

ENFIELD INLAND WETLANDS AND WATERCOURSES AGENCY

**TUESDAY, JANUARY 21, 2019 – 7:00PM**

**MINUTES**

Enfield Town Hall – Council Chambers  
820 Enfield Street, Enfield, CT 06082

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RECEIVED  
ENFIELD TOWN HALL  
2020 FEB -6 AM 11:58

**Call to Order**

Chairman Donna Corbin-Sobinski called the meeting to order at 7:02 P.M.

**Roll Call**

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

Also present were Raquel Ocasio, Assistant Town Planner; Ricardo Rachele, Zoning Enforcement Officer and Elizabeth Bouley, Recording Secretary.

**Correspondence**

Chairman Corbin-Sobinski went over the documents contained within the Commissioners' packets, including the following:

- Memo from Town Attorney Maria Elsden dated October 17, 2019 regarding Proposed Updates to the Bylaws
- Town Attorney Reports for November 2019, December 2019 and January 2020
- IWWA Procuring and Using Expert General Feedback from the Town Attorney
- The Habitat – Summer/Fall 2019 Volume 3 number 2
- DEEP Re: Freshwater Pond Dam, # 4902
- Metro Hartford Future Executive Summary
- 2020-2021 Land Use Meeting Schedule
- Commissioners List
- Pending land use applications dated November 26, 2019

**Commissioner's Correspondence**

Chairman Corbin-Sobinski congratulated Assistant Town Planner Jennifer Pacacha for passing her exam to become a certified planner.

Chairman Corbin-Sobinski stated that Commissioner Kelly Hemmeler was elected to the Town Council and therefore resigned from the Commission. She went on to state that Town Attorney Marie Elsden has now retired as well.

Chairman Corbin-Sobinski stated that some Commissioners had attended the CACIWC meeting and went over some of the items they learned there.

**Approval of Minutes:** October 1, 2019

**Motion:** Commissioner Higley made a motion, seconded by Commissioner Howe, to approve the minutes for the October 1, 2019 Regular Meeting.

The motion passed with a 5-0-0 vote.

**Votes: 5-0-0**

**Old Business**

**Review of Bylaws**

Ms. Ocasio went over the proposed language changes to the bylaws and the recommendations of the Town Attorney as pertains to these language changes.

Commissioner Howe pointed out a typo which Ms. Ocasio took note of.

**Motion:** Commissioner Zorda made a motion, seconded by Commissioner Higley, to approve the bylaws as amended and to forward the bylaws to the Town Attorney for review.

The motion passed with a 5-0-0 vote.

**Votes: 5-0-0**

Chairman Corbin-Sobinski read through the DEEP Regulation Amendments timeline.

**Motion:** Commissioner Howe made a motion, seconded by Commissioner Higley, to table the review of the Wetland Regulations until the next Regular Meeting on February 4, 2020.

The motion passed with a 5-0-0 vote.

**Votes: 5-0-0**

**Public Participation**

Chairman Corbin-Sobinski asked if anyone in the audience would like to speak regarding items not on the agenda; no one came forward.

Commissioner Zorba stated that there is a Boy Scout present at the meeting to observe and learn about town government.

## New Business

### Determination of Permit Need

- a. **DPN # 2019-11-22-** 10 Hazard Avenue aka 50 Hazard Avenue- Determination of Permit Need for an outparcel at Brookside Plaza for the construction of a single story +/- 3,230 square-foot Chase Bank with a drive thru ATM, associated utility infrastructure, site lighting, landscaping, paved parking, and driveway revisions within the 100-foot upland review area; Equity One (Northeast Portfolio) c/o Joanna Rotonde, Owner; Nate Kirschner, Applicant; Map 056/ Lot 0022; Business Regional (BR) Zone. **APPROVED December 3, 2019.**

Ms. Ocasio stated that the Commission had authorized agent approval in cooperation with town departments, and the applicant had received their PZC approval as well.

- b. **DPN # 2019-12-23-** 39 Hazard Avenue- Determination of Permit Need application for the demolition of an existing restaurant building and the construction of a 6,986 sq. ft. new retail/restaurant building with drive thru, the installation of an underground 100' Twin 36" floodplain volume compensation tanks and a 1,000 gallon grease trap; LEO BHW LTD, LLC, and UDOLF Properties, Owner; Paramount Newco Realty c/o Eric Kelly, Applicant; Map 056/ Lot 0002; Business Regional (BR) Zone. (DoR: 01/07/20; CDD: 03/03/20).

Commissioner Zorda asked what is being put into the space, to which Ms. Ocasio replied that there are three tenants: two restaurants and one retail store. Ms. Ocasio stated that the applicant had provided a supplemental narrative as well as a CRCOG map.

Commissioner Zorda stated that the applicant is proposing flood tanks but may not need them. Ms. Ocasio explained that they wanted to show that there is enough room onsite to compensate for flooding and they want to start moving on the project soon.

Commissioner Smith stated that given the location and how long it has been developed, nothing they are going to do will change what is there so the Commission should authorize agent approval.

Ms. Ocasio went over the various Department comments pertaining to this application.

**Motion:** Commissioner Zorda made a motion, seconded by Commissioner Smith, to authorize administrative approval for DPN #2019-12-23 in cooperation with other Town Departments.

The motion passed with a 5-0-0 vote.

### REFERENCE PLANS

1/13 "Proposed Retail/ Restaurant at Enfield Commons", 39 Hazard Avenue, Enfield, CT 06082; Coversheet with Location Map, Development Team, List of Drawings; Scale: None; Prepared by F.A. Hesketh & Associates, Inc. 3 Creamery Brook East Granby, CT 06026. Prepared for Paramount Newco Realty 1195 Route 70 Suite 200 Lakewood, NJ 08701. Dated December 24, 2019.

2/13 "Master Plan" – Scale: 1" = 60'

3/13 "Layout Plan" – Scale: 1" = 10'

4/13 "Landscape Plan" – Scale: 1" = 10'

5/13 "Landscape Schedule, Details and Notes" – Scale: No Scale

6/13 "Grading, Drainage, SE&SC, and Utility Plan" – Scale: 1" = 10'

7/13 "Details" – Scale: NTS

8/13 "Details" - Scale: NTS

9/13 "Details" - Scale: NTS

10/13 "Notes" – Scale: NTS

11/13 "Limited Topographic Survey" – Scale: 1" = 20'

12/13 "Preliminary Plan", 39 Hazard Avenue, Enfield, CT 06082; Scale: As Noted; Prepared by NI Design 11 Talcott Notch Road Farmington, CT 06032 and Charles Georgie Associates Architects & Engineers, LLC 365 New Haven Avenue., Ste. 4 Milford, CT 06460; Prepared for Paramount Newco Realty 1195 Route 70 Suite 200 Lakewood, NJ 08701. Dated December 10, 2019; Revised to December 20, 2019.

13/13 "Preliminary Front and Rear Elevation"- Scale: As Noted

14/14 "Preliminary Side Elevations" – Scale: As Noted

**DATED** this day 21<sup>st</sup> day of January 2020.

**Votes: 5-0-0**

#### **Agent Approval Authorization**

Chairman Corbin-Sobinski read through the following approved Authorized Agent Approval requests:

- a. **XIW # 19-09-** 0 Park Street- Authorized Agent Approval request for the installation of a new catch basin to alleviate the stormwater runoff concern of freezing water/ponding over the road during the winter months; Town of Enfield, Owner/Applicant; Map 093/ ROW; Industrial 1 (I-1) Zone. **APPROVED October 25, 2019.**
- b. **XIW # 19-10-** 0 Main Street- Authorized Agent Approval request for the excavation of five (5) locations for artifacts within the 200-foot upland review area and minor vegetation clearing in the vicinity leaving the tree stumps, if required to cut down a tree; Town of Enfield, Owner/Applicant; Map 008/ Lot 0029, Map 024/ Lot 0050, Map 024/ Lot 0048, and Map 024/ Lot 0161; Thompsonville District 4 (TD-4) and Thompsonville District 1 (TD-1) Zones. **APPROVED October 25, 2019.**

- c. **AAA # 122- 55 Hazard Avenue-** Authorized Agent Approval request for the CT DOT issued Notice for the rights to maintain and the emergency repair of a drainpipe that runs northerly to Freshwater Brook within the 200 foot upland review area and for the clearing of debris and vegetative growth from the outlet with approximately +/- 122 cubic yards of fill removed; 55 Hazard Avenue Associate, LLC, Owner; Allan Borghesi, Applicant; Map 056/ Lot 0005; Business Local (BL) Zone. **APPROVED October 31, 2019;**

Ms. Ocasio stated that they are looking to start some of the clearing mid-February.

- d. **AAA# 123- 279 & 281 Abbe Road-** to allow for the landscaping, minor clearing, minor grading, and minor expansion of driveways within the 100 foot upland review area; Daniel Spazzarini, Owner/Applicant; Map 086 / Lot 0269 and Map 086 / Lot 0270; Residential 44 (R-44) Zone.

Commissioner Higley stated that there is nothing in the explanation that says it is for a garage and mud room. Ms. Ocasio stated that it is outside of the wetlands limit so that is more of a zoning issue.

Commissioner Zorda asked if the property is actually in the upland review area. Ms. Ocasio utilized the map to show exactly where it is located.

Discussion took place regarding the maps provided by the applicant and what size maps the Commissioners would like to see in the future. Commissioner Zorda stated that the building is right on the 100 foot upland review, so he is concerned about where the temporary storage of soil is going to be. Mr. Rachele stated that they had asked about this and are currently waiting for an answer.

**Motion:** Commissioner Smith made a motion as amended, seconded by Commissioner Zorda, to authorize administrative approval for AAA# 123.

Commissioner Higley stated that this parcel was brought before the Wetlands Commission years ago and was denied. She stated that in the future she will not be voting without maps in the packets. Commissioner Howe agreed with Commissioner Higley regarding the maps in the packets.

The motion passed with a 5-0-0 vote.

#### **REFERENCE PLANS**

1/1 "Proposed Garage and Mud Room Addition, 281 Abbe Road, Enfield, Connecticut 06082", Plot Plan with Map References, Notes, Legend, Survey and Map Information and Zoning Information; Scale: 1" = 20'; Prepared by J.R. Russo and Associates, LLC., 1 Shoham Road, East Windsor, CT 06088; Prepared for Daniel Spazzarini, 281 Abbe Road, Enfield, CT 06082. Dated December 24, 2019.

**DATED** this day 21<sup>st</sup> day of January 2020.

**Votes: 5-0-0**

**Extension Request Authorization**

- a. **IW# 592** – 143, 145, 147, 149, 153 Elm Street and Map 57 Lot 72 Carol Street – Application for the construction of eight (8) new buildings comprising of 65,227 sq. ft. of development with associated parking of 333 spaces; Henry R. Bissonnette, Owner; Enfield Properties, LLC, Applicant; Map 057// Lots 0112, 0113, 0114, 0115, 0116, and 0072; Business Local (BL) and Residential 33 (R-33) Zones. **AMENDED EXTENSION REQUEST to MAY 1, 2020.**

Commissioner Higley asked how many extensions an applicant can have in Wetlands, to which Ms. Ocasio replied that technically they have a year.

**Motion:** Commissioner Zorda made a motion, seconded by Commissioner Higley, to grant the extension request to file the Wetland's Permit for IW # 592 until **May 1, 2020.**

The motion passed with a 5-0-0 vote.

**Votes: 5-0-0**

#### **Enforcement Report(s)**

- a. **348 Hazard Avenue-** Notice of Violation of the Inland Wetland & Watercourses Regulations regarding the violation of Section 6.1, 6.2, and 6.3- Regulated Activities to be Licensed for the cutting of trees, excavation, landscaping and the parking of commercial vehicles within the designated wetland area and in proximity to a brook; Christine A. Alaimo- Trustee and 348 Hazard Avenue, LLC c/o Matthew Deroma, Owner; Map 083 / Lot 0263; Hazardville Design District Business Local (HVBL) Zone.

Mr. Rachele stated that he had spoken to Mr. Alaimo, and Mr. Deroma is present this evening. He stated that a Cease & Desist (C&D) was sent out, but in that time the property was sold to Mr. Deroma. He explained that due to the Commission missing meetings and problems with weather, he revoked the C&D in order to get the involved parties before the Commission to solve the issue. Mr. Rachele went over the photos contained within the Zoning Enforcement Report.

Mr. Rachele stated there is a landscaping company out of Massachusetts leasing the property for vehicle storage and Mr. Deroma is here tonight to try to correct the situation before there is any further damage to the property.

Mr. Rachele stated that Mr. Alaimo had entered into a long-term lease with this landscaping company, and Mr. Deroma bought the property and inherited this lease.

Matthew Deroma addressed the Commission. Commissioner Higley asked what he is going to do with the property, to which Mr. Deroma replied that he is moving his comic book shop to this location. Mr.

Deroma stated that he does not have a copy of the lease and was supposed to receive it at closing but did not.

Mr. Rachele stated that the landscaping use is not allowed there.

Commissioner Zorda asked if there is any dumping going on, to which Mr. Rachele replied that the property has been cleaned out.

Mr. Rachele stated that Mr. Alaimo is unwell and could not attend the meeting but he would like to correct the situation.

Mr. Deroma asked if the landscaping trucks can park on the street. Mr. Rachele stated that they cannot park on the street and cannot be parked in the area by the brook. Mr. Deroma asked about the school across the street with the parking lot, to which Mr. Rachele replied that storage of vehicles is not allowed in that zone at all.

Commissioner Smith asked where exactly the wetlands are located, to which Mr. Rachele replied that they are located in the entire rear of the property. Mr. Rachele pointed out on map the exact location of the wetlands area.

Mr. Rachele stated that Mr. Deroma and Mr. Alaimo are both amicable to try to rectify the situation.

Commissioner Zorda stated that the use is not under the Commission's purview but perhaps they are amenable to planting some trees.

Commissioner Zorda asked if there is any erosion, to which Mr. Rachele replied that there were many trees cut down and there is really no vegetation left on the property anymore.

Commissioner Howe stated that the Commission should look at the property again late spring, to which Mr. Rachele agreed, depending upon precipitation.

The Commission thanked Mr. Deroma for attending the meeting.

**Motion:** Commissioner Howe made a motion, seconded by Commissioner Higley, to AFFIRM PARTLY & TO REVISE THE ORDER THAT REMAINS IN EFFECT: 348 Hazard Avenue- Cease & Desist Order of the Inland Wetland & Watercourses Regulations regarding the violation of Section 6.1, 6.2, and 6.3- Regulated Activities to be Licensed for the cutting of trees, excavation, landscaping and the parking of commercial vehicles within the designated wetland area and in proximity to a brook; Christine A. Alaimo- Trustee, Owner; Map 083/Lot 0263; Hazardville Design District Business Local (HVBL) Zone with the following modifications: Applicant shall replant the cut down trees within the wetland area, applicant

shall install a staked haybale berm along the waterway, and Staff shall conduct a site visit during the spring.

The motion passed with a 5-0-0 vote.

**Votes: 5-0-0**

- b. **IW# 569-** 146 South Road - wetlands permit for various activities related to the agricultural activities, retail nursery, and landscaping services uses at 144 and 146 South Road; S& R Property, Applicant/Owner; Map 55/Lot 8 and Map 55/ Lot 6). – *Enforcement Officer Update.*

Mr. Rachele stated that he had taken enforcement during the summer through Zoning. He stated that the Wetlands Permit was included in the permit for Planning and Zoning. Mr. Rachele went over the violations such as no silt fences and equipment in the front parking lot. He stated that the individual never requested a hearing so the fines are before the Town Manager's Office at this time and the issue will have to be sent through the courts now.

Commissioner Higley stated that the court is a good tool to protect the property from any further damage.

**Motion:** No Motion, Action, or Votes were taken.

Chairman Corbin-Sobinski stated that she wanted to add an email from Commissioner Zorda to Powder Hill Sand & Gravel to the agenda under this section.

Mr. Rachele explained that DEEP was called and issued a C&D to Powder Hill Sand & Gravel. He stated that that their attorney and the Town Attorney had met, and the issue is still pending.

Mr. Rachele stated that he and the Town Attorney attended a hearing at the New Britain Court last week regarding 117 North Street. He stated that the judge gave him 45 days to start the application process, and after that they will proceed with the courts.

Commissioner Zorda stated that there was talk of putting in a solar farm, and the property would have to be remediated prior. Mr. Rachele stated that it is on hold for now due to some complications with the town.

**Report of Planning Staff**

Ms. Ocasio stated that she had received her Zoning Enforcement Certification and Ms. Pacacha had received her AICP certification.

**Adjournment**



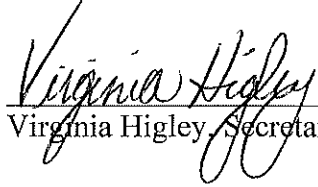
**Motion:** Commissioner Higley made a motion, seconded by Commissioner Howe, to adjourn.

The motion passed with a 5-0-0 vote.

**Votes: 5-0-0**

Prepared by: Elizabeth Bouley, Recording Secretary

Respectfully Submitted,

  
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Virginia Higley, Secretary