

From: Lois Laczko January 9, 2009 9:30:54 AM
Subject: Conservation Commission Minutes 12/16/2008
To: SimsburyCT_ConserveMin

CONSERVATION COMMISSION/INLAND WETLANDS & WATERCOURSES AGENCY
MINUTES - REGULAR MEETING
December 16, 2008

I. CALL TO ORDER

Chairman Miller called the Regular Meeting of the Conservation Commission/Inland Wetlands and Watercourses Agency to order at 7:33 PM in Room 103 of the Simsbury Town Offices. The following members were present: Commissioners Margery Winters, Donald Rieger, Jr, Nick Zackeo, Ryan Mihalic 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 Bucknam and Commissioner Kottas to serve in the absence of Commissioner Sexton.

III. REVIEW OF ENVIRONMENTAL REGULATIONS

Mr. Beach stated that the Erosion and Sediment Control Act was passed, which takes the environmental concerns and puts them under Zoning. He stated that the MS4 permitting was re-written by the DEP; they now have more stringent requirements than what they require for smaller Towns. Regarding new requirements, when an applicant proposes a project, they propose erosion control measures. The MS4 mandates that they also have a maintenance schedule.

The Commission members received a copy of Section 9.05 of the Zoning Regulations regarding stormwater management, which they were asked to comment on. Commissioner Rieger stated that the model stormwater ordinance has fewer gaps than this draft does. Commissioner Rieger stated that (B) ii and iii, has the effect of grandfathering an existing problem. He stated that (B) vi. is inconsistent with this language. Mr. Beach stated that he believes this is concerning new development. The Commission agreed that this should be stated.

Commissioner Rieger stated that the model Regulation has a standard that

prohibits direct channeling of untreated surface water. Also, there are no TSS standards; no maintenance plan systems; and no undertaking for maintenance in this draft.

Regarding (C) iii, Commissioner Rieger stated that watercourses should be mentioned in this section. The Commission had a discussion regarding (C) i. They agreed that this section was very unclear.

Commissioner Rieger stated that (C) ii makes provisions for protecting watercourses, although it is only as needed to accept the proposed drainage. Commissioner Rieger also stated that (C) ii, states, "deemed necessary to subsection A". He stated that section does not have any standards. He stated his concerns regarding this draft and stated that he is very disappointed with it.

Chairman Miller stated that he recalled Mr. Peck and Chairman Barney stating that these kinds of Regulations should be addressed by the Conservation Commission. Chairman Miller stated that he agrees with this. Mr. Beach stated that if a definitive impact cannot be shown, then it cannot be regulated. Chairman Miller stated that this draft states that the statutory authority to enforce this exists with the Zoning Commission; it does not exist with the Wetlands Commission.

Mr. Beach stated that the Wetlands Commission could make a referral to the Zoning Commission and then the Zoning Commission could take action under the Soil and Erosion portion of the Ordinance. Commissioner Winters stated that the Planning and Zoning Commission Chairmen would like a letter from this Commission asking that they send referrals to the Wetlands Commission.

Mr. Beach stated that the process needs to be streamlined. The applicant should not be bounced back and forth from the Zoning Commission back to this Commission. The applicant should be notified if they need to file an application with both Commissions. He stated that the site does not necessarily have to have wetlands on it in order for it to come before the Wetlands Commission; it could come before this Commission because of impacts or if it affects the property.

Chairman Miller stated that the Zoning Commission does not have to accept any recommendation made by this Commission.

Commissioner Winters stated that she would like this Commission to have the opportunity to see if there is an impact or not and to be able to make suggestions. Based on one provision in the Wetland Regulations, if there is an offsite impact potential, it would become a regulated activity and would require a permit.

Chairman Miller stated that a referral needs to come from the Zoning

Commission; it cannot be discretionary, it must be specified for certain situations where the referral needs to be made by Zoning. The applicant will then come before this Commission to present their application. Mr. Beach stated that the Commission cannot mandatorily refer every site plan application. Commissioner Mihalic stated that they could tie it in to the increase of impervious surface. Mr. Beach suggested that they tie it to the pre and post development instead of impervious surface.

Commissioner Rieger stated that this Commission needs to think more in terms of conservation along with inland wetlands. He stated that they need to be consulted on all issues.

Commissioner Winters asked what the Town Attorney has said regarding referrals. Chairman Miller stated that if it is not required in the Regulations, the Town Attorney will probably advise against it. He stated that is why they need to make sure it is in the Regulations. He stated that this Commission is not reaching for additional authority over things that are not currently regulated. They are only asking for a review of things that are regulated but not being reviewed properly.

Chairman Miller asked that Mr. Beach create a list of standards from the LEED Guidelines that the Commission could review at their next meeting. They could then discuss what could be mandatory and what could be discretionary. Commissioner Mihalic stated that he would review the existing Zoning Regulations prior to the next meeting.

Mr. Beach stated that currently, when the State model Regulation was adopted, it states that applications have to be received two weeks prior to the meeting. He stated that a provision is needed for the ability to waive this requirement.

Commissioner Mihalic questioned what the timing was for the Zoning Regulation revisions. Mr. Beach stated that it would be several months until those were completed.

IV. APPROVAL OF MINUTES of August 19, 2008 and November 18, 2008

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

Commissioner Rieger made one edit to the November 18, 2008 minutes.

Commissioner Winters made a motion to approve the November 18, 2008 minutes as amended. Commissioner Rieger seconded the motion, which was unanimously approved.

V. RECEIPT OF NEW APPLICATION(s)

There were none.

VI. STAFF REPORTS

There were none.

VII. DISCUSSION

Invasive Grant

Mr. Beach stated that the State has announced that they are providing grants up to \$50,000 for management of invasive plants. He stated that he and Lynn Charest have gone out to the walking trails at Simsbury Farms and have documented and photographed the area. He has put in the application to the State for this grant. Mr. Beach stated that in this area, there is a major infestation of Japanese Barberry in proximity to the walking trails and to a nearby development. They have also found multi-floral rose and Bittersweet, Honeysuckle, Tree of Heaven, although these are not a major infestation in the area. He stated that as part of this grant, the Town is requesting identification signs to be put in along the trails.

Mr. Beach stated that as part of this grant, the Town needs to come up with 20% for in-kind services. He stated that the maintenance crews at Simsbury Farms can meet this requirement.

The Commission discussed the treatment of the Japanese Barberry. Mr. Beach stated that the first thing that they will have to do is to mow down the plants and then treat the thick patches. They will be using a propane treatment for the single plants and smaller patches.

Mr. Beach stated that the State has modified the Farm Bill. He stated that Simsbury had applied for a WHIP grant for the Baker property last year. That grant was won, although never received because part of that property was determined to be needed for parking. Because of this, the WHIP grant was put off until this year because it needed to be modified. The Farm Bill has now specifically exempted all Municipalities for these grants.

Commissioner Kottas questioned if the Town would be replanting anything in the areas where the Japanese Barberry would be removed. Mr. Beach stated that in order to stabilize the area, they will be putting woodchips down. If they planted natural plantings in the area, they would be eaten by the deer. Commissioner Rieger suggested that if there was a concentrated area, a fence could be put up to keep the deer out.

Ag Land Meeting

Mr. Beach stated that on December 9th, Simsbury hosted a workshop that was held by CCM. This meeting was well attended; most farmers in Town were represented. At that meeting, they recommended that farms be 3 acres or more. Currently in Simsbury, they require 5 acres or more.

Commissioner Winters stated that the Open Space Committee has been very active in trying to figure out what to do with the farm land in Town. Regarding Town Farm Dairy, Mr. Beach stated that it has been very difficult to find someone who is willing to have a dairy farm; the topography and soils are not right for any other use. He stated that the Town is currently interviewing farmers who might want to take over the farm.

VIII. CORRESPONDENCE / ANNOUNCEMENTS

There were none.

IX. ADJOURNMENT

Commissioner Mihalic made a motion to adjourn the meeting at 9:04 PM. Commissioner Winters seconded the motion, which was unanimously approved.

Respectfully Submitted,

Commissioner Ryan Mihalic, Secretary