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ADOPTED  
CONSERVATION COMMISSION MINUTES 06/21/11

CONSERVATION COMMISSION/INLAND WETLANDS & WATERCOURSES AGENCY MINUTES -  
REGULAR MEETING  
June 21, 2011

I. CALL TO ORDER

Richard A. Miller, Chairman, called the regular meeting of the Conservation Commission at 7:35PM on Tuesday, June 21, 2011 in the Main Meeting Room at the Simsbury Town Offices. The following members and alternates were present; Margaret R. Sexton, Donald Rieger and Patrick Kottas. Also in attendance were Howard Beach, Conservation Officer, Leslie Faraci, Commission Clerk and other interested parties.

II. APPOINTMENT OF ALTERNATES

Chairman Miller appointed Commissioner Rieger to serve in the absence of Commissioner Bucknam and Commissioner Kottas to serve in the absence of Vice Chairman Winters.

III. APPROVAL OF MINUTES - March 15, 2011 & June 7, 2011

In the absence the required quorum, Chairman Miller noted that the approval of the minutes for March 15, 2011 and June 7, 2011 will have to be tabled and taken care of at the following regular meeting.

IV. PRESENTATION(s), DISCUSSION AND POSSIBLE VOTE

(a.) Application of Kevin Zall, Owner, for an Inland Wetlands Permit for activities associated with the replacement of an old deck and the construction of a new deck within the 100-foot regulated area to a wetland on property located at 42 Pine Glen Road (Map D-17, Block 204, Lot 016).

Mike Nadeau, contractor for the applicant, presented on behalf of the Owner, Mr. Zall. Mr. Nadeau explained that the Owner disassembled the original deck and the contractor plans to re-build that deck in its

original spot with an additional 20'x 20' next to it.

As far as what they will do with the soil, Mr. Nadeau explained they will dig sonotubes, remove old pillars and install new ones and backfill the same day.

Chairman Miller asked if the sonotubes are in the designated wetlands area and Mr. Beach explained that the entire parcel is within the wetlands due to the fact that it was built in 1987 during a period that allowed the property to be "grandfathered" in and built on a designated wetlands area.

Mr. Beach described the photos sent in by the applicant of the backyard and explained that the stream behind the house is approximately 200' behind the house, which has an established, flat lawn.

Commissioner Rieger questioned Mr. Nadeau whether the excavation would leave him with extra material. Mr. Nadeau explained that there would be very little, if any, extra material.

Chairman Miller questioned if there had been any effort ever to re-delineate the wetlands. The panel discussed the topography of the backyard and its layout with regards to the stream.

Chairman Miller mentioned that for all intensive purposes, the real wetlands on this property do not start until you get back into the woods. Mr. Beach remarked that the wetlands soil is still present even after the native vegetation was stripped when property was built.

Chairman Miller mentioned that since the property had been completely disturbed and had an established lawn since 1987, it makes this application very similar to similar projects in a Regulated Review Area which would not be a matter that would come in front of the full Commission because it would be approved on an administrative consent. Chairman Miller questioned if there was a procedure to note that this is occurring in an area that is already grandfathered in. Mr. Beach explained that a mapping system done in the 1950's shows huge areas of wetlands where entire subdivisions were built and now exist. Based on those maps, anyone located in one of these previously designated areas that files for an application, will automatically trigger a wetlands application. Mr. Beach mentioned this is a glitch in the system that needs to be updated in order to correct that issue.

Chairman Miller commented that it sounds as if there would be no stock-piling and Mr. Nadeau confirmed that there would be none.

Commissioner Rieger made a motion that the Commission find that this is a

regulated activity because it does involve excavation and construction in a wetland area. Commissioner Sexton seconded the motion, which was unanimously passed.

Commissioner Rieger made a motion that the Commission find that the activity is not significant and that there will be minimal disturbance of the property with no negative impact. Commissioner Kottas seconded the motion, which was unanimously passed.

Commissioner Rieger moved the Commission grant the requested permit. Commissioner Sexton seconded the motion, which was unanimously passed.

(b.) Application of Ron Jodice, Owner, for an Inland Wetlands Permit for activities associated with the construction of a garage, driveway extension and a front porch within the 100-foot regulated area to a wetland on property located at 16 Highwood Road. (Map I-15, Block 109, Lot 9).

Mr. Jodice represented himself and presented a board with his plans laid out that also showed wetlands delineation lines. Mr. Jodice explained that his property is in a similar situation as the previous application, having been built in 1987 entirely in a designated wetland area. This application was previously approved seven (7) years ago, but Mr. Jodice never got around to doing the renovation. The previously approved permit is now expired. Mr. Jodice has since had the property re-flagged to show revised wetlands boundaries, which are outlined on his presentation board. Mr. Jodice gave a brief overview the changes to the house that would be made.

Commissioner Sexton asked Mr. Jodice to further explain the wetlands demarcation map. Mr. Jodice explained that the back-line was not reflagged, only the areas around the perimeter of the house where the construction would be.

Chairman Miller questioned Mr. Jodice on the slope on part of the property. Mr. Jodice explained that yes, the whole lot slopes approximately 15' across 100' and further described the slopes of the property.

Commissioner Sexton questioned Mr. Jodice about the lot across the street and whether it was open space. Mr. Jodice confirmed that yes, it is open space.

Chairman Miller questioned Mr. Jodice on the amount of excavation he expects. Mr. Jodice outlined where there might be any excavation on the property. Chairman Miller then questioned if what material does get excavated could be spread around to re-grade and Mr. Jodice confirmed that is the case. Mr. Jodice commented that most of the excess would end up near the front of the house to bring up the grade around the foundation.

Commissioner Kottas questioned Mr. Jodice about where the wetlands are marked on his presentation board. Mr. Jodice explained the re-marking of the wetlands on his board since the original map showed the entire property being located within wetlands.

Commissioner Sexton questioned Mr. Jodice about whether any trees would be taken down for the southern garage extension planned. Mr. Jodice said there were no trees that need to be removed.

Commissioner Sexton questioned Mr. Jodice about truck activity involved that could drag out material to the street and Mr. Jodice said it should not bring much material off of the driveway. Commissioner Sexton asked if the property was curbed and Mr. Jodice confirmed that yes, it is and there are catch basins as well. Chairman Miller mentioned that Mr. Jodice might want to consider placing some hay bales around the catch basin.

Mr. Beach mentioned that with an elevated slab-on-grade porch like he is doing, he will need material to back-fill and Mr. Jodice confirmed that he hoped to have no extra materials at the end of the job.

Chairman Miller asked if there were any other questions. Commissioner Sexton asked Mr. Jodice when he planned on completing the work and he replied that he was hoping to start this year around August (2011). Commissioner Rieger asked Commissioner Sexton if she was worried about the winter problem they had seen before, and she said yes, but not in this case. Mr. Jodice mentioned that if it got too close to the winter, he would wait until the spring to do the work. Mr. Beach explained that the winter problem Commission Sexton was referring to involved the inability of frozen ground to absorb any run-off and the potential for erosion created by such run-off. Mr. Jodice explained that there had never been any run-off from the back to the front of the house.

Commissioner Rieger made a motion that the Commission find that this is a regulated activity, as it involves the construction within a wetland area. Commissioner Kottas seconded the motion, which was unanimously passed.

Commissioner Rieger made a motion that the Commission finds that it is not a significant activity and that the disturbance will be minimized/mitigated by hay bales or a silt fence. Commissioner Kottas seconded the motion, which was unanimously passed.

Commissioner Rieger moved the Commission grant the requested permit, subject only to the conditions cited by the Commission and any other recommendations made by Mr. Beach. Commissioner Sexton seconded the motion, which was unanimously passed.

V. RECEIPT OF NEW APPLICATION(s)

There were none.

Mr. Beach mentioned that the meeting on the 5th of July is cancelled, so the next meeting will be July 19th. As of now, the only thing on the agenda for that meeting will be the Weatogue Fire Station.

Chairman Miller questioned Mr. Beach of when they can expect an interim report from the LID consultant regarding the Fire Station. Mr. Beach said that they had wanted to have it done by August, but that he has not heard about it.

Chairman Miller mentioned that the consultant has a deadline of September, which Mr. Beach said may cause there to be a meeting in August to discuss.

VI. STAFF REPORTS

There were none.

VII. DISCUSSION

Commissioner Kottas brought up the concern of not having a full quorum which would be penalizing an applicant that had showed up for a vote on his/her case. The panel discussed the procedures in place in order to know ahead of time which Commission members would be attending or absent for each meeting.

VIII. CORRESPONDENCE/ANNOUNCEMENTS

There were none.

IX. ADJOURNMENT

Commissioner Rieger made a motion to adjourn the meeting at 8:06 p.m. Commissioner Kottas seconded the motion, which was unanimously approved.

Respectfully submitted,

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Richard A. Miller, Chairman