

**TOWN OF HEBRON
CONSERVATION COMMISSION
PUBLIC HEARING
DECEMBER 11, 2008
TOWN HALL MEETING ROOM**

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2008 DEC 18 P 2:50
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HEBRON TOWN CLERK

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

Members Absent: None

Staff Present: J. Soderberg, Wetlands Agent

J. Mullaney called the public hearing to order at 7:40 p.m.

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- Public Hearing 12-22-08- 35 days- 1-14-09**):

Joel Fuller, Land Surveyor and Jim Celio, Developer were both present for the application. J. Celio provided town staff with the certified mailing receipts for the property abutters.

J. Celio provided the Commission with maps of the revised plans. He explained that these changes occurred after meeting with town staff.

They are proposing to have a total of six residential lots, five of which will have access off a new road and one would have access from Old Slocum Road. Two lots on the new street will be rear lots. Each house will be serviced by an individual well and septic. This is a cul-de-sac. The total acreage is 37.66 acres.

J. Celio then noted that they presented this application to Planning & Zoning this past Tuesday.

It was also noted that the Commission has received comments on this application from the town sanitarian, and the town engineer.

J. Celio then reviewed their proposed open space plan on the map, noting how it fits into the town's current open space plan. He then noted on the map that they are proposing to have an area at the end of the cul-de-sac that has 20 feet of road frontage where people can access the open space. Open space constitutes 8.6 acres.

J. Celio explained that the Planning & Zoning Commission asked them to remove the agricultural easements and have conservation easements instead. He noted on the map where they were located. Conservation easements now constitute 11.75 acres, of which 4.27 acres are in the upland review area. If you consider all of the proposed open space they are over the 20% open space requirement; they are at 26%.

J. Celio noted that lot 1 is located outside of the conservation easement. He also noted that none of the proposed lots are within the wetlands and regulated areas. He added that they have met the 50 foot requirement for having the house site 50 feet away from adjacent agricultural land for lot 5 (this lot is adjacent to Ned Ellis' land).

Lots 5 and 6 will be accessible by using the existing farm road. This farm road has an existing drainage pipe that is crossed. The discussion then turned to the pond area near this pipe.

J. Celio explained that the weir gate that is used to create this pond needs to be repaired. The slats need to be replaced. They plan on repairing the gate and bringing the pond back up to its previous water levels. This pond could be used as a fire pond. It is approximately ½ acre.

J. Celio provided pictures illustrating the current water level and condition of the pond, noting that you can see the where the previous water level was. Because this is an existing pond, they will not need to meet DEP requirements to restore it.

J. Celio commented that they are willing to do what would be considered "maintenance" on the pond. They plan on just repairing the gate and having the existing stream fill it up.

To make it into a fire pond, a little excavation has to be done to install the pipe and fire hydrant. J. Soderberg commented that this can easily be done in the dry season and that he would consider clearing sediment just maintenance in this situation. He added that this is not a very active stream in the dry season.

Then J. Celio noted on the map where the stone walls were located. He also provided the Commission with pictures of the stone walls. They are single stack stone walls. He pointed out that they are looking to minimally remove the stone walls. They will have to remove part of a stone wall at the new street entrance.

Then Joel Fuller, Land Surveyor reviewed their proposed drainage. They are proposing to install a basin at the beginning of the new road to direct water off of Old Slocum Road. This basin will be connected to an outlet. They are also proposing to have a grass swale on the north side of the new road to catch water and direct it to a basin. The town of Hebron will be given an easement to clean the swale and drainage area between lots 1 and 2. There will also be a water quality basin at the center of the cul-de-sac.

The new street will just have sheet flow. They are not planning on installing curbs on the road.

J. Mullaney commented that he likes their proposed changes. He wondered if the plow trucks were going to have any problems plowing this road and where they would place the snow? J. Soderberg explained how the road would be plowed and where the snow would be placed noting that this would not be an issue.

J. Celio noted where they were proposing to have open pasture area for lots 5 and 6. He also noted that they are proposing to install large rocks at the end of the cul-de-sac to demarcate where the public can access the open space.

J. Mullaney asked the Conservation Commission if they had any questions on this application. There were none.

J. Mullaney commented that he thought they had incorporated good best management practices.

T. Loto noted that the town engineer's comments are based on the previous plans. He noted specifically that the town engineer issues with the storm water basin was before the applicant proposed designing the cul-de-sac area for drainage. The town engineer has not yet reviewed the new plans.

It was also noted that the Commission had received comments from the town sanitarian. He was okay with the septic systems.

J. Soderberg reported that they had also received comments from the town planner but he was unable to get the copier to work tonight and make copies for the Commission. He explained that all his comments dealt with Planning & Zoning issues and fire protection issues. There were no wetlands issues.

J. Mullaney then asked if there was anyone from the public for this application. There was no one.

J. Mullaney then asked whether the Commission wanted to continue this public hearing and if they had any further comments or suggestions.


T. Loto noted that the high water level for the pond needs to be noted on the plans.

It was noted that the fire marshal has been out to the fire pond site. He and J. Soderberg will over see the work. All work will be done during the dry season.

The Conservation Commission continued this public hearing until January 8, 2009.

The public hearing ended for tonight at 8:25 p.m.

Respectfully submitted,


Linda Bulkovitch
Board Clerk

TOWN OF HEBRON
CONSERVATION COMMISSION
REGULAR MEETING
DECEMBER 11, 2008
TOWN HALL MEETING ROOM

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2008 DEC 18 P 2:50
Cali A. Pomroy
HEBRON TOWN CLERK

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

Members Absent: None

Staff Present: J. Soderberg, Wetlands Agent

J. Mullaney called the regular meeting to order at 8:26 p.m.

Approval of Minutes- Regular Meeting- November 13, 2008:

Public Hearing- The following changes were noted: T. Loto was present and page 4 second paragraph, eliminate the "the." T. Loto made a motion to approve these minutes as amended. T. Gauthier seconded the motion. The motion passed with R. Warner abstaining.

Regular Meeting- The following changes were noted: T. Loto was present, page 2, change they to *them*; and page 4, last paragraph, delete "out all of the" R. Warner made a motion to approve these minutes as amended. T. Loto seconded the motion. The motion passed with R. Warner abstaining.

Additions to Agenda: None.

Recognition of Guests: None.

New Applications: None

Pending 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- Public Hearing 12-22-08- 35 days- 1-14-09**):

J. Mullaney noted that the Commission just continued the public hearing on this application.

Violations:

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

Fred Mahr, 108 Jan Drive was here on behalf of the violator. He explained that they live together and that Ms. Matthews could not attend tonight's meeting.

J. Soderberg passed pictures around that illustrated what had been done. The pond has been filled in over the years as a result of erosion. The pond is within a stream bed. Now there is really no pond to speak of. J. Soderberg did not really know what they intended to do, but thinks that they were in the process of clearing it out.

F. Mahr explained that they purchased this property in 1997. He passed around pictures taken in July 1997 that illustrated the size of the pond and the types of birds and wild life that frequented it. He also passed around a copy of the MLS listing for this house (dated February 1997) that described this house as "overlooking your own pond."

F. Mahr also provided copies of the letter and note to the file J. Soderberg wrote regarding a wetlands violation on this property in 1995.

F. Mahr explained that this pond was used as a fishing and skating pond in the 1960 through approximately 1995. They were looking to recreate the pond by excavating and filling in the area with water. J. Soderberg has stopped them from doing this. They were not trying to disturb the area.

F. Mahr then explained what his neighbor has done to disturb his adjacent property and no one has stopped him. His neighbor cleared all his land within the wetland without a permit. F. Mahr blamed his neighbor's clearing activities for the collapse to the back of his pond.

J. Mullaney explained to F. Mahr that he has been asked here tonight to explain what he was trying to do and the Conservation Commission is here to explain the correct process he should be following and to review his plans. Usually you need to obtain a permit to excavate in a wetland. There are other precautions you might need to take as well such as erosion controls for exposed soils or doing the work during a specific time of year. The Conservation Commission's goal is to protect the downstream environment.

F. Mahr asked if he would be required to get plans drawn up by a professional such as an engineer or a soil scientist. He was concerned because this would cost money.

J. Mullaney asked if the Commission had any recommendations for F. Mahr? J. Soderberg commented that someone needs to go to the site and see it to be able to make recommendations.

J. Mullaney sending the Connecticut River Coastal Conservation District a letter requesting their recommendations. He explained that would be in essence be free advice because the town is already paying for the service. The Commission agreed that this was a great idea. J. Soderberg will write them a letter.

F. Mahr commented again that they would like to have the pond back. They want to recreate what was there and then leave it along. This was a lovely wildlife and bird sanctuary. They did not intend any malice.

J. Mullaney explained again that they need to present a plan to the Commission to be able to reach this goal.

Pre-Applications- Grossman Property- Hillcrest Drive:

Jim Celio was present on behalf of the applicant. He started off the discussion by explaining how this new plan was different from the original plan.

This will be an open space subdivision. The previous plan had 66.9 acres of open space. The current plan has 69 acres of open space.

Instead of having two separate cul-de-sac's, they are now proposing two cul-de-sac's accessible from the same road. The number of lots is the same. By doing this, they will be away from the watercourse. The sluthesway would be protected along with the existing trails.

Each lot would be served by sewers and its own individual well.

There are two upland small pocket wetlands that are more like depressions. J. Celio pointed out where they were located on the map. He noted that although they do contain wetland soils, they are not vernal pools.

They are looking to get permission to fill in these two small wetland pockets. In exchange they are proposing to shore up the main brook area on the property and remove the barberries from the existing wetland brook area.

J. Celio reported that they presented this pre-application to Planning & Zoning this past Tuesday. The Planning & Zoning Commission endorsed this plan.

J. Celio then noted that Michael O'Leary, Town Planner had drafted a memo to the Conservation Commission that outlines how this new plan differs from the original plan (dated December 11, 2008).

The Commission members acknowledged receipt of this memo but had not yet had time to review it.

J. Soderberg commented that is always concerned about having wetlands around houses because they usually gradually disappear.

J. Mullaney commented that there must be a reason why those two wetland pockets exist. J. Celio responded that they are depressed areas in the upland that are not interconnected with anything. He characterized their request as small and asked the Commission to consider it.

Then J. Celio noted that this property owner had the right to do much more with this land (i.e., have more than 100 lots), but he chose to respect the land in this area and "do the right thing." The previous plan also gave the option for an abutting property owner to subdivide his own land and build more houses. This new plan prevents him from being able to do that.

T. Loto commented that he preferred their new plan because it has less wetland impact than the old plan.

T. Nofer commented that she likes this plan better. J. Mullaney agreed adding that the tradeoffs may be worth it.

J. Mullaney then asked the applicant to be prepared to address the issue of whether these lots could support their own leach fields, noting that this is a requirement to be able to hook up to the sewers. It was noted that test pits had not been dug on this property.

To better protect the wetlands, T. Loto asked if it would be possible to add a lot at the end of the cul-de-sac and then combine lots 28 and 29? J. Celio responded that this would not be possible because of the slopes at the end of the cul-de-sac.

T. Loto then asked if it would be possible to break up lot 27 into two lots and then combine lots 28 and 29? J. Celio will look into whether this could be an option.

J. Mullaney commented that the applicant needs to consider all feasible and prudent and alternatives.

J. Soderberg asked the Commission to walk this property and to view the wetlands. J. Celio noted that the wetlands should be flagged.

Other Pertinent Business:

Schedule of 2009 Meetings:

R. Warner made the following motion:

- To approve the following 2009 schedule of meetings for the Conservation Commission: January 8, February 12, March 12, April 9, May 14, June 11, July 9, August 13, September 17, October 8, November 12 and December 10.

These meetings will started at 7:30 p.m. and be held in the Selectmen's Meeting Room at the Hebron Town Office Building.

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

Correspondence:


The following items were received:

- Notice of Decision of Conservation Commission RE: Application #08-14- 190 West Main Street (dated November 17, 2008).
- Notice of Decision of Conservation Commission RE: Application #08-17- 24 Wall Street (Dated November 17, 2008).
- Notice of Public Hearing for Conservation Commission RE: Application #08-16 scheduled for December 11, 2008 (Notice date stamped November 20, 2008).
- Memo RE: Conservation Commission open space recommendation RE: 190 West Main Street (Dated November 20, 2008).
- Letter from Thomas Fenton, P.E. RE: Williams Farm Subdivision (Application #08-16) (Dated December 8, 2008).
- Letter from Steven Knauf RE: Williams Farm Subdivision (Application #08-16) (Dated December 8, 2008).
- Memo from Michael O'Leary RE: Williams Farm Subdivision (Application #08-16) Grossman Original Plan vs. Alternative Plan Issues (Dated December 11, 2008).

Adjournment:

The meeting adjourned at 9:41 p.m. The next regular meeting is scheduled for January 8 11, 2009.

Respectfully submitted,



Linda Bulkovitch
Board Clerk

