner Higley.

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

Meeting adjourned at 9:08 pm

Prepared by: Sandie Barone

Respectfully Submitted,

Virginia Higley, Secretary