

From: Lois Laczko February 13, 2012 9:55:09 AM  
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SIMSBURY AQUIFER PROTECTION AGENCY MINUTES  
MAY 16, 2011  
SPECIAL MEETING

I. CALL TO ORDER

James Gallagher, Chairman, called the special meeting of the Simsbury Aquifer Protection Agency to order at 7:00 p.m. in the Main Meeting Room at the Town Offices. The following members and alternates were present: Edward Pabich, Robert Pomeroy, Bruce Elliott, Madeleine Gilkey and Thomas Doran. Also in attendance were Hiram Peck, Director of Planning, and other interested parties.

II. APPOINTMENT OF ALTERNATES

Chairman Gallagher appointed Commissioner Gilkey to serve for Commissioner Salls, and Commissioner Doran to serve for Commissioner Vaughn.

Commissioner Pabich read the Call.

III. PUBLIC HEARING(s), DISCUSSION AND POSSIBLE VOTE

1. Adoption of the Aquifer Protect Layer of the Town of Simsbury's Zoning Map.

2. Adoption of the Town of Simsbury's Aquifer Protection Area Regulation.

Mr. Peck said that the ordinance that they have in front of them is the same aquifer protection ordinance that they have seen and discussed at previous meetings. The ordinance is mandated by the Department of Environment Protection and there is very little room with regard to wording in the ordinance. This particular version has been to the DEP, and also to the Council of Governments for review.

Mr. Peck said that as part of hearing it is required that he reads the Council of Governments referral comments into the record. The comments are dated May 12, 2011 and reads as follows.

Staff at the Council of the Regional Planning Commission in the Capitol Region Council of Governments has reviewed this referral and finds no apparent conflict with the regional plans and policies or concerns of neighboring towns. The proposed Aquifer Protection Regulation, which accompanies the proposed map change, is in harmony with the intent and advances the following watersheds and water quality goals of the Capitol Regions Plan of Conservation and Development. First, it improves water and maintains water quality; second, protect water supply and increases water conservation efforts. Questions concerning this referral should be directed to Linda Santo at CRCOG.

Mr. Peck said that the Council of Governments finds no conflict with the regional plan. This is an important point to make with a public hearing.

Mr. Peck said initially they had talked about possibly incorporating this into the Zoning Regulations. He said that he was reminded by the DEP that we cannot do that. That is the reason for meeting as the statutory Aquifer Protection Agency. The ordinance has been reviewed by the DEP and by CRCOG and they find it in keeping with their requirements.

Mr. Peck said that the map that is on the board is the same map that they have been looking at for sometime now and the aquifer protection areas are those areas outlined in red and cross hatched. He distributed a few copies to the Commissioners. This map shows where the aquifer regions are located. Those areas are specifically designated by the DEP after what is called Level A aquifer mapping is done by the water companies. There has been some question about why those areas are shown, and other areas that were previously mapped, are not shown. Mr. Peck said that he would like to add into the record the DEP's comments on that important point.

The map that they sent to DEP is not adversely effective by any of the comments that were just made. This is the map that DEP has seen and they are in support of that map.

Mr. Peck said that Avon Water Companies well number 2, located near the south end of town, does not show up as

mapped aquifer. He said that this area extended in Simsbury from the Avon Water Companies well field on the preliminary Level B maps, but with the final Level A mapping the well field falls out. The reason that happens is that the areas that are mapped on the final map are only those areas which are "direct recharge areas". He said that direct recharge are areas where the water falls in the ground and goes directly to a water supply well, while indirect recharge are areas where the water falls into the ground and has to go over some topographic horizon or some other obstacle in order to get to the well to recharge the well. When the Level A mapping was done for that well field, that area according to DEP, did not qualify to be on the map.

Commissioner Gilkey asked if well and well field is the same as aquifer. Mr. Peck said that aquifer is actually sort of a sandy gravel deposit, while the well is actually the casing that is put in the ground that you get the water from for public water supply purposes. These are not individual private wells, but large public water supply wells. Mr. Peck said that they are located in the aquifer area. He said that this program is really a well head protection program, rather than an aquifer protection program. The state has been stuck with the name aquifer protection program for many years. Mr. Peck said the well head protection program talks about land uses that are in the area of these aquifers where water flows directly to these water supply wells.

Mr. Peck said that once this regulation is adopted, we have to then go out and do lands use inventories on all the areas that are mapped as aquifers and find out what the land uses are in those areas. If people have uses that need to be registered, then we are required to create a registration index and tell them that these are the requirements that they have to take into account when they are using the land for particular uses in those areas. It is to protect the water quality of the large community water supply wells.

Commissioner Pabich asked if the land is vacant and they are presented with a development proposal that is in that area will there be some guidelines that this Commission will have to follow in addressing that development. Mr. Peck said if someone comes in with a particular use, and this Commission or the Conservation Commission finds that there is a particular threat to the aquifer from that use, the application may deserve an extra hard look during the whole process. Mr. Peck used a car wash as an example of an application that would need specific measures to make sure that the aquifer was not contaminated.

Commissioner Elliott questioned the Avon Water Companies field number 2 saying that it was mentioned that field number 2 is along the Avon town line and goes into Simsbury. He said that there are four monitoring well

heads protruding from the ground on the 68 acres that CL&P/NE Utilities sits on. Commissioner Elliott asked if this is the area of field number 2, or is Mr. Peck referring to field number 2 Level B. Mr. Peck said that DEP calls it well number 2 that is located in the area that Commissioner Elliott is referring to, but because of the way these were mapped this does not include any land in the Town of Simsbury. That is why it not showing up on the map.

Mr. Peck said that Level A final mapping is the aquifer protection area boundary. When Level A mapping is completed and approved the approval letter is sent to the DEP by the Water Company. This is the stage that the Commission is at right now. The boundaries of the aquifers are on the zoning map, but as it is not a zoning regulation, the Zoning Commission actually has a separate duty as the Aquifer Protection Agency to convene when one of these things comes in. Mr. Peck said that if an application should come in, and the project is in one of these areas, they may have to convene as the Aquifer Protection Agency and make a decision based upon requirements of the Aquifer Protection Regulation, and then reconvene as the Zoning Commission to make another determination. Mr. Peck said that he did ask the DEP why, if it is not a zoning regulation, DEP had them put the designation on the zoning map. He did not get a clear answer.

Commissioner Elliott said that there is a schedule on page 27 that calls for a fee structure. He asked Mr. Peck if he is going to take this up with the Board of Selectmen after this Commission acted on the regulation. Mr. Peck said that these fees were all approved by the DEP and they are the same as the surrounding towns.

Chairman Gallagher opened the public hearing up to public comment.

Rick Wagner, 152 Old Farms Road, said that his family has some property that is on the aquifer protection area. He asked for a better idea as to what the effective date is on this regulation. His concern is that they have a tenant on the property and asked if he has to be in compliance with the new regulation within 60 days, and does this activity have to be listed and registered.

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Mr. Peck said that they will be letting everyone that is required to be registered know as soon as we are able to make the list of who needs to be registered. This does become effective 60 days after the hearing date should the Commission decide to approve it. They will let people know as

soon as they can to give them as much lead time as possible. He said that they hope that everyone who is in the area is in compliance.

Rick Wagner, 152 Old Farms Road, said that this also talks about activities that were considered registered activities up to five years previous. If you are no longer doing those activities, would you still need to register them? Mr. Peck said that probably they will make a note of them. They should be at least listed. This would create a database as to things that may have happened on the property previously.

Joan Coe, 26 Whitcomb Drive, said that there was a problem with water contamination years ago. She said that what is put into the soil sometimes can create a problem with the aquifer. We are increasing farming and sometimes things are put down on the land that can cause a serious problem in the aquifer area. She spoke of chicken manure being put on properties, and that she had read an article that this increases the arsenic in the soil. She also spoke of people doing refinishing on their property and putting stuff into their septic system that could also cause a problem. The general public has to be aware of what they put into the ground and to be very careful.

Harald Bender, 6 Maureen Drive, and also part of the Southwest Homeowners Association. The one thing that bothers him is that what happens in Simsbury does not necessarily stay in Simsbury. The aquifer that feeds one of the well fields in Avon essentially extends all the way up to Onion Mountain area. That whole area is the indirect recharge area for the aquifer that is in the protection area in Avon. Mr. Bender said that approximately 90% of the houses are served by wells. He asked Mr. Peck what they are keeping in mind for some of the well fields that everybody is using.

Mr. Peck said that the small portion of the aquifer that is shown on the map that they are required to adopt, at this point of time, is all that they are required to look carefully at. He said that the map that they have been using for a long time shows the Stratton Brook Aquifer over through a large portion of the area that Mr. Bender is talking about. Those are areas where the local regulations would apply, whereas the DEP regulation may not. Mr. Peck said if you look at the whole town in terms of the aquifer areas that have been mapped for many years, these areas are where a good portion of the town is covered.

Joan Coe, 26 Whitcomb Drive, said that several years ago the Francis Farm on Holcomb Street had horses. The concern was high nitrate content. They did test some of the wells in the surrounding area and did find that there were high nitrates in the water. The nitrate content from the horse droppings did leach into the wells.

Chairman Gallagher closed the public hearing.

Commissioner Pabich moved to adopt the Aquifer Protection Layer of the Town of Simsbury's Zoning Map. The motion was seconded by Commissioner Pomeroy.

Commissioner Elliott said that he wants to be sure that he understands that there is no latitude for the Town. They would be in violation of something if they do not vote. Mr. Peck said that is true.

The motion passed unanimously with a 6-0 vote. Commissioners Gallagher, Pabich, Pomeroy, Elliott, Gilkey and Doran all voted in favor.

Commissioner Pabich moved to adopt the Town of Simsbury's Aquifer Protection Area Regulation. The motion was seconded by Commissioner Pomeroy and passed unanimously with a 6-0 vote. Commissioners Gallagher, Pabich, Pomeroy, Elliott, Gilkey and Doran all voted in favor.

#### IV. ADJOURNMENT

The Simsbury Aquifer Protection Agency meeting adjourned at 7:35 p.m.

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Edward Pabich, Secretary