

CONSERVATION COMMISSION  
REGULAR MEETING JULY 21, 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 7:16 p.m. and noted Commissioners Igielski, Pappa and Shapiro were present. Also present were Alternates Harlow and Turgeon and Mr. Anthony Ferraro, Town Engineer.

NOTE: Chairman Block designated that Alternate Harlow would vote for Commissioner Byer and Alternate Turgeon would vote for Commissioner DiMartino.

ITEM III  
ACCEPTANCE OF MINUTES

Regular Meeting of May 19, 2009

Commissioner Igielski noted the following corrections:

- A. Page 1---Middle of the page, Motion by Commissioner Igielski should read “Motion made by Commissioner Igielski to accept...was 4 yes, 0 no, 2 abstentions (Turgeon and Zelek) and motion was carried.”
- B Page 3---Remark “F” should read “The work would when under dry conditions.”
- C Page6---Middle of page, Motion by Commissioner Pappa should read “Motion made by Commissioner Pappa to deny...seconded by Commissioner Shapiro (Pappa).”

Mr. Ferraro noted the following corrections:

- A. Page 4---Remark “E” should read “The proposed activity...of which .12 acre would be permanent.”
- B. Page 4---Middle of page, remark by Chairman Block should read “Chairman Block why is\_17 (spaces) the magic...fitted into the area.”
- C. Page 5---Bottom of page, remark by Mr. Ferraro should read “Mr. Ferraro (Ferrao) noted that he missed...out lined in the Regulations.”

- D. Page 7---Middle of page, remark by Mr. Ferraro should read “Mr. Ferraro noted that since the last meeting...(per comments from residents to the TP&Z [TP&C]) and the Commission should be updated on the changes.”

Motion made by Commissioner Igielski to accept the minutes as corrected and was seconded by Commissioner Shapiro. There was no discussion. Vote was 5 yes, 0 no, 1 abstention (Harlow) and the motion was carried.

#### ITEM IV

PUBLIC PARTICIPATION ON NON-AGENDA ITEMS: NONE

#### ITEM VA

APPLICATION 2009-7 for 152 Main Street (Map Amendment)

Mr. Anthony Ferraro, Town Engineer, referring to a map on the wall, entered the following remarks into the record:

- A. The yellow line shown on the map reflects the wetland boundary limits per the Town Map.
- B. The orange line shown on the map reflects the wetland boundary limits determined by a soil scientist in the field.
- C. The application requires a public hearing per the Regulations.

Commissioner Igielski noted that the “100 foot buffer line” note should be removed from the map.

Motion made by Commissioner Igielski that per Section 15.7 of the Regulations a public hearing be held on Application 2009-7 (Map Amendment for 152 Main Street) be held at 7:00 p.m. on August 18, 2009 in the E. Curtis Ambler Room, Town Hall. Motion seconded by Commissioner Pappa. There was no discussion. Vote was 6 yes, 0 no and the motion was carried

#### ITEM VB

APPLICATION 2009-8 for 152 Main Street

Chairman Block noted that the soil scientist line on the map does not tie into the Town Map line at the property lines.

Alternate Harlow entered the following remarks into the record:

- A. The situation (in his opinion) warrants having another soil scientist verify the findings (presented under Application 2009-7). This request is allowed under the Regulations.
- B. He has seen the area flooded in the past.

C. He feels it would be in the best interest of the Town to have it done.

Chairman Block asked that from your personal experience, you (Harlow) are making a request (that Commission retain a soil scientist per expense of the applicant)? Alternate Harlow responded yes.

There was a general discussion among Commission members on the request (listen to audio tape for details of the discussion).

No action was taken on the request.

ITEM VC

APPLICATION 2009-9 for 1164 Willard Avenue

Mr. Ferraro entered the following remarks into the record:

- A. A "Cease and Desist Order" was issued in March due to construction activity that was being done (on the property) without a permit.
- B. He met with the property owner to explain the need for a permit.
- C. A letter was sent to the property owner in May noting that no application had been received.
- D. He (Ferraro) was advised by an attorney (representing the property owner) that (Peter) Flynn had been hired to submit an application.
- E. A letter was sent in June stating that if an application was not received at the July meeting, fines would be considered.

Mr. Peter Flynn said he prepared an "Existing Condition Map" as per permit that was issued for a house addition several years ago.

Chairman Block asked if any permit had been issued for work in the brook? Mr. Ferraro responded no.

Mr. Ferraro pass out several photos showing the activity that was going on at the time the "Cease and Desist Order was issued.

Chairman Block entered the following remarks into the record:

- A. There is no record for any structure in the brook.
- B. Commission would give consideration to a plumbing solution (for the brook). Otherwise, the area would be returned back to its original condition.

- C. Come back with a plan naturalizing the water course (brook) and issues associated with restoration that would be acceptable to the Commission.

Mr. Ferraro said the Commission is telling the applicant what to do and come back with a new plan. The plan should remedy any encroachment on to Town property.

#### ITEM VD

APPLICATION 2009-10 for 121 styles Avenue

Mr. Michael Lenares, the applicant, noted a request is being made to construct a 1,400 square foot addition to the existing building on site.

Chairman Block asked what would the proposed building addition be used for? Mr. Lenares responded the addition would be use to store vehicles and equipment that are currently stored outside.

Chairman Block said in his opinion the application would not require a public hearing.

The Commission members concurred with the Chairman's opinion.

Chairman Block suggested that the application might be handled administratively.

Commissioner Igielski asked if there would be any excavation related to the installation of the building foundation? Mr. Lenares responded that excavation would be required to install the foundation.

Commissioner Igielski said the application must be handled as a regular permit.

#### ITEM VE

APPLICATION 2009-11 for 457 Main Street

Mr. David Zaugg, property owner and applicant, said a request is being made to construct a deck addition as shown on the submitted plan.

Mr. Ferraro entered the following remarks into the record:

- A. The wetland boundary limits extend half-way up from the rear property line.
- B. The only feasible location for the deck is to go west as shown on the plan to within twelve (12) feet of the wetland.

Chairman Block asked if there is any reason to put in a square deck versus a rectangular deck? Mr. Zaugg responded to keep the deck away from the window to make it more difficult for someone to break into the house. His house has been broken into in the past.

Commissioner Igielski asked what would be done with the spoils from the excavation from the foundation holes? Mr. Zaugg responded that the excess material would be removed from the property.

ITEM VI A

APPLICATION 2009-5 for 111 Golf Street

Mr. Stanley Dynia, GZA GeoEnvironmental and representing the applicant (Indian Hill Country Club) entered the following remarks into the record:

- A. A presentation was made at the May meeting and no action was taken at the June meeting (only three [3] voting members at the May meeting were present at the June meeting and four [4] votes were needed to approve a permit). An extension was granted to tonight's meeting.
  
- B. Drainage work would be done on the second and fourteenth holes.

Commissioner Igielski noted that Alternate Harlow was not present when the presentation was made on the application.

Alternate Harlow noted that he had reviewed the materials and minutes and therefore, would act on the application.

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 2009-5 because the proposed activities would not have a major impact or significant effect on the regulated areas. Motion seconded by Commissioner Shapiro. 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.

Mr. Ferraro noted that Conditions "b", "c" and "d" came from the Phase II session of the DEP Training Seminar for Wetland Commissioners on permit conditions and noted that said conditions should be added to all new permits. He noted that these conditions would be included in all future permits.

Motion made by Commissioner Igielski to grant a permit by Summary Ruling for Application 2009-5 and subject to conditions. Motion was seconded by Commissioner Pappa. 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 VI B

APPLICATION 2009-6 for 35 Budney Road

NOTE: A presentation was made at the May meeting and no action was taken at the June meeting (only three [3] voting members at the May meeting were present at the June meeting and four [4] votes were needed to approve a permit).

Mr. Ronald Bomengen, P.E., Fuss & O'Neill and representing the applicant entered the following remarks into the record:

- A. At the request of the Commission at the May meeting, a parking space was relocated resulting in an increase in distance from the edge of the wetland boundary to the edge of the new parking area.
- B. At the request of the TP&Z Commission, barrier protection was added to prevent a vehicle from ending up in the wetland.
- C. An extension was granted to tonight's meeting.

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 2009-6 because the proposed activities would not have a major impact or significant effect on the regulated areas. Motion seconded by Commissioner Pappa. 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.

Motion made by Commissioner Igielski to grant a permit by Summary Ruling for Application 2009-6 and subject to conditions. Motion was seconded by Commissioner Pappa. 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 VI C

PERMIT 96-14 for Glen Oaks Condominiums (Pond Dredging)

Ms. Sandy Martinik, President of the Glen Oaks Association was present.

Mr. Ferraro entered the following remarks into the record:

- A. The question was raised at the June meeting if Glen Oaks had the right to perform the proposed activity or had to submit a new application.
- B. The Commission requested an opinion from the Town Attorney.

- C. The opinion received from the Town Attorney states that the proposed activity does not require a new application. He passed out a copy of the opinion to Commission members.

Chairman Block noted that the opinion contained a caveat that makes reference as to the amount of material to be removed (to be considered a maintenance activity).

Mr. Stanley Dynia, GZA GeoEnvironmental and representing Glen Oaks entered the following remarks into the record:

- A. Bay State Environmental, who developed the maintenance program, is now a partner with GZA GeoEnvironmental.
- B. He (Mr. Dynia) noted that Mr. Paul Davis of Bay State Environmental said it was the intent of the (Maintenance) Program as outlined in the letter September 20, 1996 to have an acceptable program, where there would be no need to come back for a new permit.
- C. He (Mr. Dynia) noted that Mr. David Roach, All Habitat Services, has indicated that sediment could be removed by using a siphon pump.

Chairman Block asked if the original (site) plans showed the bottom elevation of the pond? Mr. Ferraro responded no.

Chairman Block said that the bottom elevation of the pond should be shown on the work plan to be submitted to the Town Engineer for approval.

Commissioner Igielski noted the Town Attorney letter makes reference to the amount of water to be removed.

Chairman Block said the Commission would set the standard now (bottom elevation of pond) for future work.

There was a discussion among Commission members indicating that that no permit would be required per Town Attorney opinion and a work plan would be submitted to the Town Engineer for approval (listen to audio tape for details of the discussion). It was the consensus of Commission members a motion would not be in order at this time. Glen Oaks would bring back a work plan next month at which time a motion would be made.

There was a discussion among Commission members as to what demands the Commission could place on a party if it involves a maintenance activity (listen to audio tape for details of the discussion). It was the consensus of Commission members that Glen Oaks to come back with a work plan next month.

#### ITEM VI D

Revisions to Rules and Procedures

Motion made by Commissioner Igielski to accept the July 21, 2009 (revised) version of the Commission's "Internal Rules and Procedures" as the official document and was seconded by Commissioner Shapiro. There was no discussion. Vote was 6 yes, 0 no and the motion was carried.

ITEM VII

PUBLIC PARTICIPATION ON NON-AGENDA ITEMS: NONE

ITEM VIII

COMMUNICATIONS AND REPORTS: NONE

Motion made by Commissioner Pappa to adjourn meeting at 9:05 p.m. and was seconded by Alternate Harlow. There was no discussion. Vote was 6 yes, 0 no and motion was carried.

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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)