

From: Lois Laczko December 13, 2010 11:15:31 AM  
Subject: Conservation Commission Minutes 11/16/2010 ADOPTED  
To: SimsburyCT\_ConserveMin  
Cc:

ADOPTED

CONSERVATION COMMISSION/INLAND WETLANDS & WATERCOURCES AGENCY  
MINUTES – REGULAR MEETING  
November 16, 2010

I. CALL TO ORDER

Chairman Miller called the Conservation meeting to order at 7:30 p.m. in the Board of Education Conference Room at the Simsbury Town Offices. Commissioner members present were: Margaret Sexton, Ryan Mihalic, Margery Winters and Donald Rieger, Jr. Also present was Howard Beach, Environmental Compliance Officer.

II. APPOINTMENT OF ALTERNATES

Chairman Miller appointed Commissioner Rieger to serve in the absence of Commissioner Bucknam.

III. APPROVAL OF MINUTES – October 19, 2010

Commissioner Sexton made a motion to approve the October 19, 2010 minutes as written. Commissioner Winters seconded the motion, which was unanimously approved.

IV. PRESENTATION(s), DISCUSSION AND POSSIBLE VOTE

a. Application of Heritage Glen Condominium Association, Applicant, for an Inland Wetlands Permit for activities associated with the construction of a skirt drain within the 100-foot regulated area to a wetland on property located at Heritage Glen Condominiums, 34 – 46 Library Lane. (Map G-10, Block 203, Lot 1-B)

The Property Supervisor of Heritage Glen Condominium Association stated that there is a building that had serious water issues. They would like to grade away from the building with a drain around the building. The grading will be 80-85 feet away from the pond; they will install a four

inch French drain. There will be landscaped grass in this area. He stated that a French drain is a four inch perforated pipe fill with stone. They then put down landscape paper with additional stone. He stated that water will collect in there and pitch away from the building.

Chairman Miller questioned if the building has a basement. The applicant stated that the buildings are on slabs. Some of the heating units have water in them because of the water issues they have had; there are currently no curtain drains around the building.

Commissioner Mihalic questioned how the trench would be dug. The applicant stated that they would be using an excavator. The excavated material would be used to grade the surrounding area. He stated that they have already started this project. Mr. Beach stated that this project started outside of the regulated area, but has now moved into the upland review area.

Commissioner Winters questioned how the area would be stabilized. The applicant stated that they will flatten out the area and put erosion blankets on the material. Silt fences have also been installed.

Commissioner Rieger made a motion that this is a regulated activity because it involves construction and the moving of material in the upland review area. Commissioner Winters seconded the motion, which was unanimously approved.

Commissioner Rieger made a motion that this is not a significant activity because it has been reviewed by Town staff and the pipe daylights a good distance from the pond. Commissioner Winters seconded the motion, which was unanimously approved.

Commissioner Rieger made a motion to grant the permit subject to the Town staff's report. Commissioner Winters seconded the motion, which was unanimously approved.

#### V. RECEIPT OF NEW APPLICATION(s)

Mr. Beach stated that M&M Tire in Weatogue will be submitting an application, although they are not quite ready to move forward at this time.

#### VI. STAFF REPORTS

Mr. Beach stated that the cemetery south of Plank Hill Road came in for a permit several years ago and did receive approval. Several weeks ago, they started clear cutting one acre to establish lawn at the top of the hill.

This was beyond the upland review area. They have now clear cut three acres within 40 feet of the stream with no erosion control measures. He stated that he asked a representative from the Simsbury Cemetery Association to come to this meeting, although they are not here tonight. He stated that he would like to send a cease and restore letter to them; there are potential erosion issues. Mr. Beach stated that he feels that an enforcement action is warranted. He stated that although he needs to locate their file, he believes that the application approval was to be done in phases and completely stabilize prior to the next phase being started.

Commissioner Mihalic stated that they can issue an order by certified mail in order to get a representative to their next meeting. If they do this, they will need to have a special meeting to accommodate the timing. He stated that another option is that they could issue a notice of violation and request that a representative come to the next regularly scheduled meeting. He suggested that the Town issue an order and tell them that they are subject to a fine of \$1,000 each day.

Commissioner Rieger read a portion of the Regulations regarding violations. The Commission members discussed issuing an order versus issuing a notice of violation. The Commission decided to issue a notice of violation and request that a representative appear at the next regularly scheduled meeting. If they do not comply, an order can be issued.

#### VII. APPROVAL OF 2011 REGULAR MEETING SCHEDULE

Commissioner Rieger suggested omitting the July 5th meeting from the schedule.

Commissioner Winters made a motion to approve the 2011 Regular Meeting schedule with the omission of the July 5, 2011 meeting. Commissioner Mihalic seconded the motion, which was unanimously approved.

#### VIII. DISCUSSION

Election of Conservation Commission/Inland Wetlands and Watercourses Agency Officers

The Commission members discussed and agreed to continue with the existing Officers in place.

Commissioner Mihalic nominated Mr. Miller for Chairman of the Conservation Commission. Commissioner Winters seconded the nomination.

Commissioner Sexton nominated Mr. Mihalic for Secretary of the Conservation Commission. Commissioner Rieger seconded the nomination.

Commissioner Mihalic nominated Ms. Winters for Vice-Chairman of the Conservation Commission. Commissioner Rieger seconded the nomination.

Commissioner Sexton made a motion to approve the above nominations. Commissioner Rieger seconded the motion, which was unanimously approved.

IX. CORRESPONDENCE/ANNOUNCEMENTS

There were none.

X. ADJOURNMENT

Commissioner Rieger made a motion to adjourn the meeting at 8:30 p.m. Commissioner Mihalic seconded the motion, which was unanimously approved.

Respectfully Submitted,

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Commissioner Ryan Mihalic, Secretary