

From: Carrie Vibert August 7, 2012 9:53:32 AM  
Subject: Conservation Commission Minutes 06/19/2012 ADOPTED  
To: SimsburyCT\_ConserveMin  
Cc:

CONSERVATION COMMISSION/INLAND WETLANDS &  
WATERCOURSES AGENCY MINUTES  
JUNE 19, 2012  
REGULAR MEETING

I. CALL TO ORDER

Richard Miller, Chairman, called the Regular Meeting of the Conservation Commission to order at 7:33 p.m. in the Main Meeting Room at the Town Offices. Other members and alternates in attendance were Patrick Kottas, Margaret Sexton, Margery Winters, Donald Rieger, and Alan Needham. Also present were 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 Mihalic and Commissioner Kottas to serve for Commissioner Cunningham. Chairman Miller welcomed new Commission member, Alan Needham.

III. PRESENTATION(S), DISCUSSION AND POSSIBLE VOTE

a. Review by the Conservation Commission of the soil and erosion control plan for the Simsbury Cemetery Association on Plank Hill Road (Map G09, Block 202, Lots 019, 020, & 021; Map G09, Block 203, Lot 044; and Map G10, Block 203, Lot 003).

Terri-Ann Hahn of LADA, P.C. presented the Applicant's proposal which is a follow up to removal of trees on the upper platform on the south side of Plank Hill Road outside the regulated area; this requested review is for a soil erosion control plan. She described the site and location of a silt fence on the hilltop and along the road in relation to the wetland, removal of trees, and raking and reseeding of top soil. She said the discharge pipe has been connected and now discharges offsite and top soil is becoming more stabilized. She said they will go to the top of the slope with minimal removal of trees; trees were previously removed. She described drainage and use of the silt fence for erosion control combined with stump removal, smooth-raking and re-seeding of soil. Mr. Beach said this is

under Chapter 128 with the goal of reviewing whether soil erosion controls are adequate; he confirmed abutting neighbors are aware of this plan.

Commissioner Rieger made a motion the Conservation Commission finds the erosion control plan submitted by the Simsbury Cemetery Association meets the requirements of the Town statute and find it is well considered, satisfactory, and recommends approval.

Commissioner Winters seconded the motion, and it was passed unanimously.

b. Application #12-16 of Ryan Carr, Agent for Community Farm of Simsbury, Town of Simsbury, Owner, to construct a bridge and walkway on the fields of the Community Farm of Simsbury on property located at 73 Wolcott Road (Map I02, Block 439, Lot 002).

Ryan Carr stated his Eagle Scout Project is to construct a bridge for the Community Farm in fields below their barn adjacent to Wolcott Road across a stream with a 24-foot span and steps down to a 32-foot walkway because the ground is marshy and wet. He said the bridge will be constructed with lumber decking that is either pressure-treated or treated with a preservative offsite; it will be anchored by a steel support structure using railroad rails from the old greenway and steel channel from the South Congregational church in Granby; steel pipes inserted about 3 feet in the ground combined with the rails heavy weight should prevent it from being dislodged during heavy spring rains. He said the bridge is designed with a minimal cross section and the only portion submerged is about 1 foot of walkway and the steps also have a narrow cross-section. He said the bridge will be used by the Farm for event parking and for summer camps to keep young children away from the road. He said in the future it may be used to access the bike path from the Farm. Mr. Beach confirmed this is a part of Munnisunk Brook connected to Lake Basile.

Regarding retreating the wood and chemicals getting into the brook, Mr. Carr said the Farm Director plans to use tarps during re-treating to catch drips. Mr. Carr said they are not using pressure-treated wood because the Farm had a substantial wood on hand. He said about 1/4 to 1/3 of the wood would require treatment with a Cabot exterior wood stain preservative and will never be in contact with the ground. He said the heavy rail material will not corrode and will be cut by an oxybutyl torch with bolts welded to the top. He said Pg. 3 of the blueprints shows lower support made of steel channel and plates with a fairly large cross-section laid on grade which should prevent sinking into the soil. He said a path could be laid in the future connecting to the bike path; Mr. Beach stated they would need to submit an application at that time. Mr. Beach said from a flood plain standpoint, there is little flow through here and the choke point immediately upstream is a railroad culvert that meters the flow and runs

underneath the bike trail to Lake Basile. He said at no point is flow substantial enough to disturb the bridge design which has been reviewed by a civil engineer who put the steel in the design. Mr. Carr said it is similar to an existing bridge design in place at Simsbury Farms for a number of years.

Commissioner Winters made a motion that this is a regulated activity as it is construction in a water course through a wetland area.

Commissioner Kottas seconded the motion.

Commissioner Winters made a motion this is not a significant activity as construction is minimal with great effort to prevent disturbance in that area.

Commissioner Rieger seconded the motion.

Commissioner Winters made a motion for approval to construct a bridge with the design having been reviewed by Tom Roy of Public Works who is in charge of managing the site and has stated confidence in the engineer's design; there is also a letter from the Board of Selectmen approving the site; and with the caveat that future treatment to protect the bridge will include measures to prevent the materials from getting into the brook.

Commissioner Rieger seconded the motion, and it was approved unanimously.

#### IV. ADMINISTRATIVE APPROVALS

a. Application #12-14 of Caroline and Tom Leite, Owners, for a deck and hot tub within the 100-foot upland review area to a wetland on property located at 18 Banbury Road (A14, Block 410, Lot 057).

Mr. Beach confirmed the 18 Banbury Road Applicants filed for a permit, with no disturbance to the soil as conditioned by the Commission; an administrative permit was issued.

b. Application #12-15 of Duane Doot, Owner, for a three-season room supported by two concrete piers within the 100-foot upland review area to a wetland on property located at 59 Great Pond Road (Map F08, Block 147, Lot 002).

Mr. Beach said 59 Great Pond Road is downhill from McClean Village where there have been water issues; they requested putting a deck between 2 extensions on the house requiring 2 sonotubes dug by hand; an administrative permit was issued.

c. Shed placed on a bed of crushed stone at 221 Stratton Brook Road

Mr. Beach said the shed was 30-40 feet from the wetland with no disturbance as it was placed on stone on grade; an administrative permit was issued.

d. 20 Woodchuck Hill Road for an extension of an existing deck and conversion to a three-season room

Mr. Beach said this extension involved 4 hand dug sonotubes in the upland review area with established lawns and no disturbance to the wetland; an administrative permit was issued.

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

Mr. Beach said an Application was received today for 11 Newburyport for an in ground pool in the backyard; the wetland complex comes down behind Clifton Road, crosses underneath Hoskins and on to Firetown wrapping around Newburyport. This Application will be on the Agenda for the next meeting.

#### VII. STAFF REPORTS

#### VIII. DISCUSSION

a. Proposal for Open Space Purchase: Ethel Walker School Property - Parcel C

Mr. Beach said this is the final parcel the Town has earmarked for open space. He described the location of Parcel C which is about 41.8 acres; a letter of support from the Conservation Commission is requested - he proposed modeling this letter on the previous 4/10 letter. Mr. Beach said because of its value, it will go to Town referendum. He said grant money will offset most of the cost; the State held the money until the final survey was completed.

Commissioner Sexton made a motion the Commission prepare a letter to the Department of Environmental Protection, Open Space and Watershed Land Acquisition Grant Program, in support of the purchase of Parcel C for the Ethel Walker property.

Commissioner Kottas seconded the motion, and it was approved unanimously.

b. Proposal for Tanager Hill acquisition

Mr. Beach said the Land Trust is trying to acquire the largest portion of the Ellsworth estate. He said this is the long sought after east/west connection to Pennwood and is easily navigable to its trails. He said the Commission's support of the Land Trust's acquisition is requested. Commissioner Rieger agreed this is an important link from Lake Louise through to East Weatogue or the Land Trust trail to the north and adjacent Town open space; on the Bloomfield side of the ridge a new trail is being developed which is another connection. He said there are nice wetlands, a manmade lake, valuable grassland and wildlife habitat. Mr. Beach said it is a unique piece fronting on Terry's Plain that runs all the way up to Pennwood. Mr. Rieger said the Ellsworth home is close to East Weatogue Street with the older home built by a pupil of Frank Lloyd Wright and another home next to it. Mr. Beach said separately, there is a small 3-lot subdivision to finance the process as the Land Trust goes through this process. The Commissioners reviewed the mapped layout of the property and surrounding property ownership. Mr. Beach confirmed CL&P has an easement on the Ellsworth property so the Land Trust could put signage there. Mr. Beach said a plan for development has been used as a valuation tool. He said a letter of support from the Conservation Commission to the Land Trust is requested.

Commissioner Winters made a motion in support of the Simsbury Land Trust purchase of Tanager Hill acquisition permitting Commissioner Rieger to draft a letter for Chairman Miller's approval and signature on behalf of the Conservation Commission.

Commissioner Kottas seconded the motion, and it was passed unanimously.

c. Zoning Application #12-18 of Landworks Development, LLC, Agent for Powder Forest Homes, LLC, Owner, for a Site Plan Amendment modification of an existing project/site plan that was approved 11/15/2004 and subsequently modified on the property located at Stratton Brook and Bushy Hill (Map E12, Block 103, Lot 005), Zone CZ.

Mr. Beach said Phases 1 and 4 have been completed; Ron Genesco has now purchased Phases 2 and 3 and plans to build them out close to what was originally proposed, except for the addition of a road and one additional entrance. He said new topo's on the ground have been shot and are more accurate, including elevations.

Ron Genesco, of Landworks Development, said the market has changed since initial construction and described other developments in which he has been involved. He described a mature community with about 100 existing homes built in Phases 1 and 4 and he does not want to create new competition. He believes there is a need for lifestyle housing for people in their 20's, 30's, 40's providing carefree living with appropriate services for small

high-quality homes. He said the footprint has been decreased about 25% and driveways condensed toward the roadway with open space increased about 21%. He said they will be further away from wetlands; grading at 6-7% has been eased from 8-10%; and a new entry point provides a separate identity from the existing Powder Forest Homes, although a connection remains. He said the new entrance is across from Stillbrook Chase and they found a vintage master plan with roadway network to use and he showed a color rendering of the site. He said they are asking to come through an existing dedicated buffer with neutral impact and the possibility of relieving congestion at the rotary. Gus ? stated it is the same number of homes, same square footage, and remains away from wetlands.

Mr. Beach said this is a Zoning Application for site plan amendment because the entrance is modified and some of the home layouts; the original 2004 approval had several restrictions and some are being modified; this is primarily a Zoning issue. He saw no wetland impact with the only wetlands at the intersection of Stratton Brook and Bushy Hill near open space; the 100-foot upland review area from the wetland has one location one foot over the line, but the houses will be pulled forward from that area. Mr. Genesco showed an example of the architecture with a 2-story condensed footprint; houses range from 1624 to about 2000 sq. ft. with an average 1840 sq. ft. He said the goal is to build smaller 2-3 bedroom high quality homes with exclusive use areas (not lots) and about 75 frontage feet; 15 feet is the closest between buildings; side yards are 10 feet; and rear yards end at open space. He said the homes are garage-to-garage so the house-to-garage area is further apart, but it will vary because of the windy roadway. Regarding impervious surface reduction, he said they have 30% reduction in buildings and driveways combined from about 226,000 sq. ft. to about 157,000 sq. ft. He said there is 3% more road, but they save on driveways and homes and a little on sidewalks.

Mr. Genesco confirmed it will not be age restricted, but anticipated families needing more space will be less attracted to these condos with association rules. Regarding incorporating LID, he said the sand and gravel soil with no curbs has been appropriately designed to minimize runoff, infiltrate and recharge. He said this is not intended to be a rental community, but he has not completed the rules package. Mr. Beach confirmed there will be a public hearing through Zoning for changes, including no age restriction. Mr. Genesco said there was an open house on 5/31 at the Powder Forest club house and attendees were positive about having a road connecting the 2 neighborhoods so they don't have to come out onto the spine road. He said they expect the public hearing to be held 7/16. Chairman Miller stated the Commission's concern would be intrusion in the conservation buffer around the property for the new entrance off Stratton Brook. Regarding plants, Mr. Genesco said they will complement the existing scheme; Gus ? confirmed they would all be native plants.

Regarding initial permit conditions, Gus said best practices were required and trees were selected. Mr. Genesco said the variations requested are the new connection and the condensing of space; everything else originally approved remains. Mr. Beach confirmed the Commission is being asked to make a recommendation to Zoning regarding the new road through the conservation easement; he said there are no habitat issues, the whole area is disturbed, sight lines are good, grades do not require huge cuts and fills and tie-in is logical; and the buffer is weakest and thinnest in this area. Mr. Genesco said all of the perimeter buffer and open space is deeded, dedicated, and controlled by the Association. He said the owner of the development rights can grant an easement, subject to appropriate commissions agreeing it makes sense, and a separate association would be set up with rules and regulations.

Commissioner Rieger made a motion the Conservation Commission conclude and communicate to the Zoning Board that the modest diminution in the buffer created by extending the roadway to connect with Stratton Brook Road is more than offset by the increase in open space generally in the development, and particularly, with the diminution in the impervious surfaces in the development. On the whole, the Commission finds the proposal has no material concerns from a conservation point of view; and the original best practices included in the original approval will be carried forward with this Application, as well.

Commissioner Winters seconded the motion, and it was passed unanimously.

d. Street curbing and signage for migrating turtles

Chairman Miller stated that particularly in May migrating turtles cross streets where there are wetlands. Commissioner Winters said once eggs are laid and in place a while, they cannot be moved without killing them and populations are decreasing. Regarding moving the turtles, she said they know where they are going and should be placed in the direction they were headed. Chairman Miller said in Florida there are many signs for nesting turtles that are respected by residents and he suggested installing Cape Cod curbs for them to move through. Regarding signs, Mr. Beach said the state requires certain size large signs; the Commissioners discussed what type of signs could be used. Mr. Beach talked with Mr. Roy who said the turtles are everywhere for 3 weeks of the year. Commissioner Rieger suggested this could be an Eagle Scout project with signs put out at appropriate times he will talk with Jim Miller who is involved with all Eagle Scout projects. Mr. Beach said a tent sign for 2-3 weeks a year could get people's attention with an annual public statement reminding people.

Regarding using Cape Cod curbs, Mr. Beach said the Town Engineer has no

problem with them, but most Town roads do not have curbs at all because of the cost; it is primarily State roads that have curbs. He said if the Commission specified spots where turtles cross every year, Mr. Sawitzke would work with them regarding curb openings. Regarding the Town sponsoring wood for signs, if it is a moderate amount with a set number of signs, it may be worked out.

IX. CORRESPONDENCE/ANNOUNCEMENTS

None.

X. APPROVAL OF MINUTES of January 3, 2012, April 3, 2012, May 1, 2012 and May 15, 2012

The May 1, 2012 minutes were amended on Lines 45 and 55 to change "waddles" to "wattles". On Line 68, "rip rap" is changed to "riprap". Commissioner Rieger made a motion to approve the May 1, 2012, minutes as amended. Commissioner Kottas seconded the motion, and it was approved unanimously.

The May 15, 2012, minutes were amended as follows:

On Line 9, "Main Meeting Room at the Town Offices." is changed to "Conference Room 2 at the Simsbury Library."

Lines 124 and 125 are deleted, as they duplicate Lines 117 and 118.

On Line 129, "?." is replaced by "a water course."

On Line 132, "we do not think" is changed to "the Commission does not think"; and "their capacity for" is deleted to read: "the Commission does not think wetland preservation is diminished".

On Line 137, "we do" is deleted and replaced with "it does".

On Line 171, "other ?." is deleted and replaced with "removal of material."

On Lines 173 and 174, "this is significant activity" is replaced with "this was not a significant activity; delete "it involves" and insert "disturbance is mitigated by a silt fence"; and delete "rip rap and disturbance", and insert "other measures", to read: "this was not a significant activity in that disturbance is mitigated by a silt fence and other measures."

On Line 204, "Tone" is changed to "Toner".

On Line 205, "about mowing." is changed to "about mowing open spaces."



Commissioner Rieger made a motion to approve the May 15, 2012, minutes as amended. Commissioner Kottas seconded the motion, and it was approved unanimously.

Mr. Beach stated an application was received tonight for a shed on gravel with no excavation about 80 feet outside of the wetland and he will issue that administratively.

Regarding 444 Firetown Road, he said the Town Engineer received information from their designer and engineer and reviewed their system for infiltrating water and determined it works; he is waiting for them to provide a final drawing that requires outflow at the existing pipe and a plunge pool where they can meter the flow to take peaks off existing flow. The Commissioners agreed the Town Engineer needs to find the plan acceptable.

The Commissioners discussed future meeting dates and will not meet on 7/3/12; the next meeting is scheduled for 7/17 and the Agenda will include one Application for a pool; no meetings are scheduled for August.

#### XI. ADJOURNMENT

Commissioner Sexton made a motion to adjourn the meeting at 9:10 p.m. Commissioner Kottas seconded the motion, and it was passed unanimously.

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Ryan Mihalic, Secretary