

From: Lois Laczko January 6, 2010 1:00:31 PM
Subject: Conservation Commission Minutes 10/06/2009 ADOPTED
To: SimsburyCT_ConserveMin
Cc:

ADOPTED

CONSERVATION COMMISSION/INLAND WETLANDS & WATERCOURSES AGENCY
MINUTES – REGULAR MEETING
October 6, 2009

I. CALL TO ORDER

Chairman Miller called the Regular Meeting of the Conservation Commission/ Inland Wetlands and Watercourses Agency to order at 7:30 PM in the Main Meeting Room of the Simsbury Town Offices. The following members were present: Commissioners Patrick Kottas, Ryan Mihalic, Darren Cunningham, Andrew Bucknam and Margery Winters. Also in attendance was Howard Beach, Conservation Officer.

II. APPOINTMENT OF ALTERNATES

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

III. APPROVAL OF MINUTES – April 7, 2009 regular meeting, May 5, 2009 regular meeting, May 19, 2009 regular meeting, September 1, 2009 regular meeting and September 15, 2009 regular meeting.

Commissioner Bucknam made a motion to approve the May 19, 2009 minutes as written. Commissioner Kottas seconded the motion, which was approved. Commissioner Winters abstained.

Commissioner Cunningham made a motion to approve the September 15, 2009 minutes as written. Commissioner Bucknam seconded the motion, which was approved. Commissioner Winters abstained.

The April 7, 2009; May 5, 2009; and September 1, 2009 minutes were tabled until the next regularly scheduled meeting.

Commissioner Mihalic read the call.

IV. PUBLIC HEARING(s), DISCUSSION AND POSSIBLE VOTE

a. Application of Brian J. Foley, Owner, Jeremy Vearil, Applicant, for an Inland Wetlands Permit for activities associated with the construction of a pond within the 100-foot regulated area of a wetland on property located at 51 Highwood Road. (Map H-14, Block 109, Lot 005)

Chairman Miller stated that the applicant is not here to make a presentation. He asked if there were any comments or questions from the public.

Ms. Savin, 55 Highwood Road, stated that she read the minutes from the last meeting and she commends the Commission for being so concerned with the vernal pool on this property. She stated that she lives downhill from the pond; this is a residential area. She stated her concerns regarding how this proposed project will affect the watercourse. The watercourse runs alongside her property. Mr. Vearil has animals, which are currently kept in the agricultural area. She stated that there is a lot of wildlife in this area of Town. She is concerned that part of the project may be to install fencing.

Mr. Beach stated that there is not a presentation regarding this application tonight. Comments need to be made to the applicant so he can respond. He suggested that Ms. Savin come back to the next meeting or write a letter so the applicant can respond.

Mr. Savin, 55 Highwood Road, stated that he also read the minutes of last month's meeting. The Commission indicated then that they had questions for the owner, although these questions were not specified in the minutes. He stated that currently, the owner of this property shelters animals adjacent to his home, which is approximately one mile from the proposed pond. If the owner intends to move these animals to higher ground, fences will be needed. He stated that this area is right next to his home. He feels that fencing will impact the wetlands and habitat. He stated that this area is zoned residential. He feels that these proposed activities will be very significant. Mr. Savin stated that he will review this application and will submit written comments prior to the next meeting.

Commissioner Bucknam made a motion to table this application until the next regularly scheduled meeting. Commissioner Mihalic seconded the motion, which was unanimously approved.

b. Application of GPF – Drake Hill, LLC, Owner, Phil Doyle, LADA, P.C. Land Planners, Applicant, for an Inland Wetlands Permit for activities associated with the renovation of Drake Hill Mall within the 100-foot regulated area of a wetland on property located at 700, 710-720 Hopmeadow

Street. (Map G-10, Block 227, Lot 001 and Lot 002)

Mr. Doyle, LADA, stated that they are proposing to put in a 48" culvert in the watercourse. He stated that the watercourse runs through Drake Hill shopping center. The Commission deemed this a significant activity and scheduled a public hearing. He stated that the brook is partially enclosed. It discharges at the upper end of the parking lot and goes under the commuter lot, then discharges into a swale, goes into the culvert and then into the Farmington River. Mr. Doyle stated that, at one time, this was a viable watercourse. Over time as the area developed, the watercourse has been filled. There is a concrete retaining wall that runs along the watercourse.

Mr. Doyle stated that they are making this proposal because they would like to make improvements to the property. The first thing that they would like to improve is the existing driveway. They are also proposing two 3,000 s.f. buildings on the property. These buildings drive this project; this will pay for these improvements. The proposal is to take the channelized brook and put it into a culvert, and also to make storm water quality improvements to all of the discharges that are currently going into the brook. They will also be proposing offsite mitigations to make sure they are providing more than adequate compensation for what they are proposing to do.

Mr. Doyle stated that the plans show the watercourse in a culvert. Currently, the brook receives all of the drainage discharge from the shopping center. Next to the building there is a service area. Runoff sheet flows into the brook as does other areas of the parking lot. All of the runoff is untreated.

Mr. Doyle distributed pictures of the site taken in the spring to the Commission members. The pictures showed the discharge of the 48" pipe; the 15' headwall and associated erosion; the steep bank to the brook and associated erosion; the retaining wall and debris in the brook; the leakoff to the brook; the debris upstream; the debris and sediment in the brook; and the location of where the brook discharges. Mr. Doyle stated that, over time, the brook has deteriorated. It is conveying dirty water from the parking lots and roads.

Henry Moeller, Soil Scientist, stated that the brook is a deep drainage ditch that goes from one pipe to another. The soils consist of a gravelly sandy loam. The uplands are classified as urban land. He stated that 80%-85% of the surface is pavement or building on this site. On the other side of the property where there are green areas, this would be classified as mainland.

Mr. Moeller stated that the banks of the brook are steep, which create new sediment. There is no natural part to this brook because of the retaining wall; it cannot support wildlife. The brook receives sediment and continually undercuts the banks, which is very hard to control. The water cuts the banks during high flows when the water comes through at a high velocity. Vegetation does not recover and the banks cave in. He stated that the brook collects trash and vegetative debris that clogs the pipes downstream.

Chairman Miller questioned if a lot of the sediment discharges into the Farmington River. Mr. Moeller stated that the sediment flows downstream and goes under Drake Hill Road toward the Farmington River. Most of the sediment would occur in the low areas where the water flow slows.

Regarding mitigation activities, Mr. Doyle stated that they would like to attack the issue of water quality. Vortechnic Units were researched. They are proposing two of these units. They will remove 80% of suspended solids. He stated that they will also be putting in new catch basins and new deep sumps. Mr. Doyle stated that they are proposing to use a porous pavement for the two parking lots on the site. The porous pavement allows ground water to recharge. There is a maintenance schedule associated with the porous pavement.

Mr. Doyle stated that the other water quality measures are to fix the erosion of the old discharge in the pond near the Library. They will also discharge into the rip rap swale below the site and pull out the invasive plants. Also, on the corner opposite the driveway to the sewage treatment plan, they are proposing a third Vortechnic Unit. This unit will take the Drake Hill catch basins and discharge them back into the brook.

Regarding alternatives to this proposal, Mr. Doyle stated that tonight's proposal is not the original proposal. They informally submitted the original proposal to the Zoning Commission and Design Review Board. The original proposal was to have the driveway off of Drake Hill Road with new buildings with a drive-thru teller on the corner of the site. This proposal also left a section of the brook exposed with lawn area between the parking lot and the brook. Mr. Doyle stated that the Zoning Commission and the Design Review Board both did not like the idea of a drive-thru being seen from the street. He stated that tonight's proposal is an alternative to the original. The brook is now enclosed; they will be installing Vortechnic Units; and they will be using porous pavement. This proposal seeks to improve the features for this watercourse and the Farmington River.

Mr. Doyle stated that it is feasible for the applicant to make these improvements to the site if the project can be finished with the proposed

buildings. When the alternatives are balanced, he feels that this is the most appropriate way to handle this site. From a developer's point of view, this proposal maintains the viability of the shopping center and, at the same time, they can make water quality improvements that will improve the discharge of the brook, ultimately, to the River.

In response to a question from Commissioner Bucknam regarding the porous pavement, Mr. Doyle stated that the porous pavement has been studied at various pitches; 5% is the steepest that a parking lot should be put in. The existing parking lot is about a 5% pitch. He stated that they are proposing to flatten this out. He stated that the porous pavement has open cells. The steeper it is, the more water will run off. Regarding compaction, Mr. Beach stated that the heavy truck traffic will compact this. Mr. Doyle stated that they will not be using this in the service area.

Mr. Clark, Clark Engineering, stated that the porous pavement techniques are evolving. Regarding the sediment, currently, there is no treatment for the storm water on this site. The size of the Vortechnic Units will be based on the DEP standards. He distributed the Operations and Maintenance manual to the Commission members for their review. This manual outlines who is responsible for the work at the site; the site description; and the inspection and maintenance schedule.

Commissioner Mihalic questioned how this would be enforced after the Wetlands approval expires in 5 years. Mr. Beach stated that they could make the storm water management part of the Site Plan approval through the Zoning Commission.

There was a discussion regarding the maintenance of the porous pavement. Chairman Miller questioned if the sweeping consisted of a power washing in combination with a vacuum truck. Mr. Clark stated that the sweeping refers to regular pavement. He stated that the applicant is still researching what type of porous pavement they will be using. They can then put in the report the actual maintenance recommended for that type of porous pavement. Chairman Miller suggested including both types of pavement in the Operation and Maintenance Manual.

Commissioner Winters questioned if this maintenance schedule would apply for the Vortechnic Unit offsite. Mr. Clark was unsure. Mr. Doyle stated that it was his understanding that this unit would be maintained by the Town. Regarding this improvement for the Town in terms of the storm water drain, Commissioner Mihalic questioned if the Town would need to come in for a Wetlands Permit. Mr. Clark stated that the units are installed upstream of an outlet; it is not installed at the outlet. He stated that the work may be in a regulated area, but it is not in the wetland.

Regarding moving the road, Commissioner Mihalic questioned if there were DOT requirements. Mr. Doyle stated that they have to submit an STC application. He stated that the STC is not likely to want to leave the driveway in the current location. He stated that they are proposing to move this because they can foresee the STC wanting them to. He stated that they cannot get STC approval until they get the necessary Town approvals.

Commissioner Mihalic questioned if the brook on this site was usually wet or dry. Mr. Doyle stated that there is usually water in the brook, although it changes based on the weather.

Commissioner Mihalic stated that because the applicant is proposing a culvert, he questioned if they anticipated any change in either the velocity or volume of water into the Farmington River. Mr. Doyle stated that there will be an increase in velocity to some degree on the site, although they are proposing a stilling basin on the property.

Commissioner Winters questioned how the roof leaders from the new buildings would be handled. Mr. Doyle stated that they have not looked into this issue as of yet. Commissioner Winters suggested infiltrating this water as well because there is sandy soil on the site.

Regarding the porous pavement, Commissioner Kottas questioned if there were separate standards if there was a contamination spill. Mr. Clark stated that this is not a separate standard for porous pavement. He stated that there is a treatment process as storm water goes through the porous pavement. If there is a contaminate spill, that portion of the porous pavement would need to be removed and the soil underneath would need to be cleaned.

Commissioner Winters questioned if there would be plantings on the islands in the parking lots. She suggested rain gardens. She stated that plants help remediate the water quality. Mr. Doyle stated that the Zoning Commission and the Design Review Board, as part of the renovations, wanted the islands planted. He stated that they will also be raising the islands in order to control traffic. They will also be installing trees in the parking lots as well.

Commissioner Winters questioned how the invasive plants would be removed. Mr. Doyle stated that under Mr. Moeller's direction, they would be removing the invasive plants by hand. He stated that the pond near the Library needs clearing as well. Check dams will be put in to slow down the velocity. They will also be putting in rip rap and may also put in plantings.

Chairman Miller asked if there were any comments or questions from the public.

Betty Hudson, One Oak Ridge Road, stated that this brook runs alongside her garage. She feels that this is a brook and not just a drainage ditch. She also stated that she believes this watercourse does not go directly into the Farmington River. She thinks that it discharges into Hop Brook. Mr. Hudson stated that she does not want this project to make the water rise higher than it currently is. She stated that there is a ridge of trees along the stream, which help hide the buildings on this site from Drake Hill Road. She stated that Iron Horse Boulevard is beautiful; she does not want to see ugly parking lots and a stream that is piped. She would like to save the stream and incorporate it into the design for this project. She does not believe that the stream can be piped without destroying the tree roots. She admires the beauty of Simsbury and she also does not want her house to be flooded by this project.

Barbara Dolinsky, 56 Library Lane, stated that there are two ponds at the condominium complex, Heritage Glen, where she lives. She stated that this is a stream that the applicant is talking about and it has a high volume of water. She stated that there are two dammed areas where the flow can be regulated. There is a great deal of wildlife in this area also. She stated her concerns regarding the proposal of two new buildings on this site. She stated that McGuire Liquor's has been vacant for several years and now a developer wants to put in more stores. She questioned if the developer has renters for this new retail space. Chairman Miller stated that this is outside of the Wetland Commission's purview.

Ms. Dolinsky stated that parking on this site is also an issue. She does not feel that there is sufficient parking for CVS and Fitzgerald's. Mr. Walker, of Grove Property Fund, owner of this property, stated that it is his goal to improve this property. McGuire's has been vacant; they need to bring this property up in order to bring in quality tenants. Ms. Dolinsky stated her concerns regarding vacant buildings.

In summary, Mr. Doyle stated that between the Library and this property, this watercourse, as the expert has testified, is a manmade ditch. It is a depressed area that is surrounded by urban manmade soils. He stated that this is a remnant brook that comes through the site; it is not a wildlife habitat. He stated that the development property will open up this property, although as a part of the Zoning application, they will be changing the look on side of Fitzgerald's; it will not be a cinderblock building. Mr. Doyle stated that this brook that runs through the site does eventually reach the Farmington River, although it first goes through Hop Brook. He stated that they are not proposing anything on this site that will have any effect on the flood levels. They are not increasing any

flood flows.

Chairman Miller questioned if the applicant had done the drainage calculations. Mr. Clark stated that they met with Mr. Sawitzke several times. With this project, Mr. Sawitzke stated that they did not have to provide any storm water detention on the site.

Commissioner Winters questioned if the applicant had a planting plan. Mr. Doyle stated that this is usually submitted with the Zoning application. Commissioner Winters stated that a native planting plan would be preferable.

Commissioner Bucknam made a motion to close the public hearing. Commissioner Mihalic seconded the motion, which was unanimously approved.

Commissioner Bucknam made a motion that he believes there was a thorough discussion of previous plans that were contemplated, and as a result, it seems that the applicant has made a showing that there are no other feasible and prudent alternatives that would be appropriate. He stated that, having previously decided that this is a regulated activity because of the interference with the watercourse during the course of the construction and also having decided that this was a significant activity, he made a motion to grant the permit for the application of GPF – Drake Hill, LLC, Owner, Phil Doyle, LADA, P.C. Land Planners, Applicant, for an Inland Wetlands Permit for activities associated with the renovation of Drake Hill Mall within the 100-foot regulated area of a wetland on property located at 700, 710-720 Hopmeadow Street with the following conditions: 1) where the Vortechnic Units would be located, that the decision should be made in conjunction with the Town Engineer; 2) the submission of a maintenance plan once the particular type of porous pavement is selected. This selection should be based on the most recent research. Once that decision is made, the exact maintenance plan will be submitted.

Commissioner Winters made an amendment to the motion as follows: 1) that the roof leaders be infiltrated; 2) the applicant will develop rain gardens on the islands in the parking lots as well as the use of native plants on the site. Commissioner Bucknam accepted this amendment to his motion.

Commissioner Winters seconded the motion, which was unanimously approved.
V. PRESENTATION(s), DISCUSSION AND POSSIBLE VOTE

Application of Mary A. Glassman, First Selectman, Town of Simsbury, Owner, Gerard Toner, Director of Culture Parks and Recreation, Town of Simsbury, Agent, for an Inland Wetlands Permit for work associated with the paving of

the existing gravel access road at Simsbury Farms, 100 Old Farms Road.

Mr. Toner stated that the access road opened in early-mid April. They have accomplished to divert the traffic from the golf course. He stated that the gravel road gets muddy when it rains and dusty when it is dry. With the measures that they have followed, they have avoided any erosion problems.

Mr. Beach stated that there is a pond and wetlands near the road. The soil conditions are hard pan and glacial till. He stated that Mr. Sawitzke is concerned that, although the road is not steep, permeable pavement would not be suitable. He would like to instead, create a gravel swale on the uphill side of the road, which is parallel to road, with natural stone. The water will sheet flow off and gradually infiltrate into the soils.

Commissioner Winters questioned if this is a one-way street. Mr. Toner stated that it is one-way. The width of the road will be 18'; a standard road is 26'. He stated that the Fire Marshal has required this road to be this width. Mr. Beach stated that he was unsure of the standard with for a one-way street.

Commissioner Winters stated her concerns and felt that this road should be narrower. She feels that this Commission tries to reduce pervious pavement; they should do this especially on Town owned property. Commissioner Bucknam stated that he does not feel a few feet would make a difference.

The Commission discussed having the Fire Marshal come to their next meeting to explain and discuss the standards for roads. Mr. Beach suggested having Mr. Sawitzke come in to talk with the Commission members also. Commissioner Winters stated that she would like the Fire Marshal to give the Commission reasons why the road needs to be 18'.

Commissioner Mihalic questioned what the timeline was for Mr. Toner. Mr. Toner stated that he would have enough time for this project if the Commission tables this until they hear from Mr. Sawitzke and the Fire Marshal. He stated that they would like to pave prior to the winter season.

Commissioner Bucknam stated that there is nothing to be gained by having a 2'-3' section of compacted gravel next to the road. He stated that he understands Commissioner Winter's concerns regarding impervious surface, although he feels that this is a road that is already built and the applicant would like to pave on top of it. He feels having the applicant wait for the Commission to talk to the Fire Marshal would be a waste of time.

Commissioner Mihalic made a motion to table this application until the next regularly scheduled meeting. Commissioner Winters seconded the motion. Commissioners Winters, Miller, Mihalic and Kottas voted in favor. Commissioners Cunningham and Bucknam voted in opposition. The motion passed 4-3.

VI. RECEIPT OF NEW APPLICATION(S)

Mr. Beach stated that an application will be on the next agenda for a pool at 12 John Peel Road. He stated that this cannot be done administratively because of the excavation, although the pool is on a level lawn area.

VII. STAFF REPORTS

There were no reports.

VIII. DISCUSSION

Chairman Miller stated that CL&P will be putting in new poles in the existing right-of-way in the northwestern part of Simsbury. The new lines will go from Bloomfield to Canton using the same corridor that is currently there. He stated that they will be putting up new additional steel poles.

Chairman Miller stated that this Commission may want to request that CL&P come in and discuss this project and make a formal presentation, although the Board of Selectmen may make this request at a bigger venue. Many other Towns have had a great deal of community comments and questions regarding similar projects.

IX. CORRESPONDENCE/ANNOUNCEMENTS

There were none.

X. ADJOURNMENT

Commissioner Mihalic motioned to adjourn the meeting at 10:15 PM. Commissioner Bucknam seconded the motion, which was unanimously approved.

Respectfully Submitted,

Commissioner Ryan Mihalic, Secretary

