

**TOWN OF BARKHAMSTED
INLAND WETLANDS COMMISSION - WATER POLLUTION CONTROL AUTHORITY
REGULAR MEETING – MINUTES
TUESDAY, FEBRUARY 2, 2010
BARKHAMSTED TOWN HALL – 7:00PM**

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

ABSENT: Caprice Shaw.

Chairman John Greaser called the meeting to order at 7:00PM. All regular members present were seated for the meeting. Mr. Labbe was seated for agenda items 2A, 2B, 3A, and 3B. The entire proceedings were recorded on audio tape and are available at the Town Hall.

1. NEW APPLICATIONS:

A. Bedosky, John M., applicant/owner, Lots 70A and 71A Bridle Drive. Application for proposed construction of a residence.

Jim Rotundo of Rotundo Engineer addressed the Commission on behalf of the applicant. Mr. Rotundo explained that the applicant proposed to combine the 2 lots in order to create 1 buildable lot of approximately 2 acres. Referencing the plans, Mr. Rotundo then explained the proposed work which was located entirely in the upland review area except for 1 wetlands crossing at the front center of the properties. Mr. Rotundo then distributed to the Commission a document entitled "Project Overview."

Mr. Tooker asked if the proposed house could be built any closer to the street, and Mr. Rotundo explained that the house was already as far forward as Town setback regulations permitted. Ms. Sullivan asked if fill would be brought onto the site, and Mr. Rotundo replied affirmatively explaining that the applicant wanted to build the house at the same grade as other houses on the street. Ms. Malanca recommended to the Commission that they have the Town Engineer review the application.

MOTION Mr. Tooker, second Ms. Sullivan, to accept the application in the matter of **Bedosky, John M., applicant/owner, Lots 70A and 71A Bridle Drive. Application for proposed construction of a residence**, to deem it significant, to therefore set a Public Hearing for the March 2, 2010 regular meeting, and to have the Town Engineer review the application on behalf of the Commission; unanimously approved.

MOTION Ms. Sullivan, second Ms. Ganem, to amend the agenda to add the following new application; unanimously approved.

B. Robert Pelletier, 2 Dylan Beach Road. Application for Removal of Dead Trees, Planting New Trees, and Removal of Sand from West Hill Pond Lakebed during 2011 Annual Drawdown.

Mr. Pelletier addressed the Commission regarding his application, explaining that he was on the Board of the Laurel Lake Association. Mr. Pelletier stated that he proposed to use a small excavator or backhoe to remove dead hemlock trees on his property on the north end of West Hill Pond adjoining the Laurel Lake Association beach. He proposed to plant new small ornamental hemlock in its place along a chain-link fence between the two properties. Mr. Pelletier then explained that the current in the Pond brought Laurel Lake Association beach sand into his beachfront, and that he wanted to use an excavator to scoop out 6 yards of this sand during the 2011 annual drawdown, when the water level was brought down 3 feet. He explained that he had obtained approval from the Commission and done this before in 2006 during that drawdown, and that the machinery was not in the water at any point. Mr. Pelletier stated that he had been required at that time to use a containment boom. The Commission reviewed the plans and discussed alternative options for removing the dead trees.

MOTION Ms. Sullivan, second Mr. Tooker, to accept the application in the matter of **Robert Pelletier, 2 Dylan Beach Road. Application for Removal of Dead Trees, Planting New Trees, and Removal of Sand from West Hill Pond Lakebed during 2011 Annual Drawdown**, finding it is a nonsignificant regulated activity; unanimously approved.

2. PUBLIC HEARINGS CONTINUED:

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

The applicant, Allan Borghesi, briefly reviewed the application, explaining that some changes had been made at the Town's request to reflect low-impact development techniques. The applicant's engineer then addressed the Commission explaining that the plans had been changed to move the proposed building 18 feet to the east where it would be located at a lower level, thereby permitting sheet flow off the parking areas to drainage swales at the front of the property. These drainage swales would flow to the detention pond at the east side of the property. The engineer explained that all roof drains would be routed to the back of the building, and the water would also flow to the detention pond. He then discussed sedimentation and erosion control plans for construction and noted that a stormwater management plan had been created and added to the plans.

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Eric Davison of Wetlands Sciences, Inc. then addressed the Commission on behalf of the applicant. Mr. Davison explained the existing topography of the site, noting that it was already highly disturbed and the wetlands fragmented. He gave a history of the topography of the site from the 1930s on, explaining that the wetlands remaining onsite are low-functioning. Mr. Davison explained that low-impact techniques like infiltration would not be effective here due to the highly compacted nature of the fill onsite. He explained how the detention pond and the proposed plantings in the detention pond would work to improve the quality of water flowing from the site into Mallory Brook. Mr. Davison also recommended some steps to control invasive species present in the wetlands areas onsite.

Ms. Ganem asked for further information regarding the plantings and their ability to remove contaminants from the water. Mr. Greaser suggested that the applicant consider using beetles to remove some invasive species rather than herbicide. He also asked whether the applicant would be amenable to using woodchips in place of traditional silt sacks, and Mr. Borghesi responded affirmatively. Ms. Sullivan then asked about the drainage calculations for the project, and Ms. Malanca explained that the Town Engineer had reviewed them and found them to be satisfactory. Mr. Greaser then opened the floor to public comment.

Tim Sullivan of 28 Robin Drive then addressed the Commission to ask for information regarding the applicant's plans for snow storage onsite as well as for further information about how the detention pond would be constructed.

Hearing no other comments or questions from the Commission or the audience:

MOTION Mr. Tooker, second Ms. Sullivan, to close the Public Hearing in the matter of **Borghesi Building Co., LLC, applicant, The Lavieri Group, owner, 390 New Hartford Road. Application for proposed activities for the construction of a medical office building;** unanimously approved.

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

Ms. Sugarak addressed the Commission explaining that she had contacted Michael Kline from Environmental Services as recommended, and was then referred to Gary Giordano, PE. She then submitted a plan created by Mr. Giordano to remediate the site. Ms. Sugarak stated that an erosion control blanket was recommended for the bank of the stream with holly planted every 15 feet. She explained that it was recommended that the stone dam be removed and that 3 rows of haybales be installed on the other side of the driveway bridge. Ms. Sugarak said that she was also told to seed her lawn, and that the muddy area of her lawn by the stream should be planted with a New England seed mix. She then said that the driveway bridge would have to be resurfaced and have railings installed. Ms. Malanca asked about the construction sequence, and Ms. Sugarak pointed it out on the plans. Ms. Sullivan asked about the fallen trees onsite, and Ms. Sugarak stated that work was done and the trees had been put into piles uphill.

Mr. Tooker asked if the front yard had been stabilized. Ms. Sugarak stated that half of the yard was seeded and tiered. Mr. Sugarak then explained that the driveway had been crowned and that that appeared to resolve the problem. Mr. Greaser then opened the floor to public comment.

Mary Ann Bouchaine, 56 Eddy Road, then asked whether the bridge was adequate for a 50-year flood, and Ms. Sugarak stated that she did not know as she had not built the bridge.

Nancy Strini, 70 Eddy Road, asked for information regarding whether the Sugaraks had implemented a plan to stabilize the area for the winter as required at the December 2009 meeting. Ms. Malanca stated that she had observed the site to be stabilized at her last visit.

MOTION Mr. Ream, second Mr. Tooker, to close the Public Hearing in the matter of **Sugarak, Vallerie, applicant/owner, 82 Eddy Road. Application for activities involving grading and removal of fallen trees from pond;** unanimously approved.

3. PENDING APPLICATIONS:

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

MOTION Mr. Tooker, second Ms. Sullivan, to APPROVE the application for Borghesi Building and Engineering, Applicant – The Lavieri Group, LLC, Owner, for the Construction of Northwest Regional Health Center, Parking Lot, Helipad, and grading within the wetlands and regulated area, 390 New Hartford Road (US Route 44).

AS PER all oral and written testimony including Plans prepared by Borghesi Building & Engineering Co., Inc. for Project: Northwest Regional Health Center, 390 New Hartford Road, (US Route 44), Barkhamsted CT – Titled "Site Plan" Sheets SP1, SP2A, SP2B – "Soil Erosion & Sediment Control Plan" Sheets SP2C & SP2D – "Landscape, Lighting & Layout Plan" Sheet SP3 – and sheets SPD1 through SPD3, A1 & A2 – Dated 12/9/09, revised 1/19/10 – along with all reports and comments prepared by Michael Klein, Environmental Planning Services, and Martin Connor, AICP.

The above-referenced application is approved with the following conditions:

1. The Zoning Enforcement Officer is to be notified, in writing, one week prior to the beginning of any work.
2. Wetlands markers must be installed to delineate all wetlands borders.
3. An estimate shall be submitted for the cost of the Erosion and Sedimentation Control Measures. The estimate shall be reviewed by the Town Engineer and a bond will be collected in an amount acceptable to the Zoning Enforcement Officer and in a form acceptable to the Town Attorney. The applicant will be responsible for any fees incurred.
4. An estimate shall be submitted for the cost of the Landscape Plan, in accordance with Michael Klein's plan, and a bond shall be collected in an amount acceptable to the Zoning Enforcement Officer and in a form acceptable to the Town Attorney. The applicant will be responsible for any fees incurred. This bond is to be held for one growing cycle after installation.
5. If any changes are made to this plan, the applicant must come back to the Commission for modification to this permit.
6. Sedimentation and erosion control measures must be monitored weekly by the Zoning Enforcement Officer, and all repairs must be made within a 24-hour period.
7. Wood chip berms must be used in place of silt fence where possible, as recommended by Environmental Planning Services and approved by the Town Engineer.
8. The applicant must research ways to eradicate loose strife on the site, specifically with beetles. This plan shall be reviewed by the Zoning Enforcement Officer.

IN FAVOR: Mr. Greaser, Ms. Ganem, Mr. Labbe, Mr. Ream, Ms. Sullivan, Mr. Tooker.
OPPOSED: None.
ABSTENTIONS: None.

The motion was unanimously approved.

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

Ms. Malanca stated that the applicant had submitted an effective remediation plan, and that attempting to restore the area to its original state may actually create more harm than good. Mr. Greaser concurred and asked Ms. Malanca to continue to inspect the site.

MOTION Ms. Sullivan, second Mr. Ream, to grant an after-the-fact permit in the matter of **Sugarak, Vallerie, applicant/owner, 82 Eddy Road. Application for activities involving grading and removal of fallen trees from pond** as per the plan submitted at the February 2, 2010 regular meeting and with all of the Inland Wetlands Commission's customary conditions, as well as the condition that work must begin in Spring 2010 when the Zoning Enforcement Officer informs the Sugaraks it is safe to start; unanimously approved.

4. INLAND WETLANDS ENFORCEMENT OFFICER'S REPORT:

No business was discussed.

MOTION Ms. Sullivan, second Ms. Ganem, to amend the agenda to address item 7 first and then continue with the agenda as written; unanimously approved.

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

A. The Metropolitan District Commission, applicant/owner, 39 Beach Rock Road. Declaratory Ruling for Timber Maintenance.

Andrew Hubbard, a forester with the Metropolitan District Commission, addressed the Commission. Referencing a map, Mr. Hubbard pointed out the area of proposed work, located on Center Hill and Slade Road. He stated there would be no machinery in the wetlands and no wetlands crossing.

MOTION Mr. Reynolds, second Mr. Edmands, to find that there is no regulated activity in the matter of **The Metropolitan District Commission, applicant/owner, 39 Beach Rock Road. Declaratory Ruling for Timber Maintenance** and that the work described is therefore a matter of right; unanimously approved.

B. Northwestern Regional School No. 7, owner, Optiwind, applicant. Agent Determination for construction of a meteorological tower.

Ms. Malanca explained that the applicant's request for a wind tower had been approved by the Planning and Zoning Commission, and that Optiwind therefore needed to first install a meteorological tower for 1-2 years. She said that Optiwind was applying for a special exception to do this, but first needed a favorable report from the Inland Wetlands Commission. Ms. Malanca stated that there were no wetlands affected by this work. The Commission then reviewed the plans for this application.

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MOTION Mr. Ream, second Ms. Ganem, to grant a favorable report in the matter of **Northwestern Regional School No. 7, owner, Optiwind, applicant. Agent Determination for construction of a meteorological tower;** unanimously approved.

5. APPROVAL OF MINUTES:

A. January 5, 2010 regular meeting minutes.

MOTION Ms. Sullivan, second Ms. Ganem, to approve the minutes of the January 5, 2010 regular meeting as written; unanimously approved.

6. CORRESPONDENCE:

Mr. Greaser passed around *The Habitat* and a letter from the Connecticut Association of Wetlands Scientists regarding their annual meeting.

MOTION Mr. Ream, second Mr. Tooker, to adjourn the meeting at 9:05PM; unanimously approved.

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

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