

From: Carrie Vibert August 7, 2012 9:55:16 AM
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To: SimsburyCT_ConserveMin
Cc:

CONSERVATION COMMISSION/INLAND WETLANDS &
WATERCOURSES AGENCY MINUTES
JULY 17, 2012
REGULAR MEETING

I. CALL TO ORDER

Margery Winters, Acting Chairman, called the Regular Meeting of the Conservation Commission to order at 7:36 p.m. in the Main Meeting Room at the Town Offices. Other members and alternates in attendance were Patrick Kottas, Ryan Mihalic, Donald Rieger, and Alan Needham. 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 as an alternate for Commissioner Sexton and Commissioner Kottas to serve as an alternate for Commissioner Cunningham.

III. PRESENTATION(S), DISCUSSION AND POSSIBLE VOTE

a. Application #12-19 of Juliano's Pool, LLC, Agent for Marcia and Rich Keegan, Owners, to install an inground pool by removing material from and depositing material in a 100-foot upland review area to a wetland on property located at 11 Newbury Court (Map F05, Block 301, Lot 006).

Steve Oland, Project Coordinator for Juliano's Pools, described the layout of the pool stating the plans show the best location. He said their normal procedure is to excavate and remove offsite immediately material with spec backfill imported, with a minor amount of existing material stockpiled for a short period and the remaining stockpiled material used in grading and finishing the pool area. Mr. Beach clarified the permit is required because material is moved on the site for a pool from one location to another which is considered removal and deposition in an upland review area. Mr. Beach said there is about 4 feet of grade on the site, a level slope, tertiary soil, and nearby larger wetlands drain to Firetown Road. Mr. Oland confirmed equipment will come in the existing driveway to the

left side of the pool. He said when the pool is drawn down it is pumped to street sewers. Mr. Beach said it is recommended to drain onto the front lawn to attenuate it so it doesn't go back into the wetlands, or have it trucked offsite. Mr. Oland said they would comply with what is required to protect the wetlands. He said construction will begin as soon as possible and take 2-3 weeks. Mr. Beach said Staff recommended a silt fence be left in place until surrounding soils are completely stabilized as it is a fair distance through the existing lawn to the wetlands. Mr. Oland will pick up a Guideline handout.

Commissioner Mihalic made a motion this is a regulated activity because it involves the withdrawal and deposition of material in an upland review area adjacent to a wetland.

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

Commissioner Mihalic made a motion this is not a significant activity based on the presentation and the information provided by the Applicant's representative and the discussion with Town Staff.

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

Commissioner Mihalic made a motion the permit is granted subject to any conditions imposed by Town Staff and subject to the Applicant's representative taking note of the best practices that we provide with the Building Permit concerning construction and maintenance of a pool.

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

b. Review by the Conservation Commission of the soil and erosion control plan Big Y Foods, Inc., for properties located at 1313 Hopmeadow Street (Map I05, Block 403, Lot 16), 1349 Hopmeadow Street (Map I05, Block 403, Lot 16A), and Hopmeadow Street (Map I05, Block 403, Lot 15-B).

Guy Hesketh, of F.A. Hesketh & Associates, stated they have an Application pending before Zoning for a Big Y on the former Nissan Wagner site. He said while there are no inland wetland or water course resources on the property, they are seeking approval of a sedimentation and erosion control plan. He said they are within the Aquifer Protection Overlay District and have conformed with DEEP established guidelines. He said the slightly over 7-acre site is near the International Skating Center (ISC) and they proposing access at the signal intersection in the southern portion of the project and also on ISC Drive to allow truck circulation on the site. He showed the store location with parking in front and on the sides. He said the existing water quality basin which serves the ISC located in the field between ISC Drive and the front field would be made a little deeper with

the same discharge point. He said they propose demolishing existing structures, reclaiming existing asphalt and re-utilizing it for sub-base material for the new parking areas, and the disturbed fallow field is where the store would be located. He said they will strip and stockpile topsoil, stockpile buildings, and lower grading on the back portion of the site, with permission sought from ISC to grade on their property. He said there will be a couple feet high stone retaining wall (decorative) in front re-using sandstone in the barn, a slight berm in front, and the parking area will be about 4 feet higher than the existing road grade and will grade gently up toward the front of the store. He said sedimentation and erosion control is common in this area and there is not a lot of natural runoff with most of it going into the sandy soil. He said they will have silt fence on the project perimeter in the downgrading areas, on the side, and in the ISC re-graded area. He said they are proposing a number of catch basins and will collect storm water to discharge to the water quality basin so they can treat that water; it will be designed as an infiltration basin with 2 1/2 feet of water before it flows out and percolating gently into the underlying soil. He said there will be hay bale erosion checks around the catch basins. He said they have hydrodynamic separators integrated into the design which are chambers that remove on average 80% of total suspended solids from the storm drain system and will discharge with some riprap outlet structures for velocity dissipation into the water quality basin. He said any slopes steeper than 3:1, including along the back and detention basins, will have erosion control blankets to stabilize, and their landscape plan contains generous amounts of perimeter vegetation and they will use wet meadow mix.

Regarding their use of pervious pavement, Mr. Hesketh said Connecticut state water quality guidelines prohibit infiltrating runoff from parking areas and they are investigating the question of whether they allow for pervious pavement. He said in the past in Aquifer Protection areas, underground chamber structures have been used for storage and infiltration but may not provide very good treatment before storm water enters that area, so they want surface water discharge exposure to oxygen with remedial action removing a lot of the pollutants. He said it is a new technology with mixed reviews and their intention is to resolve it with guidance from DEEP. Regarding island plantings, he said operationally they have to be careful of areas in the parking lot that freeze and thaw because of slips/falls. He said they have used an oversized shallow area similar to a rain garden in a location to operationally reduce slip/fall hazards. He noted the Design Review Board has encouraged them to use a variety of plantings and the Landscape Plan currently before Zoning is extensive with large islands in the center, and a berm area in front. Chairman Winters commented positively on the extensive number of plantings planned for the site.

Regarding serpentine flow patterns for extremely low-flow storms, Mr. Hesketh said the basin outlet is 2 1/2 feet higher and 100% of the water quality volume is retained for a low-flow storm with no outflow until about 3 inches, but including ISC infiltration it would be about 1 1/2 inches. He added the roof runoff for this facility has its own infiltration system along the side which are underground parabolic galleys; the DEEP allows discharge of roof runoff directly into the ground. He said they have to design the system so there is no direct discharge to the State system. Regarding net improvement over the existing structure, he said the front is 100% paved and adding the field there is a slight increase in impervious surface to the water quality basin. He added with Aquifer Protection in place, the previous usage would no longer be allowed. Regarding the kind of aquifer, he said the static groundwater table is at about 25 feet deep and is probably a stratified drift, alluvial sand, and is part of Aquarion. Mr. Beach said the State Level A Map labels it Bissell Aquifer and Town Zoning Regs call it Hoskins Aquifer with Bissell Aquifer northwest of that, and since there are no well heads, DEEP does not identify it under their water resource program so it gets no protection.

Regarding meadow mix in the water quality basin, Mr. Hesketh said they will use New England Wetland Mix but their scientist has said it is not a wetland basin with the water table about 10 feet below the basin. Regarding snow removal, he said snow will be piled in strategic locations and moved to a 10-12 foot shelf area, but the islands are designed so the flow runs against the curb line and goes into a catch basin which is a much more expensive method, but slips and falls at an average cost of \$2500 per case makes the catch basin design worth it. He said they keep ice off catch basins and big wide open rain gardens nicely landscaped serve the same purpose and operationally is a win-win. Regarding green roofs, he said structurally they must handle a lot of weight, including mechanicals, and are used more in urban areas.

Mr. Beach clarified the site is extremely flat and sandy and the Applicant is looking for the Conservation Commission's referral to Zoning that the Erosion Control Plan is acceptable as presented. He said Rich Sawitzke is working on hydraulic analysis and its effect on ISC to assure the water basin is adequate. He said Zoning Regulations list prohibited activities with nothing falling into those areas; except for storm water, nothing is discharged into floor drains, and no solvents are stored in the building. Mr. Hesketh said there are monthly visual inspections of structures, there is a maintenance schedule for storm drain systems on Sheet GR1, good housekeeping requirements for all areas, required twice/year sweeping of parking lots (spring and fall) is actually done every couple of weeks, and their Risk Management Department conducts reviews with landscape contractors to minimize use of nitrogen fertilizers, salts, and pesticides. Mr. Hesketh said there is a list of do's/don'ts for the Aquifer Protection

area mostly about chemicals which they don't have; they do have recommended deep sump catch basins with a 4 foot sump; hydrodynamic separators to polish the water before entering the storm quality basin; no infiltration of parking area runoff; primary treatment for storm water runoff; and no floor cleaning chemicals, etc. kept onsite. He said they have a compost compactor for expired fruits and vegetables picked up every 2-3 days, and compost compactor for general refuse with ozone carbon filtration for smell; the truck loading area has dock seals; and best practices are incorporated throughout the design. Mr. Beach stated he would like copies of bills submitted to him verifying the twice a year maintenance program; conditioned approvals are in perpetuity.

Commissioner Rieger made a motion the Conservation Commission finds the erosion control plan as presented to us meets the requirements of the Town Statutes and recommends approval.

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

Commissioner Rieger made a motion the Conservation Commission finds based on the submission made to it and the advice of Staff that the plan as it exists is consistent with the Aquifer Protection Requirements and recommends it be favorably considered by the Zoning Board, and recommends the Zoning Board assure best management practices and verification of same be included as a condition.

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

IV. ADMINISTRATIVE APPROVALS

b. Application #12-22 of Regan Development Corp., Agent for Dorset Crossing, LLC, Owner, for site development and building construction within the 100-foot upland review area to a wetland on property located at 1507 Hopmeadow Street (Map H04, Block 403, Lot 013A), 1515 Hopmeadow Street (Map I04, Block 403, Lot 013), and 1519 Hopmeadow Street (Map H04, Block 403, Lot 13B)., A.K.A. Dorset Crossing Lot C.

Dave Zyacks, P.E., of F.A. Hesketh & Associates, stated they previously presented to the Conservation Commission the Master Plan PAD for Dorset Crossing and received a favorable recommendation to Zoning. He said as the property is developed if any of the sites directly impact the wetlands or involve activities in the upland review area associated with Saxton Brook corridor, they will come back into the formal process. He noted the nearly-completed first building and progress on Dorset Crossing Drive with some paving next week near Rte. 10. He said they are now focusing on Lot C with specialty housing, 1 single building of 48 units, primarily geared for people with MS. He said the road will extend to the roundabout and the

portion from New Town Road will be constructed to the driveway of the special housing building. He anticipates near the end of the year construction of the market rate housing will begin. He said this specialty building site plan for Lot C was before Zoning last night (7/16/12) with good reception, but Zoning cannot take action until they hear from the Conservation Commission. He said the specialty building is 3 stories, about 17,000 sq. ft., with 57 parking spaces - many for handicapped, and the only site with naturally occurring features and heavy vegetation starting at Saxton Brook's natural berm separating the wetland resources from the mostly dirt development site. He showed a patio area for resident recreation with pull offs for those in wheel chairs; a private patio area with afternoon sun and morning shade; a raised garden area so those in wheel chairs can do gardening; a nice walkway up into the entire open space which will be kept clear for passive recreation; and all walkways tie into the site sidewalk system. He said the flagged wetlands for Saxton Brook are on the downside of the berm in the wooded area, then there is the berm and a pronounced line of vegetation; following Conservation Commission regulations the 100-foot upland review area splits the building in the middle and includes the patio area. He said they have decided to add a nice retaining/sitting wall in the back along the berm area. He stated all roof and patio water goes to underground infiltration, and the 50-space parking area ties into the storm drainage system on New Town Road which is part of the macro drainage system approved by the Conservation Commission a few years ago and he showed the area of a very large already-constructed water quality basin. He said the water quality system is in compliance and large enough to not require replication in the future. He said there is no direct discharge of storm water into the Saxton Brook area with real physical activities in the natural vegetation area; activities are contained within the already disturbed areas.

Mr. Zyacks said Zoning has a special meeting set for 7/30/12, and if this Commission reaches a decision, they can be added to Zoning's agenda or it will have to be carried on to September. He believes this is an insignificant activity and well-contained within already disturbed areas and is more of a site stabilization project. Mr. Beach verified a final decision cannot be made by the Commission on a permanent Application on the same day received because of the 14-day appeal period, but where the activity is outside the actual wetland, and the impact is judged to be de minimis, the Application can be designated for approval by the Commission's authorized agent, but anyone within 14 days can appeal that officer's decision. Regarding posting notice under the regular process, Mr. Beach said it would be posted to the Agenda for the following meeting in 2 weeks, which meets the public notice requirement, and there is a 14-day appeal period for every Commission's decisions. Mr. Zyacks noted there has been no negative input regarding the project to date. Mr. Beach noted with administrative approval, the Commission can still decide to apply

conditions. Mr. Zyacks stated the request for approval at this time is driven by special time-sensitive applications and financing requirements. Mr. Beach reiterated there is no discharge to the wetland from this project.

Commissioner Mihalic made a motion this Application be delegated to the authority of the Commission's duly authorized agent for purposes of approving with conditions or otherwise setting a time to complete activities authorized under our Regulations and consistent with the direction shown for Dorset Crossing, the discussions the Commission has had with the Applicant, and the discussions with Town Staff here today. The motion is based on the fact that this is a unique Application that is downhill from any wetland, separated by a natural berm, and demonstrates similar conditions to any other action that we would otherwise delegate to our agent to approve or deny.

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

Regarding a quorum for a potential 7/31/12 meeting, Commissioners Mihalic, Needham, Sexton, Winters, and Chairman Miller will attend. Commissioner Kottas cannot attend.

c. Application #12-24 of Paul Smith, DBA Deck Specialist, Inc., Agent for Margaret Lynch, Owner, for the replacement of a deck within the 100-foot upland review area to a stream on property located at 8 Vincent Drive (Map G07, Block 115, Lot 032).

Mr. Beach stated that he normally reviews Administrative Applications with Chairman Miller and this Application fits that category. Mr. Beach stated the deck is 40-50 feet from the wetland with 3 sonotubes. Appointed Chairman Winters designated Mr. Beach to handle the approval administratively.

a. Application #12-21 of Austin W. Mills, Owner, for the placement of a shed within the 100-foot upland review area to a wetland on property located at 33 Berkshire Way (Map G04, Block 403, Lot 340).

Discussed by Mr. Beach with Chairman Miller for Administrative approval.

VI. RECEIPT OF NEW APPLICATION(S)

a. Application #12-20 of Timothy J. Hayes, Owner, to remove from pond the algae growth, silt, mud, and other organic materials currently adversely affecting pond health on property located at 3 Linda Lane (Map D06, Block 303, Lot 015).

Mr. Beach said a pond straddling 2 properties on Linda Lane has again been mucked up by the 2005, 2007 and October 2011 storms and they are applying for dredging.

c. Application #12-25 of Eric Barch, Agent for Town of Simsbury, Owner, for the construction of a wooden walkway on the marsh at the Community Farm of Simsbury on property located at 73 Wolcott Road (Map I02, Block 439, Lot 002).

Mr. Beach said this is an Eagle Scout project at the Community Farm to build an observation deck and walkway along the wetland area and will appear at the next meeting. He said the project has been reviewed by an engineer and will go before the Board of Selectmen and Tom Roy next week.

d. Application #12-26 of Kurt L. and Sheila M. Gschwind, Owners, for construction near wetlands with preventative measures to prevent erosion impact to wetland areas on property located at 5 Hawks Lane (Map G06, Block 103, Lot 042).

Mr. Beach said this Application is to build a deck on the back of the house with a steep sloping back lawn creating a full-foundation terrace under the deck to potentially turn it in to a full season room; and to build a rubble wall below with backfill behind it.

VII. STAFF REPORTS

None.

VIII. DISCUSSION

Mr. Beach said he received the annual DEEP letter notifying the Town of road-side spraying. Regarding the type of spray, he said they use Rodeo and Roundup and suggested Roundup be used everywhere because of wetlands. The Commissioners indicated they would like the State to come in and educate them on what they do. Mr. Beach said the Town does very little spraying and sprays for mosquitoes before a concert if the concert promoter hires them. Mr. Beach will contact Tom Roy, Director of Public Works, and see what he knows about spraying. The Commissioners commented that Mr. Roy had been very informative in the past. Mr. Beach said they are still using Calcium/Magnesium Chloride and corn syrup, which increases biological oxygen demand in the streams and is a problem. The Commissioners agreed this is a strategic partnership with the Town.

Regarding drainage from Hop Brook by residents to water their backyards and revisiting it in drought conditions, Mr. Beach said there is currently a 6-inch deficit. Mr. Beach confirmed the right was reserved to revisit this

usage and the permit expires this summer. He said until DEEP declares a drought using a certain formula, enforcement action cannot be taken. Mr. Beach said where Grimes Brook comes under Hop Brook Road; uphill is Apple Way and downhill is Hop Hollow, which run to the pond on either side and irrigation pumps were dropped in. He stated deep watering every 3 days promotes deep roots and drought resistance and is superior to daily watering, which promotes shallow roots. He added an Apple Lane resident issued a cease and desist order last year has now installed a 40-foot ramp and 25-foot dock in a very shallow pond; the property line is in the middle of the pond and the resident will be brought in for a show cause hearing on 7/31/12.

He said the Town has been lobbied by residents of Apple Way and Hop Hollow to do something about the erosion and water channel off the golf course to a low point. He said attempts since the 2005 storm to stabilize it have failed and Rich Sawitzke says the high silt content of the soil continues to wash out, except for using pipes. He will ask Mr. Sawitzke to come to the 7/31/12 meeting to explain his plan and come in for a permit. He noted at Drake Hill there is also no provision for channelizing and they were directed to check with the State.

Regarding removal of invasives at the Library, Mr. Beach said it is basically completed with an amazing amount of invasives removed by the Scouts.

Regarding the State declaring a drought, Mr. Beach said there were 3 programs to shut down diversion permits: one where they're already doing it and tell the State what they're pulling and are given a permit for it, another where they check stream flow and calculate not taking more than 10% of a low-flow stream, and the amnesty program guaranteeing you would get the same amount you were taking if you reported it. He said Hopmeadow's permit expires in 2015 or 2016 and will be revisited. He said a metered weir was installed and monitored daily with USGS calibrating it 4 times/year at a cost of \$10,000/year to the golf course. He said they get a minimum flow that varies each month, currently it is .96, and the diversion permit is for 305,000 gallons/day and Mr. Beach continues to ask them to revisit it.

Regarding the MDC piping Farmington River water to UCONN in Mansfield, Mr. Beach said there is a 23-mile radius they serve which hits Mansfield, and UCONN as a State agency is exempt from water regulations. Mr. Beach said UCONN is in Connecticut Water's service area but MDC decided to take the business. Commissioner Rieger stated Connecticut has a law that says nobody can draw drinking water from a river downstream from a sewage treatment or industrial plant and perhaps they should work on cleaning up Connecticut River water. Mr. Beach said MDC still has to apply for a

diversion permit and states they can pipe from 1.5 million up to 5 million gallons/day.

Regarding the turtle crossing issue, Commissioner Rieger said the Eagle Scout advisor believes the project requires a scout with skills beyond those of current candidates.

Regarding the ditch near Dunkin' Donuts, Mr. Beach said the ditch never drained from the first storm and a while ago a site plan amendment was submitted to Zoning to fill it in and a catch basin to the pipe was added in place of infiltration. The Commissioners discussed the ramifications of this Applicant not returning to them as it is typical the Applicant returns. Mr. Beach said this system now goes back to the street and not into the wetlands; Commissioner Needham noted there is currently a ditch across the street with water in it now. Mr. Beach will take a look at the permit issued. The Commissioners discussed communication with Zoning and their understanding of Conservation Commission activities. Commissioner Mihalic suggested the larger applicants have a good understanding of the Commission's benefit to them and business development's goal is to move things along. The Commissioners discussed how to improve dialog between Commissions, including written reports, providing Chairs with each other's agendas, reminding Zoning tactfully they should have sent something to the Commission for review, and undertaking further discussion with Chairman Miller.

IX. CORRESPONDENCE/ANNOUNCEMENTS

None.

X. APPROVAL OF MINUTES of January 3, 2012, April 3, 2012, May 1, 2012 and May 15, 2012

Commissioner Rieger made a motion to approve the April 3, 2012, minutes as written. Commissioner Kottas seconded the motion, and it was approved unanimously.

Commissioner Rieger made a motion to approve the June 19, 2012, minutes as written. Commissioner Kottas seconded the motion, and it was approved unanimously.

XI. ADJOURNMENT

Commissioner Mihalic made a motion to adjourn the meeting at 9:45 p.m. Commissioner Needham seconded the motion, and it was passed unanimously.

Ryan Mihalic, Secretary