

From: Carrie Vibert June 27, 2012 3:02:23 PM  
Subject: Conservation Commission Minutes 05/15/2012 ADOPTED  
To: SimsburyCT\_ConserveMin  
Cc:

CONSERVATION COMMISSION/INLAND WETLANDS &  
WATERCOURSES AGENCY MINUTES  
MAY 15, 2012  
REGULAR MEETING

I. CALL TO ORDER

Margery Winters, Acting Chairman, called the Regular Meeting of the Conservation Commission to order at 7:34 p.m. in the Main Meeting Room at the Town Offices. Other members and alternates in attendance were Patrick Kottas, Margaret Sexton, Darren Cunningham and Donald Rieger. Also present were Howard Beach, Conservation Officer, Lynn Charest, Zoning Enforcement Officer, and other interested parties.

II. APPOINTMENT OF ALTERNATES

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

III. PUBLIC HEARING(S)

a. Application #12-11 of Godofredo B. & Villaverde Bautista, Owners, for the extension of the existing drainage pipe to the northeast and to grade the lawn on property located at 444 Firetown Road (Map D03, Block 206, Lot 019).

Brian Denno, Surveyor, represented the Owners stating the Application is for a permit to extend a drainage pipe 65 feet toward the northeast at 444 Firetown Road. Presently, he said there is no easement for a storm sewer and with the addition to the house the Town Engineer is asking for this easement and a plunge pool to allow water to seep into the soil. He said the Applicant will obtain approval from the Town Engineer for any piping. He described photos provided to the Commissioners with a drainage ditch to the northeast and the layout of the existing drain pipe. He said they have spoken with abutting homeowners and will put in additional plantings as a buffer; the back is wooded.

Commissioner Rieger stated his understanding there are no wetland soils or

plants in the water course and no habitat value. Commissioner Sexton asked if this was the result of existing drainage. Mr. Denno stated existing drainage was from Firetown Road. Commissioner Sexton asked if the clearing related to other activity. Mr. Denno said following the October storm the Applicant fears trees will hit the house when the addition goes in.

Commissioner Kottas asked where the water goes. Mr. Denno said it appears to drain toward the Mikkleson's property. Mr. Mikkelsen clarified it goes into nearby storm drains. Mr. Denno stated a condition of permit approval would be to first receive the Town Engineer's approval. Commissioner Rieger asked about the Town Engineer's concerns regarding volume of water. Mr. Denno explained the soil is extremely sandy with the water table at about 56 inches and water level to (cobbles/stones) groundwater elevation. Commissioner Winters commented groundwater is currently low and asked whether it will infiltrate in more normal conditions. Mr. Denno said a level spreader will be used to stop the water; and he corrected that the water table is 85 inches.

Commissioner Kottas asked whether the effect on neighboring property remains consistent. Mr. Denno said the neighbors currently have erosion conditions in the front yard. Commissioner Cunningham reiterated concern about increased water flow to neighboring properties. Mr. Denno said it is added to minimally from the new roof. Commissioner Cunningham asked him to take the Commissioners from where it is now to the new condition. Mr. Denno explained there is less than 600 sq. ft. of hard surface on the new roof with half the runoff going west, using the math of Rich Sawitzke. Commissioner Cunningham questioned Mr. Sawitzke's memo. Mr. Denno said currently there is less infiltration.

Mr. Mikkelsen lives on Whitcomb Drive in a heavily wooded home where there are now no trees on a neighboring lot and questioned the effect of more water. Mr. Denno stated the coefficient for woods is higher (65% woods, 40% lawn). Commissioner Sexton asked about evaporation and landscape opportunities. Mr. Mikkelsen said he understood the point. Mr. Denno stated the Town had an easement plan, except for 444 Firetown Road which was never official and the Town isn't sure why. Mr. Beach confirmed there is no mapped wetland on the property. Commissioner Sexton inquired about the water course. Mr. Beach said it assumes some kind of channel. Commissioner Sexton asked if it is only stormwater. Mr. Denno stated it is from catch basins.

Chairman Winters invited public comment.

Mr. Mikkleson moved into 11 Whitcomb and clarified the history of the water flow. He explained the layout of storm drains and pipe placement at 444 Firetown Road, recent tree and stump clearing, and showed photos on a cell

phone. He described how the stream runs off 444 Firetown to the rear neighbor and then to his property. He said the Town Engineer suggested a pipe through his property and he is concerned the size of the pipe not be too large resulting in more water coming in because water drains in the center of his front yard. A question was asked about the storm drain under Whitcomb sucking up the water; he believes 15 inches is not enough when there is a storm and water picks up. Mr. Mikkleson described a location between 8 and 6 Whitcomb where water can be heard running in the pipe; the land was scalped and soil excavated and the yard appears lower than surrounding yards. He is concerned about erosion from additional water flow. Mr. Mikkleson said it may not be the best way to go and he represents the neighbors.

Mr. Denno said "water goes where water goes" and asked to extend the pipe 65 feet or water will go toward Whitcomb and he believes the pipe is properly sized. Mr. Mikkleson stated his amazement at how much water there is during a storm. Mr. Denno said it is stormwater flow. Mr. Mikkleson asked if they can prove there will be no increased runoff. Commissioner Sexton asked about pulling the pipe up to place the level spreader. Mr. Denno said he may need to pull the pipe back a little in order to have the drainage structure needed.

Mr. Mikkleson said if he hadn't sent the email on Friday, this would have gone through and he would like more time for public comment. Mr. Beach said Rich Sawitzke, Town Engineer, must review this project before it is signed off. Commissioner Rieger added Town staff reviews all the pertinent information.

Mr. Beach explained Mr. Sawitzke's review method and he wants Mr. Denno and his engineer to present the calculations for Mr. Sawitzke's review. He stated the Commission could approve the Application conditioned on the Town Engineer's review and Mr. Denno would have to show no increase in runoff from the site. Mr. Mikkleson stated his concern there is no additional runoff from the site in the future; he does not want problem water moving to his area. Mr. Denno said water flowing through the site will not increase from proposed activity; extending the pipe will not increase the water which goes into infiltrators. He said the 7 inches of top soil has been stripped off the site for construction. Commissioner Rieger asked about minimal grading done on the site. Mr. Denno did not see the site before the 7 inches of soil was stripped. Mr. Mikkleson showed photos.

Mike Sullivan, Builder (not site excavator contractor) told the site excavator contractor to take the top soil off before construction; then when the addition is dug out, the top soil will be spread back out. Commissioner Sexton asked if it is routine to strip the site during an addition. Mr. Sullivan said it is not unusual; trees and stumps were

removed and the top soil stripped; the soil will be placed back, graded and seeded. Commissioner Rieger suggested reminding the contractor that tree work should not have been done before the permit was issued. Mr. Sullivan said he was not involved as this was not part of his scope of work. Commissioner Sexton asked Mr. Denno about the coefficient for lawns/bare lots. Mr. Denno explained even pavement has a 90% coefficient and the soil will be respread.

Commissioner Kottas asked if there is a sandy area on the lot. Mr. Beach clarified with Mr. Denno there is only an increase of 300 feet. Mr. Denno may use roof leaders to the infiltration system. Mr. Sullivan explained the top soil is from the septic tank area; the septic tank had exceed its life span and had to be replaced. The top soil taken from the area of the septic tank and leachfield is extensive, but Mr. Mikkleson stated that top soil is not enough for an acre lot and he does not want more water. Mr. Sullivan stated the top soil on the property is enough for the entire yard at a 4 inch minimum spread for a lawn. He said following the October storm damage, the contractor removed 18 trees.

Commissioner Rieger made a motion to close the Public Hearing. Commissioner Sexton seconded the motion and it was passed with Commissioner Cunningham opposed.

Commissioner Rieger proposed a conditional permit. Commissioner Winters addressed the situation causing water on Mr. Mikkleson's property clarifying mitigation and felt it was minor based on the experience of Commission members.

Commissioner Rieger made a motion to close the Public Hearing. Commissioner Sexton seconded the motion and it was passed with Commissioner Cunningham opposed.

Commissioner Rieger made a motion that this is a regulated activity in that it involves construction and removal and deposition of material in the upland review area around a water course and involves altering ?. Commissioner Sexton seconded the motion, and it was passed unanimously.

Commissioner Rieger made a motion that this is not a significant activity in that it does not involve wetland soils or wetland vegetation and the Commission does not think wetland preservation is diminished by a pipe in this manmade intermittent area. Commissioner Kottas seconded the motion, and it was passed unanimously.

Commissioner Rieger made a motion, stating that some changes in the property are not within the jurisdiction of the Conservation Commission/ Inland Wetlands & Watercourses Agency, and it does not have the

jurisdiction to specify landscaping; nonetheless, it is moved to grant the permit for the piping of this watercourse, subject to the stipulation that there be no increase in drainage water flowing from this source to adjacent properties, and that any plan which is ultimately approved be faithful to that standard and be satisfactory to Town Staff in terms of assuring that there is sufficient infiltration at the outflow from this pipe, or from other attributes of the design to accomplish that goal. It is further moved that no subsequent change be made in grading, vegetation, or anything else on the property that will result in any increase in water being discharged to other properties, and with no discretion to require the town to pipe the water to other properties.

There must be a design, and variables of length of pipe, size, and shape and contour of material of the outflow, whatever is needed in an engineering capacity, to ensure there is no increase in water leaving the property. If the homeowner in further development of the site in the future increases the pervious surface, they must return to this Commission or the Town Engineer for further review. The permit is also conditioned on the homeowners' accepting that the definition of the 100-foot regulated area around the water course as it exists today not be diminished by pipe.

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

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

a. Application #12-12 of Bruce Sawyer, Construction Manager for GPF-Drake Hill, LLC, Owner, for the removal of invasive vegetation on property located at 710 Hopmeadow Street (Map G10, Block 227, Lots 001+2).

Bruce Sawyer, Construction Manager for the owner of GPF-Drake Hill, LLC, proposed offsite mitigation for invasive plant removal from the stream behind Drake Hill Plaza towards the River per the Army Corp of Engineers (ACE). Mr. Beach provided background on the mitigation. Commissioner Kottas asked about the maintenance plan. Mr. Sawyer stated a 3-year commitment with ACE and explained the plan. Commissioner Winters asked the Applicant for the phase of the work and requested conservation mix seed in as wide a buffer as possible. Mr. Sawyer clarified that conservation mix is the Town's request, not ACE's.

Commissioner Rieger made a motion that this is a regulated activity as it involves soil disturbance and removal of material. Commissioner Kottas seconded the motion, and it was passed unanimously.

Commissioner Rieger made a motion that this was not a significant activity in that disturbance is mitigated by a silt fence and other measures. Commissioner Kottas seconded the motion, and it was passed unanimously.

Commissioner Rieger moved that the permit be granted with the condition to the extent possible that the grasses adjacent to the rip rap be a conservation variety and maintained as necessary. Commissioner Kottas seconded the motion, and it was passed unanimously.

V. ADMINISTRATIVE APPROVALS

a. Application #12-13 of Philip F. Brown of Archadeck of Central Connecticut, Agent for Richard Harrison-Atlas, Owner, for the renovation and expansion of the existing deck structure on property located at 56 Notch Road (Map A17, Block 503, Lot 001).

Administrative approval with no discussion.

VI. RECEIPT OF NEW APPLICATION(s)

None.

VII. STAFF REPORTS

None.

VIII. DISCUSSION

Commissioner Winters discussed the Open Space meeting and asked if there are other pieces of property that should be considered for purchase in the future; she spoke with Commissioner Rieger and Mr. Beach. She brought up stewardship of Town open space land. Commissioner Winters will send around a list from the Open Space Committee.

Commissioner Kottas questioned whether the Conservation Commission should speak to Gerry Toner of Parks and Rec about mowing open spaces.

Commissioner Rieger discussed the Aquarion property and Tuller Reservoir. Mr. Beach said they are paving the access road adjacent to Stratton Brook with the road millings.

IX. CORRESPONDENCE/ANNOUNCEMENTS

None.

X. APPROVAL OF MINUTES of January 3, 2012, April 3, 2012, and May 1, 2012

Tabled until the next meeting.

XI. ADJOURNMENT

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Ryan Mihalic, Secretary