

From: Carrie Vibert May 7, 2012 10:45:54 AM
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Cc:

CONSERVATION COMMISSION/INLAND WETLANDS &
WATERCOURSES AGENCY MINUTES
APRIL 17, 2012
REGULAR MEETING

I. CALL TO ORDER

Richard Miller, Chairman, called the Regular Meeting of the Conservation Commission to order at 7:30 p.m. in the Main Meeting Room at the Town Offices. Other members and alternates in attendance were Patrick Kottas, Ryan Mihalic, Margaret Sexton and Donald Rieger. Also present were Lynn Charest, Zoning Enforcement Officer, Janis Prifti, Commission Clerk, and other interested parties.

II. APPOINTMENT OF ALTERNATES

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

III. PUBLIC HEARING(S)

None.

IV. PRESENTATION(S), DISCUSSION AND POSSIBLE VOTE

a. Application #12-08 of Gary C. Muth, Owner, for an Inland Wetlands Permit for placement of an above ground swimming pool, which includes leveling of property. Additional permit requested for removal of debris from the watercourse which runs along the rear property line and fill in old unused 3-foot diameter well within 100 feet of the upland review area on property located at 15 Mountain Road, Tariffville (Map K04, Block 127, Lot 011).

Mr. Muth showed photos and said they have a brook that runs down Mountain Road in Tariffville at the back of their property and the Guidelines require a permit. He said they are just leveling the backyard for an above-ground pool and will only remove from the brook debris that has built up over the years. He added there will be a silt or erosion retainer while

the work is done which should take 2 days. He said the excavation work will be done by a backhoe and other heavy equipment; the dirt will be spread in the backyard to level it and will be net neutral. He explained a large tree fell into the brook some years ago and additional material came down in the October storm and they will remove debris from the surface. Commissioner Kottas noted they will be 75 feet from wetlands. Mr. Muth said the grade will not be changed and they do not dig into the ground for the pool, but just level the dirt. Mr. Muth said the well currently has a 4x4 concrete slab over it and they are not sure how deep it is, but believe it is a mosquito zone that should be removed; some of the fill will be used here. He checked with Farmington Valley Health who approved as long as it isn't a drilled well with a pipe.

Also, Mr. Miller indicated since this is not an in ground pool, it might have been a consent item; Ms. Charest will check with him in the future.

Commissioner Mihalic made a motion that this is a regulated activity because it involves the removal and deposition of material in an upland review area adjacent to a wetland and removal of debris from a water course. Commissioner Kottas seconded the motion, and it was passed unanimously.

Commissioner Mihalic made a motion that it is not a significant activity based on the information contained in the staff report and the presentation of the Applicant that there will be no net removal of material from the property and the methods used to remove the debris from the water course do not appear to create an impact. Commissioner Rieger seconded the motion, and it was passed unanimously.

Commissioner Mihalic made a motion to approve the permit subject to any conditions by Town Staff in the Staff Report. Commissioner Rieger seconded the motion and it was passed unanimously.

b. Application #12-09 of Godofredo B. & Villaverde Bautista, Owners, for an Inland Wetlands Permit for construction of an addition to the existing home, installation of a new septic tank and leaching area, extension of the 15" HDPE storm pipe, clearing trees and grading of yard within 100 feet of the upland review area on property located at 444 Firetown Road, Simsbury (Map D03, Block 206, Lot 019).

Brian Denno, of Denno Land Surveying, stated the approximately 1-acre property is located on the east side of Firetown Road just south of Whitcomb. He said the house was built in the 1960's at an angle to the road and they'd like to add a 3-car garage, master bedroom, and some living space. He said a storm pipe dumps into the backyard with an outlet to a

water course requiring this Application; there are no wetlands and the site is sandy with cobbles. He said to facilitate the additions, the existing septic tank would be removed and a new septic field built the required 50 feet uphill from the existing water course, per the health code and as approved by Farmington Valley. He would like to extend the pipe toward the rear of the property so he can grade the 2 foot ditch and make it a lawn; currently, it is full of stone and cobbles; the remaining area is grass. He said the location of the addition is about 45 feet from the water course; a front location was considered but because of the building line and well, it does not provide enough useable space. He pointed out the proposed location of the addition, leaving the deck and sunroom, and relocating the driveway with new 3-car garage.

Regarding the water course, he said it is a storm drain which somewhere picks up water that runs in it. He said the Town Engineer told him the pipe was put in about 30 years ago to rectify a problem on Firetown Road; easements were filed for abutting properties but never completed for this property. He stated if the pipe is extended, the Town Engineer would like the owner to grant a 20-foot easement to the Town with an unrestricted right to drain out the back end, and the owner has agreed. Regarding the back side of the property where the water exits, he said it will continue in that direction. He said they will enclose 60 feet of ditch and soils are pierced; they went down 92 inches beginning with 7 inches of top soil, some light brown fine sandy loam to 22 inches, then coarse sand, fine sand, medium compact sand to 70 inches, and from 70 to 92 inches coarse sand and gravel that was very sharp. Regarding whether the water reaches the neighbor's property, the Applicant stated it has in the past with the ditch running to Holcomb. The Applicant stated trees have been removed and the area rough graded. Commissioner Rieger said in effect a regulated activity has taken place before coming to the Commission. Ms. Charest added she visited the property yesterday and no habitat or wildlife were in evidence nor any wetland soils. Mr. Denno stated they filed this Application because there is a water course. He clarified per the Health Code the septic leach fields can be within 10 feet of the property line, and if uphill, 50 feet away from open water; they got a permit.

Mike Sullivan of Continental Associates, who will go in next and put in some silt fence, explained the tree clearing of 80-100 foot pines damaged in the storm was done by Maximum Tree Service. He said it is a very sandy lot and only minor grading was done with little change to the topography. Regarding extending the 15-inch pipe, Mr. Denno discussed it with the Town Engineer, and the pipe will simply move the water 60 feet to the back of the yard. Ms. Charest indicated they had heard from one of the abutting owners. Regarding using perforated pipe, Mr. Denno said the Town Engineer does not allow it. The Commissioners expressed concern that an issue might be created for a neighbor. Ms. Charest did not see any new water sources

being introduced and the drain has been there since the subdivision was created; she is not aware of any wet basement complaints from neighbors.

Mr. Denno said it is running water moving from the south to the northeast infiltrating along the way; the bottom of the ditch is sand and existing native cobbles. Mr. Denno stated they hit water at about 70 inches which is the elevation of the ditch; water follows the pipe down and into the basin. Mr. Denno said there is minimal rip rap and the pipe has 15-inch flared ends with stone around them at grade; the 15-inch deep ditch is lined with native stone. He said the Applicant may not do the pipe work, but is asking for a permit in case. The Commissioners discussed the net wetland reduction and that they did not want to create an issue for anyone downstream. The Applicant decided to amend the Application to remove the 15-inch Town-owned pipe extension; when he applies for the pipe extension in the future, a Public Hearing will be noticed.

Commissioner Mihalic made a motion that this is a regulated activity because it involves construction of an addition to property, as well as a septic system, in an upland review area. Commissioner Rieger seconded the motion, and it was passed unanimously.

Commissioner Mihalic made a motion that it is not a significant activity based on the presentation by the Applicant, the activities to be conducted, and the fact that the Application was amended to remove extension of the existing pipe. Commissioner Rieger seconded the motion, and it was passed unanimously

Mr. Mihalic made a motion to approve the permit for the Application as amended by the Applicant at the hearing to remove the extension of the existing pipe subject to any other conditions imposed by Town Staff. Commissioner Rieger seconded the motion, and it was passed unanimously.

V. RECEIPT OF NEW APPLICATION(s)

a. Application #12-10 of Aquarion Water Company of Connecticut for an Inland Wetlands Permit for the demolition of a former water treatment building and associated water tanks within 100 feet of the upland review area on property located at 38 Westledge Road (Map A07, Block 203, Lot 029).

Ms. Charest expressed concern about the stream adjacent to the access road as heavy equipment moves in and out. Commissioner Rieger said it is a good road; the first 50 feet belongs to the Masters School, the next major portion belongs to the Land Trust, and the 3-5 lots beyond the 60 Westledge Road trail head back to the Masters School are burdened by the right of way for that road or about the last 300 feet. Ms. Charest stated the buildings

are good sized, including the brick water treatment plant. Commissioner Rieger said the trail is not on the water company property and it will remain open; a footbridge crosses Hopbrook to the trail which runs about 300 feet on the road. Commissioner Rieger said Aquarion has agreed to remove an area of Japanese Knotweed. Ms. Charest confirmed that utility companies have to come before the Commission.

Commissioner Rieger said the property is still a Class 1 reservoir with Aquarion obligated to secure it from terrorists who might poison it, but they lack the practical ability to do so and are unclear as to whether the facility has utility from a water perspective. He has been told it does not appear in their 50-year water plan; others have said Simsbury's occasional water pressure problem might require them to put in a water tank to increase pressure; however, none of this equipment is relevant to that. Commissioner Mihalic said if they put a water tank in, the Connecticut Siting Council has jurisdiction over wetlands for Towns and it would not come under this Commission's jurisdiction. Chairman Miller said this Application is for a demolition activity not related to the water system. Commissioner Rieger added there is a water main that runs from the dam across Land Trust property to Tulmeadow Farm and when the Tullers sold the land for the dam in 1926, they extracted 99 years of free water. Ms. Charest pointed out they will also demolish a tank at the outfall of the reservoir. Commissioner Rieger suggested a site walk since a lot of work is planned for the banks of the brook.

The Commissioners agreed to do a site walk at 9:30 a.m. on Saturday, April 28, 2012, with parking at 60 Westledge Road and Ms. Charest will notify all Commissioners of the site walk.

VI. STAFF REPORTS

None.

VII. DISCUSSION

Commissioner Mihalic asked about the cease and restore on Banbury. Ms. Charest said she has not spoken with the owners yet, and said there is a deck at ground level with no footings in an upland review area; a cease and restore will be issued to get them to come in for a permit. She said they knew a permit was needed and applied for an after-the-fact building permit. Ms. Charest did not know whether the owner or the contractor did not complete the process. The Commissioners expressed concern about the impact of activities conducted in the area on the land and wants them to come in.

VIII. CORRESPONDENCE/ANNOUNCEMENTS

Commissioner Rieger said that Senator Lieberman and Representative Murphy introduced legislation that has not passed yet, designating the Lower Farmington River as a Wild and Scenic River.

IX. APPROVAL OF MINUTES of January 3, 2012 and April 3, 2012

There wasn't a quorum and the minutes were tabled.

XI. ADJOURNMENT

Commissioner Mihalic made a motion to adjourn the meeting at 8:30 p.m. Commissioner Kottas seconded the motion, and it was passed unanimously.

Ryan Mihalic, Secretary