



MINUTES
INLAND WETLANDS & WATERCOURSES AGENCY
REGULAR MEETING - AMENDED AGENDA
April 16, 2024
7:00 PM - Council Chambers
https://www.youtube.com/watch?v=dyuVU_e6MQM

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: Kelly Hemmeler, Virginia Higley, Kenneth Kaufman, Nancy Martin, Donna Corbin Sobinski, Kevin Zorda, Dylan Bridge

Absent: Anne Whitney Collins, Christopher Renaud

Commissioner Kaufman was seated as a regular member.

Also present was Town Planner; Laurie Whitten, Assistant Town Planner; Georgienna Driver, and Recording Secretary; Rebecca Jones.

4. PUBLIC COMMUNICATION AND PETITIONS

None.

5. CORRESPONDENCE

None.

6. MINUTES OF PRECEDING MEETINGS

A. April 2, 2024

MOTION by: Kevin Zorda **seconded:** Nancy Martin to approve the April 2, 2024 meeting minutes.

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

MOTION by: Kevin Zorda **seconded:** Virginia Higley to move Continued Public Hearings to be heard after New Business.

UPON A ROLL CALL VOTE, the Chair declared the motion approved. Yes: Dylan Bridge,

Kelly Hemmeler, Virginia Higley, Kenneth Kaufman, Nancy Martin, Donna Corbin Sobinski, Kevin Zorda No: None Abstain: None.

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:** Nancy Martin to open the public hearing.

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

Attorney Landolina introduced the applicant and representatives. He shared information regarding 22A-42F, which pertains to legal notice of application to a water company and DPH. Attorney Landolina confirmed with USPS tracking that both DPH and Connecticut Water Company (referred to as "CWC" hereafter) were notified as required by law. He shared details about a recent meeting with CWC. The EPA has now adopted a new PFAS standard of 4 parts per trillion. Water companies have 5 years to comply. CWC has requested a sample of the turf so that they can conduct their own testing. The applicant is concerned about chain of custody in handling the sample, so Tencate will work with the applicant to test the material and submit the results to CWC. This process is not short, and results will likely be shared during the PZC meeting. Feasible and prudent alternatives were addressed by Attorney Landolina. He provided distinctions between the two for the record. The project has improved over the last 8 weeks and this is the most feasible and prudent plan that would fit under these standards. It is an adaptive reuse project of an empty building.

Chair Corbin-Sobinski asked the wetlands expert to review the mitigation report that was previously requested. There are currently no PFAS standards for wetlands or stream waters. There is a potential for leaching of PFAS from Wetland A, so the top soil from that area will be tested and removed. DEEP requires Freshwater Pond to be dredged every 5 years and it costs the Town of Enfield approximately \$350,000. The applicant has offered to help with funding this up to \$250,000. A map of the conservation area was shared and 15.7 acres will be placed into conservation restricting further development, including Wetland B. In addition to bioengineering

methods to restore and stabilize this area, at least 60 shrubs will be planted. The area with most severe bank erosion will be evaluated and possibly included for restoration at the time of implementation. Maps were shared highlighting specific points of interest, including the area of removal of debris and the vernal pool. Herbicide use was discussed. There will be 1.5 acres targeted for invasive species removal. Step wetlands and flow patterns were shown. Monitoring measures were discussed. It is a multi-year process with reports given to commissioners via staff.

Commissioner Hemmeler asked about the fill being used to fill and cap Wetland A. All the organics will be stripped, tested and there will be a review of what remains. The pavement will be pulverized and will be used as the base under the new parking area behind the building. This space will be used as the 'staging area' to mix and improve the soils. The material brought in to mix with it will be recommended by a geotechnical engineer. The contaminated top spoil is the contractor's responsibility and will go through proper steps for removal. This site needs very little topsoil. Commissioner Martin asked if there would be an end to a monitoring. The three growing season timeframe allows for a proper window to ensure initial goals are met. It is possible for it to be extended should more time be needed to meet these goals. Commissioner Zorda asked about the watering plan. Mr. Lucas stated that water will be brought in should there be drought-like conditions.

Chair Corbin-Sobinski read a letter from Diane Pizzo, President of the Enfield Garden Club into the record. They are concerned about the potential exposures of PFAS and the reuse capabilities of the artificial turf.

Jessica Baldwin and Rose Gavrilovic of CT Water Company, spoke for the first time. It is their opinion that IWWA does have control over the aquifer. Ms. Baldwin shared information that refutes Attorney Landolina's previous claims related to PFAS . She shared a list of outstanding concerns, including a request for the applicant to confirm that this synthetic turf is PFAS free and below the new recommended levels by the EPA. She is also requesting pre-construction and post-construction stormwater quality monitoring. They are hoping for continued cooperative conversations. They request that the applicant continue this application until both parties come to a resolution.

Kathleen Vose, 16 Powder Hill Road, member of the Enfield Conservation Commission, spoke for the first time. She thanked the applicant for moving away from crumb rubber. She asked if PFAS is used during the extruding process. This is a critical item to verify given the new EPA guidelines. Ms. Vose stated that plans for the escarpment slopes should be reviewed by a geotechnical engineer before IWWA approval.

Karen LaPlante, 166 North Maple Street, spoke for the first time. She shared portions of a prepared statement given to Town staff. The letter reviews the authority of this commission. A synthetic precipitation leaching procedure should be mandatory before approval followed by a PFAS test. Ms. LaPlante shared other information from her statement about testing for microplastics. This project will cause permanent damage and should be denied as presented.

Attorney Landolina spoke about field installation. He clarified statements made about water testing and levels shared during previous meetings. Ms. Driver shared information from her staff report. She encouraged commissioners to review information thoroughly. Departmental reviews have been completed. She spoke about the site-specific conditions. Commissioner Zorda asked about the addition of a ninth site-specific condition that an appropriate agreement be completed with the Town of Enfield to establish the agreed 15.7 acres of conservation easement, which includes much of Wetland B. It can be added if the applicant is agreeable and it will be reviewed by the Town Attorney and brought up again during the PZC process. Mitigation measures need to be accepted as part of the motion. Commissioner Zorda asked CWC staff about timeline for completing turf testing, which should take around two weeks. They requested results be prepared in parts per trillion. Commissioner Higley confirmed that the applicant previously stated there were no detectable levels of PFAS but they were measuring in parts per million not the recommended parts per trillion. The applicant provided clarification via a letter from Tencate related to PFAS testing.

MOTION by: Kevin Zorda **seconded:** Virginia Higley to close the public hearing.

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

Chair Cobin-Sobinski thanked the applicant for listening to concerns and changing the application as requested. She is pleased that the applicant is working with CWC to ensure continued water quality. Commissioner Zorda is pleased with the removal of the crumb rubber and stated that discussions about PFAS will continue through this project's application process.

MOTION by: Kevin Zorda **seconded:** Virginia Higley to approve IW# 696- 85&100 Bright Meadow Blvd and 113 Brainard Road with ten site-specific conditions based on the findings of no other prudent and feasible alternatives and that the applicant made changes that dealt with the issues brought forward by members of the public as well as the Commission.

UPON A ROLL CALL VOTE, the Chair declared the motion approved. Yes: Dylan Bridge, Kelly

Hemmeler, Virginia Higley, Kenneth Kaufman, Nancy Martin, Donna Corbin Sobinski, Kevin Zorda No: None Abstain: None.

Reasons for approval included the following:

- Chair Corbin-Sobinski- the applicant went above and beyond to make it the best possible solution for the property.
- Commissioner Zorda-there were prudent and feasible mitigation and alternatives to the issues brought forth, specifically the crumb rubber and design aspects. Creation of the vernal pool and contribution to the community in other places is significant.
- Commissioner Higley-echoed previous commissioners' statements. Water concerns will be addressed by the Aquifer Protection Agency.
- Commissioner Hemmeler-impressed by the vernal pool, removal of dump and invasive vegetation. The amended plan is prudent and reasonable.
- Commissioner Bridge- pleased with eco-friendly alternatives. He is pleased with the plan for dredging Freshwater Pond.
- Commissioner Martin-pleased with overall mitigation strategies and effort to work with Connecticut Water Company.
- Commissioner Kaufman-pleased that the older beaver dam is not being removed, downsizing of the basketball courts, creation of the vernal pools and removal of invasive species.

9. NEW PUBLIC HEARINGS

None.

10. OLD 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; 1-1 Zone.

The applicant representative was present for discussion. This project is a proposed self-storage facility. This was continued to allow for a complete departmental review. Comments from the Engineering Department were reviewed. Planning comments were addressed, and the upland review area will now be marked on the final plans. Ms. Driver shared final comments. The water company has not shared any comments related to this project. This property is still registered under 490 status. Commissioner Higley asked if it's legal to put a building on land with 490 designation. The development rights have not been sold yet, but there are certain penalties if the owner sells or develops before the 490 window is up.

MOTION by: Kevin Zorda **seconded:** Virginia Higley to approve IW# 697- Map 91/Lot 9-

Corner of North Maple and Shaker Road with site specific conditions.

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

11. NEW BUSINESS

A. **DPN# 2024-04-04 - 33 Sandpiper Road**- Application for determination of permit need per section 8.8 for a 12' x 24' shed; Steeve & Cara Parent, Applicant/Owner; Map 89/Lot 13; R-44 Zone

This application was withdrawn.

12. ENFORCEMENT REPORTS

DEEP has issued a Notice of Violation to the property owner at 83 First Avenue.

13. PLANNING STAFF REPORT

A letter was received from Connecticut Siting Council related to an upcoming public hearing for the proposed solar farm at 141 Town Farm Road. The Town of Enfield has applied for intervenor status along with a few neighbors.

14. APPLICATIONS TO BE RECEIVED

A. **IW# 699 - 75 Oliver Road**- Application for a Wetlands Permit for the new construction of a single family home; Heron Homes, LLC, Applicant; Town of Enfield, Owner; Map 47/Lot 63; R-44 Zone

15. MISCELLANEOUS

None.

16. ADJOURNMENT

MOTION by: Nancy Martin, 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 9:20 pm.

Respectfully submitted,

Virginia Higley

Secretary

Rebecca Jones

Recording Secretary