

**Marlborough Conservation Commission
Regular Meeting
Marlborough Town Hall
December 6, 2004
7:00 p.m.**

1. CALL TO ORDER

Mr. Don Hautman called the meeting to order at 7:03 p.m. in the meeting room of Marlborough Town Hall.

2. ROLL CALL

The following Commission members were seated and voting:

Don Hautman
Jim Montstream
Christine Miller
Gordon Isleib
Gale Busemeyer

Also present:

John Spagna & Tina Deluco, 23 Lewis Rd.
Dan Lawrence, Weston & Sampson Engineers
Anetta & William Caffyn, 265 South Main St.
Bob & Erlene Jansson, Marlborough
Joel Fuller
Jon Sczurek, Megson & Heagle
Frank DiBacco, 126 Colonel Chester Dr.

3. PUBLIC HEARINGS

3.a William Caffyn - #04-09 – 265 South Main Street – New House

Don Hautman reviewed the proposed activity for the application. He also read the legal notice that was published in the Rivereast with respect to the public hearing. Don Hautman read a letter dated December 1, 2004 from Land-Tech Consultants containing recommendations for the application. He also read a letter dated December 6, 2004 from William Caffyn stating that he would not build or move any structures into the flood plain area.

Joel Fuller, land surveyor, addressed the commission. He showed the members revised plans, showing the expanded conservation easement area. This area has been increased as per the discussion at the prior meeting. The group discussed the recommendations in the LandTech memo which included: 1) the house be relocated upgradient of the proposed sewer disposal system; 2) the proposed driveway be relocated upgradient of the proposed septic system to allow for a future garage; 3) the limit of lawn should be clearly defined to prevent the use of fertilizers, herbicides and pesticides adjacent to the Blackledge River and Lyman Brook and a naturally vegetative buffer should be maintained along both watercourses and 4) the use of underground oil storage tanks should be prohibited. Don Hautman stated that he wants the driveway location to move but he doesn't want to jeopardize the septic area. Mr. Hautman said that he wants to allow

for a future garage. He reviewed travel time calculations. There was a lengthy discussion about where things could be moved so that a future garage could be accommodated while also keeping things away from the watercourses. William Caffyn stated that he was okay with moving the location of the driveway. Mr. Fuller said that he could move the house 4-5 feet, move the driveway location and move the septic tank and leeching fields also. The stockpile location will have to move as well.

Motion by Jim Montstream to close the public hearing for application #04-09 – William Caffyn – 265 South Main Street. The motion was seconded by Gale Busemeyer and it was carried by a unanimous vote.

3.b Jones Hollow Associates - #04-19 – 396 Jones Hollow Road

Gale Busemeyer stepped down for this item.

Don Hautman read the application, which is for a 5-house subdivision on Jones Hollow Rd. There is one house already and four new houses will be built. He also read the notice that was sent to abutters and he read the legal notice that was published in the Rivereast. Mr. Hautman noted that the applicant's engineers, LandTech, prepared an Environmental Evaluation & Impact Statement for the Proposed Subdivision". Three copies of the report were submitted. Mr. Hautman asked that three more copies be provided so that everyone on the commission could have a copy. Mr. Hautman read a section of a memo dated December 6, 2004 from Peter Hughes, noting that the town's consultants need to review the LandTech report.

Jon Sczurek addressed the commission. He gave a brief overview of the proposal. It is a 19.6 acre site with two main types of topography. All lots will have frontage on Jones Hollow Rd. Lots 4 & 5 will have a common driveway. Mr. Sczurek then went through the revisions that have been made to the plans. He noted that the driveway and house location have been moved for lot 2. He also explained the proposed biofilter for this lot location. For lot 3, the house location has moved and the buffer and conservation easement line have been moved. This has also resulted in less clearing. For lot 4, clearing amounts have been decreased as well. Because lots 4 and 5 will have a common driveway, there is less wetland disturbance. Overall, the area under conservation easements has increased from 4.6 acres to 6.9 acres.

Bob Jansson noted that one of the proposed driveway locations for lot 2 (off Walnut Drive) is very steep. He also noted that there is a stream in that location that is wet all year long. Don Hautman stated that this location is being investigated as an option and nothing has been decided.

Mary Sciano, 26 Standish Dr., asked about the specific locations of the house. She noted that there was a small pond next to her house. The proposed house locations are not near this pond.

Don Hautman stated that he wants the plans to change "DBA" (designated building area) to "house location". There was a brief discussion about the wetland delineation on the map vs. the flags. Mr. Hautman noted that it appeared that the plans were incorrect in a couple spots where flagged spots were within wetland boundaries. Mr. Sczurek said that he would review this. Mr. Sczurek reviewed the detail for the biofilter on lot 2. This includes a plunge pool with 2.5 feet of topsoil with organic matter. Mr. Hautman wants to see plantings information for the biofilter. Mr. Sczurek noted that he believed this was included in the LandTech report. Mr. Hautman also

wants oversight after the first growing season. Mr. Hautman asked that the applicant change the conservation easement boundaries to include the wetlands. Mr. Hautman also stated that he wants to make sure no driveway runoff goes directly into the watercourses. Mr. Sczurek will review this. Jim Montstream asked whether there would be any accessory building for the lot with the swimming pool. Frank DiBacco said “no”, that the filtration would be in the basement of the house. Don Hautman stated that a representative from LandTech should attend the next meeting to discuss the application, specifically the driveway options for lot 2. Don Hautman asked about utilities. He stated that the plans need to show where they are and where they fit into the construction sequence. The town’s experts will review all application material.

Motion by Jim Montstream to continue the public hearing for application #04-19 – 396 Jones Hollow Rd. to the January 3, 2005 meeting. The motion was seconded by Gordon Isleib and it was carried by a unanimous vote.

Gale Busemeyer was re-seated at this time.

Motion by Jim Montstream to move item 4.c – application #04-17 – John Spagna & Tina Deluco – 23 Lewis Rd. after item 3.b. The motion was seconded by Gale Busemeyer and it was carried by a unanimous vote.

4. OLD BUSINESS

4.a John Spagna & Tina Deluco - #04-17 – 23 Lewis Rd. – New House

Don Hautman read the draft motion to approve the application, with conditions, drafted by Peter Hughes. The members of the commission discussed the draft motion. They agreed to some changes in conditions 1 and 2 (delete “&3” from #1 and “2&” from #2). There was a lengthy discussion about third party monitoring of activity on the site, which was a requirement discussed at the prior meeting. The draft motion’s condition stated that the applicant’s environmental consultant would perform the oversight function, and the members wanted to discuss this with Mr. Hughes before proceeding. Gordon Isleib stated that he wants to make sure the person doing the oversight is chosen carefully. Don Hautman stated that third-party, objective oversight would be best, in lieu of the applicant’s environmental consultant doing the oversight. This needs to be discussed with Peter Hughes.

Motion by Gordon Isleib to table application #04-17 – 23 Lewis Rd. – New House until the January 3, 2005 meeting. The motion was seconded by Gale Busemeyer and it was carried by a unanimous vote.

John Spagna and Tina Deluco stated that they are disappointed that this application has been delayed due to the absence of Mr. Hughes.

4.b&c. John Spagna & Tina Deluco – 23 Lewis Rd. – 1st & 2nd Wetland Violation

There was no action on these items given that application #04-17 was tabled.

4.d William Caffyn - #04-09 – 265 South Main Street – New House

The commission members reviewed the many changes that need to be made to the plans before proceeding. This includes moving the stockpile to the northwest corner, moving the driveway to the west side, moving the house to the west five feet, moving the septic tank out of the driveway area and shifting the leech fields towards the front building line (southeast) as much as possible. Don Hautman said that he would speak to Peter Hughes so that Mr. Hughes can communicate to Joel Fuller that he needs to present revised plans to the commission.

Motion by Jim Montstream to table application #04-09 – William Caffyn – 265 South Main Street to the January 3, 2005 meeting. The motion was seconded by Christine Miller and it was carried by a unanimous vote.

4.e Jones Hollow Associates - #04-19 – Subdivision

Motion by Jim Montstream to table application #04-19 – Jones Hollow Associates to the January 3, 2005 meeting. The motion was seconded by Gordon Isleib and it was carried by a unanimous vote (Gale Busemeyer abstained).

5. NEW BUSINESS

Motion by Jim Montstream to move item 5.a – application #04-20 – Patricia Tourtillotte – 128 North Main Street after item 5.c. The motion was seconded by Gordon Isleib and it was carried by a unanimous vote.

5.a Dennis Hancin/Arthur Johnson – application #04-21 – Jones Hollow Rd. – New House

Don Hautman read a portion of the memo dated December 6, 2004 from Peter Hughes. The memo noted that everything on the property is within the regulated area. Mr. Hancin submitted a letter from the attorney on behalf of the estate authorizing the applicant to file the application. Mr. Hancin showed the members a map of the location. It is near the intersection of Jones Hollow and Park Rd. The applicant noted that it is a lot of record. The lot is just over .5 acre large. The applicant wants to build a 3-bedroom, 1800 square foot home. Dan Lawrence identified the wetlands on the site on behalf of Mr. Hancin. Don Hautman said that the utilities need to be on the plan and the applicant needs to review the clearing limit. Mr. Hautman will ask Peter Hughes to investigate neighboring septic.

Motion by Christine Miller to have a site walk for application #04-21 – Dennis Hancin/Arthur Johnson - Jones Hollow Rd. on Saturday, December 11th at 8:00 a.m. The motion was seconded by Jim Montstream and it was carried by a unanimous vote.

Motion by Gordon Isleib to table application #04-21 – Dennis Hancin/Arthur Johnson - Jones Hollow Rd. to the January 3, 2005 meeting. The motion was seconded by Jim Montstream and it was carried by a unanimous vote.

Motion by Jim Montstream to add item “Wetland Delineation for Sewer System” after item 5.a. The motion was seconded by Gordon Isleib and it was carried by a unanimous vote.

5.b Wetland Delineation for Sewer System

Dan Lawrence of Weston & Sampson Engineering gave a brief overview of the town sewer project. He showed the commission members where sewers will be installed in town. He explained that the sewer system would be a combination of gravity and low-pressure sewers with lateral connections to homes. Mr. Lawrence showed a map that had wetlands and watercourses delineated by GIS. Don Hautman said that the map is incomplete because it does not show all the wetlands in town. Mr. Lawrence said that he has approached the commission on behalf of the WPCA (Water Pollution Control Authority) to obtain guidance with respect to wetlands delineation for the sewer project. There was a discussion about the GIS map and how it is incomplete. Don Hautman stated that he wanted to see a town map showing all the wetlands overlaid with an outline of the sewer system. The group discussed the area that should be delineated for wetlands.

Motion by Gordon Isleib to require that wetlands within 50 feet of any disturbed areas that are part of the sewer project be delineated. The motion was seconded by Gale Busemeyer and it was carried by a unanimous vote.

Don Hautman stated that the most important issues with respect to the sewer project and wetland concerns would be stabilization and E&S controls. He asked that Mr. Lawrence bring the wetland delineation information to the conservation commission as soon as it is available.

5.c Peter Marlowe Forest Products – application #04-22 – Jones Hollow Rd. – Timber Harvest

The applicant did not attend the meeting.

Motion by Gordon Isleib to table application #04-22 – Peter Marlowe Forest Products - Jones Hollow Rd. - Timber Harvest until the January 3, 2005 meeting. The motion was seconded by Gale Busemeyer and it was carried by a unanimous vote.

5.d Patricia Tourtillotte – application #04-20 – 128 North Main St. – Breezeway

The applicant did not attend the meeting.

Don Hautman read the portion of Peter Hughes' memo dated December 6th on this item which notes that the activity is approx. 25 feet from the lake.

Motion by Christine Miller to table application #04-20 – Patricia Tourtillotte – 128 North Main St. – Breezeway until the January 3, 2005 meeting. The motion was seconded by Gordon Isleib and it was carried by a unanimous vote.

6. OTHER BUSINESS

6.a 2005 Meeting Schedule

Motion by Gordon Isleib to approve the 2005 Meeting Schedule for the Conservation Commission as presented. The motion was seconded by Christine Miller and it was carried by a unanimous vote.

6.b Community Development Advisory Commission (CDAC)

There was a brief discussion about the public forum held at the school on November 29th.

6.c Sewer Project

There was nothing new to report other than the information provided by Dan Lawrence as noted above.

6.d Open Space Function

Don Hautman distributed copies of the Marlborough Open Space and Land Acquisition Plan draft dated December 6, 2004 by Peter Hughes. Mr. Hughes noted in his memo that this document is 90% complete. Don Hautman was disappointed that the document was not complete, but expressed resolve to move it forward. Don Hautman asked everyone to review the document and provide comments back to Mr. Hughes so that the document can be accepted at the January meeting. After this, it will be submitted to other town commissions for acceptance.

Don Hautman noted that Shelley Green gave him the name of someone at the DEP responsible for land acquisition. Don Hautman also mentioned that Glastonbury has regulations such that any lumbering activity must go before the Zoning Board of Appeals. This group checks wildlife impact and other logging issues. Don Hautman will discuss this with Mr. Hughes.

6.e Town Center Area

There was nothing to report for this item.

6.f Oak Drive Drainage

There was nothing to report for this item.

Motion by Gordon Isleib that item 6.g be added as follows: “Process for Commission Appointments”. The motion was seconded by Jim Montstream and it was carried by a unanimous vote.

6.g Process for Commission Appointments

Don Hautman reviewed the board of selectmen’s new process for commission appointments. He explained that individuals wanting to serve on a board of commission (including individuals currently on a board and up for re-appointment) must submit a letter of interest to the board of selectmen. Individuals also should request the endorsement of their political party in town. In addition, when individuals are up for re-appointment, the chairman of the commission is to endorse that individual in a letter to the board of selectmen. Open positions will also be advertised in the Rivereast.

Motion by Gordon Isleib to endorse Don Hautman and Gale Busemeyer as members of the Conservation Commission and to submit the recommendation to the board of selectmen.

The motion was seconded by Jim Montstream and it was carried by a unanimous vote (Don Hautman and Gale Busemeyer abstained).

Don Hautman stated that the wetland regulations need to be updated. He asked the board clerk to obtain the DEP's current model regulations from Peter Hughes to start the process.

7. APPROVAL OF MINUTES

Motion by Jim Montstream to approve the minutes of the November 1, 2004 meeting with the following changes: 1) page 2, item 4.a, second paragraph, delete "the" before "look at an area" and substitute it with "he"; 2) page 2, item 4.a., fourth paragraph, delete the entire sentence beginning "There was a brief conversation ..."; 3) page 2, item 4.a., fifth paragraph, delete "Montstream" after "Gale" and substitute with "Busemeyer"; 4) page 4, item 5.e., first paragraph, delete "9-foot deep" after "that the pond is" and replace it with "9-feet deep"; 5) page 6, item 7.a., first paragraph, delete "Independent" before "Drive" in the last sentence and replace it with "Independence"; 6) page 6, item 7.c., second paragraph, delete the entire sentence beginning "The group agreed that the WPCA ..." and replace it with "The conservation commission wanted to review the town's wetland map before making a decision on wetland delineation for the sewer project." and 7) page 7, item 7.e., the following sentence is to be added at the end of the paragraph: "Gale Busemeyer left the meeting at this time and Christine Miller was seated." The motion was seconded by Gale Busemeyer and it was carried by a unanimous vote.

Motion by Gordon Isleib to approve the minutes of the November 16, 2004 meeting with the following changes: 1) page 1, under Roll Call, add the following names: "Jim Montstream and Don Hautman"; 2) page 1, item 3.a., third paragraph, add "at 7:10 p.m." after "was seated"; 3) page 2, item 3.a., fourth paragraph, delete "go" after "water flow" and replace with "goes off the property" and 4) page 2, item 3.a., seventh paragraph, insert "be able" after "the applicant" in the second sentence. The motion was seconded by Christine Miller and it was carried by a unanimous vote.

8. WETLAND ENFORCEMENT OFFICIAL'S REPORT

This item will be covered at the January 3rd meeting.

9. ADJOURN

Motion by Jim Montstream to adjourn the meeting at 10:30 p.m. The motion was seconded by Christine Miller and it was carried by a unanimous vote.

Respectfully submitted,

Mary Sciano