

TOWN OF HEBRON  
CONSERVATION COMMISSION  
OCTOBER 8, 2009  
REGULAR MEETING  
TOWN OFFICE BUILDING MEETING ROOM

RECEIVED

2009 OCT 13 A 8:18

*Aimee E. Hughes*  
HEBRON TOWN CLERK

**Members Present:** J. Mullaney T. Loto, T. Gauthier, L. Maynard, R. Warner

**Members Absent:** T. Nofer

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

J. Mullaney called the regular meeting to order at 8:06 p.m.

***Approval of Minutes:***

**Regular Meeting- September 17, 2009:**

R. Warner made a motion to approve these minutes as submitted. T. Loto seconded the motion. The motion passed with L. Maynard abstaining.

**Special Meeting- September 26, 2009:**

T. Loto made a motion to approve these minutes as submitted. T. Gauthier seconded the motion. The motion passed with L. Maynard abstaining.

***Additions to the Agenda:*** None.

***Recognition of Guests:*** None.

***New Applications:*** None.

***Pending Applications:***

**Petitions 09-11**, Troy Kelsey- Gina Marie's Restaurant, 71 Main Street- Extend parking lot 60' north past existing tree line to include 60' extension of culvert which would include 1200± sq. ft. of fill in the wetlands (**Received 9-17-09- Public Hearing 10-8-09- 35 days – 11-12-09**):

J. Mullaney noted that the commission closed the public hearing on this application this evening. The commission is probably ready to act on it this evening. The applicants have demonstrated that there are not other alternatives.

L. Maynard made the following motion:

- The Conservation Commission approve application **09-11** with the following stipulations:
  - The applicant includes the specifications for the plunge pool in their plan.
  - Erosion controls are to be in place before construction begins. J. Soderberg is to oversee the erosion controls.
  - All disturbed areas are to be seeded with grass to protect the wetlands and prevent all invasive plant species from growing back.

R. Warner seconded the motion.

J. Mullaney noted that the parking lot expansion behind the restaurant will have to be a separate application.

The motion passed unanimously. J. Soderberg noted that he will get the applicants the plunge pool details.

***Wetland Agent Approvals:***

**Petition 09-10**, Troy Kelsey- Gina Marie's Restaurant, 71 Main Street (Route 66)-  
Construction of additional to the existing structure within the regulated area

J. Soderberg explained that this application has minimal wetlands issues so he approved it. The commission agreed and had no issues with J. Soderberg approving this application.

**Petition 09-12**, Joanne & Jeffrey Holm, 12 Griswold Lane, Installation of a 10 x 16 shed within the bounds of an inland wetland and/or watercourse:

J. Soderberg noted that these applicants were recently before the commission for the installation of their in-ground pool. They would now like to install a shed. He noted on the map where they were proposing to install the shed. J. Soderberg has approved that application. The commission agreed and had no issues with his approval.

***Violations:***

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

J. Soderberg reported that he has not heard anything from the violator or their engineer (Mike Tarbell).

The commission noted that it is getting too late in the season to fix this violation. J. Mullaney asked the commission if they wanted the town attorney to send the violator a letter and proceed down this path.

J. Soderberg noted that if the applicant is working on correcting this violation, a letter from the town attorney would serve no purpose. J. Soderberg will contact M. Tarbell for a status update. If they are making progress, he will update the commission at their next meeting. If no progress is being made, then he will have the town attorney write a letter.

The commission agreed with J. Soderberg's approach.

***Pre-applications:*** None.

***Other Pertinent Business:***

**Discontinuance and abandonment of certain roads- schedule site walks:**

The commission noted that they have walked both Grayville Road and Schoolhouse Road.

J. Mullaney noted that the majority of Grayville Road is on state land. R. Warner commented that parts of Grayville Road are hard to walk on. J. Mullaney added that both ends of this road are relatively flat.

J. Mullaney then commented that it would be nice to have access to the state forest. He added that there are wetlands, a stream and steep areas along this road.

It was noted that the town attorney has provided a letter (received at the last commission meeting) that explains that the road can be abandoned where by a trail is left. J. Soderberg commented that even with a trail the town would still have liability and would be responsible for maintaining it.

It was noted that the commission is being asked to make a recommendation to the BOS. Their focus should be wetland and conservation issues. J. Mullaney noted that these would include connecting to existing open spaces/greenways and maintaining natural habitats.

If the road is discontinued, then the town loses all their rights and the land reverts back to the town.

L. Maynard left the meeting at 8:30 p.m.

J. Mullaney commented that he would like to retain access to Grayville Road from Jones Street. He could see abandoning the state portion of the road.

T. Gauthier would propose discontinuing this entire road. He noted that there would still be access to the state portion of this road from the existing Grayville Road side.

T. Loto agreed with T. Gauthier. He would recommend discontinuing Grayville Road from the property line of the second property owner so public access would be maintained.

R. Warner made the following motion:

- The Conservation Commission recommend abandoning the easterly portion of Grayville Road from lot 2.1 on map 28, westerly to its intersection with Jones Street.

T. Loto seconded the motion. The motion passed unanimously.

The discussion turned to a recommendation for Schoolhouse Road. It was noted that one of the property owners, Richard Mihok, was present for this discussion.

J. Mullaney commented that this is a more difficult call because this is a more passable road. There are also several approved building lots. He noted that the commission will not recommend abandoning the paved portion.

A discussion ensued about why Hebron paves their roads. It was noted that several adjoining towns have several dirt roads.

J. Soderberg noted that school buses will not drive down dirt roads. There also are no mailbox deliveries and there could be plowing issues.

J. Mullaney noted that Schoolhouse Road has historical value. It also has some watershed land, state forest, and there are open space parcels in the vicinity that it could be connected to.

The discussion turned to whether there would be any benefits to making this a scenic road. J. Soderberg noted that it would create encumbrances with cutting trees down, maintenance, etc.

It was noted that Schoolhouse Road has some wetland issues. Developing a street would not be a positive change for the area.

R. Warner made the following motion:

- The Conservation Commission recommends to the BOS that Schoolhouse Road be continued as a Hebron town road.

T. Loto seconded the motion. The motion passed with T. Gauthier opposed.

The commission then scheduled a walk of Jagger Lane 1 and 2 and Crouch Road for Saturday, October 24<sup>th</sup> at 9:30 a.m. The commission will meet at town hall.

#### **Town Report for 2008-09:**

J. Soderberg reported that the report on the Conservation Committee's activities is due by November 13, 2009. He will work on completing this report.

#### **Correspondence:**

The following correspondence was received:

- 2009 Municipal Inland Wetland Commissioners Training Program: Segment 3 sponsored by the Connecticut DEP
- Notice of Public Hearing for Petition #09-11 (dated September 22, 2009)
- Letter from J. Soderberg to Michael Temple RE: Satisfactory Rectification of Violation 10 Lebanon Road #09-09V (dated September 21, 2009).

- Letter from J. Soderberg to Leonard Jacobs, Esq. RE: Continuance of Loveland Farms Petition #04-12 (dated September 22, 2009).
- Legal Notice of Action for Petition #09-10 RE: Approval (dated September 22, 2009).
- Letter from Ann Dunnack (Columbia Open Space Committee RE: Invitation to Columbia Open Space Forum (dated September 17, 2009).
- Notice of a modification of Public Act No. 09-181 extending subdivision approvals during the period from July 1, 2006 until July 1, 2009, inclusive, to not less than six years after the approval date.
- Memo from William Evans Jr., DEP RE: Notice of Increase in Fees for Land Use Applications (dated September 30, 2009).

**Adjournment:**

The meeting adjourned at 9:29 p.m. The next meeting is scheduled for November 12, 2009.

Respectfully submitted,



Linda Bulkovitch  
Board Clerk

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CONSERVATION COMMISSION  
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PUBLIC HEARING  
TOWN OFFICE BUILDING MEETING ROOM

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*Ann E. Hughes*  
TOWN CLERK

**Members Present:** J. Mullaney T. Loto (7:58), T. Gauthier, L. Maynard, R. Warner

**Members Absent:** T. Nofer

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

J. Mullaney called the public hearing to order at 7:33 p.m.

He noted that tonight's public hearing is for the following application:

**Petition 09-11**, Troy Kelsey- Gina Marie's Restaurant, 71 Main Street- Extend parking lot 60' north past existing tree line to include 60' extension of culvert which would include 1200± sq. ft. of fill in the wetlands (**Received 9-17-09- Public Hearing 10-8-09- 35 days- 11-12-09**):

J. Mullaney then noted that there was no one present from the public. He also noted that at the last meeting the commission determined that this activity was a significant impact activity because of the filling in of the wetlands, prompting this public hearing.

Troy Kelsey and Gina Marie Kelsey were both present. T. Kelsey explained that there is a sewer drain pipe behind their restaurant. He is looking to extend this pipe and install a plunge pool. The wetlands are located behind their restaurant.

Approximately 950 sq. ft. of wetlands are to be filled with the installation of this pipe extension.

The Kelsey provided the commission with copies of their plan. J. Mullaney commented that he would like to be able to review the plunge pool specs but no detail is provided. He also commented that he would like to know more about the wetland.

It was noted that the soil scientist notes in his report that the wetland behind Gina Marie's Restaurant is of moderate quality and provides wildlife habitat. It receives storm water from Route 66 and its overland flow is principally from the commercial development.

T. Kelsey noted that right now they are just getting gray silt from the pipe. The plunge pool will eliminate this gray silt. He hopes that the state will maintain this plunge pool.

J. Soderberg reported that there will be no increase in flow with the installation of the new Citgo station across the street. This is because of to the way Citgo's drainage system was designed.

J. Mullaney then asked the applicants what their long term plans were and why they were looking to extend this pipe right now.

T. Kelsey explained that they are proposing to install a dining deck on the western side of the restaurant. This will block the tractor trailer deliveries for both his restaurant and Ace Hardware next door. The only way to allow tractor trailers in and allow them to turn around would be to expand the flat area in the back. Eventually they would like to pave the back of the building for additional parking.

Then the Commission took a few minutes to review the soil scientist's report.

J. Mullaney then asked if there were any other alternatives. J. Soderberg responded that there were none. This plan allows them to work with Ace Hardware to alleviate future traffic/parking issues because of plan to install sidewalk along the front of both buildings and eliminate some curb cuts.

T. Kelsey noted that there is no other way to be able to allow the tractor trailers in and out. J. Soderberg commented that Ace Hardware will also be coming before the commission to be permission to expand their parking lot behind his building.

J. Soderberg added that there are a lot of wetlands in this area. The area behind Gina Marie's Restaurant is not that big.

J. Mullaney commented that he knows the applicants have been working with the town on this application. He also noted that this is not really their drain pipe either; it is the state's. He has really no problem with their proposal even though he hates filling in wetlands. He noted that the installation of the plunge pool would be an improvement because it will stop the silt and the erosion.

J. Mullaney noted again that he would like to see the construction detail for the plunge pool so the commission can be sure that it will work properly. Providing this detail could be stipulation for approval.

L. Maynard noted that she can provide J. Soderberg with the standard plunge pool detail.

J. Soderberg will call the Citgo Gas Station's design engineer to see if he can get the gas station's flow calculations. This will help the commission determine the flow through this pipe.

J. Mullaney then commented that he would like to have the applicant plant plantings along the edge of the wetland. This way the wetlands will be protected when the future parking lot is installed.

It was noted that the soil scientist did not make any suggestions for plantings.

T. Loto joined the public hearing at 7:58 p.m.

L. Maynard suggested that the applicants install a manhole to gain easier access to the pipe and plunge pool for cleaning. She noted that although this could cost thousands now, it would be a requirement for the future parking lot.

The applicants will take this suggestion under advisement.

The public hearing closed at 8:05 p.m.

Respectfully submitted,



Linda Bulkovitch  
Board Clerk