

**TOWN OF BARKHAMSTED  
INLAND WETLANDS COMMISSION  
WATER POLLUTION CONTROL AUTHORITY  
MINUTES OF REGULAR MEETING  
TUESDAY, APRIL 7, 2009**

Chairman, John Greaser called the meeting to order at approximately 7:00 p.m. Members present were John Greaser, Michael Ream, Martha Sullivan, Caprice Shaw, Christopher Tooker and alternate member Thomas Santoro was seated for Linda Ganem. Inland Wetlands Officer Rista Holda attended the meeting.

Caprice Shaw moved to add a new applicant to the agenda. Martha Sullivan seconded the motion. The motion passed by unanimous decision.

**NEW APPLICATIONS:**

**A. TYLER SEIBERT, applicant/owner 19 Morgan Brook Road.  
Proposed activities for construction of in-ground swimming pool.**

Mr. Tyler Seibert presented for himself. Mr. Seibert explained that he would like to install an in-ground swimming pool behind his house, 19 Morgan Brook Road. The proposed area of construction is within the upland review area of wetlands, approximately 70 feet from Morgan Brook. Inland Wetlands Officer Rista Holda stated that she has visited the proposed site and opined that because of topography the only possible impact to the wetlands would be during construction and the proposed stockpiling area would be on a flat area to the west of the house.

The Chairman stated that he would like to make a site visit prior to making a determination as to significant impact to the wetlands.

Thomas Santoro moved to receive the application without a determination as to whether there is a significant impact to the wetlands. Motion seconded by Christopher Tooker. The motion passed by unanimous decision.

The applicant gave permission for IWC members to visit the site. Members should call ahead.

**PUBLIC HEARINGS:       None**

**PENDING APPLICATIONS:       None**

**REGULATION WORKSHOP:**

**A.     CTDEP Model Regulations.**

Rista Holda explained that the CTDEP has proposed model inland wetland regulations for adoption by the inland wetland commissions of the various cities and towns in the

state. Ms. Holda has reviewed those proposed amendments and has made preliminary amendments to the current Barkhamsted regulations. Ms. Hold then reviewed the major modifications with the commission: “Bogs” and “swamps” considered water courses; the definition of “designated agent” deleted; definition of “essential to farming” deleted and replaced with “existing” farming; definition of “license” changed to reflect “permit”; definition of “regulated are” deleted; definition of “regulated activity” added; some change to “as of right” uses. Ms. Holda also proposes changes to reflect changes required by Public Act 05-124 regarding notification to holders of conservation easements, affecting sections 7.11, 10.1, and 10.2.

Michael Ream asked about procedure of make amendments to the regulations. Ms. Holda explained that first the Inland Wetland Commission provisionally would accept or deny the proposed changes; then set a date for a public hearing, at which hearing the commission would hear public opinion on any proposed changes; after the public hear the Inland Wetland Commission would vote on the final amendments to the regulations.

Both the Chairman and Rista Holda expressed their opinion that the proposed changes by the CTDEP are appropriate for the Town of Barkhamsted.

The Chairman would like the members to review the current regulations and proposed changes for discussion at the next meeting.

#### **B. IWC Jurisdiction over State Activity in Regulated Areas.**

In response to the discussion in the last meeting, Rista Holda discussed the provisions of Connecticut General Statutes Sec. 22a-39h regarding jurisdiction of State of Connecticut activity in regulated areas. Apparently local inland wetland commissions need permission from the CTDEP before they can regulated any such activity. The commission then discussed various ways of approaching the potential significant impact of state activity along Rte. 44.

#### **INLAND/WETLANDS ENFORCEMENT OFFICER’S REPORT:**

Rista Holda reported that Dean Martel on East Hartland Road had stated that no one could enter his property without permission. She will contact his Attorney as requested.

The work has stated on Kelsey Court, control measures are being appropriately used, and the loggers are doing a good job. The applicant had asked to change construction sequence to clearing before erecting the fence. Ms. Holda sent a letter stated that the change was permissible provided that the fence must be put up the same day that clearing is done.

Ms. Holda stated that at the Town Garage there is no removal of material being done next to the river, but there is stockpiling in that area. Rich Novak said that he will install a woodchip burm to limited erosion into the river.

**APPROVAL OF MINUTES:**

Four changes were made to the minutes of March 3, 2009:

- Public Hearings, part A, first paragraph, eighth line, eighth word, change “here” to “where”;
- Pending Applications, part A, include the first condition in the minutes to the motion form;
- Pending Applications, part A, correct date on motion form from “February 3, 3009” to “March 3, 2009”
- Any other Business Legal and Proper to Come Before Said Meeting, second paragraph, second line, change “to happening” to “to be happening”.

Thomas Santoro moved to accept the minutes for the meeting of March 3, 2009 as amended herein. The motion was seconded by Martha Sullivan. The motion passed by unanimous decision.

**CORRESPONDENCE:**

All correspondence was reviewed. No action was taken.

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

Caprice Shaw asked in what way might the commission be involved in the CT Farmington rover watershed grant to the Town of Barkhamsted. The Chairman suggested that the commission ask the First Selectman.

The commission discussed the new motion form. With the change discussed in above under “Approval of Minutes” the form was met with approval.

The Chairman discussed important language when members move to accept or deny applications, such as the need to state that the commission considers the “feasible and prudent alternatives”, whether or not any such alternatives exist, and listing reasons for granting or denying applications.

Michael Ream moved to adjourn the meeting. Christopher Tooker seconded the motion. Motion passed unanimously and the meeting was adjourned at approximately 8:20 p.m.

Respectfully submitted by \_\_\_\_\_ Date \_\_\_\_\_  
Thomas Santoro – acting secretary