

**TOWN OF SOMERS
CONSERVATION COMMISSION
P.O. BOX 308
SOMERS, CT 06071**

**CONSERVATION MINUTES
REGULAR MEETING
Wednesday, June 7, 2006
Town Hall 7:00 p.m.**

I. CALL TO ORDER

Acting Chairman Karl Walton called the meeting to order at 7:05 p.m. Members Candace Aleks, Henry Broer, Joan Formeister, Dan Fraro, Karl Walton, Todd Whitford, Lise Wood and Alternate Member Daniel Fraro (seated for Joan Formeister) were present and constituted a quorum. Wetlands Officer David Askew was also present.

II. OLD BUSINESS

a. Discussion/Possible Decision: Wetlands Application #542, New House in Upland Review Area, 126 Florida Road, Leno

Ric Leno presented plans for the site, noting that because the site is very tight, restrictions have been set on the placement and size of the septic system. Most of the wetland is forested. All alternate positions for the home have been considered.

Mr. Whitford suggested that the Commission place an access easement on the property to ensure that the wetland markers are protected. Discussion followed about enforcement options which the Commission has regarding applications and whether or not access easements might be an option for the future.

A consensus was reached that Mr. Leno be required to monument the wetland boundary with permanent markers on the trees or on 4 x 4 posts.

Mr. Askew suggested that as a condition of approval, silt fence be placed along the clearing line prior to any clearing or construction.

A motion was made by Todd Whitford, seconded by Lise Wood and unanimously voted to approve Leno's Wetland Application #542 for a new house at 126 Florida Road with the conditions that silt fence be placed along the clearing line prior to clearing and construction, and that the wetlands be permanently delineated with markers on trees or posts.

b. Discussion/Possible Decision: Wetlands Application #543, 14-Lot Subdivision with Water Quality Basin in Wetland, Hall Hill Road & McCullough Drive, Leaska

Guy Hesketh from Hesketh Associates presented plans for the subdivision. He explained that reports have been submitted from the soil scientist for review by staff and the applicant is seeking approval for putting in a subdivision, including a detention basin within the upland review area and within a small isolated wetland. He has received a letter from Steve Jacobs requesting modifications with the location of the homes on the sites in order to accommodate septic systems.

Mr. Askew noted that he determined that the two isolated wetlands are not vernal pools. He suggested that the wetlands be monumented and a pre-construction meeting be held. He also asked about the discharge of the storm water from the basin particularly during over-flow conditions and its impact on the receiving wetland.

Mr. Hesketh explained that the water overflow will collect in the detention basin which will fill to a maximum depth of 5 feet. During normal flows the basin will discharge through an outlet pipe, through an easement on the adjacent property, to the drainage system on George Wood Road. Only during the 100-year flood will the basin discharge into the wetland.

Mr. Askew explained that he has suggested an easement on the plans and expects that the Planning Commission will require this. He also noted that the location of the storm basins is close to the house and suggested that Mr. Hesketh change this on the plans.

A motion was made by Todd Whitford, seconded by Lise Wood and unanimously voted to approve Leaska's Wetland Application #543 for a 14-lot subdivision with the conditions that permanent monumentation be made of the non-disturbed wetland and a pre-construction meeting be held.

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c. Discussion/Possible Decision: Wetlands Application #544, Culvert Replacement & Extension for Existing Driveway Construction, 55 Scully Road, Wendlandt

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Mr. Askew presented plans for the applicant noting that it is an existing driveway crossing on lower Scully Road which was damaged during flooding. He requested that the applicant get a permit because the culvert is being extended. A plunge pool with rip rap will be constructed. He recommended that the work be done during low-flow conditions.

A motion was made by Lise Wood, seconded by Candace Aleks and unanimously voted to approve Wendlandt's Wetland Application #544 for culvert replacement and extension for existing driveway construction at 55 Scully Road with the condition that the work be done during low-flow conditions.

d. Discussion/Possible Decision: Wetlands Application #545, New House with Wetland Fill & Activity in Upland Review Area, 54 (aka 86) Horseshoe Lane, Granger

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Mr. Mocko presented the plans for the existing 4-acre lot at the end of Horseshoe Lane. He explained that there is a small low-lying man-made wetland that collects surface water. He is proposing taking gravelly soil and filling this wetland. A silt fence will be installed to protect an adjacent pond during the filling activity.

Once the grading is complete, there will be a buildable area of approximately 1-1/2 acres. A buffer of approximately 30 feet will be maintained between the filling and the pond.

- Mr. Askew had no issues with the application and a motion was made by Lise Wood, seconded by Todd Whitford and unanimously voted to approve Granger's Wetland Application #545 for a new house with wetland fill & activity in an upland review area at 54 (aka 86) Horseshoe Lane.

At this time, Henry Broer and Lise Wood recused themselves.

e. Discussion/Possible Decision: Modification of Wetlands Application #524: Wetland Filling, 164 Hampden Road, Grower Direct

David Askew distributed copies of the DEP Notice of Violation dated May 18, 2006, and directed the Commissioners' attention to the requirements the state is making. Mr. VanWingerden has been directed to get control of Grower Direct's discharges by the State within the next 30 days. How the discharges are addressed by the DEP may affect the current proposal to fill approximately 14, 000 square feet of wetland to construct a stormwater quality basin. The permit is partially after-the-fact, as the wetland has already been filled.

Mr. Askew also presented photos taken at the site and at Mr. Bealey's pond today about noon, noting that there is a large amount of sediment and a very active pollution problem which needs to be addressed. Concern was expressed that the situation requires immediate attention rather than waiting until the state's time limit expires.

Environmental Consultant Mike Mocko presented plans on behalf of Mr. Van Wingerden and suggested that the application for permit modification is for a storm water treatment which can begin to solve the problem once approval is received. He is proposing detention/water quality swale at the outlet of the existing 24" pipe. The swale should help clear up the immediate overflow issues. He explained that he has been monitoring the site and knows that there is work to be done on the drains, which can be done once approval is received. He added that the immediate problems have been caused by the very heavy rains and that if the Town approves the current application, he believes that it will be in accordance with what the state will require.

Mr. Mocko has asked that Mr. Van Wingerden install a stone berm around the catch basin with filter fabric, crystals, and stone mulch. These items can be done within 2 days.

Discussion followed about the positioning of the road. Mr. Mocko noted that he believes the road is in its final position and that sand fill has been placed on the road to stabilize it. The sand fill should be replaced by gravel.

- Concern was expressed that the applicant does not have a history of complying with the Town's requests and that based upon this history, it is difficult to be sure that he would do any of the work that the Commission requires even under Mr. Mocko's and Mr. Askew's supervision. Property owners need to be required to take responsibility for what happens on their land, particularly when it impacts neighbors.

A suggestion was made and a consensus was reached that the should approval be given and Mr. Van Wingerden not comply with the requirements set out by the Commission, that the Town Attorney will be consulted for potential legal action against the applicant.

A motion was made by Dan Fraro and seconded by Daniel Fraro to approve Grower Direct's modification of Wetlands Application #524 for wetland filling with the following conditions: 1) That the current catch basins and check dams be stabilized by putting in a permeable fabric to protect the area and that flocculent crystals are needed on unstable soils within two days of this meeting; 2) That the accumulated sediment along the driveway road and within the wetland is to be removed within a week of this meeting. Mr. Askew is to be notified once this work is complete so that it can be inspected prior to June 21, 2006. 3) The wetland area is to be delineated with concrete monuments along the south side of the access road and plans are to be submitted showing where the monuments are. The delineation of the wetland area is to be staked and approved by David Askew prior to the July Conservation Commission Meeting. 4) All work is to be completed prior to the August meeting. The motion was approved by a vote of 3 in favor (Fraro, Fraro, Aleks), 1 opposed (Whitford), and 0 abstentions.

Lise Wood and Henry Broer returned to the meeting at this time.

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f. Other - No other Old Business was presented.

III. NEW BUSINESS

A motion was made by Henry Broer, seconded by Todd Whitford and unanimously voted to combine Items a and e of the agenda.

a. Wetlands Application #547, Install Dry Hydrant in Mill Pond, 63 School Street, Town of Somers

e. Wetlands Application #551, Install Dry Hydrant in Pond, 137 Mountain View Road, Town of Somers

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Fire Chief Frank Falcone presented diagrams for each application and explained that the Somersville Mill is very large and would require an estimated 19,000 gallons per minute should an emergency fire situation arise. Currently the capacity of the department would be 1,000 gallons per minute. The Fire Department has applied for 2 state grants for a dry hydrant in the mill pond and a dry hydrant on Mountain View Road.

The application for the Mountain View Road dry hydrant includes installation just below Miller Drive, near LaCabana Road.

Mr. Askew noted that he has no issues with either application.

Mr. Falcone requested that a special meeting be held to address these applications, and the Commission determined that if a quorum could be met, a special meeting will be scheduled for June 21, 2006.

- A motion was made by Candy Aleks, seconded by Daniel Fraro and unanimously voted to add the following item to the agenda:

g. Other: Wetlands Application #546, 23 Eleanor Road for Watercourse Crossing and Activity in the Upland Review Area, Eleanor Road, LLC

- Becky Meyer from Design Professionals, Inc. presented the application for currently undeveloped property containing approximately 27.2% wetlands situated on the north side of Main Street between Bailey Lane and Wells Road. The applicant is seeking to construct a driveway crossing of a stream to access lots #2 and to grade in the upland review area associated with lots #1 and #2. The applicant intends to have 3 lots, 2 of which would be residential. There are no plans currently for the third lot.

Ms. Meyer explained that there would be approximately 280 square feet of wetland disturbance, with 3 acres of disturbance in the upland review area. An intermittent watercourse runs through the site.

Silt fences would be installed for erosion control during any construction and the applicant is proposing anti-tracking pads for the driveways. There will be no shared driveways.

Mr. Fraro noted that the plans as designed would leave lot 3 land-locked with the exception of a very narrow corridor for access. The question arose as to whether alternatives to the crossing might be explored. Ms. Meyer explained that alternative lot plans had been considered, but they would require a variance and a shared driveway. The site was designed with the thought that the area on Lot 3 located on the other side of the wetland would not be considered for future construction, so access would probably not be an issue. Mr. Askew recommended that future plans for lot #3 be presented in writing as part of this application to assure that there is not a conflict with the proposed plan for the wetland crossing and that a future crossing for lot 3 is not proposed once the first crossing is constructed. Ms. Meyer also noted that the applicant is considering the possibility of age-restricted housing being placed on the parcels, at the end of the existing road.

b. Wetlands Application #548, Addition to Home in Upland Review Area, 57 Collins Road, Celotto

The applicant is proposing an addition to his home which is currently within the regulated area. The addition will infringe upon the 100-foot buffer zone by 8 feet on one area. Mr. Askew has no issues with this application.

c. Wetlands Application #549, Addition in Upland Review Area; Grading & Pond in Wetlands, 236 Watchaug Road, Loupe

Mr. Askew presented plans for the applicant, noting that the property is adjacent to Pell Farms, just north of King Road and most of the lot is wetland. The applicant is excavating the foundation and rebuilding a garage and would like to add fill in the existing lawn area to create a functioning lawn area. Grading plans

include the creation of a pond near Watchaug Road. Half of the lawn area will be graded to drain to the pond, the other half will drain toward the rear of the property. Grading will not extend to the rear property line, so water will be contained within the existing property. No off site impacts are expected.

Mr. Askew commented that all of the activity is within previously disturbed wetlands and proposed application presents an improvement for the site and he has no issues with the application.

d. Wetlands Application #550, Grading in Wetland & Barn in upland Review Area, 122 Hampden Road, Forest

Mr. Forest presented plans for re-grading his property. The wetlands have been flagged and it is his intention to drain the wetland area by installing a pipe which will carry the water into a pond on a property at 130 Hampden Road. The proposal also includes a barn within the upland review area.

Mr. Askew noted that the applicant would need to substantiate permission for access from the neighbors in writing and all activities would need to be specifically designated on the plans.

IV. AUDIENCE PARTICIPATION - There was none

V. DISCUSSION: PLAN OF CONSERVATION AND DEVELOPMENT

There was no discussion on this item.

VI. STAFF/COMMISSIONER REPORTS

Mr. Askew presented the Wetland Agent's Report. He explained the activity at the Partridge Run subdivision and noted that it was activity which occurred as an emergency storm repair. He has inspected the site and sought the Commissions concurrence that sediment could be removed from the stream without a permit. Mike Mocko, who will be working on the project, has been asked to stake out boundaries prior to work being completed.

A motion was made by Lise Wood, seconded by Dan Fraro and unanimously voted to accept the Wetland Agent's Report.

Mr. Askew also presented for the Commissioners' review copies of a recent Superior Court decision regarding Toll Brothers, Inc. vs. Bethel Inland Wetland Commission.

VII. CORRESPONDENCE AND BILLS

None were presented. It was the consensus of the Commission to approve giving authority to Chairman Joan Formeister to pay any bills which may be presented before the end of the budget year.

VIII. MINUTES APPROVAL

A motion was made by Dan Fraro, seconded by Lise Wood and unanimously voted to approve the minutes of the May 3, 2006 Commission Meeting as written.

IX. ADJOURNMENT

A motion was made by Lise Wood, seconded by Dan Fraro and unanimously voted to adjourn the June 7, 2006 Conservation Commission meeting at 9:35 p.m.

Respectfully submitted,

Lise Wood, Secretary

Robin Timmons, Recording Secretary

MINUTES ARE NOT OFFICIAL UNTIL APPROVAL AT A SUBSEQUENT MEETING.