

From: Lois Laczko March 22, 2010 9:34:09 AM  
Subject: Conservation Commission Minutes 03/02/2010 ADOPTED  
To: SimsburyCT\_ConserveMin  
Cc:

ADOPTED

CONSERVATION COMMISSION/INLAND WETLANDS & WATERCOURCES AGENCY  
MINUTES – REGULAR MEETING  
March 2, 2010

I. CALL TO ORDER

Commissioner Winters called the Conservation Commission meeting to order at 7:30 p.m. in the Main Meeting Room of the Simsbury Town Offices. Commissioner members present were: Ryan Mihalic, Nick Zackeo, Margaret Sexton, Patrick Kottas, Darren Cunningham, and Donald Rieger, Jr.

II. APPOINTMENT OF ALTERNATES

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

III. APPROVAL OF MINUTES – February 2, 2010

Commissioner Cunningham made a motion to approve the February 2, 2010 minutes as written. Commissioner Sexton seconded the motion, which was unanimously approved.

Commissioner Mihalic read the call.

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

a. Application of McLean Affiliates, Inc., Owner, David J. Bordonaro, Applicant, for a Map Amendment on property located at the McLean facility, 75 Great Pond Road. (Map E-08, Block 147, Parcel A)

Attorney Donohue stated that he is hopeful that the Commission will grant the map change amendment tonight.

Mr. Root, Milone & MacBroom, stated that they have submitted a wetland delineation report along with photographs. He showed the Commission

members the Town map that he has overlaid with the wetland flags that they have placed in the field. Mr. Root stated that the mapping of the wetlands that they did is very similar to the Town mapping in terms of shape and size, although some are offset by several feet. Some of the wetlands that they delineated were larger in size; some were smaller in size.

Mr. Root stated that some additional flagging was done to the neighboring properties on Washburn Drive. He stated that more of this site was flagged than has been done in the past. In April of 2009, when this property was first flagged, the groundwater was high; they flagged conservatively during this time.

Mr. Root stated that near Hop Brook, intermittent watercourses were flagged. He stated that wetlands were found in the woodland, although none were found in the open field. This may be because some of the Town mapping was done aerially.

Mr. Root stated that there are several watercourses near Hop Brook. One of the watercourses was not previously flagged. He stated that they walked the site when delineating the wetlands. They used a spade and auger to delineate the wetlands. There were two soils scientists working on this project.

Mr. Root stated that there are forested wetlands on this site. He discussed the species of trees and ground coverings that were found on the site. He stated that no vernal pool habitats were found on this property. They did hear wood frogs to the southern portion of the site. The most important wetland resource on this property is Hop Brook. It is a good size stream. There are forested wetlands in the center of the site, also.

Commissioner Winters questioned if there was any comments or questions from the public.

Diana Johnson, 12 Washburn Drive, stated that since the last project at McLean, her property has had a great deal of water seeping up through the ground. The water used to come through their backyard; since they have redirected the water, it now comes up through the ground. She stated that when they do any projects at McLean, her property continues to get more water. She questioned if the wetlands on her property were delineated by the soil scientists. Mr. Root stated that he did not delineate the wetlands on her property. Ms. Johnson stated that she feels that some of the delineations are wrong.

Tom Andrews, 10 Washburn Drive, stated that they were told that this water is not coming from the golf course, although he believes that it is.

Sue Pomeroy, 9 School House Lane, questioned how this process works. Commissioner Winters stated that the Town has wetlands maps. When a soil surveyor goes in and delineates the wetlands on a certain property, the outcome is a much more accurate map. This is what is being done today. Ms. Pomeroy questioned who hires the surveyor to delineate the wetlands. Commissioner Winters stated that the applicant hires the surveyor.

Commissioner Mihalic stated that this Commission's jurisdiction is limited by the location of the wetlands and upland review area that is adjacent thereto. The purpose is, if they will be developing the land, typically, a more accurate sampling of where the wetlands are so it can be clearly delineated where the Commission's jurisdiction exists.

Commissioner Mihalic made a motion to close the public hearing. Commissioner Sexton seconded the motion, which was unanimously approved.

Commissioner Rieger stated that he would like to have time to read the wetland delineation report that was submitted tonight by Mr. Root. He suggested that no action be taken tonight. The Commission members agreed.

Regarding the application for activities related to the construction, Mr. Beach stated that the Town has received a petition from some of the neighbors. They would like this application moved to a public hearing as well.

Mr. Beach stated that the legal notice will be published in time for this to be held as a public hearing at the next regularly scheduled meeting.

Commissioner Mihalic made a motion to table the application of McLean Affiliates, Inc., Owner, David J. Bordonaro, Applicant, for a Map Amendment on property located at the McLean facility, 75 Great Pond Road to the next regularly scheduled meeting in order to allow for Commission members to review the report filed by the Soil Scientist. Commissioner Rieger seconded the motion, which was unanimously approved.

#### V. PRESENTATION(s), DISCUSSION AND POSSIBLE VOTE

a. Application of McLean Affiliates, Inc., Owner, David J. Bordonaro, Applicant, for an Inland Wetlands Permit for construction of sixteen independent living cottages within the 100-foot upland review area to a wetland on property located at the McLean facility, 75 Great Pond Road. (Map E-08, Block 147, Parcel A)

Mr. Beach stated that he received a petition of approximately 25 names. Most of the names were verified, although several names were illegible. He stated that there are three positions that the Commission can take in order

to hold a public hearing on this matter: declare this a significant activity and hold a public hearing to get more information; by default is the petition filed by 25 or more people 18 years of age that are registered voters and property owners in the Town; or that the Commission finds that it is in the general public's interest to hold a public hearing.

Attorney Donohue stated that the applicant does not have any objection to move this application to a public hearing.

Commissioner Mihalic made a motion that the Commission schedule a public hearing at the next scheduled meeting because the Commission determined that the proposed activities may have a significant impact on wetlands or watercourses and that it would be in the public's interest to hold a public hearing. Commissioner Rieger seconded the motion, which was unanimously approved.

Commissioner Mihalic questioned if a site walk should be scheduled. Mr. Beach stated that the applicant would be willing to walk the site with the Commission. The Commission members agreed to schedule the site walk for Saturday, March 13th, at 8:30 a.m. as a group. Attorney Donohue suggested that the Commission meet in the northeastern most corner of the parking lot.

Attorney Kerrigan stated that his clients live at 59 Great Pond Road. He stated that their property is directly east and down gradient from the site. They are giving permission for anyone that may need to walk along the edge of their property during the site walk. Diana Johnson stated that she would also like the Commission to walk her property in order to see what is happening behind the golf course.

Commissioner Mihalic made a motion to schedule a site walk on Saturday, March 13, 2010 at 8:30 a.m. for purposes of reviewing the application of McLean Affiliates, Inc., Owner, David J. Bordonaro, Applicant, for an Inland Wetlands Permit for construction of sixteen independent living cottages within the 100-foot upland review area to a wetland on property located at the McLean facility, 75 Great Pond Road. Commissioner Kottas seconded the motion, which was unanimously approved.

#### VI RECEIPT OF NEW APPLICATION(s)

Mr. Beach stated that there are no new applications.

#### VII. STAFF REPORTS

Mr. Beach stated that there was one administrative approval for a small addition on Rocklyn Drive. There are no wetlands on the property,

although the addition is 80-90 feet from wetlands. There is only established lawn on the site; the wetlands are not on this property. The foundation will be excavated, although no material will be taken off of the site. There will be no impact from the excavation.

Mr. Beach stated that the same conditions will be placed on this administrative approval just as if it went through the process of coming before the Commission. He stated that he will be visiting the site during construction as well as taking pictures.

#### VIII. DISCUSSION

There was none.

#### IX. CORRESPONDENCE/ANNOUNCEMENTS

Commissioner Rieger stated that he attended a "Webinar" on the CT Eco.uconn.edu mapping issues. It was very user friendly and accessible at various levels.

Commissioner Winters stated that Salisbury, Connecticut has done a natural resource inventory. It includes mapping of all of the resources in the area.

#### X. ADJOURNMENT

Commissioner Cunningham made a motion to adjourn the meeting at 8:20 p.m. Commissioner Mihalic seconded the motion, which was unanimously approved.

Respectfully Submitted,

---

Commissioner Ryan Mihalic, Secretary