

From: Lois Laczko January 11, 2011 3:18:05 PM
Subject: Conservation Commission Minutes 12/07/2010 ADOPTED
To: SimsburyCT_ConserveMin
Cc:

ADOPTED

CONSERVATION COMMISSION/INLAND WETLANDS & WATERCOURS AGENCY
MINUTES – REGULAR MEETING
December 7, 2010

I. CALL TO ORDER

Chairman Miller called the Conservation meeting to order at 7:35 p.m. in the Main Meeting Room of the Simsbury Town Offices. Commissioner members present were: Margaret Sexton, Margery Winters, Ryan Mihalic, Patrick Kottas, Darren Cunningham, Nick Zackeo, 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 – November 16, 2010

Commissioner Winters made a motion to approve the November 16, 2010 minutes as written. Commissioner Sexton seconded the motion, which was unanimously approved.

IV. PRESENTATION(s), DISCUSSION AND POSSIBLE VOTE

a. Application of Thomas R. Evans, Applicant, for an Inland Wetlands Permit for activities associated with repairing the damaged stream bank within the 100-foot regulated area to a wetland on property located at 268 Hopmeadow Street. (Map F16, Block 153, Lot 011E)

Mr. Beach stated that the applicant does not currently have all of the engineering data that is needed. The surveying has not been completed as well. The applicant is asking for an extension; he will submit a letter to the Commission granting this extension.

Commissioner Cunningham made a motion to grant the request for an extension by Mr. Evans. Commissioner Mihalic seconded the motion, which was unanimously approved.

b. Application of Simsbury Cemetery Association, Owner, for an Inland Wetlands Permit for regulated activities within the 100-foot upland review area to a wetland on property located at the Simsbury Cemetery, Plank Hill Road. (Map G9, Block 203, Lot 44)

Ms. Hahn, representing the applicant, stated that the Simsbury Cemetery received a Notice of Violation regarding the items that they are addressing tonight. She stated that 3,600 square feet has been disturbed. They have prepared an erosion control plan for the area in order to stabilize it for the winter. A plan and application have been submitted for back blading and seeding this area.

Mr. Beach stated that the original wetlands permit expired on November 1, 2010. He is unsure when exactly this tree work took place.

Commissioner Sexton questioned if any more tree cutting would occur on this property. Ms. Hahn stated that they will be deciding if more cutting is needed over the winter.

Ms. Hahn stated that the water that comes onto this site mostly infiltrates into the ground. Mr. Beach stated that his concern is once the ground freezes, not as much water will infiltrate.

Jackson Eno, President of the Simsbury Cemetery, stated that they started remedial work to take large trees down that were dead. The tree contractor also started on the one acre area at the top of the hill. Because the tree contractor gave the cemetery a great price to do additional work, he continued to cut trees in other areas. Mr. Eno stated that he should have called Town staff when the work expanded, although he did call when clearing the one acre area on top of the hill. Mr. Beach stated that the one acre area was not an issue.

Commissioner Mihalic questioned if the cemetery will be putting future plots in the upland review area. Mr. Eno stated that they are unsure, although it takes a while to get any land ready for plots. He stated that they are the only active cemetery in Simsbury and they are landlocked and have limited space. Attorney Sherwood, representing the applicant, stated that nothing will happen in the upland review area without an application. He stated that this application is not a plan to expand the cemetery; this is a plan to fix a mistake.

Commissioner Winters questioned if trees would be planted in these

areas in the future. Ms. Hahn stated that they will be submitting an application for the construction of the road and related grading in the future; a planting plan will be submitted at that time.

Commissioner Rieger stated that the Notice of Violation asks that the applicant submit an application outlining what has already been done. He questioned if this was done appropriately. Attorney Sherwood stated that they could amend the permit application or send a letter to explain what has already taken place. He asked that if the Commission does not make a decision tonight and continues this application that the applicant be permitted to do this work because the area needs to be stabilized. Commissioner Mihalic stated that he feels the applicant should submit a completed application outlining the work that has already been completed, although he does not feel that the application should be continued.

Commissioner Cunningham suggested that the contractor who did the tree work be contacted regarding what was done without a permit.

Commissioner Mihalic made a motion that this is a regulated activity because it involved removal of trees in the upland review area and also involved activities beyond the upland review area. Commissioner Winters seconded the motion, which was unanimously approved.

Commissioner Mihalic made a motion that this is not a significant activity warranting a public hearing. Commissioner Winters seconded the motion, which was unanimously approved.

Commissioner Mihalic made a motion to grant this permit in response of the Notice of Violation because the applicant has explained why this happened and will remedy the situation to ensure there is no impact to the upland review area with the following conditions: that within one week's time, the applicant will provide an amendment to the submitted application identifying what has already occurred in the upland review area; the applicant will also give a description of the back blading that will occur in the upland review area; and that the applicant will take steps if notified by Town staff with concerns that could jeopardize the wetlands or upland review area. Commissioner Winters seconded the motion, which was unanimously approved.

V. RECEIPT OF NEW APPLICATION(S)

There were none.

VI. STAFF REPORTS

There were none.

VII. DISCUSSION

Mr. Beach stated that the Commission may want to discuss the issue of bigger projects coming before the Commission in the wintertime. He stated that it is difficult to stabilize soils in the winter. He stated that they may want to consider drafting an Ordinance that states after October 1st, the Commission will not hear any applications for projects with big earth movement until spring.

Commissioner Rieger stated that he does not feel that the Commission would need an Ordinance; they could make this a condition of the permit on certain projects. He stated that it would also be helpful to put this information in the application regarding when the work will be occurring. Commissioner Mihalic stated that the Commission could also consider expanding the Wetland Guidelines in terms of time restrictions.

Commissioner Rieger stated that he recently walked the Baker property. A gravel road was put in the wetland area. Mr. Beach stated that because fire trucks have gotten stuck in the past, the Fire Marshal asked to fill in mud puddles in this area. He stated that Mr. Sawitzke was out of Town when this road was constructed. Commissioner Mihalic suggested that more facts be received prior to the next meeting in order for the Commission to discuss this matter further.

VIII. CORRESPONDENCE/ANNOUNCEMENTS

There were none.

IX. ADJOURNMENT

Commissioner Mihalic made a motion to adjourn the meeting at 9:00 p.m. Commissioner Winters seconded the motion, which was unanimously approved.

Respectfully Submitted,

Commissioner Ryan Mihalic, Secretary