

**TOWN OF BARKHAMSTED
INLAND WETLANDS COMMISSION - WATER POLLUTION CONTROL AUTHORITY
REGULAR MEETING – MINUTES
TUESDAY, NOVEMBER 2, 2010
BARKHAMSTED TOWN HALL – 6:00PM**

APPROVED: _____
DATE: **December 7, 2010**

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

Chairman John Greaser called the meeting to order at 6:00PM. All regular members present were seated for the meeting. Alternate Christopher Labbe was seated for Christopher Tooker. 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.

4. **INLAND WETLANDS ENFORCEMENT OFFICER’S REPORT:**
 No business was discussed.

5. **APPROVAL OF MINUTES:**
 - A. **October 5, 2010 site walk minutes.**

MOTION Ms. Ganem, second Mr. Edmands, to approve the minutes of the October 5, 2010 site walk as written; unanimously approved.

 - B. **October 5, 2010 special meeting minutes.**

MOTION Ms. Ganem, second Mr. Ream, to approve the minutes of the October 5, 2010 special meeting as written; unanimously approved.

6. **CORRESPONDENCE:**

 Mr. Greaser distributed a flyer regarding a source water protection workshop for the West Branch Farmington River Aquifer to be held by the Conservation Commission on Thursday, November 4, 2010. He also passed around *The Habitat*, Fall 2010; *Connecticut Landscape Architect*, Fall 2010; and *Connecticut Wildlife*, September/October 2010.

7. **ANY OTHER BUSINESS LEGAL AND PROPER TO COME BEFORE THE COMMISSION:**
 - A. **Town of Barkhamsted, applicant. Repair to Miner Lane drainage pond.**

Ms. Malanca explained to the Commission that the application approved at the October meeting did not include plans for the 3 wetlands crossing to access the site. She explained that Andrew Hubbard of the MDC had prepared plans for the 3 crossings, which the Commission would need to review and include in a modification of the original permit. Ms. Malanca stated that Mr. Hubbard was a forester with the MDC who also had an engineering background. She then explained each of the 3 proposed crossings, noting that Mr. Hubbard used best management practices and planned to be present onsite 3 times per week while this work was being done.

IWC Minutes - 110210

Ms. Malanca said that the first crossing would require a 25-foot long pipe 24 inches in diameter. She explained that this crossing went over a gully, which was why the pipe was so long. Ms. Malanca said the 2nd crossing would cross a small brook and a 30-inch pipe, filter fabric, and processed gravel would be used for the crossing. She then explained that the 3rd crossing was the most involved, noting that it was located adjacent to the detention basin overflow area. Ms. Malanca explained that Mr. Hubbard proposed rebuilding a pre-existing berm as well as installing a pipe sized to account for overflow from the detention basin. Ms. Malanca also explained that rip-rap would be used in order to ensure the wetlands area did not entirely drain. She explained that all 3 crossings would be permanent in order to provide access for yearly maintenance and said that each would be seeded, mulched, and stabilized.

Mr. Ream asked if seamless sections of pipe would be used, and Ms. Malanca responded affirmatively. Mr. Edmands questioned why the crossings were not included on the original application, and Ms. Malanca explained that it had been an oversight.

MOTION Ms. Sullivan, second Mr. Edmands, to modify the original permit in the matter of **Town of Barkhamsted, applicant. Repair to Miner Lane drainage pond** to include 3 wetlands crossings constructed as per Andrew Hubbard's letter dated October 29, 2010; unanimously approved.

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

Ms. Malanca updated the Commission on this enforcement action, reminding the Commission that they had voted to require engineered plans from Ms. Worth at the August 3, 2010 meeting. Ms. Malanca stated that no plans had come in, so she had sent a letter to Ms. Worth; Ms. Worth had sent a letter back stating she had no idea what Ms. Malanca was asking her to do. Ms. Malanca said she then sent another letter to Ms. Worth, which was never answered. Ms. Malanca stated she had briefly been talking with Ms. Worth's attorney about this situation, but that he too stopped returning calls.

She then contacted land use attorney Mark Branse to act on the Town's behalf in this matter. Mr. Branse then sent a letter to Ms. Worth, who did call him back; however, the conversation did not yield any resolution and Ms. Worth ultimately hung up on Mr. Branse. Ms. Malanca stated that the next step would be legal action; however, First Selectman Don Stein wanted to make one last attempt to reach out to Ms. Worth to rectify this situation. Ms. Malanca stated that she believed any deal made as a result of this effort should be subject to a stipulated judgment, which would mean that Ms. Worth would be held responsible by the court for completing the work. This would also mean the Town would recoup attorney's fees. Ms. Malanca stated that, if Mr. Stein's efforts were unsuccessful, she wanted to get the Commission's opinion on commencing further legal action.

The Commission agreed that First Selectman Don Stein should first try to reach an agreement with Ms. Worth to rectify the violations on her property. If that was unsuccessful, the Commission then agreed that Ms. Malanca should pursue whatever legal action was deemed appropriate.

MOTION Mr. Ream, second Ms. Sullivan, to adjourn the meeting at 7:35PM; unanimously approved.

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