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## **MINUTES**

ENFIELD INLAND WETLANDS AND WATERCOURSES AGENCY

TUESDAY, JANUARY 5, 2016 – 7:00 p.m.

REGULAR MEETING

ENFIELD TOWN HALL – COUNCIL CHAMBERS (first floor)

820 Enfield Street, Enfield, CT 06082

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### **REGULAR MEETING**

1. **Call to Order**

Chairman Donna Corbin-Sobinski called the meeting to order at 7:00 p.m.

2. **Roll Call**

Vice Chairman Elizabeth Davis called the roll.

Present: Chairman Donna Corbin-Sobinski, Vice Chairman Elizabeth Davis, Robert Chagnon, Joseph Albert and Alternate Kevin Zorda

Also Present: Shawn Rairigh, Assistant Town Planner

Absent: Secretary Jane Smith, John Hayes, Alternate Joseph Porrello

3. **Fire Evacuation Procedures**

Chairman Corbin-Sobinski read the Fire Evacuation Notice.

4. **Pledge of Allegiance**

The Pledge of Allegiance was recited.

5. **Public Participation** - Issues of concern not on the agenda

Chairman Corbin-Sobinski asked if there was anyone in the audience who would like to come forward and speak to the Agency about issues and concerns not on the agenda.

Maureen Mullen, 1625 King Street, Enfield, introduced herself and stated that she came back tonight to extend an invitation again to the Agency to come over and see the site next to the CREC Public Safety Academy so they can see that the vegetation is dried out. Ms. Mullen said she would like the Agency to see some of the issues that she has been talking about. Ms. Mullen stated that because of all the dried patches, we could have problems with erosion and water in the Spring.

**6. Correspondence**

- Letter from Betsey Wingfield, Bureau Chief, Bureau of Water Protection and Land Reuse, dated December 16, 2015; Subject: 2015 Legislation and Regulation Advisory regarding Public Act No. 15-85 and Public Act No. 15-68.

**7. Commissioner's Correspondence (Site Visit Updates – if any) – None**

**8. Approval of Minutes – December 15, 2015 – Regular Meeting**

Robert Chagnon made a motion, seconded by Vice Chairman Davis, to approve the minutes. The motion carried with a 4-0-0 vote.

**9. Reports of Officers, Committees and Staff – None**

**10. Old Business:**

- a. IW# 569 –Proposed expansion of existing nursery and commercial operations at 144 South Road (Map# 055/Lot# 0008) and 146 South Road (Map# 0055-Lot# 0006); S&R Property, LLC Owner/Applicant

Attorney Carl Landolina – Fahey and Landolina Attorneys, LLC, John Ianni - Professional Soil Scientist and Dana Steele - J.R. Russo and Associates, LLC introduced themselves and stated they were representing the owner, S & R Property, LLC. Mr. Landolina stated that he drafted a letter, dated December 31, 2015, regarding changes to the plans for his client's signature. Mr. Landolina said the purpose of the letter was to address a concern from Mr. Roger O'Brien regarding the merger of the properties at 144 and 146 South Road. Mr. Landolina stated the following: the two separate properties are owned by one entity; upon approval from IWWA Agency and the Planning and Zoning Commission, we certainly intend to merge these properties; the

properties are held under joint ownership and they always existed as two separate properties but, now proposed to be merged into one parcel.

Chairman Corbin-Sobinski asked if there was a Planning and Zoning application. Mr. Landolina said no, not presently.

Mr. Steele addressed the Agency and said he wanted to go through all the changes since their last presentation. Mr. Steele stated the following: we have addressed a concern with the storm drainage design and have modified the design; your Assistant Town Engineer reviewed the new design and stated in an email that he was satisfied with the revisions; we have proposed an additional storage area to the east of the new driveway for the garage addition to the existing house; and proposed gravel surface for the parking of equipment.

Mr. Landolina said they have photos from the Town GIS that Mr. Steele can pass out for the Agency to look at. Mr. Landolina said there is a site plan map from 1987 that was approved by the Planning and Zoning Commission for the former Tarnow Nursery Operation and the wetlands delineation boundary shown is similar to the wetland boundary information that Mr. Ianni found through his research.

Mr. Ianni stated that on December 19, 2014 when he did the soil testing, etc., at the properties it was 40 degrees and partly sunny; the sandy soils are all within naturally occurring soils. Mr. Ianni said that what we are looking for is indications of long term soil saturation and stated this was an easy delineation in the estimating that he's been doing for the past 30 years. Mr. Ianni stated there's no indication on the 1987 site plan as to who did the wetlands delineation – we don't know if it was a land surveyor or a professional soil scientist.

Mr. Landolina said the property to the north, which is wooded, will be for agricultural use and that will require a special permit approval for the agricultural uses from the Planning and Zoning Commission – agricultural use is strictly for growing flowers and plants that will be sold in the nursery. Mr. Landolina said there's a change in the gravel area – slight enlargement of the gravel area to the north of where it is now.

Mr. Zorda asked what kind of equipment storage will be at the new storage area on the property. Mr. Steele answered: box trailers that will have storage in them for the landscaping business and for landscaping equipment to be stored.

Mr. Steele made the following statements regarding IW# 569: the free standing building on the concrete slab will be used for maintenance of the owner's equipment, a repair service for his customer's equipment; there will be overhead garage doors on the north side of the building; the total area of the proposed merger of the two properties is 5.6 acres; we are not asking for approval for storage areas outside for hazardous materials.

Mr. Zorda asked if zoning doesn't approve the uses and the merger of the lots, then will the owner sell off a section of one of the parcels and also, asked if the owner decides not to merge the lots, would farming be allowed on the smaller lot.

Mr. Rairigh stated that to do all the uses the owner talking about, he needs to get Planning and Zoning approval – the PZC approval would require the merging of the two lots; if the uses change and that affects the wetlands, then the owner must come back before the IWWA Agency; if the lots are not merged the owner cannot do all the uses he is proposing.

Discussion by the members of the Agency regarding the conditions for approval.

The conditions for IWWA approval are as follows:

1. The Inland Wetlands and Watercourses Agency or its designated Agent must be notified in writing within at least two business days before the commencement of permitted activities, and upon completion of said activities; a "business day" is a day when the Town Hall is open for business.
2. This permit shall be valid for 5 years from the date of approval unless otherwise revoked or specifically extended.
3. With the exception of the addition of the items stated in these conditions, this application is approved in accordance with the plans titled:
  - "Tarnow Nursery & Garden Center: Landscaping & Property Maintenance; Outdoor Furniture & Power Equipment Sales & Rental." Sheets: Cover Sheet (1 of 5); Existing Conditions/Demolition Plan (2 of 5); Site Plan (3 of 5); Erosion & Sediment Control Notes (4 of 5); details (5 of 5). Submitted for S & R Property, LLC. Submitted by J.R. Russo & Associates. Scale: 1"= 30' for site plans. Dated 10-19-2015, latest revision 12-2-2015. Received 12-9-2015.
  - "Drainage Report: Site Improvements for Tarnow Nursery and Garden Center." Prepared by J.R. Russo & Associates. Dated 10-19-2015, revised 12-4-2015. Received 12-9-2015.

- Narrative, letters, emails, and other materials within project file IW#569.
- 4. All work and all regulated activities conducted pursuant to this permit shall be consistent with these terms and conditions hereof. Any structures, excavation, fill, obstruction, encroachments or regulated activities not specifically identified and authorized herein shall constitute a violation of this permit and may result in its modification, suspension, or revocation. Upon initiation of the activities authorized herein, the permittee thereby accepts and agrees to comply with the terms and conditions hereof.
- 5. Any changes that would potentially cause greater impact to wetlands or watercourses, such as enlargement of the area of disturbance or reorientation of building footprints, from the plans shall require the permittee to come before the Enfield Inland Wetlands and Watercourses Agency for a Determination of Permit Need (Jurisdictional Ruling) or Permit Modification.
- 6. This permit is not transferable without the written consent of the Enfield Inland Wetlands and Watercourses Agency or its designated Agent.
- 7. In issuing this permit, the Agency has relied on information provided by the applicant and, if such information subsequently proves to be false, deceptive, incomplete and/or inaccurate this permit shall be modified, suspended or revoked.
- 8. This permit shall be made a part of all construction contracts and sub-contracts pertaining to the proposed regulated activities and shall supersede all other contract requirements.
- 9. The Inland Wetlands and Watercourses Permit number shall be located on all future plans to any Town or State Agency.
- 10. The permittee shall permit the Agency, its authorized representative(s) or designee(s) to make periodic inspections at any time deemed necessary in order to assure that the activity being performed under authority of this permit is in accordance with the terms and conditions prescribed herein.
- 11. Prior to the start of construction, adequate erosion and sedimentation control measures shall be implemented, and shall be maintained throughout the entire construction phase and shall

meet or exceed the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control, as revised, until the site has become stabilized with permanent vegetative cover. The construction site shall be left in a stable condition at the close of each day. An adequate stockpile of erosion control materials shall be on site at all times for emergency or routine replacement and shall include materials to repair silt fences, hay bales, mulch, stone-riprap filter dikes or any other devices planned for use during construction. Additional erosion/storm water control measures are to be installed as directed by the Inland Wetland Agency, its authorized representative(s) or designee(s) if field conditions necessitate. The permittee shall immediately inform the Department of Planning and Zoning of any problems involving wetlands or watercourses which have developed in the course of, or which are caused by, the authorized work.

12. No equipment or material including without limitation, fill, construction materials, or debris, shall be deposited, placed, or stored in any wetland or watercourse on or off site unless specifically authorized by this permit.
13. This permit is subject to and does not derogate any present or future property rights or other rights or powers of the Town of Enfield, and conveys no property rights or in real estate of material nor any exclusive privileges, and is further subject to any and all public and private rights and to any activity affected hereby.

**Special Conditions of Approval:**

14. If one of the lots is sold separately, this permit shall no longer be valid.
15. 144 South Road and 146 South Road shall be merged as a condition of approval.
16. Upon recording, the merger of the lots shall be forwarded to the Inland Wetlands & Watercourses Agency for review and record-keeping purposes.
17. The proposed agricultural activities or farming uses shall require appropriate approval from the Planning and Zoning Commission.

18. Any changes to proposed uses or plans which could potentially cause greater impact to wetlands or watercourses shall require a Determination of Permit Need or Permit Modification from the Enfield Inland Wetlands and Watercourses Agency.
19. Construction waste or debris from off-site work shall not be stored on the property.
20. Waste stumps resulting from tree removal shall be removed from the site.

Joseph Albert made a motion, seconded by Robert Chagnon, to approve IW# 569 with the conditions set forth by the Agency. The motion carried with a 3-1-0 vote.

11. **New Business:**

IW#570 Proposed 16'X24' mudroom with 24'X24.6' car garage at 319 Abbe Road (Map# 088/Lot# 0093); Jennifer Tross Owner/Applicant.

Project narrative: Ms. Jennifer Tross, owner and applicant, is seeking approval of a garage and mudroom addition to the existing house at 319 Abbe Road. The existing house, driveway and area of proposed addition are within wetlands as depicted on the Official Wetlands Map of Enfield. The original house and driveway were constructed in 1967. Activities which potentially impact wetlands include the excavation 48" below ground level to install a foundation for the addition and additional impervious surface coverage of the lot.

**Assistant Town Engineer** (per 12/22/2015 email): Engineering review of the subject wetlands application for an addition to the existing house at 319 Abbe Road is complete. There are no engineering concerns with the proposed addition.

Vice Chairman Davis made a motion, seconded by Robert Chagnon, to approve IW# 570. The motion carried with a 4-0-0 vote.

12. **New Applications to be Received:**

Existing building change of use from a bank to proposed Dunkin' Donuts Restaurant located at 660-662 Enfield Street (Map#32/Lot# 4); Carlos Caetano, Applicant; 660 Enfield Street, LLC, Owner. The agency determined the plans as presented for the proposed restaurant do not require an Inland Wetlands Permit.

12. **Adjournment:**

Joseph Albert made a motion to adjourn, seconded by Vice Chairman Davis. The meeting adjourned at 8:34 p.m. following a unanimous vote, 4-0-0.

Next regular meeting is Tuesday, January 19, 2016 at 7:00 p.m. in the Council Chambers.

Respectfully submitted,

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Jane Smith, Secretary