

# **Town of Enfield Planning Board Meeting**

**Wednesday September 1, 2021 7 PM**

## **Minutes (Draft)**

**Attendance: Mike Carpenter, Henry Hansteen, Ann Chaffee, Aaron Abb**

**Call to order: 7:03 PM**

**Review Minutes: Henry Hansteen made a motion to approve the minutes, Aaron Abb  
Seconded,  
All voted in favor, carried.**

**Discussion of Proposed site plan review law modification for drinking water protection:**

### **Presentation by Steven Winkley**

(Hydrogeologist & Source Water Protection Specialist, New York Rural Water Association)

Steven has worked in local towns and recently a waterwell online survey was conducted in which they received about 162 responses, which is a record. A grant from CDC made it possible to sample wells, 18 in person and bottles have been mailed in since and they are still trickling in. With probably about 25 have preliminary results. An interest was a local water laws and protection efforts, like fracking, solar and wind. Steven focuses on drinking water, In Danby they have zoning and they did a zoning overlay district. They looked at Enfield's site plan review law since Enfield does not have zoning. A revised version has some changes since it was originally done even though it is the first time the Planning Board has seen it.

Based on the last meeting he had a sense that not everyone had a chance to look at the law, he can take questions tonight, some people question the need for a law. The drinking water resources in Enfield are not evenly distributed. some decent supply in the valley but once you get out of the valley it's not great. Some residents have water quantity issues, and have had to adapt how they use water.

The data from the NY dept of health, more than half of wells tested positive for coliform

bacteria and 25 percent tested positive for E.coli, that suggests that there are issues with local well and things around the wells. That says that drinking water regulations are important, hopefully we will be able to have more meetings to discuss what residents can do to protect their water. 95 % of Enfield is in AG district. Being in an AG district means that you cannot reasonably restrict AG district functions. Items 8-10 of section 5 mention AG, and come directly for depart of AG district. Proposed law is not to change what we already have, should have language that exempts. Some people thought that this looks like what the state DEC already does. We don't need to include items that are already regulated. The water laws are not prohibitions, just items that would trigger a review. What activities would trigger?

A separate standalone law, it makes sense to amend existing site plan, this is going through and actually amending that section of the Site Plan Law. 3 is the purpose, 4 is the definitions,

section 5, section 2.1a development law and actives fall under planning board, this section adds to it. A lot of these were originally prohibitions in Danby's law but are not here. Number 7 generated some questions, got the idea of it from dan, 1000 gallons or more is a threshold for a DEC speedies permit, Danby uses 4,000 gallons for their law.

Page 4 section 6, review considerations, review standards, inline with existing law just adds more review standards. it's always good to have spelled out.

Local law must be separated into sections. section 5 is proposed amendments to the site plan review to merge the laws together.

Arron Abb and Michael Carpenter request review the law section by section.

Henry Hansteen stated that it is a great thing to be able to just drill a well and have good water.

NYS uses chloroform as an indicator that there is a problem with the water, the lab will then test for E.coli, 2 sources humans or animals, source of chloroform could be natural or manmade. just indicates that there is an issue, chloroform is not necessary dangerous depends on the level, you retest, shock with chlorine test again. if you are doing a safety test you will probably just test for chloroform, but may test for nitrates as well. Any correlation with nitrates and E.coli, fertilizer or manure and septic systems. Enfield typically has low levels of nitrates.

Definitions can be added if it turn up that some are missing.

Mike Carpenter asked, What are we regulating, who is enforcing it, are these regulations already covered in existing laws. How large do AG exceptions go? Enfield law does not mention size. spreading manure would not be included or waste in the law. Enfield can't regulate because it is in an AG district. If you are in an AG district you are under the NYS AG law, you cannot create any laws that restrict the AG law, you cannot infringe on farming.

None of the Planning Board Members present see any changes to the proposed law that they would request be made.

Ann Chaffee stated that the Planning Board should review the existing Site Plan Review Law as

well prior to sending the proposed changes to the Enfield Town Board, so that all changes are made at the same time.

The proposed Site Plan Review Law Modification for Drinking Water Protection and the Site Plan Review Law will be tabled until the October Planning Board Meeting.

**Adjournment: 8:49 PM**