

From: Lois Laczko March 23, 2009 9:22:21 AM  
Subject: Conservation Commission Minutes 03/03/2009 ADOPTED  
To: SimsburyCT\_ConserveMin  
Cc:

ADOPTED

CONSERVATION COMMISSION/INLAND WETLANDS & WATERCOURSES AGENCY  
MINUTES – REGULAR MEETING  
March 3, 2009

I. CALL TO ORDER

Commissioner Winters called the Regular Meeting of the Conservation Commission/Inland Wetlands and Watercourses Agency to order at 7:30 PM in the Main Meeting Room of the Simsbury Town Offices. The following members were present: Commissioners Donald Rieger, Margaret Sexton, Nick Zackeo and Patrick Kottas. Also in attendance was Howard Beach, Conservation Officer.

II. APPOINTMENT OF ALTERNATES

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

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

a. Application of Raymond M. Kastner, Applicant, for a Map Amendment on property located at 299 Bushy Hill Road.

Mr. Kastner stated that he lives on Reservoir Ridge Road in Southington. He stated that a 3 lot subdivision was approved for this property, 299 Bushy Hill Road, in the late 1970's or early 1980's. He has owned this property since 1987. He has not been able to build on this lot because the land cannot handle a septic system. He would like to use a sewer injector pump to connect with the sewer up the road.

Mr. Kastner stated that he recently had the wetlands flagged on this property, which show more wetlands than the Town map. He would like the Town map amended showing these new wetlands.

Cynthia Rabinowitz of ConnSoils stated she delineated the wetlands on this

property in December of 2001. She showed the Commission members the map showing the flagged wetlands. Flag #1 was not shown on the Town map. She stated that the topography of the property is level, although there is a small slope in the back of the site.

Commissioner Winters questioned what the nature of the wetlands were and what vegetation was currently on the site. Ms. Rabinowitz stated that this site is mostly wooded. She stated that a report was written by Jodie Chase, Ecologist, regarding the function and characteristics of the wetlands, which was distributed to the Commission members. Ms. Rabinowitz showed the Commission members an aerial photograph of the site, which showed the Evergreens and deciduous trees.

Ms. Rabinowitz stated that the wetland assessment was done approximately one month ago. She stated that this site is 40,000 s.f. and slightly wooded. The southern half of the property is wooded; the northern half supports a wet meadow. There are residential houses surrounding this site. Ms. Rabinowitz stated that the majority of the wetlands outside of the wooded area is a wet meadow.

There were no comments from the audience.

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

Commissioner Rieger made a motion to accept the map amendment regarding the application of Raymond M. Kastner, Applicant, for a Map Amendment on property located at 299 Bushy Hill Road. Commissioner Sexton seconded the motion, which was unanimously approved.

#### IV. PRESENTATION(s), DISCUSSION AND POSSIBLE VOTE

a. Application of Noris E. Christensen, Neils E. Chirstensen 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 Shingle Mill Road (Map A-10, Block 419, Lot 13) (continued from January 20th)

Because of the recent storm, the Commission will not be able to have a site walk prior to the next meeting. Regarding the timetable for this application, Mr. Beach stated that the applicant is willing to give the Commission an extension because it will go beyond the 65 days allowed.

Mr. Beach stated that after last month's meeting, he had a joint meeting

with the applicant, David Whitney, Rich Sawitzke and the Fire Marshal. They discussed all of the issues that were raised by this Commission as well as other issues. He stated that the applicant is now looking into a common driveway for all three houses. Also, the Fire Marshal would like sprinklers in all of the houses. If this is done, the applicant will be able to reduce the driveway requirement size. Drainage issues are also still being looked at.

b. Application of Raymond Kastner, Applicant, for an Inland Wetlands Permit for regulated activities associated with the construction of a single family home, associated grading, and the installation of a well within both the wetland and the upland review area to a wetland on property located at 299 Bushy Hill Road.

Mr. Kastner stated that he is proposing to get a sewer injector hooked up in order to have a viable lot. He stated that Jodie Chase, Ecologist, wrote a report for this site. Regarding the wetland impacts on the site, her report stated that this project proposes filling 4,828 of wet meadow at the upland limit of a substantial area of wetlands. A large corridor of wetland exists north of the site and the area to be filled on-site is a very small portion of that system. The proposed wetland fill will not alter or impact in any manner the larger wetland corridor. The functions and values of that wetland system will remain as they exist today. Ms. Chase's report also recommended mitigation to an area that they would turn into wetlands.

Mr. Kastner stated that he is proposing this house as far back as possible with a minimal yard. He will also be putting in vegetation.

Commissioner Winters questioned what the setback requirements were for this property. Mr. Beach stated that this site is located in an R-40 zone; the setback is 50 feet from the property line. This house is being proposed 51 feet from the property line. Commissioner Winters questioned if the Conservation Commission has ever recommended a 30 foot setback rather than the 50 foot setback. Mr. Beach stated that this would be a matter for the Zoning Board of Appeals. Mr. Kastner stated that this property is located on a very busy road and he would not want the house moved any closer.

Ms. Rabinowitz stated that they are proposing a mitigation plan which would be the creation of 635 s.f. of wetlands. They are also proposing an additional layer of wetland protection by creating a conservation easement adjacent to the Town owned open space.

Commissioner Winters questioned if the White Pine trees would be coming down. Ms. Rabinowitz stated that some of the trees would be coming down in order to create the house and yard. Commissioner Winters questioned how

much of the backyard would be lawn area. Mr. Kastner stated that he is proposing a 40 foot backyard.

Commissioner Rieger stated that he feels this is a significant impact to the wetlands. He questioned if a public hearing was needed. Mr. Beach stated that the Commission would need to decide if these impacts were significant enough to warrant a public hearing. Commissioner Winters stated that the difficulty is that they are proposing activities in the wetlands. She stated her concerns regarding setting a precedent. The Commission also decided that abutting neighbors might want to comment on this application.

Commissioner Winters suggested that a greater landscaping plan be done to make this yard even more attractive, which would make the buyer less likely to infringe on the wetlands. Commissioner Rieger stated that this would only be a temporary solution. Also most people want a chemically treated lawn, which poses more problems.

Commissioner Winters questioned what the width of the proposed house was. Mr. Kastner stated that the width of the house was 40 feet. He state that he could cut the width to 35 feet and scale it 5 feet from the back.

Commissioner Sexton stated that the neighborhood yards in this area are rather small. She stated that it would help by making the house more narrow and replacing it with more wetland plantings and minimizing the lawn area.

Commissioner Winters stated that she would like to see a landscape plan. She recommended planting native plants. She stated that there is the potential to have a beautifully landscaped house, which is very marketable. Also, there is less maintenance with smaller lawns. She stated that extraordinary efforts should be made on this site because the backyard is in the wetlands.

Ms. Rabinowitz stated that she is a landscape designer as well. She stated that she tends to use the plants from New England Wetland Plants. They have a good selection. They are good quality plants that are affordable. Commissioner Winters agreed, although stated that their plants tend to be smaller in size. She stated that she would like to see bigger plantings for this site.

Mr. Kastner stated that he would be willing to come back to this Commission with a landscape plan and another row of shrubs to give the yard a wider buffer.

Commissioner Sexton questioned what growth was there where they were

proposing the conservation easement. Ms. Rabinowitz stated that this area is a wet meadow.

Ms. Rabinowitz stated that, although it was short notice, she would submit a general layout for a landscape plan along with the types of plants for the next meeting on March 17th.

Commissioner Rieger made a motion that this application has significant activity in the wetlands and that a public hearing would be scheduled. Commissioner Kottas seconded the motion, which was unanimously approved.

#### V. APPROVAL OF MINUTES – February 17, 2009

Commissioner Sexton made a motion to approve the February 17, 2009 minutes as written. Commissioner Rieger seconded the motion, which was unanimously approved.

#### VI. RECEIPT OF NEW APPLICATION(s)

Mr. Beach stated that an application will be coming in for Dorsett Crossing. He stated that the issue is that there may be the potential for a public hearing. If the Commission feels that a public hearing would be warranted, he would schedule it as soon as possible.

Mr. Beach stated that this project will be phased. The applicant is proposing to take all of the roof leaders off all of the roofs on the site and infiltrating them directly into infiltration galleys all over the site. They are also proposing to put in water quality detention basins for many areas on the site. They will be reducing peak runoff from the site, post development, from what it is currently. Mr. Beach stated that although there is no direct impact to the wetlands, there is a lot of activity on the site.

The Commission members agreed that a public hearing would be necessary. Commissioner Winters suggested that the Commission have a site walk prior to the public hearing.

Commissioner Kottas made a motion that a public hearing be scheduled regarding the Dorsett Crossing application. Commissioner Rieger seconded the motion, which was unanimously approved.

#### VII. STAFF REPORTS

There were none.

#### VIII. DISCUSSION

Continuation of discussion on LID standards

Commissioner Rieger stated that this new draft was a copyright friendly version, although it is vague in order to avoid the copyright violation. He stated that they also may want this document to be vague because it will not lock them into any kind of standards. He stated that this document tells the applicant what is important to the Conservation Commission and a resource that the applicant can look to.

Commissioner Winters stated that his draft will help the applicant know what this Commission is looking for; this will make the process easier for them. She feels that this will be a good guide for applicants.

The Commission members will review this draft and forward their comments to Commissioner Rieger as well as copy the rest of the Commission.

#### IX. CORRESPONDENCE

Mr. Beach stated that there will be a joint meeting to discuss the Planned Area Development Regulation (PAD). He asked that the Commission members review this Regulation and requested that comments be made in writing in order to get a consensus of opinions.

The Commission discussed the Meadowood Triangle and the possible uses for that property. Commissioner Sexton stated that she attended a meeting regarding the need for more soccer and lacrosse fields in Town. One option was to build additional fields at Curtiss Park.

Commissioner Rieger stated that he attended a recent Board of Selectmen meeting regarding Meadowood. The plan showed most of the Triangle as agriculture and a wildlife corridor. Many of the Board of Selectmen members were in favor of this. There was also discussion to close off Barndoor Hills Road leaving short entrance areas to consider athletic fields and necessary parking. Many residents were against closing Barndoor Hills Road. No decisions were made at this meeting.

Commissioner Winters stated that the Open Space Committee will be making a recommendation to the Board of Selectmen regarding Town Farm. She stated that there is a push to have community farming.

#### X. ADJOURNMENT

Commissioner Kottas made a motion to adjourn the meeting at 9:12 p.m. Commissioner Zackeo seconded the motion, which was unanimously approved.

