

ENFIELD AQUIFER PROTECTION AGENCY
SPECIAL MEETING
MINUTES

THURSDAY, November 18, 2021 – 6:15PM
ENFIELD TOWN HALL - COUNCIL CHAMBERS
820 ENFIELD STREET - ENFIELD, CT

RECEIVED
ENFIELD TOWN CLERK

2021 NOV 22 AM 10:12

Sheila M. Bailey

Call to Order & Pledge of Allegiance

Chairman Nelson called the meeting to order at 6:15 PM.

Roll Call

Commissioner Szewczak took the roll and present were Commissioners John Petronella, Richard Szewczak, Ken Nelson, Linda DeGray, Frank Alaimo, Virginia Higley and Alternate Commissioner Vinnie Grillo. Absent were Commissioners Kiran Majmudar, Nelson Correia and Mary Scutt.

Also present was Georgienna Driver, Assistant Town Planner.

Chairman Nelson seated Alternate Commissioner Grillo.

Approval of Minutes

Commissioner Higley made a motion, seconded by Commissioner Szewczak, to approve the minutes from October 28, 2021.

Commissioner DeGray stated that she watched both the APA and PZC meetings.

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

Votes: 7-0-0

Alternate Commissioner Majmudar entered the meeting.

Public Participation

Chairman Nelson asked if anyone in the public would like to speak; no one came forward.

New Business

- a. ARA#015-10 Lego Way - Renewal of Aquifer Registration for Harry Grodsky & Co., Inc., pipe manufacturing facility over the A45, A80, and A50 Aquifers; Rock Ridge Realty LLC, Owner; Scott Grodsky, Applicant; Map 75/ Lot 104; I-1 Zone

Ms. Driver stated that the applicant is not present. Commissioner Higley recused herself.

Ms. Driver stated that the applicants are here for an aquifer registration renewal for production and fabrication of metal products. She stated that the site inspection shows the facility to be clean and spacious with no violations detected onsite.

Chairman Nelson asked if they are currently expired, to which Ms. Driver replied that they did not register in 2018 because the application was never completed due to construction. Chairman

Nelson asked if they were ever registered, to which Ms. Driver replied that they were at one point until there was a property change of some sort and the registration expired during that time.

Chairman Nelson asked if there is any grandfather status, to which Ms. Driver replied that there is but because of the construction period she is not sure what transpired then. Chairman Nelson asked how long it has been since they expired. Ms. Driver stated that it has not been five years so they are still allowed within the five year forgiveness period. Ms. Driver explained that they had originally registered in 2008 and expired in 2013 before coming back in 2018 to re-do their registration. She stated that according to the minutes from 2018, they did not have the site inspection or the required materials that they do now, and were told that they should come back when construction is completed.

Chairman Nelson stated that all applications from this point forward should include past registrations along with the town's comments and expiration date.

Chairman Nelson asked if the Commission is ok moving forward without the applicant present; the Commission agreed that they are.

Motion: Commissioner Szewczak made a motion, seconded by Commissioner DeGray, to approve ARA#015.

The motion passed with a 6-0-0 vote.

Votes: 6-0-0

Chairman Nelson stated that Commissioner Higley had recused herself.

- b. ARA#016-318 Hazard Ave-Renewal of Aquifer Registration for Hazardville Motors over the A45/A80 Aquifers; Tony Dipace, Applicant/Owner; Map 83/Lot 269; HVBL Zone

Anthony DiPace addressed the Commission. He stated that this is the first time he was notified to renew his application since 2008. He stated that he had been hospitalized and Staff gave him an extension and helped walk him through the paperwork. Mr. DiPace stated that the shop is currently closed and he will probably be putting it up for sale as he has been declared disabled due to his health.

Mr. DiPace stated that he has owned the property since 1992 and they have never had a spill and never had to call CT DEEP.

Chairman Nelson stated that there is no second containment for waste oil, and requested that if the applicant opens again he remove the tank or put in a secondary containment. Mr. DiPace stated that they are not open for business and he is only servicing his own car and his son's car.

Chairman Nelson asked if the tank has been pumped recently, to which Mr. DiPace replied that it has and it is a fairly new tank. He stated that he would like to see it remain a repair shop.

Ms. Driver stated that if he does sell, the new owner will have to apply for a transfer of aquifer registration. She stated that the new owner will have a choice to keep the grandfathered status for the activities or choose not to renew. Ms. Driver stated that the building is very clean and there are no violations detected.

Motion: Commissioner Szewczak made a motion, seconded by Commissioner DeGray, to approve ARA#016 with the condition that the existing waste oil tank be removed or a secondary containment structure added at the time if the business reopens.

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

Votes: 7-0-0

- c. ARA#017-10 Lego Way- Aquifer Registration for Advanced Auto Parts over the A80 and A50 Aquifers; Rock Ridge Realty, LLC, Owner; Vanessa Landolina, Applicant; Map 75/ Lot 104; I-1 Zone

Ms. Driver asked if Alternate Commissioner Majmudar had been seated. Chairman Nelson replied that Alternate Grillo was seated.

Ms. Driver stated that the applicant is not present and asked if the Commission would like her to speak on their behalf. Chairman Nelson asked if there are any corrections or violations they need to address. Ms. Driver stated that they are a new business and occupy the other half of 10 Lego Way. She stated that the only violation she saw was that all three dumpsters were directly on top of their storm catch basins so she advised them to relocate the dumpsters. Ms. Driver stated that they sent photos and all of the violations have been corrected, so as of now there are no violations.

Motion: Commissioner Szewczak made a motion, seconded by Commissioner DeGray, to approve ARA#017 as amended with a condition of approval that the dumpsters are not located in the vicinity of the catch basins.

Chairman Nelson asked if there is a dumpster pad onsite. Ms. Driver stated that it is on top of pavement right now, and third party trucks come in and pick them up. Chairman Nelson asked if

it should be a condition of approval that they do not move those dumpsters back onto the catch basins, to which Ms. Driver replied that this would be a good idea.

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

Votes: 7-0-0

- d. ARA#018-12 Moody Road-Renewal of Aquifer Registration for Rich's Oil Service, Plumbing, Heating, and Air Conditioning over the A80 and A50 Aquifers; Rich Tkacz, Owner/Applicant; Map 75/Lot 32; I-1 Zone

Ms. Driver stated that the applicant is not present. Chairman Nelson asked if there are any violations, to which Ms. Driver replied that there are not. She stated that it was a past application from 2008 and the applicant was never properly notified of his registration expiring. Ms. Driver stated that the applicant is choosing to keep grandfathered the activity of oil or petroleum dispensing for the purpose of retail wholesale or fleet use.

Ms. Driver stated that currently the activity they are registering for is not being conducted as the trucks on the property are empty and come back to the property empty after being filled with oil and delivering the oil. She stated that no oil is being stored there currently. Chairman Nelson stated that at the last meeting they were told that any fleet with five or more vehicles must have paved surfaces. Ms. Driver stated that he only has three trucks and he parks them on the parking lot. Chairman Nelson stated that the parking lot is gravel and he has a lot more than three trucks.

Chairman Nelson stated that they need to set a precedent and cannot make one applicant do one thing and another do something different. Ms. Driver stated that this only applies to junk yards or properties with a lot of commercial vehicles, which she recently found out at a meeting with the state. She stated that when she was onsite she looked under the vehicles parked there and did not see any signs of oil contamination or dripping. She stated that when she was there she only saw three trucks, to which Chairman Nelson replied that she was there during the day.

Chairman Nelson asked what the definition of "a lot" is when it comes to a fleet. Ms. Driver stated that five or more are a fleet, to which Chairman Nelson replied that five vehicles does not constitute a junkyard. Ms. Driver stated that she did not get additional clarification on this so she cannot say anything else about it. Chairman Nelson asked if the parking needs to be paved or unpaved for five vehicles, to which Ms. Driver replied that she cannot answer this and it is up to the Commission to decide. Chairman Nelson stated that Ms. Driver had previously told them that five or more fleet vehicles must be on a paved parking lot. Ms. Driver stated that she does not know how this pertains to this application since the trucks come to the site empty. Chairman Nelson stated that they have to set standards and follow them to be fair to the public. Ms. Driver stated that the applicant has a paved parking lot and they can make it a condition of approval that

he park his trucks there, or they can table the application until she can find out the relevant information.

Commissioner Higley stated that she would rather table it for one meeting and get a definitive answer from Staff. Ms. Driver read through a portion of the legislation binder regarding this issue and stated that she can try to find some clarification on it. Chairman Nelson stated that the law says “many vehicles” so it is the Commission’s interpretation as to what this means. Ms. Driver recommended that the Commission table the application until she can clarify this. Chairman Nelson stated that he wants to see the law and not an interpretation from DEEP, which the Commission agreed with. Discussion took place regarding what is contained within the legislation binder.

Commissioner Alaimo asked if this issue is in the town regulations, to which Ms. Driver replied that it is in the state regulations. Chairman Nelson stated that they need clarification in the form of legislation so that everyone is treated the same way moving forward.

Motion: Commissioner Szewczak made a motion, seconded by Commissioner DeGray, to table ARA#018 until the next meeting on December 9, 2021.

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

Votes: 7-0-0

New Applications to be Received

Motion: Commissioner Szewczak made a motion seconded by Commissioner DeGray, to accept the following applications to be received:

- a. ARA#015-10 Lego Way - Renewal of Aquifer Registration for Harry Grodsky & Co., Inc., pipe manufacturing facility over the A45, A80, and A50 Aquifers; Rock Ridge Realty LLC, Owner; Scott Grodsky, Applicant; Map 75/ Lot 104; I-1 Zone
- b. ARA#016-318 Hazard Ave- Renewal of Aquifer Registration for Hazardville Motors over the A45/A80 Aquifers; Tony Dipace, Applicant/Owner; Map 83/Lot 269; HVBL Zone
- c. ARA#017-10 Lego Way- Aquifer Registration for Advanced Auto Parts over the A80 and A50 Aquifers; Rock Ridge Realty, LLC, Owner; Vanessa Landolina, Applicant; Map 75/ Lot 104; I-1 Zone
- d. ARA#018-12 Moody Road-Renewal of Aquifer Registration for Rich’s Oil Service, Plumbing, Heating, and Air Conditioning over the A80 and A50 Aquifers; Rich Tkacz, Owner/Applicant; Map 75/Lot 32; I-1 Zone

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

Votes: 7-0-0

Other Business

a. Adoption of the 2022 Calendar Meeting Dates

Motion: Commissioner Szewczak made a motion, seconded by Commissioner DeGray, to reserve the adoption of the 2022 calendar meeting dates until the January 2022 meeting.

Chairman Nelson stated that they are doing this because new commissioners will start in January and they have the right to make their own schedule.

Laurie Whitten, Director of Development Services, stated that the town clerk is supposed to have all of the next year's commission meetings set before January.

Commissioner Szewczak withdrew his motion and Commissioner DeGray withdrew her second.

Motion: Commissioner Szewczak made a motion, seconded by Commissioner DeGray, to approve the 2022 calendar meeting dates.

Commissioner Alaimo asked if they have to do anything with the June meeting due to graduations. Chairman Nelson stated that Wednesday is graduation and Thursday is the rain date so ETV needs all hands on deck and is asking the Commission to meet on the fifth Thursday in June. The Commission agreed that they are ok with this. Discussion took place regarding the December 2022 meeting with the Commission ultimately deciding to meet on December 15.

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

Votes: 7-0-0

Adjournment

Motion: Commissioner Alaimo made a motion, seconded by Commissioner DeGray, to adjourn.

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

Votes: 7-0-0

The meeting was adjourned at 7:08 PM.

Prepared by: Elizabeth Bouley

Respectfully Submitted,

Richard Szewczak, Secretary