

TOWN OF EAST WINDSOR
AQUIFER PROTECTION AGENCY

SPECIAL Meeting

January 25, 2022

**Meeting held immediately following Adjournment
of the Planning and Zoning Commission Regular Meeting**

***DUE TO THE INCREASE IN COVID ACTIVITY
THIS MEETING IS BEING HELD VIA
REMOTE ACCESS ONLY
via ZOOM Teleconference
Meeting ID: 714 897 1799***

Minutes Heading: MEETING MINUTES

********Minutes are not official until approved at a subsequent meeting********

I. TIME AND PLACE OF MEETING, Virtually, via ZOOM:

Chairman Gobin called the Special Meeting of the East Windsor Aquifer Protection Agency dated January 25, 2022 to Order at 6:54 p.m. The Meeting is being held remotely only.

PRESENT: **Regular Members:** Anne Gobin (Chairman), Michael Kowalski (Vice Chairman), Joseph Sauerhoefer, and Jim Thurz (Secretary), and Alternate Member David Leason.

ABSENT: Regular Member Frank Gowdy is not present this evening.

GUESTS/SPEAKERS present remotely identified as they sign in: Director of Planning and Development/Town Planner Ruth Calabrese hosted the meeting; Planning Consultant D'Amato was present remotely as well. Also present were: Alan Baker, Board of Selectmen Liaison to the Planning and Zoning Commission; Selectman Nordell (CharlieNordell73@gmail.com), Jessica Demar, Connecticut Water Company; Gil's I-pad, and Peg Hoffman, Recording Secretary.

II. ESTABLISHMENT OF QUORUM:

Chairman Gobin noted a quorum was established as four Regular Members and one Alternate Member were present at the Call to Order.

III. APPROVAL OF MINUTES:

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a. January 11, 2022:

Chairman Gobin noted the same correction as for the Planning and Zoning Regular Meeting; Line 38 has referenced Selectman Alan Baker as the Board of “Selection’s” Liaison to the PZC” rather than “the Board of Selectmen’s Liaison. Chairman Gobin called for other corrections or edits. Hearing none she requested a motion of approval as amended.

**MOTION: To APPROVE the Minutes of Regular Meeting #1818 dated January 11, 2022 with the following amendment:
Page 1, Line 38, “.....Selection **SELECTMEN** Liaison to the PZC.....”**

Kowalski moved/Leason seconded/DISCUSSION: None.

**VOTE by show of hands: In Favor: Gobin/Kowalski/Leason/
Sauerhoefer/Thurz
(No one opposed/No Abstentions)**

IV. STAFF REPORT:

Town Planner Calabrese introduced Ms. Jessica Demar, Environmental and Compliance Coordinator for the Connecticut Water Company. Ms. Demar will address the Commission shortly regarding your role in review and/or regulation of land uses which fall within the Aquifer Protection Area.

Town Planner Calabrese referenced her Staff memo dated January 19, 2022, which gives the Commission an update of her recent activity related to the implementation of the Aquifer Protection Agency (APA). She noted on January 18, 2022, she met with Ms. Demar, and Kim Czapia, of the Connecticut Department of Energy and Environmental Protection (DEEP). Town Planner Calabrese noted the first item of consideration for the APA is its compliance status. The APA was established by Ordinance; Regulations were adopted in 2015; Level A mapping has been completed by the Connecticut Water Company and was to have been included in the current Zoning Map.

Town Planner Calabrese noted that registration of prohibited businesses was to have been completed by 2020, but the DEEP and the Connecticut Water Company are more interested in moving forward than penalizing the Town for non-compliance. Town Planner Calabrese referenced a list of prohibited land uses. She noted there are at least 3 businesses that the APA will need to register with the Agency, and they will need to be accepted on the record; they are:

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- 33 Apothecaries Hall Road
- 11 Chamberlain Road
- 95 Rye Street

These businesses have been sent letters notifying them need to come in to be reviewed and registered initially, and then will need to register every 5 years. These are pre-existing businesses so they can't be denied, but they will need to be reviewed periodically. Town Planner Calabrese reported most of the land within the Aquifer Protection Area is either agricultural or residential; within both of those categories there are exemptions for the use of the land.

Town Planner Calabrese reported the DEEP and Connecticut Water Company have indicated the Aquifer Protection Agency must meet at least annually; they're suggestion is to schedule quarterly meetings. A quarterly meeting schedule has been provided and should be approved by the Commission under a separate Agenda item.

Town Planner Calabrese suggested most of the work regarding review of business uses proposed within the Aquifer Protection Area will be done in the Planning and Development Office. A list of addresses will be entered into the current Permitting Software, which will flag the use for referral to the Connecticut Water Company for review.

Town Planner Calabrese then turned discussion over to Ms. Demar, of the Connecticut Water Company.

V. GUEST SPEAKER:

A. Jessica Demar, CT Water Company:

Ms. Demar introduced herself as the Environmental and Regulatory Compliance Officer for the Connecticut Water Company. She suggested that any application coming before the Planning and Zoning Commission (PZC) should be referred to the Connecticut Water Company for review; Ms. Demar noted a simple referral form which will activate the review.

Chairman Gobin:

- ***Uses to be reviewed:*** Chairman Gobin questioned if it would be residential uses by a homeowner or business uses, such as heating oils, or what type of uses would be subject to review? Ms. Demar cited there are thresholds for the uses, as an example underground storage is exempt. Ms. Demar suggested that typically anything under a residential use wouldn't come up to the

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threshold for review and registration through the Aquifer Protection Agency. Town Planner Calabrese cited the list of 28 regulated uses which had been included in the Commissioner's packets.

- ***Fee schedule:*** Chairman Gobin noted the regulations include a fee schedule. Ms. Demar indicated letters are sent to the businesses or residents, fees are based on the size of the parcel. Typical fees are \$200 or \$300 per application.

Town Planner Calabrese noted the availability of a PowerPoint presentation which she'll send to the Commissioners which explains the process. The Commissioners requested the presentation be e-mailed to them.

Ms. Demar referenced the "Notification Form", which advises the Connecticut Water Company of businesses planning to establish themselves within the public watershed. She suggested the requirement is to file via certified mail but she's working with this simplified form to expedite the process and assist with the registrations. She'll send along comments, which can be used as conditions of approval. She noted part of the Connecticut Water Company's role was to do the Level A mapping, which has been done. Their concerns are for work within 200 feet of the wells to ensure good water quality.

Chairman Gobin:

- ***Extent of referral/application responsibility:*** Chairman Gobin asked if everything within the zone get referred to the Connecticut Water Company, or just commercial and/or industrial applications? Ms. Demar indicated everything is referred; many applications will receive a response that there are no comments from the Connecticut Water Company. Ms. Demar suggested most of the applications submitted through the Aquifer Protection Agency will be handled by Town Planner Calabrese as an administrative approval through the Planning Office, and wouldn't come before the Aquifer Protection Agency.
- ***Referral examples:***
 - ***Cannabis Regulations:*** Chairman Gobin questioned if all applications should be referred should the recent Cannabis Regulations have been referred to the Connecticut Water Company? Mr. Demar indicated those regulations wouldn't have been of interest to them. Their concern would be businesses on septic systems rather than sewer lines located within the Aquifer Protection Area.
 - ***Planned Commercial Development District/Zone:*** Chairman Gobin questioned if applications being promoted in Broad Brook under this new zone would be referred? Planning Consultant D'Amato

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suggested the Planned Commercial Development Zone is a floating zone. If an application is “dropped” in this area it should be referred to the Connecticut Water Company. Planning Consultant D’Amato gave an example of similar reviews for a specialized zone along the shore, and the process for juggling the referrals. Ms. Demar suggested the Agency can consider if the Connecticut Water Company is being too extreme you could discuss the comments, but she cautioned that the aquifer protection area is the only drinking water the town has, and we need to protect it. She’ll provide comments to the referrals and the Agency can decide to include them in the approval conditions or not.

Commissioner Sauerhoefer:

- ***Broad Brook Mill site:*** Commissioner Sauerhoefer questioned if the Agency will have any oversight regarding the remediation proposed for the Mill site which is located within the Aquifer Protection Area? He noted the owner of the Mill are proposing to cap certain areas and move other areas around. Ms. Demars felt the Agency couldn’t say no, but you can make recommendations regarding use of best management practices. Town Planner Calabrese suggested the recommendations will have to come before both the Planning and Zoning Office and the Aquifer Protection Agency; Ms. Demars suggested they should come before the Wetlands Commission as well regarding their proposed regrading plan. Commissioner Sauerhoefer questioned if the Town could request copies of their “boring reports”? Town Planner Calabrese indicated that information will be submitted to DEEP.

Chairman Gobin questioned what happens if the Town wants the site cleaned to a greater extent than the owners of the Mill propose? Ms. Demar felt that would be allowable under the law.

Commissioner Sauerhoefer suggested the Town’s concern isn’t just about what happens with the current remediation but also with the results of that 30 years from now. Ms. Demars suggested that’s the importance of proposing a good remediation plan. Town Planner Calabrese noted the boundaries of the removal area seem to be outside of the Aquifer Protection Area.

Commissioner Kowalski:

- ***Application process change:*** Commissioner Kowalski felt this additional review will require a change in the PZC review process, as it appears applications will need to be reviewed by the Connecticut Water Company before coming before the Planning and Zoning Commission. Town Planner Calabrese felt many applications will be handled administratively within the

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Planning Office under the permitting process. Commissioner Kowalski felt the PZC will need to be aware of the comments before approving applications within the Aquifer Protection Area. Ms. Demars noted the comment response time is 7 days but that isn't realistic with her workload. Town Planner Calabrese suggested if the Planning Office is discussing applications administratively, they would invite Ms. Demar to those discussions.

Chairman Gobin queried the Commissioners for additional comments; no one raised any questions tonight.

Chairman Gobin thanked Ms. Demar for joining the Commission this evening and explaining the process and the support she can provide.

VI. ESTABLISH MEETING DATES:

A. 2022 Quarterly Meeting Dates:

Chairman Gobin referred to the revised quarterly schedule being proposed this evening. Town Planner Calabrese indicated this schedule had been suggested by DEEP rather than a monthly meeting.

MOTION: To ADOPT the Quarterly Meeting Schedule for the Aquifer Protection Agency – January 25, 2022, April 26, 2022, July 26, 2022, and October 25, 2022 – immediately following the Planning and Zoning Commission Meeting, and deleting the following footnote “* Meetings of the Aquifer Protection Agency will be held on the second and fourth Tuesdays of each month immediately following the Planning & Zoning Commission meetings which are held at 7:30 P.M. at the Town Hall, unless otherwise posted.”

Kowalski moved/Thurz seconded/DISCUSSION: None.

VOTE by show of hands: In Favor: Gobin/Kowalski/Leason/
SauerhoeferThurz
(No one opposed/No Abstentions)

VII. DISCUSSION:

No additional discussion requested this evening.

VIII. ADJOURNMENT:

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MOTION: To ADJOURN the Aquifer Protection Agency Meeting 7:35 p.m.

Thurz moved/Leason seconded/DISCUSSION: None.

VOTE: In Favor: Gobin/Gowdy/Kowalski/Sauerhoefer/Thurz
(No one opposed/No Abstentions)

Respectfully submitted:

Peg Hoffman, Recording Secretary, East Windsor Aquifer Protection Agency