



**MINUTES
INLAND WETLANDS & WATERCOURSES AGENCY
REGULAR MEETING**

March 19, 2024

7:00 PM - Council Chambers

<https://www.youtube.com/live/5plcPHjqDc?si=gw-XXjRerueCadFw>

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Chair Corbin-Sobinski called the meeting to order at 7:00pm.

2. FIRE EVACUATION ANNOUNCEMENT

Fire evacuation information was announced.

3. ROLL CALL

Present: Dylan Bridge, Kelly Hemmeler, Virginia Higley, Nancy Martin, Donna Corbin Sobinski, Kevin Zorda, Christopher Renaud and Ken Kaufman

Absent: Anne Whitney Collins

Commissioner Renaud was seated as a regular member. Also present were Director of Planning, Laurie Whitten; Assistant Planner, Georgienna Driver; Zoning Enforcement Officer, Rick Rachele; and Recording Secretary, Rebecca Jones.

MOTION by: Kevin Zorda **seconded:** Dylan Bridge to add Item 12B: Cranbrook Blvd to the agenda.

UPON A ROLL CALL VOTE, the Chair declared the motion approved. Yes: Dylan Bridge, Kelly Hemmeler, Virginia Higley, Nancy Martin, Christopher Renaud, Donna Corbin Sobinski, Kevin Zorda No: None Abstain: None.

4. PUBLIC COMMUNICATION AND PETITIONS

None.

5. CORRESPONDENCE

An email was received by the commissioners with the latest Torrent newsletter.

6. MINUTES OF PRECEDING MEETINGS

A. March 5, 2024

MOTION by: Kevin Zorda **seconded:** Nancy Martin to approve the meeting minutes as amended.

UPON A ROLL CALL VOTE, the Chair declared the motion approved. Yes: Dylan Bridge, Kelly Hemmeler, Virginia Higley, Nancy Martin, Christopher Renaud, Donna Corbin Sobinski,

Kevin Zorda No: None Abstain: None.

Chair Corbin-Sobinski watched the Youtube video and felt so qualified to vote.

7. TOWN ATTORNEY REPORT

None.

8. CONTINUED PUBLIC HEARINGS

A. IW# 696 - 85&100 Bright Meadow Blvd and 113 Brainard Road -Application for a Wetlands Permit for regulated activities in connection with the development of a sports complex and associated uses; Fast Track Realty, Applicant; Mass Mutual Life Ins. Co. Owners of 85&100 Bright Meadow Blvd, and John Rand Patricia C. Ferreira, Owners of 113 Brainard Road; Maps 35/Lots 44& 220, and Map 36, Lot 237; BR and R-33 Zones.

MOTION by: Kevin Zorda **seconded:** Dylan Bridge to open the public hearing.

UPON A ROLL CALL VOTE, the Chair declared the motion approved. Yes: Dylan Bridge, Kelly Hemmeler, Virginia Higley, Nancy Martin, Christopher Renaud, Donna Corbin Sobinski, Kevin Zorda No: None Abstain: None.

Public comment began.

Jessica Baldwin and Nick Meder, representatives for Connecticut Water, spoke for the first time. Ms. Baldwin read portions of a letter submitted to the Commission. They expressed several concerns, including the potential effects of capping the wetland and the potential for PFAS contamination. Alternative recommendations were shared. Ms. Baldwin opined that because this project is a new recreational use, a permit from the Army Corps of Engineers is required and should be included as an approval condition. She further opined that DPH should be notified so that they can review and comment.

Bill Cote, 343 Elm Street, Chair of the Enfield Conservation Commission, spoke for the first time. Mr. Cote shared portions of a new letter he wrote, which referenced a Yale University study related to PFAS exposure. ECC is also concerned about the potential of polluted water runoff.

Karen LaPlante, 166 North Maple Street, spoke for the first time. Ms. LaPlante gave a packet of information for the record. The EU has banned microplastics, including plastic turfs. She shared an extensive amount of information related to PFAS exposure. It is her opinion that organically managed natural fields are the best alternative.

Nancy Wyzga, 27 Lawncrest Road, spoke for the first time. She read a letter of concern

related to artificial turf fields. This material can be carcinogenic and can pose a risk to those who may play on those fields. Grass is the safest alternative. Synthetic turf fields are a massive government failure; putting children, students and athletes at risk of cancer.

Gretchen Pfeifer-Hall, 4 Somers Road, spoke for the first time. She was hoping that the applicant presentation would have been before public comment. She dug through old files from when she served on IWWA and found a letter dated 1999 from a technical engineer addressing placing structures and developments over terrace escarpment (TE) soils. She expressed concern about the lack of information provided in the application related to TEs. She has a lot of questions as to the overall wetlands maintenance and a geotechnical engineer needs to review this.

Chair Corbin-Sobinski shared that documents were received from CT Water and from Town Engineer, John Cabibo. Attorney Landolina introduced applicant representatives. Attorney Landolina noted that the US Supreme Court has limited the jurisdiction over the Army Corps of Engineers and it is his determination that there is no jurisdiction because they do not fit the Supreme Court's qualifications for notification. He further opined that the Yale study frequently referenced when discussing PFAS does not exist. He has already notified Connecticut DPH of this project. Connecticut Water representative did meet with the applicant in January. Attorney Landolina asked all commissioners to put any notes taken during the site walk on the public record.

The drainage and filtration system was explained in detail. Best management practices were reviewed. The layout of the synthetic field was explained. As material migrates, it gets caught by the curb. A french drain will encapsulate the field and will have a chance to trap the water and return it outside of the fields. The applicant will prepare answers to CT Water. The applicant announced that they will not be using rubber crumb. The underlayment will remain the same but they will be using something different. It is their opinion that 'Wetland A' is no longer jurisdictional due to the Supreme Court ruling because it doesn't have a permanent surface connection. It goes through 900 feet of piping before it outlets the swale then onto the brook. There will be a minimum of 3 years of monitoring and maintenance. Plans for removing invasive species were shared. 1 to 1.5 acres of invasive species will be targeted in that area interplanting plants, few trees and some shrubs. Photos of the dumping area behind Brainard Park were shared. In order to remove the materials, they must come up with some type of stabilization component. A manmade vernal pool was proposed. Photos of the site walk including the beaver dams were shared. They are now planning to leave one of the beaver dams. The lower beaver dam has limited biodiversity, and the trees are all dead. 14 acres will be put into conservation easement including the step wetlands.

Alan Hubbard of Athletic Fields of America was present for discussion. Mr. Hubbard shared criticism of the Yale study related to PFAS. He shared a document that shared third party studies detailing safety standards and PFAS testing.. He shared information about other athletic fields using synthetic turf that are in wetland areas. The fields are 100% recyclable. A sample of the grass was shared. They can be FIFA certified.

Ms. Driver met with the applicant and soil scientist last week to discuss mitigation measures. The mitigation comments she had previously were satisfied. She shared information related to the statutory timeline for this application. She has a few site specific recommendations. She has a question about discharge points. There are a number of discharge points that can be explored. Water is all collected in piping and will be routed where appropriate. It is mimicked by where water was going originally.

Commissioner Bridge asked about vernal pools. He confirmed a private company will be cleaning the catch basins. Commissioner Hemmeler asked about drainage plans and infiltration of dissolved materials. She asked further questions about wildlife preservation. Commissioner Martin asked about screening and now that crumb rubber is not being used, it is no longer needed. Traps can be added for potential yarn migration. Commissioner Zorda asked about weep holes and their affect on the water table. He also asked about shrub size. The vernal pool will be machine dug and will have to take a designated path with a low impact mini digger for excavation. Commissioner Zorda asked for a very detailed plan for that activity. He asked about a bond for the wetland creation area. He confirmed further town approvals will be needed for drainage activity. Engineering report will be reviewed. Light spill was discussed and more information will be provided. Commissioner Renaud asked for the case name of the Supreme Court case, which is the Sackett case. More details on the artifical turf were shared. Synthetic turf is polyethylene product. It has been used over an aquifer at other locations. Commissioner Kaufman asked where the infill will be coming from as there has been contaminated soils used in the past. The fill used will have certification so that they know they're not getting anything contaminated. Information related to cleaning the turf fields was shared. Chair Corbin-Sobinski asked for further explanation about the questions asked previously about the escarpment soils. Commissioners who took notes shared their findings.

MOTION by: Kevin Zorda **seconded:** Dylan Bridge to continue the public hearing.

UPON A ROLL CALL VOTE, the Chair declared the motion approved. Yes: Dylan Bridge, Kelly Hemmeler, Virginia Higley, Nancy Martin, Christopher Renaud, Donna Corbin Sobinski, Kevin Zorda No: None Abstain: None.

MOTION by: Virginia Higley **seconded:** Christopher Renaud to take a 10 minute break.

UPON A SHOW OF HANDS VOTE, the Chair declared the motion approved. Yes: Dylan Bridge, Kelly Hemmeler, Virginia Higley, Nancy Martin, Christopher Renaud, Donna Corbin Sobinski, Kevin Zorda No: None Abstain: None.

Meeting resumed at 9:35pm.

9. NEW PUBLIC HEARINGS

None.

10. OLD BUSINESS

A. DPN# 2024-01-26 - Map 79/Lot 11 - Request for a jurisdictional ruling for establishing agricultural crop fields; Cliff Chapman/Applicant, Mayfield Place II LLC/Owner; Map 79/Lot 11; R-44 Zone.

MOTION by: Kevin Zorda **seconded:** Kelly Hemmeler to remove DPN# 2024-01-26-Map 79/Lot 11 from the table.

UPON A ROLL CALL VOTE, the Chair declared the motion approved. Yes: Dylan Bridge, Kelly Hemmeler, Virginia Higley, Nancy Martin, Christopher Renaud, Donna Corbin Sobinski, Kevin Zorda No: None Abstain: None.

Applicants and representatives were present for discussion. This is a proposed hay farm totaling 94.4 acres. It currently abuts Shaker Pond and the Massachusetts state line. The exhibit plan marked the wetlands line. The last wetlands delineation was done in 2006 as part of a previously proposed condo development. There are 12.9 acres of wetlands. The applicant is proposing to convert 62.4 acres in the upland area to hay. There are no proposed activities in the wetlands. Drainage patterns will remain the same. There will be no wetland fill. A farm road is proposed and will run into the Eversource access road. It is their opinion that this proposed use qualifies for the farmland exemption. A narrative was prepared by Attorney Brooks supporting that.

Ms. Driver shared portions of her memo. This is a different type of project than what has been proposed in the past. She recommended that best management practices be followed, including silt fence installation during the initial construction of the fields. In response to public inquiry, she further clarified that this type of application requires no public component. Commissioner Renaud asked if there was a way to guarantee that this would be used for farming and not for future development. Ms. Driver explained that if the applicant wanted to

do anything further, they would need to reapply for the new use. The commissioners cannot speculate about future developments. Attorney Brooks explained that best management practices are perfectly appropriate for permit applications, but this is an exempt activity. No new trees will be planted. There was no confirmation of the use of pesticides and fertilizers. Ms. Driver explained that if silt fencing was not included, the site will be more closely monitored to ensure that the wetlands are sufficiently protected. Commissioner Kaufman asked if the vehicles would be traveling through the gated area of Westview Drive.

MOTION by: Kevin Zorda **seconded:** Dylan Bridge to not require a wetlands permit for DPN# 2024-01-26-Map 79/Lot 11 because the activity is an agricultural exemption.

UPON A ROLL CALL VOTE, the Chair declared the motion approved. Yes: Dylan Bridge, Kelly Hemmeler, Virginia Higley, Nancy Martin, Christopher Renaud, Donna Corbin Sobinski, Kevin Zorda No: None Abstain: None.

11. NEW BUSINESS

A. IW # 697 - Map 81/Lot 9-Corner of N Maple Street & Shaker Rd- Application for a Wetlands Permit for the development of an indoor self-storage facility with associated activities in the 200' upland review area of Freshwater Brook; Polman Realty, LLC Applicant; Mark Polek, Owner; Map 81/Lot 9; I-1 Zone.

Applicant representatives and attorney were present for discussion. This is a proposed self-storage facility to be located on a 6 acre parcel. There is no proposed wetland activity, but Freshwater Brook is within the 200 ft regulated area. The property was inspected by a soil scientist last year, and he did not observe any wetlands on the property. The groundwater is relatively shallow. The site is mildly sloping but flat overall. The proposed stormwater basin was described. The grading plan will be as minimal as possible with a slope leading to the basin for optimal drainage. They are proposing an outlet control structure to connect to the drainage system along North Maple Street. Stormwater won't be discharged until the 10-year event.

Ms. Driver shared information from the ART meeting. She has one site specific recommendation. She is still waiting for departmental reviews and recommends that this be continued.

MOTION by: Kevin Zorda **seconded:** Nancy Martin to continue #IW 697 to the April 2, 2024 meeting.

UPON A ROLL CALL VOTE, the Chair declared the motion approved. Yes: Dylan Bridge, Kelly Hemmeler, Virginia Higley, Nancy Martin, Christopher Renaud, Donna Corbin Sobinski,

12. ENFORCEMENT REPORTS

A. 83 First Avenue

Property owners were not present. Mr. Rachele explained that he must be present. DEEP will be going out to the property via the easement. The adjacent property has been advised of the situation. The attorney for the property owner to the south was present. Attorney Bashaw confirmed that this is an activity his client had no knowledge of and he has provided the property owner with a Cease and Desist notice for coming onto their property. His client is willing to provide the necessary access to get the work done subject to entering into access agreements and so people doing the work are properly insured. The same permission extends to the Town of Enfield. An update will be provided at the next meeting and he will urge the property owner to attend the next meeting.

B. 13 Cranbrook Blvd- Property owner was present for discussion. The Town Manager's office got a call about illegal dumping and Mr. Rachele went out there to inspect. This area is well known for having a very high water table. On the north side abutting the brook, there is a storage container that was previously approved but in the same area there were oil cans and barrels. There are 3 55 gallon drums that are partially full of oil. Some of the 5 gallon pails have been removed. The property owner explained that there had been issues with a former business partner, and he was unaware that there was oil in the drums. They will cooperate and follow town guidance. Ms. Driver noted that this property will also need to register with the Aquifer Protection Agency. She further explained that DPH, DEEP and the water company will be advised regarding this violation.

13. PLANNING STAFF REPORT

Ms. Whitten stated that their department has gone over their paper budget and proposed tablets for the commissioners. Paper copies of plans would still be included. Ms. Driver shared a document that has the 6 main goals of application review and other relevant information related to decision-making.

14. APPLICATIONS TO BE RECEIVED

A. IW# 698 - 20 Pearl Street Extension - Application for a Wetlands permit for an in-ground pool and surrounding patio; Roger Langlois, Applicant; Thomas and Melinda Miville, Owners; Map 10/Lot 23; R-33 Zone

15. MISCELLANEOUS

Chair Corbin-Sobinski requested that commissioners refrain from commenting on relevant applications on social media.

16. ADJOURNMENT

The next meeting is on April 2, 2024.

MOTION by: Kevin Zorda, seconded: Virginia Higley to adjourn.

Upon a **SHOW-OF-HANDS** vote being taken, the Chair declared the motion adopted unanimously, and the meeting stood adjourned at 10:30 pm.

Respectfully submitted,

Virginia Higley
Secretary

Rebecca Jones
Recording Secretary