

**TOWN OF BARKHAMSTED
INLAND WETLANDS COMMISSION
WATER POLLUTION CONTROL AUTHORITY
REGULAR MEETING
TUESDAY, JULY 7, 2009
BARKHAMSTED TOWN HALL 7:00 P.M.**

MINUTES

Chairman John Greaser called the meeting to order at approximately 7:00 p.m. Members present were John Greaser, Michael Ream, Martha Sullivan, Linda Ganem, Christopher Tooker, and alternate Thomas Santoro, who was seated for Caprice Shaw. Inland Wetlands Officer Rista Holda attended the meeting.

1. Informal discussion by Selectman Donald S. Stein regarding proposed work to be done in Riverton Baseball field parking lot on West River Road, Riverton.

First Selectman Don Stein addressed the Inland Wetlands Commission (IWC). He stated that there is a danger of injury from the way many people park on the street when there are major events at the ball field. The plan is to remove the center berm and regrade the current parking lot, which will increase the parking spaces. Mr. Stein said he spoke with _____ [some one regarding the Farmington River] who said that the plan was a good idea not only for safety but the health of the river. Mr. Stein was looking for an informal response from the IWC prior to the Town submitting a formal application.

Mr. David Moulton addressed the IWC and said that there are four or five major events per year for which the current parking lot does not have a large enough capacity. He also has noticed that when visitors park on the street they often block the off-street parking of the neighbors.

The Chairman stated that if the plan will improve safety, then he would be in favor of the general plan. The Chairman referenced section 4.2 of the Inland Wetlands Regulations and said that the described activity may be non-regulated.

Chris Tooker stated that the plan sounded good from a safety point of view. Michael Ream asked if the plan required trees to be cut down, to which Mr. Stein responded that only trees on the current berm would be removed.

Both Mr. Stein and Mr. Moulton stated that there are ways to encourage visitors to park in the lot rather than on the street, such as road signs and the institution of rules, such as if automobiles associated with a team parks on the road, and not in the parking lot, then that team will be deemed to have forfeited the game.

2. Informal discussion by Selectman Donald S. Stein regarding possible demolition and repair of tennis courts behind school on Ripley Hill Road, Pleasant Valley.

Mr. Stein addressed the IWC. During the last meeting of the Town Safety Committee, the Committee voted that the tennis courts behind the school are in such a state of disrepair as to be a hazard and non-repairable. The main cause of this situation is poor water drainage in that area. The Committee has decided that the best course of action is removal of the tennis courts and plant grass in that area until there are some future plans to replace the tennis courts or put that area to some other use. Mr. Stein noted that this issue has not yet been addressed by the Board of Education, but the Board of Education will address the issue during its next meeting.

The Chairman suggested that the IWC members do a site visit and later delegate the issue to the IWC agent.

3. NEW APPLICATIONS:

A. MOTLEY, MATT AND KATE, applicant/owners, 420 West River Road. Application for proposed activities for construction of deck and replacement of septic tank in regulated area.

Ms. Valerie White, architect, addressed the IWC on behalf of the applicants. Ms. White submitted an updated survey and approval from the Farmington Valley Health District (FVHD). Ms. White explained that the FVHD said it cannot approve the deck until the IWC approves the new septic tank location.

The Chairman noted that although the plan shows several activities in the regulated area, only the deck and tank were discussed by Ms. White. Rista Holda thought the IWC should look at the whole project and determine if this is activity that will have a significant impact, then get a letter from Pat Gigliotti of FVHD stating that if the IWC approves the tank then the FVHD will approve – this will allow the applicants to move forward with only one application. Ms. White said that according to Pat Gigliotti, the FVHD will not approve anything unless the IWC approves the tank. Martha Sullivan suggested accepting the whole application and in the next meeting reject anything that the IWC deems inappropriate. Rista Holda agreed and added that if the IWC approves and later the FVHD declines any aspect of the plan, then the applicant will have to amend the application.

Christopher Tooker moved to accept the application in its entirety as regulated activity within the regulated area which activity may have a significant impact on the wetlands or watercourse, and set the application for public hearing for August 4, 2009 at 7:00 pm. Motion seconded by Thomas Santoro. The motion passed by unanimous vote.

4. PUBLIC HEARINGS:

A. HALLINAN CAPITAL CORP., applicant/owner, Lots 3 and 4 Woodland Acres. Application for proposed activities for the construction of a single family residence.

The Chairman reminded the IWC members that in the last meeting the application was accepted as regulated and significant activity. Bob Messier again represented the applicant. He reiterated that the plan provides for the two lots to be combined into one. He said that the plan does not yet have FVHD approval. He discussed various aspects of the plan, such as proposed fence along the wetlands that would be made of either treated wood or vinyl, a conservation easement to protect the wetlands, a retaining wall around a portion of the rear lot to reduce the grade and siltation into the wetlands, and generally that the plan proposes no activity in a wetlands, only in the upland review area.

A member of the community brought a map of the area and asked which properties are part of the application and stated he thought they were part of the "Lewis" property. Chris Tooker pointed out that the "Lewis" property was coming up later in the meeting.

Linda Ganem asked how long the driveway would be. Mr. Messier stated it would be about 75 feet. Linda then asked if the house could be brought forward. Mr. Messier responded that it could not because 50-foot setback requirement, but he could somewhat reduce the size of the house.

The Chairman asked if the applicant considered any alternatives for the location of the leaching field reserve. Mr. Messier said no because space on the lots outside the wetlands is small, and stated that the reserve was to prevent future problems and not necessarily to be used. Mr. Messier then stated the applicant considered piping the sewage to the other side of the wetlands but decided it was better to not cross the wetlands.

Martha Sullivan asked how high the retaining wall is? Mr. Messier then replied that the wall is about three feet on the back side.

The Chairman then noted that there is an intermittent stream across the front of the properties and asked if the applicant had an expert identify it and discussed the proposed activity's impact thereon. Mr. Messier said an expert had identified it and that the stream actually flowed back into the wetlands and there was not much potential for erosion. The Chairman then questioned what impact the activity would have in the intermittent watercourse during and after construction. Mr. Messier responded that the greatest potential for impact is during construction, but the proposed construction sequence and lack of grade change in the area greatly minimizes the potential impact. The Chairman then questioned the long-term impact on the stream. Mr. Messier stated he would have Connecticut Eco Systems make a report on the issue and submit it prior to the next meeting. The Chairman stated that he would like the Town engineer to do a report on the entire project. Mr. Messier asked that the applicant be able to communicate with the engineer during the investigation.

The Chairman then opened the floor to members of the community. One member of the community commented that the application does not show how Woodland Acres intersects with the other road. The Chairman stated that this was not relevant, but he and Mr. Tooker showed the map in the application.

James Ackerman, who lives next to the lots in question, stated that (1) the IWC and courts made the owners of Woodland Acres make certain changes to the road, but the prior owner of lots in question never paid his share; (2) the proposed activity is likely to rip up the road that was completed not long ago; (3) there is no room for trucks to turn around on the road; and (4) there are vernal pools in the area and he encourages the IWC members to do a site visit.

The Chairman then gave the floor to Mr. Lyndsey Keene of 24 Woodland Acres. Mr. Keene said he wanted to see the signature on the application. Ms. Holda found the application and showed it to Mr. Keene, who responded that it was only a photocopy, that he could not identify the applicant, and wanted to see the original signature. Mr. Keene then asked if the two lots had been combined into one yet. Mr. Messier responded that it would not be done until the application is approved. Mr. Keene then stated that the lots in question are from two separate subdivisions but the applicant's map does not list both subdivision maps. Mr. Keene then pointed out that the map does not list any watercourses and that the applicant stated "no" or "none" in response to the question of whether there are any watercourses. Mr. Keene then complained that the map does not state anything regarding building inspectors. Mr. Keene then stated that the applicant responded affirmatively to the question of whether the lots are from approved subdivisions; Mr. Keene wants to see those approved subdivisions. Mr. Keene also commented that the survey referenced is illegally filed, the FVHD application requires information regarding the location of watercourses, which the applicant did not provide; the application stated that the test pits would be done with spade and augur but were in fact done with a backhoe; the application references a map that Mr. Keene suggests does not exist. Mr. Keene then left the floor to save time for comments for other members of the community, but said he had several other comments to make.

Lorraine Longmoor of 24 Woodland Acres, stated that lots were from different subdivision maps but they differ from each other – which one is correct? Mr. Keene then submitted documents he claimed showed that lot 3 was denied approval.

Tracey Garafolo of 14 Woodland Acres stated that when Mr. Ackerman constructed his house it created greater problems for the community, and this new construction will make it even worse. She noted that her lot is down gradient and encouraged the IWC to do a site visit.

Chandler Barber of 29 Woodland Acres asked about the corporate applicant. Mr. Messier stated that the applicant is a financing company that funded the prior owner. Mr. Messier then stated that he was not aware that the individual property owners are responsible for maintenance of the road; he appreciates the potential problem with trucks damaging the road and the applicant is agreeable to make the approval contingent upon

the applicant being responsible for fixing any damage to the road caused during construction. Ms. Barber asked if there is a buyer for the proposed new construction. Mr. Messier responded the realtor has an interested person.

Rista Holda then asked about the particulars about the conservation easement. Mr. Messier stated that it could be whatever the IWC desires. The Chairman noted that in the past the Town needed to be asked if it wanted the easement. Mr. Holda then noted that the IWC cannot make the Town accept an easement.

Michael Ream moved to continue the public hearing until the next regular meeting. Christopher Tooker seconded the motion. Motion passed by unanimous vote.

5. PENDING APPLICATIONS:

A. MOTLEY, MATT AND KATE, applicant/owners, 420 West River Road. Application for proposed activities for construction of deck and replacement of septic tank in regulated area.

See 3.A. above.

B. HALLINAN CAPITAL CORP., applicant/owner, Lots 3 and 4 Woodland Acres. Application for proposed activities for the construction of a single family residence.

See 4. above.

C. METROPOLITAN DISTRICT COMMISSION, applicant/owner, 39 Beach Rock Road. Application for proposed activity to install a fence along the Bills Brook Discharge Well.

The Chairman reminded members that the IWC received this application in the last meeting and the application was accepted as regulated non-significant. The IWC needed to wait the 14 days before granting without a public hearing.

Martha Sullivan moved to grant the application. Christopher Tooker seconded the motion. Motion passed by unanimous vote.

Thomas Santoro moved to move item number 10. on the agenda to item number 6., and to move each of the items 6., 7., 8., 9., and 10. to 7., 8., 9., 10., and 11. respectively. Martha Sullivan seconded the motion. Motion passed by unanimous vote.

6. ANY OTHER BUSINESS LEGAL AND PROPER TO COME BEFORE SAID

MEETING

A. Complaints against Bradford and Karen Martin, 96 Lavander Road.

Tracey Garafolo submitted a complaint against Bradford and Karen Martin. The Martins dug a trench in the rain without any erosion protection measures in place. Lorraine Longmoor and Lyndsey Keene submitted a complaint against the Martins who were conducting activities without a permit.

Mr. Martin stated that the complaints were filed while the fence and hay bails were being procured. He also stated that he has a permit for the activity.

Rista Holda stated when she inspected the site the fence and hay bails were in place although some needed repair. She said she saw some silt, but she did not see evidence of any silt in the nearby watercourse.

Mr. Martin stated he seeded the area the same day that the complaints were filed. Mr. Martin submitted information on rain fall that day.

The Chairman closed the comment session and made the determination that there was no violation.

7. DISCUSSION OF REGULATION CHANGES

Tom Santoro suggested that the discussion be tabled until a special meeting. The IWC decided to hold a special meeting to discuss the issue of regulation changes on Tuesday July 14, 2009 at 7:00 pm in the Town Hall.

8. INLAND/WETLANDS ENFORCEMENT OFFICER'S REPORT

Ms. Holda stated that the pipe/culverts on Rte 219 have been cleared and the water level has lowered significantly. There is a beaver dam in the area, and the DEP will remove it soon.

There was a complaint filed against Mr. John Greaser regarding the conduct of regulated activity without a permit. Mr. Greaser noted that he had previously gone through the proper IWC channels.

Another complaint has been submitted against the Fazzinas. Ms. Holda noted that repair activity had been already determined to be as-of-right, but that corrective attempt did not resolve the problem, so the Fazzinas were re-dong some of the work. In response to the new work, the same complainant complained again. Ms. Holda said she will visit the site soon.

9. APPROVAL OF MINUTES

Tabled until the special meeting on July 14, 2009.

10. CORRESPONDENCE

The Chairman passed out the correspondence that the IWC had received. No action taken.

Linda Ganem moved to adjourn the meeting. Michael Ream seconded the motion. Motion passed by unanimous vote and the meeting was adjourned at approximately 9:00 p.m.

Thomas Santoro
Secretary