

From: Lois Laczko September 27, 2011 10:21:42 AM
Subject: Conservation Commission Minutes 03/15/2011 ADOPTED
To: SimsburyCT_ConserveMin
Cc:

ADOPTED

CONSERVATION COMMISSION/INLAND WETLANDS &
WATERCOURSES AGENCY MINUTES
REGULAR MEETING
MARCH 15, 2011

I. CALL TO ORDER

Margery Winters, Acting Chairman, called the Conservation Commission/Inland Wetlands & Watercourses Agency regular meeting to order at 7:35 p.m. in the Board of Education Conference Room at the Simsbury Town Offices. This Commission had been originally scheduled to meet in the Main Meeting Room, but because the Board of Finance and Board of Selectmen meeting ran over, the Conservation Commission's meeting had to be moved to a new location. The following members and alternates were present: Ryan Mihalic, Margaret Sexton, Donald Rieger, and Patrick Kottas. Also present, was Howard Beach, Conservation Officer, and other interested parties.

II. APPOINTMENT OF ALTERNATES

Chairman Winters appointed Commissioner Rieger to serve for Commissioner Bucknam, and Commissioner Kottas to serve for Commissioner Cunningham.

III. APPROVAL OF MINUTES – March 1, 2011

Commissioner Kottas moved to approve the Minutes of March 1, 2011 as presented. The motion was seconded by Commissioner Rieger and passed unanimously.

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

a. Application of Ensign-Bickford Realty, Owner, 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. (Maps F-11 and G-11, Block 103, Parcels 19, 21, 21A, 24)

Daniel Kleinman, Attorney, of Levy & Droney P.C., Ron Janeczko and Chris Nelson of Landworks Development, and Kent Schwendy, Senior Vice President of Fuss & O'Neill spoke on behalf of this application. The applicant and commission members discussed this application.

Chairman Winters opened the hearing to public comment. Sally Rieger, 9 Stodmor Road, representing the Lower Farmington River Salmon Brook Wild and Scenic Study Committee, and also speaking on behalf of the Farmington River Watershed Association, discussed Hop Brook and its possible roll in the restoration of the American Eel migration. A copy of Ms. Rieger's 3/15/2011 remarks, and also a copy of an Email from Donald Mysling, Senior Fisheries Biologists, CT Department Environmental Protection, is included as Addendum I and Addendum II to these minutes.

Commissioner Mihalic moved to close the public hearing. The motion was seconded by Commissioner Rieger and passed unanimously.

Commissioner Mihalic made a motion that the Conservation Commission commend the effort's of the Connecticut DEP and the local conservation organizations to pursue the restoration of the American Eel Passage, and encourage officials and affected property owners to cooperate in those efforts to the extent they can do so consistent with their responsibilities and interests. The motion was seconded by Commissioner Kottas and passed unanimously.

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, and also construction of a new head well in the pond (OCS-3). The motion was seconded by Commissioner Rieger and passed unanimously.

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Commissioner Mihalic moved to approve with conditions the application of Ensign-Bickford Realty, Owner, 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. This permit approval is subject to the conditions outlined in the staff report dated March 10, 2011; the Site Engineering Review for the Hop Brook Development dated March 11, 2011 prepared by the Simsbury Engineering Department; the Applicant's

taking necessary steps to assure that land use restrictions aimed at protecting fragile embankments etc. be enforced by suitable easements, etc.; and that excavation occur at a time that town staff judges appropriate for the avoidance of erosion The motion was seconded by Commissioner Rieger and passed unanimously.

V. RECEIPT OF NEW APPLICATION(s)

None

VI. STAFF REPORTS

None

VII. DISCUSSION

None

VIII. CORRESPONDENCE/ANNOUNCEMENTS

None

IX. ADJOURNMENT

The meeting adjourned at 9:40 p.m.

Ryan Mihalic, Secretary