

APPROVED



Mayor Joseph C. Sullivan

Department of Planning and Community Development

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Christine Stickney, Director
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**CONSERVATION COMMISSION
MEETING MINUTES
THURSDAY, MAY 14, 2009 7PM**

FLETCHER HALL – TOWN HALL

PUBLIC HEARING

DEP FILE NUMBER: 8-585

APPLICANT: Tri Town Board of Water Commissioners

LOCATION: Richardi Reservoir

Members Present: Patrick Flynn, Chair
Gus Murphy, Vice Chair
Gail Feldman
Matthew Hobin
Daniel McMorrow, Jr.

Staff: Kelly Phelan

Staff noted that there was no further information on this project and suggested the hearing be continued to the September 24 meeting.

Motion by Mr. Murphy, second by Ms. Feldman to continue the hearing to the September 24, 2009 meeting. Vote: 5-0.

PUBLIC HEARING

DEP FILE NUMBER: 8-593

APPLICANT: Town Engineer

LOCATION: Bestick Road Area

Members Present: Patrick Flynn, Chair
Gus Murphy, Vice Chair
Gail Feldman
Matthew Hobin
Daniel McMorrow, Jr.

Staff: Kelly Phelan

Robert Campbell, Town Engineer and Phil Paradis, BETA Group, presented the project. The Bestick Road brook flows from under Storrs Ave., under Staten St. and Dickerman St. to join the Town Brook. Problems with the capacity of the brook have caused several flooding events in which residents are in severely impacted.

Mr. Flynn asked what the cause of the capacity problem was. Mr. Campbell replied that the area was developed before there were regulations in place to prevent problems. Over the years, people have closed in the banks of the stream, built retaining walls, and otherwise restricted flow through the area. Mr. Campbell showed photos of the stretch of the stream near North Prospect St. and noted that the channel in this area is how it should look through the whole stream.

Mr. Paradis stated that the problem was a combination of things- encroachment, development, etc.

Mr. Murphy stated that the flooding problem went back at least 30 years.

Ms. Feldman asked if the work on the Braintree Dam was a cause. Mr. Campbell stated that it was not. This brook is a tributary to the Town Brook and that the Army Corps included pressurized box culverts in the Town Brook to prevent backwater into this brook.

Mr. Campbell noted that Archbishop Williams had helped the Town to resolve this problem by constructing a detention basin behind their field on Storrs Avenue. The basin was constructed on land donated to the Town by Masonic Temple. The basin helps to reduce the rate of flow through the brook during heavy storms. The Bestick Road pilot project is another step to help address the flooding problem, in addition to the basin.

Mr. Campbell noted the presence of an old farm road through the wetland off of North Prospect Street. They plan to use this area as a berm (after increasing the height of it) and use it to store flood waters in the wetland.

Mr. Flynn asked who owns the property. Mr. Campbell replied that several parcels of it are town-owned and some are private and that the Town is working on acquiring easements from the property owners to allow this project.

Mr. Paradis stated that they had installed a rain gauge and flow meter in the stream at the Faulkner Road culvert and use that information to calibrate their model of the hydrology of the watershed. The proposed outlet control structure in the stream has a bottom elevation the same as the existing grade of the stream so it won't hold water back in normal condition, only in high flow conditions.

Mr. Campbell noted that the project includes filling and grading some of the surrounding properties to raise them above the maximum flood storage elevation.

Staff raised a concern that using the wetland for flood storage could change the area from a forested wetland to a marsh. Mr. Paradis stated that the area would drain in a matter of hours so this was unlikely.

Mr. Campbell noted that Representative Driscoll had gotten a line item in the state budget to fund this study and pilot project.

Representative Joseph Driscoll noted that he was happy to see the project underway. He obtained funding for the project to help alleviate the chronic flooding in the area.

Mr. Paradis continued with his response to staff concerns. The area in which the berm will be constructed is narrow and the contractor will have to work backwards. The contractor will have to provide a flow continuation plan to the Commission prior to the start of work. As for replication, there is not money for plant material, Mr. Paradis suggests letting it revegetate.

A resident from the end of Faulkner Ave. stated she would appreciate anything to alleviate the flooding along this brook.

The Commission discussed the need for the affected property owners to agree to this proposal.

Motion by Mr. Murphy, second by Mr. McMorrow, to continue the public hearing to June 11 to allow for the Town Engineer to obtain approval from the affected property owners. Vote: 5-0.

PUBLIC HEARING

DEP FILE NUMBER: 8-594

APPLICANT: Victor Barbati

LOCATION: 130 Howie Rd.

Members Present: Patrick Flynn, Chair
Gus Murphy, Vice Chair
Gail Feldman
Matthew Hobin
Daniel McMorrow, Jr.

Staff: Kelly Phelan

Mr. Barbati was present to explain his proposal to build a 14' x 22' addition to his home at 130 Howie Road. Staff noted that the location was within 50' of the Town Brook but above the floodplain elevation. The lot is small, about 7590 square feet and the addition is within existing lawn area.

Mr. Murphy asked Mr. Barbati about erosion control. Mr. Barbati said he will put up haybales.

Staff drafted conditions for the project, including a condition that Mr. Barbati plant a few native shrubs at the back of the site to provide a more vegetated area within the 25' buffer zone.

Motion by Mr. Murphy, second by Ms. Feldman to issue the Order of Conditions as drafted and close the public hearing. Vote: 5-0.

Other Business

Members Present: Patrick Flynn, Chair
Gus Murphy, Vice Chair
Gail Feldman
Matthew Hobin
Daniel McMorrow, Jr.

Staff: Kelly Phelan, Conservation Planner

Enforcement

62 Kelley Drive

Mr. Elworthy did not attend the meeting to update the Commission.

Motion by Mr. Murphy, second by Mr. McMorrow to send a letter to Mr. Elworthy stating that if he does not attend the next meeting he will be fined retroactively.

57 Jersey Ave.

Staff noted that she had sent a letter to Mr. Campbell requesting his attendance at this meeting to discuss alteration of buffer zone on his property. [In a 2006 enforcement matter by the Commission, Mr. Campbell was instructed to leave an area 30' from the back of the garage, toward the river to revegetate naturally. Staff recently noticed that this area had been seeded and was being maintained as lawn, rather than being allowed to restore to forested buffer zone.]

Motion by Mr. McMorrow, second by Mr. Murphy to send Mr. Campbell a letter requesting his appearance the next meeting and he did not attend, he would be fined retroactively. Vote: 5-0.

Oregon Ave. Lot 4

Staff explained that the 7-lot subdivision was permitted by the Conservation Commission. The site is surrounded by floodplain and wetlands. The plans approved by the Commission relative to Lot 4 included an area of floodplain which would be seeded to lawn but not filled. During construction on this lot, a significant amount of fill was brought in and an area of floodplain was filled. The developers of the project, Dan and Jamie McGrath, had removed this fill and were addressing the situation.

Open Space and Recreation Plan

Ms. Feldman had a few comments. Hiring a ranger should be added to the Action Table items and that there should be a list of desired acquisition sites so that everyone knows what the priorities are. Mr. Flynn stated that he would like additional time to review the Action Table and suggested continuing the discussion at the next meeting.

Mr. Flynn requested that staff research hiring a part-time, summer intern and develop a job description, list of the goals and objectives for the intern to accomplish, rate of pay, vehicle access etc.

Motion by Mr. Murphy, second by Mr. McMorrow to have staff conduct put that information together. Vote: 5-0.

The Commission had discussed moving forward with developing Rules and Regulations for the town's conservation land. Mr. Flynn suggested that two hearings on the Rules and Regulations would be good approach. Staff will schedule and advertise the hearings for June 11th and June 25th.

Release of Surety for 8-552B

Staff recommended releasing the wetland replication guarantee as the wetland is successfully established. Vote by Mr. Murphy, second by Mr. Hobin to release the surety. Vote: 5-0.

Approval of Minutes

Motion by Mr. McMorrow, second by Ms. Feldman, to approve the minutes of April 23, 2009. Vote: 5-0.

Recommendation for New Member

Mr. Murphy noted that Ms. Waldron is resigning from the Commission. He recommended a former Commission member, Peter Connell, as a good replacement for Ms. Waldron. He noted that Mr. Connell had served on the Commission for several years.

Motion to Adjourn

Motion by Mr. Murphy at 8:45 PM, second by Mr. McMorrow, to adjourn the meeting. Vote: 5-0.