

From: Lois Laczko January 9, 2009 9:35:40 AM
Subject: Conservation Commission Minutes 01/06/2009
To: SimsburyCT_ConserveMin
Cc:

CONSERVATION COMMISSION/INLAND WETLANDS & WATERCOURSES AGENCY
MINUTES - REGULAR MEETING
January 6, 2009

I. CALL TO ORDER

Chairman Miller called the Regular Meeting of the Conservation Commission/Inland Wetlands and Watercourses Agency to order at 7:32 PM in the Main Meeting Room of the Simsbury Town Offices. The following members were present: Commissioners Margery Winters, Darren Cunningham, Andrew Bucknam, Nick Zackeo, Ryan Mihalic, Margaret Sexton and Patrick Kottas. Also in attendance was Howard Beach, Conservation Officer.

II. APPOINTMENT OF ALTERNATES

None were needed.

III. PRESENTATION(s), DISCUSSION AND POSSIBLE VOTE

a. Application of Mary A. Glassman, First Selectman, Town of Simsbury - Owner, for an Inland Wetlands Permit for stream bank stabilization within the regulated area to a wetlands on property located on Hartford Road - Route 185 (Map G-15, Block 10B, Lot 1B)

Mr. Beach stated that this application is for stream bank stabilization. He stated that the erosion that is here has not taken place from the River directly. When there is flooding in this area, this area is inundated with water. When the water goes down quickly, this becomes the channel back into the River. The water going back into the River is what is causing the erosion to the bank. Mr. Beach stated that there are also many invasive plants on both sides of the bank.

Mr. Beach stated that under the Farmington River Enhancement Grant Program, this area qualifies for stream bank stabilization. The Town would like to try and recreate a launch in this area, although many permits would be required.

Mr. Beach stated that immediately upstream from this area, within 100 feet,

is one of the largest populations of the Dwarf Wedge Mussel. It is the largest population in Connecticut and possibly New England. It is also a Federal and State listed endangered species. He stated that the assumption is that this sediment has smothered the mussel beds. This area qualifies for restoration and habitat improvement, although a negative aspect is that the Town could lose the launch site.

Mr. Beach stated that he has been working with the DEP regarding the handicapped access in this area for the launch. He stated that until someone from the State comes out to look at the site, the project cannot be defined. He stated that from a FEMA standpoint, the bank cannot be restored.

Mr. Beach stated that the Town wants to stabilize this area immediately with stone. They will put down river stone and bring it up to the elevation that would be equal to the rest of the bank and create a minor depression in the center of the parking lot where they would install a double catch basin and deep sump. A pipe would then be run back below the water level into the River.

Commissioner Bucknam questioned if the flood structure was put in, if this would take care of the erosion problem. Mr. Beach stated that if it was graded low enough to create the flow in the reverse direction, this would work.

Commissioner Winters questioned if the designer of the plans has river restoration experience. Mr. Beach stated that the landscape architect will also be working with an engineer. Commissioner Winters stated her concerns regarding this being an engineered solution.

Mr. Beach stated that FRWA has been contacted, as well as the Army Corp. of Engineers and three divisions of the DEP. Commissioner Winters questioned if the NRCS was involved. Mr. Beach stated that they were not. Commissioner Winters stated that she would like someone with river restoration expertise to take a look at the plan. She stated that there are a lot of techniques that can be used for this; the engineering solutions are not necessarily the right answers.

Commissioner Mihalic questioned what type of equipment will be on the site doing this work. Mr. Beach stated that a backhoe will be use; no big equipment will be needed.

Commissioner Mihalic stated that the Town needs this Commission to grant this permit so they can go to the Army Corp. to file an application and begin work on the plans. Mr. Beach stated that this was correct. The local permit is needed prior to going to the Army Corp. Commissioner

Mihalic questioned if the plans could still be modified once the Town goes to the Army Corp. Mr. Beach stated that any substantial modification would come back before this Commission.

Mr. Beach stated that this grant will be awarded in February or March. The Town would like to start work on this project in the summer, when there is low flow.

Commissioner Mihalic made a motion that this is a regulated activity because it involves the deposition of material in the wetland and upland review area. Commissioner Winters seconded the motion, which was unanimously approved.

Commissioner Mihalic made a motion that, at this time, as presented, this is not a significant activity because it does not involve any conduct that the Regulations would define as significant. Commissioner Bucknam seconded the motion, which was unanimously approved.

Commissioner Mihalic made a motion to approve this permit subject to the condition that upon all other regulatory approvals and final engineering plans, that the Town come back before this Commission for a formal review, which includes but is not limited to a determination as to whether or not it is a significant activity.

Commissioner Winters made an amendment to the motion that the plans also include the involvement of the NRCS to look at this from the point of view of river stabilization. Commissioner Mihalic accepted this amendment.

After some discussion, Commissioner Mihalic stated that instead of approving this permit, the Town should bring the plans back before this Commission. Then the plan can go to the Army Corp. to see if they have any changes. Mr. Beach stated that they would miss the deadline for the grant; a motion is needed tonight. Commissioner Bucknam stated that what this Commission is approving tonight is very general, so anything specific would be a change in what has been permitted and would have to come back before this Commission again. This Commission will then have the ability to review any changes and either deny it or approve it.

Commissioner Bucknam stated that this permit could be granted as written, which is so general, that any specific plan will be a change and it will have to come back before this Commission.

Commissioner Mihalic amended his motion to state that they grant this permit to stabilize the riverbank and provide improved access to the River in the area of the Pinchot Sycamore Tree, to improve the Dwarf Wedge Mussel habitat and remove invasive plants.

Commissioner Winters made an amendment to the motion that the plans also include the involvement of the NRCS to look at this from the point of view of river stabilization. Commissioner Mihalic accepted this amendment. Commissioner Bucknam seconded this motion, which was unanimously approved.

IV. APPROVAL OF MINUTES of August 19, 2008 and December 16, 2008

Commissioner Winters made a motion to approve the August 19, 2008 minutes as written. Commissioner Cunningham seconded the motion, which was unanimously approved.

Commissioner Winters made one correction to the December 16, 2008 minutes.

Commissioner Winters made a motion to approve December 16, 2008 minutes as amended. Commissioner Mihalic seconded the motion, which was unanimously approved.

V. RECEIPT OF NEW APPLICATION(s)

a. Application of P. Anthony Giorgio, Dorset Crossing, LLC - Owner, for a Map amendment on property located at 1507 and 1515 Hopmeadow Street.

Mr. Beach stated that the Dorset Crossing application will be coming before this Commission regarding a wetlands map amendment, although it is not substantially different from what was there before. He stated that the applicant would now like to move forward with this project as soon as possible. The back portion of the site has not yet been rezoned; this application will only be for the front portion of the property.

Mr. Beach stated that another application will be coming before this Commission, which is located on Shingle Mill Road. There is one house currently on this subdivision. They would now like to get three houses there; they would like to create two additional houses. These proposed houses are further from the wetlands, although they are close enough that they need to come before this Commission.

VI. STAFF REPORTS

There were none.

VII. DISCUSSION

Mr. Beach stated that at the last meeting, there was some discussion regarding LEED standards. Although Commissioner Rieger is not in attendance at tonight's meeting, he has forwarded very good information to

Mr. Beach regarding this issue.

Mr. Beach stated that the MS4 permit process has been modified this year; they now require post-construction monitoring and maintenance. A maintenance schedule now needs to be put into effect.

Commissioner Winters questioned if Mr. Beach had an opportunity to ask the Town Attorney regarding referrals. Mr. Beach stated that there is no case law regarding this issue, although there are many opinions regarding this. He stated that they need to be careful not to add another step in the process. Commissioner Winters stated the importance of applications coming before the Conservation Commission so they can make recommendations regarding their planting schemes and drainage, etc. She does not feel that this will slow down the process.

VIII. CORRESPONDENCE / ANNOUNCEMENTS

There were none.

IX. ADJOURNMENT

Commissioner Mihalic made a motion to adjourn the meeting at 8:25 PM. Commissioner Zackeo seconded the motion, which was unanimously approved.

Respectfully Submitted,

Commissioner Ryan Mihalic, Secretary