

MINUTES
ENFIELD INLAND WETLANDS AND WATERCOURSES AGENCY
TUESDAY, FEBRUARY 1, 2022 – 7:00PM
REGULAR MEETING
Enfield Town Hall – Council Chambers
820 Enfield Street, Enfield, CT 06082

RECEIVED
ENFIELD TOWN CLERK
2022 FEB -2 AM 10:42
Sharon M. Bileg

Call to Order

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

Roll Call

Commissioner Higley took the roll and present were Chairman Donna Corbin-Sobinski, Commissioners Kevin Zorda, Virginia Higley and Robert Hendrickson. Absent was Commissioner Carrie Howe.

Also present were Laurie Whitten, Director of Development Services and Georgianna Driver, Assistant Town Planner.

Public Participation

Chairman Corbin-Sobinski asked three times if anyone in the public would like to speak about items not on the agenda; no one came forward.

Correspondence

Chairman Corbin-Sobinski stated that they received a new Commissioner List.

Approval of Minutes: January 18, 2022

Motion: Commissioner Zorda made motion, seconded by Commissioner Higley, to approve the minutes from the January 18, 2022 meeting as amended.

Commissioner Zorda stated that it should say Special Meeting and not Regular Meeting.

The motion passed with a 4-0-0 vote.

Votes: 4-0-0

Town Attorney Report: January 26, 2022.

Chairman Corbin-Sobinski stated that the Commission had received this report.

Old Business

- a. **IW# 641- 25 and 35 Bacon Road-** Application for a Wetlands Permit to construct a distribution center with associated site improvements to the rear of 25 Bacon Road (Lot 94-65); Adam Winstanley, Applicant; WE 35 Bacon Road, LLC; Owner; Map 94/Lot 65 and Map 95/Lot 5; I-1 Zone. (DoR: 12/21/21)

Chairman Corbin-Sobinski stated that they have to make a decision either tonight or by the next meeting on February 15, 2022.

Ms. Driver provided a quick synopsis about the application. She stated that the Commission has reviewed statements from the public as well as letters that were received during the Public Hearing and all relevant documents. She stated that the Wetlands Commission regulations are different from the Planning and Zoning Commission (PZC) in that letters do not need to be read in full, but the Commission did review them all.

Ms. Driver stated that the applicant provided four different proposals for the site, none of which had prudent and feasible alternatives. She stated that the applicant has been working to develop the site and accommodate the wetland systems since 2016. She stated that the Army Corp of Engineers has determined that the agricultural man-made pond is not a federal jurisdictional wetland. Ms. Driver described what was found in the soil report in terms of the wetlands and how the plan will minimize impacts to wetlands.

Chairman Corbin-Sobinski stated that the Commission is not allowed to look at the emails they received after the Public Hearing. She read the names of the people who sent the emails and the dates they were forwarded.

Commissioners Zorda, Higley and Hendrickson stated that they also received emails regarding this application and deleted them.

Motion: Commissioner Zorda made a motion, seconded by Commissioner Hendrickson, to approve IW# 641 as amended.

Commissioner Zorda listed the following reasons for approval:

1. A feasible and prudent alternative does not exist
 - The applicant provided convincing documentation that no change in size of the footprint or location of the footprint would decrease the impact to surrounding wetlands
 - No alternative proposal is feasible in which the four concept plans required wider access from Bacon Road which would impact Freshwater Brook to the east and require the removal of mature trees that currently buffer the site from adjacent neighborhoods
 - By filling in the man-made pond, impacts to natural wetlands on the site are significantly minimized
 - The development proposal avoids impacting existing mature tree lines and adjacent natural habitats
2. After duly considering all relevant factors and public concerns in the record, the following has been concluded:
 - There will be minimal adverse wetlands impact which will be mitigated by the use of sedimentation and erosion controls
 - The state natural diversity database areas map for Enfield shows that the endangered and threatened species' wildlife habitats are off the subject property

- The site development proposal reduces impact associated with storm water volume and pollutant loads from pre to post development
- The applicant provided convincing documentation that the development plan of 35 Bacon Road minimizes impacts to higher value wetlands and supports infrastructure to the lower value drainage swales that were previously constructed as part of the Hallmark facility at 25 Bacon Road
- There is no direct impact to the adjacent lake communities
- The wetlands will be enhanced by the creation of new wetland areas
- Storm drainage maintenance will be performed as stated on the record by the applicant

Commissioner Zorda stated that according to the regulations they may not deny or condition permits based on impacts to aquatic plants and wildlife outside wetlands and watercourses without evidence of likely impact or effect to the physical characteristics of such wetlands or watercourses.

Commissioner Higley stated that the plan has met the wetlands criteria.

Chairman Corbin-Sobinski stated that runoff from the building will go to the storm water management system where it will be cleaned and processed before going into the ground water. She stated that the system will be maintained and the reports will be sent to the town. Chairman Corbin-Sobinski stated that the property is not on an aquifer and there is no protection for the species from the DEEP map. She stated that pesticides and chemical use is prohibited for the property, which will be part of the permit as a condition.

Chairman Corbin-Sobinski stated that they do not have to do site walks. She stated that the Commission can hire soil scientists and other specialists as an agency if they feel the need. Chairman Corbin-Sobinski stated that the applicants took their time to come up with reasonable solutions to have minimal impacts to the wetlands and leave the trees along the edges in place.

Chairman Corbin-Sobinski stated that she would like to add the following conditions:

- The storm water maintenance information gets sent to the town on a regular basis
- The pesticides, sodium chloride, rock salt and glycol use is prohibited per property maintenance agreement
- The applicants should come back before the Commission prior to adding any additional parking or doing anything else the PZC comes up with that may impact the wetlands

The motion passed with a 4-0-0 vote.

Votes: 4-0-0

Chairman Corbin-Sobinski thanked the public for sharing their opinions and the Commission called a brief recess.

- b. **IW# 636- 59 Cottage Road-** Application for a Wetlands Permit to replace the sea wall; David Vesce, Owner/Applicant; Map 80, Lot 180; R-33 Zone. (DoR: 9/21/21)

Chairman Corbin-Sobinski stated that they received a request for an extension. Ms. Driver stated that this is his second extension request, which is valid.

Motion: Commissioner Zorda made a motion, seconded by Commissioner Higley, to accept the extension for IW# 636.

The motion passed with a 4-0-0 vote.

Votes: 4-0-0

- c. **POCD:** Implementation Strategies Review

Chairman Corbin-Sobinski stated that this had been tabled; the Commission agreed to keep it tabled.

New Business

- a. **IW# 647- 1700 King Street-** Wetlands Application to correct a violation within the escarpment area; Ignacio Carballo, Owner/Applicant; Map 14/Lot 27; R-33 Zone.

Ignacio Carballo addressed the Commission along with his brother, William Carballo.

Ms. Driver provided a review of the application, stating that the applicant's plan of correction includes silt fencing and removal of all of the debris. She stated that a new fence will be installed and grass seed spread in the area of disturbance. Ms. Driver stated that the Engineering Department recommends an as-built survey following the project to ensure that all encroachments have been removed. She stated that the three recommended site specific conditions are for silt fencing to be installed prior to the start of the project, an as-built to be submitted upon completion of the project, and proof of restoration to be submitted to the Commission within a year of approval.

Commissioner Hendrickson asked for confirmation that the fence will be one foot closer onto the property, which Ms. Driver confirmed to be the case.

Mr. William Carballo asked what kind of grass the Commission is looking for. Commissioner Zorda stated that conservation grass is best.

Commissioner Zorda asked if the property owner that was encroached upon is ok with the plan. Ms. Driver stated that she is not sure.

Chairman Corbin-Sobinski asked if the applicant needs permission to go onto their property, to which Ms. Driver replied that he may and she will call them tomorrow and contact the Zoning Enforcement Officer to see where that stands.

Commissioner Higley asked when this is going to start, to which Mr. William Carballo replied that it will start as soon as the Commission approves it. Ms. Driver stated that he should wait until he receives the actual permit, as there is a 15 day appeal period following all decisions.

Motion: Commissioner Zorda made a motion, seconded by Commissioner Hendrickson, to approve IW# 647 with the three previously-discussed site specific conditions as well as a fourth condition that no work will start until the owner who was encroached upon is contacted.

Ms. Driver recommended that the applicant install the silt fencing immediately

The motion passed with a 4-0-0 vote.

Votes: 4-0-0

- b. **DPN# 2022-01-04A (IW# 642)- 147 Abbe Road-** Determination of Permit Needed for the removal of soils to allow trenching for the installation of irrigation pipelines within the regulated areas; Jarmoc Real Estate LLC, Owner; Owen Jarmoc, Applicant; Map 85/Lot 16; R-44 Zone

Attorney Derek Donnelly addressed the Commission along with applicants Steve and Owen Jarmoc. Mr. Donnelly stated that he would like to speak about the applications generally prior to going into specifics.

Chairman Corbin-Sobinski requested that he include some specific information in his overview, including: how the trenching and backfilling is going to happen, where the wetlands and regulated areas are located, how many trees will be removed and where they are located, where the diesel pumps will be located and what will be done if there is any spillage/leakage in the regulated areas.

Mr. Donnelly submitted paperwork to the Commission and provided a brief history of Jarmoc Farms. He stated that all of the projects involve pipe being buried directly underneath existing farm roads, and there will be access hydrants. Mr. Donnelly stated that there is no tree clearing or cutting of trees involved as part of this project.

Mr. Donnelly stated that there is minimal disturbance to the wetland area where the pipe connects to the water. He stated that there are no offsite soils, no disruption to the water source, and no change in the actual wetland area other than to bury the pipe.

Mr. Donnelly stated that the Abbe Road project does not cross any upland review area other than the pump itself. He stated that this is an as of right agricultural use, and went over the written statutes included in his submitted documents. Mr. Donnelly stated that they fit within the definition of farming.

Mr. Donnelly went over the proposed project description for 147 Abbe Road. He stated that the hydrant locations are noted on the map.

Commissioner Zorda stated that the new building the applicant put up is beautiful and asked if it is a hangar. Mr. Jarmoc stated that it is a storage building. Commissioner Zorda stated that any significant rain often results in erosion from the field into the road, and asked if this will help that to some degree. Mr. Owen Jarmoc stated that they can do minor re-grading along the road where the pipeline is installed to help with that issue.

Chairman Corbin-Sobinski asked if they will continue to use the pond, to which Mr. Owen Jarmoc replied that this is where the pump will be located.

Mr. Donnelly stated that the installation for 128 Moody Road will again include the trench excavation, burying of pipe, and backfilling. He stated that the map delineates where everything is, and the pump will be located at the existing farm pond.

Mr. Donnelly reiterated that there will be no tree cutting associated with the project.

Mr. Donnelly stated that everything for 24 Charnley Road/Still Lane is on the map and the area is a bit larger.

Ms. Whitten stated that most of these activities are exempt. She asked how there will be no tree-cutting if the plan shows the lines going through the forest. Mr. Owen Jarmoc stated that there are existing farm roads there and pointed out where they are located on the map.

Mr. Donnelly stated that 46 Grant Road is very similar and also has existing farm roads. Mr. Owen Jarmoc stated that the road is mostly an ATV trail.

Ms. Whitten asked about the location of the existing irrigation, to which Mr. Owen Jarmoc replied that it is temporary pipe laid over the ground.

Ms. Driver read aloud the Department comments for 147 Abbe Road. She stated that they are missing site plans which are required by the regulations.

Mr. Donnelly stated that they are requesting the site plan requirement to be waived as it is an as of right use and that is a pretty expensive endeavor in order to just bury some pipe. Chairman Corbin-Sobinski stated that they can do that. Mr. Owen Jarmoc stated that they will be using an existing pipe going underneath Abbe Road so there will be no excavation of Abbe Road.

Chairman Corbin-Sobinski stated that the applicant still has to complete the application, to which Ms. Driver replied that they can waive the site plan requirement.

Motion: Commissioner Zorda made a motion, seconded by Commissioner Hendrickson, that they determine there is no permit needed for DPN# 2022-01-04A (IW# 642) as amended.

The motion passed with a 4-0-0 vote.

Votes: 4-0-0

- c. **DPN# 2022-01-04C (IW# 644)- 128 Moody Road-** Determination of Permit Needed for the removal of soils to allow trenching for the installation of irrigation pipelines within the regulated areas; 128 Moody Road LLC, Owner; Owen Jarmoc, Applicant; Map 93/Lot 5; I-1 Zone.

Ms. Driver read aloud the comments from the Traffic Department. She stated that the person who did the applicant's diagrams emailed her a site plan for 128 Moody Road already in progress and she has not heard where it stands currently. Mr. Owen Jarmoc stated that it is not a site plan but rather is engineered specs on the discharge hydrant and there is no A2 survey completed. Ms. Driver stated that it does include the measurements of the pipe that the Engineering Department would need. Mr. Owen Jarmoc stated that it is all 6" pipe.

Chairman Corbin-Sobinski suggested that they have them give the Commission updated documentation, to which Ms. Driver replied that they can make it a condition of approval to submit the plans when they are finished. Mr. Owen Jarmoc stated that they are willing to submit a new narrative.

Ms. Driver stated that she recommends for the record that they mention they are waiving the requirements of Section 8.9.

Motion: Commissioner Zorda made a motion, seconded by Commissioner Hendrickson, that they determine there is no permit needed for DPN# 2022-01-04C (IW# 644) and they are waiving section 8.9.

The motion passed with a 4-0-0 vote.

Votes: 4-0-0

- d. **DPN# 2022-01-04B (IW# 643)- 24 Charnley Road/Still Lane-** Determination of Permit Needed for the removal of soils to allow trenching for the installation of irrigation pipelines within the regulated areas; Jarmoc Farms LLC Owner; Owen Jarmoc, Applicant; Map 108/Lot 4, Map 103/Lot 46, Map 103/Lot 47, Map 108/Lot 21; R-44 Zone

Ms. Driver stated that the address on the application is 24 Charnley Road and the Assessor's Office has it as Still Lane. She read aloud the Department comments she received.

Motion: Commissioner Zorda made a motion, seconded by Commissioner Hendrickson, that they determine there is no permit needed for DPN# 2022-01-04B (IW# 643) and they are waiving section 8.9.

The motion passed with a 4-0-0 vote.

Votes: 4-0-0

- e. **DPN# 2022-01-04D (IW# 645)- 46 Grant Road-** Determination of Permit Needed for the removal of soils to allow trenching for the installation of irrigation pipelines within the regulated areas; Grant Road Farm LLC, Owner; Owen Jarmoc, Applicant; Map 87/Lot 152; R-88 Zone.

Ms. Driver read aloud the Department comments she received.

Motion: Commissioner Zorda made a motion, seconded by Commissioner Hendrickson, that they determine there is no permit needed for DPN# 2022-01-04D (IW# 645) and they are waiving section 8.9.

The motion passed with a 4-0-0 vote.

Votes: 4-0-0

- f. **DPN# 2022-01-04E (IW# 646)- 131 Town Farm Road-** Determination of Permit Needed for the removal of soils to allow trenching for the installation of irrigation pipelines within the regulated areas; 131 Town Farm Road, Owner; Owen Jarmoc, Applicant; Map 89/Lot 30; R-88 Zone.

Ms. Driver stated that she did not receive any Department comments about this one.

Motion: Commissioner Zorda made a motion, seconded by Commissioner Hendrickson, that they determine there is no permit needed for DPN# 2022-01-04E (IW# 646) and they are waiving section 8.9.

The motion passed with a 4-0-0 vote.

Votes: 4-0-0

Chairman Corbin-Sobinski stated that they need to amend the motion for DPN# 2022-01-04A (IW# 642) to include that they are waiving section 8.9. Ms. Driver stated that the farm on Parson Road may come back before the Commission in the future.

Enforcement Report(s)

Commissioner Hendrickson asked if the silt fencing on the Liquore property was replaced immediately as requested. Ms. Whitten stated that it was not and to the best of her knowledge still has not been done. She stated that there was also additional dumping which was reported to the attorney and is being addressed in the courts. Commissioner Higley asked if there is any fine associated with the violation, to which Ms. Whitten replied that it is up to the court

Report of Planning Staff

Ms. Driver stated that they added three questions to the applications and will need the Commission's approval. She read the new questions added.

Motion: Commissioner Zorda made a motion, seconded by Commissioner Higley, to accept the application as amended.

The motion passed with a 4-0-0 vote.

Votes: 4-0-0

Commissioner Corbin-Sobinski asked if 52 South Road is supposed to remove stuff, to which Ms. Driver stated that they had mentioned returning it but she did not follow up with them. Ms. Driver stated that it is outside of the upland review area, and she does not know what is currently there.

New Applications to be Received

Chairman Corbin-Sobinski read through the following applications to be received:

- a. **XIW# 648- 558 Enfield Street-** Wetlands Application for site upgrades at the Grape Brook Pump Station; Donald Nunes, Applicant Representative; Town of Enfield, Applicant/Owner; Map 33/Lot1; R-33 Zone.
- b. **XIW# 649- Orlando Drive over Beeman's Brook-** Wetlands application for a culvert restoration project; John Cabibbo, Applicant Representative; Town of Enfield, Applicant/Owner; R-33 Zone

Adjournment

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

The motion passed with a 4-0-0 vote.

Votes: 4-0-0

Prepared by: Elizabeth Bouley

Respectfully Submitted,

Virginia Higley, Secretary