

From: Lois Laczko March 24, 2011 10:38:57 AM  
Subject: Conservation Commission Minutes 03/01/2011 ADOPTED  
To: SimsburyCT\_ConserveMin  
Cc:

ADOPTED

CONSERVATION COMMISSION/INLAND WETLANDS & WATERCOURS AGENCY  
MINUTES – REGULAR MEETING  
March 1, 2011

I. CALL TO ORDER

Chairman Miller called the Conservation meeting to order at 7:30 p.m. in the Main Meeting Room at the Simsbury Town Offices. Commission members present were: Ryan Mihalic, Margery Winters, Andrew Bucknam, Patrick Kottas, Darren Cunningham, and Donald Rieger, Jr. Also present was Howard Beach, Environmental Compliance Officer.

II. APPOINTMENT OF ALTERNATES

Chairman Miller appointed Commissioner Rieger to serve in the absence of Commissioner Sexton and Commissioner Kottas to serve in the absence of Commissioner Zackeo.

III. APPROVAL OF MINUTES – February 15, 2011

Commissioner Cunningham made a motion to approve the February 15, 2011 minutes as written. Commissioner Kottas seconded the motion, which was unanimously approved.

IV. PRESENTATION(S), DISCUSSION AND POSSIBLE VOTE

a. Application of Santina F. Ferri, Owner, for an Inland Wetlands Permit for activities associated with the construction of an in-ground swimming pool and patio within the 100-foot upland review area to a wetland on property located at 18 Old Stone Crossing. (Map A-17, Block 503, Lot 008)

Attorney George stated that the Concept Plan for the pool has been submitted. The pool and patio and a small portion of the deck are within

the 100' upland review area. He stated that the land on this site slopes from the west to the east. The pool is upgradient of the wetland area. Attorney George stated that the proposed pool is approximately 70' from the wetland area.

Commissioner Bucknam questioned if the stone wall on the site is existing. He also questioned if there is currently lawn area where the pool is being proposed. Attorney George stated that the stone wall currently exists and the proposed pool will be constructed on what is currently lawn area.

Commissioner Rieger questioned where the septic system is located on the site. Attorney George stated that the septic system is in the front of the property. He showed the Commission members the location of the well. He stated that this is 28 feet from the edge of the pool.

Mr. Pruitt, Aqua Pools, stated that this is a simple site. The excavation will be done by their company; he and his partner have 65 years of experience between them with Aqua Pools. The access will be across the driveway. They will excavate approximately 150 yards. A silt fence will be maintained below where the fill will go. They will be placing the excavated material behind the wall. Any soils left over will be trucked out. Mr. Pruitt stated that the mason will build the walls and patio for the pool.

Commissioner Bucknam questioned where the excavated material would be kept. Mr. Pruitt stated that they will spread the fill for the patio as they dig for the pool. Any excess soil will be kept away from the wetlands.

Attorney George stated that there is a drainage easement on the rear right corner of the property; everything will be graded to this area. He stated that a level spreader was recommended by Town staff in this area as well.

Commissioner Rieger questioned where the waste water from the pool would discharge. Mr. Pruitt stated that this pool will have a cartridge filter; there will not be any waste water. It is required that the pool stay full of water except when winterizing the pool, the water level will drop two inches. He stated that this water would go to the drainage easement. Commissioner Rieger stated that pool water cannot be discharged to the wetland. Chairman Miller stated that this Commission recently drafted language; the key is to avoid pumping toward the wetlands or watercourse or any area that discharges to a wetland or stream.

Commissioner Mihalic questioned what kind of equipment would be

used for these activities. Mr. Pruitt stated that they will be using an excavator. They will be coming onto the site from the street, down the driveway and around to the proposed pool area. Commissioner Mihalic questioned how long construction would take. Mr. Pruitt stated that construction would take approximately 8 weeks for the pool. They would like to start as soon as the ground thaws.

In response to a question by Commissioner Rieger regarding the tree preservation area, Attorney George stated that this is not a conservation easement. This area was set by the grantor when the subdivision was built. Recently, the applicant cut some of the trees that had fallen in this area, along with some other trees. When the homeowner applied for the pool permit, he realized that he should not have cut those trees down. Mr. Ferri, the homeowner, does have a letter from the grantor approving the landscape plan for this area as well as the pool proposal. A planting design has been submitted for the area that the trees were removed.

Commissioner Rieger stated his concerns regarding the plantings around the pool; none are native. He feels that the planting plan for the Town open space is acceptable. Commissioner Winters encourage the applicant to have more of the native varieties of plantings around the pool area.

Commissioner Mihalic made a motion that this is a regulated activity because it involves construction and the removal of material in the upland review area. Commissioner Bucknam seconded the motion, which was unanimously approved.

Commissioner Mihalic made a motion that this is not a significant activity based upon the representations of the applicant; the subcontractors will be performing the work; the proximity to the wetland; the location of a natural barrier between the construction and the wetland; and that the silt fence will be put in place around the construction site. Commissioner Bucknam seconded the motion, which was unanimously approved.

Commissioner Mihalic made a motion to approve the permit subject to conditions outlined in the staff report and that the owners will manage the pool in such a way that the wastewater is disposed of in the best manner to avoid contamination of the wetlands consistent with the guidelines of this Commission. Commissioner Bucknam seconded the motion, which was unanimously approved.

Commissioner Rieger made a motion to recommend to the Planning Commission that, if it sees fit to grant this permit, that it do so with the condition that native plantings be established on the Town open space adjacent to this property between the stone wall and the property line.

Also, if the Planning Commission sees fit to grant this permit, that they consider either requiring or encouraging the owner to revise the landscape plan for the pool area to use native plantings, to the extent that the Planning Commission believes they have jurisdiction over the pool area. Commissioner Bucknam seconded the motion, which was unanimously approved.

#### V. RECEIPT OF NEW APPLICATION(S)

a. Application of Landworks Development, LLC, Applicant, for an Inland Wetlands Permit for activities associated with the construction of townhouses and apartments at Hop Brook on Grist Mill Road and Mill Pond Lane, and parking for 67, 75-77 West Street.

Mr. Beach stated that the applicant is back for the regulatory approval for the inland wetlands permits associated with the activities on the site. He questioned if the Commission felt that a public hearing was needed. He stated that on the old mill complex, the applicant will be doing significant cutting in back for parking; building townhouses into the bank; and rental apartments will also be constructed. There is a wetland off site of the property. There are also two ponds on the property.

Mr. Beach distributed a CD to the Commission members containing letters and plans for this application. He asked that the Commission members review this information in order to become familiar with it.

Commissioner Bucknam stated that because of the size of the project and the altering of the water going into a watercourse, he feels, makes this a significant activity. Commissioner Mihalic stated that a site walk may also be needed. The Commission agreed to schedule a public hearing for this application. They also decided to wait until the public hearing in order to determine whether a site walk is needed. The public hearing will be scheduled for March 15th.

#### VI. STAFF REPORTS

There were none.

#### VII. DISCUSSION

There were none.

#### VIII. CORRESPONDENCE/ANNOUNCEMENTS

There were none.

IX. ADJOURNMENT

Commissioner Cunningham made a motion to adjourn the meeting at 8:49 p.m. Commissioner Mihalic seconded the motion, which was unanimously approved.

Respectfully Submitted,

---

Commissioner Ryan Mihalic, Secretary