

**INLAND WETLANDS COMMISSION
TOLLAND, CONNECTICUT**

**REGULAR MEETING MINUTES OF
September 2, 2010**

Members Present: Lee Lafountain, Chairman
Archie Tanner, Vice Chairman
Stan Tetrault, Secretary
Beth Banning, Regular
Patti Hollay, Alternate
Joe Bushey, Regular (arrived late)

Absent Members: None

Others Present: Steve Lowrey, Wetlands Agent
Steven Boyer, App # 555
Rick Zullick, soil scientist App # 555
Andre Geci, property owner, New Business agenda item # 1
Steve Amedy, New Business agenda item # 2

REGULAR MEETING

1. Call to Order at 7:08pm. Seat Hollay for Bushey

2. Approval of the Meeting Minutes

Acceptance of the April 15, 2010 meeting minutes

Tetrault/Banning: motion to accept the minutes of April 15, 2010 as presented.

Unanimously approved. Lafountain and Banning abstained

Acceptance of June 3, 2010 meeting minutes

Agenda item tabled due to lack of quorum

3. Public Comment: none

OLD BUSINESS

IWC # 555 – Stephen Boyer: 1032 Tolland Stage Road; fill in ponded area of wetlands to re-establish mowing field

Zullick presented a map of the site and reviewed the history of the site. The applicant, Boyer, operates the Country Butcher and a farm on the 55 acre site. Zullick said the applicant is not looking for an agricultural exemption but considers the site to be an agricultural property. Zullick indicated the location of the wetlands and the Skungamaug River, which runs through the site. Zullick reviewed the types of soils on the site and indicated they are wetlands soils. Zullick said they would like to fill a portion of the wetlands to create improved farmland. Zullick said the wetlands is unique because the area has been previously excavated by the St of CT to build the road and left a substantial depression and a wetlands developed there over time. Zullick said there is a cemented soil layer on it which water does not penetrate. Zullick said the area has been filled both by the State as promised as part of the original road construction and by natural means. He said the soils hold water therefore it is a wetlands but is not naturally occurring.

There was an understanding with the prior property owner that the State would restore the field following the initial road construction and some filling has been done but yet the area holds water. Zullick said the area is completely dry at various times of the year but currently holds water. Boyer said he would like to restore the field to make it mowable. Zullick said there is very little groundwater recharge. He said there is some seasonal habitat for frogs when the area is wet.

Zullick said Boyer created a 3-acre pond on the site in exchange for this work in an upland area. Zullick said Boyer would like to fill the area to create sheet flow towards the natural wetlands that are preexisting. Bushey asked why the wetland area

needs to be filled. Zullick said it is a restoration and to create more mowable area and make the property more accessible to farm equipment. Tetrault asked if a berm that is currently between the manmade wetland and the natural wetland would be removed to allow for sheet flow. Zullick said there would be grading towards the wetlands. Lafountain asked if the slope would go from 539 ½ to 538. Banning asked if this is being done for esthetic purposes. Bushey asked how much hay would be grown there. Zullick said 150 bales during the season for the entire property. Boyer said that when the area fills, it runs over and mucks up the rest of the field. Tanner reviewed the path of water over the stone wall that he observed when visiting the site. Bushey said the area is acting a detention basin and his concern is there would not be any detention prior to the water entering the wetlands. Zullick said he did not think the additional water would adversely affect the wetlands. Zullick said there will be a vegetated buffer and will protect the wetlands. Tanner asked if the area is mosquito-breeding area currently. Boyer said that it is. Zullick said he did not think it is a vernal pool. Lowrey said the area dries out in the late summer.

Boyer said before there was a road there was no wetlands in the area and the State used the stone and gravel on the site to create the road. Boyer said at that time there was supposed to be restoration, and there had been some but a depression still remains.

Lafountain asked why Zullick did not think it should be considered an agricultural exemption. Zullick said the regulations do not allow the filling of a wetlands/watercourse even for agriculture. Tanner said the wetlands is a manmade creation and there is no function that is of value. Tanner said there would be enough overland flow before it gets to the wetlands. Tanner also said there is a mitigation of the 3-acre pond. Lafountain asked about the pond on the site. Boyer said there is filling into the pond. Lafountain asked if the pond is holding water providing recharge. Lowrey said the area was not in the regulated area. Bushey said they should not consider the pond that has already been dug for retroactive mitigation. Lafountain said he is concerned that the area is a vernal pool. Hollay said she believes that it is. Lafountain asked about the 15" rcp and where the water flows. Zullick said the water flows directly into the wetlands. Boyer reviewed the locations of the Skungamaug River and Charters Brook on the property.

Commissioners discussed the principal of the ruling. Bushey and Lowrey reviewed the construction of the wall. Bushey said there was a blow out of the wall during a spring rain event. Lowrey said that when the wall was constructed there was no means incorporated to hold material from eroding through the large stones, and that he had mentioned this to Boyer. Boyer said the wall was restored with filter fabric.

Zullick said there is no problem with precedent because the property is a legitimate farm. Hollay reviewed the regulations and said there is regulation to allow the requested activity. Banning said she is pleased with how Boyer is handling is property and doing the right thing for the property. Bushey said he sees the site as a ditch.

Hollay asked Boyer if there are any other plans for the property. Boyer said no, it would only be used for hay farming.

Tanner/Banning: motion to approve with the condition that no work is done in the wetlands on the backside of the property. Zullick suggested that silt fence be used on the wetlands side until the vegetated buffer develops. Commissioners agreed and added the condition that silt fence be used during the restoration process and remain in place until the vegetated buffer develops.

Unanimously approved.

NEW BUSINESS:

1. Andrew Geci: Discussion of excavation in Grant Brook to remove accumulated sediment and restore irrigation potential

Lowrey said that someone complained to Linda Farmer that Geci had earth-moving equipment and was excavating Grant Brook on his property. Lowrey said he was told that there was an irrigation pond that periodically gets filled with silt over time. Lowrey said currently the brook is not flowing. Lafountain asked what is currently holding the water in. Geci said ledge. Banning asked about the size of the pond. Geci said it was built in 1955 for fire protection. Geci said the pond gets filled with road sand and that the State does not clean the catch basins frequently and eventually the road sand gets into his pond. He had asked the State DOT to clean out his pond, but they won't do that.

Lafountain asked if there was purple loosestrife in the pond. Lowrey said he saw one plant. Lafountain asked what Geci was going to do with the spoils. Geci said the soil from the pond would be used in his garden on the site. Banning said when she drove by there was a bunch of soil near the road. Geci said he digs for a while and then moves the soils into the garden – what Banning had seen had already been moved.

Lafountain asked if this is a regulated activity. Bushey said he thinks it is a regulated activity. Lafountain said if it is a regulated area it requires a permit. Lowrey said the regulations do not say that you cannot dredge a pond; however you cannot change the course of a continuously flowing watercourse. Bushey said if the Commission mandates that the work during a low flow period. Lafountain asked how big the pond is. Geci said it is 48' by 20'. Commissioners agreed it is a regulated activity and requires a permit. Lafountain asked if it could be agent issued. Lowrey said it takes less than a week. Bushey said since the applicant is not planning to do the work until next year, timing is not an issue; a permit should be applied for.

Commissioners agreed that a permit is required and required by law. Commissioners discussed that of the fee \$60 goes to the state DEP and the remainder of the \$140 fee goes to the Town. The Commissioners agreed to waive the entire Town's permit fee. The Commissioners agreed that Geci is doing everything right but the activity is regulated and requires the DEP fee. Lafountain said the Commission can issue an Agent Permit for some smaller activity and would be willing to do it in this case. Lowrey said Geci could fill out the application and could do the work at anytime during the 5 yr period. Commissioners agreed that the activity cannot be ignored.

2. Discussion with Steve Amedy about removal of sediment from brook to protect pond.

Amedy provided a map of the site and reviewed the flow of the water on the site from the road into the pond. Amedy reviewed the location of the wetlands, catch basins, the location of the pond on his property as well as a pond that was previously conveyed to the town and the location of a brook that is providing silt into the pond on Amedy's property. Lowrey said he believes the silt is being caused by scour. Amedy reviewed photos that he provided of the brook and pond. Banning said she believes that there is a lot of silt under the bridge. Banning said the water just flows through the Town's pond and does not settle because of the construction of that pond.

Amedy said he would like to wait until winter and use a steel track rig to excavate the silt and create a pocket and use the spoils to create a sediment basin. Lafountain asked if in the winter if the area would freeze enough for the equipment and prevent destruction of the wetlands. Tetrault asked how the construction was completed the last time. Amedy reviewed the construction process. Amedy said he is just trying to maintain the property.

Amedy said this discussion is to develop a plan to present to his Board for approval of funds. Bushey suggested a sediment basin further upstream in an upland area to protect the area in the future so it would not require as much work in the wetlands in the future. Bushey asked if a forebay type structure could be used in the pond that could be more easily maintained.

Commissioners reviewed that a permit is required for the work. Amedy said he wants to do the work in the winter when there are low flows. Commissioners reviewed that the application should include a permit for on-going maintenance.

Commissioners reviewed the Town's pond and questions where all of the sediment is coming from.

RECEIPT OF APPLICATIONS: None

GENERAL BUSINESS

1. Correspondence
 - a. Lowrey provided copies of The Habitat to the Commissioners.
2. Other Commission Business
 - a. Commissioners reviewed a property where a property owner is filling in a brook with mulch. Lowrey said he would visit the site.
 - b. Commissioners requested that the Tankerhoosen Watershed project be added to the agenda for the next meeting. Commissioners discussed funding sources for a grant for one of the problem areas. Lafountain asked if the funds could be in-kind service. Commissioners discussed how to address the

problem areas and have a follow-up meeting with the property owners. Commissioners said they would review the list at the next meeting and develop a plan to assess the priorities and set a schedule.

3. Adjourn

Tanner/Tetrault: motion to adjourn.

Unanimously approved.

Meeting adjourned 9:02pm

Respectfully submitted,

A handwritten signature in black ink, appearing to read "June Kausch". The signature is written in a cursive style with a large initial "J" and a long, sweeping underline.

June Kausch
Clerk, Inland Wetlands Commission