

**MINUTES OF THE
AQUIFER PROTECTION AGENCY
NOVEMBER 7, 2016**

ROLL CALL:

MEMBERS PRESENT: Eric Prause, Chairman
Andy Kidd, Vice Chairman
Michael Stebe, Secretary
Jessica Scorso

Alternate Members Sitting: Teresa Ike

Alternate Members: Patrick Kennedy

Absent: Timothy Bergin
Julian Stoppelman

Also Present: Gary Anderson, Director of Planning
Renata Bertotti, Senior Planner
Matthew Bordeaux, Environmental Planner
Karen Logan, Recording Secretary

Jonathan Larabee – 81 Adams Street - Request for Aquifer Protection Area Registration

Attorney Leonard Jacobs, of Jacobs, Walker, Rice & Barry, LLC, 146 Main Street, Manchester, Connecticut, presented for the applicant. He explained that when the applicant initially completed the form to register the property at 81 Adams Street with the Aquifer Protection Agency, he misunderstood the form and inadvertently excluded registration. Moving forward, the applicant believed he was registered appropriately and only recently discovered that the registration had been excluded. The applicant is appearing before the Agency to request approval of a late registration. The applicant intends the property to be used for auto detailing and oil changes.

Mr. Bordeaux provided more detail and background on the state-mandated registration process which is intended to identify and maintain records of potential threats to aquifers and protected wetlands. Mr. Bordeaux concluded by noting that Town staff recommended approval of the late registration request and certified that the regulated activity was eligible for registration.

Mr. Kidd commented that it was understandable how such a mistake could have been made. He asked if there was a specific timeline for allowing late registration under the State's regulations. Mr. Bordeaux responded that there was no end date for late registration, according to the town's attorney and the State Department of Energy and Environmental Protection.

Mr. Stebe noted that the crux of the matter was that the applicant intended to fully comply and register. He continued by saying that since there was no definitive guide on late registration, he felt it would be best to recognize the intent and approve the request.

Mr. Prause asked if there was a separate form for the exclusion and Mr. Bordeaux explained the

form that was used and how the applicant became confused.

Mr. Prause asked if the exclusion clause included a list of regulated activities. Mr. Bordeaux said that it did and read the list of activities.

Mr. Prause asked what kind of hazardous materials would be stored on the property. The applicant, Mr. Jonathan Larabee, stated that there were three tanks containing waste oil on the site and that all three were above ground.

Mr. Prause commented that the property was only used for storage of vehicles, not for repair of internal combustion engines. Mr. Larabee responded that the site is used primarily for storage, but is also used for internal work in support of the main repair facility.

Mr. Prause asked Mr. Larabee if he completed the form himself and if he remembered doing so. Mr. Larabee said that he did remember. Mr. Prause then asked Mr. Larabee to explain how he misunderstood the form. Mr. Larabee responded that his interpretation of the form was that the property was excluded from having to register because of the low volume of work performed. The error was discovered when the Town realized it and as soon as he was made aware of the error, he acted to try to correct it.

Mr. Prause asked Mr. Larabee if his company had been following best practices consistently and Mr. Larabee said that they followed best practices at the main facility and operated under the same rules at this facility.

Mr. Kidd added that he agreed with Mr. Stebe that Mr. Larabee had intended to register the property appropriately and he approved of accepting the late registration.

Request for Aquifer Protection Area Registration

MOTION: Mr. Kidd moved to accept the registration of regulated activities (B), (C), and (D) as defined in Section 2(a)(35) of the Aquifer Protection Area Regulations. Mr. Stebe seconded the motion and all members voted in favor.

The reason for the approval is that the registration is complete and the registrant has certified the subject facility is in compliance with all the best management practices set forth in Section 12 of the Aquifer Protection Area Regulations.

The Chairman closed the Aquifer Protection Agency meeting at 9:26 p.m.

I certify these minutes were adopted on the following date:

December 12, 2016
Date

Eric Prause, Chairman

NOTICE: A DIGITAL RECORDING OF THIS MEETING CAN BE HEARD IN THE PLANNING DEPARTMENT.