

From: Lois Laczko January 9, 2009 9:34:16 AM  
Subject: Conservation Commission Minutes 08/19/2008  
To: SimsburyCT\_ConserveMin

CONSERVATION COMMISSION/INLAND WETLANDS & WATERCOURSES AGENCY  
MINUTES - SPECIAL MEETING  
August 19, 2008

I. CALL TO ORDER

Chairman Miller called the Special Meeting of the Conservation Commission/Inland Wetlands and Watercourses Agency to order at 7:30 PM in the Main Meeting Room of the Simsbury Town Offices. The following members were present: Commissioners Margery Winters, Margaret Sexton and Darren Cunningham. Also in attendance was Howard Beach, Conservation Officer.

II. APPOINTMENT OF ALTERNATES

There were none.

III. PRESENTATION(s), DISCUSSION AND POSSIBLE VOTE

a. Application of Timothy and Kelley Budlong, Owners, for an Inland Wetlands Permit for addition of a deck to an existing shed within the regulated area to a wetland on property located at 430 Bushy Hill Road. (tabled at June 3, 2008 meeting, tabled at June 17, 2008 meeting)

Commissioners Winters and Sexton stated that they did go on the site walk for this application. Mr. Beach stated that the owners have lived at this residence for 3 years. This shed was already there when they purchased the property. Mr. Budlong would now like to add a deck to the shed. Mr. Beach stated that when he went out to the property to look at something else, he saw this shed, which is located in the wetlands. The issue is that no permits were issued for the shed. This Commission has several options: they can make the shed legal where it now stands; or they can make the applicant remove the shed.

Mr. Budlong stated that his long term plan is to move the shed after the garage is complete. He would like to move the shed eventually and put a garden in this area. He stated that this should all happen within the next 2 years or so. He also stated that he would come back before this Commission to get a permit to move the shed. Commissioner Winters questioned what kind of foundation the shed had. Mr. Budlong believes that it is on pressure treated piers.

Chairman Miller asked if the shed moves when there is a lot of water there. Mr. Budlong stated that it is solid; it has never moved. Commissioner Sexton asked if the shed has ever flooded. Mr. Budlong stated that it has not. The water flows in front of the shed and not under it.

Commissioner Winters questioned if most of the yard gets fairly wet and if there were wetlands plants in the backyard. Mr. Beach stated that, according to the wetlands map, the yard is all wetlands.

Commissioner Sexton questioned what the elevation of the new addition to the home was. Mr. Budlong stated that the elevation is approximately 10'-15' higher than the shed. Mr. Beach showed the Commission where the Budlong property was on the wetlands map. He stated that no matter where the shed is moved on the property, it will still be in the wetlands and will still need a permit. Chairman Miller stated that because this area is stabilized, it may be more destructive to the wetland to try to move the shed.

Mr. Budlong stated that he would be willing to move the shed, although he asked that the Commission approve this application.

Mr. Beach stated that it would need to be discussed what the applicant stores in the shed. Commissioner Winters questioned if the shed was heated. Mr. Budlong stated that it was not heated. He stated that mostly garden and landscaping tools were stored in the shed. He does not store paint in the shed, although gasoline is stored in there. Commissioner Winters stated that this is not something that this Commission would have originally permitted. She stated that if they deny this application, she questioned if they could give the applicant a time period in which to remove the shed. She stated her concerns regarding starting a precedent if they do not deny this application. Mr. Beach stated that the Commission could deny this application with a period in which to remove the shed. Mr. Budlong stated that he felt 2 years would be sufficient.

Commissioner Cunningham stated that if the Mr. Budlong was to sell this house, they would need to make sure that any future owners are aware of the Commission's decision.

Commissioner Winters made a motion that this is a regulated activity because the construction is in the wetlands/watercourse area. Commissioner Cunningham seconded the motion, which was unanimously approved. Commissioner Winters made a motion that this is not a significant activity because this was prior construction in the wetlands and the impact has passed. Commissioner Sexton seconded the motion, which was unanimously approved.

Commissioner Winters made a motion to deny this application because it did not come to this Commission in the proper sequence. This is an activity that was done by the previous owner in the past and it is unlikely that this Commission would have granted the permit because of the location of the shed. Commissioner Cunningham seconded the motion, which was unanimously approved.

Commissioner Winters recommended that the shed be removed under the supervision of the Conservation Officer no later than September of 2010. A permit will be required for this activity. Commissioner Cunningham seconded the motion, which was unanimously approved.

b. Application of Charlotte Bidwell Bacon. Owner, for an Inland Wetlands Permit for construction of a barn within the regulated area to a wetland on property located at 133 Terry's Plain Road.

Ms. Bacon stated that she would like to build this garage, which will look like a barn. Mr. Emil Dahlquist has designed the barn. The garage will hold 2 cars and also a garden tractor. The garage will be located 23' from the wetland area. She stated that they will be installing a silt fence. There will be a small amount of soil that will be disturbed, which will be put outside of the 100' buffer zone. Ms. Bacon stated that there is already a red barn on the property that houses her animals. The proposed garage will be located behind the house; the original barn is farther from the house.

Commissioner Winters questioned if the new driveway would be paved or gravel. Ms. Bacon stated that she was not sure what materials would be used, although she was sure that it would not be gravel.

Chairman Miller questioned if the garage was being proposed on a level area. Ms. Bacon stated that the area was level, although some trees would need to come down.

Mr. Beach stated that this is a very small wetland. There is a stream, which itself is very small and there is a minor floodplain. He stated that there are two ponds on this property. There is a pond above the road, which is half on this property and the other half is on the Land Trust property. There is another pond behind the house. Ms. Bacon stated that the wetland area is across the brook from where the construction will take place.

Regarding the design of the garage, Ms. Bacon stated that the doors of the garage will look like barn doors, although they will open like garage doors. There will be enough room in the driveway for a car to turn around

in order to be able to pull out forward into the street. Ms. Bacon stated that the pipe from the septic tank was replaced so it will now be able to handle any heavy trucks that will be going in and out of the site.

Commissioner Winters questioned when the construction would take place. Ms. Bacon stated that they would like to start as soon as possible. Chairman Miller stated that it is already late in the construction season. Mr. Beach stated that if the grading and seeding near the foundation is not done prior to October 15th, then they will need to put down a thick layer of hay mulch to make sure that it is stabilized for the winter. Commissioner Winters suggested putting down a winter rye seed to stabilize the area until next spring.

Commissioner Sexton made a motion that this is a regulated activity because it is within the 100' upland review area. Commissioner Winters seconded the motion, which was unanimously approved.

Commissioner Sexton made a motion that this is not a significant activity because the construction will occur outside of the wetlands area and will not cause direct impact to the wetlands. Commissioner Winters seconded the motion, which was unanimously approved.

Commissioner Sexton made a motion to approve this application with the following conditions: 1) any materials that are stockpiled shall be placed outside of the 100' wetlands barrier; 2) silt fences shall be placed between the construction and the wetlands; 3) once the foundation is complete, the landscaping shall be stabilized with plantings. Should this not occur prior to October 15, 2008, there shall be an erosion protection, such as a heavy layer of mulch, to prevent erosion into the brook; and 4) a gravel drag-out shall be constructed so dirt does not get into the street from the trucks and equipment. Commissioner Winters seconded the motion, which was unanimously approved.

c. Application of James and Lynn Lewis, Owners, for an Inland Wetlands Permit for pond maintenance and installation of a detention basin within the regulated area to a wetland on property located at 38 Long View Drive.

Mr. Lewis stated that they live at the bottom of Long View Drive and they get a lot of the run-off from the street. They would like to add a forebay, which would be at 10 x 10 area and 8' deep lined with rocks. The pond is approximately  $\frac{1}{4}$  of an acre and is 3' deep. After excavation, the pond will be approximately 6'-8' deep.

Commissioner Cunningham questioned when the last time the pond was dredged. Mr. Beach stated that it was last dredged in the late 1980's or early 1990's. At that time, they did not install a forebay system. He stated that the street drain takes the flow from the hill and takes the sand to

the pond.

Commissioner Winters questioned if the dredged material would be spread or taken off site. Mr. Lewis stated that they would be drying it in an area on the property and then trucking it off site. Commissioner Winters questioned when this project would be done and what kind of equipment would be used. Mr. Lewis stated that he would like to dredge the pond next spring; he does not have the time to do it this year. Regarding the equipment, they will be using a new apparatus, a sort of a vacuum. It shoots water into the ground and sucks it back up. This is very low impact.

Chairman Miller questioned if there was any aquatic life in the pond and if they would be dredging only certain areas of the pond at a time. Mr. Lewis stated that there are frogs and fish in the pond. Regarding the dredging, Mr. Lewis stated that the whole pond would be backed up at the bottom with hay bales and would be dredged all at once. Mr. Beach stated that he has recommended installing hay bales at the outflow so that any siltation that does occur does not flow downstream. Commissioner Winters stated her concerns regarding dredging the pond during the spring, which is an active time for aquatic life. She feels that the summer would be a better time to dredge, during lower flow periods.

Chairman Miller questioned if the applicant had a problem with algae in the pond. Mr. Lewis stated that there is always a spring bloom, although it has died off by now. Commissioner Winters stated her concerns regarding not mowing down to the edge of the pond to allow native plants to grow, which helps keep down the algae in the pond. Mr. Lewis stated that there is a 5' buffer on one side and a 20' buffer of native plants on the other side of the pond.

Chairman Miller questioned where they would be dewatering the dredged materials. Mr. Lewis stated that they would be bringing the material up near the driveway, which is sloped, so gravity will help drain the material. This location will also make the access easier to truck it off site.

Commissioner Winters stated that she felt hay bales may be better than silt fence, although it can be whatever the contractor recommends. The Commission talked about the new products that are currently on the market for silt fences.

Commissioner Winters made a motion that this is a regulated activity because there is a potential for siltation into the wetland. Commissioner Cunningham seconded the motion, which was unanimously approved.

Commissioner Winters made a motion that this is not a significant activity

because of the erosion control and site management that will be used while constructing the forebay and dredging the pond to control the sediment. Commissioner Cunningham seconded the motion, which was unanimously approved.

Commissioner Winters made a motion to grant this permit with the conditions set forth in the staff report and with the recommendation that the dredging occur in the summertime to benefit the aquatic life in the pond. Commissioner Cunningham seconded the motion, which was unanimously approved.

d. Application of Daniel and Beverly McKeeman, Owners, for an Inland Wetlands Permit for construction of a single level home within the regulated area to a wetlands on property located at One Welden Way.

Mr. McKeeman showed pictures to the Commission members depicting the site. The pictures showed the row of trees that he would like to save in order to put his house behind them. He stated that some of the smaller trees may need to be taken down.

Mr. McKeeman stated that there is a very steep bank which separates the wetlands area from where the house will be built. He stated that the brook, for the most part, defines the wetlands.

Mr. Beach stated that the applicants are designing the house with a walkout on the front. Because the ground slopes down towards the stream, they will not have to do much filling around the front of the house.

Mr. McKeeman stated that the reason why they are proposing to be 35' into the wetlands area is because there is so much land and they do not want to be so close to the neighbors. If this is not approved, they will have to basically put the house on the property line, which is something that the neighbors do not want either.

Mr. Beach stated that the only other activity of concern is that there are currently telephone poles through the property and the applicant is proposing to bury the utilities; these poles are close to the wetlands.

Mr. McKeeman stated that they will be coming up next to the driveway to be as far away from the wetlands as possible.

Chairman Miller stated that he believes this is a nice plan. The applicant has taken the neighbor's interest into consideration and there is not much intrusion to the brook.

Commissioner Winters made a motion that this is a regulated activity because the construction is adjacent to the regulated area. Commissioner Cunningham seconded the motion, which was unanimously approved. Commissioner Winters made a motion that this is not a significant activity

because of the way in which the construction will be done to stabilize the soil during the construction. The trees will not be removed on the stream bank and the topography is on the flat part of the area and raised above the wetland area. Commissioner Sexton seconded the motion, which was unanimously approved.

Commissioner Winters made a motion to grant this application with the controls that are in place and the stipulations set forth by the Conservation Officer and a recommendation that the underground utilities be redirected away from the upland review area. Commissioner Sexton seconded the motion, which was unanimously approved.

IV. APPROVAL OF MINUTES of July 15, 2008

Because there was not a quorum of Commission members who attended the July 15, 2008 meeting, the minutes were tabled until the next meeting.

V. RECEIPT OF NEW APPLICATION(s)

Mr. Beach stated that there is a new application for the rebuilding of a small wooden walkway at 212 Hedgehog Lane.

VI. STAFF REPORTS

a. Administrative issuance of an Inland Wetlands Permit on the application of Jim and Barbara Wing, Owners, to construct an 18-foot x 36-foot in-ground swimming pool within the 100-foot upland review area to a wetland on property located at 21 Michael Road.

Mr. Beach stated that they usually do not allow pool permits administratively, although it was done because the amount of excavation was minimal, and because this pool is in the middle of a well established lawn area. There is also an up-gradient area before it drops off into the wetlands. He stated that he did discuss this administrative issuance with Chairman Miller.

Commissioner Winters questioned how the draining of the pool water was handled. Mr. Beach stated that this was also discussed with Chairman Miller. The applicant agreed that if the pool was to be de-watered, the water would be pumped toward the street and not into the wetland. Chairman Miller stated that they did this administratively because this applicant was not ready for this meeting and the next meeting would have been too long away.

VII. DISCUSSION

There was none.

VIII. CORRESPONDENCE / ANNOUNCEMENTS

There was none.

IX. ADJOURNMENT

Commissioner Cunningham motioned to adjourn the meeting at 9:20 PM.

Commissioner Sexton seconded the motion, which was unanimously approved.

Respectfully Submitted,

---

Commissioner Ryan Mihalic, Secretary