

# November 16, 2005

## Special Meeting

MEMBERS PRESENT: Mrs. D. Hill, Mr. LaMuniere, Mr. Picton, Ms. Purnell

ALTERNATE PRESENT: Mr. Bedini

STAFF PRESENT: Mr. Ajello, Mrs. J. Hill

ALSO PRESENT: Mr. Thomson, Mr. Boling, Mr. Worcester, Mrs. Condon, Mr. Brigham, Atty. Ebersol, Mr. Charles

Mr. Picton called the meeting to order at 7:07 p.m. and seated Members Hill, LaMuniere, Picton, and Purnell and Alternate Bedini. He noted that all Commissioners present had either attended all sessions of the public hearing or had listened to the tapes. Mr. Picton stated the Commission had asked the staff to prepare a draft motion of approval, he had not asked for a motion of denial because that would be easier to draft, and that either motion would be entertained.

The map, "Proposed Site Plan," by Mr. Worcester dated 8/22/05 and revised to 10/18/05 as drawn on the "Property/Boundary Survey" by Mr. Alex, dated January 2005 was reviewed.

Possible conditions of approval were discussed. These included requiring a stabilized swale from the outlet of the detention basin to the stone wall, consideration of the thermal impacts when determining how this swale is to be stabilized, requiring the detention basin and stormwater management systems to be constructed prior to the commencement of site work for the construction of any buildings, requiring the conservation easement to be filed on the Town Land Records prior to the start of work, procedure for any future amendments to the conservation easement, marking the boundary of the conservation easement area with permanent markers, marking the limit of disturbance line with a substantial fence prior to the start of work, and inclusion of language in the homeowner's document regarding long term maintenance of the stormwater management system.

Numerous organizational revisions such as numbering and lettering and changing the order of the conditions were also discussed.

MOTION: To approve Application #IW-05-54 submitted by Myfield, LLC. to construct 10 dwelling units at 7 Mygatt Road per:

A) the plan, "Proposed Site Plan, by Mr. Worcester, dated 8/22/05 and revised to 10/18/05 as drawn on the "Property/Boundary Survey," by Mr. Alex, dated January 2005,

B) the Soil Erosion and Sediment Control Plan," by Mr. Neff, dated 7/18/05 and revised to 10/15/05,

C) the "Stormwater Management Plan," by Mr. Neff, dated 8/8/05 and revised to 11/2/05,

D) the document, "Proposed Planting and Invasive Species Management Plan," revised to 10/25/05, and

E) the "Proposed Voluntary Conservation Restriction," 11/9/05 draft;

all above documents as modified to conform to the recommendations in the reports from Land Tech Consultants dated 9/16/05 and 10/26/05, which shall be implemented according to further input from Land Tech Consultants taking into account thermal impacts; and all plans shall be updated to conform to Land Tech Consultants' specifications prior to construction;

approval to be subject to the following conditions:

1) The detention basin and stormwater management systems shall be constructed and functioning prior to the commencement of site work for any building sites. Subsequently, the area of disturbance shall

encompass the area of no more than two buildings at a time. Upon completion of the first two buildings, the exposed ground shall be stabilized to the satisfaction of the WEO with either vegetation or robust mulch or other stabilizing cover prior to breaking ground on the next two construction sites per the 8/24/05 letter to the Commission from Mr. Neff.

2) The applicant shall post a \$15,000 cash performance bond prior to the start of work. At any point up to the final approval of the completed project and its satisfactory one year performance evaluation period after completion, the bond may be used by the Town to correct any damage to the wetlands, watercourses, and drainage areas resulting from failures of the stormwater management system or any other activity carried out in connection with the execution of the project. In the event a portion of the bond is used for corrective work by the Town, the bond shall be restored by the applicant to \$15,000 prior to continuation of work on the project. All but \$5000 of the bond balance shall be released upon completion of the project when it has been determined by the Commission and/or its agent that all work done and actions taken are in compliance with the permit requirements and all conditions of approval and the site is fully stabilized and vegetated. The \$5000 balance shall be returned one year after final completion of work and the signing off on the Finish Card by the WEO if the site conditions have remained stable.

3) If altered by the Zoning Commission, the Conservation Restriction 11/09/05 draft must come back for approval by the Inland Wetlands Commission (per letter from Mr. Boling dated 11/09/05.) The Conservation Restriction Section 15 Limitation on Amendment shall be altered to omit the following passage, ", if involving an area or activity subject to the jurisdiction of the Wetlands Commission," thus, it will read, "and shall, prior to execution, be approved by the Wetlands Commission." Proof that the conservation easement as approved by the Inland Wetlands Commission has been recorded on the Town Land Records shall be submitted to the Land Use Office prior to the start of work. Any amendment subsequent to filing shall also be subject to IWC approval.

4) A substantial fence shall be erected on site on the limit of disturbance line prior to the start of work.

5) The conservation easement boundary line between the development site and the conservation easement area shall be visibly marked on site in a manner acceptable to the Commission prior to the start of work. Permanent conservation easement area boundary markers shall be installed around its entire perimeter prior to the start of work. Conservation easement markers of an approved style, color, and size shall be spaced at 40 foot intervals along all property boundary lines and also along the entire barrier fence between the dwellings and the southern conservation easement area.

6) The applicant shall pay for the Commission's consultant to inspect and evaluate the stormwater management systems and the driveway upon their completion and as required by the WEO or the Commission during any phase of the construction and the permit. A written report shall be submitted by the consultant to the Commission certifying that those systems and the driveway are in compliance with the approved design standards and the permit issued.

7) A long term stormwater management plan shall be submitted for approval to the Commission's consultant and shall be incorporated into the homeowner's document prior to the start of construction per comment #3 of Land Tech's 8/5/05 letter.

8) "Invasive species" should be defined to include any species included on the *Non Native Invasive and Potentially Invasive Vascular Plants in Connecticut* list (Mahrhoff, Metzler, and Corrigan, 2003) as amended.

9) Any change to the approved plans shall be submitted to the Commission for review and approval.

Mr. Picton explained that although he did not like the proposed 750 ft. line of development at the crest of the hill, which slopes down to the wetlands, and he did not think the proposal was an ideal

development pattern for the Town, there was only a small watershed to deal with and stormwater would not cross the area to be developed. He noted the applicant had moved the proposed buildings back at the request of the Commission and that almost all the development was now off the steep slope. He noted, too, that the soils in the area were unusually well drained Paxton soils. He stated the proposed conservation easement would provide significant mitigation from the adverse impacts from non point source pollution from intensive development. For all these reasons he thought the application could be approved with the conditions included in the motion because the impact to the wetlands would be neutral.

Mrs. D. Hill agreed with these reasons.

Ms. Purnell submitted written comments (attached.) She commended the applicant for making revisions that improved the plan from the viewpoint of impacts to the wetlands and watercourses. She said she was disappointed there had not been a reduction in the number of units, but did note that the impervious surface proposed was below 9% and the conservation easement restrictions would minimize the long and short term impacts on the wetlands and watercourse if the management plan was carried out.

By Mr. LaMuniere, seconded by Mr. Picton, and passed 5-0.

MOTION: To adjourn the meeting. By Ms. Purnell.

Mr. Picton adjourned the meeting at 8:36 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill, Land Use Coordinator