

**Town of Hebron**  
**Conservation Commission**  
August 12, 2010  
**Public Hearing/Regular Meeting**  
**Town Office Meeting Room**

RECEIVED

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*Ann E. Fisher*  
HEBRON TOWN CLERK

**Members Present:** J. Mullaney, R. Warner, L. Maynard, T. Gauthier, T. Loto, M. Harder, T. Nofer (7:40)

**Members Absent:**

**Staff Present:** J. Soderberg, Wetlands Agent

**Guests:** See Attached List

Chairman J. Mullaney called the meeting to order at 7:35 p.m.

**Public Hearing:**

Chairman J. Mullaney opened the Public Hearing with a brief description of Petition 10-05, the proposed 32-lot subdivision development of the 127.75-acre Grossman property. J. Mullaney noted that the hearing was a continuation from the July 8, 2010 Regular Meeting and requested J. Soderberg read correspondence received aloud with the suggestion that the letters summarize the position of those present in the audience and would provide the petitioner with concerns to respond to.

J. Soderberg read a letter written by Launa Stanulonis (attachment A) aloud for the record.

J. Soderberg read a letter written by Andrew Stanulonis (attachment B) aloud for the record.

J. Soderberg read a letter written by Paula Verrier (attachment C) aloud for the record.

J. Mullaney turned the hearing over to Mike Tarbell for the applicant's presentation.

Mike Tarbell introduced John Ianni to the commission. Mr. Ianni noted that the engineers report did not document deficiencies, but questions; with a request for follow-up, and that it was correct that the report was not yet responded to. Mr. Ianni went on to request more time to do a thorough job and indicated that a report would be generated prior to the September meeting.

In response to the three letters, Mr. Ianni noted that he wasn't able to compare the current application to the previous one because he didn't know the details, and mentioned that as far as he was aware, there were a number of issues that were addressed in the current application that weren't in the last one. Michael Bonnano stated that prior applications were not relevant to discussions of the current application. Mr. Ianni went on to state that while he hadn't seen the sketch of a possible location for the entrance to the subdivision directly from Route 85, he had met with the Town Engineer to assess the correct approach and the one reflected in the plans had been determined to be the best. Mr. Ianni stated that he could not speak to the rest of the letters without further review.

Mr. Ianni provided the commission with a list of his credentials, and stated that he had performed the wetlands mapping and species management. Mr. Ianni noted that there were isolated pockets of multiflora rose, Japanese barberry and Asiatic bittersweet, and that the largest concentrations of the invasive species are proposed to be addressed with hand cultivating. Mr. Ianni suggested the multiflora rose and Asiatic bittersweet could be cut at ground level and stump treated with a product not unlike Roundup™, and that because Japanese barberry is shallow-rooted it could be pulled out and taken offsite for disposal (either by burning or landfill). Mr. Ianni stated that once eliminated, the three invasive species seldom grow back, and that native vegetation would be able to grow instead. Mr. Ianni went on to note that the presence of the invasive vegetation was scattered around the rest of the site but not in great concentration, and he had seen success after three years in a project in Coventry.

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Mr. Ianni informed the commission that regarding wetland mitigation, the CT DEP suggested three methods, with the first and most desirable being removal of the fill and restoration to the original state. The remaining methods are enhancement and wetland creation (that recreates the original function and values that were lost). Mr. Ianni noted that Lot #19 has drainage draw and a water table that is close to the surface with low function and value and dries out quickly. Mr. Ianni stated that it would be cheaper to recreate the wetlands but there would not be any real function, and suggested that removing the invasive species would open the area to walking trails that would enable users to see the old mill chase, the brook, and existing stone walls, offering a much more enhanced use of the space.

J. Mullaney inquired if the applicant would be preparing a final plan after the application process. M. Tarbell replied that a plan encompassing John Ianni's comments would be prepared for the commission's review. J. Mullaney inquired if planting shade-tolerant species was being considered. Mr. Ianni responded that spice bush and sweet pepper bush would be appropriate and that he would take another look at incorporating them, but that it is usually preferable to let mother nature take over rather than introducing new plantings because maintaining them can be difficult.

J. Mullaney asked the commission if this were the direction they would prefer the applicant go before they create the plan. T. Nofer replied that she would prefer to see the plan and compare it to CCDC's recommendations. J. Mullaney suggested the applicant proceed with preparing the plan for the commission's review. T. Loto inquired what the timeframe for construction was, and, if the mitigation took place, if it's effectiveness would be visible throughout the development process so the commission could see if it was working before the final sign-off. J. Mullaney asked the applicant if the proposed mitigation would be done early in the development process. M. Tarbell responded that consideration would be given to determine what the best time was and that the commission would be informed. J. Soderberg inquired if it could be part of bonding, and if the commission could make that recommendation to Planning & Zoning.

J. Mullaney inquired when, in the process, open space planning would come in. Jim Celio responded that planning would take place after approvals, maps and the bond were all reviewed by the town attorney, and prior to going to the BOS, where it would be considered to be accepted as open space. J. Mullaney noted that appearances indicated that the planning would be done early in that process. J. Celio responded that the absorption rate for 32 units was a long time, and that pre-construction efforts and a periodic review would be beneficial.

M. Harder inquired if the project would require improvements to Hillcrest Drive. M. Tarbell replied that it would not. J. Mullaney inquired if the town engineer's report would be finished prior to the September meeting. M. Tarbell agreed that it would.

T. Loto suggested reading the CCDC's response into the record. J. Soderberg noted that it mirrored Mr. Ianni's comments. T. Nofer read from a memo that contrasted Mr. Ianni's comments in saying "it's unlikely there will be any long term benefit", and inquired if Mr. Ianni could provide a better idea of what the long-term benefits would be. T. Nofer went on to inquire if there were any projects that the commission could see that had been performed 5-10 years earlier. Mr. Ianni responded that there were not any projects with that longevity and that the district's memo references to "no follow-up" may not have acknowledged the intent to stump treat and remove the species altogether so that it would no longer be present on the site. Mr. Ianni reiterated his opinion that the site would benefit long term. Mr. Ianni went on to offer to put notes on the plan for time frames and to clarify that there would not be any machines and follicular application of herbicide, and that he was surprised by the District's comments.

J. Mullaney opened the hearing to public comment at 8:25 p.m.

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Andrew Stanulonis, of Hillcrest Drive in Amston, inquired if there were a less toxic herbicide than Roundup™ that could be used in the stump treatment process. J. Mullaney suggested spot application of triclopyr. Mr. Ianni expressed a preference for Roundup™ and clarified that the stump treatment process involved driving a nail into the stump of the species; pulling it out and pouring the herbicide into the hole, and that it was all hand-application with the applicators licensed by the DEP.

John Loge, of Turner Road in Amston, inquired what part of the parcel would be returned to the town. Mr. Ianni pointed out the area on the map provided and noted that of the full parcel, approximately 70 acres would be returned. Mr. Loge inquired if it would be left in its natural state. J. Mullaney noted that there was usually limited activity and that it's preferable to leave open space in its natural state. Mr. Loge stated that he was pleased that it wouldn't be required to widen Hillcrest Drive, but expressed concern over the wetlands within the project as well as around Hillcrest, and inquired if anyone had examined the potential effect of drainage caused by the impact within the developed area. J. Mullaney replied that storm water discharge was part of the plan that the town engineer reviews. Mr. Loge noted that runoff down Hillcrest Drive was fast, and expressed concern over drainage plans for the end of the cul-de-sac, where the elevation was lower. M. Tarbell responded that nothing from the project would reach Hillcrest Drive, and that the entire plan was developed to mimic the currently existing conditions. J. Loge inquired if the low lots would be leveled, or if they would be sloped to follow the existing topography. M. Tarbell replied that the plan was to work with the existing topography. When shown where the sewer line was on the map, Mr. Loge commented that the usual method of protecting sewer lines from tree roots and damage was to run them under roads, and that if the entrance road was placed elsewhere than indicated, that the sewer line could follow under it. M. Tarbell replied that it would be cheaper and easier to run a straight line for the sewer line in it's proposed location but that the plan called for angles to make the path more aesthetically appealing and that the path could be used as a trail by homes in the area. J. Celio interjected that the water system for Loveland Hills was brought through wetlands, and it was curved to be functional afterwards, and that their plan was used in discussion to emulate the function. J. Mullaney noted that the current plan avoids the wetlands altogether.

Margo Cone, of Hillcrest Drive in Amston, expressed concern that if a new road were built up, it would create a stopgap that could cause water to be directed into her land. Ms. Cone went on to express concern over how an additional 32 homes using wells could possibly impact her own well, and inquired if the existing water table could support the additional demand. Finally, Ms. Cone expressed concern over whether or not Hillcrest Drive, in its current state, could support the additional vehicles that would come with 32 new homes. J. Mullaney noted that vehicle traffic was not part of the role of the Conservation Commission, and that discussion should be with Planning and Zoning. Ms. Cone requested the commission consider the bigger picture.

Cathy Garvie, of 195 Deepwood, noted that one lot was in the Lake District, but the others were not and wondered why all of the houses would be going through the lake area. Ms. Garvey suggested they be going directly to Route 85.

Tina Jeter, of Turner Road, noted that Hillcrest and North Pond were narrow as it is, and suggested that by accessing the site directly from Route 85, it would be easier to get emergency vehicles and school busses in, and that water present on Hillcrest now will only increase as the road gets used more.

John Loge noted that with global warming poised to impact rainfall, developers should be proactive in their planning for storm water management. J. Mullaney replied that there were some scenarios, but that there wasn't much guidance available for future storm water management. Mr. Loge requested that the developer consider what the needs could be in another ten years. J. Mullaney stated that the applicants were using DEP storm water management guidelines dated 2006 and that there wasn't any newer information to reference yet. M. Tarbell specified that certain aspects of the plan were designed to accommodate a 100-year storm. Mr. Ianni noted that precipitation data was being reviewed at a state level.

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Luana Stanulonis, of 52 Hillcrest Drive in Amston, formally requested another review by CCDC, based upon their letter dated February 2008 (included with attachment C). J. Mullaney expressed his opinion that it wasn't necessary considering the involvement of the town engineer. J. Loge stated that if there wasn't any additional cost involved, there wasn't anything to be lost, and something possibly to be gained if something had been missed.

The applicant's legal council noted that the applicant would request for an extension in writing.

M. Harder inquired if the storm drainage would be hard piped and if there were any alternatives considered, such as grass swales. M. Tarbell stated that the drainage would be hard piped and that he felt the current design was the best. J. Soderberg noted that natural alternatives are always looked at first. M. Harder requested clarification of why a natural alternative wasn't feasible. M. Tarbell stated that considering the boulevard entrance and associated islands, and the low elevation of the cul-de-sac, it would be difficult to make the transition between grass and pipe.

The commission continued the Public Hearing until the September 10, 2010 meeting.

J. Mullaney announced a break in the meeting at 9:02 p.m.

J. Mullaney reconvened the meeting at 9:15 p.m. and called the Regular Meeting to order.

**Approval of Minutes:**

Members of the commission did not have copies of the July 8, 2010 meeting minutes to review. J. Mullaney tabled approval of the minutes to the September 10, 2010 meeting.

**New Applications:**

Petition 10-16: Grayville Estates of Hebron, LLC, 143 Merrow Road Tolland, CT – 18 lot subdivision on 87 acres – south of Grayville Road and west of Old Colchester Road (Received: 8/12/10 – 65 Days: 10/15/10)

J. Soderberg announced that there weren't any representatives present and provided the application and associated plans to commission members. J. Mullaney requested members review the application on their own to determine if a public hearing is needed.

Petition 10-17: J. James Celio, PO Box 138, Hebron CT 06248, for a single family home to be built at 28 Schoolhouse Road within a 100' partially regulated area with the septic, grading and footing drain discharge in a regulated area. J. Soderberg noted that the original application was approved in 2001 and had been expired, and that it was the desire of the applicant to revisit the application. J. Soderberg stated that the original application reflected a square to reflect the location of the house and that the applicant now has a plan to present. The new footprint has a patio and a deck off the back, and there was a more specific location reflected on the plan. J. Soderberg indicated that the actual site plan might make it necessary to pull back a little, but that the location was no more into the regulated area than the plan approved in 2001. J. Mullaney inquired if this was a regular application or a change to an approved application that could be handled with an Agent in Approval. R. Warner stated that he was in favor of letting J. Soderberg take over. T. Loto noted that as long as the house didn't push back into wetlands, he would concur.

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**Pending Applications:**

Petition 10-05: James Grossman, 9 Woodland Drive, Westport CT 06880 for a 32 lot subdivision of 127.75 acres between south of Lake Road, east of Church Street (Rte 85) and west of Hillcrest Drive. (Received: 4/8/10 – 65 Days: 6/11/10 – Public Hearing: 6/10/10 – 35 Days: 7/14/10 canceled – Rescheduled Public Hearing: 7/8/10 – 35 Days: 8/11/10 – Extension 8/12/10)

The public hearing was continued to the September 10/2010 meeting.

T. Nofer indicated that in the CCDC report dated 2/13/2008, she was not sure how the drainage channels not currently identified in wetlands were addressed. J. Soderberg responded that they were now in the open space. T. Nofer noted that according to the letter, they should be regulated as an intermittent watercourse area, and inquired if that would change anything. J. Mullaney noted that if there weren't any regulated activity in the area, it need not be reviewed. T. Nofer expressed concern about it not being clear and asked if the commission knew it wasn't being affected. J. Soderberg stated that if there weren't any regulated activity, the area did not need to be marked. J. Mullaney suggested asking Mr. Ianni if there had been any discussion if the area was or was not a regulated area. T. Loto expressed his opinion that it was flagged. T. Nofer inquired that with many complaints about there being water in basements, if the town engineer's report would be able to confirm that there wouldn't be additional water in their basements. M. Harder stated that it was the homeowner's opinion that construction of the road would stop water currently running down Hillcrest and divert it within the area. J. Soderberg replied that a pipe under the road would carry way the runoff. M. Harder inquired if that would create a maintenance issue going forward. J. Soderberg noted that with the current heavy flow, it would not plug.

T. Gauthier inquired if the Owner signature issue raised in Paula Verrier's letter was an issue. J. Soderberg noted that there was a power of attorney in effect that addressed the concern.

M. Harder inquired when the applicant would have to go to DEP for approval. J. Soderberg informed the commission that they don't have to. T. Loto informed the commission that the applicant only has to follow general conditions. J. Soderberg confirmed the statement and noted that was why the town engineer reviews the plans.

T. Nofer requested consideration of whether or not Hillcrest Drive would require widening. J. Soderberg replied that the plan was approved by the Amston Lake Association and that they indicated there weren't any problems, and that based on their statements and approval, improvements were not planned.

Petition 10-06: Camp Connecticut, 551 Old Colchester Road, Hebron – Correcting violations in Petition 10-03v – Clear cutting and excavation within a regulated area without a permit (Received: 5/13/10 – 65 Days: 7/16/10 – Extension – 65 Days: 9/19/10)

J. Soderberg stated that the applicant was withdrawing their application and that an engineer was generating a plan, for the commission's review, that would correct the violation.

**Wetland Agent Approvals: None**

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**Violations:**

Violation 08-18V: Patti Matthews, 108 Jan Drive, Hebron – Excavation of soils within a wetland.

J. Soderberg informed the commission that Bill Phillips wanted to meet with John Ianni on Monday, before doing any work. J. Soderberg recommended that Mr. Ianni create a plan to cure violations before submitting any applications.

Violation 10-11V: Six F's Ltd., 117 New London Tpke, Glastonbury, Constantine, Constantine Trustee – Clear cutting and stumping within a regulated area at 110 Main Street.

J. Soderberg informed the commission that he had received a plan, and that there was a lease with Jeff Dondero, and that Bill Focci had an application in for a farm operation. Mr. Focci showed the commission a plan showing the bugger and wetlands, and where the trees were cut. Mr. Focci produced an aerial photograph of where the trees were cut and tomatoes were planted. Mr. Focci informed the commission that stump removal had ceased and that there was a desire to plant fir trees, squash and other things. J. Soderberg informed Mr. Focci that consideration should be given to the fact that the area would have to be restored if a commercial application came, and that a buffer for wetlands must be maintained. T. Loto made a motion to grant an agricultural exemption under statute Section 4.1a for 110 Main Street, Hebron CT. R. Warner seconded and the motion passed unanimously with all members in favor.

J. Soderberg informed the commission that there were new violations.

Violation 10-18v: David & Monica Burr, 32 London Road, Hebron – Filling of wetlands, timbering of trees and parking motorized equipment in a regulated area and within a Conservation Easement.

J. Soderberg noted that the owner has built a road across the wetlands and created an area to store equipment. J. Soderberg noted that the violation was visible from the road. M. Harder inquired if there was already a violation. J. Soderberg responded that a previous violation exists for a shed.

J. Soderberg informed the commission that at 402 Martin Road, an existing driveway permit exists and that the work is 90% finished but the plans call for a utility trench that was not approved. J. Mullaney noted that if overhead poles were present, there would not be an issue.

J. Soderberg informed the commission that on Route 207, past Mill Stream, Scott Fellows received permission from the commission to pipe seepage to a drainage pipe, and that the work hadn't yet taken place and that DEP had requested a confirmation letter and that the DOT was in favor of the work because the runoff created icing issues in the winter. M. Harder inquired what the time frame for the original application and associated work was. J. Soderberg indicated that the intent was to start work in 5 years and finish in 2011. J. Soderberg produced a plan from 1999 that was part of the original application. T. Loto noted that there weren't any details present on the plan. M. Harder inquired if the work would drain part of the wetlands. J. Soderberg replied that the wetlands were not water-filled, and that the intent was to address drainage on the hill. J. Mullaney expressed preference to see a new application so the commission could get written information.

J. Soderberg announced to the commission that the Town Manager was requesting material to compile the annual town report. J. Mullaney inquired if the current handout could be used. J. Soderberg replied that it should be sufficient.

J. Soderberg presented, to the commission, information on an Invasive Plant Symposium at UConn.

J. Mullaney informed the commission that the Habitat Newsletter provided references to some highly recommended informational sessions on November 13, 2010.

J. Mullaney inquired if any commission members could attend the August 24, 2010 Planning & Zoning meeting to provide input on a variety of items. T. Gauthier offered to go with J. Mullaney and M. Harder.

