

STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

RECEIVED
JAN 13 2011
CONNECTICUT
SITING COUNCIL

IN RE:

APPLICATION OF NEW CINGULAR, :
WIRELESS PCS, LLC FOR :
A CERTIFICATE OF ENVIRONMENTAL :
COMPATIBILITY AND PUBLIC NEED FOR :
THE CONSTRUCTION, MAINTENANCE AND :
OPERATION OF A TELECOMMUNICATIONS :
FACILITY AT 95 BALANCE ROADC ROAD :
HARTLAND, CONNECTICUT :

DOCKET NO. 408

JANUARY 11, 2011 *W/E*

PRE-FILED TESTIMONY OF WILLIAM H. EMERICK,
CHAIRMAN OF INLAND WETLANDS COMMISSION
OF THE TOWN OF HARTLAND

1. Q. Mr. Emerick, please describe your educational background and professional experience.

A. I have been on the Hartland Wetlands Commission since 1989 and Chairman since 1995 and was Vice Chairman and Secretary of the Town Planning and Zoning Commission from 1989 to 2001. I have a bachelor's degree from the University of Connecticut. I have approximately twenty two years of experience with wetlands and zoning issues in the town of Hartland. In addition, I have been involved in the land use regulatory process for numerous projects, including the review of cellular communication towers for the Town. I am well versed with the Connecticut General Statutes governing wetlands. During my career I have gained significant experience in land use policies and solutions to environmental issues. My goal has always been to balance the conservation needs and an applicant's development plan by applying a solid knowledge of environmental and planning principles along with best practices, and regulatory compliance with site development while not adversely impacting the environment and natural resources of the Town.

2. Q. As the Chairman of the Inland Wetland Commission, what are your primary concerns regarding New Cingular's proposed telecommunications tower?

A. The attached letter and documents set forth the major concerns the Commission has with the proposed tower.

Additionally, if New Cingular does indeed need a new tower site, there may be alternative sites, including Town-owned property, which would minimize environmental and visual impacts to the residential and rural character of the neighborhood and the Town.

3. Q. Is the proposed cellular communication tower consistent with the Town's Plan of Conservation and Development?

A. No. The Hartland Plan of Conservation and Development (POCD), emphasizes the protection of our rural character and environment and residential nature of our residents' properties. The placement of the the proposed tower in the proposed location ignores the criteria set forth in Hartland POCD.

The statements above are true and complete to the best of my knowledge.

1/11/2011
Date

William H. Emerick
William H. Emerick

Subscribed and sworn to before me on this 11 day of January 2011.

Margaret M. Wendler
Notary Public
Commissioner of Superior Court 3/31/2012

CERTIFICATE OF SERVICE

I hereby certify that on the 16th day of March, 2010, a copy of the foregoing was sent via electronic mail and/or regular mail to:

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Pullman & Comley LLC
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Hartford, CT 06103-3702

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Robinson & Cole, LLP
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Tracy M. Collins



Daniel F. Caruso
Chairman

STATE OF CONNECTICUT

CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

Phone: (860) 827-2935 Fax: (860) 827-2950

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November 29, 2010

TO: Parties and Intervenors

FROM: Linda Roberts
Executive Director

RE: **DOCKET NO. 408** - New Cingular Wireless PCS, LLC application for a Certificate of Environmental Compatibility and Public Need for the construction, maintenance and operation of a telecommunications facility located at 95 Balance Rock Road, Hartland, Connecticut.

The Connecticut Siting Council (Council) is in receipt of correspondence from the Honorable Richard Blumenthal dated November 17, 2010 concerning the above-referenced application.

Pursuant to Connecticut General Statutes §16-50(b), a copy of the application is to be submitted to the Office of the Attorney General for review. In the event that the Office of the Attorney General does not avail itself of the opportunity to attain party or intervenor status under Connecticut General Statutes §16-50n, this correspondence shall become part of the record in this proceeding in the form of a limited appearance.

Therefore, copies of this correspondence are being distributed to all participants in this proceeding and will also be administratively noticed in the record.

LR/RDM/laf

Enclosure

RICHARD BLUMENTHAL
ATTORNEY GENERAL



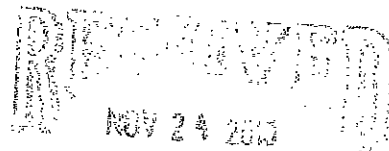
LS 408

55 Elm Street
P.O. Box 120
Hartford, CT 06141-0120

Office of The Attorney General
State of Connecticut

Tel: (860) 808-5318
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November 17, 2010



ORIGINAL

CONNECTICUT
SITING COUNCIL

Daniel F. Caruso
Chairman
Connecticut Siting Council
10 Franklin Square
New Britain, CT 06051

**RE: AT&T Cell Phone Tower
95 Balance Road – East Hartland, CT**

Dear Mr. Caruso:

My office was recently contacted by Thomas and Elise Sirman regarding AT&T's proposal to the Connecticut Siting Council ("Council") to construct a cellular telephone tower in East Hartland.

I believe the location proposed by AT&T is poorly sited - - in close proximity to a residential neighborhood - - and could adversely affect the health of the surrounding community. This site also raises concerns because it abuts the Tunxis State Forest. In light of these important objections, AT&T should reconsider its decision.

I ask that Council review these important issues and follow its statutory mandate to consider alternative sites that would limit any impact on the citizens of East Hartland and Connecticut and the health of the surrounding community.

Thank you very much.

Very truly yours,

A handwritten signature in black ink, appearing to read "Richard Blumenthal".

RICHARD BLUMENTHAL

RB/AJ/ags

c: Thomas & Elise Sirman

LIST OF PARTIES AND INTERVENORS
SERVICE LIST

Status Granted	Document Service	Status Holder (name, address & phone number)	Representative (name, address & phone number)
Applicant	<input checked="" type="checkbox"/> U.S. Mail	New Cingular Wireless PCS, LLC (AT&T)	<p>Lucia Chiochio, Esq. Christopher B. Fisher, Esq. Cuddy & Feder LLP 445 Hamilton Avenue, 14th floor White Plains, NY 10601 (914) 761-1300 (914) 761-5372 lchiochio@cuddyfeder.com cfisher@cuddyfeder.com</p> <p>Michele Briggs AT&T 500 Enterprise Drive Rocky Hill, CT 06067 Michele.g.briggs@cingular.com</p>
Party (granted on 11/18/10)	<input checked="" type="checkbox"/> E-Mail	Thomas H. Sirman	<p>David F. Sherwood, Esq. Moriarty, Paetzold & Sherwood 2230 Main Street, P.O. Box 1420 Glastonbury, CT 06033-6620 (860) 657-1010 (860) 657-1011 fax dfsherood@gmail.com</p>



TOWN OF HARTLAND
22 SOUTH ROAD
EAST HARTLAND, CT 06027

Hartland Inland Wetlands and Watercourses Regulations

Scott Eisenlohr
Inland Wetlands Enforcement Officer

COMMISSION MEMBERS

William H. Emerick, Jr., Chairman

William Bakken, Vice-Chairman

Thomas Daukas

Margaret Kawa

Kevin Kingsley

Donald Murray

Henry Prussing

Brian Watkins

Connie Irwin, Recording Secretary

Town of Hartland (860) 653-6800



TOWN OF HARTLAND
22 SOUTH ROAD
EAST HARTLAND, CT 06027

HARTLAND INLAND WETLANDS & WATERCOURSES REGULATIONS

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SECTION 1. - TITLE AND AUTHORITY

- 1.1 These regulations shall be known as the "Wetlands Regulations of the Town of Hartland"
- 1.2 The Wetlands Commission of the Town of Hartland was established in accordance with an ordinance adopted February 25, 1974, and shall implement the purposes and provisions of the Inland Wetlands and Watercourses Act in the Town of Hartland.
- 1.3 These regulations have been adopted in accordance with the provisions of the Inland Wetlands and Watercourses Act. They may be amended, from time to time, in accordance with Section 15 of these regulations.
- 1.4 Except as provided in Section 5, the Wetlands Commission of the Town of Hartland shall enforce all provisions of the Inland Wetland and Watercourses Act and these regulations, and shall either issue, issue with modifications, or deny permits for all regulated activities on wetlands and watercourses in the Town of Hartland pursuant to Sections 22a-36 to 22a-45a, inclusive, of the Connecticut General Statutes, as amended.

SECTION 2. - DEFINITIONS

- 2.1. As used in these regulations, each of the following terms has the meaning which follows it.
 - a. **ACT** - The Inland Wetland and Watercourses Act, Sections 22a-36 through 22a-45a of the Connecticut General Statutes, as amended.
 - b. **AGENT** - A designated agent.
 - c. **AQUIC MOISTURE REGIME** - A soil condition in which the water table is near the surface for a significant portion of the growing season, and exhibiting a lack of dissolved oxygen, as defined more completely in "Keys to Soil Taxonomy," AID, USDA, Soils Management Support Services, SMSS Technical Monograph #6, Cornell University, 1987.
 - d. **BOG** - An area usually distinguished by evergreen trees and shrubs underlain by peat deposits, poor drainage, and highly acidic conditions.
 - e. **CLEAR-CUT** - To harvest timber in a fashion which removes all trees down to 2" diameter at breast height.
 - f. **COMMISSION** - The Wetlands Commission of the Town of Hartland.
 - g. **COMMISSIONER** - The Commissioner of the Department of Environmental Protection of the State of Connecticut.
 - h. **CONTINUAL FLOW** - A flow of water which persists for an extended period of time; this flow may be interrupted during periods of drought or during the low flow period of the annual hydrological cycle, June through September, but it recurs in prolonged succession.
 - i. **DEPOSITION** - Relocation of material including, but not limited to, filling, grading, dumping, placing, discharging, or emitting.
 - j. **DESIGNATED AGENT** - A person designated and duly authorized by the Commission to carry out all or some of its functions and purposes.
 - k. **DISCHARGE** - The emission of any water, substance or material into regulated areas, whether or not such substance causes pollution.
 - l. **DISTURB THE NATURAL AND INDIGENOUS CHARACTER** - The alteration of a regulated area by reason of removal or deposition of material, clearing the land, altering or obstructing water flow, or pollution.
 - m. **FARMING** - Use of land for growing crops, raising of livestock, or other agricultural purpose, primarily for sale.
 - n. **FEASIBLE** - Able to be constructed or implemented consistent with sound engineering principles.
 - o. **GARDENING** - Use of land for the growing of crops, raising of livestock, or other agricultural purpose, primarily for personal consumption.

- p. **INLAND WETLANDS AND WATERCOURSES AGENCY** - A municipal board or commission established pursuant to and acting under Section 22a-42 of the Connecticut General Statutes, as amended.
- q. **MANAGEMENT PRACTICE** - A practice, procedure, activity, structure, or facility designed to prevent or minimize pollution or other environmental damage or to maintain or enhance existing environmental quality. Such management practices include, but are not limited to: erosion and sedimentation controls; restrictions on land use or development; construction setbacks from regulated areas; proper disposal of waste materials; procedures for equipment maintenance to prevent fuel spillage; construction methods to prevent flooding or disturbance of regulated areas; procedures for maintaining continuous stream flows; and confining construction that must take place in watercourses to times when water flows are low and fish and wildlife will not be adversely affected.
- r. **MARSH** - An area with soils that exhibit aquatic moisture regimes that are distinguished by the absence of trees and shrubs and are dominated by soft-stemmed herbaceous plants. The water table in a marsh is at or above the surface throughout the year, but seasonal fluctuations are encountered and areas of open water six (6) inches or more in depth are common.
- s. **MATERIAL** - Any substance, solid or liquid, organic or inorganic, including, but not limited to soil, sediment, aggregate, gravel, clay, bog, peat, mud, debris, sand, refuse and/or waste.
- t. **MUNICIPALITY** - Any town, consolidated town and city, consolidated town and borough, city and borough.
- u. **NURSERY** - Land used for propagating trees, shrubs or other plants for transplanting, sale, or for use as stock for grafting.
- v. **PERMIT** - The whole or any part of any license, certificate of approval, or similar form of permission which may be required of any person by the provisions of these regulations under the authority of the Commission or by other municipal, state, or federal law.
- w. **PERMITTEE** - The person to whom such permit has been issued.
- x. **PERSON** - Any person, firm, partnership, association, corporation, limited liability company, company, organization, or legal entity of any kind, including municipal corporations, governmental agencies, or subdivisions thereof.
- y. **POLLUTION** - Harmful thermal effect or the contamination or rendering unclean or impure of any waters of the Town by reason of any waste or other materials discharged or deposited therein by any public or private sewer or otherwise so as directly or indirectly to come into contact with any waters. This includes, but is not limited to, erosion and sedimentation resulting from any filling, land clearing, or excavation activity.
- z. **PRUDENT** - Economically and otherwise reasonable in light of the social benefits to be derived from the proposed regulated activity, provided cost may be considered in deciding what is prudent, and further provided a mere showing of expense will not necessarily mean an alternative is imprudent.
- aa. **REGULATED ACTIVITY** - Excepting those activities specified in Section 4 of these Regulations (1) Any operation within or use of a regulated area as defined in subsection bb, below, involving removal or deposition of material, or any obstruction, construction, alteration, or pollution of such regulated areas; (2) Any earth moving, filling, construction, or clear cutting of trees as measured horizontally from (a) Within one hundred (100) feet of such regulated areas, (b) Within one hundred (100) feet of any watercourse, including tributaries of the Farmington River, or (c) Within one hundred fifty (150) feet of the West Branch of the Farmington River; or (3) any excavation, removal, deposition, grading, or processing of earth material within three hundred (300) feet of such regulated areas, as described in the "Excavation of Earth Materials Regulation" of the Hartland Planning and Zoning Commission (the "P&Z Commission"), as amended and attached at the end of these Regulations. The Agency may rule that any other activity located within (1), (2), or (3) above or in any other non-regulated area is likely to impact or affect areas and is a regulated activity.

- bb. **REGULATED AREA** - Any wetland which lies completely or partly within the Town, or watercourse which is contained within, flows through, or borders upon the Town. Wetland and watercourse are defined in Sections kk and 11 below.
- cc. **REMOVAL** - Relocation of material, including but not limited to draining, excavating, mining, digging, dredging, sucking, grubbing, clear-cutting, bulldozing, drag-lining, or blasting.
- dd. **RENDER UNCLEAN AND IMPURE** - Alteration of any of the physical, chemical or biological properties of any of the waters of the Town, including, but not limited to, changing the odor, color, turbidity, or taste.
- ee. **SIGNIFICANT IMPACT ACTIVITY** - Any activity, including, but not limited to, the following activities which may have a major effect or significant impact on the area for which an application has been filed or on another part of the wetland or watercourse system:
1. Any activity involving a deposition or removal of material which will or may have a major effect or significant impact on the regulated area or on another part of the wetland or watercourse system;
 2. Any activity which substantially changes the natural channel or may inhibit the natural dynamics of a watercourse system;
 3. Any activity which substantially diminishes the natural capacity of a regulated area to support desirable fisheries, wildlife, or other biological life, and to prevent flooding, supply water, assimilate waste, facilitate drainage, provide recreation or open space or other functions;
 4. Any activity which is likely to cause or has the potential to cause substantial turbidity, siltation or sedimentation in a regulated area;
 5. Any activity which causes a substantial diminution of flow of a natural watercourse, or ground water levels of the regulated area;
 6. Any activity which causes or has potential to cause pollution of a regulated area; or
 7. Any activity which damages or destroys unique wetland or watercourse areas having demonstrable scientific or educational value.
- ff. **SOILS SCIENTIST** - Any person duly qualified in accordance with standards set by the federal Office of Personnel Management (formerly the U. S. Civil Service Commission).
- gg. **SUBMERGED LAND** - Land which is inundated by water on a seasonal or more frequent basis.
- hh. **SWAMP** - An area dominated by wetland trees and shrubs and with soils that exhibit aquatic moisture regimes.
- ii. **TOWN** - The Town of Hartland, Hartford County, Connecticut.
- jj. **WASTE** - Sewage or any substance, solid, liquid, or gaseous, radioactive or not, which may pollute or tend to pollute any of the waters of the Town.
- kk. **WATERCOURSE** - A river, stream, brook, waterway, lake, pond, marsh, swamp, bog, and all other bodies of water, natural or artificial, public or private, vernal or intermittent, not regulated pursuant to Sections 22a-28 to 22a-35, inclusive of the Connecticut General Statutes, as amended. Intermittent watercourses shall be delineated by a defined permanent channel and bank and the occurrence of two or more of the following characteristics: (1) evidence of scour or deposits of recent alluvium or detritus, (2) the presence of standing or flowing water for a duration longer than a particular storm incident, and (3) the presence of hydrophytic vegetation.
- ll. **WETLAND** - Land, including submerged land as defined in Section gg above, not regulated pursuant to Sections 22a-28 to 22a-35, inclusive, of the Connecticut General Statutes, as amended, which consists of any of the soil types designated as poorly drained, very poorly drained, alluvial, and/or flood plain by the National Cooperative Soils Survey, as may be amended from time to time, of the Soil Conservation Service of the United States Department of Agriculture. Such areas may include filled, graded or excavated sites which possess an aquatic (saturated) soil moisture regime as defined by the USDA Cooperative Soil Survey.
- mm. **WETLANDS AND WATERCOURSES MAP** - The map described in Section 3.1 of these Regulations together with any additions or corrections which are made, from time to time, by the Commission.

SECTION 3. - INVENTORY OF REGULATED AREAS

- 3.1A map entitled "Designated INLAND WETLANDS and WATERCOURSES for Town of Hartland," prepared by the State of Connecticut, Department of Environmental Protection, delineates the general location and boundaries of wetlands and the general locations of watercourses in the Town. Copies of this map are available for inspection in the office of the Town Clerk, or from the Secretary of the Commission. In all cases, the precise location of regulated area shall be determined by the actual character of the land, the distribution of wetland soil types, and locations of water courses. Such determinations shall have been made within five (5) years of the date of any application by field inspection and testing conducted by a soils scientist where soil classifications are required, or by other qualified individuals where watercourse determinations are required. The Commission, at its discretion, may require that wetlands and/or watercourses so determined be field mapped by a Registered Land Surveyor.
- 3.2 The Commission or its designated agent(s) shall inventory and maintain current records of all regulated areas within the Town. The Commission may amend its map from time to time as information becomes available relative to more accurate delineation of regulated areas within the Town. Such map amendments are subject to the public hearing process outlined in Section 15 of these regulations.
- 3.3 Any property owner, who disputes the designation of any part of his or her land as a regulated area on the Wetlands and Watercourses Map, may petition the Commission to change the designation. All petitions for a map change shall be submitted in writing and shall include all relevant facts and circumstances which support the change in accordance with Section 15.3. The petitioner shall provide proof that the existing designation is inapplicable. Documentation in accordance with Section 15 of these regulations shall be required in cases where an accurate delineation of the boundaries of the regulated area is necessary.

SECTION 4. - PERMITTED USES AS OF RIGHT AND NONREGULATED USES

- 4.1 The following operations and uses shall be permitted in regulated areas in the Town as of right:
- a) Grazing, farming, nurseries, gardening and harvesting of crops, and farm ponds of three (3) acres or less essential to operation of the farm, and activities conducted by, or under the authority of, the Department of Environmental Protection for the purposes of wetland or watercourse restoration or enhancement or mosquito control. The provisions of this section shall not be construed to include:
 1. Construction of any road to be used for other than the operation of the farm;
 2. Erection of buildings not directly related to the operation of the farm;
 3. Relocation of any watercourse with continual flow;
 4. Filling or reclamation of wetlands, or of watercourses with continual flow;
 5. Clear cutting of timber, excepting only that necessary for the expansion of agricultural crop lands; or
 6. Mining from regulated areas of topsoil, peat, sand, gravel, or similar materials for the purposes of sale.
 - b) The construction of a residential home either
 1. For which a building permit was issued prior to July 1, 1974, or
 2. On a subdivision lot which was approved prior to July 1, 1974, and for which a building permit was issued prior to July 1, 1987. The person claiming use of a regulated area permitted as a right under this subsection shall document the validity of said claim by providing a certified copy of the building permit and a site plan showing proposed and existing topographical contours, house and well locations,

septic system, driveway, approval dates or other information required by the Commission to document his entitlement.

- c) Boat anchorage or mooring, not to include dredging or dock construction.
- d) Uses incidental to the enjoyment or maintenance of residential property, including maintenance of existing buildings and maintenance of landscaping but not including removal or deposition of significant amounts of material from or into a wetland or watercourse, or diversion or alteration of a watercourse.
- e) Construction and operation, by water companies as defined by Section 16-1 of the Connecticut General Statutes, as amended, or by municipal water supply systems as provided for in Chapter 102 of the Connecticut General Statutes, as amended, of dams, reservoirs and other facilities necessary to the impounding, storage and withdrawal of water in connection with public water supplies, except as provided in Sections 22a-401 and 22a-403 of the Connecticut General Statutes, as amended.
- f) Maintenance relating to any drainage pipe which existed before July 1, 1974, provided such pipe is on property which is zoned as residential but which does not contain hydrophytic vegetation. For purposes of this subdivision, "maintenance" means the removal of accumulated leaves, soil, and other debris, whether by hand or machine, while the pipe remains in place.

4.2 The following operations and uses shall be permitted as non-regulated uses in regulated areas in Town, provided they do not disturb the natural and indigenous character of the regulated area by removal or deposition of material, alteration or destruction of water flow, or pollution of the regulated area:

- a) Conservation of soil, vegetation, water, fish, shellfish, and wildlife. Such operation or use may include, but is not limited to, minor work to control erosion, or to encourage proper fish, wildlife, and silviculture management practices.
- b) Outdoor recreation including the use of play and sporting areas, golf courses, field trials, nature study, hiking, horseback riding, swimming, skin and scuba diving, camping, boating, water skiing, trapping, hunting, fishing and shell-fishing, and cross-country skiing where otherwise legally permitted and regulated.

4.3 The Commission alone shall determine that a proposed activity

- a) Is a permitted activity.
- b) Is a non-regulated activity.
- c) Will not disturb the natural and indigenous character of the land.
- d) Will not involve the deposition or removal of substantial amounts of material, and/or,
- e) Will not alter a watercourse.

To carry out the purposes of this section, any person who proposes to carry out either a use permitted as of right or a non-regulated activity within a regulated area and/or the areas defined under regulated activity shall notify the Commission, in writing, of his intent prior to the commencement of such activity. The notification shall include sufficient detail for the Commission to decide that the proposed activity is or is not beyond its jurisdiction. The notification shall become a public document upon receipt. The notification shall be considered by the Commission at its next regularly scheduled meeting, and a ruling shall be made in writing before the next regularly scheduled meeting thereafter.

4.4 All activities in a regulated area involving filling, excavation, dredging, clear-cutting, grading, or any other alteration or use of a regulated area not specifically permitted by this section shall require a permit from the Commission in accordance with Section 6 of these regulations.

4.5 Timber Harvest Notification. Any person who proposes to conduct timber harvesting within a regulated area shall notify the Commission or its designated agent by completing the Notification of Timber Harvest form obtained at the Town Clerk's Office.

4.6 Declaration of Conservation Easement and Restrictions

It is the purpose of this Easement to assure that a Conservation Easement Area is maintained forever in its natural, scenic, open and wooded condition, as a natural environmental system suitable for wild native and naturalized flora and fauna of all types, or the natural state that the Conservation Easement Area assumes during the course of undisturbed ecological succession, as a natural environmental system for the protection and preservation of the biodiversity and ecological resources of the region, restricting all other development, save the current use of the Conservation Easement Area. Grantors intend that the Easement will confine the use of the Conservation Easement Area to such activities as are consistent with the purpose of this Easement. Any applicant who proposes to establish a Declaration of Conservation Easement & Restrictions shall obtain a copy of the Model Declaration of Conservation Easement & Restrictions at the Town Clerk's Office. It is recommended that the applicant review it with their legal counsel. Any modifications by the applicant to the Model Declaration of Conservation Easement & Restrictions shall be presented to the Commission for consideration and approval. All easement documents are subject to final approval by the Town Attorney. The duly executed and approved Declaration of Conservation Easement & Restrictions shall become part of the permanent land records at the Town Clerk's Office in the Town of Hartland.

SECTION 5. – ACTIVITIES IN HARTLAND WHICH ARE REGULATED BY THE STATE

- 5.1 In addition to any permit or approval required by the Commission, the Commissioner shall regulate activities in or affecting regulated areas subject to the following jurisdiction:
- a) Construction or modification of any dam pursuant to Sections 22a-401 through 22a-411 of the Connecticut General Statutes, as amended;
 - b) Construction or placement of any obstruction within stream channel encroachment lines pursuant to Sections 22a-342 through 22a-349a of the Connecticut General Statutes, as amended;
 - c) Diversion of water, including withdrawals of surface or groundwater, in excess of fifty thousand (50,000) gallons per day or any piping, culverting, channelization, relocation, damming, or other alteration of the location of the flow of any surface waters of the state where the tributary watershed area above the point of diversion is 100 acres or larger pursuant to Sections 22a-365 through 22a-378 of the Connecticut General Statutes, as amended;
 - d) Discharges into waters of the state pursuant to Section 22a-430 of the Connecticut General Statutes, as amended;
 - e) Discharge of fill or dredge materials into the wetlands and watercourses of the state pursuant to Section 401 of the federal Clean Water Act, as amended, for activities regulated by the U. S. Army Corps of Engineers under Section 404 of the federal Clean Water Act.
- 5.2 The Commissioner shall have exclusive jurisdiction over regulated activities and other activities, in or affecting regulated areas in the Town undertaken by any department, agency or instrumentality of the State of Connecticut, except any town or regional board of education, in accordance with Section 22a-39(h) of the Connecticut General Statutes, as amended. The Commission may render an advisory decision to the Commissioner within thirty-five days of receipt of notice of the proposed action.
- 5.3 The Commissioner shall have exclusive jurisdiction over activities authorized under a dam repair or removal order issued by the Commissioner under Section 22a-402 or a dam construction permit issued by the Commissioner under Sections 22a-403 or 22a-411 of the Connecticut General Statutes, as amended. Any person receiving such dam repair or removal order or dam construction permit shall not be required to obtain a permit from the

Commission for any action necessary to comply with said dam order or to carry out the activities authorized by said dam permit.

SECTION 6. - REGULATED ACTIVITIES TO BE LICENSED

6.1 No person shall conduct or maintain a regulated activity without first obtaining a permit for such activity from the Commission.

6.2 The Commission shall regulate any operation within or any use of a regulated area involving removal or deposition of material, or any obstruction, construction, alteration, or pollution of such regulated areas and any other regulated activity, unless such operation or use is permitted as of right or non-regulated under Section 4 or exclusively regulated by the Commissioner as described in Section 5 of these regulations.

6.3 Any person found to be conducting or maintaining a regulated activity, without prior authorization of the Commission, or violating any other provision of these regulations, shall be subject to the enforcement proceedings and penalties prescribed in Section 14 of these regulations and any other remedies as provided by law.

SECTION 7. - APPLICATION REQUIREMENTS

7.1 Any person wishing to undertake a regulated activity shall apply for a permit on the form entitled Inland Wetlands Application. The application shall include the application form and such other information as required by Section 7.5 and, in the case of a significant impact activity, by Section 7.6 and Section 7.7 of these regulations, as well as any other information the Commission may require. Application forms may be obtained from the Town Clerk or from the Selectmen's Office.

7.2 If an application to the Planning and Zoning Commission for subdivision or re-subdivision of land involves land containing a regulated area, the applicant shall, in accordance with Section 8-3(g), 8-3c, or 8-26, as applicable, of the Connecticut General Statutes, as amended, submit an application for a permit to the Commission in accordance with this section no later than the day the application is filed with the Planning and Zoning Commission.

7.3 All applications shall contain such information as is necessary for a fair and informed determination of the issues.

7.4 The Commission and the applicant may hold pre-application meetings to discuss the proposed action. Whenever possible a determination whether the proposal involves a significant impact activity shall be made at such a pre-application meeting. The Commission shall state in writing why the activity is deemed significant.

7.5 All applications shall include, at a minimum, the following details:

- a) The following written information shall be included on the application form, or on attachments, as is appropriate:
 1. The applicant's name, home and business addresses and telephone numbers.
 2. If the applicant is not the owner of the property involved in the application, the owner's name, address, and telephone number, and written consent, and the applicant's interest in the land.
 3. The geographical location of the property which is to be affected by the proposed activity, including, but not limited to, a description of the land in sufficient detail to allow identification of the wetland(s) and watercourse(s), a computation of the area(s) (in acres or square feet) of wetland and/or watercourse disturbance, soil type(s) and vegetation.

4. The purpose and a description of the proposed activity and proposed erosion and sedimentation controls and other management practices and mitigation measures which may be considered as a condition of issuing a permit for the proposed regulated activity including, but not limited to, measures to (A) prevent or minimize pollution or other environmental damage, (B) maintain or enhance existing environmental quality, or (C) in the following order of priority: restore, enhance, and create productive wetland or watercourse resources.
 5. Alternatives considered by the applicant and the reasons why the proposal to alter wetlands and/or watercourses as set forth in the application was chosen.
 6. Names and addresses of owners of adjacent properties.
 7. Certification that the applicant is familiar with all the information provided in the application and is aware of the penalties for obtaining a permit through deception or through inaccurate or misleading information.
 8. Authorization for the members and/or agents of the Commission to inspect the property, at reasonable times, both before and after a final decision has been issued; and
 9. Any other information the Commission deems necessary to an understanding of what the applicant is proposing.
- b) A site plan or drawing showing existing and proposed conditions in relation to regulated areas and identifying any further activities associated with, or reasonably related to, the proposed regulated activity which are made inevitable by the proposed regulated activity and which may have an impact on regulated areas. The plan shall clearly show the limits of disturbance to be caused by any proposed regulated activity.
 - c) If the application involves the establishment of more exact boundaries of regulated areas, or a relocation of such boundaries from that marked on the Wetlands and Watercourses Map, a map shall be attached on which are presented the newly determined boundaries as flagged by a soils scientist, according to Section 3.1, and to which the soils scientist has certified.
 - d) The application shall be accompanied by the appropriate filing fee(s) based on the Fee Schedule filed with the Town Clerk in the Town of Hartland.
 - e) At any time during the application and/or hearing process, the Commission may require an applicant to pay a fee for reasonable costs and expenses for expert engineering and other consultant services such as, but not limited to, performing or verifying the accuracy of a resource area survey and delineation, analysis or resource area functions and characteristics, wildlife evaluation, hydro geologic and drainage analysis and environmental or land use law, deemed necessary to come to a final decision on the application.
- 7.6 If the proposed activity involves a significant impact activity, as determined by the Commission and defined in Section 2.1.ee of these regulations (requiring a public hearing per Section 9.1), additional information, based on the nature and anticipated effects of the activity, including, but not limited to, the following, is required:
- a) A site plan, drawn by a Registered Land Surveyor, Professional Engineer, Licensed Architect, or Licensed Landscape Architect, registered in the State of Connecticut, or such other person as the Commission may deem qualified, detailing the proposed use or operation and the property which will be affected, showing existing and proposed conditions, wetlands boundaries and watercourse locations, land contours, boundaries of land ownership, proposed alterations and uses of regulated areas, and other pertinent features of the development.
 - b) Engineering reports and analyses and additional drawings to describe fully the proposed project with details of any filling, excavation, drainage, or hydraulic modifications to regulated areas and the proposed erosion and sedimentation control plan.
 - c) A map of soil types consistent with the categories established by the National Cooperative Soil Survey of the U. S. Natural Resources Conservation Service.

- d) Description of the ecological communities and functions of the regulated areas involved with the application and the effects of the proposed regulated activities on these communities and wetlands functions.
- e) Description of (i) how the proposed activity will change, diminish, or enhance the ecological communities and functions of the regulated areas involved in the application (ii) each alternative to the proposed activity; and (iii) a description of why each alternative considered was deemed neither feasible nor prudent.
- f) Analysis of chemical and physical characteristics of any fill material; and
- g) Management practices and other measures which mitigate the impact of the proposed activity, including but not limited to, plans or actions which avoid destruction or diminution of wetland or watercourse functions, recreational uses and natural habitats, which prevent flooding, degradation of water quality, erosion and sedimentation and obstruction of drainage, or which otherwise safeguard water resources.

7.7 The applicant shall certify whether:

- a) Any portion of the property on which the regulated activity is proposed is located within 500 feet of the boundary of an adjoining municipality;
- b) Traffic on the site attributable to the project, either during the regulated activity or after its completion, will use streets within the adjoining municipality to enter or exit the site;
- c) Sewer or water drainage from the project site will flow through and impact the sewage or drainage system within the adjoining municipality, either during the regulated activity or after its completion; or
- d) Water run-off from the altered site will impact the streets or other municipal or private property within the adjoining municipality.

7.8 Three (3) copies of all application materials shall be submitted to comprise a complete application unless the Commission directs otherwise.

7.9 Any application to extend the expiration date of a previously issued permit or to amend an existing permit shall be filed with the Commission at least sixty-five (65) days prior to the expiration date for the permit. Any application for amendment, renewal, or extension shall be made in accordance with this section, provided that the application shall:

- a) Incorporate by reference the documentation and record of the original application;
- b) Describe the extent of any work performed up to the time of filing, and shall propose a schedule for the completion of the activities authorized in the original permit;
- c) State the reason why the authorized activities were not initiated or completed within the time specified in the permit, or why the activities must be changed from the specifications of the original permit; and
- d) Describe any changes in facts or circumstances involved with or affecting regulated areas on the property for which the permit was issued.

7.10 The Commission may accept an untimely application to extend the expiration date of a permit if the authorized activity is ongoing and may allow the continuation of work beyond the expiration date if, in its judgment, the permit is likely to be extended and the public interest or the environment will best be served by not interrupting the activity.

7.11 The Commission shall evaluate each application, timely or untimely, in accordance with the provisions of Section 10 of these Regulations.

7.12 Any application to renew a permit shall be granted upon request of the permit holder unless the Commission finds that (i) there has been a substantial change in circumstances which requires a new permit application or (ii) an enforcement action has been undertaken with regard to the regulated activity for which the permit was issued, provided no permit may be valid for more than ten (10) years.

SECTION 8. - APPLICATION PROCEDURES

8.1 All applications shall be filed with the Secretary of the Commission.

8.2 In the case of an application where any portion of the regulated area on which the regulated activity is proposed is located within 500 feet of the boundary between the Town and Granby, Barkhamsted, or Colebrook in Connecticut, the applicant shall give written notice of the proposed activity by certified mail, return receipt requested, to the Inland Wetlands and Watercourses Agency(ies) of the appropriate municipality(ies) in accordance with Section 22a-42c of the Connecticut General Statutes, as amended. In the case of an application where any portion of the property on which the regulated activity is proposed is located within 500 feet of the boundary between the Town and Tolland or Granville in Massachusetts, the applicant shall give written notice of the proposed activity by certified mail, return receipt requested, to the Conservation Board of the appropriate town(s). In either case, such notice must be given on the same day in which the application is made to the Commission, and documentation of receipt of such notice(s) shall be provided to the Commission as soon thereafter as possible.

8.3 The Commission shall, in accordance with Section 22a-42(b) of the Connecticut General Statutes, as amended, notify the clerk of any adjoining town, by registered mail, return receipt requested, within seven (7) days of receipt by the Commission of an application to conduct a regulated activity, of the pendency of that application when:

- a) Any portion of the property on which the regulated activity is proposed is located within 500 feet of the boundary of the adjoining town;
- b) A significant portion of the traffic to the site will use streets within the adjoining town to enter or exit the site;
- c) A significant portion of the sewer or water drainage from the site will flow through and significantly impact the sewage or drainage system within the adjoining town; or
- d) Water run-off from the altered site will impact streets or other town or private property within the adjoining town.

8.4 When an application is filed to conduct or cause to be conducted a regulated activity in a regulated area, any portion of which is within the watershed of a water company as defined in Section 16-1 of the Connecticut General Statutes, as amended, the applicant shall provide written notice of the application to the water company provided such water company has filed a map showing boundaries of the watershed on the land records of the Town and with the Commission. Such notice shall be made by certified mail, return receipt requested, and shall be mailed within seven (7) days of the date of the application. Such returned receipt shall be shown to the Commission at the start of its consideration of the application as proof of the required notification. The water company, through a representative, may appear and be heard at any hearing on the application.

8.5 The date of receipt of any application shall be the day of the next regularly scheduled meeting of the Commission immediately following the day of submission to the Commission, provided such meeting is no earlier than three (3) days after receipt, or thirty-five (35) days after such submission in the event the Commission has not met by then.

8.6 At any time during the review period the Commission may require the applicant to provide additional information about the regulated area or regulated activity which is the subject of the application, or about regulated areas affected by the proposed regulated activity. Requests for additional information shall not stay the time limitations as set forth in subsection 9.2 of these Regulations. Also refer to subsection 8.9 of these Regulations.

8.7A reporting form shall be filled out during the application process which provides the Commissioner with information necessary to monitor the inventory of wetlands in the State of Connecticut. The reporting form shall be part of the application, and specified sections shall be completed by the applicant. These sections shall include the following: name of applicant; name of the project; description of the project; area of wetlands and/or lineal feet of watercourse proposed to be altered.

8.8 All applications shall be open for public inspection.

8.9 Incomplete applications may be denied.

8.10 Method of Payment. All required fees shall be submitted to the Commission by cash, check or money order payable to the Town of Hartland at the time the application is filed with the Commission.

8.11 No application shall be granted or approved by the Commission unless the correct application fee amount is paid in full.

8.12 Application fees are not refundable.

8.13 The Commission may charge an additional fee sufficient to cover the cost of reviewing and acting on complex applications. Such fee may include, but not be limited to, the cost of retaining experts to analyze, review, and report on issues requiring such experts. The Commission or the Designated Agent shall estimate the Complex Application Fee which shall be paid pursuant to these regulations within ten (10) days of the applicant's receipt or notice of such estimate. Any portion of the Complex Application Fee in excess of the actual cost shall be refunded to the applicant no later than thirty (30) days after publication of the Commission's decision.

8.14 Exemptions. Boards, commissions, departments, and other governmental organizations of the Town of Hartland are exempt from all fee requirements.

8.15 Waivers. The applicant may petition the Commission to waive, reduce or allow delayed payment of the fee. Such petitions shall be in writing and shall state fully the facts and circumstances the Commission should consider in its discretion under this subsection. The Commission may waive all or part of the application fee(s) if the Commission determines that:

- a. The activity applied for would clearly result in a substantial public benefit to the environment or to the public health and safety and the applicant would reasonably be deterred from initiating the activity solely or primarily as a result of the amount of the application fee, or
- b. The amount of the application fee is clearly excessive in relation to the cost to the Town for reviewing and processing the application.

The Commission shall state upon its record the basis for all actions under this subsection.

SECTION 9. - PUBLIC HEARINGS

9.1 The Commission shall not hold a public hearing on an application unless the Commission determines the proposed activity may have a significant impact on a regulated area or a petition signed by at least twenty-five (25) persons requesting a hearing is filed with the Commission not later than fifteen (15) days after the date of receipt of such application or the Commission finds that a public hearing regarding such application would be in the public interest. All applications and maps and documents relating thereto shall be open for inspection. The Commission may issue a permit without a public hearing provided no petition provided for in this section is filed with the Commission not later than fifteen (15) days after the date of receipt of the application. Any person may appear and be heard at any public hearing.

- 9.2 No later than sixty-five (65) days after receipt of an application, the Commission may hold a public hearing on such application. The hearing shall be completed within forty-five (45) days of its commencement and action shall be taken on applications within thirty-five (35) days after completion of a public hearing. In the absence of a public hearing, action shall be taken within sixty-five (65) days from the date of the receipt of the application. (The Commission does not have the authority to table or reject an application for incompleteness. An application deemed incomplete by the Commission must either be withdrawn by the applicant or denied by the Commission.) The applicant may consent to one or more extensions of the period specified in this subsection for the holding of the hearing and for action on such application, provided the total extension of any such period shall not be longer than the original period as specified in this subsection, or the applicant may withdraw such application. Failure of the Commission to act within any time period specified in this subsection, or any extension thereof, shall not be deemed to constitute approval of the application.
- 9.3 Notice of the public hearing shall be published at least twice at intervals of not less than two days, the first not more than fifteen (15) and not less than ten (10) days, and the last not less than two (2) days, before the date set for the hearing. The notice shall be published in a newspaper having a general circulation in the Town and copies posted on the town bulletin boards and in other conspicuous places.
- 9.4 Applicants shall mail notice of the Public Hearing to the owner(s) of record of abutting land no less than fifteen (15) days prior to the day of the hearing. All postage costs for such notification shall be paid by the applicant. Notice of the Public Hearing shall be mailed by certified mail, return receipt requested. The person who owns land shall be the owner indicated on the property tax map or on the last-completed grand list as of the date such notice is mailed.
- 9.5 In the case of an application which is subject to the notification provisions of Section 8.3 of these Regulations, a public hearing shall not be conducted until receipt by the Commission of confirmation of the required notification. Proof of such notification shall be entered into the hearing record.

SECTION 10. - CONSIDERATIONS FOR DECISION

- 10.1 The Commission may consider the following in making its decision on an application:
- a) The application and its supporting documents;
 - b) Public comments, evidence and testimony from a public hearing;
 - c) Reports from other municipality agencies and commissions, including, but not limited to, those of the Town, such as:
 1. Conservation Commissions;
 2. Planning and/or Zoning Commissions;
 3. Building Officials; or
 4. Health Officers.
 - d) Comments on any application from the Hartford Soil and Water Conservation District, Regional Planning Agencies, or other regional organizations or agencies in adjoining municipalities which may be affected by the proposed activity, or other technical agencies or organizations which may undertake additional studies or investigations.

Non-receipt of comments from agencies and commissions listed in Section 10.1 (c) and Section 10.1 (d) above within the prescribed time shall neither delay nor prejudice the decision of the Commission.

10.2 Criteria for Decision. In carrying out the purposes and policies of Sections 22a-36 to 23a-45a, inclusive, of the Connecticut General Statutes, as amended, including matters relating to the regulation, licensing and enforcement of the provisions thereof, the Commission shall take into consideration all relevant facts and circumstances, including, but not limited to:

- a) The environmental impact of the proposed regulated activity on regulated areas;
- b) The applicant's purpose for, and any feasible and prudent alternatives to, the proposed regulated activity (which alternatives would cause less or no environmental impact to regulated areas);
- c) The relationship between the short term and long term impacts of the proposed regulated activity on regulated areas and the maintenance and enhancement of long-term productivity of such regulated areas;
- d) Irreversible and irretrievable loss of wetland or watercourse resources which would be caused by the proposed regulated activity, including the extent to which such activity would foreclose a future ability to protect, enhance or restore such resources, and any mitigation measures which may be considered as a condition of issuing a permit for such activity including, but not limited to, measures to (1) prevent or minimize pollution or other environmental damage, (2) maintain or enhance existing environmental quality, or (3) in the following order of priority: restore, enhance, and create productive wetland or watercourse resources;
- e) The character and degree of injury to, or interference with, safety, health or the reasonable use of property which is caused or threatened by the proposed regulated activity; and
- f) Impacts of the proposed regulated activity on regulated areas outside the area for which the activity is proposed and future activities associated with, or reasonably related to, the proposed regulated activity which are made inevitable by the proposed regulated activity and which may have an impact on regulated areas.

10.3 In the case of any application which receives a public hearing, a permit shall not be issued unless the Commission finds on the basis of the record that a feasible and prudent alternative does not exist. In making this finding, the Commission shall consider the facts and circumstances set forth in Section 10.2 of these Regulations. This finding and the reasons therefore shall be stated in the record of the decision of the Commission.

10.4 In the case of an application which is denied on the basis of a finding that there may be feasible and prudent alternatives to the proposed regulated activity which have less adverse impact on regulated areas, the Commission shall propose on the record in writing the types of alternatives which the applicant may investigate, provided this subsection shall not be construed to shift the burden from the applicant to prove that the applicant is entitled to the permit or to present alternatives to the proposed regulated activity. A conclusion that a feasible and prudent alternative does not exist does not create a presumption that a permit should be issued.

10.5 In reaching its decision on any application after a public hearing, the Commission shall base its decision on the record of that hearing. Documentary evidence or other material not in the record of the hearing shall not be considered by the Commission in its decision. However, the Commission is not precluded from seeking advice from its experts on information already in the record of the public hearing.

10.6 In the event that the Commission determines a need for professional advice on a detail or details of the application, and this advice is not available from those present at the hearing, the hearing shall be recessed for such period of time as is needed for obtaining such advice, provided that the overall time limits of the hearing as specified in Section 9.2 of these Regulations are not exceeded. All information submitted to the Commission during the recess shall be made available to the applicant and all named parties, and shall be entered into the records of the hearing when the hearing is reconvened.

SECTION 11. - DECISION PROCESS AND PERMIT

- 11.1 The Commission or its duly authorized agent, acting pursuant to Section 12 of these Regulations, may (a) grant the application as filed, (b) grant it upon such terms, conditions, limitations or modifications necessary to carry out the purposes of the Act, or (c) deny it. Such terms may include any reasonable measures which would mitigate the impacts of the regulated activity and which would (x) prevent or minimize pollution or other environmental damage, (y) maintain or enhance existing environmental quality, or (z) in the following order of priority: restore, enhance and create productive wetland or watercourse resources.
- 11.2 The Commission shall state upon its record the reasons and bases for its decision and, in the case of any public hearing, such decision shall be based fully on the record of such hearing and shall be in writing and shall incorporate a statement relative to the consideration of feasible and prudent alternatives.
- 11.3 The Commission shall notify the applicant and any named parties to the proceeding of the decision within fifteen (15) days of the date of the decision by certified mail, return receipt requested, and the Commission shall cause notice of its order in the issuance or denial of the permit to be published in a newspaper having general circulation in the Town. In any case in which such notice is not published within such fifteen (15) day period, the applicant may provide for the publication of such notice within ten (10) days thereafter. A copy of all Commission decisions shall be forwarded to the Commissioner in such form as prescribed by the Commissioner.
- 11.4 If an activity authorized by the permit also involves an activity or project which requires zoning or subdivision approval, a special zoning permit, variance or special exception, a copy of the decision and report on the application shall be filed with the Town of Hartland Planning and Zoning Commission within fifteen (15) days of the date of the decision.
- 11.5 If the Commission grants a permit with terms, conditions, limitations, or modifications, the applicant may attempt to modify the proposal to the satisfaction of the Commission. The Commission shall determine whether the proposed modification requires the filing of a new application. The rejection of a modified or corrected application by the Commission shall be equivalent to the denial of the application for the purposes of appeal.
- 11.6 If the Commission denies a permit, the application shall not be resubmitted unless the proposal is modified in a fashion that substantially changes the impacts which resulted in the denial. Such submittal shall take the form of a new application.
- 11.7 Any permit issued by the Commission for the development of land for which an approval is required under Section 8-3, 8-25 or 8-26 of the Connecticut General Statutes, as amended, shall be valid for five (5) years, provided the Commission may establish a specific time period within which any regulated activity shall be conducted. Any permit issued by the Commission for any other activity shall be valid for not less than two (2) years and not more than five (5) years.

- 11.8 No permit shall be assigned or transferred without the prior written permission of the Commission.
- 11.9 If a bond or insurance is required in accordance with Section 13 of these Regulations, no permit shall be issued until such bond or insurance is provided.
- 11.10 The following general provisions apply to the issuance of all permits:
- a) If the Commission has relied in whole or in part on information provided by the applicant in its evaluation of the application, and if such information subsequently proves to be false, deceptive, incomplete or inaccurate, the permit may be modified, suspended or revoked.
 - b) All permits issued by the Commission are subject to and do not derogate any present or future rights or powers of the Commission or the Town, and convey neither rights in real estate nor material nor any exclusive privileges, and are further subject to any and all public and private rights and to any federal, state, and municipal laws or regulations pertinent to the property or activity.
 - c) If the activity authorized by the permit also involves an activity or a project which requires zoning or subdivision approval, special permit, variance or special exception, no work pursuant to the permit issued by the Commission may begin until such additional approval is obtained.
 - d) The permittee shall take such necessary steps, consistent with the terms and conditions of the permit, to control storm water discharges and to prevent erosion and sedimentation and to otherwise prevent pollution of the regulated areas.
- 11.11 The Commission shall correct as necessary and complete the reporting form required by Section 22a-39(m) of the Connecticut General Statutes, as amended, and shall forward it to the Commissioner at this time.

SECTION 12. - ACTION BY DULY AUTHORIZED AGENT

- 12.1 The Commission may delegate to its duly authorized agent the authority to approve or extend an activity that is not located in a regulated area when such agent finds that the conduct of such activity would result in no greater than a minimal impact on any regulated area, provided such agent has completed the comprehensive training program developed by the Commissioner pursuant to Section 22a-39 of the Connecticut General Statutes, as amended. Requests for such approval shall be made on a form provided by the Commission and shall contain the information listed under Section 7.5 of these regulations and any other information the Commission may reasonably require. Notwithstanding the provisions for receipt and processing applications prescribed in Sections 8, 9, and 11 of these Regulations, such agent may approve or extend such an activity at any time.
- 12.2 Any person receiving such approval from such agent shall, within ten (10) days of the date of such approval, publish, at the applicant's expense, notice of the approval in a newspaper having a general circulation in the town wherein the activity is located or will have an effect. Any person may appeal such decision of such agent to the Commission within fifteen (15) days after the publication date of the notice and the Commission shall consider such appeal at its next regularly scheduled meeting, provided such meeting is no earlier than three (3) business days after receipt by such Commission or its agent of such appeal. Any person may appear and be heard at the meeting held by the Commission to consider the subject appeal. The Commission shall, at its discretion, sustain, alter, or reject the decision of its agent or require an application for a permit in accordance with Section 7 of these Regulations.

SECTION 13. - BOND AND INSURANCE

- 13.1 Upon approval of the application and prior to issuance of a permit, the applicant may, at the discretion of the Commission, be required to file a bond with such surety, in such amount and in such form as the Commission determines.
- 13.2 The bond or surety shall be conditioned on compliance with all provisions of these Regulations and the terms, conditions, and limitations established in the permit.
- 13.3 The Commission may require the applicant to certify that it has public liability insurance against liability which might result from the proposed operation or use of the regulated areas covering any and all damage which might occur within two (2) years of completion of such operations, in an amount to be determined by the Commission commensurate with the regulated activity.

SECTION 14. - ENFORCEMENT

- 14.1 The Commission may appoint an agent or agents to act on its behalf with the authority to inspect property except a private residence, and to issue notices of violation or cease and desist orders and to carry out other actions or investigations necessary for the enforcement of these Regulations.
- 14.2 As a condition of a permit, the Commission or its agent may make regular inspections, at reasonable hours, of all regulated activities for which permits have been issued under these Regulations.
- 14.3 If the Commission or its duly authorized agent finds that any person is conducting or maintaining any activity, facility, or condition which is in violation of the Act or these Regulations, the Commission shall have the following options:
- a) The Commission may issue a written order by certified mail, return receipt requested, to such person conducting such activity or maintaining such facility or condition to cease immediately such activity or to correct such facility or condition. Within ten (10) calendar days of the issuance of such order, the Commission shall hold a hearing to provide the person an opportunity to be heard and show cause why the order should not remain in effect. The Commission shall consider the facts presented at the hearing and, within ten (10) days of the completion of the hearing, notify the person by certified mail, return receipt requested, that the original order remains in effect, or that the order has been withdrawn. The Commission shall publish notice of its decision in a newspaper having general circulation in the Town. The original order shall be effective upon issuance, and shall remain in effect until the Commission revises or withdraws the order. The issuance of an order pursuant to this section shall neither delay nor bar an action pursuant to Section 22a-44(b) of the Connecticut General Statutes, as amended.
 - b) The Commission may suspend or revoke a permit if it finds that the applicant has not complied with the terms, conditions, or limitations set forth therein. Prior to revoking any permit, the Commission shall issue notice to the permittee by certified mail, return receipt requested, setting forth the facts or conduct which warrants the intended action. At the public hearing the permittee shall be given an opportunity to show that it is in compliance with both its permit and all requirements for the retention of the permit. The permittee shall be notified of the Commission's decision to suspend, revoke, or maintain a permit by certified mail, return receipt requested, within fifteen (15) days of the date of its decision. The Commission shall publish notice of the suspension or revocation in a newspaper having general circulation in the Town. In any case in which such notice is not published within such fifteen (15) day period, the permittee may provide for the publication of such notice within ten (10) days thereafter.

- c) The Commission may issue a notice of violation to such person conducting such activity or maintaining such facility or condition, stating the nature of the violation, the jurisdiction of the Commission and prescribing the necessary action and steps to correct the violation including, without limitation, halting work in regulated areas. The Commission may request that the individual:
1. Appear at the next regularly scheduled meeting of the Commission to discuss the unauthorized activity;
 2. Provide a written reply to the notice; and/or
 3. File a proper application for the necessary permit.

Failure to carry out the action(s) directed in a notice of violation may result in issuance of the order provided in Section 14.3(a). or other enforcement proceedings as provided by law.

14.4 Procedures for penalties for non-compliance shall be determined, in all regards, by Section 22a-44(b) of the Connecticut General Statutes, as amended.

SECTION 15. - AMENDMENTS

- 15.1 These Regulations and the Wetlands and Watercourses Map may be amended, from time to time, by the Commission in accordance with the Connecticut General Statutes, as amended, or regulations of the Department of Environmental Protection of the State of Connecticut, or as new information regarding soils and inland wetlands and watercourses becomes available.
- 15.2 An application filed with the Commission which is in conformance with the applicable inland wetlands regulations as of the date of the receipt of such application shall not be required thereafter to comply with any change in inland wetland regulations, including changes to setbacks and buffers, taking effect on or after the date of such receipt and any appeal from the decision of the Commission with respect to such application shall not be dismissed by the Superior Court on the grounds that such a change has taken effect on or after the date of such receipt. The provisions of this section shall not be construed to apply (a) to the establishment, amendment, or change of boundaries of inland wetlands or watercourses or (b) to any change in regulations necessary to make such regulations consistent with the provisions of the Act as of the date of such receipt.
- 15.3 These Regulations and the Wetlands and Watercourses Map shall be amended in the manner specified in Section 22a-42a of the Connecticut General Statutes, as amended. The Commission shall provide the Commissioner with a copy of any proposed regulations and notice of the public hearing to consider any proposed regulations or amendments thereto, except determination of boundaries, at least thirty-five (35) days before the public hearing on their adoption. Application forms and fee schedules shall not be considered part of the Commission Regulations.
- 15.4 Petitions requesting map changes or amendments to the Wetlands and Watercourses Map shall contain at least the following information:
- a) The applicant's name address and telephone number;
 - b) The property owner's name (if other than the applicant), address and telephone number, written consent to the proposed action set forth in the application, and the applicant's interest in the property;
 - c) The geographic location of the property which is to be affected by the proposed amendment, including, but not limited to, a description of the land in sufficient detail to allow identification of the disputed wetland(s) and watercourse(s);
 - d) The reasons for the requested action;
 - e) The names and addresses of adjacent property owners; and
 - f) A map of the proposed development of the property, if such development is the reason for the proposed amendment.

15.5 The Commission may require the applicant to present documentation, which becomes a part of the application upon submittal, that the property in question has been wrongly classified. Such documentation includes, but is not limited to, a map signed by the soils scientist, or other individual acceptable to the Commission, who performs the field work. This map shall depict the flag locations defining the actual boundaries of the regulated soil types, and the actual locations of watercourses, in accordance with Section 3.1 of these Regulations.

15.6 Within ninety (90) days after receipt of a petition to amend the Wetlands and Watercourses Map, the Commission shall hold a public hearing to consider the petition. Notice of the hearing shall be published in a newspaper having substantial circulation in the Town at least twice at intervals of not less than two (2) days, the first not more than twenty-five (25) days nor less than fifteen (15) days, and the last not less than two (2) days, before such hearing. A copy of such proposed boundary change shall be filed, at least ten (10) days before such hearing, in the office of the Town Clerk for public inspection. The public hearing shall be concluded within forty-five (45) days of its commencement. The Commission shall act upon the petition within sixty (60) days of the close of the public hearing.

15.7 The Commission shall make its decision and state in writing the reason(s) why each change in the Wetlands and Watercourses Map is made.

15.8 Modifications to Declaration of Conservation Easement and Restrictions.

(a) An application is required for modifications to the uses, language or boundaries of any conservation easement accepted by the Commission on behalf of the Town of Hartland. Since the Commission considers these easements to be fully binding on the applicant in perpetuity, modifications to them are not encouraged. Applications for modification(s) to the uses, language or boundaries of a conservation easement are to include the reasons for the modification(s) and the payment of the appropriate fee established in the Fee Schedule on file at the Town Clerk's Office.

(b) Applications are to utilize the same terms and format found in the existing conservation easement in effect for the subject property. Alternatively, the applicant may obtain a copy of the Model Declaration of Conservation Easement & Restrictions at the Town Clerk's Office. Project specific language shall be required. All easement documents are subject to final approval by the Town Attorney.

SECTION 16. - APPEALS

16.1 Appeals on actions of the Commission shall in all details be made in accordance with the provisions of Section 22a-43 of the Connecticut General Statutes, as amended.

16.2 Notice of such appeal shall be served upon the Commission and the Commissioner.

SECTION 17. - CONFLICT AND SEVERANCE

17.1 If there is a conflict between provisions of these Regulations, the provision which imposes the most stringent standards for the use of regulated areas shall govern. The invalidity of any word, clause, sentence, section, part, subsection, or provision of these Regulations shall not affect the validity of any other part which can be given effect without such invalid part or parts.

SECTION 18. - OTHER PERMITS

18.1 Nothing in these Regulations shall obviate the requirements for the applicant to obtain any other assents, permits or licenses required by law or by regulation by the Town of Hartland, State of Connecticut, and the Government of the United States, including any approval required by the Connecticut Department of Environmental Protection and the U. S. Army Corps of Engineers. Obtaining such assents, permits, or licenses is the sole responsibility of the applicant.

SECTION 19. - EFFECTIVE DATE OF THESE REGULATIONS

19.1 These Regulations, and the Wetlands and Watercourses Map, application forms, Fee Schedule, and amendments thereto, shall become effective upon filing in the Office of the Town Clerk, and upon publication of a notice of such action in a newspaper having general circulation in the Town.

Adopted: September 7, 1988
Amended: December 6, 1989
Amended: May 2, 1990
Amended: March 1, 1996
Amended: April 8, 1999
Amended: November 29, 2010



INLAND WETLANDS COMMISSION
TOWN OF HARTLAND
22 SOUTH ROAD
EAST HARTLAND, CT 06027

JANUARY 6, 2011

Mr. Daniel F. Caruso, Chairman
and Honorable Council Members
CONNECTICUT SITING COUNCIL
Ten Franklin Square
New Britain, CT 06051

RE: PROPOSED CELL TOWER LOCATIONS ON 95 BALANCE ROCK ROAD, EAST HARTLAND, CT – DOCKET #408

The Hartland Inland Wetlands Commission agrees with the position and stipulations of the December 2, 2010 letter by the REMA Ecological Services, LLC, George Logan, Registered Soil Scientist. (copy attached) We believe that a more comprehensive study needs to be performed on this parcel before construction of a cell tower on either location on this parcel owned by the Ring Mountain Hunt Club. From the Hartland Wetlands Commission's experience, we have previously located undocumented wetland features, such as vernal pools, on property in Hartland owned by the Metropolitan District Commission (MDC).

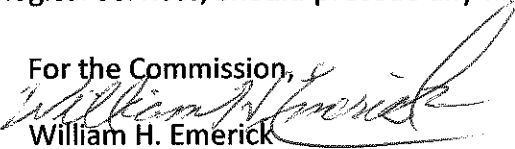
Hartland is a small town in population but a big town in natural resources, especially water. The MDC and the Tunxis State Forest comprise over two-thirds of the entire town's acreage. Wetlands are abundant along with a high water table and vernal pools lace the Town. In addition, Hartland is a town divided in half by a seven (7) mile long expanse of water created by the MDC when they began buying up the, then, Town of Hartland Hollow, during the Great Depression. That manmade geographical impasse creating East and West Hartland is exactly what the proponents of the proposed cell tower on 95 Balance Rock Road seek to transverse. This area, known as Hartland Hollow, is totally uninhabited and is connected by a single State road. The lack of population in this part of Hartland makes full cell coverage unnecessary since emergency coverage does exist in this area rendering very little need for an additional cell tower.

Like much of the town's soils, the land at the proposed cell tower site does have high-functioning wetlands surrounding the site. The day of the site-walk, November 9, 2010, the Soil Scientist for AT&T Dean Gustafson defined the wetlands present as "high-functioning" surrounding the site. At some point many years ago, perhaps the 1950's, the owner of the property, the Ring Mountain Hunt Club, filled the entryway and area close to the Clubhouse with approximately two (2) feet of fill; therefore, this particular area cannot be defined as wetlands any longer due to the deep fill; however, areas surrounding this filled-in section are active wetlands and should be protected.

On the attached Site One map AT&T has carefully located its proposed cell tower facility on a postage stamp sized parcel that is just outside of wetland soils, but well within the regulated 100 foot wetland buffer zone, forty feet from the fencing at its closest point. If the 190 foot monopole tower should ever fall, it could fall on wetlands, the Hunt Club's clubhouse, or upon State Forest land. Although the site is not ideal, it does make use of an existing access road in which the wetlands in that area had been previously filled.

The existing access advantage on Site One does not apply to Site Two (see attached map). Site Two, approximately 500 feet further into the property, will require a new access road and utility construction resulting in extensive clear cutting and crossing of regulated wetlands.

The Hartland Inland Wetlands Commission has serious concerns with the development of any Tower Sites on the Hunt Club property. In conclusion, a more comprehensive wetlands study of the parcel, particularly in the spring season as recommended by REMA Ecological Services, should precede any final determination by the Siting Council.

For the Commission,

William H. Emerick
Chairman



- Ecology
- Soil & Wetland Studies
- Water Quality Monitoring • GPS
- Environmental Planning & Management
- Ecological Restoration & Habitat Mitigation
- Aquatic, Wildlife and Listed Species Surveys
- Application Reviews • Permitting & Compliance

December 2, 2010

Inland Wetlands Commission
Town of Hartland
22 South Road
East Hartland, CT 06027

Re: *Proposed AT&T Cell Phone Tower*
95 Balance Rock Road, Hartland, CT
REMA Job No.: 10-1517-HAR7

Dear Commissioners:

At the request of Mr. Thomas Sirman, who resides at 88 Balance Rock Road, immediately across and to the south of the above-referenced property, we have reviewed all available materials, including plans and various communications, for compliance with commonly accepted practices for proposals reviewed before Town Inland Wetlands and Watercourses Agencies in Connecticut, and which are consistent with the provisions of the Inland Wetlands and Watercourses Act, Connecticut General Statutes Section 22a-36 through 22a-45, inclusive, and the Inland Wetlands and Watercourses Regulations (“the Regulations”) promulgated by the IWC of the Town of Hartland, adopted on September 7th, 1988.

We find that this proposal lacks sufficient detail and documentation to evaluate potential short-term and long-term direct and indirect impacts upon regulated resources, that is, wetlands and watercourses, as well as to other ecological resources both on-site and off-site. We conclude that the proposal is incomplete and precludes a thorough and informed review by the Hartland Town Land Use agencies, and by the public.



The documents and sources that were reviewed as part of this preliminary analysis include, but are not limited, to the following¹:

1. A Site Access Map (Sheet C02) prepared by Clough Harbour & Associates (CHA), revised through 8/30/10;
2. A Wetland & Watercourse Delineation Report by Kleinfelder, dated December 3rd, 2009.
3. A Wetlands Delineation Report by Vanasse Hangen Brustlin, Inc. (VHB), dated September 7th, 2010.
4. Various secondary information sources, such as archived aerial photographs for flight years 2004, 2006, 2008, and 2010, and natural resource maps and data sets compiled by the Connecticut Department of Environmental Protection (CT DEP).

It should be noted that the site was briefly viewed from Balance Rock Road in the late afternoon of October 3rd, 2010. Although access to the site for inspection was requested on November 9th, 2010, it has not been granted by the applicant (AT&T) or the property owner (Ring Mountain Hunt Club).

1.0 SUMMARY OF FINDINGS

- The two “wetlands” reports, referenced above, are quite limited in scope, being primarily wetlands/watercourses delineation reports. Field inventories and resource characterization took place outside of normal conditions for proper inventories. The VHB site visit was on August 25th, 2010 at the tail end of a drought period², while the Kleinfelder site visit took place on October 19th, 2009, which is outside of the growing season for this part of Connecticut.³
- According to the available reports, and secondary source data, the site’s wetlands are “headwater” or hillside seepage wetlands, which are most often considered sensitive wetlands. These *must* be inventoried in the spring to properly assess their biodiversity and function.
- Since inventories were not conducted during the proper time of season, spring ephemerals (i.e. herbaceous species that are typically inventoried only during the

¹ The only documents provided by the applicant are found within a 233 page compilation of documents found at the State of Connecticut Siting Council web site under Docket No. 408.

² According to the NOAA National Climatic Data Center, in 2010 Connecticut experienced severe drought in April, moderate to severe drought in May, moderate drought in June, and was abnormally dry July through September.

³ According to the CT DEP, October 6th is the average first-frost date for the Northwest Hills, which includes the site with elevations above 1,100 feet.



spring season) are not listed. Neither is there any indication on the reports of any biota associated with the intermittent stream during times of higher flows (i.e. Spring) nor is any amphibian activity recorded during their breeding season (i.e. Spring).

- An intermittent watercourse was identified in Wetland A (eastern wetland on the site), yet it was not surveyed and does not even appear on the site plan. The same is true for an identified depressional area in Wetland B (western wetland on the site). Moreover, topography is mostly or completely lacking within the site's wetlands and watercourses, which could be impacted from the proposal.
- An evaluation of commonly recognized functions and values of wetlands and watercourses is lacking. Such evaluation, using one of several available models or methods, including the US Army Corps of Engineers "Descriptive Approach," would give reviewers a clear understanding of which functions and values are most important, as well as the potential sensitivity of the regulated resources to the proposal. Unfortunately, since the wetland and watercourse inventories are incomplete, such an evaluation is not even possible at this time.
- Several apparent inconsistencies were identified in the reports. For instance, the Great Laurel (*Rhododendron maximum*) is listed in the Kleinfelder but not in the VHB report. Also, hummock-hollow microtopography is called out for Wetland A as well as an intermittent watercourse that reportedly begins within this wetland, yet the standard hydrologic regimes associated with such features, that is, *seasonally flooded*, and *seasonally saturated-seepage*, are not checked as being present.
- Water quality of the stream and wetlands are assumed to be Class A, yet no surface water quality monitoring for common parameters was conducted. This would have provide valuable information such as regarding the trophic level of the stream and wetlands, which could be characterized by low nutrient availability, making them quite sensitive to alterations during construction and also post-construction. There is also no discussion of downgradient and off-site regulated resources that could be sensitive to this proposal, particularly surface water resources.
- No erosion and sedimentation controls or associated narrative are included on the plans.
- A small depressional area is identified within Wetland B by the Kleinfelder report, yet the VHB report does not check for *Vernal Pool* under the *Special Aquatic*



Habitat section of the Field Form, although the seasonally flooded hydrologic regime is checked, which is the most common regime for vernal pools. Based on this information it is very likely that the depressional area in Wetland B is a vernal pool with breeding habitat for typical vernal pool amphibians such as wood frog and spotted salamander (both species have been reported on neighboring properties). Since the proposal is sited within the watershed of this potential vernal pool, with a direct discharge to the intermittent watercourse that flows to this depressional area, it is of paramount importance that a robust inventory be conducted during the amphibian breeding period (i.e. April-May). This type of inventory is standard practice across Connecticut when vernal pool habitats are associated with any proposed development.

It is our professional opinion that the materials provided with the proposal are inadequate and incomplete and preclude any substantive analysis of potential short-term and long-term direct or indirect impacts to regulated wetlands and watercourses.

Please feel free to contact our office with any questions on the above.

Respectfully submitted,

REMA ECOLOGICAL SERVICES, LLC

George T. Logan, MS, PWS, CE
Registered Soil Scientist
Certified Professional Wetland Scientist

Enclosure: Professional Resume

PROFESSIONAL RESUME

George T. Logan, MS, PWS

Principal Environmental Scientist

EDUCATION:

M.S. Natural Resources, *Wildlife Management & Conservation Biology*,
University of Rhode Island, Kingston, R.I. 1989.

B.S. Natural Resources, *Wildlife Management & Wetlands Ecology*,
University of Rhode Island, Kingston, R.I. 1986.

Continuing Education

The Transportation Project Development Process: Training in the
PennDOT Environmental Impact Statement Handbook, Harrisburg,
PA, January 1994

Rapid Bioassessment Protocols of Aquatic Systems (EPA Protocols),
Wetland Training Institute, Williamsport, PA, August 3-6, 1993

QUALIFICATIONS:

Certified Ecologist (2004) - The Ecological Society of America
Registered Soil Scientist (1989) - Society of Soil Scientists of Southern
New England

Certified Professional Wetland Scientist (No. 581) (1994) - Society of
Wetland Scientists

Certified Associate Wildlife Biologist (1989) - The Wildlife Society

EXPERIENCE:

Mr. Logan is the Co-Owner and *Principal Environmental Scientist* of Rema Ecological Services, LLC. Mr. Logan specializes in tidal and inland wetland delineation and evaluation, permitting, mitigation design, and the preparation of environmental compliance documents in accordance with national (NEPA), state, and local criteria and guidelines. He also provides design, construction supervision and implementation of habitat and wetland restoration, enhancement and replacement projects. Mr. Logan performs watershed and surface water quality evaluations and provides guidance in the design of stormwater Best Management Practices (BMPs), including stormwater wetlands and bioretention basins, as well as for many LID (low impact development) practices.

Mr. Logan has over twenty-two years experience as a wildlife biologist conducting wildlife habitat evaluations and focused avian, mammalian, invertebrate and herpetofaunal surveys using both active and passive methods. He frequently conducts targeted surveys for sensitive, rare, and "listed" species, and aquatic biosurveys to assess the biodiversity and biotic health of ponds, lakes, vernal pools, rivers, and streams. Mr. Logan has extensive experience in performing herpetological surveys including vernal pool investigations and evaluations.

Mr. Logan has participated in nearly 2,000 individual projects in New England and the Mid-Atlantic States and in 154 of 169 municipalities in Connecticut.



Professional Resume: *(continued)*

George T. Logan, MS, PWS

PROFESSIONAL AFFILIATIONS:

Society of Soil Scientists of Southern New England
Society of Wetland Scientists
Association of Massachusetts Wetland Scientists
Ecological Society of America
The Wildlife Society
Soil & Water Conservation Society
Connecticut Association of Wetland Scientists (CAWS) (*Past-President,
Charter member*)

PUBLICATIONS: *(selected)*

Logan, G.T. & S.N. Gadwa. 1999. Quinnipiac River Watershed Association Stream Study. Water Quality in the Quinnipiac River. Proceedings of a Symposium on the Impact of Nonpoint Source Pollution in the Quinnipiac River Watershed, pp. 66-70.

Logan, G.T. & S.N. Gadwa. 1998. Stream Biosurveys: *A Primer*. Quinnipiac River Watershed Association Educational Series for the Adopt-the-River Programs.

Pawlak, E.M. & G.T. Logan. 1996. Town of Cromwell Wetland Evaluation Project. Connecticut Association of Conservation and Inland Wetlands Commissions. *The Habitat*, Vol. 10:1

Logan, G.T., F.B. Titlow & D.G. Schall. 1995. The Scientific Basis for Protecting Buffer Zones. Proceedings of the 16th Annual Meeting of the Society of Wetland Scientists.

Pawlak, E.M. & G.T. Logan. 1995. Town of Cromwell Wetland Buffer Zone Designation Methodology. Proceedings of the 16th Annual Meeting of the Society of Wetland Scientists.

Logan, G.T., J.H. Brown, Jr., T.P. Husband & M.C. Nicholson. 1994. Conservation Biology of the Cretan Agrimi (*Capra aegagrus cretensis*). *Biologia Gallo-Hellenica*, Vol. 21, pp. 51-57.

Nicholson, M.C., T.P. Husband, J.H. Brown, Jr. and G.T. Logan. 1994. Implications of behavior on the management of the Cretan Agrimi (*Capra aegagrus cretensis*). *Biologia Gallo-Hellenica*, Vol. 21, pp. 45-50.

WORKSHOPS & CONFERENCES: *(selected)*

Vernal Pools: *The Jewels of the Forest*. Technical Workshop for the Town of Southwick Conservation Commission. January 2005. (*Guest Lecturer*)

Professional Resume: *(continued)*

George T. Logan, MS, PWS

WORKSHOPS & CONFERENCES: *(selected)*

The Importance of Habitat Edges. Riverside Landscaping Conference. The Rivers Alliance of Connecticut. June 1998. *(Guest Lecturer)*

Riparian Buffer Function, Performance & Limitations. Urban Riparian Buffers Conference & Technical Training Session. April 1999. *(Guest Lecturer)*

Sedimentation and Erosion Control Review Session. USDA. Natural Resource Conservation Service and CPESC (Certified Professionals in Erosion Control), Concord, NH. September 2001.

Buffer Strips as Storm Water Quality Controls. EnviroExpo, Boston. May 1999. *(Guest Speaker)*

Identifying Wetland Soils, Fauna and Flora. Municipal Inland Wetland Staff Technical Workshops. June 1999. *(Guest Speaker)*

Water Quality in the Quinnipiac River: A Symposium on the Impact of Non Point Source Pollution in the Quinnipiac River Watershed. November 1998. *(Presenter)*

Our Hidden Wetlands: Vernal Pools in Connecticut. Co-sponsored by CT DEP and the Center for Coastal and Watershed Systems. November 1997 and January 1998 *(Workshop Leader)*

Aquatic Invertebrate & Stream Ecology Workshop. Quinnipiac River Watershed Association Workshop Series. September 1997, May 1998, June 1999, January 2000 *(Workshop Leader)*

The Massachusetts Association of Conservation Commissions Third Annual Conference: Wetland Buffer Zones, March 1996 *(Guest Lecturer)*

16th Annual Conference of the Society of Wetland Scientists: Wetland Understanding, Wetland Education, May 1995 *(Presenter)*

Quinnipiac River Watershed Association Forum on Non-Point Pollution: Significance of Wetlands and Wetland Buffers, October 1992 *(Guest Lecturer)*

The Massachusetts Association of Conservation Commissions Second Annual Conference, April 1995 *(Guest Lecturer)*

The Society of Soil Scientists of Southern New England Riparian Buffer Zone Conference, November 1994 *(Presenter)*

Professional Resume: *(continued)*

George T. Logan, MS, PWS

SUPPLEMENTARY INFORMATION:

1996 to present

Rema Ecological Services, LLC
Principal Environmental Scientist, Co-Owner

- Founded the company to provide natural resources management, environmental planning, compliance services, and client advocacy throughout the Northeast.
- Has participated in over 1,500 individual projects since the company's inception including four gas-fired, combined-cycle power plant projects, numerous wetland replacement projects, and many large residential, industrial and commercial endeavors.
- Acted as the Town of Waterford, Connecticut, Interim Environmental Planner during a ten-month tenure. Responsibilities included providing procedural and technical support to the town's Conservation Commission (a.k.a. Inland Wetlands and Watercourses Agency).

1994 to 1996

Fugro East, Inc. *(Currently ENSR-AECOM)*
Senior Project Manager/Environmental Scientist

- Office Manager for the firm's Connecticut office, responsible for day-to-day operations, marketing, and business development.
- Wetland delineations in accordance with state and federal criteria.
- Natural resource inventories of upland, wetland and aquatic ecosystems, specializing in wildlife habitat assessments.
- Preparation of environmental compliance documentation for over 100 projects including large-scale commercial development.

1993 to 1994

A.D. Marble & Company, Inc.
Senior Environmental Planner/Wildlife Biologist

- Participated in the management of major transportation improvement projects and in the preparation of environmental documents in accordance with the National Environmental Policy Act (NEPA) while continuing involvement in the collection of baseline field data.
- Application of the Pennsylvania Department of Environmental Resources (PADER) hierarchical methodology for the selection of suitable wetland replacement sites.
- Field verification of Threatened, Endangered or Special Concern species listed by the Pennsylvania Game Commission.
- Wetland boundary identification in accordance with the unified PADER and U.S. Army Corps of Engineers (USACOE) methodology.
- Participated in nearly 30 projects, mostly for major transportation corridors.

Professional Resume: (continued)

George T. Logan, MS, PWS

SUPPLEMENTARY INFORMATION (continued):

1989 to 1993

Soil Science & Environmental Services, Inc. Wildlife Biologist & Soil Scientist

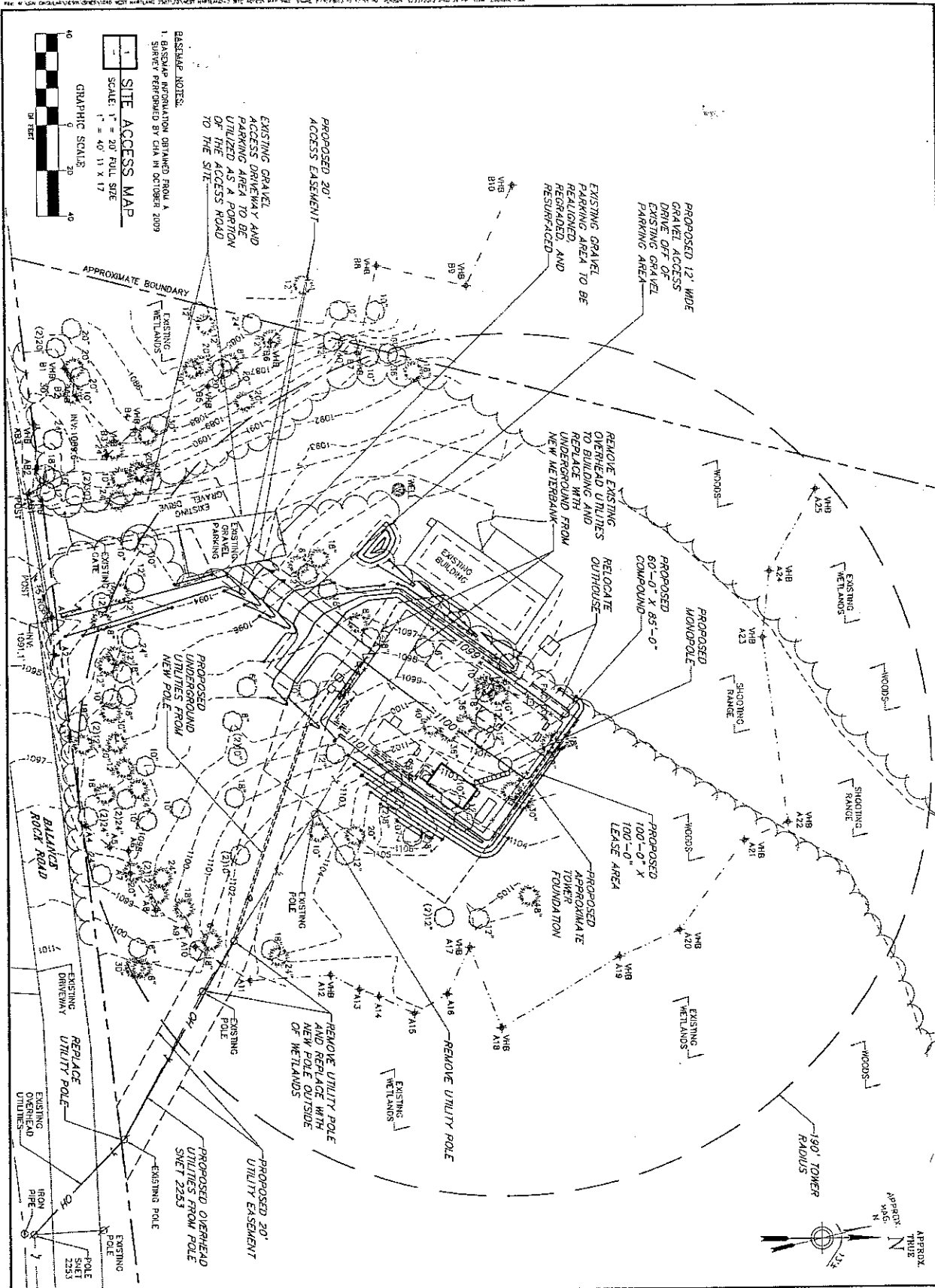
- Acted as Project Manager responsible for field operations and report preparation for nearly 300 individual projects in over 75 towns in New England, including one town-wide wetland mapping, inventory and evaluation project.
- Wetland boundary delineation according to state and federal criteria (e.g., Connecticut and Massachusetts Statutes, USACOE methodologies).
- Ecosystem analyses and biological inventories of upland areas, tidal and inland wetlands, estuaries, streams, rivers, ponds and lakes.
- Environmental impact evaluations, including site plan review, analyses of proposed impacts and design of mitigation strategies.
- Local, state and federal permitting for impacts to natural resources, including wetlands.
- Implementation of water quality monitoring programs for streams and rivers.
- Design, construction supervision, and monitoring of wetland enhancement, restoration and creation.
- Aquatic biosurveys of streams and rivers utilizing standardized methods (e.g. EPA Rapid Bioassessment Protocols).
- Detailed faunal surveys and censuses using both active and passive methods (e.g. direct and indirect observation, live-trapping, point count avian censuses, pellet counts, etc.).
- Expert witness testimony for court and administrative proceedings.

1988 to 1989

Independent Contracts Soil & Wetland Scientist

- Summer of 1988: Was hired by the Town of Canton, CT to identify, inventory, and evaluate wetlands and watercourses within the entire municipality. Was responsible for amending the municipality's *Official Wetland and Watercourses Map*.
- Spring of 1988: Was hired by the Connecticut Chapter of the Nature Conservancy to determine and report on the historic expansion of an invasive plant (*Phragmites australis*) on eight TWC preserves. Scope included site visits, remote sensing using archived aerial photographs, and report.

SITE #1



SITE ACCESS MAP
 SCALE: 1" = 20' FULL SIZE
 1" = 40' 11" X 17"
 GRAPHIC SCALES
 0 20 40
 0 20 40
 IN FEET

BASEMAP NOTES:
 1. BASEMAP INFORMATION OBTAINED FROM A SURVEY PERFORMED BY GHA IN OCTOBER 2009

APPROX. TRUE N
 APPROX. MAG. N

at&t
 Your voice. Delivered.
 NEW ANGULAR WIRELESS PCS, LLC
 500 ENTERPRISE DRIVE
 ROCKY HILL, CT 06067

GHA
 118 New Britain Highway, Suite 212, Rocky Hill, CT 06067
 Tel: 860.261.1000
 Fax: 860.261.1001
 www.gha.com

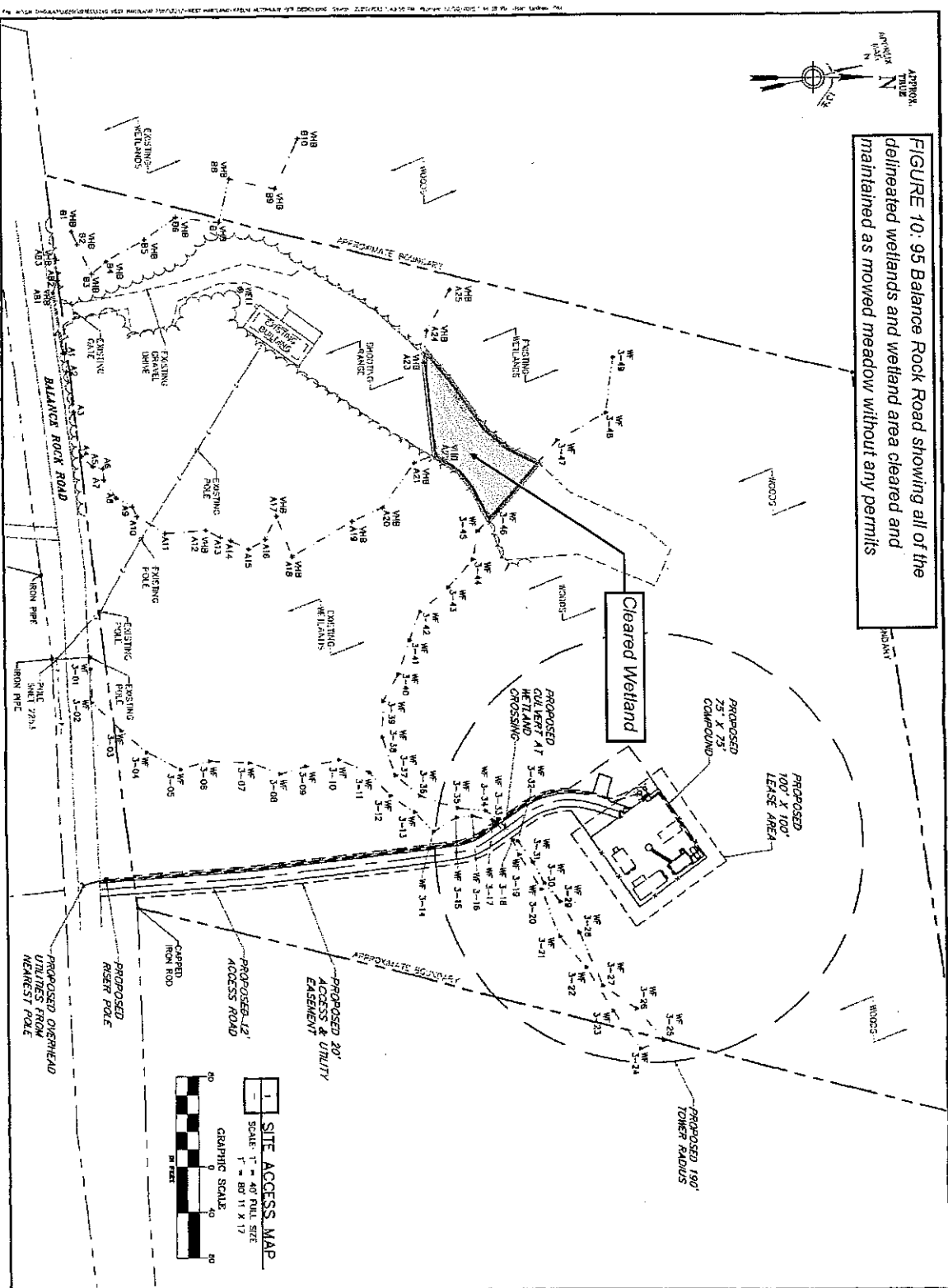
NO.	DATE	DESCRIPTION
1	10/20/09	ISSUED FOR PERMITTING
2	10/20/09	REVISED FOR COMMENTS
3	10/20/09	REVISED FOR COMMENTS
4	10/20/09	REVISED FOR COMMENTS
5	10/20/09	REVISED FOR COMMENTS
6	10/20/09	REVISED FOR COMMENTS
7	10/20/09	REVISED FOR COMMENTS
8	10/20/09	REVISED FOR COMMENTS
9	10/20/09	REVISED FOR COMMENTS
10	10/20/09	REVISED FOR COMMENTS

IF IT IS A VIOLATION OF LAW FOR ANY REASON,
 THE CONTRACTOR SHALL BE RESPONSIBLE FOR
 OBTAINING ALL NECESSARY PERMITS
 FROM ALL APPLICABLE AGENCIES.
 BY SIGNING THIS DOCUMENT

SITE NO: SR2567
SITE NAME: WEST HARTLAND
SITE ADDRESS: 95 BALANCE ROCK ROAD
 EAST HARTLAND, CT
 06027
 HARTFORD COUNTY

SHEET TITLE: SITE ACCESS MAP
SHEET NUMBER: C02

FIGURE 10: 95 Balance Rock Road showing all of the delineated wetlands and wetland area cleared and maintained as moved meadow without any permits



SITE #2



NEW CONCEPTS IN DESIGN
 500 DENTING DRIVE
 ROYAL HALL, CT 06027



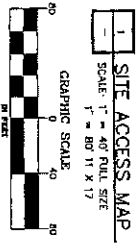
1800 - 200 - 7100

NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMITS	11/15/07
2	REVISED PERMITS	12/10/07
3	REVISED PERMITS	1/10/08
4	REVISED PERMITS	2/10/08
5	REVISED PERMITS	3/10/08
6	REVISED PERMITS	4/10/08
7	REVISED PERMITS	5/10/08
8	REVISED PERMITS	6/10/08
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45	REVISED PERMITS	7/10/11
46	REVISED PERMITS	8/10/11
47	REVISED PERMITS	9/10/11
48	REVISED PERMITS	10/10/11
49	REVISED PERMITS	11/10/11
50	REVISED PERMITS	12/10/11

11.12 THE USER OF THIS MAP SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR AVOIDING NECESSARY EASEMENTS TO ALL OF THE PROPERTY.

SITE NO. SR2587
 SITE NAME WEST HARTLAND
 SITE ADDRESS 95 BALANCE ROCK ROAD
 EAST HARTLAND, CT 06027
 HARTFORD COUNTY

SHEET TITLE SITE ACCESS MAP
 SHEET NUMBER C02





INLAND WETLANDS COMMISSION
TOWN OF HARTLAND
22 SOUTH ROAD
EAST HARTLAND, CT 06027

RECEIVED
JAN 11 2011
BY: *[Signature]*

MINUTES FOR THURSDAY, JANUARY 5, 2011
Hartland Room of the Hartland Town Hall
22 South Road, East Hartland, CT 06027

PRESENT: William Emerick, Chairman; Kevin Kingsley; Donald (Don) Murray; Henry (Hank) Prussing.

Also present were: Lee McMahon and Philip Groth regarding plans to build a patio and barn.

In addition, Attorney David F. Sherwood (representing Thomas Sirman) and George Logan, Registered Soil Scientist and Certified Professional Wetland Scientist from REMA Ecological Services, LLC, as well as Thomas Sirman were present.

ABSENT: William (Willie) Bakken, Vice Chairman; Margaret (Peggy) Kawa; Thomas (Tom) Daukas and Brian Watkins. Also absent was Scott Eisenlohr Wetlands Enforcement Officer.

CALL TO ORDER

- Chairman William Emerick called the meeting to order at 7:08 p.m.

REVIEW OF MINUTES

- The Commission reviewed the Minutes of the December 2, 2010 Regular Monthly Meeting. William Emerick made a motion to approve the Minutes of December 2, 2010; Motion seconded by Hank Prussing. Motion unanimously carried.

OLD BUSINESS:

- A. As a follow-up to the Wetlands Application that was submitted at the last meeting on December 2, 2010, Lee McMahon, (agent for Philip and Nancy Groth), as well as Philip Groth, owner of 54 Milo Coe Road, West Hartland, CT, appeared before the Commission, regarding Mr. & Mrs. Philip Groth's plans to build a three season room, barn and patio on their property. Chairman William Emerick advised that he had conducted a site walk and inspection of the property for any existing wetlands and watercourses. He stated that there appeared to be a stream on the property and that Philip Groth had indicated it had been a year-round stream but within the last three (3) years, it has been dry during the late Spring up to early Fall. Chairman Emerick further commented that Mr. Groth had stated he had no intention of interfering with the stream itself, but that construction would occur within the buffer zone. And that the barn being constructed would be used for storage but no pollutants would be stored in the barn. This Commission discussed the project with Lee McMahon, agent for Mr. & Mrs. Philip Groth. Mr. McMahon pointed out that the project consisted of a 3-season room, a barn and a patio. The Commission inquired about the drainage off the roofs of the structures, as well as the types of foundation that would support these structures and the total dimensions of the buildings. After further discussion, the Commission required the following documentation to be delivered to the Commission at their next meeting, February 2, 2011:
- I. Roof Drainage: Indicate in both a narrative format and on the drawings specific information about the roofing type, degree and direction of slope of the roofs, description of what type of drainage will be installed, indicating placement of footing drains, etc., as well as exactly where it will exit out onto the lawn also describing the slope of the land pointing out the proximity of the wetlands and buffer zone in relation to the drainage flow
 - II. Foundation: Indicate in both a narrative format and on the drawings the specific foundation systems for each of the structures with illustrative photos, if possible.
 - III. Erosion and Sedimentation Control (E & S) measures: Revise the map to include a detailed narrative of the specific erosion and sedimentation control measures that will be implemented during construction.
 - IV. Also indicate specifically on the map where they would stockpile topsoil outside of the regulated buffer zone.

Philip Groth stated that traversing to the construction site will occur through the use of an existing paved driveway which is large enough to accommodate construction vehicles; stating no lawn would be disturbed.

NEW BUSINESS:

A. The Commission reviewed and discussed the complaint regarding the Ring Mountain Hunt Club located at 95 Balance Rock Road, East Hartland, CT filed by Attorney David F. Sherwood from the law firm of Moriarty, Paetzold & Sherwood on behalf of Thomas H. Sirman. George Logan, Registered Soil Scientist and Certified Professional Wetland Scientist, from REMA Ecological Services, LLC provided Commission a handout package containing dated aerial photos of the Ring Mountain Hunt Club with evidence of clearing; Mr. Logan explained in detail each of the dated aerial photos and the Commission discussed. Mr. Logan pointed out the largest wetland clearing activity appears to have occurred between 1980 and 1986. Mr. Logan also discussed the toxic affect of using lead shot upon wildlife pointing out how the affects of lead toxicity progress through the wildlife food chain. After discussion, Chairman William Emerick made a motion to instruct Enforcement Officer Scott Eisenlohr to issue a Cease and Desist Order upon the Ring Mountain Hunt Club with a copy to their legal counsel. Motion seconded by Hank Prussing. Motion carried. The Cease and Desist Order would cite the following violations: (1) clear cutting without a permit; (2) deposition of lead shot on wetland soils and watercourses and the assumed pollution from the use of the lead shot. After discussion, Chairman Emerick restated his motion to instruct Enforcement Officer Scott Eisenlohr to issue a Show Cause Hearing Notice to the Ring Mountain Hunt Club to be held on February 2, 2011 at the Commission's next regular meeting. Hank Prussing seconded motion. Motion unanimously carried.

B. The Commission discussed whether to comment on the two (2) locations for the proposed AT&T cell tower; both locations are on the Ring Mountain Hunt Club property. Chairman William Emerick made a motion to send a comment letter to the Connecticut Siting Council regarding the proposed two (2) cell tower sites. Motion was seconded by Hank Prussing. Commission unanimously voted to send a comment letter.

In addition, the Commission reviewed the contents of a draft comment letter; discussing additions, modifications and clarifications. Chairman William Emerick made a motion to include within the draft comment letter the Commission's agreed upon additions, modifications and clarifications. Motion seconded by Hank Prussing. Motion unanimously carried.

COMMUNICATIONS - Chairman William Emerick advised the Commission that correspondence was received from James Driscoll, and Sharon Merrill, owners of 35 Pinehurst Road, West Hartland, CT advising the Commission in writing that Susan Windesheim speaks only for herself and not the Hartland Pond Corporation. The Chairman read letter to the Commission.

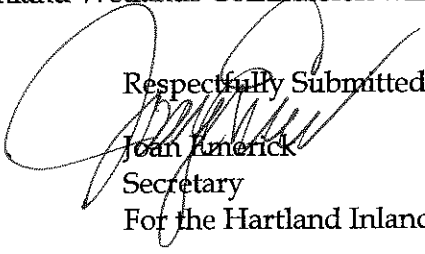
ADJOURNMENT

Chairman William Emerick made a motion to adjourn the meeting; motion seconded by Kevin Kingsley. Motion carried and meeting adjourned at 9:45 p.m.

REMINDER:

The next meeting of the Hartland Inland Wetlands Commission will be on **Wednesday**, February 2, 2011 at 7:00 p.m.

Respectfully Submitted,


Joan Emerick
Secretary

For the Hartland Inland Wetlands Commission



INLAND WETLANDS COMMISSION
TOWN OF HARTLAND
22 SOUTH ROAD
EAST HARTLAND, CT 06027

RECEIVED
DEC 08 2010
BY: *CPR*

MINUTES FOR THURSDAY, DECEMBER 2, 2010
Hartland Room of the Hartland Town Hall
22 South Road, East Hartland, CT 06027

PRESENT: William Emerick, Chairman; William (Willie) Bakken, Vice Chairman; Kevin Kingsley; Donald (Don) Murray; Henry (Hank) Prussing; and Brian Watkins. Scott Eisenlohr Wetlands Enforcement Officer was present only during the AT&T cell tower facility presentation. Also present were First Selectman Wade Cole and Second Selectman Magi Winslow.

Also present were: Lee McMahon, agent for Philip and Nancy Groth, regarding plans to build a patio and barn.

In addition the following AT&T representatives were present: David Vivian, Thomas Buckley, Scott Pollister, Dean Gustafson, and Lucia Chiochio, Esq. to discuss the AT&T cell tower facility proposed to be located at 95 Balance Rock Road, East Hartland, CT.

Also present was a large turnout of residents of the Town of Hartland (as well as a few non-residents) who had questions, concerns and comments about the AT&T cell tower facility.

ABSENT: Margaret (Peggy) Kawa and Thomas (Tom) Daukas.

CALL TO ORDER

- Chairman William Emerick called the meeting to order at 7:02 p.m.

REVIEW OF MINUTES

- The Commission reviewed the Minutes of the November 23, 2010 Special Meeting. William Emerick made a motion to approve the Minutes of November 23, 2010; Motion seconded by Brian Watkins. Motion unanimously carried.

NOTE: This meeting of December 2, 2010 was videotaped by GCTV of Granby, CT. Their website is: www.gctv16.org. This meeting was also recorded on a separate audiocassette by the Hartland Inland Wetlands Commission.

NEW BUSINESS:

- A. Carl Burkhardt, owner of 55 Mountain Road, East Hartland, CT was scheduled to appear before the Commission regarding his plans to build a garage. Mr. Burkhardt was not present; therefore, this matter was tabled until further notice from Carl Burkhardt.
- B. Lee McMahon, agent for Philip and Nancy Groth, owners of 54 Milo Coe Road, West Hartland, CT, appeared before the Commission regarding Mr. & Mrs. Groth's plans to build a patio and barn on their property. Mr. McMahon provided the Commission with a written Soil Report prepared by Thomas Stansfield, MPH, R.S. Professional Scientist and Registered Sanitarian. Mr. McMahon also presented the Commission with his hand prepared mappings and drawings depicting the property area including the patio and barn addition that is planned. After the Commission reviewed and discussed the Soil Report, as well as the mappings and drawings, the Commission concluded that a physical inspection of the site would be required to better determine the existence and location of any wetlands and/or watercourses. The Commission also advised Mr. McMahon that additional documentation, such as an A-2 survey, may be required which will be determined after Commission representatives conduct their site walks and report back to the Commission at their next regular meeting. The Chairman will call Philip and Nancy Groth to schedule appointments to conduct the site walks. The Commission also advised Mr. McMahon that he will be required to appear at the Inland Wetlands Commission January 2011 meeting. The Commission further advised Mr. McMahon to provide a completed Application and an Application Fee of \$100.00 before leaving the meeting that night.

C. AT&T cell tower facility representatives were available to receive public comments and questions regarding the proposed plan to construct a cell tower facility on property located at 95 Balance Rock Road, East Hartland, CT owned by the Ring Mountain Hunt Club. The following AT&T representatives were present: Thomas Buckley, Area Manager of External Affairs for AT&T; David Vivian, a real estate site acquisition consultant with AT&T affiliated with SAI Communications, Rocky Hill, CT; Scott Pollister, Radio Frequency Engineer, affiliated with C Squared Systems, LLC, Manchester, NH, consultant for AT&T; Dean Gustafson, Senior Environmental Scientist and Professional Soil Scientist from Vanasse Hangen Brustlin, Inc. of Middletown, CT, consultant for AT&T. Also present was Attorney Lucia Chiochio from the law firm of Cuddy & Feder, LLP, White Plains, NY, legal counsel for AT&T.

David Vivian provided an overview of the proposed site location and procedures associated with AT&T's pending Application for Certificate of Environmental Compatibility and Public Need filed with the State of Connecticut Siting Council on October 13, 2010; Scott Pollister provided an overview of the radio frequency coverage issues inherent with the topography of Hartland; Dean Gustafson provided an overview of the types of soils and fill found at the anticipated AT&T cell tower site at 95 Balance Rock Road, East Hartland.

The Inland Wetlands Commission asked questions of the various AT&T representatives. Several residents of the Town of Hartland (as well as a few non-residents) also presented their many questions, concerns and comments for the various AT&T representatives and the Inland Wetlands Commission.

This meeting was videotaped by GCTV of Granby, CT. Their website is: www.gctv16.org. This meeting was also recorded on a separate audiocassette by the Hartland Inland Wetlands Commission. Please refer to these sources for additional information and specifics of this matter heard before the Hartland Inland Wetlands Commission at this meeting.

During the final stages of the meeting, the residents of the Town of Hartland asked AT&T if Hartland were to present alternative sites on which to locate the cell tower, would AT&T consider those sites. David Vivian from AT&T responded by saying that AT&T would agree to review and analyze any other sites that Hartland might propose excluding the properties that have already been analyzed by AT&T which are described in AT&T's pending Application for Certificate of Environmental Compatibility and Public Need. Mr. Vivian further stated that the property owners of any alternative sites would have to be willing to allow a cell tower facility on their property before AT&T would conduct an analysis of an alternative site.

The Inland Wetlands Commission was also presented with a written complaint submitted by Attorney David F. Sherwood from the law firm of Moriarty, Paetzold & Sherwood, 2230 Main Street, PO Box 1420, Glastonbury, CT 06033-6620 representing Thomas H. Sirman of 88 Balance Rock Road, East Hartland, CT 06027.

CHAIRMAN'S REPORT:

Chairman William Emerick advised the Commission that a schedule of regular monthly meeting dates for the year 2011 was required to be voted on at this time. The Chairman and the Commission members discussed changing the meeting day from Thursdays to Wednesdays. Chairman Emerick made a motion to hold the Hartland Inland Wetlands Commission's regular monthly meetings on Wednesdays at 7:00 p.m. in accordance with the Hartland Inland Wetlands Commission Schedule of Regular Monthly Meetings for the Year 2011 as attached to these Minutes. Motion seconded by Brian Watkins. Motion unanimously carried.

Regarding preparation of the Agenda for the January 5, 2011 meeting - After discussion with the Commission, Chairman William Emerick made a motion to include on the January 5, 2011 Inland Wetlands Commission Agenda review and discussion of the complaint submitted by Attorney David F. Sherwood representing Thomas H. Sirman.

ADJOURNMENT

Chairman William Emerick made a motion to adjourn the meeting; motion seconded by Kevin Kingsley. Motion carried and meeting adjourned at 10:00 p.m.

REMINDER:

The next meeting of the Hartland Inland Wetlands Commission will be on **Wednesday, January 5, 2011** at 7:00 p.m.

Respectfully Submitted,



Joan Emerick

Secretary (Pro Tem)

For the Hartland Inland Wetlands Commission

Attachment

cc: Commission Members; First Selectman Wade Cole; Planning & Zoning Commission Chairman Warren Haag
Hartland Town Clerk Elizabeth Essel; Farmington River Watershed Association; Farmington Valley Health District; File



INLAND WETLANDS COMMISSION
TOWN OF HARTLAND
22 SOUTH ROAD
EAST HARTLAND, CT 06027

HARTLAND INLAND WETLANDS COMMISSION
SCHEDULE OF REGULAR MONTHLY MEETING DATES FOR THE YEAR 2011

NOTE: ALL MEETINGS ARE HELD AT 7:00 P.M.

WEDNESDAY – JANUARY 5, 2011

WEDNESDAY – FEBRUARY 2, 2011

WEDNESDAY – MARCH 2, 2011

WEDNESDAY – APRIL 6, 2011

WEDNESDAY – MAY 4, 2011

WEDNESDAY – JUNE 1, 2011

WEDNESDAY – JULY 6, 2011

WEDNESDAY – AUGUST 3, 2011

WEDNESDAY – SEPTEMBER 7, 2011

WEDNESDAY – OCTOBER 5, 2011

WEDNESDAY – NOVEMBER 2, 2011

WEDNESDAY – DECEMBER 7, 2011



Northwest Conservation District
1185 New Litchfield Street, Torrington CT 06790
Telephone (860)-626-7222, Fax (860)-626-8833

Hartland Inland Wetland Commission
William Emerick, Chairman
22 South Road, East Hartland, CT 06027

November 8, 2010

Re: Proposed Telecommunications Tower Facility at 95 Balance Rock Road, Hartland

Dear Mr. Emerick,

This letter is in response to the Inland Wetland Commission's request to have the Northwest Conservation District (NCD) verify the wetland delineation accomplished for the project mentioned above. I visited the site this morning (November 8, 2010) with the soil scientist representing the applicant (Dean Gustafson), the applicant's site acquisitions agent (David Vivian) and two members of the Hartland Inland Wetland Commission (Don Murray and Brian Watkins). To verify the wetland delineation I reviewed a set of engineered design sheets titled Site Access Map for SR2857, 95 Balance Rock Road, East Hartland CT, prepared by CHA on August 30, 2010.

I excavated soil cores in the vicinity of Wetland Flags VHB #A17, #A10 and #B3 and the wetland delineations in these areas are accurate. It is likely that some of the fill deposited to stabilize the driveway into the property was placed on wetland soils. Fill was placed to a depth greater than 2 feet. More than 2 feet of fill deposited in a wetland disqualifies a wetland soil from delineation. During the site walk there was discussion of burying utilities to the tower compound along the proposed drive alignment. This would reduce potential disturbance to wetland areas and native soil as compared with the current proposal of burying the above ground power line servicing the Ring Mountain Hunt Club building.

As the Town of Hartland continues to process this application, engineered design sheets will be drafted to detail both the "Soil Erosion and Sediment Control Plan" and the "Stormwater Quality Management Plan". Once these plans are drafted the NCD would welcome the opportunity to review them and provide comments and recommendations to make sure this project is as protective as possible of Hartland's valuable wetland and open water resources. The NCD appreciates this opportunity to assist the Town of Hartland, and if you or your commission have any questions please do not hesitate to contact me.

Sincerely,

Sean Hayden

Certified Soil Scientist - (Society of Soil Scientist of Southern New England)
Certified Professional in Erosion and Sediment Control - (CPESC # - 2181)

cc: Wade Cole (First Selectmen, Hartland)



- Ecology
- Soil & Wetland Studies
- Water Quality Monitoring • GPS
- Environmental Planning & Management
- Ecological Restoration & Habitat Mitigation
- Aquatic, Wildlife and Listed Species Surveys
- Application Reviews • Permitting & Compliance

January 5, 2011

Inland Wetlands Commission
Town of Hartland
22 South Road
East Hartland, CT 06027

Re: *Unpermitted Activities in Wetlands*
95 Balance Rock Road, Hartland, CT
REMA Job No.: 10-1517-HAR7

Dear Commissioners:

At the request of Mr. Thomas Sirman, who resides at 88 Balance Rock Road, immediately across and to the south of the above-referenced property, we are submitting herein information and analysis that clearly shows:

1. That the property owner, the Ring Mountain Hunt Club, has conducted un-permitted clearing and grubbing activities within regulated wetlands, as recently as the early to mid-1990s. This area, that was previously a full-canopied forested wetland, is currently maintained as a mowed meadow.
2. That the property owner, the Ring Mountain Hunt Club, is engaged in an ongoing deposition a toxic heavy metal, that is, lead (in lead shot) within a regulated wetland area. The property owner has not pursued any permits before the Commission for the resulting significant adverse physical impacts upon the wetlands and the habitat they provide to the local wildlife assemblage.

1.0 REVIEW OF ARCHIVED AERIAL PHOTOGRAPHS

A series of aerial photographs (flight years 1970, 1975, 1980, 1986, 1990, 1995, and 2000) were examined to determine the timing of encroachment within the site's regulated wetlands. Specifically, these aerials were reviewed at the Connecticut State Library in



Hartford, using a high resolution TOPCON 3x stereoscope, and were photographed to produce the figures attached to this report (see Photos 1 and 2, and Figures 1 through 6).

The sources of the 2004 and 2010 aerial photographs, which were captured and downloaded as electronic, were the websites for Connecticut Environmental Conditions Online and Google Earth (see Figures 7 and 8, attached).

What is obvious from the aerial photo review is that encroachment into the wetland at west-central section of the site (see Figure 10), commenced sometime between 1980 and 1986 and was completed, at least in a grand scale, sometime between 1990 and 1995.

Based on the available plans, roughly 5,600 square feet of high quality forested wetland was cleared and grubbed, and has been maintained as a mowed wet meadow ever since. It is our opinion that the maintained meadow not only is a lower quality wetland habitat than the pre-existing forest, but also, as will be discussed below, has been artificially maintained in a manner that encourages its contamination by a toxic metal (i.e. lead), with commensurate impacts upon the biota that utilize the meadow for foraging and hunting.

2.0 LEAD CONTAMINATION OF REGULATED WETLAND

It is well established that lead can be toxic and harmful to wildlife in general. Ingestion or exposure to lead inhibits enzymes that are involved in hemoglobin synthesis (causing anemia), reduces fertility, hatching success, genital atrophy, impairs the immune system, and also results in detrimental behavioral changes. The scientific literature is replete with studies conducted on ecological lead poisoning, and have, at a minimum, resulted in a nationwide ban in the use of lead shot to hunt waterfowl.

Much could be said about the toxic effects of lead shot to wetlands and the wildlife that utilize them, but we will limit this testimony herein for the sake of brevity. Should the Commission want to review additional materials, including scientific papers, we would be happy to provide these at a later date. Here are some relevant facts for this subject property:

1. The applicant (i.e. AT&T) for a cellular tower proposal on this property, has property has produced an Environmental Site Assessment, dated June 4th, 2010 (we provide one copy for the Commission's record). Composite soil samples within the top 6 inches from the surface were take at three locations (see attached Figure 11), including one in the subject wetlands that have been cleared (i.e. Sample 3).



2. The recorded lead concentrations, while not of concern for human exposure, are well within the limits of concentrations that are harmful to a variety of wetland associated organisms, even if lead shot is not directly ingested. Since lead is not particularly soluble only the top 1-2 inches of the soil is typically contaminated from lead shot. The fact that the composite sample was taken of the top six inches would suggested that concentrations of lead, particularly in the subject wetland, is much higher at the surface or just below, where most biological activity takes place.
3. Ground feeding and foraging organisms, such as mourning doves, which are undoubtedly part of the avian assemblage at the site, are poisoned when they ingest shot, either as seed or as gravel for their gizzards. The abundant hawks that occur at the site and its vicinity, and which forage in this wetland clearing, would be poisoned by the lead in the prey they hunt in these wetlands, including mice, shrews, and other birds, such as the mourning doves.
4. The main food items for common wetland associated species that would utilize the cleared wetland at the site, such as shrews and red-backed salamanders, include arthropods and worms. These ingest or are exposed to contaminated soil at or near the surface, passing this contamination to their predators.

In conclusion, the ongoing broadcast of lead shot in the regulated wetlands at the site, particularly the cleared mowed meadow wetland, constitutes a significant adverse physical impact to the wetland habitat, including the wetland soils.

Please feel free to contact our office with any questions on the above.

Respectfully submitted,

REMA ECOLOGICAL SERVICES, LLC

A handwritten signature in black ink, appearing to read "George T. Logan", with a long horizontal flourish extending to the right.

George T. Logan, MS, PWS, CE
Registered Soil Scientist
Certified Professional Wetland Scientist

Attachments: Figures 1 through 11, Photos 1 and 2
Enclosure: Environmental Site Assessment

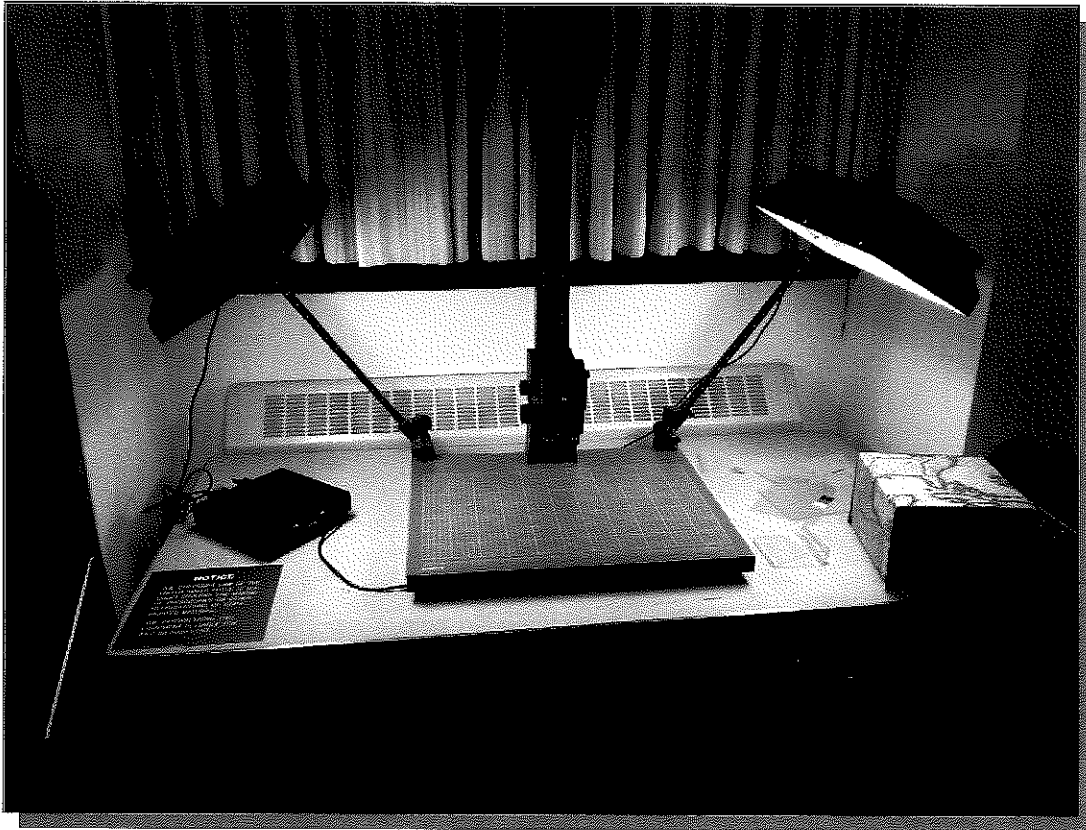


Photo 1: Setup for taking high quality photos of archives at the Connecticut State Library

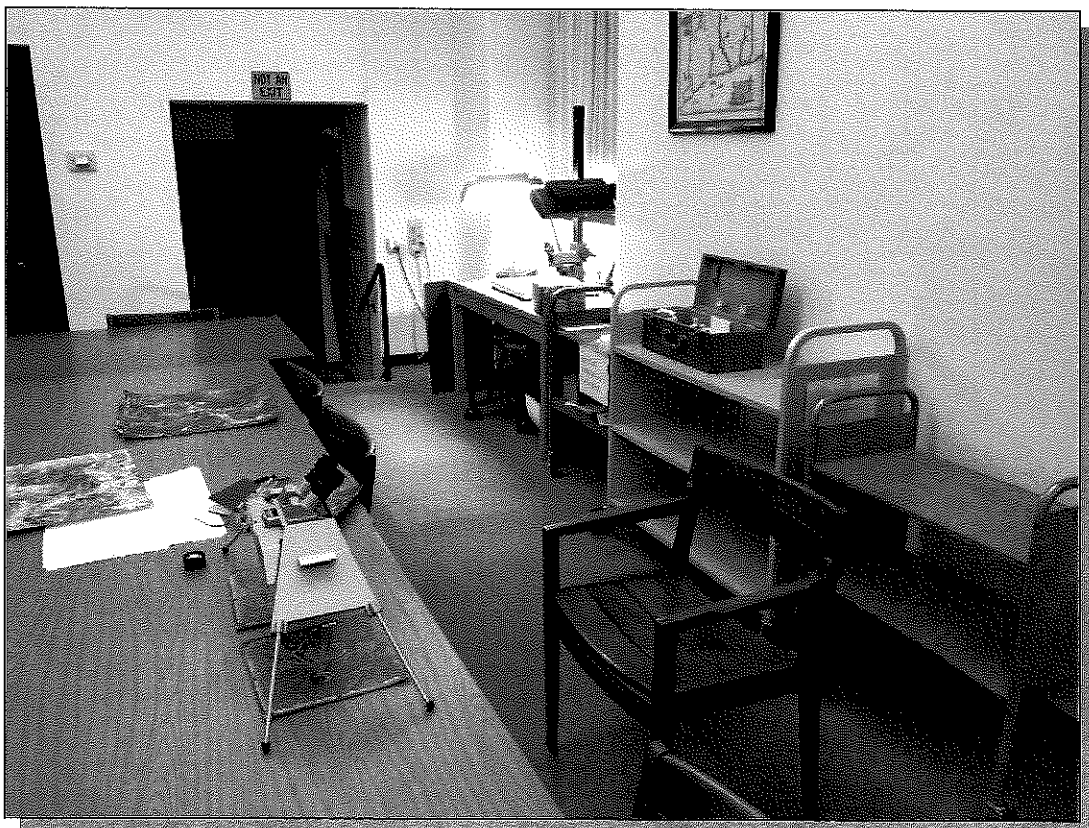
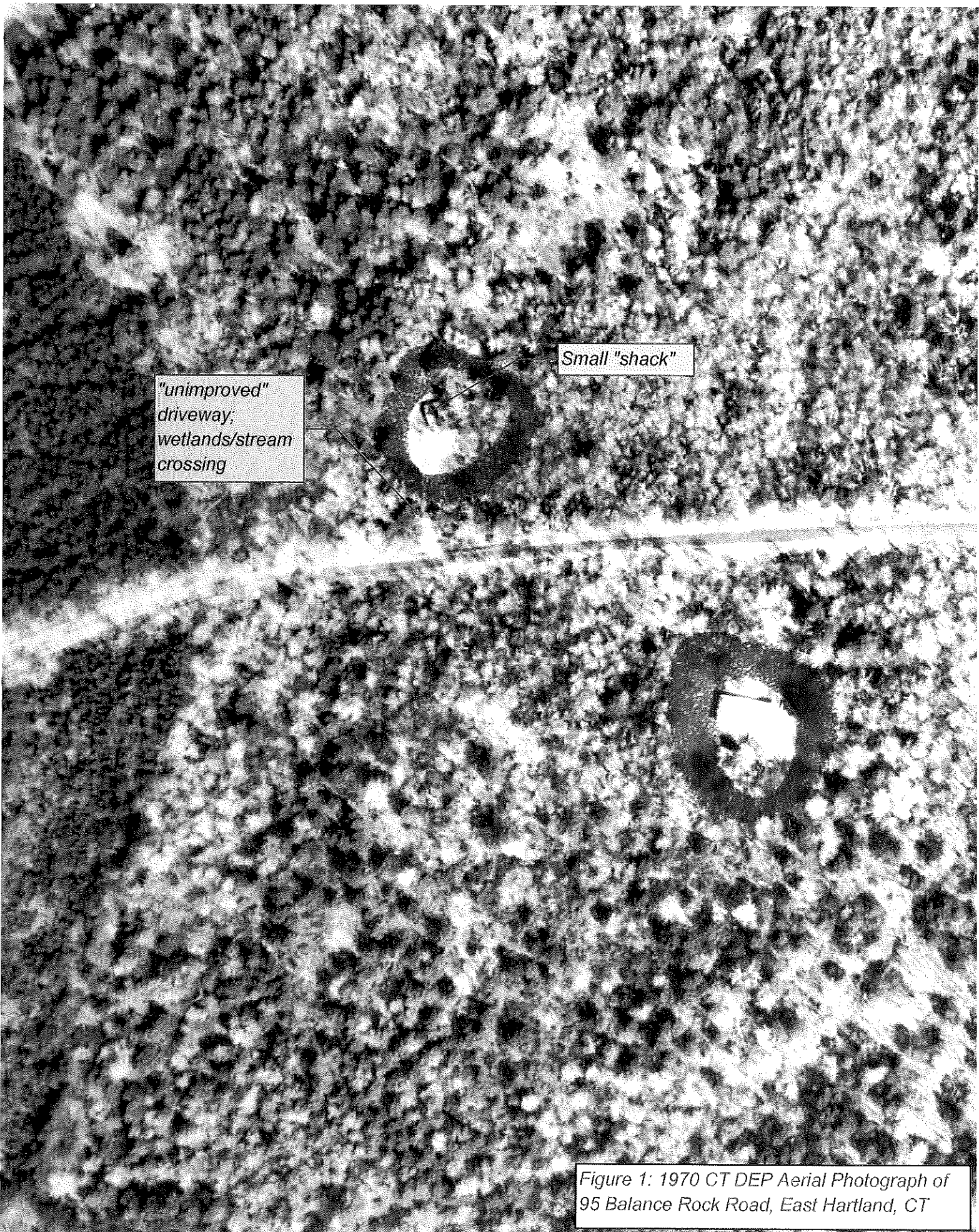


Photo 2: Archived Aerials being reviewed for subject property at the Connecticut State Library.



"unimproved"
driveway;
wetlands/stream
crossing

Small "shack"

Figure 1: 1970 CT DEP Aerial Photograph of
95 Balance Rock Road, East Hartland, CT

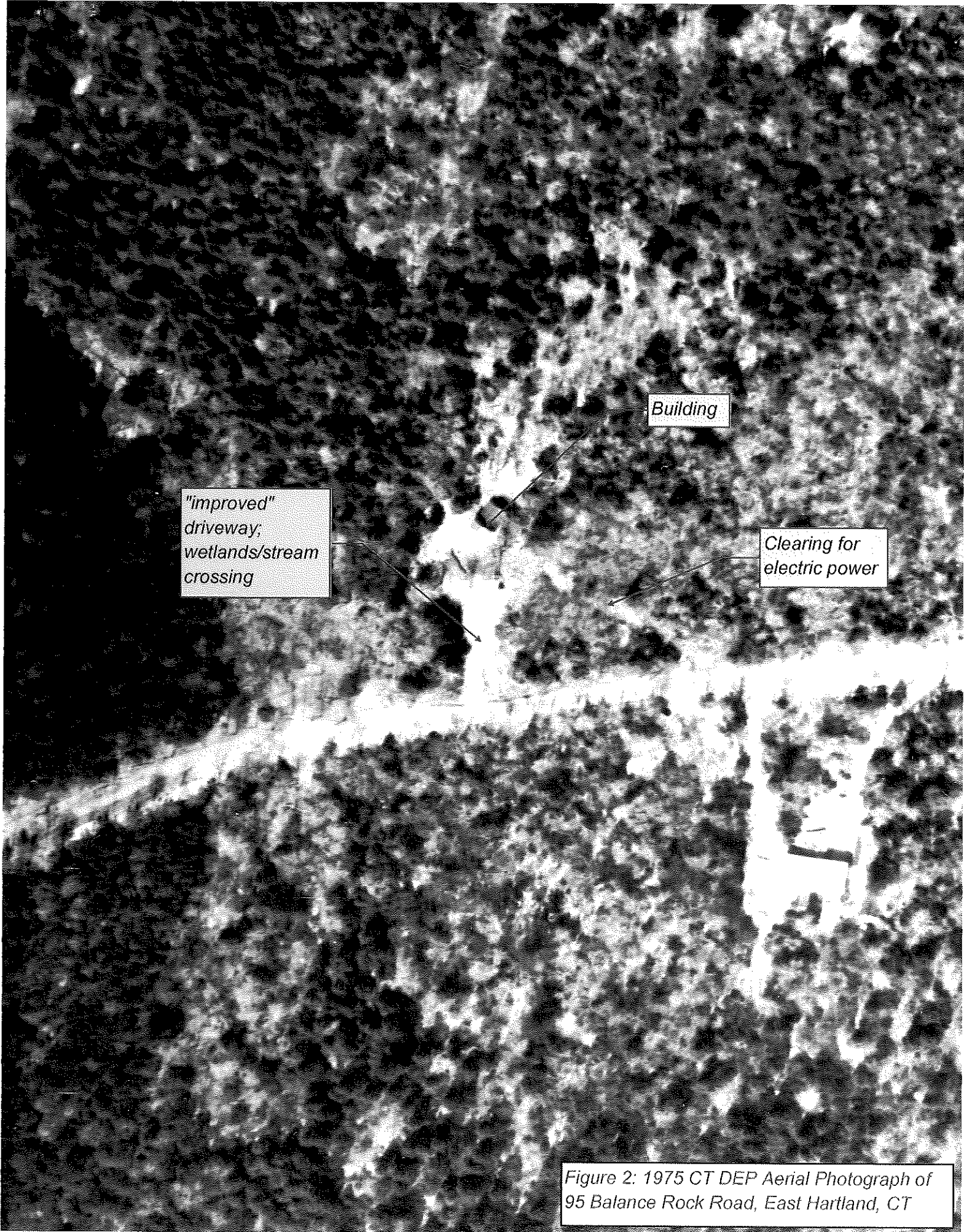


Figure 2: 1975 CT DEP Aerial Photograph of 95 Balance Rock Road, East Hartland, CT



*modest new
clearing in
uplands*

Building

*Figure 3: 1980 CT DEP Aerial Photograph of
95 Balance Rock Road, East Hartland, CT*

clearing within
wetland has
begun

Building

Figure 4: 1986 CT DEP Aerial Photograph of
95 Balance Rock Road, East Hartland, CT

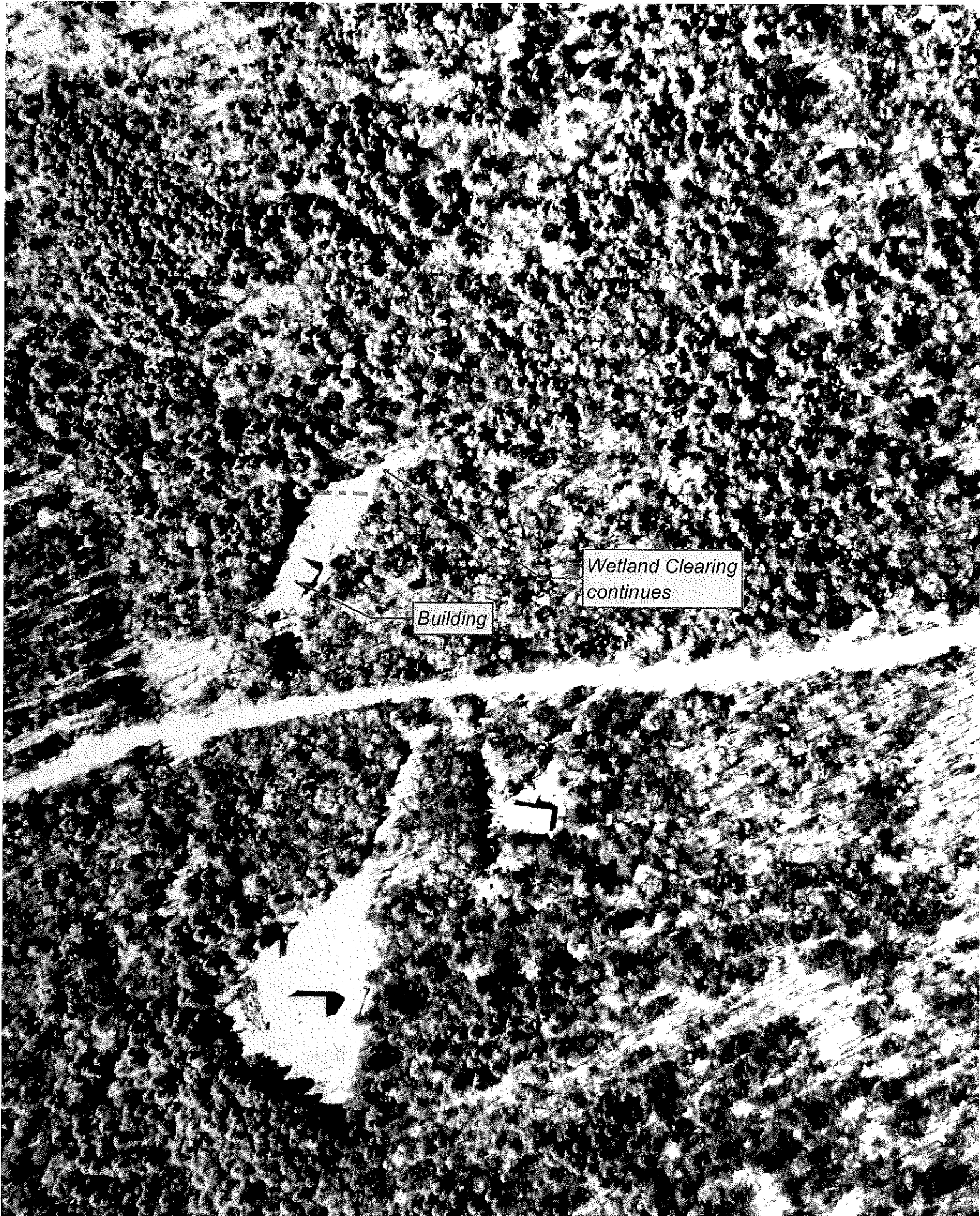


Figure 5: 1990 CT DEP Aerial Photograph of 95 Balance Rock Road, East Hartland, CT

wetland clearing
mostly completed

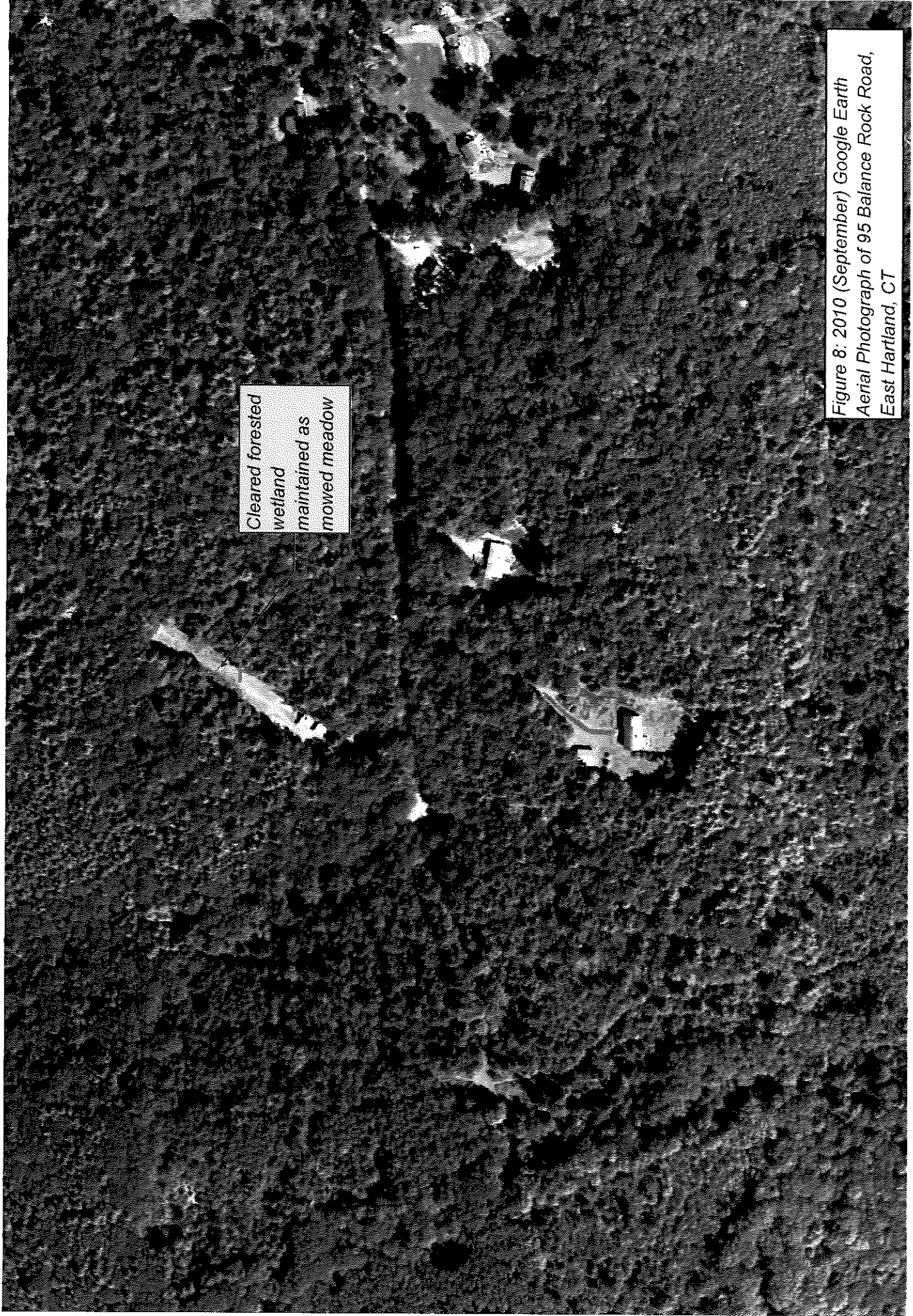
Figure 6: 1995 CT DEP Aerial Photograph of
95 Balance Rock Road, East Hartland, CT

cleared forested
wetland
maintained as
mowed meadow

Hartland

Balance Rock Rd

Figure 7: 2004 CT DEP Aerial Photograph of
95 Balance Rock Road, East Hartland, CT



Cleared forested
wetland
maintained as
mowed meadow

Figure 8: 2010 (September) Google Earth
Aerial Photograph of 95 Balance Rock Road,
East Hartland, CT

Note: Wetland Boundary approximate; taken from other plans produced by AT&T

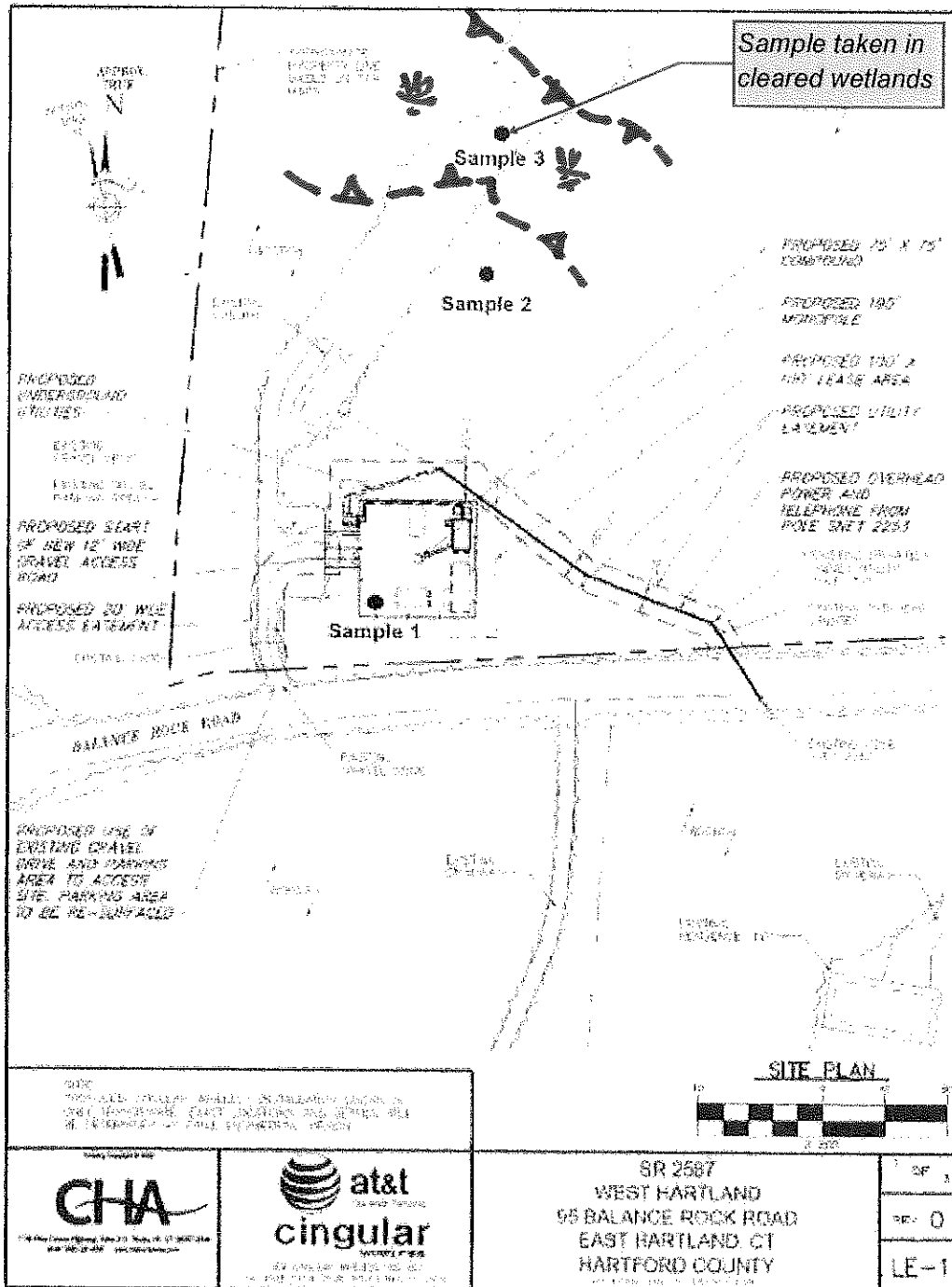


FIGURE 11: Figure from Environmental Site Assessment showing Sample Locations for lead testing.

ADMINISTRATIVE INFORMATION

PARCEL NUMBER 16-07-038
Parent Parcel Number
Property Address BALANCE ROCK RD 95
Neighborhood 1 East Hartland

OWNERSHIP

RING MOUNTAIN HUNT CLUB
C/O CHARLES OSBORN
71 ANDERSON RD
E HARTLAND, CT 06027
Census Tract: 3301

Tax ID 98100767

TRANSFER OF OWNERSHIP

Date

04/11/1958 *

BK/Pg: 31, 359
\$50000

Property Class 101 Single Family
TAXING DISTRICT INFORMATION
Jurisdiction

RESIDENTIAL

VALUATION RECORD

Area 065
Routing Number 5-2-011

Assessment Year	10/01/2001	10/01/2002	10/01/2005
Reason for Change	2001	2002	2005
VALUATION	L 0	82300	110300
Market Value	B 0	91530	110160
	T 0	173830	220460
VALUATION	L 0	57610	77210
70% Assessed/Usb	T 86240	64070	77110
	T 86240	121680	154320

LAND DATA AND CALCULATIONS

Rating	Measured	Table	Prod. Factor	Base	Adjusted	Extended	Influence	Value
Soil ID	Acres	Depth	-or- Factor	Rate	Rate	Value	Factor	Value
Actual	Effective	Effective						
Frontage	Frontage	Depth	Square Feet					
	2.0000		1.00	40000.00	40000.00	80000		80000
	8.1000		1.00	3000.00	3000.00	24300		24300
	2.0000		1.00	3000.00	3000.00	6000		6000

1 Homesite
2 Res Excess Acres
3 Res Excess Acres

Legal Acres: 12.1000

Supplemental Cards
TRUE TAX VALUE 110300

Supplemental Cards
TOTAL LAND VALUE

IMPROVEMENT DATA

16-07-038 Property Class: 101
BALANCE ROCK RD 95

PHYSICAL CHARACTERISTICS

Style: Colonial
Occupancy: Single family
Story Height: 2.0
Finished Area: 1728
Attic: None
Basement: None

ROOFING
Material: asphalt shingles
Type: Gable
Framing: Std for class
Pitch: Not available

FLOORING
Slab 1.0
Sub and joists 2.0

EXTERIOR COVER
Hardwood 1.0, 2.0
Wood Siding 1.0, 2.0

INTERIOR FINISH
Drywall 1.0, 2.0

ACCOMMODATIONS
Finished Rooms 1
Fireplaces: 1

HEATING AND AIR CONDITIONING

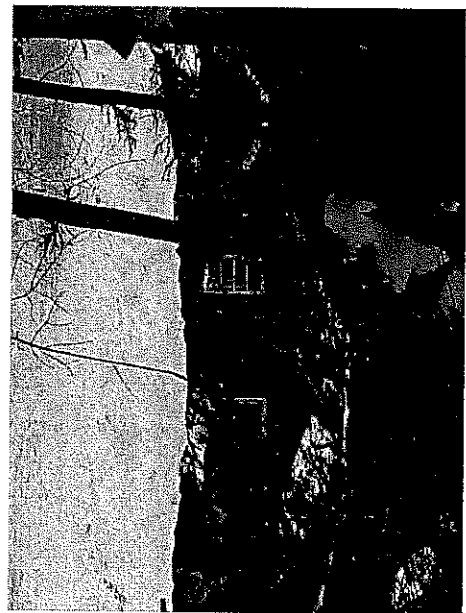
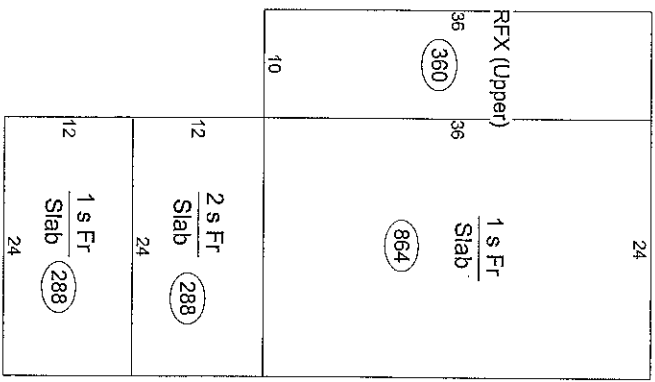
Primary Heat: No Heat
Lower Full Part
/Bsmt 1 Upper Upper

PLUMBING

Kit Sink 1 1
Water Heat 1 1
TOTAL 2

REMODELING AND MODERNIZATION

Amount Date



SPECIAL FEATURES

Description	Value	ID	Use	Story Hgt	Const Type	Year Const	Eff Cond	Base Rate	Feat-ures	Adj Rate	Size or Area	Computed Value	Phys Depr	Obsol Depr	Market Add	% Comp	Value	
D :MAS-STK	3400	D	DWELL	0.00	AVG-	1975	1975	AV	0.00	Y	0.00	1728	132720	17	0	100	100	110160

SUMMARY OF IMPROVEMENTS

Data Collector/Date	Appraiser/Date	Neighborhood	Supplemental Cards	TOTAL IMPROVEMENT VALUE
EDM 07/03/2002	01/1900	Neigh 1 AV		110160