

From: Carrie Vibert March 14, 2012 9:40:28 AM
Subject: Conservation Commission Minutes 02/21/2012 ADOPTED
To: SimsburyCT_ConserveMin
Cc:

CONSERVATION COMMISSION/INLAND WETLANDS &
WATERCOURSES AGENCY MINUTES
FEBRUARY 21, 2012
REGULAR MEETING

I. CALL TO ORDER

Margery Winters, Acting Chairman, called the Regular Meeting of the Conservation Commission to order at 7:37 p.m. in the Main Meeting Room at the Town Offices. Other members and alternates in attendance were Patrick Kottas, Ryan Mihalic, Margaret Sexton, and Donald Rieger. Also present were Howard Beach, Conservation Officer, Janis Prifti, Commission Clerk, and other interested parties.

II. APPOINTMENT OF ALTERNATES

Chairman Winters appointed Commissioner Rieger to serve for Commissioner Bucknam and Commissioner Kottas to serve for Commissioner Nick Zackeo.

III. APPROVAL OF MINUTES of January 3, 2012 and February 7, 2012

The January 3, 2012, minutes were tabled.

The February 7, 2012, minutes were amended as follows:

On Line 15, "and Commissioner Kottas was appointed to serve for Commissioner Mihalic." was added;
On Line 101, "finds" is changed to "find";
On Line 103, "Conservation" is changed to "conservation".
On Line 104, "usefull" is changed to "useful";
On Line 167, "Simsbury Land Trust" is changed to "Farmington Land Trust";

Commissioner Kottas made a motion to approve the February 7, 2012, minutes as amended. Commissioner Rieger seconded the motion, and it was passed unanimously.

IV. PUBLIC HEARING(S)

a. Application of Kimberly Sudnick and Lori Swircenski, Owners, and Kevin Gallagher of Hodge Surveying Associates, Agent, for an Inland Wetlands Permit for an Inland Wetlands Map Amendment on property located at 12 Pilfershire Lane (Map A07, block 203, Lot 001C).

Commissioner Mihalic read the Application into the record. Christopher Gagnon, Professional Engineer from Godfrey-Hoffman Associates represented the applicant for a map amendment for wetlands property. Mr. Gagnon was called in by the property owners to discuss putting in a half-court basketball court and perform tree work and during a site walk noticed the drainage ditch along the road had not been flagged; they called in Michael Kline, Biologist and Soil Scientist, to flag the wetlands located on the survey and found it was not on record with the Town. He said they would like to put these wetlands on record with the Town.

Mr. Kline walked the site on Pilfershire Lane on January 26, 2012, and found a moderate to steeply sloped parcel from the northwest corner high point down toward Pilfershire Lane; there is stone wall along the road edge and on the downhill side of this wall is a swale exhibiting characteristics of a poorly drained soil, draining northeasterly and eventually into a cross culvert under Pilfershire Lane with the flagging starting at the end of the swale up to the point and back down. Mr. Beach said the resultant stream is picked up one map further about 500 feet to the south, but with little development in this area over many years there is currently no map of these wetlands. Mr. Kline said the road separates this wetland area from the wetlands on the other side going back to when Pilfershire Lane was originally developed. Mr. Beach said the proposed construction would be outside the wetlands, but in the regulated area. Mr. Kline said it is slightly in the upland review area; the construction access point would be within the upland review area and is a second application on tonight's agenda. Mr. Gagnon said the net addition to the wetlands is 735 sq. ft.

Regarding public comment, Joanne Bassett of 26 Pilfershire Lane stated the water typically runs down the ridge and sometimes over the road.

Commissioner Mihalic made a motion to close the Public Hearing. Commissioner Rieger seconded the motion, and it was passed unanimously.

Commissioner Mihalic made a motion to approve the map amendment based on the presentation by the Applicant and the Soil Scientist. Commissioner Rieger seconded the motion, and it was passed unanimously.

V. PRESENTATION(S), DISCUSSION AND POSSIBLE VOTE

a. Application of Kimberly Sudnick and Lori Swircenski, Owners, and Kevin Gallagher of Hodge Surveying Associates, Agent, for an Inland

Wetlands Permit for stumping and grading within the upland review area to a wetland on property located at 12 Pilfershire Lane (Map A07, block 203, Lot 001C).

Commissioner Mihalic read the Application into the record. Christopher Gagnon, Professional Engineer from Godfrey-Hoffman Associates represented the Applicant and stated the proposed work does have some wetland review impacts. He said the property is on the northern side of Pilfershire Lane with the hillside above hazardous due to a stand of very old Pine trees with serious blowdowns and Poison Ivy groundcover which prevent use of the property. He said the property owners propose loggers clear the Pine trees which are at the end of their life cycle, clean up the Poison Ivy, and save the hardwood trees. He stated they are before the Commission because tree work in an upland review area is considered a regulated activity.

Mr. Gagnon said the loggers would like to have the construction entrance on the eastern side of the wetlands which is a straight shot off the driveway and believed to be less destructive. He stated they would also like to put in a half-court basketball court with minor impacts in the wetland review area using a minor silt fence with a small drainage system to keep the court from getting wet in the rain; the court has a slight pitch toward the west with 2 yard drains and perforated PVC pipe piped to an outlet with splash pad; they anticipate very little flow and propose a fairly long meandering vegetated path running at least the full 100 foot upland review area length until it enters the wetlands - a roof leader type flow joining existing flows in a hardwood area. In conclusion, he said the Applicant is concerned about the cleaning up the falling Pine trees and poison ivy, leaving the healthy hardwood trees, grading the area with erosion control blankets to protect the steeper slopes to allow for quick grow in, and placing the construction entrance on the eastern side of the wetlands due to the ease of allowing the construction vehicles onto the property.

Regarding the number of Pine trees, Mr. Gagnon speculated there are about 100 Pine trees with clearing starting at the existing tree line and stopping where the silt fence is shown; the lower portion of the property is more landscaped and the stone wall a natural buffer between the site work and the wetlands. Regarding concern about huge soil disturbance in an area where the neighbor has described significant flows, Mr. Gagnon said there will be significant disturbance and their plan is to replant with a meadow mix and trees in a landscaping manner to quickly re-establish vegetation, and to begin as soon as possible; doing it in phases was discussed, but the significant expense of bringing equipment to the site results in a goal of doing it in one phase; the top part must be done first with trees taken out on the way up. He said they will remove stumps rather than grinding and plan to regrade with material onsite, although some top soil may be needed at the basketball court. He said the hill slope is

fairly steep at 20% in one area and on average plus or minus 10%; the soils are gravelly, not well drained, with forest litter, and 4 to 8 feet to ledge. Regarding the eastern entrance, he confirmed it is off the side of the driveway. He stated the process should take about 2 weeks starting at the bottom and moving to the top and then re-seeding with a native conservation-type meadow mix. Regarding sufficient rainfall, he said the re-seeding needs to be something combining moisture, mulch and seed, but the details have not yet been worked out with the landscape company.

Regarding rear yard regrading to the pitch of the house, Mr. Gagnon said where the well is located the backyard is not graded properly with water pitched into the basement and they need to put in a sump pump to pump water out, and while they have equipment onsite, they will do some minor regrading in the back of the lot away from the house.

Regarding degree of slope and expansion of an upland review area regulation and whether the silt fence is enough to hold 300 feet of soil from the upland to the wetland, Mr. Gagnon said they are not regrading much at the top and where they are engineering the slopes they will use erosion control blankets aided by the stone wall natural barrier, followed by the ongoing erosion control maintenance plan; also, the clearing operation may require wood chips as an additional buffer. The Commissioners suggested the use of berms and check dams on this long slope. Mr. Gagnon said they will have a maintenance company to keep the Poison Ivy knocked down without the use of a lot of chemicals. Mr. Beach said he has not walked the site, but there is a staff report. Mr. Mihalic read the regulation indicating the Commission's jurisdiction of flow into the wetland or watercourse on Pg. 6, Definition of Regulated Activity: If the slope of the regulated land area exceeds 5% from the distance measured horizontally from the boundary of the wetland or watercourse equal to 100 feet plus additional 5 feet for each 1% increase in slope gradient more than 5% or 200 feet or top of slope. He said there are 2 phases where runoff could be a problem, first during construction and second after altering the wooded area's steep slope. Mr. Gagnon said the runoff curve numbers are similar to the existing forest which provides little sunlight for seedlings to grow; planting meadow grasses will allow seedlings to grow and as stumps are removed will create an undulating surface with pools and natural check dams - the area will not be regraded as a water slide. He said once everything is established the change in runoff will be negligible; the Commissioners expressed concern about the interim period and getting the meadow mix established; Mr. Gagnon said he is most concerned with getting it in for the spring growth season, probably in April. Mr. Beach suggested they use hay mulch outside the growing season to stabilize the area; Chairman Winters expressed a preference for rows of chips; Mr. Beach added hydroseed could be proposed, rather than broadcast seed, to glue things in place.

Regarding preserving as many deciduous trees as possible, Mr. Gagnon said that will be case by case, e.g. if one tree has 3 Pine trees on it and the root balls are all together, that hardwood will not survive the clearing operation and becomes more of a hazard - the professional tree service needs to decide, with a goal of keeping as many as possible. He said the owners are concerned a tree may fall on a child. Commissioner Mihalic asked about the ability to establish growth in acid pine needle soil, Mr. Gagnon said they will take the soil ph and adjust the fertilizer and seed mix.

Regarding isolated trees being more subject to wind throw, Mr. Gagnon said the professional arborist will do a structural analysis of the trees case-by-case. He said as a section is finished, it will likely be re-seeded, starting at the top and after the logging equipment is removed. He believes the logging company is a subconsultant of the landscape/construction company. The Commissioners discussed scheduling a site walk with an engineer and inviting the landscaper and logger to the next publicly noticed meeting to answer questions. Mr. Beach confirmed Pilfershire has no real drainage system and low-density housing on this very old road.

Regarding a public hearing, neighbor Joanne Bassett expressed support for a site walk and said they are wonderful neighbors trying to do the right thing. Due to a scheduling conflict, Commissioner Mihalic and Mr. Beach may take a site walk at another time. Mr. Gagnon will discuss the landscaping plan and further steps with the property owners in preparation for the next meeting.

Commissioner Mihalic made a motion to table the meeting to allow the Commission to engage in a site walk on the property. Commissioner Rieger seconded the motion, and it was passed unanimously. The site walk will be noticed for 9:30 a.m. on March 3, 2012.

VI. RECEIPT OF NEW APPLICATION(s)

a. Application of Cole Starrett, Applicant, for an Inland Wetlands Permit to remove debris and build benches on property located at 725 Hopmeadow Street (Map G10, Block 203, Lot 049).

Mr. Beach stated that while the Application of Cole Starrett was received at the last meeting, it was not posted, and tonight he will provide a presentation for a vote rather than return in 2 weeks.

Cole Starrett of Boy Scout Troop 76 stated he is working toward his Eagle and proposes cleaning up the area between Boy Scout Hall and the Library. He would like to add 3 new benches to the area and remove storm debris and

possibly the Burning Bush. He said the new parking makes the area more visible; Mr. Beach confirmed this is Town land. He may pull the Burning Bush out by the root, but is not certain yet of how to remove it, but probably not a backhoe. Mr. Beach said the soils are now pretty loose; Commissioner Rieger said the Land Trust can lend him a weed wrench; Mr. Beach suggested he touch base with Mike Wallace at the golf course for advice.

Mr. Starrett said he has spoken with Mr. Roy because some Oak trees with hanging limbs also need to be cut down; Mr. Beach said trees where the entire top half has snapped off will likely be felled by Mr. Roy and the Boy Scouts will remove the wood, but this will not happen before the budget is settled in a couple of weeks. Mr. Beach said Belden Forest is open space under Gerry Purdy (?) and the Library property is under Tom Roy in Public Works.

Mr. Starrett said this project would take place by late March; his Father is Town Engineer for Avon and will help him design the benches which will be dug deep to anchor in the ground; the benches will either be placed along the side of the wetland area or on the path parking side. He said material removed will be cut up into pieces and carried out to a Paine provided dumpster. Regarding Burning Bush removal, Commissioner Rieger thought the law makes it illegal to transport, but the Legislature has not decided exactly how to deal with it. Mr. Beach said it would be ideal to burn it. Mr. Beach stated that 90% of the problem in this area is Burning Bush or forest Pachysandra. Mr. Starrett said he will work 1-2 weekends offsite for the benches and 3-4 weekends clearing onsite. He said the benches will be constructed of pressure-treated wood and carried in manually.

Commissioner Mihalic made a motion that this is a regulated activity because it involves removal of material from and deposition of material in the form of a bench in a wetland and upland review area. The motion was seconded by Commissioner Sexton, and passed unanimously.

Commissioner Mihalic made a motion that it is not a significant activity based upon what the Applicant has told us about how the parameters of the project have been established, the involvement of Town Staff, and the recommendations of Town Staff. Commissioner Rieger seconded the motion, and it was passed unanimously.

Commissioner Mihalic made a motion to approve the Permit as described by the Applicant with the condition that any trees identified for removal have the approval of Town Staff, and consult with Town Staff before cutting down trees on Town property, and the other recommendations made by the Commission and Town Staff relative to the treating of the Burning Bush.

Commissioner Rieger seconded the motion, and it was passed unanimously.

b. Application of Thomas R. Evans, Owner, for an Inland Wetlands Permit for grading and construction of a parking lot within the upland review area on property located at 132 Hopmeadow Street (Map F18, Block 154, Lot 006).

Mr. Beach stated the owner of the new Dunkin' Donuts on the south side of Town purchased another 4-5 properties in that area and this property is between the barber shop and Talcott Acres. He said the owner proposes taking down the house and rebuilding on the same footprint a retail store currently with no known tenant; the parking lot in back would use permeable pavers and is fairly close to the wetland. He said the water table is at about a foot and is a clay lens pursed water table similar to Ritson's nearby property; the wetland behind the property is about 2 feet lower than the actual property and is a difficult site. He said they can't have increased water coming off the site because only a minimal amount can be infiltrated; they are considering having the front half of the site drain to the DOT drainage system sized for it and the balance attenuate back toward the wetlands where it flows out.

Regarding LID applicability, Mr. Beach said the roof is steeped pitched and the pavers will help it gently flow through the ground. He said it is a Public Hearing for Zoning and will be going for variances tomorrow night; the wetlands are offsite and there is no Public Hearing scheduled. He said there is sheet flow now and it would be difficult to change what they are going to do, but there is public interest. He said a Public Hearing occurs 1) if it is deemed a significant activity; 2) if a petition is signed by 25 people or more; and 3) if the Commission feels it is in the general public interest.

Commissioner Mihalic made a motion to schedule a public hearing.
Commissioner Sexton seconded the motion, and it was passed unanimously.

The Commissioners discussed the Dunkin' Donuts property with rain gardens, which worked and detention basin, which filled with water and did not work. Regarding their plantings, Mr. Beach said they followed the Commission's suggestions, which were also a condition of approval and used actual plants.

VII. STAFF REPORTS

None.

VIII. DISCUSSION

Chairman Winters stated last week she forwarded a recommendation nominating Sally Rieger for the Aquarion Water Company outstanding environmental citizen; Sally was the Chairman of the Wild and Scenic Study Group for the Farmington River and has worked tirelessly. She provided all supporting materials to Mr. Beach; the form is filled out and needs Chairman Miller's signature to be mailed - it is due in May. She said the Management Plan document supports the designation of the Lower Farmington River and required an incredible amount of effort.

IX. CORRESPONDENCE ANNOUNCEMENTS

Regarding the gas station by the Pool Barn, Commissioner Rieger stated the Zoning Board was enthusiastic because there are no gas stations on that side of the road from the Congregational Church to Avon. Mr. Beach said it was an informal presentation, but the owner is looking seriously at doing the project.

Regarding the site at the end of Bushy Hill and Rte. 44 on the right hand side, Mr. Beach said it is a former ARCO station under treatment since the early 90's and Arcatus continues to treat with chemicals to oxygenate the land; formerly, the material recovered would still burn. The Commissioners discussed the houses in the Notch Road/Stop&Shop area were on bottled water paid for by ARCO for a long time; Mr. Beach said the plume is under the Mall parking lot. Mr. Beach said the cleanup cost was estimated at \$7 Million; Southwest Homeowners Association represents the area. Mr. Beach said it was an active site for years and they just packed up and left town; it wasn't until someone across from Hoffman had material showing up in their well that an investigation determined the ARCO station as the source; DEP opened the record and found it had never signed off and forced them to come back and treat. He said when this Commission approved that activity they were supposed to submit monthly reports and never did; they went to the state and nothing happened. Mr. Beach said the land has now been sold to Hoffman to display cars.

The Commissioners discussed the potential new Hopmeadow gas station and whether it is located near any wells. Mr. Beach said the well on Quad Hill and Hamilton Lane, during initial subdivision in the 40's, had a well supplying water to the neighborhood; a Memorandum of Agreement filed by the state in 2003 concluded it was no longer a public water company because it didn't serve 25 households and thus not under Aquifer Protection Rules, but it still serves 7 households. Commissioner Sexton stated concern for private wells from spillage that can occur at a gas station. Mr. Beach said pumps no longer use fittings in the line and pipes are bent with no angles or joints; tanks have been retrofitted with steel plates at the bottom to survive stick testing. He said the closed Valero station is at the end of its life cycle and has to be totally rebuilt. Regarding the

Aquifer Protection Rules, Mr. Beach said they apply to households of 25 or more and the only other protections are Town Zoning Rules, but gas stations are not prohibited, although they now come under more scrutiny.

X. ADJOURNMENT

Commissioner Rieger made a motion to adjourn the meeting at 9:00 p.m.
Commissioner Kottas seconded the motion, and it was passed unanimously.

Ryan Mihalic, Secretary