

DISCLAIMER: Unapproved Minutes

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Posted as of 11/11/08

TOWN OF BARKHAMSTED
INLAND WETLANDS COMMISSION
WATER POLLUTION CONTROL AUTHORITY
MINUTES OF REGULAR MEETING
TUESDAY, NOVEMBER 4, 2008

Chairman, John Greaser called the meeting to order at 7:00 p.m. Members present were L. Michael Ream, Martha Sullivan, Caprice Shaw, Chris Tooker, and alternate member Thomas Santoro was seated.

The Chairman requested that the Inland Wetlands Commission be given name tags for its use as the name placards get lost and are often in the way on the meeting table.

NEW APPLICATIONS: None

PUBLIC HEARINGS: None

PENDING APPLICATIONS:

A. Andrew W. Mason Associates, Inc., applicant/owner, Lot No. 6 Hampton Woods, Gavitt Road. Resubdivision to 8 lots.

Chairman briefly summarized the prior activity relating to this application.

Robert C. Green L.S. of Robert Green Associates, L.L.C., site engineer, spoke on behalf of the applicant. In the last meeting, the applicant had requested an extension of 35 days and said request was granted by the Inland Wetlands Commission. Since that meeting, applicant has submitted amended drawings. Mr. Green handed out to Inland Wetlands Commission members Detention Basin Planting Plan in response to Town Planner Martin Connor's letter dated Oct. 12, 2008. Mr. Green showed the Inland Wetlands Commission an example of the IW markers to be placed at intervals along the surveyed boundaries. Chairman showed Mr. Green the markers used in Barkhamsted and told Mr. Green how to acquire them. Mr. Green purported that concerns of Town Engineer, Sweeney and Town Planner, Connor are satisfied, to which Martha Sullivan stated that there is still an outstanding concern regarding the percentage of buildable area versus wetlands on lot 6-1. Mr. Green responded that the usable developable area of lot 6-1 is 31,000 feet, not including those portions of 20% slope and wetlands. Chairman then addressed concerns of the steepness of slope on two areas of the site, referenced pages 9 and 12 of the maps, and suggested that woodchips be on hand in case of a blowout. Mr. Green said that there are notations on the latest revised maps addressing those very concerns. Caprice Shaw asked if the plan called for any reserved open space. Mr. Green responded that there is not any reserved area for open space because of the concern it causes lowered property values, but the inland wetlands will be marked and the Inland Wetlands Commission will have control over the inland wetlands. The Chairman noted that people with concerns about open space could address them to the Planning & Zoning Commission.

The Chairman stated that as the Inland Wetlands Commission has received three sets of plans, and the applicant has been responsive to IWC, Town Planner and Town Engineer concerns, the Chairman would like to have the Inland Wetlands Commission to make and entertain a motion to approve the application.

Motion by the Chairman: after duly considering relevant factors, testimony by experts representing the applicant, and town consultants, feasible and prudent alternatives, the Chairman moved to grant the permit for the regulated activity with the following conditions:

- Permanent markers shall be placed at 100 foot to 200 foot intervals along the surveyed wetlands boundaries, **before cutting or clearing**;
- Activity should follow 2002 Sedimentation and Erosion Guidelines and be noted on the plan;
- Inland Wetlands Enforcement Officer to be notified one week prior to construction, in writing;
- Any excess materials will be removed from the site (i.e. no stockpiling);
- Permit conditions shall be placed on the site plan and filed MYLAR site plan;
- Certified Soil Scientist to sign to sign the plan confirming that field locations of wetland flags are accurately shown on approved plan;
- If individual site plans differ in any way from the subdivision plan, then the individual site plan must be resubmitted to the Wetlands Commission;
- All modifications proposed by the Town Planner and Town Engineer be followed by applicant to the letter;
- The site engineer is responsible for supervision of the site and ENS controls and site engineer shall make timely written reports to the land use office of any concerns.

Martha Sullivan seconded the motion. Motion unanimously approved.

ENFORCEMENT ACTIONS:

A. Discussion Regarding Hurlbut Report on Woodland Acres.

The Chairman gave a brief summary of the matter to the Inland Wetlands Commission members: in 2001, the Inland Wetlands Commission held a show-cause hearing regarding road construction on Woodland Acres without a permit from the Inland Wetlands Commission. The hearing resulted in a Cease and Desist Order. Roger Hurlbut was asked to devise a plan for remediating the conditions on Woodland Acres. Two months ago, the Chairman, Thomas Santoro and the enforcement officer inspected Woodlands Acres with the engineer. Mr. Hurlbut's recent letter to the Inland Wetlands Commission states that the plan of Woodland Acres is completed. The Inland Wetlands Commission must now decide whether or not to lift the Cease and Desist Order of 2001.

The Chairman stated that once the Order is lifted, each year by June 30th, a representative of Woodland Acres will have to submit a written report regarding the condition of the road.

Thomas Santoro recalled that there were some minor areas of concern discussed during the inspection. The Chairman noted that, according to Mr. Hurlbut, those areas of concern are not significant enough to holding up Inland Wetlands Commission approval of completion of the plan.

The Chairman entered Mr. Hurlbut's letter into the record. It was noted that the letter, type-dated "October 25, 2006" is in all likelihood an typo and should have read "October 25, 2008."

The Chairman moved that the Inland Wetlands Commission lift the Cease and Desist Order. L. Michael Ream seconded the motion. Motion passed unanimously.

The Inland Wetlands Commission requests that either that the land use office, the Town of Barkhamsted, or the Inland Wetlands Commission send a letter to all the residents of Woodland Acres stating that the Cease and Desist Order has been lifted.

A resident of Woodland Acres asked if the release of the Cease and Desist Order would be lifted as to all the properties on Woodland Acres together or if it would be lifted as to each property separately. The Chairman responded that the Order would likely be lifted from all the properties at once. The resident of Woodland Acres pointed out that those residents of Woodland Acres that have not paid their portion of the costs associated with the improvements would then be benefited.

Another resident of Woodland Acres asked to whom the annual report be submitted. The Chairman suggested that the report be mailed to the land use office, ATTN: enforcement officer and cc to the other town offices. It was noted that after each annual report, the enforcement agent and Inland Wetlands Commission members would have the right to inspect the road.

APPROVAL OF MINUTES:

The Chairman questioned the bottom paragraph of page 1 and the top paragraph of page 2 of last month's minutes. The Inland Wetlands Commission discussed amending the minutes but voted to table any amendment and/or approval of the minutes until the next meeting so that clarification could be sought.

CORRESPONDENCE: All correspondence was reviewed. No action was taken.

ANY OTHER BUSINESS LEGAL AND PROPER TO COME BEFORE SAID MEETING:

None

PUBLIC COMMENT: None

Thomas Santoro moved to adjourn the meeting. L. Michael Ream seconded the motion. Motion passed unanimously.

Respectfully submitted by _____ Date _____

Thomas Santoro – acting secretary