

From: Lois Laczko September 23, 2010 4:15:50 PM  
Subject: Conservation Commission Minutes 07/20/2010 ADOPTED  
To: SimsburyCT\_ConserveMin  
Cc:

ADOPTED

CONSERVATION COMMISSION/INLAND WETLANDS & WATERCOURS AGENCY  
MINUTES – REGULAR MEETING  
July 20, 2010

I. CALL TO ORDER

Chairman Miller called the Conservation meeting to order at 7:30 p.m. in the Main Meeting Room of the Simsbury Town Offices. Commissioner members present were: Margaret Sexton, Margery Winters, Patrick Kottas, and Donald Rieger, Jr. Also present was Howard Beach, Environmental Compliance Officer.

II. APPOINTMENT OF ALTERNATES

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

III. APPROVAL OF MINUTES – June 15, 2010

Commissioner Winters made a motion to approve the June 15, 2010 as written. Commissioner Kottas seconded the motion, which was unanimously approved.

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

a. Application of Gus Jasminski, Manager of Design, Ensign-Bickford Realty – Owner, for a Map Amendment on property located on the west side of Grist Mill Road (Site 19 – Powder Forest. (Map F-11, Block 103, Lot 5).

Mr. Jasminski stated they received approval from this Commission to do remediation of the rail road lines. When the rail lines were put in one hundred years ago, at the far end of the rail line, the topography raised. Because the rail line needed to be dug in flat, the soil was thrown off to the side. Over one hundred years, this became the actual wetland, even though the rail line was there; all of the water drained into that area.

Mr. Jasminski stated that they are now looking to amend the map.

Chairman Miller questioned if there were any comments or questions from the public. There were none. He closed the public hearing.

Commissioner Rieger made a motion to approve the application of Gus Jasminski, Manager of Design, Ensign-Bickford Realty – Owner, for a Map Amendment on property located on the west side of Grist Mill Road (Site 19 – Powder Forest), as submitted. Commissioner Winters seconded the motion, which was unanimously approved.

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

a. Application of Carol S. Stoeke, Owner, for an Inland Wetlands Permit for activities associated with dredging a pond within the 100-foot regulated area to a wetland on property located at 10 Pasture Lane. (Maps A-9 & B-9, Block 440, Lot 10)

Mr. Beach stated that this applicant asked to be deferred to the next meeting.

Commissioner Winters made a motion to table the application of Carol S. Stoeke, Owner, for an Inland Wetlands Permit for activities associated with dredging a pond within the 100-foot regulated area to a wetland on property located at 10 Pasture Lane, until the next regularly scheduled meeting. Commissioner Sexton seconded the motion, which was unanimously approved.

b. Application of the Town of Simsbury, Owner, Gerard G. Toner, Director of Culture, Parks, and Recreation, Agent, for an Inland Wetlands Permit for activities associated with dredging the Town Forest Pond on property located on Town Forest Road. (Map C-13, Block 408, Lot 10)

Mr. Toner stated that the dredging used to be done annually for many years. Seven or eight years ago, the gate valves were repaired, although they are now broke and are not operable. At that time, they stopped maintaining Town Forest as a recreation facility, although they did do basic maintenance. Mr. Toner stated that they would like to get back on a routine for dredging this pond. When the dredging is done this time, they will replace the gate valves. He is hopeful that this will become yearly maintenance at Town Forest Pond.

Chairman Miller questioned if the Town has plans to guard this facility once the dredging is done and people can utilize this pond. Mr. Toner stated that there is no plan to have a guard at this location, although people can swim there. The Town may utilize this facility at some point or it may just be for public use.

Commissioner Rieger questioned if the pond water was tested on a regular basis. Mr. Toner stated that the Farmington Valley Health District does test the water every few weeks. The water was over the acceptable limits in 2003, although since then, the levels have been acceptable.

Commissioner Winters questioned where the dredged materials would be located. Mr. Toner stated that the dredged materials would be hauled away off site.

Commissioner Winters questioned how the water levels have been this year. Mr. Toner stated that the water levels are down a little bit because of the weather, although the levels are very similar to the last several years.

Commissioner Winters questioned when the dredging would start. Mr. Toner stated they would like to start immediately. He stated that people are interested in using this facility during this summer season and they are a little behind schedule because the Conservation Commission meeting was canceled last month. He stated that they should be done dredging and installing the new valves within one week.

Commissioner Winters made a motion that this is a regulated activity because it is dredging in a water body. Commissioner Kottas seconded the motion, which was unanimously approved.

Commissioner Winters made a motion that this is not a significant activity based on the fact that there will be controls in place; the materials will be taken off site; and it will be done over a short period of time. Commissioner Kottas seconded the motion, which was unanimously approved.

Commissioner Winters made a motion that the permit be approved with the stipulations of the Conservation Officer and that there be vegetation management for the beaches. Commissioner Kottas seconded the motion, which was unanimously approved.

c. Application of Ted J. Braidich, Owner, for an Inland Wetlands Permit for a shed (already existing) within the 100-foot regulated area to a wetland on property located at 1 Cedar Hill Road. (Map E-10, Block 147, Lot 113)

Mr. Braidich stated that he was before the Zoning Board of Appeals Commission for several variances to place the shed within the setbacks, which they did approve. A survey has been done. He stated that this is a very unique property. There is a culvert that comes through the property.

Mr. Beach stated that the shed has already been placed on the wetlands that

are delineated on the map.

Mr. Braidich stated that the 10 x 14 shed is on footings and on a gravel base. It will be used to store garden tools and patio furniture.

Commissioner Rieger stated that there have been issues with the previous owners regarding this property. He asked if there was anywhere on the property this shed could be moved to. Mr. Braidich stated that there are leaching fields and a septic system in other areas on the property. There are no other alternatives.

Mr. Beach stated that there are two front yard setbacks on this property. The regulations do not allow the shed to be put in any other location. The only other dry area is the leaching field on the property, although the Farmington Valley Health District will not allow the shed in that location.

Mr. Beach stated that at this point, it would be more harmful to move the shed assembled than to leave it where it is. Equipment cannot drive over the septic system in order to remove the shed from this location.

Commissioner Rieger stated his concerns regarding the shed being placed in this location without permission from this Commission.

Commissioner Winters stated her concerns regarding the Zoning Board of Appeals not referring this application to this Commission.

Commissioner Sexton stated that this is a unique site, which presents unique circumstances.

Commissioner Sexton made a motion that this is a regulated activity because it occurs either in the upland review area or in the wetland area. Commissioner Kottas seconded the motion, which was unanimously approved.

Commissioner Sexton made a motion that this is not a significant activity because the shed already exists, the placement of the shed and the footings, and the present use of the shed. Commissioner Winters seconded the motion, which was unanimously approved.

Commissioner Sexton made a motion to approve the permit retroactively with the condition that no chemicals be stored in the shed; this shed should be used for general storage only. This Commission is refraining from imposing a penalty, which could be done in this case, because of the violation. Commissioner Winters seconded the motion, which was unanimously approved.

VI. RECEIPT OF NEW APPLICATION(S)

a. Application of Thomas R. Evans, Owner, Scott Fanning, Great American Donut, Agent, for an Inland Wetlands Permit for work associated with construction of a Dunkin Donuts within the 100-foot upland review area to a wetland on property located at 138 Hopmeadow Street. (Map F-18, Block 154, Lots 7A & 8A)

Mr. Quirk, Engineer, stated that this property is situated near The Hartford on Route 10. There is an existing house and restaurant currently at this location. He stated that 53% of this site is currently impervious; they are proposing to reduce this by 3%. Mr. Quirk stated that there is an off-site wetlands to the southeast of the property. It is approximately 1.7 acres, which was delineated by a Soil Scientist in 2007. He stated that the upland review area comes across this site.

Mr. Quirk stated that they would like to maintain the existing building on the site for retail use, although they would like to remove the existing restaurant in order to construct a Dunkin Donuts.

Mr. Quirk stated they are will be proposing three rain gardens for water quality treatments. These rain gardens are designed to collect run off from smaller pocket areas. They have eliminated the curbing so water can sheet flow into the rain gardens.

Mr. Quirk stated that this proposal has several improvements including: storm water management improvements; reduction in pavement; a rain garden system for water quality treatment; and landscaping.

Commissioner Kottas questioned if the applicant would be using permeable pavement. Mr. Quirk stated that they have looked into this, although they do not feel that their plans are conducive to this use. He stated that he will look into this further for the parking areas, although it cannot be used for the menu and drive-thru areas.

Commissioner Sexton questioned if the dumpster would be on a paved area. Mr. Quirk stated that the dumpster would be on a concrete pad. It will drain to the parking area and around to a rain garden.

Regarding the parking spaces, Mr. Quirk stated that there are currently 40 spaces existing on this property. They will be proposing 24 spaces; 22 parking spaces are required.

Commissioner Winters suggested that the applicant submit a maintenance plan. Commissioner Sexton suggested the applicant submit a storm water management plan for the maintenance of the rain gardens and the drains, also.

## VII. STAFF REPORTS

a. Administrative issuance of an Inland Wetlands Permit on the application of Asbjorn Gjertsen, Owner, for placement of two gazebos within the 100-foot upland review area to a wetland on property located at The Riverview, 10 Winslow Place. (Map G-14, Block 145, Lot 3c b).

Mr. Beach stated that The Riverview would like to put in two gazebos. Both gazebos are right on the 100' upland review area. These structures would be located by the patios; they cannot be seen from the street. The applicant would like to install these gazebos for photo opportunities only.

Commissioner Winters questioned if the applicant has removed the invasive species on the property. Mr. Beach stated that they did remove the invasives, although they also removed other trees that should not have been removed. He stated that a fine was issued. The applicant will also need to plant 18 new trees, which will be done in September.

#### VIII. DISCUSSION

The Commission members discussed having an August meeting. They will hold a meeting on August 3rd as long as there would be a quorum.

Mr. Beach stated that the Grist Mill developers would like to come in and make a presentation to this Commission if there will be a somewhat full Commission on August 3rd. This is a mixed-use development that they are proposing. This presentation will be an informal review within the PAD Regulation.

#### IX. CORRESPONDENCE/ANNOUNCEMENTS

There were none.

#### X. ADJOURNMENT

Commissioner Winters made a motion to adjourn the meeting at 9:00 p.m. Commissioner Sexton seconded the motion, which was unanimously approved.

Respectfully Submitted,

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Commissioner Ryan Mihalic, Secretary

