

MINUTES
ENFIELD INLAND WETLANDS AND WATERCOURSES AGENCY
TUESDAY, MARCH 15, 2022 – 7:00PM
REGULAR MEETING
Enfield Town Hall – Council Chambers
820 Enfield Street, Enfield, CT 06082

RECEIVED
ENFIELD TOWN CLERK
2022 MAR 16 AM 9:11
Sheila M Bailey

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, Carrie Howe, Nancy Martin, Robert Hendrickson, Anne Collins, and Alternate Commissioner Phil Kober. Absent was Alternate Commissioner Sean Deane.

Also present were Ricardo Rachele, Zoning Enforcement Officer and Georgienna Driver, Assistant Town Planner.

Public Participation

Chairman Corbin-Sobinski asked three times if anyone in the public would like to speak; no one came forward.

Agent Comments

Chairman Corbin-Sobinski reminded the Commission about ex-parte communication, stating that they should not be talking about agenda items in public. Commissioner Howe stated that this also goes for social media. Commissioner Zorda stated that this also includes visiting sites.

Chairman Corbin-Sobinski stated that there was an online CAWS meeting on March 9, 2022. She stated that they talked about vernal pool visits. Commissioner Higley stated that Commissions can go out and look at vernal pools and get them added to the website.

Chairman Corbin-Sobinski welcomed Alternate Commissioner Kober to the Commission.

Correspondence

a. DEEP Applications

Chairman Corbin-Sobinski asked the Commissioners to review the Commissioners List and Contact Information sheet.

Chairman Corbin-Sobinski stated that they received some paperwork from DEEP. Ms. Driver stated that there were two applications for the use of pesticides in state waters. She stated that one is Crescent Lake and the other is St. Joseph's Pond.

Approval of Minutes: March 1, 2022

Motion: Commissioner Zorda made motion, seconded by Commissioner Hendrickson, to approve the minutes from the March 1, 2022 meeting as amended.

Commissioner Kober stated that the minutes do not say what time the meeting adjourned. Chairman Corbin-Sobinski stated that it was 8:01.

The motion passed with a 7-0-0 vote.

Votes: 7-0-0

Motion: Commissioner Zorda made a motion, seconded by Commissioner Howe, to move Old Business to #13 on the agenda and move Enforcement Reports to #11.

The motion passed with a 7-0-0 vote.

Votes: 7-0-0

Enforcement Report(s)

- a. 174/130 Shaker Road

Attorney George Schober of Somers addressed the Commission on behalf of Joseph Raschi, who he stated is the owner of 174/130 Shaker Road. He stated that there is only an enforcement report on 174 at this point, and this is his client's place of residence. Mr. Schober stated that this land has been in his client's family and continuously farmed in some manner since the early 1900's.

Mr. Schober explained that Freshwater Brook is close to the property, and added that the state re-did the bridge on Shaker Road and the brook was redirected. Mr. Raschi explained that there used to be a pipe at an angle under the road, and when they put the culvert in they straightened it out to go directly across the road. He stated that the water flow changed and they never said anything about it since it was not on their property.

Mr. Schober stated that his client is harvesting timber there, and a lot of the timber is coming from 130 Shaker Road and being brought to 174 for processing. He stated that this is an agricultural extension, and the Commission would normally receive an application and determine if it is exempt under the statute, so that is what they would like to do.

Mr. Schober stated that his client was also issued a Notice of Violation for running the firewood operation that he has been running for years. He stated that this is an allowed activity and they are going to put together a Special Use Permit for approval from the Planning & Zoning Commission (PZC).

Commissioner Howe asked if anything is being harvested off of 174, to which Mr. Raschi replied that it is not. He stated that in 50 years no one brought it to their attention that they needed permits, as they always considered it a farm, until he received the letter in the mail. Commissioner Howe stated that ignorance of the law is no excuse. Mr. Raschi stated that they have been doing this for many years since he was a child, to which Commissioner Howe replied that there were no wetlands regulations back then.

Mr. Rachele stated that the depositing of materials and machinery will need to be addressed with a site plan showing where these activities will be taking place. Mr. Rachele stated that they also need to take into consideration that most of the property is in the flood plain.

Mr. Schober stated that there is a sewer easement along the side of the property which cuts across the back of the property as well. He stated that the wetlands on the property are not pristine, as they have been dug up for the sewer and filled with sand. Mr. Schober stated that it is not much of a functioning wetland. Commissioner Howe suggested that he retain a soil scientist to provide the Commission with a formal opinion, and that he submit an application for revision of the wetlands map. Mr. Schober stated that they are trying to keep it simple and cost-efficient, and that his client is not looking to expand over any more than what he has been doing for the last fifty years.

Commissioner Zorda stated that there appears to be large piles in the Google Earth photos, and asked if they are mulch or soil. Mr. Raschi stated that this is not his property, and pointed out some logs that are on his property.

Mr. Rachele stated that with the existence of Freshwater Brook it comes under the 200 foot purview. He stated that the previously-discussed easement was granted in June of 1980 between the town of Enfield and the previous owners John and Stella Pollack.

Mr. Raschi asked if wetlands is the same as the hundred year flood plain, to which Commissioner Higley replied that it is not. Commissioner Zorda stated that the soil type determines what is a wetland in Connecticut. Mr. Raschi stated that it has always been farmland.

Commissioner Zorda brought up the issue of them bringing wood from another property onto the lot. Mr. Rachele stated that this is considered agricultural processing under the regulations, which is where the PZC Special Permit comes into play. Commissioner Howe stated that once it leaves one site and goes to another, it ceases to be an as of right activity and becomes a regulated activity.

Ms. Driver explained the map amendment process.

New Business

a. Informal Discussion: 289 Shaker Road

Timothy Coon of J.R. Russo & associates addressed the Commission as a representative of the Connecticut Green Bank and SunPower. He stated that they are looking to do four solar projects on Department of Corrections (DOC) land in Connecticut.

Mr. Coon utilized an overhead photograph of the property to illustrate the proposed solar array area. He explained where the transmission lines will be located as well as the locations of the two isolated wetlands identified onsite. Mr. Coon pointed out where they plan to trench across the driveway and then go overhead to minimize their wetland disturbance. He stated that they will use timber matting to protect the wetland and complete the transmission line.

Mr. Coon stated that the fenced area will be about 4.4 acres in total and described how much power will be generated. He stated that there is no tree clearing associated with the project and they will be utilizing the existing grades, which will eliminate the need to re-grade the site and minimize soil disturbance. Mr. Coon stated that they will put in a permanent gravel access road, and other than that it will just be trenching and construction of the storm water basins.

Mr. Coon pointed out the storm water management basins on the site plan and explained that they are maintaining the existing drainage patterns. He stated that the existing vegetation will stay in place and promote infiltration. He stated that it will be a much cleaner site when it comes to soil and erosion controls. Mr. Coon described the soil and erosion control measures they are utilizing, including the construction entrance, sediment barriers, and re-seeding of all disturbed areas.

Mr. Coon stated that they received favorable comments from DEEP and incorporated all of their suggestions into the plan. He stated that solar projects have specific setback requirements, and this project meets all criteria for that.

Mr. Coon stated that the project falls under the jurisdiction of the Connecticut Siting Council.

Chairman Corbin-Sobinski asked how much runoff is expected, to which Mr. Coon replied that there is not a significant increase in the runoff as a result of the panels. He explained the DEEP requirements in terms of the curve number in the new appendix, stating that there is a small increase in runoff based on this.

Commissioner Zorda stated that the retention ponds seem like a great opportunity to do some more creative things such as a rain garden. He stated that this will also create a buffer to Shaker Road, which may be more appealing. Mr. Coon stated that it is the intent for the basins to be infiltration basins, as they want to maintain it as a mowed field area.

Commissioner Collins asked what the soil classification is out there, to which Mr. Coon replied that he believes they are ninigrit soils. Commissioner Collins asked the approximate grade of the site, to which Mr. Coon replied that it is 8 to 10%.

Mr. Coon asked if the Commission would feel comfortable preparing a letter in support of the project for them to take to the Siting Council. Chairman Corbin-Sobinski stated that they can do this and thanked him for coming before the Commission. Commissioner Howe thanked him for coming before the Commission as a courtesy.

Old Business

a. POCD: Implementation Strategies Review

Ms. Driver read through the comments and ideas from the last meeting one by one to make sure everything was included that the Commission wanted. Commissioner Zorda suggested that they add maintaining professional developments for land use commissions and departments based on current trends and new technologies. He stated that they should also add keeping the regulations updated based on legislative changes.

Ms. Driver went over the map amendment process.

Commissioner Howe stated that she would like to reserve her comments until she gets a chance to review it, and it is not fair that this was waiting for them when they arrived at the meeting. Ms. Driver stated that it is not anything new, just the Commissioners' comments from the last meeting put on paper.

Commissioner Collins asked if the maps include the soil types, to which Ms. Driver replied that they do not require the exact soil types but it will be stated in the application and also on the USDA site. Commissioner Martin suggested that they put a link to the USDA site in the POCD.

Commissioner Zorda stated that they discussed comparing historical data and identifying how much wetlands they have lost, to which Ms. Driver replied that UCONN DEEP has already mapped this information out. Ms. Driver stated that they could also add climate change.

New Applications to be Received

- a. IW# 650- 43 Monroe Road-** Wetlands Application to install an in-ground pool with a surrounding patio in the upland review area; Matthew Hart, Applicant; Matthew Hart and Kimberly Andrews, Owner; Map 90/Lot 111; R-44 Zone.

Commissioner Howe asked if the map they received is the only map submitted, to which Chairman Corbin-Sobinski replied that it is. Chairman Corbin-Sobinski stated that the wetlands are not included in the map. Ms. Driver stated that it has been their past practice to accept maps from homeowners as long

as they are to scale. She stated that he is in the upland review area. Commissioner Zorda stated that he lives on the opposite end of Monroe Road and this has no impact on his property so he can make a non-biased decision. He stated that the property in question is in the middle of the development and previously disturbed. Commissioner Howe stated that she would like to see the outline of the entire property and not just cherry-picking the area that he would like them to see. Commissioner Martin stated that it is not cherry-picking and it is different for a resident to come before the Commission than a large company. Ms. Driver stated that they would not normally require a homeowner to hire a surveyor, to which Commissioner Howe replied that they can pull it up on GIS.

Adjournment

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

The motion passed with a 7-0-0 vote.

Votes: 7-0-0

Prepared by: Elizabeth Bouley

Respectfully Submitted,

Virginia Higley, Secretary