

**Marlborough Conservation Commission  
Special Meeting  
Marlborough Town Hall  
April 7, 2004  
7:00 p.m.**

**1. CALL TO ORDER**

Mr. Don Hautman called the meeting to at 7:00 p.m. in the meeting room of Marlborough Town Hall, Marlborough, CT.

**2. ROLL CALL**

The following Commission members were seated and voting:

Don Hautman  
Gordon Isleib  
Christine Miller

**3. PUBLIC HEARING – MARLBOROUGH PARTNERS, LLC APPLICATION  
#03-13 OSCAR SUBDIVISION, #03-14 TOWNHOUSE DEVELOPMENT AND  
APPLICATOIN #03-15 GOLF COURSE/CLUB HOUSE**

Don Hautman read a letter dated March 23, 2004 from LandTech Consultants to Peter Hughes. He also read a letter dated April 5, 2004 from the president of the Hartford County 4-H Camp Inc. Board of Trustees to Peter Hughes.

**Motion by Gordon Isleib to move Item 6.A (application #04-01, Thomas McNamara, 102 North Main Street) before Item 3.A. (Marlborough Partners, LLC Public Hearing). The motion was seconded by Christine Miller and it was carried by a unanimous vote.**

**4. NEW BUSINESS**

4.a. Application #04-01, Thomas McNamara, 102 North Main Street

The application is to improve the living quarters without increasing the existing footprint. The applicant's representative George Fuller prepared a survey on the house site on North Main Street, on Lake Terramugus. He showed the members maps of the site and explained that the intent is to keep the existing footprint but build a new foundation and new structure. He showed the location of the existing well (on the side of the house). He stated that the finished product will be no closer to the lake than what is existing now. He showed the members where the septic tank and field are located on the property. Don Hautman asked the applicant what he would do if he started hitting water during construction. Mr. Hautman stated his concern that material could get into the lake. The members agreed to schedule a site walk.

**Motion by Gordon Isleib to schedule a site walk on Saturday, April 10<sup>th</sup> at 8:00 a.m. for application #04-01. The motion was seconded by Christine Miller and it was carried by a unanimous vote.**

**3. PUBLIC HEARING – MARLBOROUGH PARTNERS, LLC APPLICATION**  
**#03-13 OSCAR SUBDIVISION, #03-14 TOWNHOUSE DEVELOPMENT AND**  
**APPLICATOIN #03-15 GOLF COURSE/CLUB HOUSE**

Atty. Paul Aparo introduced the members of the applicant's team.

Dennis Goderre stated that the applicant had responses to the two letters that were read into the record (the letter from LandTech and the letter from the 4-H Club). Sam Haydock stated that he revised the Environmental Monitoring Program which is now dated April 7, 2004. He stated that the revised plan reflects all the comments that were received in the March 19<sup>th</sup> and the March 23<sup>rd</sup> letters from LandTech as well as the March 31<sup>st</sup> memo from the town's consultant. Mr. Haydock referenced LandTech's proposed scheduling of sampling for the 4-H pond. He stated that his company is proposing one round of background sampling on the pond. He further explained the applicant's plan for sampling the pond should compound levels be found high at nearby exit points on the property.

With respect to the letter received by the 4-H Camp, Mr. Haydock stated that he feels that the Environmental Monitoring Program is very comprehensive. Mr. Haydock also addressed the 4-H Camp's concern about the quantity of ground water, given that the camp relies on a well for its water. Mr. Haydock stated that he believes the well on the 4-H Camp property is far enough away that it won't be influenced by the applicant's pumping. He also stated that the applicant has made a commitment, in writing, that if any well surrounding the project site is unable to meet its demand as a result of the applicant's pumping activities, then the applicant will undertake mitigating measures to correct the problem. This commitment extends to the 4-H Camp.

Dennis Goderre stated that he put together an analysis of the first submission package from September vs. the plans submitted in March. He handed out copies of the analysis to the members of the Commission. He also prepared a summary of the regulated activities for each of the three applications. Dennis Goderre then spoke about the isolated wetland area near the driving range. Mr. Goderre stated that their ecological consultant reviewed the area and stated that the location has some characteristics of species that are currently breeding. However, the applicant is not adding to or creating a deficiency in the amount of water for the pool, so the value of the pool will not be diminished.

Dennis Goderre stated that the applicant has responded to various questions raised by the town, the town's consultants and the commission. He reviewed some of the questions and summarized his response to the commission members. The questions concerned the storage facility, conservation easements on properties with stone walls, the pesticides/herbicides application plan, the temporary crossing between holes 3 and 4, alternatives for the golf course, and the monitoring process during construction.

Dennis Goderre stated that the town's consultant had requested irrigation demands and a water conservation plan for the golf course. He showed plans to the commission members and noted some of the changes made to the plans. He also showed an open space map of the town, including the proposed open space area on the project site. Mr. Goderre also stated that the applicant has revised the town home layout as requested by Peter Hughes. The total amount of

disturbance remains unchanged. Mr. Goderre stated that the hole 1 irrigation line has also been moved as requested by the Commission. All outlets for the temporary sediment basins have now been included on the plans. Mr. Goderre stated that the majority of the additions to the plan are outside the regulated area. He spoke about the community septic system. As per the D.E.P., the backwash for the potable water has to be discharged from its own septic system, not into the community septic system for the housing.

Michael Klein talked about the material for the bridges on the cart paths. He stated that he did some research on the issue. He stated that the arsenic on some of the material can be a human health issue. He also stated that copper can be toxic in certain doses. He said that the forest industry is promoting the use of timber structures. He talked about some of the environmental studies that have been done on the timber products and stated that the level of harm is considered very low. Mr. Klein provided a written report to the commission members.

Dennis Goderre submitted new calculations for detention basin #9.

Roger Rulewich talked about golf course design alternatives. He talked about the process of laying out a golf course. He stated that the first thing he looks at is the topography of the terrain. His goal was to use the existing terrain as best he could. He first located the clubhouse area and the usable areas of the golf course. He explained some of the changes that were made to the design of the golf course as the design was developed. Many of the hole locations were changed to minimize impact to the various wetlands on the property and to minimize disturbance to neighboring properties. Mr. Rulewich also stated that the original design included more ponds. Mr. Rulewich stated that he feels the final plan is one that takes into consideration the wetlands and the proposed housing development on the property and results in a very playable golf course.

Don Hautman asked whether the town staff or town consultants had any questions for the applicant. Don Hautman said that there was a lot of information received that evening that has not yet been reviewed by anyone and there is a timing issue with respect to closing the public hearing. Peter Hughes stated that there was additional information received and not yet fully reviewed.

Don Hautman asked the applicant to review the revised detention basin outlet on hole 11, specifically with respect to the limits of the fill. Dennis Goderre explained the fill limits. Don Hautman also asked about the new vernal pool. He stated that he wants a report from the town's consultants confirming that they are comfortable with the vernal pool. With respect to the golf course, Don Hautman asked about hole 5 and its crossing of the main water hole on the site. Mr. Hautman wants a report from the town's consultants confirming that the crossover will not impact the watercourse, neither in the near-term or long-term. Gordon Isleib noted that there is a construction crossing and a cart path in that location as well. The commission wants an "okay" from the town's consultants on the entire hole 5/hole 6 area. Don Hautman asked about the plantings and stone walls. Peter Hughes stated that before the building permit is issued, there will be a bond for all that material. Don Hautman also wants the town's consultants to review the storage area and its tanks. With respect to the pesticides and herbicides applications, Don Hautman stated that he wants a report whenever there is an application: what they're putting down, how much they're putting down and where it is being put down and the town should be checking that the information received from the applicant is consistent with the plan. Don Hautman wants the town's consultants to review the temporary crossing between holes 3 and 4.

He also wants the town's consultants to review the applicant's proposal with respect to monitoring the water on the 4-H Camp site given that the 4-H Camp had a different request. Peter Hughes stated that East Hampton has not gotten back to him with respect to coming to a Conservation Commission meeting. Don Hautman stated that he is depending on the town staff and consultants to confirm to the commission that everything is okay. He also stated that he will be looking for a list of conditions to be included on the commission's approval.

Christine Miller stated that quarterly sampling of a pond that has children swimming in it is not sufficient. By the time a problem is discovered, children could have been swimming in the pond for three months.

Gordon Isleib asked Peter Hughes how large he thought the list of conditions would be. Peter Hughes stated that the commission members will receive a bound report with all the comments from each consultant, along with an integrated recommendation.

One of the town's consultants asked whether the golf course ENS plan had been provided to the town. Terry Gallagher stated that the narrative had been provided and all of the erosion controls were in the last set of reports submitted March 8<sup>th</sup>.

Gordon Isleib asked about water quality and the groundwater and surface water sampling. He asked what the groundwater monitoring point looked like. Sam Haydock explained that the testing includes potable supply wells and irrigation supply wells, in addition to a series of monitoring wells around the effluent leeching field. Mr. Haydock stated that the depths will be determined by D.E.P. and it consists of a pipe inserted into a drilled hole. Depths will range up to 20' at the most. Mr. Isleib stated that his concern is that the applicant will be looking at the perimeter but there could be a sub-terranean flow that gets by the monitoring wells and the possible impact on the 4-H Camp. He would like to see the applicant use the inflow to the 4-H pond as a sampling point. A representative of the applicant stated that his understanding of the 4-H Camp pond is that it is diverted from the stream, so it is a surface water pond. There was some discussion about the various monitoring points that will pick up leeching of chemicals from the turf management. Mr. Isleib asked why the applicant couldn't just add the pond as another point of monitoring. The applicant's representative stated that if it was a big concern of the commission, it could be added.

Mr. Isleib asked Michael Klein about the studies he reviewed about the arsenic and copper leeches. He asked whether the structures in the study were the same as the structures proposed for the project (CCA). Michael Klein said that the studies were done on structures that were considerably more substantial than what the applicant is proposing. Terry Gallagher stated that the EPA is requiring the pressure treaters to switch the type of chemicals they use for certain lumber applications, away from CCA and to ACQ, which is a copper-based compound that is more environmentally friendly. He stated that by the time this project goes out to bid and is actually built, it won't have CCA because it won't be commercially available. Don Hautman said that he wants substantiation of all that.

The town consultant told Dennis Goderre that several of his questions posed in his March 31<sup>st</sup> memo have not been addressed. Dennis stated that there were some items that were not responded to. Don Hautman told Peter Hughes that he would have to decide the significance of the items. Peter Hughes asked the applicant to contact the 4-H Camp again to request that they

allow the applicant to test the pond. Peter Hughes asked whether the discharge of the water reduced the septic discharge. Dennis Goderre said that the volume will be about 3,000 gallons a day with built-in margins. Actual volumes will be approx. 15,000 gallons per day.

Don Hautman asked the applicant whether they have submitted all the information that is needed for the town to evaluate the project and make a decision. Atty. Aparo stated that the applicant needs to respond to a few items from the town's consultant.

There was a brief discussion about the fertilizer/pesticide application, the reporting requirements and town follow-up.

Don Hautman asked whether anyone in the public would like to ask any questions. There were no public questions.

**Motion by Gordon Isleib to close the public hearing for applications #03-13 and #03-14, Marlborough Partners, LLC, OSCAR subdivision and townhouse development. The motion was seconded by Christine Miller and it was carried by a unanimous vote.**

**Motion by Gordon Isleib to continue the public hearing for application #03-15, Marlborough Partners LLC, Golf Course. The motion was seconded by Christine Miller and it was carried by a unanimous vote.**

**Motion by Christine Miller to table applications #03-13, #03-14 and #03-15, Marlborough Partners, LLC OSCAR subdivision, townhouse development and golf course until the May 3<sup>rd</sup> meeting at 7:00 p.m. The motion was seconded by Gordon Isleib and it was carried by a unanimous vote.**

4.b. Application #04-02 - Mark & Robin Hall, 82 North Main Street – Curtain Drain

There was a brief discussion about the application and the flow of water. The members asked Peter Hughes to investigate a ¾ dry well for the site.

**Motion by Gordon Isleib to table application #04-02- Mark & Robin Hall, 82 North Main Street – Curtain Drain until the May 3<sup>rd</sup> meeting. The motion was seconded by Christine Miller Isleib and it was carried by a unanimous vote.**

## **5. OTHER BUSINESS**

5.a. Sandra & James Connell – 59 Cheney Road – Discussion

Peter Hughes stated that Mr. Connell is withdrawing his letter. They are going to knock the house down.

5.b. Various

**Motion by Christine Miller to authorize Gordon Isleib, Secretary, to send a letter of support for Senate Bill 445 An Act Concerning Municipal Wetland Powers to the Environment Committee and the Planning and Development Committee on behalf of the Conservation**

**Commission. The motion was seconded by Gordon Isleib and it was carried by a unanimous vote.**

Don Hautman talked about the open space land acquisition committee being merged into a combined Community Development Advisory Commission. Don Hautman stated that he was uncomfortable with this decision. Don's concern is that the purchase of open space for open space will take a lower priority on a community development advisory committee. Gordon Isleib noted that, as Chairperson of the Land Acquisition Committee, he hadn't been notified of the decision. Don Hautman and Gordon Isleib explained their concerns to Peter Hughes. Peter Hughes stated that the funding of the Land Acquisition Committee will not be affected. He also explained that the First Selectman wants a group that has a cross-section of people that, for the most part, are not connected to the boards to look at the community and come up with goals and values and to advise the boards on what the community sees as where the town should be headed. He explained that a lot of the works runs parallel to Planning & Development and the Conservation Commission, on certain issues. Peter Hughes stated that it still has to be worked out how it will work. Peter Hughes stated that the Board of Selectmen wants to schedule a public hearing in the beginning of May. Don Hautman stated that he believes the town needs a stronger open space land acquisition program and he doesn't see this decision moving in that direction. Gordon Isleib asked whether the open space acquisition could be placed under the Conservation Commission's advisory role. Peter Hughes replied "yes".

Peter Hughes told the commission members all of the sites that are being considered for the joint library/Town Hall project.

#### **6. APPROVAL OF MINUTES AND ACTION THEREON**

**Motion by Gordon Isleib to table the minutes of the following Conservation Commission meetings: February 23, 2004, February 25, 2004, March 1, 2004 and March 25, 2004 until the May 3<sup>rd</sup> meeting. The motion was seconded by Christine Miller and it was carried by a unanimous vote.**

Gordon Isleib stated that he would forward his site walk minutes to Peter Hughes.

#### **7. WETLAND ENFORCEMENT OFFICIAL'S REPORT**

There was nothing to report.

Don Hautman said the town needed to follow up on the drainage issue on Oak Drive and the fence issue.

#### **8. ADJOURNMENT**

**Motion by Christine Miller to adjourn the meeting at 9:35 p.m. The motion was seconded by Gordon Isleib and it was carried by a unanimous vote.**

Respectfully submitted,  
Mary Sciano