

RECEIVED

TOWN OF HEBRON
CONSERVATION COMMISSION
PUBLIC HEARING
NOVEMBER 13, 2008
TOWN HALL MEETING ROOM

2008 NOV 19 A 9:54
Ann E. Nichols
HEBRON TOWN CLERK

Members Present: T. Gauthier, L. Maynard, J. Mullaney, T. Nofer (7:35)

Members Absent: R. Warner

Staff Present: J. Soderberg, Wetlands Agent

Public Hearing on Petition #08-14:

Application of McCarthy Developers, LLP, 39 McGuire Road, South Windsor, CT, for construction of a 22' wide road and associated storm water management facilities, and for construction of a residential driveway within the 100' regulated area. Property is located at 190 West Main Street on 53.53 acres, approximately 1 mile west of intersection with Route 85 and on the north side of West Main Street (**Received 10-9-08- 65 days- 12-12-08-Public Hearing 11-13-08-35 days- 12-17-08**):

J. Mullaney called this public hearing to order at 7:34 p.m. and read the application header.

T. Nofer joined the public hearing at 7:35 p.m.

Thomas Balokus, P.E., Milone and MacBroom, started off the presentation on behalf of the applicant. He introduced himself and then introduced David Lord, Soil Scientist, noting that T. Lord flagged the wetlands on this property.

T. Balokus then noted that this property is located at 190 West Main Street and consists of 52 ½ acres. This property is located between Burrows Hill Road and Slocum Road. It has frontage on the north side of West Main Street.

This property is zoned R-1 and is surrounded by other residential properties. The applicant is proposing to construct a 4 lot subdivision with access from the existing gravel driveway.

The site is mostly wooded. There is a plateau at the northwest corner. Approximately 75% of the pond is located on this property. The existing gravel drive comes across the existing earthen dam.

This is what is considered to be a mini estate subdivision. Each lot is between 6.5- 8 acres. Each house will be served by its own well and septic system.

In regards to storm water management, T. Balokus reported that they are proposing to

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have a curb-less driveway with swales that will direct the water to a water quality basin, then the pond, then an outlet control structure.

T. Balokus noted that the current outlet control structure that should direct water from the pond to the stream is not functioning and is in need of repair.

Then T. Balokus noted that in the original application they were being asked to construct a 22 ft wide road. The intent of this was to allow access by emergency vehicles. They are before the Commission tonight with three new proposals/alternatives that were submitted for consideration last week.

The first is to reduce the road from 22' to 18' with a 10' shoulder. The second is to have a 18' road with a 5' shoulder. The third is to have a 16' road with a 5' shoulder on both sides across the dam with the rest of the road being 18' with 5' shoulders.

T. Balokus reviewed the wetlands disturbances for each of these options. It was noted that the third option would have the smallest impact because it would require the smallest amount of fill.

T. Balokus noted that all of the test pits have been dug and the results have been reviewed by the town sanitarian (November 13, 2008 letter from Chatham Health District). J. Mullaney commented that the town sanitarian had no issues with this application.

The discussion turned to the water quality basin and the two swales. T. Balokus reiterated that both swales are directed to the water quality basin and that the basin is designed purely for water quality.

The discussion then turned to the upland review area. J. Mullaney commented that the applicant may want to reduce the regulated activity in this area. T. Balokus noted that this was a "little farm area" and that the applicant is looking to preserve the area as much as possible.

The discussion then turned to whether the pocketed wetland was considered to be a vernal pool. David Lord, Soil Scientist, responded.

When D. Lord looked out in the field at this small wetland pocket, it had very little water in it. It appeared to him to be an open water pond, not a vernal pool because the species and shrubs associated with a vernal pool were not present. He added that there was very little organic material at the bottom.

J. Mullaney wondered if the location of the driveway were moved, could this area become a vernal pool or even if it would make a difference. D. Lord responded that any species would just need a connection to the upland. As long as there was no curb, any species

would be able to cross and get to this area.

J. Mullaney then asked if D. Lord would recommend any particular vegetation for this area to help it become a vernal pool? D. Lord responded that he would recommend field mowing it back to woody vegetation. Vegetation would grow in through the natural process.

D. Lord is not sure if it could become a vernal pool because he has not done a long term study. Given the distances, he thought that theoretically it could become a vernal pool.

Public Comments:

Thomas Dorsey, 222 West Main Street: T. Dorsey wondered how close the closest house would be to his property? T. Balokus responded that the closest house would be 400 feet away.

Then T. Dorsey asked if they would have to do any blasting to dig the foundation noting that there is a lot of ledge in the area. He was concerned that any blasting would negatively impact his well and he did not want to lose his water supply.

T. Balokus responded that they have tested the foundation sites and will not have to do any blasting.

J. Soderberg noted that the right forum for T. Dorsey to express his concern with the blasting is at the Planning & Zoning Public Hearing for this application. As an abutter, T. Dorsey will receive a notice in the mail for this public hearing.

Robert Apted, 127 Slocum Road: R. Apted also wanted to know what would be the closest house to his property. T. Balokus showed him where it was on the map.

R. Apted then commented that he too has questions and issues with blasting. J. Soderberg directed him to go to Planning & Zoning with his concerns.

Then J. Mullaney asked the applicant which alternative they preferred? T. Balokus responded alternative 3 because it would have to smallest impact and the lowest cost.

Then T. Gauthier asked if they are going to need DEP approval to modify the outlet out of the pond? T. Balokus responded "yes," they will need to get DEP approval to be able to modify the outlet.

Then T. Loto asked how far the hand dug pond was to the closest driveway? T. Balokus responded that the closest driveway was 60' away from the pond.

J. Mullaney asked for any suggestions to protect the hand dug pond for any future value.

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D. Lord suggested placing large stones along the north side of the driveway within the 100' buffer area. This would create a large visual barrier and limit the amount of potential disturbance.

The L. Maynard asked if they were going to need to get a flood management permit for a 500 year flood? T. Balokus did not think they needed this permit because the dam is already in place and this would have been done through DEP when the dam was initially installed. They will need to get a DEP permit for the 100 year flood.

The discussion then turned to the Conservation Commission's position on whether the open space should be considered private or public open space. It was noted that the applicant would like the open space on this subdivision to be private. The applicant was concerned with people using the pond and not respecting the property.

J. Mullaney commented that the proposed open space location is logical. The Commission will decide whether they would recommend public or private open space at their regular meeting (following this public hearing).

With no outstanding issues, questions, or materials, the public hearing was closed at 8:25 p.m.

Respectfully submitted,



Linda Bulkovitch
Board Clerk

RECEIVED

TOWN OF HEBRON
CONSERVATION COMMISSION
REGULAR MEETING
NOVEMBER 13, 2008
TOWN HALL MEETING ROOM

2008 NOV 19 A 9:54
Ann E. Hildebrand
HEBRON TOWN CLERK

Members Present: T. Gauthier, L. Maynard, J. Mullaney, T. Nofer

Members Absent: R. Warner

Staff Present: J. Soderberg, Wetlands Agent

J. Mullaney called the regular meeting to order at 8:26 p.m. He noted that R. Warner was absent.

Approval of Minutes- Regular Meeting- October 9, 2008:

The following change was noted: page four, correct the spelling for *piers*. T. Loto made a motion to accept these minutes as amended. T. Gauthier seconded the motion. The motion passed, with T. Nofer abstaining.

Recognition of Guests: None.

New Applications:

Petition 08-16. Application of Celio Development LLC, 27 Main Street, Hebron- 6-lot subdivision on property of Agnes Williams of 465 Old Slocum Road, Hebron, including a road, sediment basin along with a driveway and replacement of a pipe (**Received 11-13-08- 65 days- 1-16-08**):

Joel Fuller, Land Surveyor and Jim Celio, Developer, were both present for the application. J. Fuller noted that this proposed subdivision is located on Old Slocum Road on 37.6 acres. Approximately 5.86 acres are wetlands.

Next J. Fuller reported that Richard Snarski, soil scientist, delineated the wetlands. He noted where the wetlands were located on the map.

They are proposing a 6 lot small cul-de-sac subdivision. The road will have a sheet flow design with no curbing.

Then J. Fuller reviewed the topography. He noted that there is currently an old farm irrigation pond with an outlet structure on the property.

They are proposing to dedicate 8.6 acres to open space. J. Fuller reviewed how the proposed open space would be connected to the existing open space. He also reviewed how the wetlands are interconnected together.

J. Fuller noted that they are not proposing to fill any wetlands. The primary and reserve septic areas are also outside of the 100' buffer area.

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The farm pond has an existing pipe that feeds into the wetland. They plan on replacing the existing pipe and bringing it up to code.

They also plan on reconditioning the weir concrete control box so that it could again be used to control the pond's elevation. Once it is repaired, they plan on slowly bringing the water level up to where it was when the structure was working. They envision this pond being both a fire pond and a scenic area.

They are proposing to have a conservation easement of approximately 7 acres. J. Fuller noted where they are proposing to have the conservation easement on the map.

J. Fuller then noted that they are also proposing to have an agricultural easement for lots 5 and 6. J. Celio noted that the thought behind an agricultural easement would be to allow livestock once permission was granted by the town. J. Celio thought that a conservation easement would be too restrictive. The proposed agricultural easements are inside the 100' buffer area.

It was noted that lots 5 and 6 are currently wooded. The other lots are currently fields.

J. Mullaney asked if it would be better to have agricultural easements entirely across lots 5 and 6, noting that the way they are currently planned makes them very "broken up and burdensome." He wondered if even the agricultural easements should be carried to the edge of the wetlands?

J. Mullaney asked if their storm water plan contains the calculations for the sediment basin. J. Fuller and J. Celio both responded "yes."

J. Mullaney asked the applicant to please provide a copy of the soil scientist's report. J. Celio will get one to the Commission.

J. Mullaney then commented that this application has minimal activity but because of the water quality basin, he wondered if the Commission thought the application warranted a public hearing?

The Commission members thought that repairing the water quality basin could change the functionality of the wetlands, thereby making it a significant activity.

The discussion then turned to the culvert. The applicant reported that there is currently a pipe culvert from the pond to the wetland. They plan on replacing this pipe with another 18" pipe and making it a bit shorter with a fluted edge.

T. Loto wondered if the applicant would have to get a permit from DEP for the 5 acres of disturbance? J. Fuller responded that he did not think they met the 5 acre requirement, therefore he did not think they would need a permit.

T. Loto made the following motion:

- The Conservation Commission deems Petition #08-16 a significant impact activity per section 7.6 of the Inland Wetlands and Watercourses Regulations. This is due to:
 - Storm water discharging into the regulated area.
 - A change of drainage patterns with both the change of the culvert and the fixing of the weir concrete control box.
 - Disturbance of the upland review area.

T. Gauthier seconded the motion. The motion passed unanimously. The public hearing for this petition was scheduled for December 11, 2008 at 7:30 p.m.

The Commission requested copies of the wetlands report from the soil scientist along with the storm water and engineering report. The applicant will get copies to J. Soderberg.

Petition #08-17, Application of Tarcas, 24 Wall Street, Installation of a 50' by 100' removable/seasonal ice rink (**Received 11-13-08- 65 days- 1-16-08**):

J. Soderberg explained that the applicant is looking to install a removable/seasonal ice rink on his property. The rink will be 40' by 86'. Part of the proposed location is in the wetlands.

He then noted that theoretically under section 4.2 (b) the applicant should be able to do this "as of right" because this is a recreational use. He wondered if the Commission agreed.

J. Mullaney responded "yes" noting that this activity is both recreational and temporary.

T. Loto made the following motion:

- The Conservation Commission allow application #08-17 because this activity is a recreational activity permitted as of right under section 4.2(b).

L. Maynard seconded the motion. The motion passed unanimously.

Pending Applications:

Petition #08-14, Application of McCarthy Developers, LLP, 39 McGuire Road, South Windsor, CT, for construction of a 22' wide road and associated storm water management facilities, and for construction of a residential driveway within the 100' regulated area. Property is located at 190 West Main Street on 53.53 acres, approximately 1 mile west of intersection with Route 85 and on the north side of West Main Street (**Received 10-9-08- 65 days- 12-12-08-Public Hearing 11-13-08-35 days- 12-17-08**):

J. Mullaney started off the discussion by noting that the public hearing for this application was

closed this evening.

He then noted that the Commission preferred option 3 because it has the smallest direct wetland impact. In regards to the excavated pond area, he thought it did have the potential to convert to a vernal pool so he would like to see some measures taken to protect it.

J. Mullaney wondered if a conservation easement could be used to protect the excavated pond area. Some Commission members thought that it would be hard to enforce a conservation easement in this location.

J. Mullaney also noted that the other issue the Commission needs to consider tonight is whether they would recommend making the open space public or private open space.

T. Loto made the following motion:

- The Commission approve Petition #08-14 with the following stipulations:
 - Alternative 3 be used for the road.
 - A conservation easement be placed around the man made excavated pond located on lot 3. This conservation easement is to be along the 100' regulated area up to the edge of the lot 4 driveway.

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

The discussion then turned to whether the open space for this application should be deemed private or public.

The Commission noted that the applicant does not want people on his driveway accessing the pond. They understood his concern.

T. Loto commented that he thought the open space should be private to protect the pond. J. Soderberg agreed adding that he thought private open space would provide for better "stewardship" of the area.

The Conservation Commission will recommend to the Planning & Zoning Commission that the open space be deemed private open space. They thought that this option would allow the best protection of the areas natural features and resources. J. Soderberg will draft a letter to the Planning & Zoning Commission.

Violations:

#08-18V, Ms. Patti Matthews, Excavating of Soils within the Wetlands:

J. Soderberg explained that this homeowner on Jan Drive took equipment and pulled out all of the muck out of the wetlands. They claimed that they intended to spread this muck out over their

lawn.

J. Soderberg has sent them a letter outlining the violation and asking them to install erosion controls, sediment controls, submit an application to the Conservation Commission and appear before the Conservation Commission on December 11, 2008.

Other Pertinent Business:

J. Soderberg reported that the Conservation Commission needs to prepare their annual town report. J. Soderberg will work on it with J. Mullaney.

It was noted that the Conservation Commission will vote on next year's meeting schedule at their December 11, 2008 meeting.

Correspondence:

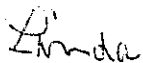
The following items were received:

- CCM Workshop
- Notice of Violation for #08-18V- Patti Matthews, 108 Jan Drive (dated November 13, 2008).
- Notice of Conservation Commission Public Hearing for Petition #08-14 (dated October 28, 2008)
- Notice of Conservation Commission Decision for Petition #08-15.
- Letter from Nathan Jacobson & Associates, Inc. RE: Petition #08-14 (dated November 12, 2008).
- Letter from Chatham Health District RE: Petition #08-14 (dated November 13, 2008).
- Memo from M. O'Leary, Town Planner RE: Request for Input on Proposed Open Space for Petition #08-14 (dated October 6, 2008).
- Letter from Soil Resource Consultants, Meriden, CT RE: Wetland Delineation for Petition #08-14 (dated August 27, 2007).

Adjournment:

The meeting adjourned at 9:44 p.m. The next regular meeting is scheduled for December 11, 2008.

Respectfully submitted,



Linda Bulkovitch
Board Clerk