

CONSERVATION COMMISSION

SPECIAL MEETING FEBRUARY 17, 2009

E. CURTIS AMBLER ROOM

These minutes are not verbatim, but represent a summary of major statements and comments. For minutes verbatim, refer to audiotape 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 7:01 p.m. and noted Commissioners Byer, Igielski and Shapiro were present. Also present were Alternates Turgeon and Harlow and Mr. Anthony Ferraro, Town Engineer.

NOTE: Chairman Block designated that Alternate Harlow would vote for Commissioner Woods and Alternate Turgeon would vote for Commissioner Pappa.

ITEM III

ACCEPTANCE OF MINUTES

Regular Meeting of January 20, 2009

Commissioner Igielski noted on Page 3 that at the bottom of the page the remark by Mr. Krar should read "Mr. Krar asked if the (if) Commission could act...for a public hearing".

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

ITEM IV

PUBLIC PARTICIPATION ON NON-AGENDA ITEMS: NONE

Motion made by Commissioner Igielski to take ITEM VI A and ITEM VI B out of order and was seconded by Commissioner Shapiro. There was no discussion. Vote was 6 yes, 0 no and the motion was carried.

ITEM VI A

APPLICATION 2008-10, Lot 5 Costello Road

Mr. Alan Bongiovanni, BGI Group, representing the applicant, referring to a site plan on the wall, entered the following remarks into the record in response to questions raised at last month's meeting:

- A. The limits of the gravel storage area have been extended easterly up to the building.

- B. The limits of the 100 foot upland review area using the wetland limits as shown on the Town Map have been added to the site plan.
- C. Bollards would be located along the northerly edge of the gravel storage area.
- D. The swale behind the building is of bituminous concrete and the remainder would be grass.
- E. The applicant would use the Town Map boundary limits to evaluate regulated area impacts.

Mr. Anthony Ferraro, Town Engineer, noted there is no major difference in impacts between the Town Map and the findings of the soil scientist in the field.

Chairman Block said the Commission had no problem with the applicant using the Town Map (to evaluate regulated area impacts).

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 2008-10 because the proposed activities would not have a major impact or significant effect on the regulated areas. Motion seconded by Alternate Turgeon. There was no discussion. 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.

Commissioner Igielski recommended that a condition be added that bollards to be installed along the northerly perimeter of the gravel storage area. The proposed amendment was accepted by Commission members.

Motion made by Commissioner Igielski to grant a permit by Summary Ruling for Application 2008-10 and subject to conditions. Motion was seconded by Commissioner Shapiro. There was no discussion. Vote was 5 yes, 0 no, 1 abstention (Harlow) and motion was carried.

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

ITEM VV B

APPLICATION 2006-24 (Modification to) 119 Deming Street

Mr. Paul Hallisey, P.E. (substituting for Mr. James Cassidy), Hallisey, Pearson & Cassidy, representing the property owner Deming Road Associates noted the (modified) site plan on the wall represents no change from the (modified) site plan shown at the previous meeting.

Mr. Hallisey, referring to the modified site plan on the wall, entered the following remarks into the record:

- A. There has been a reduction in the number of units from 19 to 16.
- B. There has been an increase in the size of the conservation easement.
- C. The length of the road has been reduced by about 300 feet.

Mr. Ferraro reviewed with Commission members the recommended changes that would have to be made to the conditions approved under of Permit 2006-24 (listen to audio tape for the details of Mr. Ferraro's remarks).

Mr. Ferraro noted that a warrantee (for the transfer of the property) has been recorded in the Town Land Records.

Chairman Block noted that he had made an inquiry to the Health Department (Central Connecticut Health District) on making sure that the two (2) ponds (mitigation areas) would drain out.

Mr. Ferraro noted that Nancy (Central Connecticut Health District) said that she (Nancy) told him that the low areas (mitigation areas) should not be made into ponds.

Mr. Ferraro noted the mitigation areas are designed to take in water when the level of the water course rises and water flows back into the mitigation areas. When the water level of the water course subsides, the water would flow out of the mitigation area (back into the water course).

Commissioner Byer asked for a delineation of the conservation easement area? Mr. Hallisey, referring to the modified site plan, outlined the limits of the easement.

Commission went into recess at 7:35 p.m.

Commission came out of recess at 7:40 p.m.

Chairman Block noted that Sheets M1, M2, and M3 (reflecting the mitigation area) from the REMA Ecological Services Report should be made part of the new application.

Commissioner Igielski asked if the new (mitigation) area included a planting plan? Mr. Ferraro responded yes but (referring to the modified site plan noted that) plants would have to be readjusted to the shape of the new mitigation area.

Commissioner Igielski noted there is no reference to the REMA Plan on the (modified site) plan.

Chairman Block noted the grass and vegetation requirements (REMA Plan) should be applied to the new mitigation area.

Commissioner Igielski asked why there was no reference in Condition 14 about the sight line? Mr. Hallisey responded that it was left in place.

Commissioner Igielski noted the reference is being made for the sight line for the formerly proposed street entrance.

Chairman Block said then there is no reason to keep it.

Mr. Ferraro asked if the reference to the sight line should be removed? It was the consensus of Commission members to remove the reference to the sight line.

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

Motion made by Commissioner Igielski to grant a Permit Modification for Permit 2006-24 to include the modification of conditions (original permit) that were discussed earlier in the evening and the submission of a new set of (modified) plans. Motion seconded by Alternate Turgeon.

Chairman Block recommended the following amendments be added to the motion and were acceptable to Commissioner Igielski and Alternate Turgeon:

- A. Condition 17 now becomes Condition 16.
- B. Add wording that planting plan (per REMA Report) applies to new mitigation area.

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

ITEM VA

Review of Internal Procedures

Chairman Block noted the items under discussion related to the recommendations of the Town Attorney's February 2008 letter and to also address wording conflicts (with Town Attorney's letter) within Article III of the Commission's Internal Rules and Procedures relative to what constitutes a quorum to start a meeting, clarifying the requirement of the four votes needed to pass an item and the seating of Alternate members.

Recommendations on the subject matter from Chairman Block and Commissioner Igielski were made available to Commission members.

NOTE: There was a general discussion among Commission members on the differences of the two (2) proposals (listen to audio tape for details of the discussion).

Chairman Block said he saw no problem with Commissioner's Igielski proposal except about an Alternate voting if said person is present during hearing (/presentation) process.

There was additional discussion among Commission members (listen to audio tape for details of the discussion). It was the consensus of Commission members to carry the item over to the March meeting.

ITEM VII

PUBLIC PARTICIPATION ON NON-AGENDA ITEMS: NONE

ITEM VIII

COMMUNICATIONS AND REPORTS: NONE

Motion made by Commissioner Igielski to adjourn meeting at 8:35 p.m. and was seconded by Commissioner Shapiro. 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)