

**TOWN OF BARKHAMSTED
INLAND WETLANDS COMMISSION - WATER POLLUTION CONTROL AUTHORITY
REGULAR MEETING MINUTES
TUESDAY, NOVEMBER 3, 2009
BARKHAMSTED TOWN HALL – 7:00PM**

PRESENT: Chairman John Greaser, Linda Ganem, Michael Ream, Martha Sullivan, Chris Tooker; Inland Wetlands Enforcement Officer Rista Holda, Recording Secretary Stacey Sefcik.

ABSENT: Caprice Shaw; Alternate Christopher Labbe.

Chairman John Greaser called the meeting to order at 7:00PM. 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:

A. Sugarak, Vallerie, applicant/owner, 82 Eddy Road. Application for activities involving grading and removal of fallen trees from pond.

Ms. Holda informed the Commission that the applicants had not yet arrived to the meeting and suggested continuing with the agenda until they did.

MOTION Ms. Sullivan, second Ms. Ganem, to amend the agenda so as to discuss this matter after agenda item 1C and then to return to the agenda as written; unanimously approved.

B. Donahue, Raymond E., applicant/owner, 94 Riverton Road. Application for proposed activities to repair septic and well and construct a deck.

The Commission reviewed the maps on file for the proposed activities. Raymond Donahue, applicant, addressed the Commission, explaining that his property was a former estate and that there were several houses on it. He informed the Commission that the septic system serving the front house had failed and he was therefore seeking approval to repair and improve the system. Mr. Donahue explained that he planned to connect the 1st house to the septic system for the second house, and that the sewage would be pumped to 2 leaching fields at the back of the property. Mr. Donahue also stated that the well serving the 2nd house had coliforms in it and was therefore unusable, necessitating that he construct a new well for that house. He explained that he was limited as to location of this new well by the location of the neighbor's well right at the property line. Lastly, Mr. Donahue explained that the deck for the 2nd house was rotten and he was looking to replace it. Mr. Donahue stated that a stream ran adjacent to the location of the old septic system for the front house; all other activities were beyond the regulated area. He also stated that the Farmington Valley Health District had approved all 3 activities.

Mr. Greaser noted that the area where the septic had failed was a compact space with steep slopes and suggested the rest of the Commission visit the site. Mr. Tooker asked for the name of the stream and whether it was a year-round watercourse. Mr. Donahue stated the stream did not have a name, but that it was always full. The Commission then discussed whether this activity was significant or nonsignificant. Ms. Holda pointed out the Commission that they would still be able to impose conditions if they determined this to be a nonsignificant activity.

MOTION Mr. Tooker, second Ms. Sullivan, to accept the applicant in the matter of **Donahue, Raymond E., applicant/owner, 94 Riverton Road. Application for proposed activities to repair septic and well and construct a deck**, and to determine that it is a nonsignificant activity; the motion carried 4-1-0 with Mr. Greaser opposing.

C. Borghesi Bldg. Co., LLC., applicant, The Lavieri Group, owner, 390 New Hartford Road. Application for proposed activities for the construction of a medical office building.

Allan Borghesi addressed the Commission regarding this application. Mr. Borghesi explained that the plans submitted were not entirely accurate as they had been made 10 years ago for the purpose of preliminary feasibility. He explained that he was seeking approval to construct a 17,500 square foot medical office building on the site. Mr. Borghesi then briefly reviewed the plans with the Commission, as well as the comments in Ms. Holda's memo dated October 30, 2009. He stated that he would be providing drainage calculations, and that the site would create no increase in runoff into the wetlands, explaining that he planned to create a large detention pond and drainage swale.

IWC Minutes - 110309

Mr. Greaser asked for information regarding the proposed helipad onsite. Mr. Borghesi explained that it had to be a hard, paved surface. He also stated that he would be seeking to hook into the water and sewage line from Winsted.

At this time, 7:30PM, Ms. Holda left the meeting for the evening.

Mr. Greaser then discussed the possible use of low-impact building techniques on the site. Mr. Borghesi stated that he was somewhat limited regarding impervious surfaces due to the parking requirements of the Zoning Regulations. He said that he planned to try to get the requirement lowered, if possible. The Commission then reviewed the maps, noting that Mallory Brook crossed Route 44 into the property and out of the property on the side of the lot.

Mr. Greaser then reminded the Commission that they were also the Water Pollution and Control Authority (WPCA), but that this application was in fact the very first WPCA issue to come before the Town.

MOTION Ms. Ganem, second Mr. Tooker, to accept the application and deem significant the matter of **Borghesi Bldg. Co., LLC, applicant, The Lavieri Group, owner, 390 New Hartford Road. Application for proposed activities for the construction of a medical office building**, and to therefore set a Public Hearing for this matter at the January 5, 2010 regular meeting; unanimously approved.

A. Sugarak, Vallerie, applicant/owner, 82 Eddy Road. Application for activities involving grading and removal of fallen trees from pond.

Mr. Greaser informed the Commission that this was in fact an after-the-fact permit application. Ms. Sugarak addressed the Commission regarding this matter. She explained that they had purchased the property 5 years ago and that a brook was located at the front of the property. Ms. Sugarak said that appliances and other household items had been dumped into the brook, and that phone/cable lines had also fallen into the brook. She also explained that the water was washing away the banks of the brook, causing trees to fall into it. Ms. Sugarak then submitted numerous pictures of the site to the Commission, which were then reviewed. She said that Ms. Holda had told her to install a silt fence and plant winter rye grass, which she did.

The Commission noted pictures showing a large pile of topsoil and asked for more information. Ms. Sugarak stated that the pile was located by the house, not by the brook, and that it was there so that they could plant a lawn in the front yard as time and money permitted. Mr. Greaser noted that activity had taken place within the 100-foot buffer. Ms. Sugarak explained that she was on a mountain and that water ran down the mountain, down her driveway, and into the brook, undermining the bank of the brook adjacent to the driveway bridge as it did so. Ms. Sugarak said that Ms. Holda had told her to put up hay bales to prevent this, but explained that water was already running over and around the hay bales. She stated that the condition of the brook had gotten worse gradually over the time they have lived onsite, but mostly this past year. Ms. Sugarak said that their yard is very wet and that the mud was up to midcalf when they planted the required winter rye grass. Ms. Sugarak stated that they also had moved the location of the driveway in an effort to stem the amount of water running down from the mountain. Mr. Greaser explained that all of these activities should have been reviewed with the Commission first prior to commencing work.

MOTION Mr. Tooker, second Mr. Ream, to accept the application and deem significant the matter of **Sugarak, Vallerie, applicant/owner, 82 Eddy Road. Application for activities involving grading and removal of fallen trees from pond**, and to therefore set a Public Hearing for this matter at the December 1, 2009 regular meeting; unanimously approved.

2. PUBLIC HEARINGS:

No business was discussed.

3. DISCUSSION REGARDING WPCA REGULATIONS:

Mr. Greaser explained that the Commission would have its first WPCA issue in the Borghesi matter, where the applicant had stated they were seeking a sewer line connection. He stated that Barkhamsted and Winchester had signed an agreement in 2003 allowing Barkhamsted to access the sewer and water line along the Route 44 Industrial Zone as far east as the Mallory Brook Plaza. The building proposed by Mr. Borghesi was within this area; however, it was the first location to request this connection. Mr. Greaser explained that the Town of Barkhamsted had been supposed to create regulations for use by the WPCA within 6 months of signing the agreement with Winchester; however, they had not done so. He said that they were beginning this process now and that Ms. Holda had given him a list of people to contact regarding this matter. Ms. Ganem asked whether the Town would bear the cost of extending the line along Route 44, and Mr. Greaser replied negatively.

Allan Borghesi then addressed the Commission, explaining that the line would like be extended up Old New Hartford Road, tapping into the line from Region #7 High School. He then explained that he had contacted Winchester and was informed that he cannot make the application to the Town, that it had to come from the Town of Barkhamsted. The Commission then discussed whether the Town could make this request before any regulations had even been drafted. Mr. Borghesi stated that he needed this application to be made in order to work with the appropriate engineers about building these connections. Mr. Greaser then stated that he would speak with Ms. Hold and the First Selectman about the possibility of drafting a letter to the Town of Winchester requesting this connection be made.

4. INLAND WETLANDS ENFORCEMENT OFFICER'S REPORT:

Mr. Greaser noted the report memo dated November 3, 2009 submitted by Ms. Holda, stating that it provided a summary of all activity during the previous month. He said that Ms. Holda would be submitting these reports at every meeting going forward.

5. SET MEETING DATES FOR 2010:

The Commission reviewed the document entitled "Meeting Dates for 2010" and noted no potential conflicts.

MOTION Ms. Sullivan, second Mr. Tooker, to accept the meeting schedule for 2010 as described in the document "Meeting Dates for 2010"; unanimously approved.

6. APPROVAL OF MINUTES:

A. October 6, 2009 regular meeting minutes.

Ms. Sullivan pointed out that she was not listed as either present or absent on the minutes.

MOTION Ms. Ganem, second Mr. Greaser, to approve the minutes of the October 6, 2009 regular meeting, with the addition of Ms. Sullivan's name to the list of those absent from the meeting; unanimously approved.

7. CORRESPONDENCE:

Mr. Greaser circulated copies of *The Habitat* for the Commission's perusal. Mr. Greaser also passed around flyers regarding a CACTWC meeting on November 14, 2009. Mr. Greaser also noted that a letter had been received from the Connecticut Siting Council about an upcoming hearing regarding a proposed communications tower to be located in a possible wetlands area at 44 Gavitt Road, Barkhamsted.

8. ANY OTHER BUSINESS LEGAL AND PROPER TO COME BEFORE THE COMMISSION:

A. Commission Members' Terms of Office.

Mr. Greaser explained that Mr. Ream, Ms. Ganem, and Mr. Labbe would need to be sworn in again by the Town Clerk as their terms were up on December 31, 2009.

B. Public Hearing Regarding New Wetlands Regulations.

The Commission agreed to hold a Public Hearing on the new wetlands regulations on January 5, 2010.

IWC Minutes - 110309

MOTION Ms. Ream, second Ms. Sullivan, to adjourn the meeting at 8:30PM; unanimously approved.

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