

From: Carrie Vibert March 27, 2012 8:53:27 AM
Subject: Conservation Commission Minutes 03/06/2012 ADOPTED
To: SimsburyCT_ConserveMin
Cc:

CONSERVATION COMMISSION/INLAND WETLANDS &
WATERCOURSES AGENCY MINUTES
MARCH 6, 2012
REGULAR MEETING

I. CALL TO ORDER

Rich Miller, Chairman, called the Regular Meeting of the Conservation Commission to order at 7:37 p.m. in the Main Meeting Room at the Town Offices. Other members and alternates in attendance were Patrick Kottas, Ryan Mihalic, Margery Winters, Margaret Sexton, and Donald Rieger. Also present were Lynn Charest, Zoning Enforcement Officer for Howard Beach, Conservation Officer, Janis Prifti, Commission Clerk, and other interested parties.

II. APPOINTMENT OF ALTERNATES

Chairman Miller appointed Commissioner Rieger to serve for Commissioner Bucknam and Commissioner Kottas to serve for Commissioner Zackeo.

III. APPROVAL OF MINUTES of January 3, 2012 and February 21, 2012

The January 3, 2012, minutes were tabled.

The February 21, 2012, minutes were amended as follows:

On Line 17, "Zackeo." is added at the end of the sentence;
On Line 65, "ridge" at the end of the sentence is changed to "road";
On Line 158, "flow" is changed to "throw".
On Line 203, "stated" is changed to "thought";
On Line 204, the semicolon is replaced with a period, and the next sentence begins with "Mr. Beach said";
On Line 222, the spelling of "Reiger" is corrected to "Rieger"; and
On Line 262, the spelling of "Aquarian" is changed to "Aquarion".

Commissioner Rieger made a motion to approve the February 21, 2012, minutes as amended. Commissioner Kottas seconded the motion, and it was passed unanimously.

IV. PUBLIC HEARING(S)

V. WITHDRAWN

a. Application #12-04 of Thomas R. Evans, Owner, for an Inland Wetlands Permit for grading and construction of a parking lot in upland review area on property located at 132 Hopmeadow Street (Map F18, Block 154, Lot 006).

VI. PRESENTATION(S), DISCUSSION AND POSSIBLE VOTE

a. Application #12-01 of Kimberly Sudnick and Lori Swircenski, Owners, and Kevin Gallagher of Hodge Surveying Associates, Agent, for an Inland Wetlands Permit for stumping and grading within the upland review area to a wetland on property located at 12 Pilfershire Lane (Map A07, Block 203, Lot 001C).

Ms. Sudnick was accompanied by Dan of Hartley Brothers and Ron of C&C Logging. Commissioner Sexton provided written Meeting Notes summarizing the Special Meeting property site walk on 3/3/12 at 9:30 a.m. She stated attendees included Chairman Miller, Commissioners Winters, Kottas, Rieger and Sexton, the property owners, and representatives from the landscaper and logging company. She said they began by reviewing the maps and application to get a lay of the land, then walked the property discussing tree removal, grading, planned replanting to stabilize the soils, and staging and proposed order of activities, as well as the poison ivy situation. She said they assembled by the stone wall near the known wetland soil and reviewed the flagged hardwood trees, many of which will remain. The meeting adjourned at 10 a.m.

Mr. Sudnick said the Application is being made because of the wet area to the left of her house with the main water problem on the street and icing. She said when they purchased the property it was all red pine in the center; hardwood trees are in other locations - as many healthy trees as possible will be maintained to preserve privacy. She said they purchased the property in February 2002 and the previous owners left a pile of log debris; over time they have paid \$800 per tree for removal which was very costly and now they'd like to remove the remaining damaged trees at one time. She said neighbors in the Crow's Nest Development above requested they remove the dead trees when they moved in July of 2002. She stated the costs stated on the Application of \$20-30,000 are not accurate and it will cost much more; the cost of the Engineer and Soil Scientist alone were \$9,000. She said there are many fallen limbs with one dropping close to the driveway just this week as she exited her car; it is very difficult to walk across the property with the uneven surfaces, but they want all the

healthy hardwoods to survive. She stated the ledge at 4 feet will only allow room for a 1/3 basketball court 30 feet long behind the house with a current shed removed; samples of the court material on top of cement were granite in the lane and green grass color. She said a future project may install another shed elsewhere.

Ms. Sudnick said Dan of Hartley Brothers has over 25 years of experience and provided proof of Liability Insurance; he will place hay bales every 100 feet along with a silt fence to meet neighbors concerns regarding water flows - elevations range from 970 to 912 feet where the house is located. She indicated a flat area near the wetland area previously was mowed and will now have wild tall grass and where there is rock ledge there will be wild flowers and tall winter rye; Ron from C&C Logging and Land Clearing will remove logs and stumps. Commissioner Mihalic stated a concern was that because of the grade and difficulty of getting in the back, working from the top down, removing stumps and poison ivy cover, that significant runoff and sedimentation could occur; he asked whether there was any consideration of a mitigation or phased plan, without greatly increasing cost. Ms. Sudnick said the landscaper and the land clearer will coordinate so there is no gap in time; the landscaper is installing the silt fence and she did not want a gap in time between removing the stumps and putting the hay bales in every 100 feet.

Dan showed the Commissioners on the site map where some stumps would be left in place and others removed, the area to be excavated and seeded, and an area of lawn. He has conservation mix and restoration erosion control mix, and depending on the soil in the natural area, will use the appropriate mix with mowing needed about once a year. He said on the main lawn area they will use a sun shade mix with creeping blue grass and perennial ryes; on the upper part he may use a little more annual rye grass for quick growth to prevent erosion. He may use straw wattles placed in a 3-4 inch deep trench which provides better control of water flow. He said another concern is swale wetland area drainage to assure flow is controlled in a couple of areas. He said where there are steeper slopes he will use a straw roach control blanket which biodegrades in a year. He will put a slight bit of swale on the back of the house to shift the water and taller grass on the top of the slope to slow water flow.

The Commissioners who attended the site walk agreed there are many standing dead and downed trees. Regarding staging, Dan said they want to get on site 4/1/12 and starting at the top begin clearing and seeding as they work down the slope in order to have growth before June/July. Regarding the length of time to log and stump, Ron of C&C stated it would be a maximum of 2 weeks, unless it rains. Dan stated erosion control blankets would be in the steepest areas, including around the basketball court with silt fence on the upper side of the stone wall and in any steeper area, like the house

where there is surface runoff. Ms. Sudnick stated while they now have a generator, previously the Fire Department was called every time they lost power because the 3 basement sump pumps didn't work, and they should be very pleased when this project is completed. Ms. Sudnick stated many of the trees removed to date were very tall but hollow at the bottom and dangerous to take down, so for safety and aesthetic reasons they would like to combine removal of these trees with resolving the drainage problems. She said they would like to begin in March/April in time for her son's May 4th birthday; the land clearer is ready to begin after 3/10/12. Dan stated he is concerned about germination and would like to have dormant-seed wildflower mix in by 4/15/12; he said annual rye germinates at 45 degrees soil temperature in 3-4 days and can be covered with straw or mulch to hold the slope. He tries not to use Tackifier on wildflower mix because it results in poor germination with flowers flopping over. He said annual ryes come up in 3-5 days, perennial ryes in 7-10 days, fescue 12-14 days up to 21, and blue grass around 31 days; if he seeds in mid-April, they will give it 30 days with some touchups needed. Regarding redirecting drainage with swales around the house, he said because it is exposed soil they will run it into a couple of swaddles or stone that will be removed after to prevent drainage from going onto neighbor properties or the street. Because he is concerned about runoff, he said contours will be used to their advantage to prevent erosion and wildflower mix to hold water.

Regarding loggers and possible silt in the road, Ms. Sudnick pointed out a trap pad on the map. Ron stated they will put down mulch temporarily to stop any silt runoff.

Commissioner Mihalic made a motion that this is a regulated activity because it involves withdrawal of deposition material and general clear cutting in the upland review area adjacent to a wetland. Commissioner Winters seconded the motion, and it was passed unanimously.

Commissioner Mihalic made a motion that it is not a significant activity based upon the information provided by the Applicant and her experts that are going to be performing the work, the measures that are going to be used to handle any sediment erosion, and the answers to the questions the Commission has presented concerning the activities to be performed on the property. Commissioner Winters seconded the motion, and it was passed unanimously

Commissioner Mihalic made a motion to approve the permit subject to the conditions that were discussed with the Applicant and any conditions the Town staff has already addressed with them. Commissioner Winters seconded the motion, and it was passed unanimously.

Commissioner Sexton stated that the neighbors were very supportive of this

Application and spoke highly of the Applicants.

Lynn Charest clarified the Applicant should notify the Conservation office prior to beginning work and it will be kept on the inspection schedule; the approval letter will provide contact and other pertinent information. She said there is a 15-day appeal period for noticing in the newspaper where anyone can appeal a decision of a board or commission, and if a project is started within the 15 days, the Applicant does so at their own risk should someone appeal a decision. She said the notice of this decision is slated to go into the newspaper this Friday, 3/9/12.

VII. RECEIPT OF NEW APPLICATION(s)

a. Application #12-05 of Stratton Forest Homeowner's Association, Owner, and Kevin R. Johnson, Managing Agent, for an Inland Wetlands Permit for clearing and excavation to create a drainage swale on property located at Units 6-16 (Rear) Stratton Forest Way (Map E11, Block 150, Lot 001B) and Units 2-4 (Rear) Thornbush Road (Map E11, Block 150, Lot 001) Zone RD.

VIII. STAFF REPORTS

None.

IX. DISCUSSION

Chairman Miller commented Commissioner Rieger helped prepare a nomination for the Aquarion award.

Ms. Charest said Aquarion Water called their office about future demolition of structures off Westledge Road; some brick buildings formerly used as part of reservoir water treatment are planned to be demolished.

Commissioner Rieger stated a complicated tripartite agreement among the State, Water Company and Nature Conservancy governs that site and he thinks the Nature Conservancy may have title to those buildings. Ms. Charest said because of the water outflow they come to the Commission for a permit.

Commissioner Rieger said the Land Trust contacted Aquarion to remove the Japanese Knotweed taking hold on the site and they begin work on it in the spring. He believes Aquarion is a British company, and that the tripartite agreement was intended to assure conservation of the site.

X. CORRESPONDENCE ANNOUNCEMENTS

Commissioner Mihalic discussed a letter he received revising and staggering the terms of Commission members - his is extended 2 years and Commissioner

Bucknam's is 4 years; alternate and regular members now all have 4-year terms. Chairman Miller said they should discuss with Commissioners Bucknam and Zackeo their term preference.

XI. ADJOURNMENT

Commissioner Mihalic made a motion to adjourn the meeting at 8:15 p.m. Commissioner Sexton seconded the motion, and it was passed unanimously.

Ryan Mihalic, Secretary