

CONSERVATION COMMISSION

SPECIAL MEETING OCTOBER 6, 2009

E. CURTIS AMBLER ROOM

These minutes are not verbatim, but represent a summary of major statements and comments. For minutes verbatim, refer to audiotapes on file in the Office of the Town Clerk. Audiotapes are retained for the minimum period required under the retention schedule as provided under Connecticut Law.

Chairman Block called the roll call at 7:02 p.m. and noted Commissioners Byer, Igielski and Pappa were present. Also present were Alternates Turgeon and Zelek and Mr. Anthony Ferraro, Town Engineer.

NOTE: Chairman Block designated that Alternate Turgeon would vote for Commissioner Byer and Alternate Zelek would vote for the vacant position.

ITEM III

ACCEPTANCE OF MINUTES

Regular Meeting of June 16, 2009

Commissioner Igielski noted the Commission could not act on the minutes tonight because there is not a quorum of members who were present at the June 16th meeting.

It was the consensus of the Commission members to carry the item over to the November meeting.

Regular Meeting of August 18, 2009

Commissioner Igielski noted the following corrections:

- A. Page 3---middle of page "Public Hearing Requirement" should read "PUBLIC (PUBIL) PARICIPATION: NONE"
- B. Page 8---upper part of page "General Discussion" should read "There was a general discussion.....of the application that could (in) result in the need for.....details of the discussion."
- C. Page 9---bottom of page, "Remark" by Mr. Ferraro should read "Mr. Ferraro reported that (the) there were two.....for review by Commission members."

Motion made by Commissioner Igielski to accept the minutes as corrected and was seconded by Commissioner Pappa. There was no discussion. Vote was 4 yes, 0 no, 2 abstentions (Byer and Zelek) and the motion was carried.

ITEM IV

PUBLIC PARTICIPATION ON NON-AGENDA ITEMS: NONE

Motion made by Commissioner Igielski to move ITEM VI A to the top of the agenda and was seconded by Commissioner Pappa. There was no discussion. Vote was 6 yes, 0 no and the motion was carried.

ITEM VI A

APPLICATION 2009-8 for 152 Main Street

Attorney Vincent Sabatini, representing the applicant, noted that a request for a Wetland (Town) Map Amendment affecting the (subject) property was approved at the August meeting.

Attorney Sabatini noted the following items remained to be addressed from the August meeting:

- A. Addition of silt fence around drain line to brook---This item has been added to plan.
- B. Addition of “Intermediate (4inches to 6 inches in size) Rip Rap” to drain outlet at brook--- This item has been added to plan to include the design detail.
- C. Location of “Construction Mat” has been added to map.
- D. Grinder pump location has been moved to a point thirty (30) feet from the wetland.
- E. Grinder pump detail, signed by an engineer, has been added to the plan.

Chairman Block asked if there were any other issues to be addressed? Mr. Anthony Ferraro, Town Engineer, responded no.

Attorney Sabatini asked the Commission, if possible, could it act on the application tonight?

Chairman Block asked if the application was complete? Mr. Ferraro responded yes.

Motion made by Commissioner Igielski that based on the information before it, the Commission make a finding of fact that a public hearing is not necessary for Application 2009-8 because the proposed activities would not have a major impact or significant effect on the regulated areas. Motion seconded by Alternate Turgeon.

Commissioner Igielski noted that Commissioner Byer and Alternate Zelek, who were not present at the August meeting and would vote on the matter if they state on the record that

they have reviewed the minutes and studied and reviewed the plans and therefore are familiar with the matter. Otherwise, they would have to abstain from voting on the matter.

Commissioner Byer and Alternate Zelek stated on the record that they have reviewed the minutes and studied and reviewed the plans and therefore are familiar with the matter. Therefore, they would be voting on the matter.

Vote was 6 yes, 0 no and the motion was carried.

Mr. Ferraro passed out a list of suggested conditions for consideration by Commission members. There was a general review and discussion by Commission members.

Motion made by Commissioner Pappa to grant a permit by Summary Ruling for Application 2009-8 and subject to conditions. Motion was seconded by Commissioner Igielski. There was no discussion. Vote was 6 yes, 0 no and motion was carried.

NOTE: Refer to audio tape or "Official Notification of Action" for conditions of the permit.

Motion made by Commissioner Igielski to move ITEM VI B, ITEM VI C and ITEM VI D to the top of the agenda and was seconded by Alternate Turgeon. There was no discussion. Vote was 6 yes, 0 no and the motion was carried.

ITEM VI B

APPLICATION 2009-9 for 1164 Willard Avenue

Mr. Ozzie Torres, P.E., representing the applicant, entered the following remarks into the record (relative to drainage issues arising from a "Cease and Desist Order" issued in April of this year):

- A. There is a large (complex) drainage area that drains into the subject property (at 1164 Willard Avenue). Therefore, it would not be a simple process to develop and analyze flows.
- B. It would be difficult to prove that there would not be any impact upstream of the subject property (if the watercourse was enclosed into a conduit pipe that was the subject of the "Cease and Desist Order").

Mr. Torres entered the following remarks into the record:

- A. The proposal is to return the area back to the condition that existed prior to the issuance of the "Cease and Desist Order".
- B. The (proposed) scope of work would take five (5) work days to complete.
- C. Erosion and sediment control measures (hay bales or silt fence) would be installed in the stream to control sediment.

- D. A sequence of work activities have been developed for the work plan.
- E. Work would be done under the supervision of the engineer.
- F. Stream bank slopes would be stabilized with a straw mat covering with grass seed.

Commissioner Igielski noted the (site) plan needs to be updated to reflect proposed scope of activities presented tonight.

Commissioner Block asked if consideration was given to his (Block) request last month that consideration be given to relocating the stream to adjacent to Town Property along the northerly property line? Mr. Torres responded no because the cost of a watershed drainage study would be cost prohibited together with resulting impacts. It would be difficult to prove if a possible problem developed down stream, that the work (relocating stream) did not have an effect. Therefore, it was decided to return the area back to its original condition.

Chairman Block asked what was the bottom width of the stream? Mr. Torres responded 3.5 feet.

Commissioner Igielski said that an “as built (plan) drawing” should be provided to the Commission.

Chairman Block noted that grasses are okay for now. However, there should be added some native plants and materials in the spring. Mr. Torres responded that he had no objection to the request.

Mr. Ferraro noted that the application had to be acted upon tonight.

Chairman Block asked if the application was complete? Mr. Ferraro responded yes.

Motion made by Commissioner Igielski that based on the information before it, the Commission make a finding of fact that a public hearing is not necessary for Application 2009-9 because the proposed activities would not have a major impact or significant effect on the regulated areas. Motion seconded by Commissioner Pappa.

Commissioner Igielski noted that the application would not represent a significant impact to the regulated area because the stream is being returned back to its original condition. Final action would improve the wetland function.

Vote was 6 yes, 0 no and the motion was carried.

Mr. Ferraro passed out a list of suggested conditions for consideration by Commission members. There was a general review and discussion by Commission members.

Motion made by Commissioner Pappa to grant a permit by Summary Ruling for Application 2009-9 and subject to conditions. Motion was seconded by Commissioner Igielski. There was no discussion. Vote was 6 yes, 0 no and motion was carried.

NOTE: Refer to audio tape or “Official Notification of Action” for conditions of the permit.

ITEM VIC

Zone Change, Parcel 11-335.00A, East Cedar Street

Attorney Thomas J. Regan, Brown Rudnick LLC, noted that a zone change is being requested (from the Town Planning & Zoning Commission) for the property under discussion. Members of the Commission were provided (prior to tonight’s meeting) with copies of the material submitted with the application for the zone change.

Attorney Regan noted that Mr. Chris Bent, Toll Brothers and Mr. Raymond B. Gradwell, BL Companies (members of the team) were also present.

Attorney Regan noted the Commission has the right to comment on the zone change application. He and other members of the team would walk members of the Commission through the application and also respond to previously submitted comments.

Mr. Gradwell, Project Manager, referring to a (layout) plan and charts entered the following remarks into the record:

- A. The property contains a total of 28 acres.
- B. The proposal is to change the zone of the property from commercial to R-12 residential zone.
- C. There are two (2) wetlands (westerly side and northeasterly corner) on the property containing a total of 20,000 square feet.
- D. Using several charts, a comparison was made of impacts on the property for commercial versus residential development for activities that would occur under both scenarios. The activities reviewed were area of pavement, amount of excavation, storm water management plans, roadways, vehicle parking requirement, traffic generation and water quality (listen to audio tape for details of remarks for each activity).
- E. The residential zone change use contains an open space requirement. The commercial zone has no such requirement.

Attorney Regan entered the following remarks into the record:

- A. The proposed residential use would be a less intensive of the property than the existing allowed commercial use.
- B. The proposed residential use can be made to work with the existing contour of the land.

- C. Toll Brothers had a similar experience with its Newington Ridge Development (at the intersection of the Berlin Turnpike and Prospect Street). The same practices used at that project would be incorporated into the East Cedar Street project.
- D. The (layout) plan being used tonight is conceptual in nature.
- E. The conceptual (layout) plan would have eight (8) plus acres of open space of which seven (7) plus acres would be used to protect the (westerly) ridge line.
- F. This project would be consistent with the current and proposed 2020 Plans of Conservation and Development.
- G. The developer would have no problem in granting an easement or permanent title to the Town for the ridge line portion of the property.

Commissioner Pappa asked if the bike path would be preserved? Mr. Chris Bent, Toll Brothers responded yes.

Chairman Block asked if visuals would be done for the project? Attorney Regan responded yes as part of a formal presentation. It has not been decided if a view shed or photo shed would be used.

Commissioner Igielski asked if the Old Highway right of way was Town owned? Mr. Ferraro responded yes.

Alternate Zelek asked if Old Highway (from the northeast corner of the property) outward to Russell Road would be paved? Attorney Regan responded yes.

Mr. Gragwell noted that BL Companies reviewed photo sheds from three (3) locations (listen to audio tape for details of his remarks).

Attorney Regan noted that the building height for a residential structure would be lower than the height of a commercial structure.

A member of the public requested permission from the Commission to comment on the presentation.

Mr. Ferraro noted there is no application under discussion and the presentation tonight is advisory in nature. There is no public participation unless a public hearing is being held on a particular (agenda) item.

There was a general discussion among Commission members on the question whether a member of the public had a right to comment on the presentation (listen to audio tape for details of the discussion).

Chairman Block at the conclusion of the discussion stated there would be no remarks from the floor on the presentation. The party could submit a letter to the Commission requesting to be put on agenda for the November meeting.

The party (Attorney Matthew Ranelli, representing the Connecticut Humane Society) noted that he was objecting on not being able to comment on the presentation.

ITEM VI D

2020 Plan of Conservation and Development

Mr. Ed Meehan, Town Planner, gave a “Power Point” presentation on the proposed “2020 Plan of Conservation and Development”. A public hearing will be held on the Plan by the Town Plan & Zoning Commission on October 14, 2009. Listen to audio tape for details of the presentation by Mr. Meehan.

ITEM VA

Inland and Watercourses Regulations-Revisions to Standard Conditions

Chairman Block noted that the Commission recently added four (4) new “Standard Conditions (Conditions)” (currently are not included on list contained in the Regulations) that are now included in any new wetland or watercourses permit.

Mr. Ferraro noted that if the Commission decides to add these new Conditions to the Regulations, consideration should be given to taking a look at all the conditions because some are seldom used. Finally, the Commission may want to renumber the conditions so that the most frequently used conditions are at the top of the list.

Chairman Block suggested that that Commission may want to review the entire Regulations.

It was the consensus of Commission members to carry the item over to the October 20th meeting.

ITEM VII

PUBLIC PARTICIPATION ON NON-AGENDA ITEMS: NONE

ITEM VIII

COMMUNICATIONS AND REPORTS: NONE

Motion made by Commissioner Byer to adjourn meeting at 9:35 p.m. and was seconded by Commissioner Pappa. There was no discussion. Vote was 6 yes, 0 no and motion was carried.

Peter M. Arburr, Recording Secretary

Commission Members

Tayna Lane, Town Clerk

Town Manager John Salamone

Edmund Meehan, Town Planner

Councilor Myra Cohen

Chairperson, Town Plan and Zoning Commission

Anthony Ferraro, Town Engineer

Ben Ancona Jr., Esquire, Town Attorney

Lucy Robbins Wells Library (2)