

MINUTES
ENFIELD INLAND WETLANDS AND WATERCOURSES AGENCY
TUESDAY, JANUARY 18, 2022 – 7:00PM
REGULAR MEETING
Enfield Town Hall – Enfield Room
820 Enfield Street, Enfield, CT 06082

RECEIVED
ENFIELD TOWN CLERK
2022 JAN 24 AM 10:12
Sharon 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 (virtually), Virginia Higley and Robert Hendrickson. Absent was Commissioner Carrie Howe.

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

Public Participation

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

Correspondence

Chairman Corbin-Sobinski stated that emails were received regarding this Public Hearing and will be done later on in the meeting. She went on to state that they received a pamphlet regarding the Connecticut Inland Wetlands and Watercourse Acts.

Approval of Minutes: January 4, 2022

Motion: Commissioner Higley made motion, seconded by Commissioner Hendrickson, to approve the minutes from the January 4, 2022 meeting.

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

Votes: 4-0-0

New Public Hearings

- 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)

Valerie Ferro of Good Earth Advisors, Avon, Connecticut addressed the Commission as a representative for the applicant. Scott Egan from AECOM in Chelmsford, Massachusetts and Jim Petropoulos from Hayner Swanson, Inc. in Nashua, New Hampshire introduced themselves to the Commission.

Chairman Corbin-Sobinski went over the rules for the meeting.

Ms. Ferro presented a graphics presentation regarding the application. She introduced the development team including Mr. Egan, Mr. Petropoulos, Attorney Tom Cote from Robinson & Cole, Adam Winstanley from Winstanley Enterprises and Rosa Szykula from Winstanley Enterprises. Ms. Ferro submitted copies of documents detailing their background and credentials to the Commission.

Ms. Ferro stated that they have been in contact with the neighbors since 2016, but did formalize their outreach with the neighborhoods back in August or September. She stated that they set up a toll-free number, a dedicated email, mailings and various group and one-on-one meetings, and have had continual exchange with the public.

Ms. Ferro utilized an aerial photo to point out the various features of the site and describe the physical characteristics of the property. She provided a history of the property redevelopment and reconfiguration from the time Mr. Winstanley took control of it in 2016. Ms. Ferro pointed out the physical characteristics of the property including the existing wetland systems. She stated that warehousing and distribution is allowed in this zone as a right.

Mr. Egan described his credentials and experience, stating that he has been working on this site since about 2016, and delineated several wetlands on both the 25 and 35 Bacon Road parcels. He pointed out the delineated wetlands on the site map, describing the drainage and flow associated with each system.

Mr. Egan stated they have a request letter submitted to the Army Corp of Engineers for an approved jurisdictional determination on the pond. He stated that it was man-made strictly for the purposes of agriculture so they determined it was non-jurisdictional and is not considered waters of the U.S. Mr. Egan stated that they have the response letter as well.

Mr. Petropoulos described the proposed project and accompanying site improvements. He went over key elements of the plan including access/egress, building size/dimensions, tenants, and parking. Mr. Petropoulos stated that based on the soils they do not anticipate any ledge or blasting associated with this project.

Mr. Petropoulos stated that the utilities are pretty much already in place and will be extended from the 25 Bacon Road building to service the 35 Bacon Road Building. He described the watershed in more detail utilizing a pre-development watershed map as well as a post-development watershed map. He stated that the post-development watershed map looks very similar to the pre-development watershed map as they have not massaged grades or reworked the earthwork for the proposed development because it is over on the westerly side where they do not have much proposed.

Mr. Petropoulos stated that they did not want to discharge water toward Shaker Lake so they are going to bring the small trailer parking area on the north part of the site out of the watershed to Shaker Lake and back into the site development. He stated that the difference between the pre and the post is that

they are about ten acres less in the post-development condition, and they wanted to make sure they did not have any paved surfaces heading to the west.

Mr. Petropoulos described the proposed storm water management plan, stating that they are implementing best management practices. He described the locations of the two proposed infiltration basins in the north part of the site, stating that any overflow will come back into the drainage system. Mr. Petropoulos stated that they are proposing two storm water wetlands, and described where they will be located and how they will be made.

Mr. Petropoulos went over the erosion control measures that will be taken during construction, including construction exits, silt fences, silt sacks, temporary sediment basins and dust control throughout the project.

Mr. Egan described the wetland creation plan including the various proposed vegetation species and seed mixtures. Mr. Petropoulos pointed out the three areas of impact on the site map. Mr. Egan stated that the pond storm water wetland systems are designed to ecologically function similar to what is being lost and it is about a ten to one replacement.

Ms. Ferro pointed out the existing wetland systems that they are trying to avoid on the property, stating that this was of primary importance to them. She stated that they were constrained by the narrowness of the site, the railroad tracks, the existing building, the configuration and the orientation of the wetlands to the uplands. Ms. Ferro stated that they had to give consideration to the neighborhoods on both sides, and explained how they came to the proposed layout after considering various other plans.

Ms. Ferro reviewed the Commission's criteria for evaluating significant activities and rendering a decision, explaining how the application meets these criteria. She stated that the irreversible and irretrievable impact is to the farm pond, and they are compensating through wetland creation.

Commissioner Zorda asked what the ratio of the pond storm water wetland systems is, to which Ms. Ferro replied that it is ten to one.

Ms. Driver read aloud from her summarized staff report, stating that the applicants have addressed most of what is on it. She stated that the Engineering Department commented that the plan meets town regulations and there is no increase in peak runoff up to the 50-year design storm.

Chairman Corbin-Sobinski apologized that the meeting was delayed and being held in the Enfield Room rather than Council Chambers.

Allison Cushing, 184 Cottage Road, addressed the Commission. Ms. Cushing stated that the piece sticking out the most on the Shaker Pines site on the site plan is her property, which she said is very much impacted by this decision. She stated that she moved to Enfield in 2013 and described the

recreational activities at Shaker Pines Lake, such as swimming and canoeing, which enhanced her children's daily lives and caused her to decide to stay in Enfield.

Ms. Cushing stated that she joined the Shaker Pines Lake Association Board of Directors in order to help preserve the environment and way of life of both Crescent and Shaker Lakes. She stated that the proposed project concerns her in terms of the impacts during and after the construction and manipulation of the soils. Ms. Cushing stated that she is also concerned about the land quality, water drain-off and existing wildlife. She stated that the proposed project will directly impact her family and their quality of life, and that she is concerned about the quality of her soil, her drinking water, her garden and the possibility of the lake becoming unsuitable for swimming or other activities due to contamination.

Linda Ostapoff, 109 Cottage Road, addressed the Commission, stating that she is also a member of the Shaker Pines Lake Association Board of Directors and has lived there for 28 years. Ms. Ostapoff pointed out the two areas of concern in the storm water management study for runoff directly into the lake or onto residents' property. She stated that the drainage from these areas will continue to flow into Shaker Pines and into the backyard areas of some of the residents, and it is still reasonable to require capture of water and dispersal away from the lake.

Ms. Ostapoff stated that the water that flows into the storm drains on Cottage Road flows directly into the lake. She stated that if there is runoff from this project it will go right into the water right on the beach, and the town should be very concerned about the possibility of additional water flowing into Shaker Pines Lake. She stated that they cannot handle additional water flow into the lake, and the spillway is already in need of expensive repairs. Ms. Ostapoff stated that additional flooding will result in hardship to the property owners and interfere with their reasonable use of their property. She stated that it is prudent to require more vegetation to mitigate the flow, and requested that the Commission make a site visit to the proposed development as well as the surrounding lakes. Ms. Ostapoff concluded that the size of the project and the proximity to homes and the lake itself is troubling, and they are asking that all possible avenues for mitigating the impact on the residents and the lake environment are explored before proceeding.

Kenneth Hanley, 72 Spruceland Road, addressed the Commission. Mr. Hanley asked who pays the paychecks of everyone on the applicant side of the table, and asked if everyone on the Commission side of the table works for the people. He asked if a high water table test was performed and what the perk test results were on the area before the pond. Mr. Hanley asked how the runoff for antifreeze, diesel fuel and other contaminants will be addressed. He asked when he can voice his opinions about the whole project.

Al Pinto, 74 Cottage Road, addressed the Commission. He stated that tractor trailers come down their dead end street and cannot turn around. Chairman Corbin-Sobinski stated that this is not a wetlands issue. He asked how long the building is, to which Chairman Corbin-Sobinski replied that they cannot do back and forth and will answer questions after.

Angela Foss, 16 Crescent Beach Drive, addressed the Commission. She submitted pictures from the Winstanley and Town of Enfield websites to the Commission. Ms. Foss stated that this is like a big smoke and mirrors scene as the humungous wetlands on both sides are not being addressed. She stated that the giant building is threading a needle in between Enfield's two beautiful lakes. Ms. Foss stated that the applicants keep saying they will minimize the impact to the lakes, which means they are well aware that there will be an impact. She stated that she is surprised the Commission has let this get so far, as this project is of course impacting the wetlands. Ms. Foss stated that the Shakers themselves hand dug both of the lakes, and it is unconscionable that putting this giant building between two lakes is even being considered.

Jeffrey Foss, 16 Crescent Beach Drive, addressed the Commission. He stated that he and his wife have been in Enfield for their entire lives, and on Crescent Lake for 37 years. Mr. Foss asked if anyone has seen a bald eagle on the lakes, and stated that everyone in the audience has. He stated that they are an extinct bird and there are three of them on the lake, and they are the only reason he is building a house on the lake. Mr. Foss stated that if the applicants mess with their ecosystem, the bald eagles will die or leave the area. He stated that these birds are a huge asset to the United States.

Mr. Foss stated that the lake is fed by underground springs and no one is talking about them. He stated that if the surface water is displaced to other places, the underground springs will be impacted. Mr. Foss stated that the applicants are saying the oasis is nothing and they can cover it up, but he has seen eagles and animals out in that oasis. He stated that this project is wrong and if it happens they lose their source of water that feeds the lakes, which will kill the bald headed eagles.

Samantha Webber, 20 Cranberry Hollow, addressed the Commission. She stated that they have a variety of ecosystems and wildlife in New England and in their community. Ms. Webber stated that she chose her home based on the quiet lake lifestyle and the environment. She stated that she appreciates the job creation in the area, but is concerned about the permanent lasting environmental effects of a massive concrete monstrosity and its parking lot. Ms. Webber stated that they need to protect the environment and asked the Commission to consider the impact of this development on the lakes and the homes of the furred, feathered and scaled residents of the community who are unable to speak for themselves.

Randy Daigle, 55 Cottage Road, addressed the Commission and submitted documents containing GSI maps for the record. He stated that the previously-mentioned oasis is about 25 yards wide by 35 to 40 yards long and has catfish in it as well as other small fish and frogs. Mr. Daigle stated that this water never dries up as that entire farm is an aquifer. He stated that the applicant drawings show a tiny red watershed line through the property, when in reality there are thousands of underground streams that go into this thing, which is why it is called an aquifer. Mr. Daigle stated that the most common reasons that lakes and ponds dry up is impervious paved surfaces that prevent the precipitation from reaching the ground water. He stated that the entire farm is an aquifer, and having 90% of this lot as pavement or

building and redirecting the water to these holding areas prevents the two lakes from being fed. Mr. Daigle stated that they will dry up in a matter of time if there is no water source.

Mr. Daigle concluded that Winstanley is a great company, but this is not the site for this building. He stated that there is not enough vegetation that can make this water pure again, and asked the town of Enfield to investigate as the two lakes will dry up if this building gets built.

Cheryl Cote, 92 Cottage Road, addressed the Commission. Ms. Cote stated that the applicant agreed there will be runoff containing contaminants which would adversely affect the lakes if it was to go into the water. She stated that she is concerned the proposed system will allow sediment to seep into the ground. She asked what the fail-safe is, how the dewatering process would work and how the regular maintenance will be managed. Ms. Cote stated that the sediment may contain cancer-causing agents, and she cannot imagine that nothing will flow into their waterways. She asked how heavy rainstorms and icing/thawing will be contained and not seep into the waterways. Ms. Cote stated that there is no going back if contaminants get into the lake, and if this happens it will change their entire lifestyle. She asked if there is an alternative or a diversion of the water that can be done. Ms. Cote asked if a soil assessment was completed to check the soil for contaminants. She asked if they can say with 100% certainty that the lake is not going to be affected by this project.

Chairman Corbin-Sobinski stated that they can move the meeting to Council Chambers; it was decided to stay in the Enfield Room.

Patricia Holden, 67 West Shore Drive, addressed the Commission. She stated that she has lived at Shaker Pines Lake for 60 years and is concerned about the lakes, the wildlife and the wetlands. Ms. Holden stated that she has nothing against the company and she understands that people need to have businesses, but the lake area is not the right place. She stated that once they lose the lake, they will not have it back.

Maureen Butler, 69 West Shore Drive, addressed the Commission. She stated that she is appalled at the idea of such a massive building in this location, and she is pleased to hear the neighborhood concern for the wildlife. Ms. Butler stated that she looks to the Wetlands Commission to preserve the wetlands and not accept proposals that manipulate the wetlands with engineering techniques.

Liz Werner, 74 West Shore Drive, addressed the Commission. She stated that she hears a lot about catchments but not about how these poisons will be removed. Ms. Werner asked if there were wetlands that were donated to the town, and if Winstanley is going to take responsibility for the value of their homes if there is flooding or the lakes are lost.

Stephanie Quail, 62 Cottage Road, addressed the Commission. She stated that she has been living on the lakes her whole life and is passionate about protecting the lakes and the wildlife surrounding them. Ms. Quail stated that this building will damage the lake over time, and impact the wildlife. She stated

that the lake residents pay flood insurance and lake tax to keep the lakes healthy and safe for themselves and the wildlife, and it is not fair that they pay extra to live there only to have this building go up and cause the lakes to slowly die over time. Ms. Quail stated that she has lived in Enfield her entire life and has watched woods and land disappear as buildings go up and then become abandoned. She stated that she cannot move away as her family and friends all live on the lakes, and with this building being built there will be no patches of land left in Enfield. Ms. Quail stated that there are plenty of other open areas with no wetlands that would not face the devastation that this area will suffer from. She stated that there are plenty of abandoned buildings that could be restored instead.

Shari Jackson, 119 Cottage Road, addressed the Commission. She stated that she is concerned about the water quality and damage to the waterways. Ms. Jackson cited an article regarding a similar project in Chicago and stated that contaminants, gases and particulate matter will surely contaminate water runoff and cause damage. She stated that large trucks are more likely to be involved in accidents, which lead to the spread of hazardous materials which are harmful to the environment and the waterways as well as safety. Chairman Corbin-Sobinski instructed her to skip to the parts that pertain to wetlands. Ms. Jackson stated that construction materials used on the roads will result in sediment that can smother aquatic habitat and clog waterways. She requested that the Commission not allow the monetary gain to supersede the environmental impact of such a large scale project, especially when this company already has a large presence in town and has made a significant environmental impact. Ms. Jackson asked if an environmental impact statement was done for this project, and asked for the location of this information.

Lori Parker, 105 Cottage Road, addressed the Commission. Ms. Parker asked the Commission to take their time as this is a large project and the materials were just submitted last month. She stated that the developer just made the presentation tonight and they have a lot to digest. Ms. Parker stated that Shaker and Crescent are the only lakes in Enfield and are located in a Shaker historical area. She stated that the impact on the lakes and farm pond is a grave concern, and the drainage warrants further research, as there are both flooding and contamination issues to consider. She stated that they need soil composition testing, and the increase of runoff will increase the chance for contaminants/pollutants to run off into the lake. Ms. Parker stated that once the lake is contaminated it will take years to undo. She stated that she is concerned for people who swim in the lake as well as fish and vegetation, including the special fish they brought in to naturally treat the lake.

Ms. Parker stated that all of the documentation she has read so far addresses surface water flow, and asked how the underground springs and flow are being addressed. She stated that there are impacts to the springs that feed the lakes and the wells residents use. Ms. Parker stated that the detention basins can crack over time, allowing pollutants to seep out, and asked how this will be managed in the future. She requested that studies be done to make sure no water from this project gets into the lake.

Ms. Parker stated that the farm pond identified as Wetland 3 has been there almost 80 years and there has always been water there. She stated that there must be agencies that have jurisdiction over spring fed ponds or groundwater regulations that oversee these types of ponds. Ms. Parker stated that they

need to ask for a hydroanalysis of the area, and even though it has not been deemed a vernal pool there is life in that pond with seasonal nesting and breeding.

Ms. Parker stated that Shaker Pines is considered to be one of the last viable habitats in the state for the noctua moth and endangered dwarf bulrush plant.

Chris Renaud, 2 Jewel Street, addressed the Commission. He stated that the Commission plays a vital role in protecting natural resources, and it should be clear that this proposed project cannot be allowed to move forward. He stated that tractor trailers facing wetlands on both sides would entail major traffic which would be destructive to the animals in the area. Mr. Renaud stated that no one has said definitively that there are no endangered species residing in the oasis. He stated that if you kill off the wildlife living there, it does not matter if you put back wetlands at a ten to one ratio.

Nancy Martin, 27 Crescent Beach Drive, addressed the Commission. She stated that she would like the Commission to take into consideration the impact, and the goal does not fit into their neighborhood. Ms. Martin stated that the applicants have gone out of their way to spend time to ensure that the project would not impact the wetlands, but from the information and schematics shared tonight it will impact the wetlands. She stated that they should keep their existing wetlands intact rather than turning five acres into new wetlands.

Jessica Duga, 101 Cottage Road, addressed the Commission. She stated that she is hearing a lot of assurances that the property as developed will be safe and protected, but there are myriad ways that the properties and habitats are going to be negatively impacted. Ms. Duga asked who is going to take care of the problems as they arise, and what insurance they have to help if their basements flood more or their lake becomes contaminated. She requested the Commission to work on their behalf and asked them to help save their lakes and their homes.

River, 62 Cottage Road, addressed the Commission. He stated that he has lived on Shaker Pines Lake his whole life and he enjoys fishing and swimming in Shaker Lake. He stated that there are many animals in the area and keeping them alive means a lot to him, and asked where they are going to live if this building goes up.

Chase Piepul, 7 Edgewood Drive, addressed the Commission. He stated that he lives on the opposite side of town, and asked about the sound and traffic associated with the project and how they affect the water and wildlife. Mr. Piepul asked what this project does to benefit anyone but the company that is coming to build there, and asked why they cannot go somewhere else.

Mariah Gentes, 37 Cottage Road, addressed the Commission. She stated that the lake is beautiful and special, and is what has kept her in town. She stated that her children have grown up on the lake and she is very concerned about the quality of the water and the pollution. Ms. Gentes asked how the health of the water is going to be regulated and what will happen if pollutants are found. She stated that the water

was touching the foundation of her home this summer, so that is a concern. Ms. Gentes asked the Commission to seek out independent analysis and studies so they can trust the information is accurate and so they can be prepared long term.

Stacy Daigle, 55 Cottage Road, addressed the Commission. She asked where the thirty turkeys in her yard and deer down the vacant road are going to go. Ms. Daigle stated that they would like some assurances that nothing is going to happen to their lakes.

John Zdebski, 33 Cottage Road, addressed the Commission. He stated that he lives along the spillway in a flood plain floodway area, and his house is on piers. Mr. Zdebski asked if someone will stipulate that if the project moves forward it will have to be built on piers.

Randy Daigle, 55 Cottage Road, addressed the Commission again. He stated that they are a smart company and are not asking for waivers or lenience, and are going beyond what is asked. Mr. Daigle asked if the town can request a multi-million dollar insurance policy from them so that if the lakes get contaminated the homeowners do not have to pay for it. He stated that people are still on wells, so if the wells dry up or get contaminated the homeowners are responsible for the cost.

Jeff Foss, 16 Crescent Beach Drive, addressed the Commission again. He stated that he is the largest taxpayer in Enfield for residential property, and asked how many homes are going to be impacted. Mr. Foss stated that Crescent Lake has 100 homes and Shaker Pines Lake has 400 homes, so there are 500 people involved. He stated that he would like the council to stop this from happening.

Chairman Corbin-Sobinski stated that they received ten emails. She stated that Mr. Renna's email wanted to know why the meetings were conflicted.

Ms. Driver provided an overview of an email from Al Zipperle of 181 Cottage Road in Enfield. She stated that he has concerns about the wetlands, where the water will go and where it currently goes. She stated that he said the reports seem to show extensive steps in capturing, filtering and routing that water but it still ends up in Shaker Pines or Freshwater Creek.

Ms. Driver provided an overview of an email from Carrie Gatten of 48 Wheeler Drive, who she stated has concerns about the storm water study and the disappearing wetlands.

Chairman Corbin-Sobinski asked if the applicant will get a copy of these emails, to which Ms. Driver replied that they did.

Ms. Driver provided an overview of an email from Edward and Pamela Smaha of 5 Bacon Road. She stated that they are concerned about storm water runoff into the brook on Bacon Road, and also about flooding and the increase in water flow.

Ms. Driver provided an overview of an email from Suzanne Parker of 144 Cottage Road. She stated that she has concerns about wildlife impact and the wetland significance. Ms. Driver stated that she also has concerns about the storm water management areas and flooding.

Ms. Driver provided an overview of an email from Karen Wadsworth-Mulready of 141 Cottage Road. She stated that she has concerns about wildlife species, particularly birds. Ms. Driver stated that she has a special concern for the farmer's pond and would like the Commission to conduct their own analysis.

Ms. Driver provided an overview of an email from James and Christine Silver of 8 West Shore Drive. She stated that they have concerns about the value and quality of the life that the lake affords, as well as overall environmental and social impacts of the project.

Ms. Driver provided an overview of an email from Lynne Sopelak of 45 Wheeler Drive. She stated that Ms. Sopelak says the wetlands are vital to the health of the lakes, wildlife and community, and the building of a distribution center at this location would greatly disturb the ecosystem in this area.

At the request of an audience member, Ms. Driver read the entirety of an email from Leslie Cunningham, President of Shaker Pines Lake Association, 26 Wheeler Drive. Ms. Cunningham's email contained a 2006 study they had performed in order to understand the lake and how to properly maintain it. She expressed concerns regarding the surrounding watershed and that not enough study has gone into the proposed plan. She requested that the Commission take the time to study the long term impacts of this project.

Ms. Driver provided an overview of an email from Brenda Coleman of 24 Nancy Drive. She stated that the email contains concerns regarding what will happen to the wildlife and quiet way of life once this project moves forward.

Ms. Driver provided an overview of an email from Kathleen Huhtanen of 26 Wheeler Drive, expressing concerns that this project calls for soil tests, best practice initiatives, engineering reports and other relevant parameters. She stated that the email asks if any further questions or considerations have been done specific to waste water disposal, rain water runoff, managed aquifers and hazard management. She stated that there are also concerns about fertilizers and snow/ice applications.

Ms. Driver provided an overview of an email from Katie Regan of 50 Cottage Road. She stated that it mentions tax abatement before talking about trees and wildlife and how this will now become warehousing parking lot, outdoor lighting and truck noises. She stated that she also has visual concerns and concerns about maintenance and treatment of the water.

Ms. Ferro submitted a verification regarding Mr. Zipperle's response, that she contacted him and received no response. She stated that they understand emotion but that is not their charge and they have to address the technical.

Ms. Ferro brought up the watershed map and pointed out the area that the neighbors have been saying will impact their lake. She stated that this watershed is hundreds of acres and reaches up into Massachusetts, and Winstanley has no control over the contaminants that are being introduced in that watershed or in the suburbanized watershed that has been allowed to be developed in the last twenty years. Ms. Ferro stated that he also has no control over the bulkheading and removal of wetlands and other natural areas that had in the past filtered pollutants from the lake, so what they are talking about is a total wetland impact of 0.33.

Ms. Ferro pointed out the portion of the watershed in Shaker Pond catchment, and stated that they have made it very clear what they are doing and how they are protecting these adjacent systems. She stated that they have a hydrological report and reiterated that the impacts are insignificant.

Ms. Ferro stated that they want to be a good neighbor but they have the legal right to propose what they are proposing regardless of what anyone thinks. She stated that they have been very careful since taking over the property.

Ms. Ferro stated that the sediment basins fully meet the criteria of state guidelines for storm water basin design and were designed in concert with the Connecticut DEEP for the highest level of sedimentation and pollutant load removal.

Mr. Petropoulos stated that there is no direct discharge of this property into Crescent Lake. He stated that a 50-acre edge of the westerly property line goes to Shaker Lake in the abutters, and in the north area it is about a 250 foot wooded area. Mr. Petropoulos stated that there is an open field along the common property line which drains toward the property line, and they are not increasing the watershed in that location. He stated that there are about 50 acres headed to the west in the predevelopment condition, and in the post-development condition about 40 acres. He stated that there is no paved discharge from this project going to Shaker Lake, and it is going into the proposed storm water measures before working its way to the southeast corner of the property to the existing discharge which flows south into Freshwater Brook.

Mr. Petropoulos stated that the basins themselves are designed in accordance with DEEP. He stated that the storm water report will be reviewed by the town, a third party and DEEP, and they believe it is a responsible design to treat surface water coming off of this parking lot.

Mr. Petropoulos stated that they are not draining to Shaker Lake or Crescent Lake. Chairman Corbin-Sobinski asked him to explain how they are going to maintain them. Ms. Ferro stated that there are certain provisions for the sedimentation basins to work, and as part of maintenance the property managers monitor the depth and the sediment. She stated that the property manager has a system and maintains the basins as they need it. Ms. Ferro explained how it is designed to slow water down as it

enters the basin, which allows sediment to hit the bottom. Mr. Petropoulos explained that there is regular maintenance and record keeping.

Mr. Egan stated that a lot of the contaminants associated with road runoff and vehicles are attached to the sediment material, so when it drops the velocity slows down and the sediment drops out and all the contaminants are attached to the soil particles. He stated that by the time the water is coming out the other end or infiltrating into the groundwater system, it is pretty well cleaned, so as long as the systems are maintained they will function appropriately.

Ms. Ferro stated that the sediment is tested when the basins are cleaned before it is removed from the site. She stated that the high bay and low bay work required DEEP storm water permits, so in order to obtain those they have been in contact with the natural diversity database and continue to monitor species. She stated that the natural diversity area is confined to the Shaker Lake watershed and there is just minimal involvement. Ms. Ferro submitted the map for the record regarding the natural diversity database habitat evaluations.

Mr. Egan stated that they conducted surveys and mapped out all of the natural communities on the site because a lot of these species are associated with particular types of natural plant communities. He provided examples of some plants associated with species of interest and stated that they did not identify them on the site.

Ms. Ferro stated that they continue to work with DEEP and have covered their bases when it comes to wildlife and species of interest. She went over the various types of studies they performed to evaluate the impact of this building to the wetlands, and stated that this plan is the best compromise and balance.

Tom Cote of Robinson & Cole, LLP in Hartford addressed the Commission. He explained that they have studied the environmental impacts of this project and submitted those studies to the town. Mr. Cote stated that none of the wildlife mentioned tonight is relevant to the Commission's decision-making on this permit application, and read the portion of the regulations that pertain to this. He stated that none of the research they have done indicates that there are any wildlife species that would directly impact the physical characteristics of the wetlands themselves, so the comments about wildlife are not relevant to the Commission's decision.

Mr. Cote stated that the application satisfies each of the Commission's decision-making criteria. He stated that there is no mechanism for a wetland Commission to condition an application based upon providing an insurance policy for some future impact. He stated that there are existing environmental impacts to the water bodies in this area, and trying to measure a future impact is impossible. Mr. Cote concluded that it is not fair or legal to require an insurance policy.

Mr. Cote stated that the Commission has criteria and must decide if the permit before them meets these criteria. He stated that they have demonstrated that there are no feasible and proven alternatives.

Commissioner Zorda asked if the applicants can speak to the wetland value functions assessment comparing the value of the farm pond. He went on to ask the value of the proposed storm water management area that they are going to create in terms of a wetland.

Mr. Egan stated that the pond has wetland vegetation and open water area, so the storm water basins will be built similarly and will provide the same functionality that the pond provides. He stated that one difference is that the pond itself may intersect the groundwater table whereas the basin will be cleaning the water before it drops it into the groundwater table rather than surface runoff from the farm field coming directly into the pond and the water table.

Ms. Ferro stated that the pond is the wetlands whereas the storm water wetlands they are creating have more opportunity for biodiversity.

Commissioner Zorda asked if there is any provision for a truck washing station. Ms. Ferro stated that they do not have any truck washing on this property or on 25 Bacon Road.

Commissioner Higley asked what bulkheading is, to which Ms. Ferro replied that it is a loose term for trying to reinforce the edge of your property so you do not lose anymore.

Chairman Corbin-Sobinski asked if anyone else in the public would like to speak again.

Randy Daigle, 55 Cottage Road, addressed the Commission. He asked where the snow is being stored in the winter and where the contaminants picked up by the snow are going. Mr. Daigle stated that anything submitted to the Council needs to be read in full. Commissioner Higley stated that they are not the Council and their regulations state that they can just provide an overview. Ms. Whitten stated that it will be part of the record and Ms. Driver stated that the applicants all received copies.

Mr. Daigle asked if the site plan for the designated detention area has been submitted to the State. He stated that he would not allow that detention area to be above that waterway and it has to be several hundred feet away from the water source. Mr. Daigle stated that they have to lower their lakes several times a year, and when they lower their lake the farmer's pond gets lowered as well so it is directly related.

Mr. Daigle stated that the snow storage is a big concern and asked where the snow is being dumped. He stated that the 168 tractor trailers they are predicting will pick up sludge and contaminants, which will go into the well of the nearby abutters. Mr. Daigle concluded that he hopes the town will do their due diligence. He stated that the town can supersede the minimum requirements and require an insurance policy if they want to.

Chris Renaud, 2 Jewel Street, addressed the Commission. He asked why they are destroying the existing wetlands to create newer better wetlands, and stated that they should be preserving the ones that are there now. Mr. Renaud encouraged the Commission to look at Section 22a-36 of the regulations, as they have the ability to deny this application or postpone it to come up with a better plan that does not affect the wetlands in this manner.

Samantha Webber, 20 Cranberry Hollow, addressed the Commission. She stated that they have heard a great deal about studies that Winstanley has paid for, but the town should get a second opinion. Ms. Webber asked what happens if Winstanley misses a catch basin inspection. She asked how long it will take the man-made wetlands to rebuild the ecosystem and get all of the animals to come back after being killed or forced out.

Ms. Webber stated that 0.33 is not insignificant and if there is testing going on now then that provides a baseline to see if there was an impact after the building is built. She concluded that it is disrespectful to tell the residents that anything is insignificant or irrelevant.

Shari Jackson, 119 Cottage Road, addressed the Commission. She stated that they did not get answers to all of their questions, and that several residents asked if the environmental impact statement was done for this project and that question did not get answered. Ms. Jackson stated that there was not much concern from the applicants about wild animals but endangered species are overseen by other government agencies and they will make sure that they get contacted.

Kenneth Hanley, 72 Spruceland Road, addressed the Commission. He asked what the next step is if this is approved and the applicants build.

Stacy Daigle, 55 Cottage Road, addressed the Commission. She stated that for Mr. Cote to say that the wetlands are not impacted or the animals are not impacted by the wetlands seems silly because animals thrive on wetlands. Ms. Daigle stated that Winstanley has done studies, but asked if they have a responsibility to their town to do their own studies and compare them.

Ms. Driver stated that there were concerns about an aquifer and that she is the liaison for the Enfield Aquifer Protection Agency and this project is not within the aquifer layer.

Ms. Ferro stated that the plans show the snow storage areas. She stated that the pond is a confined pond and there is groundwater there, but there will be no significant or measurable change. Ms. Ferro stated that they are not diverting water or doing anything that will drain the ponds in either direction.

Ms. Ferro stated that they are involved with the DEEP and are working with DEEP on the natural diversity database. She stated that they had no problem with 25 Bacon Road, and they have confirmed that they are not finding any species of concern.

Ms. Ferro stated that there is no provision in the wetlands regulations for an environmental impact statement. She stated that all of the provisions have evaluated what the actions are and how they impact the environment, and their application included that.

Ms. Ferro stated that the next step after this is the Planning and Zoning Commission. Chairman Corbin-Sobinski stated that usually in the past when applications are approved, it is put in the decision that the storm water management systems must be maintained with reports provided to the town hall.

Ms. Whitten stated that there was a lot of concern about the contaminants. She stated that it is a farm field that used to be a tobacco field and asked if there was evidence of contaminants from that on the property. Ms. Ferro stated that they have done Phase 1 and Phase 2 and they did find traces of it. She stated that they are working closely with DEEP and have a soil management plan in place.

Adam Winstanley stated that every piece of property in Connecticut has some amount of pesticides that have been applied legally over the years. He stated that he has continued to do farming leases in the back and has stopped the use of pesticides on the property.

Mr. Winstanley stated that there are a lot of different types of owners and operators, but he cares about how his properties look and maintains his detention basins. He stated that he has been in real estate for 32 years and has never done any project where there is not some amount of opposition, but he is trying to do the best project he can. Mr. Winstanley stated that part of the process is putting a lot of their outboard parcels into conservation so they cannot be developed, and this is a much smaller building with a lot less impact. He stated that the project has a very thick tree line all around it and all the other projects he looked at caused them to take down this tree line.

Mr. Winstanley concluded that he seeks out the best people he can find in the industry and does not cut corners on his projects. Ms. Whitten stated that in theory there could be less discharge and cleaner waters, which Ms. Ferro confirmed to be correct.

Ms. Whitten stated that 200,000 gallons is about a third of what is in an Olympic sized pool.

Ms. Driver stated that being built on stilts is a requirement for new construction for projects within the 100-year flood zone, and this project is not within any of the flood zones.

Chairman Corbin-Sobinski stated that the snow pile areas are on the site plans. Mr. Petropoulos pointed out on the site plan where these areas are. He stated that these areas will drain into the proposed storm water practices and not off of the property.

Ms. Ferro stated that if there is a significant storm, the snow will be removed and it will not be dumped into the lakes.

Maureen Butler, 69 West Shore Drive, addressed the Commission. She stated that the town put through sewer pipes and a retaining wall years ago on a property on West Shore Drive. Chairman Corbin-Sobinski stated that this is not part of the current application and asked her to take it up with Staff. Ms. Butler stated that it is just an example of the follow-up of the town, which makes her skeptical.

Commissioner Zorda stated that there are still a lot of questions, and there may be people who have not been able to speak who should have since they were at the other meeting, so he would like to continue the Public Hearing. Ms. Driver stated that the Town Council meeting closed at 8:30, to which Commissioner Zorda replied that they could close the Public Hearing.

Motion: Commissioner Higley made a motion, seconded by Commissioner Hendrickson, to close the Public Hearing.

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

Votes: 4-0-0

Chairman Corbin-Sobinski stated that the public hearing is now closed and they will follow up for a decision in two weeks. She stated that they have a lot to look over and she would not want to make a decision today.

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) *Continued until February 1, 2022.*

Chairman Corbin-Sobinski stated that IW# 636 has been continued until February 1, 2022.

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

Motion: Commissioner Higley made a motion, seconded by Commissioner Hendrickson, to table the POCD Implementation Strategies Review until the meeting on February 1, 2022.

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

Votes: 4-0-0

Report of Planning Staff

- a. Application Update

Ms. Driver went over some small typos on the application.

Motion: Commissioner Hendrickson made a motion, seconded by Commissioner Higley, to approve the application update.

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

Votes: 4-0-0

b. New Inlands Wetlands & Watercourses Training Available

Ms. Driver stated that the free training program has been reactivated, and recommended it for the Commissioners. She provided the Commission with a sample educational pamphlet.

New Applications to be Received

Chairman Corbin Sobinski read over the following applications to be received:

- a. **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
- b. **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
- 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.
- d. **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.
- e. **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.
- f. **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.

Adjournment

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

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

Votes: 4-0-0

Prepared by: Elizabeth Bouley

Respectfully Submitted,

Virginia Higley, Secretary