

From: Lois Laczko January 6, 2010 1:01:20 PM
Subject: Conservation Commission Minutes 10/20/2009 ADOPTED
To: SimsburyCT_ConserveMin
Cc:

ADOPTED

CONSERVATION COMMISSION/INLAND WETLANDS & WATERCOURSES AGENCY
MINUTES – REGULAR MEETING
October 20, 2009

I. CALL TO ORDER

Chairman Miller called the Regular Meeting of the Conservation Commission/ Inland Wetlands and Watercourses Agency to order at 7:40 PM in the Main Meeting Room of the Simsbury Town Offices. The following members were present: Commissioners Margaret Sexton, Patrick Kottas, Nick Zackeo, Darren Cunningham, Ryan Mihalic and Donald Rieger. Also in attendance was Howard Beach, Conservation Officer.

II. APPOINTMENT OF ALTERNATES

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

III. APPROVAL OF MINUTES – April 7, 2009, May 5, 2009, September 1, 2009 and October 6, 2009.

Commissioner Sexton made a motion to approve the April 7, 2009 minutes as written. Commissioner Rieger seconded the motion, which was unanimously approved.

Commissioner Rieger made a motion to approve the May 5, 2009 minutes as written. Commissioner Zackeo seconded the motion, which was unanimously approved.

Commissioner Sexton made a motion to approve the September 1, 2009 minutes as written. Commissioner Rieger seconded the motion, which was unanimously approved.

An edit was made to the October 6, 2009 minutes. These minutes were tabled until the next regularly scheduled meeting.

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

a. Application of Brian J. Foley, Owner, Jeremy Vearil, Applicant, for an Inland Wetlands Permit for activities associated with the construction of a pond within the 100-foot regulated area of a wetland on property located at 51 Highwood Road. (Map H-14, Block 109, Lot 005) (opened and tabled at 10/5/09 mtg)

Mr. Beach stated that the applicant has asked that this application be tabled until the next regularly scheduled meeting because the engineer was not ready to proceed tonight. He stated that the Commission has 60 days to hear this application from the beginning of the public hearing, which was opened at the last meeting. The Commission then has 30 days to make a decision. He stated that the applicant could grant an extension if needed.

Commissioner Mihalic made a motion to open the public hearing. Commissioner Kottas seconded the motion, which was unanimously approved.

Ms. Sabin, 55 Highwood Road, stated that she is not only concerned about the drainage on this property, but also the use of the property. She stated that she lives downhill from the applicant's property. She is very concerned about pollutants from animal waste. She stated that Mr. Foley purchased these 2 lots, but because there were too many wetlands, they were not able to be subdivided.

Ms. Sabin stated her concerns regarding that this land has never had animals on it. She does not understand how they will be sheltered. She questioned if the animal waste would pose a risk around the wetlands. She stated that there are also wells in this area; this is a residential area, not a farm.

Regarding the drainage, Ms. Sabin stated that she assumes the reason that this land could not be used as two building lots is because of the extreme wetlands on the property.

Mr. Beach stated that the use of this property is a Zoning issue; the Inland Wetlands Commission does not have purview over the use.

Mr. Pavano, 25 Highwood Road, stated that he feels Mr. Foley is trying to create a second building lot, which is not allowed. He stated that he was pleased that this Commission did not allow the dredging of the vernal pool on this property. He questioned why the animals would be brought from the bottom to the top of the mountain.

Ms. Connell, 21 Highwood Road, stated that she already has a wet backyard

that is surrounded by wetlands. She stated her concerns regarding the drainage. She does not want additional water in her yard. She stated that she is not thrilled with the animals on that property either.

Ms. Kerns, 24 Highwood Road, stated her concerns regarding the use of this land. She asked where she should be directing these questions. Mr. Beach stated that the Zoning Regulations require no more than two animals on a property if it is less than three acres. He stated that it would be declared a farm if there are more than two animals on a property.

Ms. Kerns questioned if the applicant could build buildings in this area. Mr. Beach stated that he could put up a farm building if it essential to the use of the farm. He stated that this lot is approved as a building lot. The applicant applied for two building lots; the wetlands were extensive and the applicant did not have the square footage to obtain the buildable square necessary in that zone. The applicant combined the lots in order for them to become a buildable lot.

Commissioner Mihalic questioned if the applicant could have animals on the property now. Mr. Beach stated that he could because he owns more than three acres of land, although the applicant would not be allowed to store manure within 100 feet of a wetland. The Department of Agriculture puts out best management practices for manure storage. They require 15 feet of heavy vegetative buffer.

Commissioner Mihalic made a motion to table the public hearing to the November 17th meeting. Commissioner Rieger seconded the motion, which was unanimously approved.

V. PRESENTATION(s), DISCUSSION AND POSSIBLE VOTE

a. Application of Mary A. Glassman, First Selectman, Town of Simsbury, Owner, Gerard Toner, Director of Culture Parks and Recreation, Town of Simsbury, Agent, for an Inland Wetlands Permit for work associated with the paving of the existing gravel access road at Simsbury Farms, 100 Old Farms Road. (tabled at 10/5/09 mtg)

Mr. Sawitzke stated that this application proposes to pave the secondary access road, which is currently gravel. The primary purpose is to get a secondary exit from the golf clubhouse. The Fire District also wants this secondary access. He stated that they would be taking down the old cart building. Mr. Sawitzke stated that the drainage areas are small; the largest drainage area is .18 acres. He stated that there is not a lot of drainage to deal with. He would like to use a stone channel along the edge of the road. Whatever does not infiltrate, will go into several catch basins with sumps.

Mr. Sawitzke stated that they would like to pave the road. A grant that the Town received, which was not immediately approved, will provide the funding for the paving, additional landscaping and lighting. He stated that they are proposing an 18' paved road. This will allow people to walk on the shoulder of the road and also to allow emergency vehicles to pass in the case of an emergency. He stated that 18' is a typical one-way land configuration. Most residential roads are 24'-28' wide.

Chairman Miller questioned where the infiltration occurs. Mr. Sawitzke stated it occurs on the uphill edge. The soils on the hill are better than originally thought. They are medium sand and gravel with deep ground water. He stated that they did look into pervious pavement for this road, although research shows that it does not work well on slopes over 1%.

Commissioner Mihalic questioned what the original size of the gravel roadway was. He stated that there were concerns at the last meeting regarding if 18' was a minimum requirement from the Fire Marshal. Mr. Sawitzke stated that the original permit was for 18'. The Fire Marshal would like a 26' road, although he has agreed to drop the width to 18'.

Commissioner Cunningham read a portion of the minutes from the last meeting, in which Commissioner Winters wanted reasons why the Fire Marshal wanted the roadway to be 18'. Mr. Sawitzke stated that it is hard to get emergency vehicles passed. He stated that 18' would be for safety reasons.

Chairman Miller questioned if the plan was always to remove the cart facility. Mr. Sawitzke stated that it was part of their original plan. This building is very deficient; it will be replaced with a barn-type building.

In response to a question by Commissioner Sexton, Mr. Sawitzke stated that they will be adding more plantings at the entrance and throughout the complex with funds from the grant. They will be having a landscape architect make the plans for this. They will be spending approximately \$15,000 for these additional plantings.

Commissioner Mihalic made a motion that this proposed roadway is a regulated activity because it involves construction in the upland review area from a wetland. Commissioner Sexton seconded the motion, which was unanimously approved.

Commissioner Mihalic made a motion that this is not a significant activity because based on the applicant's representation on the record as to what they propose to do and its consistency with size and scope with the prior application. Commissioner Rieger seconded the motion, which was

unanimously approved.

Commissioner Mihalic made a motion to approve this permit subject to the condition that Town staff will work with Mr. Beach with regard to any landscape plantings that are done to make sure that they are consistent with the local habitat and what this Commission would otherwise direct. Commissioner Rieger seconded the motion, which was unanimously approved.

b. Application of Laurie Kelley, applicant, for an Inland Wetlands Permit for activities associated with the construction of an in-ground swimming pool within the 100-foot regulated area of a wetland on property located at 12 John Peel Road. (Map B-12, Block 406, Lot 12-19)

Mr. Beach stated that the applicant has asked that the Commission table this application until the next regularly scheduled meeting.

VI. RECEIPT OF NEW APPLICATION(S)

There were none.

VII. STAFF REPORTS

a. Administrative issuance of an Inland Wetlands Permit on the application of Carl and Margie Smith, Owners, Linn Taylor, Applicant, to construct a porch addition within the 100-foot upland review area to a wetland on property located at 9 Timber Ridge Drive. (Map F06, Block 306, Lot 014).

Mr. Beach stated that an administrative approval was given to this homeowner. They had two sonotubes that needed to be installed for a deck, which were dug by hand.

VIII. DISCUSSION

Mr. Beach stated that the DEP Training Segment III course was being held tomorrow. Commissioner Kottas stated that he would be attending this training.

Mr. Beach stated that there would be a CT Municipal Aquifer Protection Training. He stated that he attended this training last year. He asked that Commission members let him know if they were interested in attending.

IX. CORRESPONDENCE/ANNOUNCEMENTS

There were none.

X. ADJOURNMENT

Respectfully Submitted,

Commissioner Ryan Mihalic, Secretary