

Bolton Inland Wetlands Commission
Public Hearing and Regular Meeting February 24, 2015
Minutes

The Bolton Inland Wetlands Commission held a public hearing followed by a regular meeting on February 24, 2015 at the Bolton Town Hall. Members in attendance were Chairman James Loersch, Ross Lally, Jane Darico and Holly MacDonald. The Inland Wetlands Agent Barbara Kelly was also in attendance. James Loersch called the meeting to order at 7:01 P.M.

1. Approval of Agenda

Ross made a motion to change the agenda to move New Business 3c before the public hearing, Jane Darico seconded the motion. The motion passed unanimously.

Inland Wetlands Agent Barbara Kelly noted that the record should state that the Commission made this change to the agenda because no members of the public were present for the public hearing.

3 C. Application 2015-1 Joseph Oldakowski- 21 Enrico Road-Restoration, Stabilization and Grading Along a Stream

Joseph Oldakowski came before the Commission again with a revised plan that will give him the flat land that he needs for a play area for his children. Andrew Bushnell revised the plans and added a retaining wall. Chairman Loersch asked what type of wall will be used. Mr. Oldakowski stated a boulders wall that will measure 15 feet in length and less than 4 feet tall. Some of the boulders will have to be trucked in as well. Chairman Loersch asked what type of material will be used to back fill the wall. Mr. Oldakowski stated crushed stone will be used.

A motion was made Ross Lally, seconded by Holly Macdonald too deem the activity a regulated activity of non-significant impact pursuant to section 3.5 of the Inland Wetlands Regulations.

A motion was made by Ross Lally, seconded by Holly Macdonald and passed unanimously to grant the permit finding in the affirmative pursuant to section 5.7.A parts 1, 2&3 of the Inland Wetlands Regulations with the following conditions.

Conditions

- **All work performed on the property should follow the revised plans dated 2/16/2015 by Bushnell Associates**
- **Provide details for construction on the proposed retaining wall to Barbara Kelly the Agent for the Commission, for approval before the work starts.**
- **That soil erosion sediment control measures be installed, adjusted and maintained in accordance with the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control.**

Public Hearing

Jim Loersch opened the public hearing, noting that no members of the public were present. He then asked Ross Lally to provide background on how the Commission revised the regulations.

Ross Lally started off the public hearing explaining that the Commission had not revised their regulations since 2002. The Commission took on the task of revising the regulations in late 2013. The Commission began with the decision to completely revise the regulations to reflect the DEEP model regulations. The Commission also contacted the various town commissions and departments for input and reviewed several other towns' regulations for guidance and best practices. The Commission went through 16 drafts of the regulations, including reviews by the town attorney, the town administrator, and the Board of Selectmen.

Ross Lally then noted input that the Commission had received from the Town Attorney that needed to be considered for adoption of the regulations:

- Add a definition of compliance/after-the-fact fees.
- Resolve whether fees are to be included in the regulations or be a standalone document.
- Revisit the fee for Cease and Desist order.
- Correct a typo in definition of obligate species on page 5.
- Correct a typo in definition of vernal pool on page 6.

James Loersch then asked the Commission's Agent, Barbara Kelly, to read into the record additional comments received from the town and the public.

- A letter submitted by Rodney Parlee, Chairman of the Conservation Commission stating that the Bolton Conservation Commission fully supports the updating of the Bolton Inland Wetlands regulations to include the definition of vernal pools. The letter suggested that the Inland Wetland Commission:

Implement a 200 foot upland review area around vernal pools.

- Establish fines for violations within the upland review area within wetlands.
- A letter submitted by Milton Hathaway stating that it was inappropriate that the Commission had not provided detailed markups of all parts of the regulations that had been amended. Chairman Loersch stated the Commission had completely revised the regulations to reflect the DEEP model regulations, meaning that the entire document was new and as such had to be read end-to-end.

Chairman Loersch once again noted that no members of the public attended the public hearing. Therefore, a motion was made by Ross Lally to end the public hearing at 7:42; the motion was seconded by Holly MacDonald. The motion passed unanimously.

2. Old Business

Nothing at this time

3. New Business

A. Adoption of New Inland Wetlands and Watercourses Regulations of the Town of Bolton

The Commission reviewed the input that Barbara Kelly and Ross Lally had read into the record. The Commission noted that the Board of Selectmen had rejected the concept of fines as being too difficult to administer because of the required appeals process. The Commission must also resolve the question of whether the fees remain in the regulations or become a separate document as proposed. Chairman Loersch will send a letter to the Town Administrator and Selectmen to ask if the fees should be included in the regulations or should they be in a separate document. Chairman Loersch suggested we wait until the First Selectmen respond back to the Commission. Given the need for guidance from the Selectmen, Holly MacDonald made a motion to table new business A and B; the motion was seconded by Jane Darico and passed unanimously.

B. Regulations & Fees- Implementation Discussion

Tabled. See 3.A above.

4. Public Comment

Nothing at this time

5. Approval of Minutes

A. October 28, 2014 Regular Meeting

Ross made a motion to approve the October 28, 2014 minutes as written; the motion was seconded by Holly Macdonald. Jane Darico abstained. The motion passed

B. November 25, 2014 Regular Meeting

Ross made a motion to approve the November 25, 2015 minutes as written; the motion was seconded by Jane Darico. Holly Macdonald abstained. The motion passed

6. Other

A. Boards and Commissions Group

Chairman Loersch attended a Boards and Commissions group; the meeting gave an overview of what's going on in town. He stated that the meeting was very informative and that will have these meetings quarterly. Other Commission members are welcome to attend.

B. Discussion on Pesticide Applicators Notice- Receive Electronically

Barbara Kelly stated the Commission currently receives packages in the mail which notify the Commission that pesticides are going to be sprayed. Barbara stated that changes at the state level were made and notices of applying pesticide can now be sent electronically. Chairman Loersch stated that receiving an electronic copy is fine and should be sent to Cathy at Town Hall and Barbara Kelly the Wetlands Agent.

C. Input for Bolton Plan of Conservation and Development

Barbara Kelly stated the meeting has been postponed.

D. Other

Nothing at this time

7. Wetlands Agent Report

Barbara Kelly discussed a sub-division called Brook Hollow on Loomis Road. There are 3 houses on the site plan, she also stated a cell tower is going up in Manchester and is within 500 feet from Bolton's Town line.

8. Adjournment

Jane Darico made a motion to adjourn, seconded by Holly MacDonald. The motion passed unanimously and the meeting was adjourned at 8:40 P.M.

Respectfully Submitted,

Corrine O'Brien
Board Clerk

PLEASE SEE THE MINUTES OF SUBSEQUENT MEETINGS FOR THE APPROVAL OF THESE MINUTES AND ANY CORRECTIONS HERETO.