

**BOLTON AQUIFER PROTECTION AGENCY
SPECIAL MEETING MINUTES
WEDNESDAY, MAY 20, 2009**

Present at the meeting were Chair Eric Luntta, Vice Chair Loren Otter, Arlene Fiano, Jeff Scala, Tom Manning, Adam Teller, and Jim Cropley. Also in attendance were Director of Community Development John Pagini and Zoning Enforcement Officer Jim Rupert.

- I. **Call to Order-** Mr. Luntta called the meeting to order at 8:32 PM.
- II. **Approval of Minutes of February 18, 2009 Special Meeting-** Mr. Teller moved, seconded by Mr. Scala, to approve the minutes of the special meeting. Motion passed 7-0-0.
- III. **Agenda-** Mr. Luntta moved to add the Public Hearing to the agenda, before “Application of the Bolton Aquifer Protection Agency...” seconded by Mr. Manning. Motion passed 7-0-0.
- IV. **Public Hearing** Mr. Luntta read the public hearing notice aloud:

The Bolton Aquifer Protection Agency shall hold a Public Hearing on Wednesday, May 20, 2009, at 7:45 PM in the Town Hall Meeting Room, 222 Bolton Center Road, concerning the adoption of Aquifer Protection Area Regulations pursuant to CGS, Section 22A-354p (b). The area affected by the Regulations lies within the Bolton Aquifer Protection Area as defined on a map filed in the Office of the Town Clerk. Affected areas generally include: properties north and south of Route 6 & 44, west of Bolton Notch Pond, and extending to the Manchester Town Line; and properties fronting on, and in the vicinity of, portions of Cider Mill Road, Route 85; Williams Street, Morencey, and Mt. Sumner.

A copy of the draft Regulations may be viewed in the Office of the Town Clerk, Town Hall

He made note of the public informational meeting that this commission held at the Notch Road Municipal Center on May 12th which property owners were notified of.

Mr. Pagini gave an extensive Power Point presentation about the Aquifer, what it is, where it is, and why it needs to be protected. In the presentation he explained registering a site, getting permits on a site, expanding regulated activities, exemptions and other topics relating to the Aquifer. Documents to be entered into the record for this hearing are:

- a. Legal public hearing notice dated 4/14/09, 5/1/09 and 5/8/09 in the Hartford Courant.
- b. Letter from CT DEP dated 11/7/08
- c. Sample letter to property owner regarding informational meeting and public hearing dated 5/5/09

- d. Sample letter to commercial property owner regarding informational meeting and public hearing dated 5/5/09
- e. USGS base map showing Aquifer location from DEP
- f. Level A Map- aerial photo base
- g. Emails regarding regulations dated 4/25/09, 4/27/09, 4/29/09 between Mr. Pagini and CT DEP.
- h. Letter to Kim Czapla @ DEP dated 3/3/09 about the Bolton Aquifer Agency adopting the map
- i. Notices with regulation appendages dated 4/14/09 sent to Town Clerk, DEP Commissioner and Edward Soper of Manchester Water
- j. Draft Zoning map with Aquifer protection boundary superimposed in color
- k. Regulations in draft form- digital file dated 4/25/09
- l. Copy of Power Point with time and date changes
- m. Forms relating to Aquifer registrations, permits, etc
- n. List of property owners in Aquifer protection area

Charles Minicucci, 180 Boston Turnpike, asked if the state will pay for extra employees needed to do the things required to comply with aquifer regulations. Mr. Pagini will look into this.

Bob Morra, Sewer Authority, asked if the sewer authority would need the permits required by the regulations. (No, just through the state).

Bob Morra asked if there is a set appeal process in place if an application is rejected. Mr. Pagini said that he believes you'd have to appeal the regulations to the state legislature. There will be an appeal process.

Ron Beaudoin, 2 Cook Drive, wanted to know who will be managing the storm water basins and who will inspect them. They will be inspected and checked for compliance by the ZEO and Director of Community Development.

Mr. Minicucci asked if a ground tank comes out, can you put another in? Mr. Pagini said yes, up to 25% greater.

Bob Morra asked if the state sent forth anything about chemicals on streets- state roads specifically. Mr. Pagini noted that state and towns are exempt from the regulations.

Gary Bergeron, 99 New Bolton Road, asked if there is a set of regulations for Best Management Practices. The paper used for guidance is the Best Management Practice manual from the DEP.

Mr. Luntta noted that the town of Bolton has to do this- and that they have to share all registrations and applications because the Aquifer is shared with 2 towns.

Mr. Cropley asked if businesses will be notified by the town of Bolton if monies/funding are available to assist owners. Yes- Mr. Pagini sent an email about this last week and is waiting to hear back from the state.

Richard Treat, 8 Lyman Road, asked if this is the only Aquifer in Bolton. Yes- the only one to date that is Level A because it has 3 wells supplying water to 10,000+ people.

Gary Bergeron asked if there will be any sort of tax break/credit for this. Bob Morra noted that the Board of Tax Appeals which he sits on will find this an interesting question that needs to be looked into.

Mr. Pagini noted that this is difficult for the staff and the commission members and reassured people present that the hearing that they will work with the owners.

Mr. Teller suggested reaching out to the Manchester Sewer for guidance/assistance if need be, since they will have more experience and more registrations/applications.

Mr. Cropley moved to close the public hearing at 9:42 PM, seconded by Mr. Teller. Motion passed 7-0-0.

V. Application of the Bolton Aquifer Protection Agency for the establishment of Aquifer Protection Area Regulations pursuant to CGS, Section 22a-354p and Section 22a-354i-3 of the Regulations of Connecticut State Agencies:

Mr. Teller moved that this commission adopt the Bolton Aquifer Protection Resolutions Draft dated 4/25/09:

WHEREAS, the Bolton Planning & Zoning Commission was designated the Bolton Aquifer Protection Agency (“Agency”) by Ordinance on December 10, 1993; and,

WHEREAS, the Connecticut Department of Environmental Protection (“DEP”) is authorized pursuant to Public Act 88-324, and further Special Acts, to administer the provisions of the Act and subsequent amendments concerning Aquifer Protection; and

WHEREAS, the DEP implements the provisions of the Act as set down in R.C.S.A., §22a-354i-1 through §22a-354i-1 through §22a-354i-10; and,

WHEREAS, the DEP has identified an Aquifer Protection Area in the northwest quadrant of Bolton which has been utilized by the Town of Manchester Water & Sewer Department as a public drinking water supply; and,

WHEREAS, the Manchester Water & Sewer Department is obligated to establish Level "A" mapping of the Aquifer because it services in excess of 10,000 customers; and

WHEREAS, the DEP, in October, 2008, notified the Town of Bolton that Level "A" mapping to define the aforesaid aquifer, and prepared by the Manchester Water & Sewer Department, had been accepted by the DEP; and

WHEREAS, the Agency, by virtue of the October, 2008 notification, was obligated to superimpose the boundaries of the Level A mapping on the Town's Zoning Map within 120 days of the notification; and

WHEREAS, the Agency, on January 21, 2009, approved the placement of the boundary on the zoning map; and

WHEREAS, the Agency, by virtue of the October notification and the requirements of CGS, Section 22a-354o(b), is obligated to adopt Aquifer Protection Regulations within six (6) months of notification; and

WHEREAS, the DEP requires that the proposed Regulations meet the requirements of the Statutes and the Regulations of Connecticut State Agencies, and, the Regulations, upon informal review by the DEP, have been deemed to comply with such DEP requirements;

NOW, THEREFORE, BE IT RESOLVED, that the Bolton Aquifer Protection Agency, does hereby adopt the Bolton Aquifer Protection Regulations, digitally dated 04/25/09, which Regulations shall be effective on June 19, 2009, subject to final approval by the DEP.

effective June 19th, 2009, incorporating the reasons and text of the resolution draft submitted to this commission tonight, including exhibits and testimony at the Public Hearing dated 5/20/09, all to accept the application. Mr. Copley seconded the motion. Motion passed 7-0-0.

VI. Adjournment-

Mr. Scala moved to adjourn the meeting at 9:50 PM, seconded by Ms. Fiano. Motion passed 7-0-0.

Respectfully Submitted,

Brett B Martin, Board Clerk

PLEASE SEE MINUTES OF SUBSEQUENT MEETINGS FOR ANY ADDITIONS OR CORRECTIONS TO THESE MINUTES.