

From: Lois Laczko March 5, 2009 3:39:42 PM
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Cc:

ADOPTED

CONSERVATION COMMISSION/INLAND WETLANDS & WATERCOURSES AGENCY
MINUTES – REGULAR MEETING
February 17, 2009

I. CALL TO ORDER

Chairman Miller called the Regular Meeting of the Conservation Commission/ Inland Wetlands and Watercourses Agency to order at 7:30 PM in the Main Meeting Room of the Simsbury Town Offices. The following members were present: Commissioners Margery Winters, Donald Rieger, Ryan Mihalic, Margaret Sexton and Patrick Kottas. Also in attendance was Howard Beach, Conservation Officer.

II. APPOINTMENT OF ALTERNATES

Chairman Miller appointed Commissioner Kottas to serve in the absence of Commissioner Cunningham and Commissioner Rieger to serve in the absence of Commissioner Bucknam.

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

a. Application of Noris E. Christensen, Neils E. Christensen and Noel E. Christensen, Owners, Noris E. Christensen, Applicant, for an Inland Wetlands Permit to construct two driveways and related grading, construction of a portion of one house, and construction of portions of three septic systems within the 100-foot upland review area to a wetland on property located on the north side of Shingle Mill Road (Map A-10, Block 419, Lot 13) (continued from January 20th)

Commissioner Rieger recused himself from the Commission.

David Whitney, Professional Engineer, stated that this property was the subject of an application several years ago. This is a 23 acre site on the north side of Shingle Mill Road, which is in an R-40 zone. The site has just less than 600 feet of frontage.

Mr. Whitney stated that there is a year round brook that runs north to south on this property, as well as Stratton Creek, which runs under Shingle Mill Road. There is an intermittent watercourse on the western portion of this site. Four acres of the wetlands on this site have been delineated by a Soil Scientist in the past.

Mr. Whitney showed the Commission members a plan depicting the wetlands. He stated that Wetland #1 is a small area of wetlands, which is located close to Shingle Mill Road. Wetland #2 is another small area in the middle of the site. Wetland #3 is also a wetland located in the middle of the site. He stated that there is a concrete structure and spring located adjacent to Wetland #3. There is an intermittent watercourse that flows out of Wetland #3, which is overflow in the springtime. He stated that there are also two existing wood roads in this area. This intermittent watercourse flows down this road, crosses it, comes down the toe of the slope and disappears. Mr. Whitney stated that the front portion of the site is flat and then rises to the rear and west of the property, which is very steep. Wetland #4 is a large area with associated wetlands on either side of Stratton Brook.

Mr. Whitney stated that the proposal for this property is for a 3-lot subdivision. There will be 3 single family houses in this R-40 zone. He stated that since this application was submitted, he has made some revisions to the original plan. The driveway has been revised. He stated that they are proposing a common driveway on the western portion of the frontage for Lots 1 and 2. The common driveway will be approximately 660 feet long. On Lot 3, the driveway length will be approximately 730 feet. Mr. Whitney stated that if this is approved, the houses may be moved slightly when more detailed plans are submitted. He stated that they tried to avoid crossing any wetlands, although the driveways will be in the 100 foot upland review area.

Mr. Whitney stated that this property allows four lots under the Regulations, although to do this, they would need to cross the wetland and Stratton Brook, which the applicants do not want to do. They did not want to disturb the brook with a culver or bridge. The applicants decided that 3 lots and 2 driveways would be a good alternative in order to avoid activity in the wetlands. Mr. Whitney stated that the total amount of disturbance for the entire site is 3.52 acres.

Mr. Whitney stated that he tried to balance the cuts and fills on the downhill side of the driveway and match existing grade. There will be some cuts on the uphill side, although he tried to reduce the amount of disturbance on the lower side of the driveway where it is in closest proximity to the intermittent watercourse.

Mr. Whitney stated that soil tests were conducted with the Farmington Valley Health District on all three lots. All of the lots will have septic systems; no ground water was found. These lots are suitable for septic systems. The lots will also be served by individual wells.

Mr. Whitney showed the sedimentation and erosion control plans to the Commission members. He stated that he has talked to Rich Sawitzke regarding the drainage to make sure no water goes out onto the roads. He also talked to the Fire Marshall regarding the driveways to make sure emergency vehicles would be able to access the houses. More discussions will need to be had with both Mr. Sawitzke and the Fire Marshall regarding some issues. Mr. Whitney stated that a question was asked at the last meeting regarding putting in only one driveway. He stated that this is not desirable. Also, Mr. Sawitzke may consider one driveway or a road, which may need to be wider. If they constructed only one driveway, they would have to cross the intermittent watercourse.

Mr. Whitney stated that 20% of any subdivision has to be preserved as open space. The proposal may be to take 140 feet across the back of the property to connect the Land Trust land to Town owned land.

Regarding the erosion and sediment control plans, Mr. Whitney stated that he has added an additional row of silt fencing around Wetland #2. He has also added more silt fencing on the uphill side of the wood road and on the downhill side of the proposed driveway. Mr. Whitney stated that they are proposing 2 culverts at each driveway location. Fill will be required for the initial portions of each driveway.

Commissioner Winters stated that the common driveway would be 12 feet wide and the individual driveway would be 10 feet wide. She questioned how wide a single driveway or road would need to be. Mr. Beach stated that a combined driveway, at a minimum, would need to be 20 feet.

Commissioner Winters questioned what size culvert would be needed in order to cross the intermittent watercourse. Mr. Whitney stated that a 15" – 18" culvert would be needed. Commissioner Winters stated her concerns with the 2 driveways; she would like to see a joint driveway or a road rather than the 2 driveways. She stated that, according to the contours, making the road wider on one lot and bringing in the road from the third house, the road could be brought along the contour line instead of across the contour lines. Mr. Beach stated that a private road would need to be built to Town specifications.

The Commission continued to discuss alternatives to the driveways and what things the Fire Marshall would be looking at. Mr. Whitney stated that a 20 foot wide road would have more cuts and fills than the 2 driveways would

have. Commissioner Winters stated that although this is true, it would be further away from the wetlands.

Mr. Whitney stated that the applicant could consider moving the driveway over a bit. If the Commission is more concerned with the wetlands than the intermittent watercourse, the driveway might be able to be pulled over. He stated that he could also look at what would be involved with a common driveway for three lots.

Commissioner Mihalic questioned what preventative measures would be taken to protect the wetlands. Mr. Whitney stated that the limits of disturbance would be staked out and silt fences would be installed at the beginning of the project. He stated that if the Commission would like to see more aggressive measures taken, that would be fine.

Commissioner Winters stated that the more upland habitat that is preserved around a wetland, the better it is for the wetland.

Commissioner Mihalic stated that the Commission is concerned about the construction that is close to the wetland system. Commissioner Winters stated that she also has a concern because if one driveway has a steep gradient, by bringing it parallel to the contour, there will not be as great a velocity coming down the stream. Mr. Whitney stated that he still needs to discuss several issues with the Fire Marshal. He stated that he would also like to look into other alternatives regarding the driveways.

Commissioner Mihalic stated that it is important to get input from the Fire Marshall prior to the next meeting. He stated that even if this Commission approves something, it could be overridden by the Fire Marshall if he did not approve of it. He stated that it is only fair to the applicant to get all of the information needed so when the Commission is making a decision they are doing it in such a way that everyone can be comfortable.

Commissioner Winters stated that she would like to see the site. Chairman Miller agreed that a site walk should be scheduled in order to walk the site and see the slopes and the value of the wetlands. They would also be able to see the wood roads and how they affect the site.

After some discussion, the Commission agreed to have a site walk within the next four weeks, prior to the March 17th meeting. The snow cover will hopefully melt by that time. Mr. Whitney stated that he will have talked to Mr. Sawitzke and the Fire Marshal prior to the March 17th meeting in order to get their input prior to the site walk.

This application was tabled until the next meeting.

Commissioner Rieger returned to the Commission.

Commissioner Mihalic suggested that this Commission have a checklist for reviewing applications in the future so applicants do not have to keep coming back again and again with more details. The Commission had a short discussion regarding how to do things going forward.

Commissioner Mihalic suggested that they do one of two things: decide if these lots are buildable, and add no value whatsoever, which will not create a situation where there could be any detriment or reliance from the permit holder at a later date; or the Commission could change the process so their wetlands "blessing" is not a permit. Commissioner Mihalic stated that whatever is done needs to be fairer to the applicant so they know what is happening with this part of the process.

Commissioner Mihalic stated that the Commission should think about if this process working the way they are currently doing things. He believes, at this point, it is not because the level of consistency they are applying is disturbing to him. He suggested taking a look at the process either through regulation or through an opinion of the Town Attorney. He stated that they need to decide how they want to proceed going forward.

Chairman Miller stated that they do not have the option of how the Regulations are currently written. Commissioner Mihalic stated that they may have to amend the Regulations.

IV. APPROVAL OF MINUTES – January 20, 2009

Commissioner Winters made a motion to approve the January 20, 2009 minutes as written. Commissioner Kottas seconded the motion, which was unanimously approved.

V. RECEIPT OF NEW APPLICATION(s)

There were none.

VI. STAFF REPORTS

Mr. Beach stated that there will be a joint meeting on March 10, 2009 regarding the proposed Planned Area Development (PAD). He distributed a preliminary draft for discussion purposes only to the Commission members. Mr. Beach stated that although this Commission is not mentioned in the PAD, the application has to go through all of the Boards and Commissions for their review.

Commissioner Winters stated that it was the concern of the Commission, not

that they be called out in the PAD, but that the applicant would be aware of their concerns. She stated that this would only be fair to the applicant.

VII. DISCUSSION

Continuation of discussion on LID standards

Chairman Miller stated that Commissioner Rieger has done a great deal of working pulling out sections of the LEED standards to create this document. He stated that these are things that this Commission has discussed during the application process in the past. Chairman Miller stated that he is leaning toward an approach where this Commission could adopt these guidelines in order to get a referral incorporated into the regulations that would allow them to get a presentation from an applicant that addresses these kinds of issues.

Chairman Miller stated that Mr. Peck and Chairman Barney of the Zoning Commission has asked that the Conservation Commission address the LID issues through the existing provisions of the Zoning Regulations. Commissioner Winters stated that this Commission would write a report back to the Zoning Commission with certain recommendations; it would then be up to the Zoning Commission as to whether they would like to make them a part of their approval.

Commissioner Rieger stated that this document is only a draft. It needs to be re-written because LEED has very strict copyright rules. They will not let people use only portions of their standards.

Chairman Miller stated that the next step is to send this draft document electronically to Dunny Barney and Hiram Peck with the caveat that this document needs to be reviewed and revised.

Meadowood Triangle

Commissioner Winters stated that this Commission has the opportunity to speak before the Board of Selectmen regarding the best use for this land. She stated that the Open Space Committee continues to discuss this issue. The Parks & Recreation Department has submitted a report stating that they need more recreation fields. The Town has plotted out where these recreational fields would go, using some of the land for agriculture and a wildlife corridor, although the corridor was very narrow. She feels that this is a good opportunity for this Commission to comment on this issue. Chairman Miller stated that recently, this Commission has sent a letter to the Board of Selectmen regarding what they feel is the best use for this property. Commissioner Winters suggested writing another letter

encouraging them to consult with the DEP to evaluate the land further. She stated that Commissioner Rieger has come up with a plan to widen this corridor. Chairman Miller stated that he would be reluctant to be more specific with their letter based on the fact that there have not been discussions regarding this issue.

Mr. Beach stated that the Town would like to keep as much contiguous farm land as possible. He stated that one alternative is to put recreation fields near the disturbed area where the road is. He stated that no final decision have been made for the Triangle.

VIII. CORRESPONDENCE / ANNOUNCEMENTS

Mr. Beach stated that he has received a letter from the DEP informing the Town regarding pesticides that they would like to spray in a pond in Town. There is an individual private property on Ferry Lane that they will be using a pesticide to kill algae and phragmites in the pond.

IX. ADJOURNMENT

Commissioner Mihalic motioned to adjourn the meeting at 10:14 PM.
Commissioner Winters seconded the motion, which was unanimously approved.

Respectfully Submitted,

Commissioner Ryan Mihalic, Secretary