

From: Lois Laczko December 22, 2008 10:12:55 AM  
Subject: Conservation Commission Minutes 11/18/2008  
To: SimsburyCT\_ConserveMin

CONSERVATION COMMISSION/INLAND WETLANDS & WATERCOURSES AGENCY  
MINUTES - REGULAR MEETING  
November 18, 2008

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 Margery Winters, Donald Rieger, Jr, Nick Zackeo, Margaret Sexton and Patrick Kottas. Also in attendance was Howard Beach, Conservation Officer.

II. APPOINTMENT OF ALTERNATES

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

III. PRESENTATION(s), DISCUSSION AND POSSIBLE VOTE

a. Application of Robert Carroll, owner, for an Inland Wetlands Permit to construct a garage with a bonus room within the regulated area to a wetland on property located at 62 West Mountain Road.

Mr. Carroll stated that he would like to build a garage, which will be attached to his house and in the regulated area. The garage will be 60' from the brook. It will be a full garage with a slab foundation and 4' frost walls. Mr. Carroll distributed pictures of the property for the Commission's review. The pictures showed where Mr. Carroll had taken down some structures on the property; this is where the garage will be attached to the house.

Chairman Miller questioned if the existing house had a full basement, and if so, did it ever get wet. Mr. Carroll stated that he does have a full basement, although he has never gotten water in it.

Commissioner Winters questioned when Mr. Carroll would like to start construction. He stated that he would like to start as soon as possible.

The silt fence is already in place.

Chairman Miller questioned how the cement truck would be entering the property to pour the cement slab. Mr. Carroll stated that the equipment would be coming through the driveway entrance.

Mr. Beach stated that the wetland soils on this property are very stable. The soils where the proposed garage will be built are moderately to well-drained soils.

Chairman Miller questioned if the stone wall that he saw in the picture provided a buffer to the brook. Mr. Carroll stated that it did not. He stated that he does have lawn that goes down to the brook. There is also an existing dirt road between the brook and the bank. This bank goes up to the brick wall. Mr. Carroll stated that he will also be putting hay bales along the silt fence. The land is very flat in this area; everything will be contained. He stated that he would also be doing his own excavation.

Commissioner Sexton questioned where the excavated materials would be going. Mr. Carroll stated that any excess excavated material will be as far away from the brook as possible, which is in the "horseshoe" area of the property.

Commissioner Winters made a motion that this is a regulated activity because the excavation is in the area adjacent to a watercourse. Commissioner Rieger seconded the motion, which was unanimously approved.

Commissioner Winters made a motion that this is not a significant activity because of the erosion control measures that will be taken. Commissioner Rieger seconded the motion, which was unanimously approved.

Commissioner Winters made a motion to approve this application with the stipulations set forth in the Staff report, as well as: the stockpiling of any material shall be as far away from the wetlands as possible and spreading the remnants in the "horseshoe" area and stabilizing the area to make sure the material does not get into the roadway and down the storm drain. Commissioner Rieger seconded the motion, which was unanimously approved.

#### IV. REQUEST FOR MODIFICATION OF PERMIT TO INCREASE WIDTH OF THE ACCESS ROAD AT SIMSBURY FARMS, 100 OLD FARMS ROAD, BY 3-FEET (FROM 15-FEET TO 18- FEET)

Mr. Beach stated that the applicant has decided to continue along at the currently approved 15 feet. They will come back before this Commission if and when they decide to pave the road. Mr. Beach stated that the Fire

Marshal reviewed the application and stated that the road would need to be a minimum of 18 feet. Technically, this access road should be 30 feet, although Simsbury Farms did point out that there is already a road there that is usable for fire equipment. There are still some discussions that need to take place. The Fire Marshal also had a concern regarding setting a precedent for other developers, although it should be fine because of the existing roads in the complex.

Mr. Beach stated that this application has been withdrawn.

V. PRESENTATION by Margery Winters, Vice Chairman, Conservation Commission / Inland Wetlands & Watercourses Agency and Sally Rieger on the status of the Farmington River / Salmon Brook Wild and Scenic Study.

Ms. Winters and Joyce Kennedy Raymes made this presentation to the Conservation Commission in order to bring them up to date regarding this study. Sally Rieger was not able to attend the meeting.

Ms. Winters stated that this program works; it has been a successful program for the Upper Farmington River since 1994. She stated that this program encourages local protection and qualifies local communities for funding and technical support.

The presentation regarding the Farmington River / Salmon Brook Wild and Scenic Study included:

- " The collaboration process (advisory only)
- " Fundamental principles
- " Rivers on the East Coast (designated as Wild and Scenic Rivers)
- " Wild and Scenic Benefits
- " Who is Conducting this Study
  - o Representatives from ten Towns
  - o DEP
  - o Stanley Works
  - o Connecticut Forest & Parks Association
  - o Farmington River Watershed Association
- " What does designation involve?
  - o Eligibility
  - o Support
  - o Planning
- " The process to get the designation
  - o Community interest
  - o Congress authorize study
  - o Study eligibility plus a management plan (public input)
  - o A management plan considered by the Town
  - o Study report to President and Congress

- o Congress introduces designation legislation
- o River becomes member of Wild and Scenic River System

Commissioner Sexton questioned if all 10 Towns needed to be on board with this program. Ms. Raymes stated that although it is not necessary, they would like all of the Towns to join in the study. She stated that the Collinsville dams and the Rainbow dam will not be included in the study because by definition, they are not wild and scenic.

Commissioner Zackeo questioned what was included in the management plan. Ms. Raymes stated that they will review the outstanding resource values and will show how they are currently protected by the Town and if there are any opportunities to better protect them. The management plan will also include the priorities for protecting them into the future. This plan will become the blueprint down the road of how projects will be planned in terms of protection.

Ms. Raymes stated that Robinson & Cole have conducted a study of all of the Town regulations in terms of the resource values and how well Towns are protecting them. Eventually, there will be a document that looks at how well they are protected and if there are gaps. They can then get Town Planners together to discuss priorities so there are common themes throughout the 10 Towns.

Ms. Winters stated that, if this passes by the various Towns, the study will then go to Congress, who will hopefully introduce designation so that the River would become wild and scenic. This is not a quick process. The whole process should take approximately 3-5 years.

#### VI. APPROVAL OF MINUTES of August 19, 2008, September 16, 2008 and October 7, 2008

Commissioner Winters made a motion to approve the September 16, 2008 minutes as written. Commissioner Rieger seconded the motion, which was unanimously approved.

Commissioner Winters made a motion to approve the October 7, 2008 minutes as written. Commissioner Rieger seconded the motion, which was unanimously approved.

Chairman Miller stated that the minutes from the August 19, 2008 meeting would be tabled until the next meeting.

#### VII. APPROVAL OF 2009 REGULAR MEETING SCHEDULE

Chairman Miller stated that there was some discussion regarding moving the Conservation Commission meeting to another location because of the Board of

Finance meetings that are held right before this Commission meets. For now, the Conservation meetings will continue to be held in the Main Meeting Room.

Commissioner Winters made a motion to approve the proposed 2009 Regular Meeting Schedule. Commissioner Sexton seconded the motion, which was unanimously approved.

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

There were none.

#### IX. STAFF REPORTS

There were none.

#### X. DISCUSSION

Commissioner Sexton stated that she has noticed that they have taken down a lot of trees at the Hoffman site. Mr. Beach stated that they have clear cut from the existing facility to the Markie property for the additional parking area that the Zoning Commission approved. Mr. Beach stated that there is an inner and outer conservation area on the property. The outer conservation area has been untouched, which are the trees up and around the perimeter. Once the grading is done for the parking area, the land within the inner area will have plantings and will become another conservation area.

#### XI. CORRESPONDENCE / ANNOUNCEMENTS

Mr. Beach stated that the Arco Station, which has been sitting dormant for years, has had environmental trucks drilling on the property. Apparently, DEP has never signed off on this site. An order was issued for more testing on the site, which showed that there is still product in the ground that is well above the levels that DEP is comfortable with. Further remediation will now be necessary on the site.

Chairman Miller stated that there has been a lot of discussion from the Zoning and Planning Commissions regarding the issue of mixed use zones, form based code and the Charrette process. He stated that Chairman Barney has e-mailed him asking how the Conservation Commission should be involved in the environmental aspects of some of these applications and proposed regulations. Chairman Miller responded that this Commission needs to have regulatory review or referral, that needs to be specified and a set of standards that need to be followed. The Commission continued to discuss the new LEED standards.

Chairman Miller stated that the best approach would be for the Town to adopt a policy that they will adhere to these standards and that there would be a referral from the Zoning or Planning Commission to the Conservation Commission to review their compliance with these standards.

The Commission discussed the Meadowood Triangle and what this land might be used for. Commissioner Winters stated that some people would like this land to be used for farming or even recreational fields. She stated that she would like to see this land designated as a wildlife corridor. Mr. Beach stated that the closing for the Meadowood Triangle would be by the end of November. After the closing, this Commission should weigh in on the use of this property.

## XII. ADJOURNMENT

Commissioner Sexton motioned to adjourn the meeting at 9:15 PM. Commissioner Kottas seconded the motion, which was unanimously approved.

Respectfully Submitted,

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Commissioner Ryan Mihalic, Secretary