

RECEIVED
ENFIELD TOWN CLERK

2021 DEC -9 AM 9:40

Sheila M Bailey

MINUTES

ENFIELD INLAND WETLANDS AND WATERCOURSES AGENCY

TUESDAY, DECEMBER 7, 2021 – 7:00PM

REGULAR MEETING

Enfield Town Hall – Council Chambers

820 Enfield Street, Enfield, CT 06082

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

Public Participation

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

Correspondence

- a. Executive Session-*Enfield IWWA et al. v. Joseph C Liquore, et al. (117 North Street)*

The Commission entered into Executive Session at 7:02 PM.

The Public Meeting resumed at 7:30; no decisions were made and no votes were taken.

Approval of Minutes: November 16, 2021

Motion: Commissioner Zorda made a motion, seconded by Commissioner Higley, to approve the minutes from the November 16, 2021 Regular Meeting.

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

Votes: 4-0-0

Continued Public Hearings

- a. **IW#635-** 117 North Street- Restore lost Wetlands (filled / disturbed) and to allow for the development of a contractor storage yard for materials, trucks, and an agricultural cropland; Wesley Wentworth, Applicant Representative; Joseph Liquore, Applicant/Owner; Map 93/ Lot 15; I-1 Zone. (DoR:10/5/2021)

Attorney John Clifford, 214 Main Street, Hartford addressed the Commission along with Wes Wentworth of Wentworth Civil Engineers, LLC. Mr. Wentworth stated that they will take any questions or comments the Commission has.

Chairman Corbin-Sobinski asked if the Commission or Staff had any questions; they did not.

Mr. Wentworth stated that he agreed with the Staff comment about silt fencing. He stated that he has had very good luck with using wood chip berms in place of silt fencing or hay bales and described why this method works well.

Mr. Clifford read over some items referenced in the site inspection report, stating that the silt fencing is mentioned three times. He stated that the removal of various debris, rubble and other materials including stumps is permitted. Mr. Clifford read through some permitted uses detailed in Section 4 of the wetland regulations, including grazing, farming, nurseries, harvesting of crops and farm ponds of three acres or less. He went on to read through activities that are not permitted, including the clear cutting of timber except for the expansion of agricultural crop land. Mr. Clifford stated that there has been some clear cutting of timber, but any clearing of land has been consistent with their plan to expand the agricultural use of the property.

Mr. Clifford stated that out of 42 acres, approximately half an acre of wetlands has been disturbed and they are seeking the permit to restore that as well as the permit that would allow the applicant to have a construction storage yard for the storage of his vehicles and materials.

Chairman Corbin-Sobinski stated that the construction storage yard issue must go before the Planning and Zoning Commission (PZC) and does not fall under the purview of the Wetlands Commission.

Mark Polek, 72, George Wood Road, Somers stated that he leases Mr. Liguore's land. He stated that Mr. Liguore is a good landlord and he is in favor of this project.

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

Chairman Corbin-Sobinski asked if Staff would like to address anything; Ms. Driver stated that they would not.

Commissioner Zorda stated that he is concerned with where the mulch would come from and what would be in it. He stated that the joint stipulation does call for silt fencing and hay bales, so they would need to recreate a new joint stipulation in order to change that. Ms. Driver stated that this is correct.

Commissioner Zorda stated that the site plans are from 2019, to which Mr. Wentworth replied that the maps are updated through September 1, 2021. The Commission examined their site plans to determine whether they had the most up to date plans with the September 2021 revision date; they found that their plans were up to date.

Motion: Commissioner Zorda made a motion, seconded by Commissioner Higley, to close the Public Hearing and continue the application until the next meeting.

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

Votes: 4-0-0

Motion: Commissioner Zorda made a motion, seconded by Commissioner Higley, to move Enforcement Report to #10 on the agenda.

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

Votes: 4-0-0

Mr. Wentworth stated that he went across the street to land owned by the applicant on the south side of North Street after the November site walk. He stated that trees had been cut up to the wetlands and his flags were still in place. Mr. Wentworth stated that the trees had been chipped and left in a pile of wood chips. He concluded that in his opinion there was no risk of disturbance to the siltation or damage to the wetlands.

Mr. Rachele stated that this is fine as long as there is no further activity over there unless they get a permit for the cutting.

Old Business

- a. **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)

Motion: Commissioner Zorda made a motion, seconded by Commissioner Higley, to remove this from the table.

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

Votes: 4-0-0

David Vesce, 59 Cottage Road, addressed the Commission.

Ms. Driver stated that she and John Cabibbo went out to the property and saw the collapsing sea wall. She read the Staff Report aloud, concluding with the Engineering comments that no filling should occur onsite as the proposed work is within the FEMA flood zone.

Chairman Corbin-Sobinski stated that the applicant cannot move his wall; Commissioner Zorda stated that this is beyond the Commission and is mandated by FEMA, which makes the process more complex and more expensive. Mr. Vesce stated that this is not a problem.

Commissioner Zorda stated that the applicant will have to get an engineered plan, to which Mr. Vesce replied that doing so is for commercial and unnecessary for residential. Ms. Driver stated that she mentioned multiple times that it depends upon the scope of the project and projects that involve FEMA flood zones or bordering lakes require professionally done plans. Mr. Vesce stated that he should be exempt from having to do this and that many people in the neighborhood are putting up walls on their own with no permits. Commissioner Zorda stated that if other people have done it, they have done it in violation and could risk significant fines on the local level or all the way up to FEMA.

Mr. Vesce stated that the unknown green pipe eroded his wall and he had to remove his dock for safety. Ms. Driver stated that the town pipe is very small and the green pipe is not a town owned pipe and seems to be the neighbor's pipe. She stated that Engineering is going to talk to Water Pollution Control (WPC) to try to figure out whose pipe it is as the neighbor has denied that it is theirs.

Mr. Vesce stated that the pipe has been tampered with by the neighbor and the sink hole is deep. He stated that he should be exempt from this excessive Engineering as he is fit enough to take his own measurements. Commissioner Higley stated that the Commission is limited in what they can exempt because it is under FEMA.

Mr. Vesce stated that there are contaminants running from the pipe into the lake. Commissioner Zorda stated that there is no way the Commission can exempt the applicant from having engineered plans.

Mr. Vesce submitted a map showing where the pipe is supposed to be in comparison to where it actually is. Mr. Rachele stated that they will continue to work with Staff to determine the status of the pipe.

Commissioner Zorda stated that the other drainage pipe from the neighbor needs to be investigated and asked what their options are. Ms. Driver stated that they can continue it and the last day to make a decision is January 4, 2022.

Motion: Commissioner Zorda made a motion, seconded by Commissioner Higley, to continue IW#636 until the meeting on January 4, 2022.

Discussion took place regarding how the applicant can obtain extensions should he need them. Mr. Vesce stated that he has built several sea walls and knows how to do it correctly.

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

Votes: 4-0-0

- b. **POCD:** Generate Goals and Ideas

Motion: Commissioner Zorda made a motion, seconded by Commissioner Higley, to table this.

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

Votes: 4-0-0

Enforcement Report(s)

Ms. Driver requested that the Commission make a motion to accept the Enforcement Report of the Liquore Map 100 Lot 3 violation.

Motion: Commissioner Zorda made a motion, seconded by Commissioner Higley, to accept the Enforcement Report of the Liquore Map 100 Lot 3 violation.

Mr. Rachele stated that the Commission already discussed this and there should be no further cutting in the area unless there is an approval.

Report of Planning Staff

Ms. Driver provided an update on Christian Navarro of 43 Lake Drive, who appeared before the Commission on November 3, 2021. She stated that DEEP confirmed that they have no jurisdiction as there are no wetlands onsite.

- a. 2017 Inlands Wetlands & Watercourses Agency Application Revisions Discussion

Ms. Driver stated that the applications are updated and she would like to update them to 2022. She went over the proposed changes to the applications. Discussion took place regarding the proposed changes with the Commission deciding which changes to keep and which to discard. Ms. Driver stated that if the corrections are approved she will come back with an updated application for the Commissioners to look over and approve at the next meeting.

New Applications to be Received.

- a. **AAA#639-** 37 Queen Street- Application Discussion for Agent Approval for the continued Phase 3 of the emergency generator replacement project; Hazardville Water Co., Owner; Robert Sherwood, Applicant; Map 66/ Lot 334; R-88 Zone.

Commissioner Hendrickson asked for clarification on whether the application is Phase 2 or Phase 3, and whether it was for the removal of a diesel generator going to a propane or the installation of a new diesel. Mr. Rachele explained that the one he is reading with the replacement is Phase 2. Commissioner Hendrickson asked if the diesel is going to propane or is remaining diesel. Mr. Rachele stated that the purpose under Phase 2 was to get rid of the diesel and go over to propane. He stated that the Phase 3 application is for a diesel tank. Commissioner Hendrickson stated that Phase 1 and Phase 2 were removing diesel, which Mr. Rachele confirmed to be the case. Commissioner Hendrickson stated that the benefits were to remove the diesel and questioned why they are now going back to diesel. Mr. Rachele stated that Staff can clarify the reasons for returning to diesel prior to doing anything with the application.

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