

From: Lois Laczko October 8, 2010 12:43:04 PM  
Subject: Conservation Commission Minutes 09/21/2010 ADOPTED  
To: SimsburyCT\_ConserveMin  
Cc:

ADOPTED

CONSERVATION COMMISSION/INLAND WETLANDS & WATERCOURSES AGENCY  
MINUTES – SPECIAL MEETING  
September 21, 2010

I. CALL TO ORDER

Chairman Miller called the Conservation Commissioner / Inland Wetlands & Watercourses Agency meeting to order at 7:33 p.m. in the Main Meeting Room of the Simsbury Town Offices. Commissioner members present were: Margaret Sexton, Margery Winters, Patrick Kottas, Darren Cunningham, and Donald Rieger, Jr. Also present was Howard Beach, Environmental Compliance Officer.

II. APPOINTMENT OF ALTERNATES

Chairman Miller appointed Commissioner Kottas to serve in the absence of Commissioner Zackeo and Commissioner Rieger to serve in the absence of Commissioner Milahic.

III. APPROVAL OF MINUTES – July 20, 2010 and August 3, 2010

Commissioner Winters made a motion to approve the July 20, 2010 minutes as written. Commissioner Kottas seconded the motion, which was unanimously approved.

Commissioner Winters made a motion to approve the August 3, 2010 minutes as written. Commissioner Rieger seconded the motion, which was unanimously approved.

IV. PRESENTATION(s), DISCUSSION AND POSSIBLE VOTE

a. Application of Susan Masino and David Galt, Owners, for an Inland Wetlands Permit for activities associated with the installation of geothermal wells within the 100-foot regulated area to a wetland on

property located at 41 Madison Lane. (Map B-14, Block 301, Lot 116)

Mr. Galt stated they would like to put a geothermal system in. He stated that two wells will need to be drilled; the pits will be dug next to the wells. This will require bringing in a drilling rig. They are proposing to deposit the drill slurry on site. Once all of the drill work is done, the site will be backfilled, graded and seeded.

Chairman Miller questioned what drill slurry was. Mr. Galt stated that drill slurry is rock dust, the excavated material.

Ms Masino stated that they are proposing to put up a silt fence and will leave it up until next season to make sure the grass grows. They are also proposing to use hay mulch.

Chairman Miller questioned if there was an outlet for the geothermal system. Mr. Galt stated that he is unsure if there is an outlet. Ms. Masino stated that she believes there is access at the top of the system.

Chairman Miller questioned if the stockpiling pits would be outside of the upland review area. Mr. Galt stated that his whole property is in the upland review area.

Commissioner Winters questioned when construction would begin. Ms. Masino stated as soon as possible; hopefully by the end of the year. There are a lot of rebates and incentive, but they need to have a re-inspection of the energy efficiency of their house prior to applying for the rebates. After this inspection, they would like to start the work.

Mr. Galt stated that this geothermal system is replacing their natural gas. Construction for this system will take no longer than three weeks.

Chairman Miller questioned if there would be a drag out area for the drilling equipment. Mr. Galt stated that the truck will come down the driveway and through the backyard to get to that portion of the property. He stated that they will probably need to regrade the whole yard when they are finished.

Commissioner Winters made a motion that this is a regulated activity due to the excavation in the upland review area. Commissioner Kottas seconded the motion, which was unanimously approved.

Commissioner Winters made a motion that this is not a significant activity due to the fact that it will be a short period of time when the excavation will be going on and the use of the silt fencing should minimize any sediment to the wetlands. Commissioner Sexton seconded the motion, which

was unanimously approved.

Commissioner Winters made a motion to grant the permit with the stipulations that the silt fencing will be installed and kept there for one year; and the unseeded soil will be covered with hay or mulch to prevent erosion. Commissioner Rieger seconded the motion, which was unanimously approved.

b. Application of Timothy Budlong, Owner, for an Inland Wetlands Permit for activities associated with relocating an existing shed to stable ground within the 100-foot regulated area to a wetland on property located at 430 Bushy Hill Road. (Map G-18, Block 605, Lot 023)

Mr. Beach stated that the applicant is not present.

Commissioner Sexton made a motion to table this application until the next meeting when the applicant is present. Commissioner Winters seconded the motion, which was unanimously approved.

c. Application of Edith A. Yakemore Revocable Trust, Owner, Wolf Restaurant, LLC, Applicant, for an Inland Wetlands Permit for activities associated with the purpose of adding additional parking for Abigail's Grille and Wine Bar (located at 4 Hartford Rd) on property located at 332 Hopmeadow Street. (Map G-15, Bloc, 145, Lot 002)

Attorney Silver stated that Mr. Wolf would like to purchase one acre of land from the Yakemore Trust. The applicant is seeking to construct additional parking for their thriving restaurant. They have already received a favorable referral from the Planning Commission and the Zoning Commission has also granted them approval.

Attorney Silver stated that this area is not in wetlands, although a good portion of it is in the upland review area. The goal is for the water to sheet flow from the proposed parking area into the grassed area, which is pitched to the east. He stated that there has not been any ponding near the daycare facility. Attorney Silver stated that the applicant will file a Site Plan that will delineate the trees that will be preserved; it is their intent to save as many trees as possible.

Attorney Silver stated that of the one acre that Mr. Wolf is purchasing, only  $\frac{1}{2}$  of that acre will be used for the proposed parking area. Fifty additional parking spaces are being proposed. He stated that the Town Regulations require this area to be paved; it cannot be gravel. He stated that the applicant is looking into the best option for the additional parking area, possibly a permeable pavement.

Attorney Silver distributed a new map delineating the floodplain and the various elevations of the site. He stated that this new map was submitted to the Town today.

Commissioner Rieger questioned if there are trees present in the area to be paved. Attorney Silver stated that there are currently trees in that area. It is their goal to retain as many trees as possible. Commissioner Rieger questioned what the vegetation was in the unpaved area. Mr. Wolf stated that it has been farmed up until recently and there is also grass in this area. There are trees dividing his property with the farmland.

Commissioner Rieger questioned if the unpaved portion would continue to be farmed. Mr. Wolf stated that it would be a grassy area with landscaping. He stated that if the Commission would like him to, he also does not have a problem planting trees in this area as well.

Commissioner Cunningham questioned if the daycare facility would be using this additional parking as well. Mr. Wolf stated that the daycare have their own designated parking spaces.

The Commission discussed permeable pavement. Commissioner Sexton stated that cost may be an issue. Chairman Miller stated that if the additional parking lot is asphalt, the runoff would sheet flow into the river. Mr. Beach stated that the additional parking would not have any curbing.

Commissioner Cunningham questioned when the applicant would begin construction. Attorney Silver stated that they would like to start before the end of the year if they can get all of the approvals in place.

Mr. Beach stated that the applicant still needs to go before the Zoning Commission for a formal site plan approval and since the construction is within a flood plain, this would require a Special Exception.

Chairman Miller questioned where the applicant would be stockpiling the excavated material. Mr. Wolf stated that the Yakemore Trust would like to stockpile the topsoil on their land. Mr. Beach stated that he would need to approve the location prior to stockpiling.

Commissioner Winters suggested a low fertilizer, low maintenance, organic grass for the area around the proposed parking. Mr. Beach stated that the Commission should not require any formal plantings that may interfere with the sheet flow.

Commissioner Cunningham made a motion that this is a regulated activity because it is in the upland review area. Commissioner Winters seconded the motion, which was unanimously approved.

Commissioner Cunningham made a motion that this is not a significant activity due to the limited affect on the area; the fact that they are using about fifty percent of the one acre; the fact that it is very flat; and given the conditions of the surrounding area as well as the limited amount of grading that will be necessary. Commissioner Winters seconded the motion, which was unanimously approved.

Commissioner Cunningham made a motion to grant the permit subject to saving the maximum number of viable trees as the applicant has indicated; subject to the maintenance with a ten (10) foot radius around the paved area with a low fertilizer grass because of the runoff into the river; subject to an organic maintenance plan subject to discussion with Town staff; and staff will approve the stockpiling of the topsoil. Commissioner Winters seconded the motion, which was unanimously approved.

#### V. RECEIPT OF NEW APPLICATION(S)

Mr. Beach stated that there will be one new application for dredging of a pond on their next agenda. This homeowner is also concerned about fire protection. The Fire Marshal is willing to put all of the equipment in for a dry hydrant if the homeowners dredges the pond.

#### VI. STAFF REPORTS

There were none.

#### VII. DISCUSSION

Election of Conservation Commission/Inland Wetlands and Watercourses Agency Officers

Mr. Beach stated that the Commission should think about electing officers, whether the same officers are kept or different officers are elected.

#### VIII. CORRESPONDENCE/ANNOUNCEMENTS

There were none.

#### IX. ADJOURNMENT

Commissioner Rieger made a motion to adjourn the meeting at 8:20 p.m. Commissioner Winters seconded the motion, which was unanimously approved.

Respectfully Submitted,

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Commissioner Ryan Mihalic, Secretary