

From: Lois Laczko September 8, 2009 9:44:59 AM  
Subject: Conservation Commission Minutes 07/28/2009 ADOPTED  
To: SimsburyCT\_ConserveMin  
Cc:

ADOPTED

CONSERVATION COMMISSION/INLAND WETLANDS & WATERCOURSES AGENCY  
MINUTES – SPECIAL MEETING  
July 28, 2009

I. CALL TO ORDER

Commissioner Winters called the Special Meeting of the Conservation Commission/Inland Wetlands and Watercourses Agency to order at 7:30 PM in Room 103 of the Simsbury Town Offices. The following members were present: Commissioners Patrick Kottas, Margaret Sexton, Ryan Mihalic, Donald Rieger, and Darren Cunningham. Chairman Miller arrived at 7:40 p.m. Also in attendance was Howard Beach, Conservation Officer and Hiram Peck, Director of Planning.

II. APPOINTMENT OF ALTERNATES

Commissioner Kottas was appointed to serve in the absence of Commissioner Bucknam and Commissioner Rieger was appointed to serve in the absence of Commissioner Zackeo.

III. APPROVAL OF MINUTES – March 10, 2009 Special Joint Commission Workshop, April 7, 2009 regular meeting, May 5, 2009 regular meeting and May 19, 2009 regular meeting.

Commissioner Rieger made a motion to approve the March 10, 2009 Special Joint Commission Workshop. Commissioner Sexton seconded the motion, which was unanimously approved.

The April 7, 2009; May 5, 2009; and May 19, 2009 minutes were tabled until the next meeting.

IV. PRESENTATION(s), DISCUSSION AND POSSIBLE VOTE

a. Application of Brian J. Foley, Owner, Jeremy Vearil, Applicant, for an Inland Wetlands Permit for the dredging of a pond and associated grading within the 100-foot regulated area of a wetland on property located at 51

Highwood Road (lot #5).

Mr. Vearil stated that, in the past, this manmade pond was used for irrigation to Case greenhouse. The pipes within the irrigation system are now in disrepair. He stated that the pond needs to be dredged because of all of the debris in the pond. He stated that Mr. Foley would like to dredge part of the pond and leave a shelf portion for the Jefferson salamanders that are living in the pond. They do not want to disturb the salamanders. Mr. Vearil stated that this is one of three ponds that are on the property. They will be using this pond for irrigation and for livestock.

Commissioner Winters questioned what time of year they would be using the irrigation system. Mr. Vearil stated that they would be using this in the summer months, typically, and any time they are dry.

Chairman Miller questioned if the salamanders were found by the DEP. Mr. Vearil stated that Mr. Foley allowed a voluntary group to come onto the property. Mr. Beach stated that this property was the subject of a vernal pool study as part of a biodiversity project. He stated that the Jefferson Salamander is a listed species; it is not threatened or endangered. It is a species of concern.

Chairman Miller questioned how the pond would be dredged. Mr. Vearil stated that the property owner has his own excavator. Chairman Miller questioned if they would be draining the pond prior to dredging. Mr. Vearil stated that there is currently not much water in the pond; there is only muck in the pond. He stated that he would pump any standing water out of the pond at the time of dredging. He stated that they would stockpile the dredged material, let it dry and spread it around the bank of the pond.

Commissioner Rieger questioned if a full environmental study was done on the property. Mr. Vearil stated that there was not. Commissioner Mihalic stated that this is a Tier #1 vernal pool. He questioned how many Tier #1 vernal pools are in Simsbury. Mr. Beach stated he is not sure. He stated that there are not any houses around this vernal pool; there is a steep bank and road near the area. Mr. Vearil stated that there is a building lot next to this vernal pool. Commissioner Rieger questioned if there were any approved plans for the building lot. Mr. Beach stated that a Wetlands permit was granted for this lot, although that has since expired.

Commissioner Winters suggested having a site walk. Commissioner Mihalic agreed. He stated that although it seems that the applicant is taking all of the right precautions, he would like to walk the property in order to get a better sense of the area.

Commissioner Winters questioned how deep the applicant would be dredging the pond. Mr. Vearil stated that they would be going down approximately 4'-5'.

The Commission scheduled a site walk for September 1st at 6:30 p.m., prior to the regularly scheduled meeting.

Commissioner Mihalic made a motion to table this discussion until the next meeting. Commissioner Winters seconded the motion, which was unanimously approved.

The Commission members agreed that it would be helpful to get someone with outside expertise to weigh in on the vernal pool that is on this property. Mr. Beach stated that he would try to contact someone to do this. Commissioner Mihalic stated that the Commission should also think about setting a public hearing for this application in order to get input from various constituents, like the Farmington River Watershed Association.

Commissioner Winters made a motion to schedule a public hearing for this application. Commissioner Rieger seconded the motion, which was unanimously approved.

b. Application of Sarah Medina, Owner, for an Inland Wetlands Permit to construct a two car garage within the 100-foot regulated area of a wetland on property located at 4 Ichabod Road.

Commissioner Mihalic stated that although he lives on Ichabod Road, if there is no objection, he will discuss this application with the Commission. There was no objection.

Ms. Medina distributed pictures of the property to the Commission members. She stated that they would like to tear down the existing one-car garage and construct a two-car garage. The proposed garage will be 24' x 24'. She stated that there are wetlands on the opposite side of the house; the garage will not be constructed near the wetlands. Ms. Medina stated that when they tear down the existing garage, they will be keeping the wall next to the breezeway.

Chairman Miller questioned if the garage would be constructed on a flat area. Ms. Medina stated that there is a slight hill toward the stream. Mr. Beach stated that there is less than 2 feet of grade change for the first 75 feet from the construction site; the site is relatively flat.

Chairman Miller questioned where the applicant would be stockpiling the soil. Ms. Medina stated that they would stockpile the soil away from the wetlands, towards Bushy Hill. Mr. Beach stated that the only material they

will be stockpiling is if they need to backfill; all of the excavated material will be brought offsite.

In response to a question by Commissioner Mihalic, Ms. Medina stated that all access for construction vehicles would be on the existing driveway.

Commissioner Cunningham questioned how long construction would take. Ms. Medina stated the contractor has told her that construction should take no longer than a month.

Mr. Beach stated that he is recommending silt fence or hay bales around any temporary stockpiles of material.

Commissioner Mihalic made a motion that this is a regulated activity because it involves the removal and deposition of material within the 100' upland review area from a wetland. Commissioner Sexton seconded the motion, which was unanimously approved.

Commissioner Mihalic made a motion that this is not a significant activity because all construction related activities will be conducted on the side of the house opposite of the wetlands. There is no indication that any vehicles or materials will be anywhere near the side of the house with the wetland and even if there was, there is a 70' buffer between the actual wetlands and the side of the house. Commissioner Sexton seconded the motion, which was unanimously approved.

Commissioner Mihalic made a motion to approve the permit subject to the conditions set for in the Staff report and that any materials be stockpiled on the side of the house adjacent to Bushy Hill Road. Commissioner Sexton seconded the motion, which was unanimously approved.

## V. STAFF REPORTS

a. Administrative issuance of an Inland Wetlands Permit on the application of Alysa and Stephen Oling, Owners, for enlargement of a deck within the 100-foot upland review area to a wetland on property located at 61 Fernwood Drive.

Mr. Beach stated that the property owners currently have a deck on their house. They are looking to bump the deck out several feet. In order to reconfigure the deck, they will be installing 2-3 hand dug sono-tubes.

b. Administrative issuance of an Inland Wetlands Permit on the application of Matthew Gallagher, Owner, to construct a shed on a crushed stone pad within the 100-foot regulated area of a wetland on property located at 1 Alder Road.

Mr. Beach stated that the property owner would like to put a shed on top of crushed stone. There is no soil disturbance and no potential for erosion.

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

a. Application of Stephen Chykirda, Owner, S & G Builders, Applicant, for an Inland Wetlands Permit for excavation of a foundation hole to construct a foundation to convert an existing carport to living space within the 100-foot regulated area of a wetland on property located at 60 Hayes Road.

Mr. Beach stated that the property owner would like to take down the existing carport and convert it into living space. The applicant would also like to add a shed to this application.

b. Application of David and Christina Granger, Owners, Jeffrey Hartwell, Hartland Construction Co, LLC, Applicant, for an Inland Wetlands Permit to construct a shed on a bed of gravel within the 100-foot regulated area of a wetland on property located at 15 Orchard Lane.

Mr. Beach stated that this is an application for a shed to be placed on crushed stone. If the Commission would be agreeable, Mr. Beach stated that he could do this administratively.

#### VII. DISCUSSION

Regarding the dog park, Mr. Beach stated that Mr. Sawitzke has come up with a possible new location at the intersection of Helen's Way and the dirt road. This new site would have access to parking; does not abut neighbors; has access to water from the bandshell; and is central in Town. He stated that the Culture, Parks and Recreation Commission has given this location a favorable recommendation. Although the application for Hedge Hog Lane has not yet been withdrawn, the new application will need to come before the Inland Wetlands Commission because the park is on the edge of wetlands.

Chairman Miller questioned who would approve the new site for the dog park. Mr. Beach stated that it would be a site plan amendment by the Zoning Commission and possibly an 8-24 referral. It also requires a Wetlands application.

Commissioner Mihalic stated that the applicant for the existing application for the dog park has three options: they can give the Town an extension prior to the next meeting; they could schedule a public hearing; or they can withdraw their application for Hedgehog Lane.

Regarding the PAD, Commission Rieger stated that the Subcommittee voted to forward the draft document to the Zoning Commission. Some of the related issues that were added to the document are: improved storm water treatment to provide best techniques; encourage the applicant to meet with and make presentations with other Boards and Commissions relevant to the process; the applicant must include a report to the Conservation Commission; and that these applications will formally be referred to the Conservation Commission. Commissioner Rieger stated that he is hopeful that these changes will stay in the draft.

Regarding the Charrette process, Mr. Beach stated that the consultant will be in Town at the beginning of August. There will be a public meeting on August 10th and there will also be a meeting with the stakeholders on August 11th. The Charrette process will be conducted from 9/11 – 9/16.

Mr. Peck stated that the focus of the Charrette will be the Town Center area. The Town Center will require the consultant to look at the meadows down to the River. This area may be expanded during the process. Commissioner Cunningham questioned if the Charrette would possibly go up West Street. Mr. Peck stated that it is possible. When the consultant is in Town, they will make that determination.

Mr. Peck stated that there will be a public meeting held on August 10th. On August 11th, the consultant will meet with the stakeholders. He stated that there will be four groups of stakeholders with 10 people in each group. The groups will consist of property owners in the study area; business owners in the study area; developers and realtors; and community groups.

Commissioner Mihalic questioned if the stakeholder meeting would be a public meeting. Mr. Peck stated that he would like the group meetings to be as private as possible. He stated that there will be other opportunities to have other groups meet with the consultant during the Charrette process.

Mr. Peck stated that CRCOG will be providing aerial photographs of the study area prior to the Charrette. This will be excellent GIS mapping.

Mr. Peck stated that by the end of the year, he is hopeful that the Town will get a regulation. It will then need to go through the public hearing process. He stated that SCTV has recently purchased special equipment so they can hopefully webcast the public meetings during the Charrette.

Mr. Peck encouraged all of the Commission members to participate in the Charrette process if they were available to do so.

Commissioner Mihalic suggested that the Commission put a document together regarding LEED standards to present to the consultant. Mr. Rieger stated that the Commission did discuss this at several meetings, although it was tabled several months ago.

VIII. CORRESPONDENCE/ANNOUNCEMENTS

There were none.

IX. ADJOURNMENT

Commissioner Winters motioned to adjourn the meeting at 9:25 PM. Commissioner Sexton seconded the motion, which was unanimously approved.

Respectfully Submitted,

---

Commissioner Ryan Mihalic, Secretary  
ADOPTED

CONSERVATION COMMISSION/INLAND WETLANDS & WATERCOURSES AGENCY  
MINUTES – SPECIAL MEETING  
July 28, 2009

I. CALL TO ORDER

Commissioner Winters called the Special Meeting of the Conservation Commission/Inland Wetlands and Watercourses Agency to order at 7:30 PM in Room 103 of the Simsbury Town Offices. The following members were present: Commissioners Patrick Kottas, Margaret Sexton, Ryan Mihalic, Donald Rieger, and Darren Cunningham. Chairman Miller arrived at 7:40 p.m. Also in attendance was Howard Beach, Conservation Officer and Hiram Peck, Director of Planning.

II. APPOINTMENT OF ALTERNATES

Commissioner Kottas was appointed to serve in the absence of Commissioner Bucknam and Commissioner Rieger was appointed to serve in the absence of Commissioner Zackeo.

III. APPROVAL OF MINUTES – March 10, 2009 Special Joint Commission Workshop, April 7, 2009 regular meeting, May 5, 2009 regular meeting and May 19, 2009 regular meeting.

Commissioner Rieger made a motion to approve the March 10, 2009 Special Joint Commission Workshop. Commissioner Sexton seconded the motion, which was unanimously approved.

The April 7, 2009; May 5, 2009; and May 19, 2009 minutes were tabled until the next meeting.

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

a. Application of Brian J. Foley, Owner, Jeremy Vearil, Applicant, for an Inland Wetlands Permit for the dredging of a pond and associated grading within the 100-foot regulated area of a wetland on property located at 51 Highwood Road (lot #5).

Mr. Vearil stated that, in the past, this manmade pond was used for irrigation to Case greenhouse. The pipes within the irrigation system are now in disrepair. He stated that the pond needs to be dredged because of all of the debris in the pond. He stated that Mr. Foley would like to dredge part of the pond and leave a shelf portion for the Jefferson salamanders that are living in the pond. They do not want to disturb the salamanders. Mr. Vearil stated that this is one of three ponds that are on the property. They will be using this pond for irrigation and for livestock.

Commissioner Winters questioned what time of year they would be using the irrigation system. Mr. Vearil stated that they would be using this in the summer months, typically, and any time they are dry.

Chairman Miller questioned if the salamanders were found by the DEP. Mr. Vearil stated that Mr. Foley allowed a voluntary group to come onto the property. Mr. Beach stated that this property was the subject of a vernal pool study as part of a biodiversity project. He stated that the Jefferson Salamander is a listed species; it is not threatened or endangered. It is a species of concern.

Chairman Miller questioned how the pond would be dredged. Mr. Vearil stated that the property owner has his own excavator. Chairman Miller questioned if they would be draining the pond prior to dredging. Mr. Vearil stated that there is currently not much water in the pond; there is only muck in the pond. He stated that he would pump any standing water out of the pond at the time of dredging. He stated that they would stockpile the dredged material, let it dry and spread it around the bank of the pond.

Commissioner Rieger questioned if a full environmental study was done on the property. Mr. Vearil stated that there was not. Commissioner Mihalic

stated that this is a Tier #1 vernal pool. He questioned how many Tier #1 vernal pools are in Simsbury. Mr. Beach stated he is not sure. He stated that there are not any houses around this vernal pool; there is a steep bank and road near the area. Mr. Vearil stated that there is a building lot next to this vernal pool. Commissioner Rieger questioned if there were any approved plans for the building lot. Mr. Beach stated that a Wetlands permit was granted for this lot, although that has since expired.

Commissioner Winters suggested having a site walk. Commissioner Mihalic agreed. He stated that although it seems that the applicant is taking all of the right precautions, he would like to walk the property in order to get a better sense of the area.

Commissioner Winters questioned how deep the applicant would be dredging the pond. Mr. Vearil stated that they would be going down approximately 4'-5'.

The Commission scheduled a site walk for September 1st at 6:30 p.m., prior to the regularly scheduled meeting.

Commissioner Mihalic made a motion to table this discussion until the next meeting. Commissioner Winters seconded the motion, which was unanimously approved.

The Commission members agreed that it would be helpful to get someone with outside expertise to weigh in on the vernal pool that is on this property. Mr. Beach stated that he would try to contact someone to do this. Commissioner Mihalic stated that the Commission should also think about setting a public hearing for this application in order to get input from various constituents, like the Farmington River Watershed Association.

Commissioner Winters made a motion to schedule a public hearing for this application. Commissioner Rieger seconded the motion, which was unanimously approved.

b. Application of Sarah Medina, Owner, for an Inland Wetlands Permit to construct a two car garage within the 100-foot regulated area of a wetland on property located at 4 Ichabod Road.

Commissioner Mihalic stated that although he lives on Ichabod Road, if there is no objection, he will discuss this application with the Commission. There was no objection.

Ms. Medina distributed pictures of the property to the Commission members. She stated that they would like to tear down the existing one-car garage and construct a two-car garage. The proposed garage will be 24' x 24'.

She stated that there are wetlands on the opposite side of the house; the garage will not be constructed near the wetlands. Ms. Medina stated that when they tear down the existing garage, they will be keeping the wall next to the breezeway.

Chairman Miller questioned if the garage would be constructed on a flat area. Ms. Medina stated that there is a slight hill toward the stream. Mr. Beach stated that there is less than 2 feet of grade change for the first 75 feet from the construction site; the site is relatively flat.

Chairman Miller questioned where the applicant would be stockpiling the soil. Ms. Medina stated that they would stockpile the soil away from the wetlands, towards Bushy Hill. Mr. Beach stated that the only material they will be stockpiling is if they need to backfill; all of the excavated material will be brought offsite.

In response to a question by Commissioner Mihalic, Ms. Medina stated that all access for construction vehicles would be on the existing driveway.

Commissioner Cunningham questioned how long construction would take. Ms. Medina stated the contractor has told her that construction should take no longer than a month.

Mr. Beach stated that he is recommending silt fence or hay bales around any temporary stockpiles of material.

Commissioner Mihalic made a motion that this is a regulated activity because it involves the removal and deposition of material within the 100' upland review area from a wetland. Commissioner Sexton seconded the motion, which was unanimously approved.

Commissioner Mihalic made a motion that this is not a significant activity because all construction related activities will be conducted on the side of the house opposite of the wetlands. There is no indication that any vehicles or materials will be anywhere near the side of the house with the wetland and even if there was, there is a 70' buffer between the actual wetlands and the side of the house. Commissioner Sexton seconded the motion, which was unanimously approved.

Commissioner Mihalic made a motion to approve the permit subject to the conditions set for in the Staff report and that any materials be stockpiled on the side of the house adjacent to Bushy Hill Road. Commissioner Sexton seconded the motion, which was unanimously approved.

## V. STAFF REPORTS

a. Administrative issuance of an Inland Wetlands Permit on the application of Alysa and Stephen Oling, Owners, for enlargement of a deck within the 100-foot upland review area to a wetland on property located at 61 Fernwood Drive.

Mr. Beach stated that the property owners currently have a deck on their house. They are looking to bump the deck out several feet. In order to reconfigure the deck, they will be installing 2-3 hand dug sono-tubes.

b. Administrative issuance of an Inland Wetlands Permit on the application of Matthew Gallagher, Owner, to construct a shed on a crushed stone pad within the 100-foot regulated area of a wetland on property located at 1 Alder Road.

Mr. Beach stated that the property owner would like to put a shed on top of crushed stone. There is no soil disturbance and no potential for erosion.

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

a. Application of Stephen Chykirda, Owner, S & G Builders, Applicant, for an Inland Wetlands Permit for excavation of a foundation hole to construct a foundation to convert an existing carport to living space within the 100-foot regulated area of a wetland on property located at 60 Hayes Road.

Mr. Beach stated that the property owner would like to take down the existing carport and convert it into living space. The applicant would also like to add a shed to this application.

b. Application of David and Christina Granger, Owners, Jeffrey Hartwell, Hartland Construction Co, LLC, Applicant, for an Inland Wetlands Permit to construct a shed on a bed of gravel within the 100-foot regulated area of a wetland on property located at 15 Orchard Lane.

Mr. Beach stated that this is an application for a shed to be placed on crushed stone. If the Commission would be agreeable, Mr. Beach stated that he could do this administratively.

#### VII. DISCUSSION

Regarding the dog park, Mr. Beach stated that Mr. Sawitzke has come up with a possible new location at the intersection of Helen's Way and the dirt road. This new site would have access to parking; does not abut neighbors; has access to water from the bandshell; and is central in Town. He stated that the Culture, Parks and Recreation Commission has given this location a favorable recommendation. Although the application for Hedge Hog Lane has

not yet been withdrawn, the new application will need to come before the Inland Wetlands Commission because the park is on the edge of wetlands.

Chairman Miller questioned who would approve the new site for the dog park. Mr. Beach stated that it would be a site plan amendment by the Zoning Commission and possibly an 8-24 referral. It also requires a Wetlands application.

Commissioner Mihalic stated that the applicant for the existing application for the dog park has three options: they can give the Town an extension prior to the next meeting; they could schedule a public hearing; or they can withdraw their application for Hedgehog Lane.

Regarding the PAD, Commission Rieger stated that the Subcommittee voted to forward the draft document to the Zoning Commission. Some of the related issues that were added to the document are: improved storm water treatment to provide best techniques; encourage the applicant to meet with and make presentations with other Boards and Commissions relevant to the process; the applicant must include a report to the Conservation Commission; and that these applications will formally be referred to the Conservation Commission. Commissioner Rieger stated that he is hopeful that these changes will stay in the draft.

Regarding the Charrette process, Mr. Beach stated that the consultant will be in Town at the beginning of August. There will be a public meeting on August 10th and there will also be a meeting with the stakeholders on August 11th. The Charrette process will be conducted from 9/11 – 9/16.

Mr. Peck stated that the focus of the Charrette will be the Town Center area. The Town Center will require the consultant to look at the meadows down to the River. This area may be expanded during the process. Commissioner Cunningham questioned if the Charrette would possibly go up West Street. Mr. Peck stated that it is possible. When the consultant is in Town, they will make that determination.

Mr. Peck stated that there will be a public meeting held on August 10th. On August 11th, the consultant will meet with the stakeholders. He stated that there will be four groups of stakeholders with 10 people in each group. The groups will consist of property owners in the study area; business owners in the study area; developers and realtors; and community groups.

Commissioner Mihalic questioned if the stakeholder meeting would be a public meeting. Mr. Peck stated that he would like the group meetings to be as private as possible. He stated that there will be other opportunities to have other groups meet with the consultant during the

Charrette process.

Mr. Peck stated that CRCOG will be providing aerial photographs of the study area prior to the Charrette. This will be excellent GIS mapping.

Mr. Peck stated that by the end of the year, he is hopeful that the Town will get a regulation. It will then need to go through the public hearing process. He stated that SCTV has recently purchased special equipment so they can hopefully webcast the public meetings during the Charrette.

Mr. Peck encouraged all of the Commission members to participate in the Charrette process if they were available to do so.

Commissioner Mihalic suggested that the Commission put a document together regarding LEED standards to present to the consultant. Mr. Rieger stated that the Commission did discuss this at several meetings, although it was tabled several months ago.

#### VIII. CORRESPONDENCE/ANNOUNCEMENTS

There were none.

#### IX. ADJOURNMENT

Commissioner Winters motioned to adjourn the meeting at 9:25 PM.  
Commissioner Sexton seconded the motion, which was unanimously approved.

Respectfully Submitted,

---

Commissioner Ryan Mihalic, Secretary