

**TOWN OF BARKHAMSTED
INLAND WETLANDS COMMISSION - WATER POLLUTION CONTROL AUTHORITY
REGULAR MEETING – MINUTES
TUESDAY, DECEMBER 1, 2009
BARKHAMSTED TOWN HALL – 7:00PM**

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

ABSENT: Caprice Shaw, Martha Sullivan.

Due to the large public attendance at this meeting, it was moved to the Barkhamsted Elementary School gymnasium. Signs announcing this were placed at all doors entering the Town Hall. Chairman John Greaser called the meeting to order at 7:16PM. All regular members present were seated for the meeting. Alternate Christopher Labbe was seated for Caprice Shaw. The entire proceedings were recorded on audio tape and are available at the Town Hall.

1. NEW APPLICATIONS:

A. Optiwind, LLC, applicant and Northwestern Regional School No. 7, owner, 100 Battistoni Drive, Upland Review.

Ms Holda informed the Commission that she had resolved this matter.

B. Motley, Matt and Kate, applicant/owner, 420 West River Road. Application for proposed activities for the placement of an underground propane tank.

The applicant's contractor informed the Commission that the Motleys wanted to switch from an oil heating system to propane, and that they wanted to bury the tank at the front of the property, away from the Farmington River. The Commission reviewed a diagram of the proposed plan. The applicant's contractor explained that as the site was located in the flood plain, he planned to install a concrete pad subgrade and then strap the tank down to the pad with ties. He stated that the area to be dug was approximately 10 feet by 4 feet in order to hold a 500-gallon propane tank. He stated that he hoped to be able to use machinery to dig if possible; however, he would do the work by hand if necessary.

MOTION Mr. Tooker, second Mr. Ream, to receive the application in the matter of **Motley, Matt and Kate, applicant/owner, 420 West River Road. Application for proposed activities for the placement of an underground propane tank** and to determine the matter is nonsignificant; unanimously approved.

2. PUBLIC HEARINGS:

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

Vallerie Sugarak addressed the Commission and distributed photos of the location under discussion. Mr. Greaser stated that he had visited the site and asked if any of the members of the Commission had also done so. Mr. Ream and Ms. Ganem stated that they had.

Ms. Sugarak explained that the rains over the summer had washed out the bank of the brook and that trees had fallen into the brook as a result. She stated that she had removed garbage, stumps and branches from the brook, and then regraded the bank and put in stones along the bank and by the driveway bridge. Ms. Sugarak then explained that she had removed the previous circular driveway from her property as it caused water to run down the driveway, washing out both the driveway and the bank of the brook. She stated that the bridge needed to be rebuilt and that there were still several trees, stumps, and assorted garbage in the brook.

Ms. Ganem noted that when she visited the site, she could still see runoff coming down the side of the driveway which could wash out the driveway and the bank. Ms. Sugarak stated that the work done to the driveway had improved this somewhat. She said that they had also installed process on the driveway in the past few weeks and that that had also made a difference. Ms. Sugarak stated that the area right before the driveway bridge is spongy and that her car used to sink in the mud there.

Hearing no further comments from the Commission, Mr. Greaser opened the floor to the public.

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Nancy Strini, 70 Eddy Road, addressed the Commission. Ms. Strini stated that she was a former member of the Inland Wetlands Commission and lived at the property downstream from the Sugaraks. She said that she had observed diminished flow and increased sedimentation in the brook and the pond on her property, which is fed by the stream. Ms. Strini then described what she had observed on the Sugaraks property, in the brook, and in her pond, giving the dates of her observations. She requested that the Commission require the Sugaraks to restore the wetlands to their original state, noting that this stream is one of the few natural breeding grounds in the state for native trout.

David Parsons, 60 Eddy Road, next addressed the Commission. Mr. Parsons stated that he owned the property upstream from the Sugaraks. He stated that his property contained the wetlands that drained into the brook on the Sugaraks property, and that he did not want to see the Sugaraks do anything that impeded the flow of the stream. Mr. Parsons said that diminished flow would create a swamp on his property instead of the bog that currently exists.

Mary Ann Beauchene, 56 Eddy Road, then addressed the Commission. Ms. Beauchene stated that she had lived on this property, downstream of the Sugaraks just beyond the Strinis, for 40 years, and that she too was a former member of the Inland Wetlands Commission. Ms. Beauchene stated that she had contacted the DEP and that the brook was a self-sustaining system for trout and a habitat for spotted salamanders. Ms. Beauchene stated that she was concerned that the Sugaraks were damming the brook to create a pond for horses they planned to have onsite. Ms. Beauchene stated that the Sugaraks would not need to stabilize the banks of the brook if they had not cut down the trees there.

Mr. Ream asked Ms. Sugarak when the driveway bridge had been built, and Ms. Sugarak stated that the previous owner of the house had built the bridge. Ms. Sugarak stated that she did not plan to have horses onsite. She said that she had noticed over the five years they had been on the property that the brook naturally slows down in August and September, and that the probable source of the clogging observed by Ms. Strini were the trees and brush in the water after all the rains this past summer.

Ms. Strini asked the Commission members who had visited the site to describe what they had observed. Ms. Ganem stated that she had driven up the driveway and saw the "pond" on the applicant's property and that she had observed many fewer trees than were present in the aerial photo submitted by the applicant. Mr. Ream asked if the applicant had put down the required stone on the driveway. Ms. Holda replied affirmatively and explained that she had observed two problems on the site, the diminished flow as a result of the "pond" the Sugaraks had created, and silt that came down the hill onto the driveway and down to the brook. Ms. Holda stated that the latter problem had been improved by planting rye grass, putting hay bales at the outlet by the bridge, silt fencing around the dirt stockpile, and gravel on the driveway.

Mr. Greaser stated that he had observed that the present sedimentation and erosion control measures did not appear adequate by the house. He said that his visit had been on a rainy day, and he had observed movement of the silt. Mr. Greaser expressed concern that the winter rye would not germinate at this point in the season. He also stated that there appeared to be an alteration of the watercourse that created a "pond" and that the rocks the Sugaraks added to the pond impeded the flow of the brook. Mr. Greaser stated that he did not observe siltation on the downstream side of the "pond." He said that both a plan to stabilize the site for winter as well as a longer term plan for restoration were needed.

Mr. Greaser informed the Sugaraks that he wanted them to bring a certified remediation plan to the next meeting and suggested they consult with a professional engineer. He stated that he also wanted the applicants to install a second tier of hay bales by the house and the dirt stockpiles. Mr. Tooker requested that the Sugaraks bring updated photos to the next meeting. Ms. Sugarak asked if they could have a longer time since the holidays were coming and might make it difficult to get the requested plan from an engineer. Ms. Holda informed her that she would need to submit a written grant of extension to the February 2, 2010 regular meeting.

MOTION Mr. Ream, second Ms. Ganem, to continue 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** to the February 2, 2010 regular meeting; unanimously approved.

B. Hallinan Capital Corp., applicant/owner, Lots 3 and 4 Woodland Acres. Application for proposed activities for the construction of a residence.

MOTION Mr. Tooker, second Mr. Labbe, to open the Public Hearing in the matter of **Hallinan Capital Corp., applicant/owner, Lots 3 and 4 Woodland Acres. Application for proposed activities for the construction of a residence;** unanimously approved.

Ms. Holda explained that the applicant had submitted a letter requesting a continuance of the Public Hearing as they had not yet gotten the required report from the Town's environmental consultant.

A member of the audience, Lindsay Keene, addressed the Commission objecting to the opening of the Public Hearing and stated that the applicant had not provided notice to abutting neighbors. Ms. Holda explained that the applicant was entitled by Connecticut law to two 30-day extensions, and that if it were found that the applicant had not provided the required notice to abutting neighbors, that would be an appropriate reason for denial of the application by the Commission.

MOTION Mr. Ream, second Mr. Tooker, to continue the Public Hearing in the matter of **Hallinan Capital Corp., applicant/owner, Lots 3 and 4 Woodland Acres. Application for proposed activities for the construction of a residence** to the January 5, 2010 regular meeting.

3. PENDING APPLICATIONS:

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

Raymond Donahue briefly reviewed the application for the Commission. Ms. Ganem asked Mr. Donahue what would be done with the existing septic tank. Mr. Donahue explained that, per the Farmington Valley Health District, it would be pumped, crushed, and backfilled. Mr. Tooker stated that he had visited the site of the proposed activities and noted that the area around the existing septic tank was a tight location. The Commission then reviewed the proposed plans.

MOTION Ms. Ganem, second Mr. Tooker, to approve the application 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,** per all oral and written testimony and finding that there were no other reasonable and prudent alternatives, with the conditions that the applicant notify the Inland Wetlands Enforcement Officer prior to commencing work and that all appropriate sedimentation and erosion control measures be implemented; unanimously approved.

4. INLAND WETLANDS ENFORCEMENT OFFICER'S REPORT:

No business was discussed.

5. SHOW CAUSE CEASE AND DESIST:

A. Korfel, Doug and Debra, 81 Bsullak Road, Show cause, cease and desist.

Mr. Korfel addressed the Commission, explaining that the wetlands were located at the front of his property by the road. He stated that he had constructed a driveway on the site as per approved plans and that water flow from all the rain this year had undermined a section of it. Mr. Korfel stated that he had then installed a pipe under that section of the driveway to collect the water and send it down to the side of the property where it goes into a berm with hay bales. He stated this work was 212 feet away from the wetlands.

Ms. Holda explained that the activity was outside the 100-foot regulated area; however, the pipe discharged cloudy, muddy, silted water into the wetlands area. Ms. Holda stated that she and Rich Novak, the Highway Superintendent, had visited the site and agreed that while the pipe might be a good idea, the way it discharged into the wetlands had to be addressed. She suggested that either a detention pond or rain garden, designed by an engineer to ensure adequate size, should be constructed at the site. Ms. Holda also noted that material was being stockpiled directly above the wetlands in an unapproved location.

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Mr. Korfel stated that he had put a silt fence and hay around the stockpile. Mr. Tooker stated that the pipe could create more problems than it solved, and suggested that the applicant could excavate the driveway and put in stones and riprap in that one section. Mr. Korfel stated that he could cap the pipe if the Commission wanted him to, but that he would prefer not to have to spend the additional money for an engineer at this time if at all possible.

The Commission discussed both alternatives for addressing this problem, and agreed that a short-term fix for the situation would be to install additional silt fencing and hay bales around the stockpiles. The Commission agreed that additional time would be needed to visit the site and determine an adequate long-term solution.

MOTION Mr. Tooker, second Ms. Ganem, to continue the cease and desist order in the matter of **Korfel, Doug and Debra, 81 Bsullak Road, Show cause, cease and desist** to the January 5, 2010 regular meeting; unanimously approved.

6. APPROVAL OF MINUTES:

A. November 3, 2009 regular meeting minutes.

MOTION Ms. Ganem, second Mr. Ream, to table discussion of the November 3, 2009 regular meeting minutes to the January 5, 2010 regular meeting; unanimously approved.

7. CORRESPONDENCE:

No business was discussed.

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

A. Water Pollution Control Authority Regulations and Responsibilities.

Mr. Greaser explained that he, Ms. Holda, and the First Selectman had had a meeting regarding the connection of the Barkhamsted sewer system to the Winchester sewer plant, and that they needed the Commission's approval to enter into negotiations with Winchester's Water Pollution Control Authority (WPCA).

MOTION Ms. Ganem, second Mr. Labbe, to authorize First Selectman Donald Stein, Inland Wetlands Enforcement Officer Rista Holda, and Chairman John Greaser to enter into discussions relative to connecting the Barkhamsted sewer system into the Winchester sewer plant; unanimously approved.

MOTION Ms. Ream, second Ms. Tooker, to adjourn the meeting at 9:40PM; unanimously approved.

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