

From: Carrie Vibert September 18, 2012 4:15:38 PM
Subject: Conservation Commission Minutes 07/31/2012 ADOPTED
To: SimsburyCT_ConserveMin
Cc:

CONSERVATION COMMISSION/INLAND WETLANDS &
WATERCOURSES AGENCY MINUTES
JULY 31, 2012
SPECIAL MEETING

I. CALL TO ORDER

Richard Miller, Chairman, called the Special Meeting of the Conservation Commission to order at 7:38 p.m. in the Main Meeting Room at the Town Offices. Other members and alternates in attendance were Alan Needham, Darren Cunningham, Ryan Mihalic, Margery Winters, Margaret Sexton, and Donald Rieger. 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 as an alternate for Commissioner Zackeo.

III. PRESENTATION(S), DISCUSSION AND POSSIBLE VOTE

a. Application #12-20 of Timothy J. Hayes, Owner, to remove from pond the algae growth, silt, mud, and other organic materials currently adversely affecting pond health on property located at 3 Linda Lane (Map D06, Block 303, Lot 015).

Mr. Beach stated this is a joint application of Mr. Hayes and his neighbor, who is presently out of town. He said they have received quotes but have not decided who will do the work and have asked to table this Application until the September meeting. He said they will dredge, stockpile, and hold offsite, but do not yet know all the specifics and want to appear before the Commission together.

Commissioner Mihalic made a motion to table this Application until the September meeting. Commissioner Winters seconded the motion, and it was passed unanimously.

b. Application #12-25 of Eric Barch, Agent for Town of Simsbury,

Owner, for the construction of a wooden walkway on the marsh at the Community Farm of Simsbury on property located at 73 Wolcott Road (Map I02, Block 439, Lot 002).

Mr. Beach said the Eagle Scout Applicant for this project at the Community Farm has asked to delay his presentation until the September meeting.

Commissioner Mihalic made a motion to table this Application until the September meeting. Commissioner Winters seconded the motion, and it was passed unanimously.

c. Application #12-26 of Kurt L. and Sheila M. Gschwind, Owners, for construction near wetlands with preventative measures to prevent erosion impact to wetland areas on property located at 5 Hawks Lane (Map G06, Block 103, Lot 042).

Mr. Gschwind provided the Commissioners with a copy of the plot plan showing the location of the house. He said the lot is downward sloping and they will be replacing the porch with some sand and dirt excavated and redistributed to the other end of the property. He said currently, there is an area with some erosion and placing the soil there will cause the water to run off more gently and prevent erosion. He said the soil in the swale is sandy and drains well and they will also put in a small rock wall to prevent additional slope toward the wetlands. He said they will use a full foundation and noted the garage underneath does not provide a lot of storage. He said there are open space wetlands with a dry creek bed behind them. Regarding additional paving, he said they will go back about 6 feet from the current driveway. Regarding the amount of soil to be excavated, he said it is about 1/4 of the foundation; they will remove the existing porch and put in a new, slightly longer porch. He clarified the sand to be re-graded will be stockpiled for a short period of time.

Mrs. Gschwind said the whole project should take about a month and all equipment will come in by the existing driveway and should not be further back in the upland review area. The Applicants stated they will start in September and would like to have the project completed before November so the driveway can be in before winter. Given the property's slope, Mr. Gschwind said they plan to use a silt fence in the entire back of the property and will stabilize the embankment where they fill in, and as soon as the foundation is complete, they will plant grass above the rock wall. He did not see any problem using all the excavated soil. The Applicants stated the railroad ties are being removed and the area's grade is pretty flat.

Commissioner Mihalic made a motion this is a regulated activity because it involves the removal and deposition of material in an upland review area

adjacent to a wetland.

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

Commissioner Mihalic made a motion this is not a significant activity based on the representations of the Applicant, the use of the erosion control fence, and what the Applicant proposes to do with the grading and maintenance of the material that is pulled from the site.

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

Commissioner Mihalic made a motion the permit is approved subject to any conditions imposed by Town Staff.

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

The Applicants clarified with Mr. Beach procedures to follow for permit issue.

Commissioner Sexton suggested putting a time limit on approvals for completing a project. Commissioner Mihalic noted permits are good for 5 years, but the Commission could impose reasonable conditions, as it has in the past. The Commissioners noted Applicants like to start in mid-November when the rains come in and grass cannot be established because construction jobs are scarcer and less costly. Commissioner Rieger noted a condition that Town Staff needs to be satisfied can be imposed. Chairman Miller said for vernal pool issues, it is important to avoid the migration season in early spring and late winter. Mr. Beach said for Applications near wetlands filed at the wrong time of the year, action may not be taken by the Commission. He said typically when the foundation is in the site is stable. The Commissioners asked Mr. Beach to notify them if after a permit is granted it becomes a problem, that they be notified so they can notice the permittee to come in. Mr. Beach said the permit is good for 5 years, unless conditions are imposed by the Commission.

IV. ADMINISTRATIVE APPROVALS

a. Application #12-29 of Jason DiGiandomenico of Building Concepts, Agent for Michael Valerio, Owner, to build an addition in the 100-foot upland review area on property located at 87 Hedgehog Lane (Map B09, Block 418, Lot 009A).

Mr. Beach said this sunroom addition is built on 4 concrete cantilevered hand dug piers off the existing foundation.

b. Application #12-30 of Christopher Straka of Ascendant Energy, Agent

for Arbur Holdings, LLC, Owner, to erect 4 solar arrays in the 100-foot upland review area on property located at 123 West Street (Map F11, Block 103, Lot 002).

Mr. Beach said this involves Burr's Landscaping putting up a solar array before the rebate expires. He said it involves 6 poles put in by hand that are 4 feet high with wiring on the raceway connecting panels at the top. He said the last panel pole is outside the upland review area with the cable coming down to the ground and trenched. He said any trenching work is completely outside the upland review. Regarding the equipment coming into the area, Mr. Beach said is about 50 feet outside and parallel to the wetlands in a disturbed area. He said there are mafia blocks (made of 4'x3' leftover concrete/rebar material) for parking vehicles.

c. For a 28-foot deck on the back of a house in a wetland pocket in the extreme northwest corner of the property in a disturbed area around the house.

V. RECEIPT OF NEW APPLICATION(S)

a. Application #12-28 of Steven A. Vasseur of Liberty Builders, Agent for Chris Meile, Owner, to build a 12x28 new deck in the 100-foot upland review area on property located at 46 Banks Road (Map E12, Block 127, Lot 024).

Mr. Beach said a new application was received for 8 The Mews [8 The Glade], off of Wingate, which was a leftover lot in that subdivision that was never built on as it was bifurcated by a wetland; the lot was purchased by a neighboring lot owner. Mr. Beach said they are selling it and Maglieri will put a house on it; they will come in September 4th for an inland wetlands map amendment, as well as an application for an associated foundation and drainage.

VI. DISCUSSION

Regarding the Show Cause Hearing for Lot #2, house #4, at Hop Hollow Road and Apple Way, Mr. Beach hoped the homeowner would have been present for a substantive discussion. He said the original map showed the property line in stream center and 30-40 years ago, neighboring homeowner Al Hickson came in for a permit to dredge and make the larger pond in existence today. Consequently, he said one issue is whether the stream center is still the property line or is the pond center the new property line. He said Lot #2 owner built a dock that appears to be substantially beyond his property line and was built without any permit. He told the owner to prepare a survey (currently incomplete) showing the dock location in relation to the property line. He stated 10 days' notice is required for a violation

hearing, and since it is not on tonight's agenda either, no official action can be taken and it must be determined what property it is on. Mr. Beach stated the 80-foot long dock (25 feet) is on piers and the association prohibits anything that projects more than 12 feet into the pond; neighbors complained about the dock.

The Commissioners summarized this is a Zoning, Wetlands, and property problem and directed a Show Cause Hearing be noticed for the 9/4/2012 meeting and action taken. Mr. Beach said while he was not notified, last year Lot #2 owner clear cut every tree on the property to the water, then the neighbors complained, and Lynn Charest issued a Cease and Desist Order and Notice to Show Cause Hearing and sent the owners a copy of the regulations about 6 months ago - so there are 2 violations. He said neighbors believe another neighbor who does construction built the dock. Mr. Beach spoke to the owner today; they were notified of the hearing tonight by certified mail, and have not appeared. He believes no further work is going on and expects to receive the surveyor's input shortly and will notify the Commissioners. The Commissioners decided this violation should be officially noticed, and put on the agenda for a hearing at the September 4th meeting. Mr. Beach informed the owner of Lot #2 that when a permit is pulled to expand and improve, the property owner is not giving it up; however, the owner of the property has to be noticed too. Regarding tree clearing, he said it was 90% complete when the Cease and Desist was issued upon neighbor notification. The Commissioners suggested discussing this matter with the Town Attorney, including possible fines, and keeping watch on the property.

VII. CORRESPONDENCE/ANNOUNCEMENTS

Commissioner Rieger stated the Lower Farmington River and Salmon Brook Wild and Scenic Study is available online and open for comment to the National Park Service until 10/17/2012. He provided information to the Commissioners on how to find the study and will bring suggested feedback from the Commission to the next meeting (this item will be added to the agenda).

Regarding pipes at Apple Way, Mr. Beach will follow up with Mr. Sawitzke. Commissioner Rieger suggested that the silt fence by the Library requires attention following the rain.

Regarding Dunkin' Donuts' ditch/parking lot change, Mr. Beach mentioned it to Mr. Peck. He said the expanded parking pavement has gone from 53 to 57+ and needs to come in for a special exception.

Mr. Beach said Rittson has moved forward on Hopmeadow and is working on a 3-story building with all handicapped accessible housing.

VIII. APPROVAL OF MINUTES of July 17, 2012

Commissioner Rieger made a motion to approve the July 17, 2012, minutes as written. Commissioner Winters seconded the motion, and it was approved unanimously.

IX. ADJOURNMENT

Commissioner Winters made a motion to adjourn the meeting at 8:20 p.m. Commissioner Mihalic seconded the motion, and it was passed unanimously.

Ryan Mihalic, Secretary