

From: Lois Laczko October 25, 2010 9:38:58 AM
Subject: Conservation Commission Minutes 10/05/2010 ADOPTED
To: SimsburyCT_ConserveMin
Cc:

ADOPTED

CONSERVATION COMMISSION/INLAND WETLANDS & WATERCOURCES AGENCY
MINUTES – REGULAR MEETING
October 5, 2010

I. CALL TO ORDER

Commissioner Winters called the Conservation meeting to order at 7:32 p.m. in the Main Meeting Room of the Simsbury Town Offices. Commissioner members present were: Ryan Mihalic, Andrew Bucknam, Margery Winters, Patrick Kottas, Darren Cunningham, Nick Zackeo, and Donald Rieger, Jr. Also present was Howard Beach, Environmental Compliance Officer.

II. APPOINTMENT OF ALTERNATES

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

III. APPROVAL OF MINUTES – September 21, 2010

Commissioner Cunningham made a motion to approve the September 21, 2010 minutes as written. Commissioner Rieger seconded the motion, which was unanimously approved.

IV. PRESENTATION(s), DISCUSSION AND POSSIBLE VOTE

a. Application of Timothy Budlong, Owner, for an Inland Wetlands Permit for activities associated with relocating an existing shed to stable ground within the 100-foot regulated area to a wetland on property located at 430 Bushy Hill Road. (Map G-18, Block 605, Lot 023) (Tabled at 9/21/2010 meeting)

Mr. Budlong stated that he would like to move his shed approximately 100 feet back out of the center to the edge of the wetlands.

He stated that this is a wooded area. He will be moving the shed by placing it on top of 4x6 pieces of lumber and pipes, which will help the shed to roll. Currently, the shed is on piers.

Commissioner Rieger questioned what the applicant will do with the piers once the shed is moved. Mr. Budlong stated that he could leave them where they are or take them out. Commissioner Rieger stated that it would be better to leave the existing piers in place.

Commissioner Winters questioned when the shed would be moved. Mr. Budlong stated that he would like to move the shed as soon as he gets an approval.

Commissioner Mihalic questioned how the shed would be moved. Mr. Budlong stated that he may possibly need a small tractor. He stated that the tractor would not be crossing the stream. The shed will be pulled and rolled on the lumber and pipes. Mr. Budlong stated that the relocated shed will be placed on concrete piers that will be dug by hand. He will also be replanting the grass anywhere that may have been damaged from rolling the shed. Mr. Beach stated that by sliding the shed, there should not be any disturbance.

Commissioner Mihalic questioned if the applicant would wait until the ground is dry. Mr. Budlong stated that with the plywood down and with the 4x6's on top, this should distribute the weight.

Mr. Beach stated that there was debris near the stream. Mr. Budlong stated that this debris has been cleaned up; there are mostly gardens back in that area.

Commissioner Bucknam made a motion that this is a regulated activity because of the proposed activity that will be done in and near the wetlands. Commissioner Cunningham seconded the motion, which was unanimously approved.

Commissioner Bucknam made a motion that this is not a significant activity because of the relatively small chance of any siltation into the wetland itself because there is no real machinery being used. The only machinery being used will be well outside and on the other side of the property from the wetlands. Also, the new sonotubes will be dug by hand and the old sonotubes will be cut off by hand. Commissioner Cunningham seconded the motion, which was unanimously approved.

Commissioner Bucknam made a motion that the permit be granted along with any recommendation that Town staff has made in the report or directly to the property owner. Commissioner Cunningham seconded the motion, which

was unanimously approved.

b. Application of Mark and Ieke Scully, Owners, for an Inland Wetlands Permit for activities associated with the purpose of dredging a pond on property located at 29 Notch Road. (Map A-16, Block 404, Lot 004)

Ms. Scully stated that there is a pond on the property in need of dredging. It is a rather shallow pond, which was created in 1955. She stated that the pond used to be very deep, although there is a great deal of silt that has collected over the years. The pond is now only three or four feet deep. There is a lot of vegetative growth around the pond, which will not be disturbed. Ms. Scully stated that the pond is connected with a larger wetland to the north. The contractor is thinking about blocking it off with hay bales in order to dig a trench through the grassy area and back to the spillway.

Ms. Scully stated that about 2500 cubic yards of material will be dredged. The dredged material will be put in the pasture to dewater.

Mr. Beach stated that the homeowners would also like to put in a dry hydrant while dredging the pond, which will be coordinated with the Fire Marshal.

Commissioner Bucknam questioned why a trench was needed. Ms. Scully stated that in order to drain the water from the pond, the contractor will need to dig a trench. If they block the water to where it comes into the pond, it will not drain on its own.

Commissioner Mihalic questioned who would own and maintain the dry hydrant. Ms. Scully stated that she will maintain the pond, although the Fire Marshal will maintain the system. He has asked for an easement to the pond.

Commissioner Bucknam questioned where the applicant would dewater the dredged material. Ms. Scully's contractor stated that the material would be dewatered between the pond and the first barn. They will be putting it on the higher ground with hay bales at the bottom so it does not run down the hill. Once dewatered, he stated that he will spread it on the non-wetlands part of the property.

Commissioner Mihalic questioned how long the entire process would take. The contractor stated that it would take approximately three days to dig the trench with rip rap and an upstream dam. The dredging of the pond should take approximately one week. He stated that the whole process would take approximately three weeks. Ms. Scully stated that they will be doing this work during a dry time; they may need to wait until next summer

Commissioner Mihalic made a motion that this is a regulated activity because it involves removal of material from a watercourse and deposition of material in surrounding wetland areas. Commissioner Bucknam seconded the motion, which was unanimously approved.

Commissioner Mihalic made a motion that this is not a significant activity because the purpose of the proposed activity is to restore the pond to its former state; create a better wetland habitat; and because the applicant and her contractor demonstrated that they will be engaging in best efforts to minimize any impact or damage to the watercourse and the wetland. Commissioner Bucknam seconded the motion, which was unanimously approved.

Commissioner Mihalic made a motion to approve the permit with the conditions set forth in the staff report and the recommendation that the contractor use his best judgment in his professional capacity to conduct the activity during a dry period and that the Commission would further recommend that it is undertaken at a point in time when the impact to the wetland habitat in the watercourse would be diminished. Commissioner Bucknam seconded the motion, which was unanimously approved.

V. RECEIPT OF NEW APPLICATION(s)

Mr. Beach stated that there is a lot across from Ethel Walker School where a house was built several years ago. A wetland permit was approved for this site. He stated that the homeowner would now like to construct a garage. There will not be any more filling of the wetlands than what has already been done. He stated that this application for excavation for a garage will be on the next agenda.

VI. STAFF REPORTS

There were none.

VII. DISCUSSION

Election of Conservation Commission/Inland Wetlands and Watercourses Agency Officers

There was no discussion.

VIII. CORRESPONDENCE/ANNOUNCEMENTS

Mr. Beach stated that there has been concern regarding wetlands training. Presently, the Statute requires that one person from each Commission or staff needs to go through the training. He stated that there are currently

thirty Towns where no one is trained. There has been discussion regarding enforcing this Statute. He stated that there has been some discussion regarding making Session II mandatory for Commission members to take every year. He stated that the first session could be watched on video; Session III is more for staff.

Commissioner Rieger stated people are looking into whether it would be feasible and desirable to try to restore fish passage in the lower regions of Hop Brook. This would mean possibly having a fish ladder by the Mill for trout, although there may be other fish involved. He questioned whether this Commission would like to be involved in discussing this issue. The Commission members agreed that they would be interested.

IX. ADJOURNMENT

Commissioner Mihalic made a motion to adjourn the meeting at 8:35 p.m. Commissioner Rieger seconded the motion, which was unanimously approved.

Respectfully Submitted,

Commissioner Ryan Mihalic, Secretary