

**TOWN OF BARKHAMSTED  
INLAND WETLANDS COMMISSION - WATER POLLUTION CONTROL AUTHORITY  
REGULAR MEETING – REVISED MINUTES  
TUESDAY, APRIL 6, 2010  
BARKHAMSTED TOWN HALL – 7:00PM**

**PRESENT:** Chairman John Greaser, Jesse Edmands, Michael Ream, Martha Sullivan, Gary Reynolds, Chris Tooker; Alternate Christopher Labbe; Inland Wetlands Enforcement Officer Rista Malanca, Recording Secretary Stacey Sefcik.

**ABSENT:** Linda Ganem, Martha Sullivan, Caprice Shaw.

Chairman John Greaser called the meeting to order at 7:05PM. Mr. Reynolds arrived as the meeting was called to order. Christopher Labbe was seated for Martha Sullivan. All regular members present were seated for the meeting. The entire proceedings were recorded on audio tape and are available at the Town Hall.

1. **NEW APPLICATIONS:**  
No business was discussed.
  
2. **PUBLIC HEARINGS:**  
No business was discussed.
  
3. **PENDING APPLICATIONS:**  
No business was discussed.

**MOTION** Mr. Tooker, second Mr. Ream, to amend the agenda to address item 5 first, and then return to the agenda as written; unanimously approved.

5. **APPROVAL OF MINUTES:**  
A. **March 2, 2010 regular meeting minutes.**

**MOTION** Mr. Ream, second Mr. Reynolds, to approve the minutes of the March 2, 2010 regular meeting with the correction in attendance that Mr. Tooker was not present for the meeting; unanimously approved.

**MOTION** Mr. Tooker, second Mr. Edmands, to amend the agenda to move item 4 to the end of the agenda; unanimously approved.

6. **CORRESPONDENCE:**  
Mr. Greaser distributed copies of *Connecticut Wildlife*, *The Habitat*, and *Connecticut Town and City*. He then passed around a letter from the Connecticut Farm Bureau with an attached Wetlands application form. Ms. Malanca informed the Commission that the Town Attorney for the Town of New Hartford had advised her not to use this form for Wetlands applications in New Hartford. Mr. Greaser then reviewed a letter from the State which stated that a law had been passed extending the duration of Wetlands Permits from 5 to 6 years.
  
7. **ANY OTHER BUSINESS LEGAL AND PROPER TO COME BEFORE THE COMMISSION:**  
A. **Declaratory Ruling – Choquette, Armand 309 New Hartford Road – Maintenance of stream.**  
Mr. Choquette addressed the Commission, explaining that he wanted to perform some maintenance on the stream at the back of his property. He stated that there had been a blockage in the stream comprised of stones and branches, but he had since removed them. Mr. Choquette explained that the stream carried water down the mountain behind his property to a drainage ditch at the front of the property. Mr. Greaser asked when the drainage had been built, and Mr. Choquette stated that he believed it had been built when the house and well were built. He stated that the stream always flowed and was not intermittent.

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Mr. Greaser then asked the extent of the proposed activity, and Mr. Choquette responded that the stream ran the entire width of the back of his property, approximately 200 feet. He then submitted to the Commission pictures of the stream showing the rocks in the stream bed. Ms. Malanca told the Commission that it appeared the stream had been blocked up by the owner of the adjacent property, K.T. Worth, and that the banks of the stream would have to be stabilized. Mr. Tooker asked if Mr. Choquette experienced any flooding of his basement. Mr. Choquette replied negatively, stating that he had a sump pump; however, he said that his backyard becomes saturated with water. Ms. Malanca asked if any machinery was to be used for this work, and Mr. Choquette stated that he planned to remove stones by hand and hand-shovel the area. Mr. Greaser stated that, in his opinion, performing the work by hand was maintenance; however, if the work required machinery, it would then become a regulated activity.

**MOTION** Mr. Tooker, second Mr. Reynolds, to grant a declaratory ruling in the matter of **Choquette, Armand 309 New Hartford Road – Maintenance of stream**, as per Section 4.2 of the Regulations, finding that the work proposed is maintenance and therefore a matter of right; unanimously approved.

### **B. Show Cause/Cease and Correct – Worth, K.T., 315 New Hartford Road.**

Ms. Malanca informed the Commission that this property was adjacent to Mr. Choquette's. Referencing the pictures submitted as a part of Mr. Choquette's application, she stated that it appeared that Ms. Worth had backed up the stream with brush and rocks. As these copies of the pictures were in black and white, the Commission then briefly went into Ms. Malanca's office to view the same pictures on her computer in color. When they returned to the meeting table, Ms. Malanca read into the record the first of two letters from Ms. Worth regarding this matter, which explained that Ms. Worth was out of town and unable to attend this meeting. Ms. Malanca then read into the record the second letter submitted by Ms. Worth, which informed the Commission that Ms. Worth wanted them to immediately cease and desist their harassment of her. Ms. Malanca explained that Ms. Worth had no jurisdiction to issue such an order, but she advised the Commission to stay off Ms. Worth's property. Ms. Malanca informed the Commission that the First Selectman had been apprised of this matter, and that the Cease and Correct order was written by an attorney for the Town. The Commission then reviewed the Cease and Correct letter.

**MOTION** Mr. Labbe, second Mr. Edmands, to continue the matter of **Show Cause/Cease and Correct – Worth, K.T., 315 New Hartford Road** to the May 4, 2010 regular meeting; unanimously approved.

### **C. Declaratory Ruling – Metropolitan District, Timber Harvest.**

#### **1. West of Route 219, North of Saviile Dam Road.**

The Commission reviewed maps of the area of proposed work. Ms. Malanca explained that the proposed work was within 100 feet of the wetlands, but that the work was a use as of right.

**MOTION** Mr. Reynolds, second Mr. Edmands, to grant a declaratory ruling in the matter of **Metropolitan District, Timber Harvest, West of Route 219, North of Saviile Dam Road** finding that the proposed work is a use permitted as of right; unanimously approved.

#### **2. As per second application, to be submitted.**

No business was discussed as this application was not submitted.

### **D. Transfer of permit for Lot Number 1 Warner Road from Sawmill Associates to David and Debbie A. Gutierrez.**

The Commission reviewed the proposed plans and the original subdivision approval. Ms. Malanca explained that the footprint of the proposed house had changed slightly, but that it was not significant. She said that the permit had been issued in 2006 as was still valid.

**MOTION** Mr. Edmands, second Mr. Ream, to grant a transfer of permit for Lot Number 1 Warner Road from Sawmill Associates to David and Debbie A. Gutierrez, with the same conditions to be in effect as in the original permit; unanimously approved.

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**4. INLAND WETLANDS ENFORCEMENT OFFICER'S REPORT:**

Ms. Malanca informed the Commission that she would be issuing another Cease and Correct order to Doug and Debra Korfel, 81 Bsullak Road. She stated that the problems on site had not been appropriately addressed, and that she had sent Mr. Korfel two emails to which she had received no response. Mr. Reynolds advised the Commission that it appeared the Korfels were now logging without a permit to do so. Ms. Malanca said that there was no logging plan on file, a level spreader had not been used as required in the first Cease and Correct, silt fencing around the stockpile was still inadequate, and that there was now silt in the road. Mr. Reynolds stated that he had observed water running across the road from this site.

Ms. Malanca then informed the Commission that there had been a major washout at Minor Lane as a result of the recent heavy rains. She explained that it was MDC property, but had been caused by the Town's drainage. She stated it was approximately 20 feet deep and 30 feet long, and that the Town Engineer, the Farmington River Coordinating Committee (FRCC), and the MDC were working to develop plans to remediate the site.

**MOTION** Mr. Edmands, second Mr. Labbe, to adjourn the meeting at 8:10PM; unanimously approved.

**Respectfully submitted,**  
**Stacey M. Sefcik,**  
**Inland Wetlands Commission Recording Secretary**

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**John Greaser, Chairman**  
**Inland Wetlands Commission and**  
**Water Pollution Control Authority**

**DATE:** \_\_\_\_\_