

MINUTES
ENFIELD INLAND WETLANDS AND WATERCOURSES AGENCY
TUESDAY, October 3, 2023, 7:00PM
REGULAR MEETING
Council Chambers; 820 Enfield Street, Enfield, CT 06082

RECEIVED
ENFIELD TOWN CLERK
2023 OCT 12 PM 1:30
Sharon Bailey

1. Call to Order

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

3. Roll Call

Members present: Chair Corbin-Sobinski Commissioners, Kevin Zorda, Robert Hendrickson, Nancy Martin, Phil Kober, Christopher Renaud, and Virginia Higley

Members Absent: Commissioner Anne Collins

In the absence of Commissioner Collins, Commissioner Renaud was seated per Chair Corbin-Sobinski.

Also, present: Georgienna Driver, Assistant Town Planner, Rick Rachele the CZEO, and Sandie Barone, Recording Secretary.

5. Agent Correspondence: Chair Corbin-Sobinski mentioned to Ms. Driver that there is no packet on the website for the September 5th meeting. Ms. Driver said she will try to address that when she can as the office is severely short staffed.

6. Approval of Minutes:

a. September 19, 2023

Commissioner Higley made a motion to approve the minutes for September 19, 2023, seconded by Commissioner Zorda.

Motion passed 7-0-0 vote.

11. New Business:

Determination of Permits-

a. **DPN# 2023-09-12: Old King St** - Application for a jurisdictional ruling for the installation of irrigation pipes; Parsons Road Fann, LLC, Applicant/Owner; Map 18/Lot 8; R-44 Zone.

Ms. Driver said they received an email in the late afternoon for a withdrawal from the application without prejudice.

Commissioner Zorda made a motion to accept the withdrawal for **DPN# 2023-09-12: Old King St** - Application for a jurisdictional ruling for the installation of irrigation pipes; Parsons Road Fann, LLC, Applicant/Owner; Map 18/Lot 8; R-44 Zone seconded by Commissioner Hendrickson.

Motion passed 7-0-0 vote.

Agent Approvals-

b. **AAA# 132: 1 Surrey Lane**-Authorized Agent Approval Request for an addition within the upland review area; Greg Boswell, Applicant; Daniel and Kelly Barile and William and Pamela Phelan, Owners; Map 68/Lot 74; R-33 Zone.

Greg Boswell of 31 Moody Road said that the customer wishes to replace the existing garage and deck and replace it with a tandem garage with a storage unit above, a breezeway way with laundry and bathroom on the second floor.

Ms. Driver said normally she can authorize these types of applications as an agent approval through the building department, but because this is over the allotted 800 square feet rule Mr. Boswell is here presenting the plan to the Commission.

Commissioner Zorda made a motion to authorize agent approval for **AAA# 132: 1 Surrey Lane**- for an addition within the upland review area; Greg Boswell, Applicant; Daniel and Kelly Barile and William and Pamela Phelan, Owners; Map 68/Lot 74; R-33 Zone with a site-specific condition of erosion and sediment controls which will be included around the temporary stockpile, seconded by Commissioner Martin.

Motion passed 7-0-0 vote.

Permits-

c. **IW# 690-109 Cottage Road** -Application for a Wetlands Permit for the removal of trees within a regulated area; Linda and Ernst Ostapoff, Applicant/Owner; Map 95/Lot 23; R-33 Zone.

Ernst Ostapoff 109 Cottage Road, said that although he does not want to cut down the trees he fears for his house and the neighbors house because the trees are so high and old (100 years old), they have already dealt with a tree falling in the lake and large pieces of trees falling around the yard.

Chair Corbin-Sobinski asked what will happen to the tree stumps. Mr. Ostapoff said the stumps by the lake will remain and the stumps along the driveway will be ground down.

Commissioner Zorda made a motion to approve **IW# 690-109 Cottage Road** -Application for a Wetlands Permit for the removal of trees within a regulated area; Linda and Ernst Ostapoff, Applicant/Owner; Map 95/Lot 23; R-33 Zone with site-specific condition of

the tree trunks closest to the lake will remain and not be removed, seconded by Commissioner Hendrickson.

Motion passed 7-0-0 vote.

12. Enforcement Report (s):

a. 10 Wheeler Drive- Dan Smith 10 Wheeler Drive

Ms. Driver said he did apply online however they are not 100% digital yet so the application has been on hold for being incomplete. Mr. Rachele said from the reports that Mr. Smith received other zoning violations as well as the wetlands violation. Ms. Driver said there was an initial discussion back in June with Mr. Smith when he inquired about deck replacement and what he needed to do. He was advised that he would need a wetlands permit and possible flood permit and a building permit. When Ms. Driver was in the area doing an inspection on another property, she noticed the excavation on 10 Wheeler Drive from across the lake.

Commissioner Zorda said he was a little concerned from the picture that was taken in September where the silt fencing looked like it was failing. Mr. Smith said that the silt fence was repaired in the past week.

Mr. Rachele said that the only issue he had was that though they were given the notice of violation and cease and desist, the work continued.

Mr. Smith stated that there was an existing wood retaining wall that was failing. He needs to get the wall back in to stabilize excavation and protect the foundation of the house. He said that when he purchased the house, the mortgage company said that he did not need flood insurance.

Mr. Rachele said that on August 14th a building permit was submitted, which he put on hold because the plans show structures within the 100-year flood plain. Ms. Driver had stated that the owner had not received a LOMA from FEMA to prove they are in fact outside of this flood zone and until a LOMA is acquired, the flood regulations still come into effect.

Chair Corbin-Sobinski asked if there were safety issues, at which point Mr. Smith said that the area is barricaded with caution and danger tape around the perimeter.

Attorney Carl Landolina entered the meeting at 7:24 PM. Mr. Landolina said that his client intends to file an application. He said that there is an exemption in the regulations that Mr. Smith may be entitled to, which is the maintenance of residential property in section 10. Mr. Landolina said he believes they are out of the regulatory flood permit area according to the FEMA website. This can be discussed with staff in the coming weeks.

Ms. Driver asked Mr. Landolina to point out where he found the regulation that he mentioned on exemption due to maintenance of residential property, because the Enfield

regulations are a little different then the CT state regulations from DEEP. Mr. Landolina said it was actually Section 4.1d, to which Ms. Driver replied that this does not apply in this case.

Mr. Rachele asked Mr. Smith about an email that he sent to the Building Inspector, asking him to declare this situation an emergency because of the conditions, and pictures were sent that show the wooden retaining wall, he asked if the wall had been removed. Mr. Smith said the wall is still in place.

Mr. Smith reiterated that he is concerned with the safety issue because it is eroding and impacting the neighbor's yard.

Discussion concluded with the applicant completing an application, and if anything happens in the meantime, the applicant will reach out to the staff.

Commissioner Zorda said for the record that he will be abstaining from the vote on this application once it comes in because the applicant is a member of the Shriners which he is also a member of.

b. Yankee Castings: Mr. Rachele said that documents were sent to the Commissioners showing the communications between himself and DEEP as back as June. Based from the last correspondence, there has not really been a response update from DEEP. The only thing the Agency can do at this time is forward it to the Town Attorney. A Cease-and-Desist order was given but they continue to work to this day. The applicant was made aware by Mr. Rachele that a plan and application was needed which has not been submitted.

Commissioner Zorda made a motion to send the issue with Yankee Castings to the Town Attorney for further action, seconded by Commissioner Hendrickson.

Motion passed 7-0-0 vote.

13. Report of Planning Staff:

a. Ms. Driver said Mr. Randy Dagle contacted her for a Wetlands CO for the completion of his house at 55 Cottage Road. She went out to the site which is pretty much stabilize. She signed off on the building permit for the Wetlands CO.

b. 29 Moody Road- is in the beginning stages of construction she met with George Logan on site as a requirement of their permit for the initial delineation phase where they show the contractors where and what can be removed and what is protected.

14. New Applications to be Received:

a. **IW#691- 145 & 153 South Road**- Application for a Wetlands Permit for the development of the Maplewood Village Apartments; Enfield Properties, LLC + Maplewood Village of Enfield, LLC, Applicant/Owners; Map 55/Lot 80 and Map 55/Lot 59; I-I/R-44 Zones.

15. Miscellaneous: Chair Corbin-Sobinski mentioned the CACIWC annual meeting is on November 11th. Ms. Driver received an email from Commissioner Zorda that he expressed interest in going. She is waiting for more information and to see if there are remote options for members to attend.

16. Adjournment: Commissioner Zorda made a motion to adjourn the meeting, seconded by Commissioner Higley.

Motion passed unanimously.

Meeting adjourned at 7:44 pm

Prepared by: Sandie Barone

Respectfully Submitted,

Virginia Higley, Secretary