

From: Lois Laczko February 24, 2009 12:34:01 PM
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Cc:

ADOPTED

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

I. CALL TO ORDER

Chairman Miller called the Regular Meeting of the Conservation Commission/ Inland Wetlands and Watercourses Agency to order at 8:00 PM in the Main Meeting Room of the Simsbury Town Offices. The following members were present: Commissioners Margery Winters, Donald Rieger, Andrew Bucknam, Ryan Mihalic, Margaret Sexton and Patrick Kottas. Also in attendance was Howard Beach, Conservation Officer.

II. APPOINTMENT OF ALTERNATES

Chairman Miller appointed Commissioner Kottas to service in the absence of Commissioner Zackeo.

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

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

Commissioner Mihalic recused himself because his employer has had prior dealings with this applicant.

Commissioner Bucknam read the public hearing legal notice into the record.

Mr. Giorgio, stated that they are looking for a map amendment because of the field work that has been done.

Roger Kellman, Project Engineer, stated that this property is approximately 46 acres. He showed the Commission members the existing wetlands line from Town mapping and also the actual wetland line as mapped by the Soil Scientist. The wetlands total approximately 7.75 acres. Mr. Kellman

stated that a licensed surveyor did field locate the flags on the property and they are represented on the plans.

Tomas Petras, Professional Wetland Soil Scientist, stated that he did site inspections on this property on October 22 – October 28, 2004. He stated that he identified the soils and wetlands. Throughout the project area, the natural soils are sands; there is a loamy surface underlain by moderate coarse sands. Remnants of old sand pits are common throughout the project area.

Regarding the wetlands on the property associated with drainage, Mr. Petras stated that there are streams entering the site from the west and another from the south; they merge together. The wetlands broaden out on the property on the western part of the site, then become more narrow again and then go into a narrow stream corridor that flows south. The direction eventually changes east and goes offsite.

Mr. Petras stated that the wetland soils were identified as poorly drained, Walpole Loam and very poorly drained Scarborough Mucky Loam. These soils either have mucky surfaces or a soaky loam surface with sandy material underneath.

Commissioner Bucknam questioned how the current wetland lines were delineated. Mr. Petras stated that, for the most part, they probably came from the Hartford County Soil Survey, which was done by aerial photographs. Prior to his work, Mr. Petras stated that he does not believe a soil survey was ever done on the site. Commissioner Bucknam questioned why there were differences between the current line and the line that Mr. Petras indicated. Mr. Petras stated that the Hartford County survey was done back in the 1950s and 1960s; it paid a great deal of attention to agricultural fields that were throughout the site. Wooded and wetland areas were mapped with less intensity. Commissioner Bucknam then questioned how many test pits were done. Mr. Petras stated that, generally, they dug 2-3 pits for every flag; there are 196 flags. In some of the transitional areas where there were gradual slopes, they did more test pits; they also did sporadic test holes throughout the upland areas.

Mr. Giorgio stated that he did receive a zone change for this property last year; it is his intention now to go forward with a mixed-use project. He stated that although the wetlands were delineated in 2004, the Town had requested time to write a mixed use regulation, which put this project on hold for a long period of time.

Chairman Miller asked if there was any public comment. There was none.

Commissioner Bucknam made a motion to close the public hearing.

Commissioner Winters seconded the motion, which was unanimously approved.

Commissioner Bucknam made a motion regarding the Application of P. Anthony Giorgio, Dorset Crossing, LLC – Owner, for a Map Amendment on property located at 1507 and 1515 Hopmeadow Street, that the Commission grant the map amendment as mapped in the application, having heard a full explanation of the reasons for the differences between the current mapping and the field located mapping that was done, and having heard that the Soil Scientist did a large number of test pits and digging and appears to have adequately flagged and examined the site. Commissioner Winters seconded the motion, which was unanimously approved.

IV. PRESENTATION(s), DISCUSSION AND POSSIBLE VOTE

a. Application of Raymond Kastner, Applicant, for an Inland Wetlands Permit to deposit material to construct a single family home within a regulated area to a wetland on property located at 299 Bushy Hill Road.

Mr. Beach stated that this will be removed from the agenda. When the application was submitted, the staff found that, in addition to the application, that what the Soil Scientist found differed from what was shown on the Town's official mapping. The applicant will now need a map amendment prior to this application. This will require a public hearing.

Commissioner Bucknam made a motion to table this application. Commissioner Winters seconded the motion, which was unanimously approved.

b. Application of Noris E. Christensen, Neils E. Christensen and Noel E. Christensen, Owners, Noris E. Christensen, Applicant, for an Inland Wetlands Permit to construct two driveways and related grading, construction of a portion of one house, and construction of portions of three septic systems within the 100-foot upland review area to a wetland on property located on the north side of Single Mill Road (Map A-10, Block 419, Lot 13).

Commissioners Rieger and Bucknam recused themselves from the Commission.

Noris Christensen stated that several years ago, they were going to sell this property. At that time, the person seeking to buy the property got a driveway approved for the site by this Commission. The members of this Commission, at that time, did walk the property and approved the proposed plan. He stated that this property is approximately 23 acres. The changes that have been made to the plans since that driveway with one house was approved are that there are now 3 lots with 3 homes. The first house and driveway were never built.

Mr. Christensen stated that they did have the wetlands delineated on the property, which were shown on the map. He stated that the two proposed

driveways are not disturbing the wetlands; the third driveway was already approved. They are proposing a shared driveway for Lots 1 and 2. He stated that all activity regarding the driveways will be to the east side of the brook with a significant buffer between any activity and the brook.

Commissioner Bucknam stated that Lot 3 has prior approval. Tonight, the Commission will need to look at how Lots 1 and 2 may affect the wetlands that are a part of Lot 3, including the brook. Mr. Beach stated that Stratton Creek, a tributary to Stratton Brook, runs through this property, as well as other small intermittent watercourses. As a clarification, Mr. Beach stated that the approval that the applicant received for Lot 3 has expired. All of the lots will need to be looked at tonight as a new application.

Chairman Miller stated that he was at the original site walk, and stated that the Commission, then, confined their observations to the proposed driveway. He stated that topography is an issue on this site because it is fairly steep on both sides. Mr. Christensen stated that the Regulations allow up to a 12% grade on the driveways; the engineer they have hired has designed the driveways at a less than 10% grade. He stated that, also, the driveway is approximately 25' away from the intermittent stream.

Mr. Beach stated that the biggest issue on this site is soil erosion control. From the wetland down by the street to the top of the site, there is over 300 feet of vertical grade change. The major concern is soil stabilization.

Commissioner Mihalic questioned if the applicant received a subdivision approval. Mr. Beach stated that it needs to come to this Commission prior to getting the sub-division approval. It will then come back before this Commission again after going to the Planning Commission because these are proposed houses; they will come back with the exact footprint. Commissioner Mihalic stated his concern regarding how close the driveway is to the intermittent stream and the degree of the bank. He stated that the Commission should look at this more closely; he is not comfortable with allowing the applicant to move forward when this Commission has a concern, without walking the site first.

Commissioner Mihalic questioned if the driveway would be paved. Mr. Christensen stated that he did not think the driveway would be paved. This would help keep the cost down and to keep it natural. He stated that they would probably use crushed stone.

Commissioner Winters questioned if the applicant considered having a common driveway for the 3 lots; this would also reduce the costs and impacts to the wetlands. Mr. Christensen stated that he had not considered this

option; ideally, they would like 3 driveways but are asking for two. Mr. Beach stated that a shared driveway can only be for two houses. Chairman Miller stated that it would be helpful to have the applicant's engineer present. He stated that he feels it would be helpful for the Commission to see the challenges of this site and how the applicant attends to address them. Commissioner Mihalic suggested that the Commission table this application in order to talk to the engineer and have him address some of their questions and concerns.

Regarding the grading, Mr. Beach stated that there is mostly a 2 to 1 slope, although, the engineer did not show any cuts and fills for the septic system; this is something that is required. Mr. Beach stated that the engineer was supposed to be at this meeting to address these issues.

Chairman Miller stated that he is hesitant to act on the permit; he would rather see some other course this Commission could take that would still give the Planning Commission the confidence to move ahead. He stated that although this application does appear feasible, he feels that more information is still needed. In the past, this Commission has referred applications to the Planning Commission with no comment; he would be comfortable doing this again pending a change in the Regulations, even though the Planning Commission has not asked for a referral. Mr. Beach stated that he will check the Statutes to see what can be done. He will do this prior to the next meeting to see if there is a provision for doing an administrative review or doing a review to state that construction on these three lots is feasible and see if the Planning Commission can move forward based on this.

Commissioner Mihalic made a motion to table this application until the next meeting. Commissioner Winters seconded the motion, which was unanimously approved.

V. APPROVAL OF MINUTES of January 6, 2009

Commissioner Bucknam made a motion to approve the January 6, 2009 minutes as written. Commissioner Mihalic seconded the motion, which was unanimously approved.

VI. RECEIPT OF NEW APPLICATION(s)

There were none.

VII. STAFF REPORTS

a. Administrative issuance of an Inland Wetlands Permit on the application of John R. Mallin, Authorized Agent for HARCO Property

Services, Inc. c/o McCarter & English, LLP – Applicant, in connection with a proposed subdivision of property located at 200 Hopmeadow Street (land of HARCO Property Services, Inc., east side of Hopmeadow Street and north of Minister Brook).

Mr. Beach stated that this is an administrative issuance of a permit for the North Hartford site. HARCO owns this property and they are looking to subdivide and sell off the northern half of the property. They would like to literally draw a line on a map to create a separate parcel. Wetlands review is required. Since there is no plan for any development on this site, this can be done administratively.

VIII. DISCUSSION

Regarding the Pinchot Sycamore, Mr. Beach stated that the Town has submitted grants for the bank stabilization and to write regulations. He stated that many other applications were submitted for these grants. He will hear by the end of March if Simsbury will be awarded any funding. Regarding the grant for invasive plants, he stated that he will hear by the end of February if Simsbury will be awarded any funding.

Regarding the Stormwater Management Regulation, Mr. Beach suggested that the Commission review this document. He stated that it is a place to start in order to see what another Town has put in place. He stated that Simsbury does have a separate Soil and Erosion Control Ordinance and a Flood Management Ordinance. He suggested postponing discussion regarding this Regulation until the next meeting, after the members have reviewed it.

Commissioner Sexton suggested that they wait for Commissioner Zackeo, who is very knowledgeable regarding this issue.

Regarding the Sustainable Design Guidelines in the LEED Standards for Neighborhood Development, Chairman Miller stated that there were other categories; he would like to see how this aligns with this Regulation.

Commissioner Rieger stated that one deficiency he can see is that this regulation gives complete discretion to the Town Engineer. He feels that this is the wrong approach. The other deficiency is it references the State manual and then goes into detail about what games they will permit one to play to get around this, which is site specific.

IX. CORRESPONDENCE / ANNOUNCEMENTS

Mr. Beach stated that there will be a Land Use Seminar. He encouraged the Commission members to attend if they have not already gone. He asked that anyone interested should let him know.

X. ADJOURNMENT

Commissioner Mihalic motioned to adjourn the meeting at 9:27 PM.
Commissioner Winters seconded the motion, which was unanimously approved.

Respectfully Submitted,

Commissioner Ryan Mihalic, Secretary