

**Marlborough Conservation Commission**  
**Regular Meeting**  
**Marlborough Town Hall**  
**June 7, 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  
Jack Bray  
Gordon Isleib  
Christine Miller

Also present:  
Peter Hughes  
Francis Hamm  
John Spagna  
Tina Deluco  
Will Hochholzer  
Bill Hulk

**Motion by Gordon Isleib to move item 4.a (John Spagna & Tina Deluco, application #04-04, 23 Lewis Rd. – New House) before item 3 – Old Business. The motion was seconded by Jack Bray and it was carried by a unanimous vote.**

**4. NEW BUSINESS**

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

Mr. Francis Hamm, surveyor and representative of the applicants, showed the members a map of the site and explained what the applicants want to do. Mr. Hamm stated that the applicants want to build a single-family home on the site. He showed the location of the wetlands on the site and the wetland crossing. He also showed the two home sites that had been previously approved for the property. Mr. Hamm stated that the wetlands have been re-flagged. He presented a sketch from the soil scientist (Mark Sullivan) to verify that the work had been done. He showed the proposed location for the septic system. The applicants have received a letter from Mr. Bell with some minor comments that have been addressed and the application has been sent back to Mr. Bell for his review. Mr. Bell stated that test pits have been dug for the septic system. He stated that the house location is approximately 60 feet from the wetlands. Mr. Hamm explained the proposed activity in the wetlands themselves. The activity consists of a 36" pipe crossing the wetland with riprap on the outlet at the end of the pipe. Mr. Hautman asked whether the applicant had looked at alternate house locations. Mr. Hamm stated that alternate locations had been looked at but that there were some steep slopes on the site that make alternate sites difficult.

There was some discussion about the filling that would be required on the site to bring the site to a 15-degree grade. Mr. Hamm stated that the direct disturbance to the wetlands has been noted on the plans but that disturbance on the buffer has not been included on the plan. Mr. Hamm explained that the wetland crossing is at the spot that has already been disturbed. Calculations for the size pipe required have been done and submitted to the town. There was a brief discussion about the proposed driveway and the steepness of the site. Mr. Hautman stated that he believes the activity may have a significant impact on the wetlands. There will be a lot of cutting, a wetland crossing and there is a significant pond within 80 feet of the septic. Overall, it is a difficult site. Gordon Isleib stated that he is concerned about outflow of water under the driveway and erosion of the hillside.

**Motion by Gordon Isleib that, based on the information presented, the proposed activity may impose a significant impact on the inland wetlands and watercourse conservation area. The motion was seconded by Christine Miller and it was carried by a unanimous vote.**

Mr. Hautman stated that the applicant needs to review Chapter 8 of the inland wetlands and watercourse conservation regulations. He explained that the commission may waive some of the requirements in the regulations and that the commission needs to consider prudent and feasible alternatives before they can grant a permit. Mr. Hautman read section 8.4 of the regulations (environmental assessment) that is required to be prepared by a professional and submitted by the applicant. The environmental assessment has several items that should be included. Mr. Hautman reviewed the list of requirements and noted which ones should be included. He also noted that the individual who prepares the environmental assessment must present his qualifications along with the assessment.

**Motion by Jack Bray that the environmental assessment include the following requirements under section 8.4 of the inland wetlands and watercourse conservation regulations: c, d, e & h. The other requirements outlined in section 8.4 are not required. The motion was seconded by Christine Miller and it was carried by a unanimous vote.**

**Motion by Gordon Isleib to hold a public hearing on July 12, 2004 at 7:00 p.m. on application #04-04, John Spagna & Tina Deluco, 23 Lewis Rd., New House. The motion was seconded by Jack Bray and it was carried by a unanimous vote.**

**Motion by Gordon Isleib to have a site walk for application #04-04, John Spagna & Tina Deluco, 23 Lewis Rd., New House, on Saturday, June 19<sup>th</sup> at 8:00 a.m. The motion was seconded by Jack Bray and it was carried by a unanimous vote.**

Don Hautman asked that the applicant stake the location of the driveway on the steep slope. In addition, the applicant was requested to stake the house location and mark the height of the fill required along the driveway area. Mr. Hautman also noted that the construction sequence needs to be more detailed and that it needs to be clear that the disturbed areas need to be stabilized as they go.

**Motion by Gordon Isleib to table application #04-04, John Spagna & Tina Deluco, 23 Lewis Rd., New House until the July 12, 2004 meeting. The motion was seconded by Christine Miller and it was carried by a unanimous vote.**

### **3. OLD BUSINESS**

3.a/b/c Marlborough Partners, LLC – applications #03-13, #03-14 and #03-15 – South/Ogden Lord Roads – OSCAR subdivision, townhouse development and country club/golf course

Peter Hughes reviewed the conditional approval for the above three applications. Mr. Hughes reiterated that this was a draft conditional approval and stated that all items requested need to be submitted and reviewed by the town's experts. Peter Hughes went through each condition one by one and explained them to the commission. Don Hautman provided his comments and the conditions were revised accordingly. This was a lengthy process, given that there are several conditions for both the housing aspect of the project and the golf course aspect of the project. Mr. Hughes stated that he would revise the conditional approval based on the comments of the commission and would forward the revised conditional approval to the commission members for their review. Peter Hughes noted that the bonding conditions still need to be drafted.

**Motion by Jack Bray to hold a special meeting on Thursday, June 17, 2004 at 6:30 p.m. to discuss possible action under applications #03-13, #03-14 and #03-15, Marlborough Partners, LLC – South/Ogden Lord Roads – OSCAR subdivision, townhouse development and country club/golf course. The motion was seconded by Gordon Isleib and it was carried by a unanimous vote.**

**Motion by Gordon Isleib to table applications #03-13, #03-14 and #03-15, Marlborough Partners, LLC – South/Ogden Lord Roads – OSCAR subdivision, townhouse development and country club/golf course until the June 17, 2004 meeting. The motion was seconded by Christine Miller and it was carried by a unanimous vote.**

**Motion by Christine Miller to add an agenda item 4.e “Application #04-05 - Ely Subdivision – Coleman Rd., Hebron/North Parker Rd., Marlborough”. The motion was seconded by Gordon Isleib and it was carried by a unanimous vote.**

**Motion by Christine Miller to move items 4.c (application #04-07 – Marlborough Health Care Center) and 4.d (application #04-08 – Stonecrest Beach Association, Lakeridge Drive) after item 4.e (application #04-05 – Ely Subdivision). The motion was seconded by Jack Bray and it was carried by a unanimous vote.**

### **4. NEW BUSINESS (CONTINUED)**

4.b Connwood Foresters, Inc. – application #04-06 – East Glastonbury Fish & Game, Planeta Rd. – Forest Thinning

Mr. Will Hochholzer, forester, spoke on behalf of the applicant. He explained that the applicant is looking to do some forest thinning on approximately 48 acres to improve wildlife habitat. He stated that no wetlands will be disturbed. He stated that approximately 10 trees per acre will be cut and trees have an average width of 13-14 inches. Mr. Hochholzer also stated that there is already a crossing at the wetlands and he intends to reinforce the crossing to allow the harvesting equipment to cross. He said that the area is fairly flat. Mr. Hochholzer stated that his job will be to supervise the activity. He will put the job out to bid and will receive a 10% bond for the work.

**Motion by Jack Bray to approve application #04-06 – East Glastonbury Fish & Game, Planeta Rd. – Forest Thinning subject to the following conditions: 1) before timbering is initiated, the WEO needs to be contacted as to the start date and how long it will take to complete. He will report to the commission at the next commission meeting; 2) there will be no slash in the buffer or wetlands or watercourses; 3) the WEO needs to be contacted when the harvesting is finished and stabilization is to be completed within 7 days; 4) there is only to be one crossing of the watercourse and it is to be the existing crossing that has a culvert installed and 5) the WEO is to inspect the site before the applicant releases the forester's bond. The motion was seconded by Gordon Isleib and it was carried by a unanimous vote.**

4.e Ely Subdivision – application #04-05 – Coleman Rd., Hebron/North Parker Rd., Marlborough

Mr. Bill Hulk explained that he is trying to build a new residential home on a parcel of land that straddles both Hebron and Marlborough. He stated that the lot is approximately five acres. Mr. Hulk showed the commission a map of the site that showed wetlands on the site. He explained that the site is mostly meadow and therefore very little clearing will be needed. The proposed house site will be between two wetlands. The project will require approximately two feet of fill and some grading.

**Motion by Gordon Isleib to have a site walk for application #04-05 – Coleman Rd., Hebron/North Parker Rd., Marlborough – Ely subdivision on Saturday, June 19, 2004 at 9:15 a.m. The motion was seconded by Christine Miller and it was carried by a unanimous vote.**

Mr. Hautman asked that Mr. Hulk mark the edges of the septic system and to stake the proposed house location as well.

**Motion by Gordon Isleib to table application #04-05 – Coleman Rd., Hebron/North Parker Rd., Marlborough – Ely subdivision until the July 12, 2004 meeting. The motion was seconded by Christine Miller and it was carried by a unanimous vote.**

**Motion by Gordon Isleib to move item 5.a (John Spagna & Tina Deluco – 23 Lewis Rd. – wetland violation) before item 4.c. The motion was seconded by Jack Bray and it was carried by a unanimous vote.**

## **5. OTHER BUSINESS**

5.a John Spagna & Tina Deluco – 23 Lewis Rd. – Wetland Violation

Peter Hughes gave a brief update on the corrective measures the applicants have taken to resolve the wetland violation. He stated that he visited the house site and that he will have the town engineer review the site as well.

**Motion by Gordon Isleib to revise the cease and desist order for John Spagna & Tina Deluco to add the following corrective measures to be done by the applicants: 1) clean out the sediment (by hand) at the check dam below the driveway in the intermittent watercourse; 2) allow the property owner to take out the stockpile timber located on the**

**east side of the intermittent water course and 3) clean out the debris in the stockpile area. In addition, the previous requirement that the applicants install 2” stone along the row of hay bales is to be removed. The motion was seconded by Christine Miller and it was carried by a unanimous vote.**

Don Hautman asked that Peter Hughes distribute copies of the revised order to the commission members and to include this item on the agenda for the July 12<sup>th</sup> meeting.

#### **4. NEW BUSINESS (CONTINUED)**

4.c Marlborough Health Care Center – application #04-07, 85 Stage Harbor Rd. – Addition

The commission members reviewed a map of the site and Mr. Hughes explained that the applicant wishes to construct a 1,500 square feet addition to add a rehabilitation area.

**Motion by Gordon Isleib to approve application #04-07, 85 Stage Harbor Rd. with the following conditions: 1) silt fence to be installed around the perimeter of the disturbed area and the installation to be approved by the WEO before any activity is initiated and 2) identify the stockpile area on the west side of the proposed addition that is included within the silt fence ring. The motion was seconded by Jack Bray and it was carried by a unanimous vote.**

4.d Stonecrest Beach Association – application #04-08, Lakeridge Drive

Peter Hughes explained the location of the beach and stated that the association members want to replace four timber logs at the beach that have been put down to create a square, holding the sand back from the water. The members will also put down approximately 12 yards of new sand. Mr. Hughes stated that all the timber is untreated wood and all the work will be done by hand.

**Motion by Jack Bray to approve application #04-08 – Stonecrest Beach Association, Lakeridge Drive. The motion was seconded by Christine Miller and it was carried by a unanimous vote.**

#### **5. OTHER BUSINESS (CONTINUED)**

5.b Community Development Advisory Committee

Peter Hughes gave a brief update on the CDAC. He stated that there will be a kickoff meeting on June 21<sup>st</sup> and that Gordon Isleib will be a member of the committee. Mr. Hughes stated that Nancy Bader is aware of the commission’s concern about open space and Don Hautman stated that he believes the commission can work with the CDAC on open space issues. Peter Hughes stated that he is updating the map with all the town’s conservation easements and he will bring the revised map to the next meeting.

Gordon Isleib updated the commission members on where the Open Space Land Acquisition Committee left off on open space issues. Mr. Isleib stated that the committee’s general goal was to have town open space for passive recreation and to keep the rural character of the town. He stated that the Open Space Land Acquisition Committee had worked on a “Marlborough Open

Space Plan” but the plan is not finished. Don Hautman stated that he believes the conservation commission should create a sub-committee to finish the plan.

Peter Hughes gave an update on various properties in town that have been identified as possible purchases for open space. He explained that the town sent out 10-12 letters to property owners asking if they were interested in selling their land to the town. Two residents have contacted the town and are interested in selling their properties. Each property is approx. 60 acres. There was a discussion about these two specific pieces of properties and the members noted that they are ideal properties because they are close to other open space pieces of land.

**Motion by Gordon Isleib that the Conservation Commission recommend that the Board of Selectmen actively pursue the acquisition for open space purposes the Amato and Scotello properties. The motion was seconded by Christine Miller and it was carried by a unanimous vote.**

There was a brief discussion on other properties in town that have been identified as attractive to purchase for open space purposes. Don Hautman stated that at some point the town will need to prioritize which parcels of land should be acquired for open space. Peter Hughes stated that he would send a letter to the Board of Selectmen on behalf of the Conservation Commission re the above motion.

#### 5.c Marlborough Country Barn Runoff

This item was included in the agenda because Gordon Isleib had reported at an earlier meeting that he had seen large amounts of water running off from the driveway into the lake. Peter Hughes stated that he reviewed the site for runoff from the driveway after a heavy rainfall period and saw no runoff. He agreed to keep an eye on the site.

#### 5.d Ruby Estates

Peter Hughes stated that he has received some data on this site and that the July meeting will include an application to extend the drainage pipe.

Don Hautman stated that he has noticed an area on Flood Rd. near a culvert that water is stagnant and mucky. Mr. Hughes stated that he would look into it.

#### 5.e Sewer Impact on Lake Property Re-development

Peter Hughes stated that the town is looking to obtain a grant to do a town center study. Part of this study will look at development around the lake area. He stated that strong storm water management controls will need to be put in place to protect the lake.

#### 5.f Oak Drive Drainage

Peter Hughes stated that the town engineer will look into this issue after he is done with the golf course/housing development application. He stated that Mr. Foley has done some work and he has reviewed the work.

There was a brief discussion about activity on West Rd. that appears to have been done near wetlands. Also, Don Hautman stated that the timbering activity that was approved on Chapman Rd. appears to be complete and he wants to review the site.

**Motion by Gordon Isleib to have a site walk on Saturday, June 19, 2004 at 10:00 to review the timbering activity that has been done on Edstrom/Chapman. The motion was seconded by Christine Miller and it was carried by a unanimous vote.**

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

**Motion by Jack Bray to approve the minutes of the May 27, 2004 meeting with the following changes: 1) section 1 – call to order, delete the “1” after 7:35; 2) page 1, item 3 – show cause hearing, paragraph three, fourth sentence, delete “and the site and there were very little” and replace with “on the site and there were very few”; 3) same section, sixth sentence, after “to the site” add “and there was a new placement of log across the watercourse”; 4) page 2, third erosion control measure, delete “on the property” and substitute with “on the owner’s property” and 5) page 2, sixth erosion control measure, delete “i.e. from” and substitute with “also seed from”. The motion was seconded by Christine Miller and it was carried by a unanimous vote.**

**Motion by Jack Bray to approve the minutes of the April 13, 2004 meeting. The motion was seconded by Gordon Isleib and it was carried by a unanimous vote.**

**Motion by Gordon Isleib to approve the minutes of the April 7, 2004 meeting with the following changes: 1) page 1, section 4.a, second sentence, delete “George Fuller” and substitute with “Joel Fuller”; 2) same paragraph, add the following sentence prior to the last sentence “The applicant was requested to speak with Peter Hughes concerning the dewatering system design used in a previous application for demolition of a house near the lake”; 3) page 2, second paragraph, last sentence, delete “sampling the pond should compound levels be found high” and substitute with “increased sampling in the pond in the event that increased levels are found”; 4) page 3, paragraph 5, second to last sentence, delete “hearing” and substitute with “hearings”; 5) page 3, paragraph 6, sentence 5, delete “of the main water hole on the site” and substitute “of the most significant watercourse on the site”; 6) same paragraph, 11<sup>th</sup> sentence, insert “pesticides and herbicides” before “storage area” and insert “storage” before “tanks”; 7) page 4, 1<sup>st</sup> paragraph, delete “East Hampton has not” and substitute with “East Haddam had not”; 8) page 5, section 5.a, after “the house down” insert “consistent with the approach approved by the commission” ; 9) page 6, 1<sup>st</sup> paragraph, sentence 8, delete “works runs parallel to Planning & Development and the Conservation Commission, on certain issues” and substitute with “CDAC activities overlap the responsibilities of the Planning and Conservation Commission”; 10) same section, last paragraph, delete “told” after “Peter Hughes” and substitute with “presented to”. The motion was seconded by Christine Miller and it was carried by a unanimous vote.**

**Motion by Christine Miller to approve the minutes of the March 25, 2004 meeting. The motion was seconded by Gordon Isleib and it was carried by a unanimous vote.**

**Motion by Gordon Isleib to approve the minutes of the March 1, 2004 meeting with the following changes: 1) under the heading, delete “Special Meeting” and substitute with “Regular Meeting”; 2) page 1, item 3, first sentence, delete “expiry” and substitute with “expiration”; 3) page 6, delete “4. PUBLIC COMMENTS” and replace with “Don Hautman asked if there were any public comments”. New Business then becomes Item 4, Other Business becomes Item 5, approval of minutes becomes item 6, 424 Jones Hollow Rd. becomes item 7, correspondence becomes item 8, wetland enforcement official’s report becomes item 9 and adjournment becomes item 10; 4) page 7, section 7, first paragraph, delete “There are wetlands on the majority of the site” and substitute with “There are wetlands along the perimeter of the site” and 5) page 7, section 9, delete “Peter Hughes said that the Blackledge development is pretty stable” and substitute with “Peter Hughes said that the E&S control measures and stabilization of disturbed areas are in good condition at the Blackledge development”. The motion was seconded by Christine Miller and it was carried by a unanimous vote.**

**Motion by Jack Bray to approve the minutes of the February 25, 2004 meeting. The motion was seconded by Christine Miller and it was carried by a unanimous vote.**

**Motion by Jack Bray to approve the minutes of the February 2, 2004 meeting. The motion was seconded by Christine Miller and it was carried by a unanimous vote.**

**7. WETLAND ENFORCEMENT OFFICIAL’S REPORT**

There was nothing to report.

**8. ADJOURNMENT**

**Motion by Jack Bray to adjourn the meeting at 10:52 p.m. The motion was seconded by Christine Miller and it was carried by a unanimous vote.**

Respectfully submitted,

Mary Sciano