

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

**CONSERVATION MINUTES
REGULAR MEETING
Wednesday, July 12, 2006
Town Hall 7:00 p.m.**

I. CALL TO ORDER

Chairman Joan Formeister called the regular meeting to order at 7:03 p.m. Members Candace Aleks, Henry Broer, Dan Fraro, and Alternate Member Daniel Fraro (seated for Karl Walton) were present and constituted a quorum. Wetlands Agent (In-training) Erik Bedan was also present.

A motion was made by Candace Aleks, seconded by Henry Broer and unanimously voted to add the following items to the agenda: under **Old Business: b. Discussion: Compliance With Wetlands Application #524 Conditions of Approval, 164 Hampden Road, Grower Direct Farms** and under **New Business: f. Wetlands Application #557, Wetland Filling, 95 Franklin Woods, Socha.**

II. OLD BUSINESS

a. Discussion/Possible Decision: 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. explained that the application has changed because they have met with the Zoning Board of Appeals and have received approval for the driveway within 10 feet of the property line. This will prevent a need for a watercourse crossing as originally proposed.

There will still be disturbance in the upland review area during construction of the septic system, and she reviewed these plans with the Commission. Erik Bedan reported that David Askew has seen the modified plans and has no concerns.

A motion was made by Dan Fraro, seconded by Candace Aleks and unanimously voted to approve Eleanor Road, LLC's Wetlands Application #546 at 23 Eleanor Road for activity in the upland review area.

b. Other - It was the consensus of the Commission to discuss the added agenda item for Grower Direct Farms later in the meeting.

III. NEW BUSINESS

a. Wetlands Application #552, Rip Rap in Stream for Stream Stabilization, 163 George Wood Road, Fogarty

Mr. Bedan presented plans for the applicant noting that there is a section of the stream bank that has eroded away and needs minor repair which can be done with the use of rip rap. The applicant has not been required to consult with an engineer as required under the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control. The Agent and Commission have been working with a number of homeowners with in-stream erosion, some of which resulted from last October's flooding. Permitting requirements have been modified in some instances to facilitate protection of property. Mr. Bedan noted that Mr. Askew has no concerns with the application.

b. Wetlands Application #553, New House Within Upland Review Area, 70 Scully Road, White

Mr. Bedan explained that the applicant is proposing the construction of a single-family home on the site. The wetlands have been flagged by a soil scientist. The site is difficult because wetlands are spread out and surface runoff is significant. Drainage will be a concern for the future homeowners. Curtain drains may be necessary behind the home and permanent delineation of the wetland area is recommended.

Discussion followed about plan and the lot boundaries. It was noted that these will need to be clarified at the next meeting.

c. Wetlands Application #554, 3-Lot Subdivision in Upland Review Area, Wells & Mountain View Road, Town of Somers

Mr. Bedan presented plans for the subdivision, noting that drainage will not be a concern if the homes are built on the footprints as presented. Because it is an application for a subdivision, there is a need for approval by the Conservation Commission. The Commission requested updated plans because the current plans indicated more than 3 lots in the subdivision. David Askew has not identified any issues with the project.

d. Wetlands Application #555, Agricultural Drainage Improvements in Wetland, 327 Ninth District Road, Barrett

Mr. Bedan explained that the applicant is seeking to improve drainage on the site by installing a culvert. The project is related to agricultural and the NRCS will be doing the engineering work. An existing culvert crosses beneath the town road and discharges stormwater onto farm fields. The proposed plan will carry the stormwater through a culvert beneath the fields to drain into a swale and then a wetland or watercourse. Once the wetlands are flagged, a more formal plan will be presented to the Commission for review.

e. Wetlands Application #556, New House With Driveway Crossing Wetlands, 276 Billings Road, Clarke

It was noted that in 1997 a wetlands permit was granted for this site, but it has now expired. The applicant is now reapplying and seeking to construct a driveway and culvert. 1,700 square feet of wetlands will be disturbed in order to construct the driveway.

Mr. Askew is recommending that the wetland line be marked in the field prior to construction since there are no longer any flags or other feature to define the edge of the wetland.

f. Wetlands Application # 557, Wetland Filling, 95 Franklin Woods, Socha

Because the application was submitted at the meeting, the official receipt date by statute would be 35 days from the day after this meeting, or August 17. Robert Socha presented plans for work he would like to do on his 2-acre home site containing a single-family home. He has had a soil scientist flag the wetland area on his property, which has developed since the home has been built on the site. He would like to remove a portion of vegetation on the slope, add fill within a section of wetlands and increase his lawn, while maintaining wetlands up to the alders.

Mr. Bedan explained that with the development in the area, the parcel has become wetter as evidence by the vegetation. He explained there is no significant concern for wetland habitat. However, the wetland functions to store stormwater and there is a drainage issue which needs to be considered. Of site impacts including increased stormwater discharge and erosion are likely. In addition, there is currently soil erosion evident within the alder grove downslope of the area proposed for filling. Mr. Askew has suggested that a swale be incorporated into the design which will tie into the curtain drain at the base of the driveway.

Discussion followed and a consensus was reached that Mrs. Formeister will contact David to see if a walk of the property could be arranged. Mr. Socha was agreeable to this.

IV. AUDIENCE PARTICIPATION

James Bealey, 88 Hampden Road, presented photos of the pond on his property. At this time, the pond is completely white and he is concerned. He said that he has been in contact with David Askew about sedimentation in the pond in the past, but Mr. Bealey is looking for a remedy to the situation. He explained that he has 4 brooks on his property and they are a mess as a result of the activities at Grower Direct Farms.

Mr. Bedan and Mrs. Formeister explained that the DEP has visited the site and that the Commission is well aware of the activities taking place on the site. They explained to Mr. Bealey some of the requests for compliance the Town has made to Grower Direct Farms.

II. OLD BUSINESS

b. Discussion: Compliance With Wetlands Application #524 Conditions of Approval, 164 Hampden Road, Grower Direct Farms

At this time, Environmental Engineer Michael Mocko joined the meeting and spoke on behalf of Leonard Van Wingerden. The CT DEP Stormwater Division and Inlands Wetlands Division have inspected the property and have written a notice violation addressing stormwater and other issues. Mr. Mocko has suggested a timetable for meeting the state's demands and has responded to them in writing.

The main goal is to address the water discharges from the greenhouse. The floor drains have been sealed with concrete and a water monitor has been placed on the well to determine ground water consumption. The driveway has been paved as requested, with a section on the apron which will be paved with concrete to help with truck traffic.

Mr. Mocko added that with respect to the town's requests, he has placed check dams, flocculent crystals and new hay bales to help with erosion at the curtain house. In addition, the wetland edges have been staked and once Mr. Askew has reviewed them, permanent markers can be placed on the wetlands.

Mr. Bedan noted that he inspected the stakes today and will discuss their placement with Mr. Askew.

When asked about the white runoff in Mr. Bealey's pond from the discussion earlier, Mr. Mocko explained that this is from liquid shade, which is a non-toxic substance placed on the windows for shade. Mr. Van Wingerden has assured him that he will no longer be using this substance, but will now use only shade netting.

Discussion followed about the sediment in the water which continues. Mr. Mocko said it comes from the construction practices on the site. Mr. Bedan noted that the rain has made the issue more noticeable, but the sedimentation is a problem because control measures are insufficient. Mr. Mocko explained that the driveway paving and the construction of the infiltration system along the retaining wall will help. Currently the infiltration system is halfway installed.

Mr. Bedan noted a mitigation plan is expected by July 30th for the flood pond. Mr. Bedan explained that Mr. Askew recommends that a deadline be set for two weeks from today to have all of the wetland monuments installed and unauthorized fill removed. Additionally, if work is incomplete in 2 weeks, a special meeting may be called to address the issue as a violation. A motion was made by Dan Fraro, seconded by Daniel Fraro and unanimously voted that the monuments to be installed and the excess fill is to be removed by 26, 2006 at which time approval is to be sought by David Askew and, if received, the work on the swale may begin.

Mr. Mocko requested that two new applications be added to the agenda and a motion was made by Daniel Fraro, seconded by Candace Aleks and unanimously voted to add the following two items to the agenda under **New Business**. *Because these applications were submitted at the meeting, the official receipt date by statute would be 35 days from the day after this meeting, or August 17.*

III. NEW BUSINESS

g. Wetlands Application #558, Construct Driveway Through Wetlands for New Home, 99 White Oak Drive, Lot 4a, McCullough Builders

Mr. Mocko presented plans for a new home that is to be situated on 42 acres of the Bridal Path Subdivision. Richard McCullough has acquired additional road frontage on White Oak and he has received a variance from the Zoning Board of Appeals contingent upon getting wetland approval. The

applicant will need to cross the wetland area to reach the upland area where the home will be constructed. This will involve constructing a driveway to reach the upland area. 4,200 square feet of wetland area will be filled and one/half the length of the driveway will go through the wetland. The width of the driveway itself will be 12 feet, and with shoulders it will measure 16 feet.

A constructed wetland area is proposed in the upland buffer zone as mitigation for filled wetlands. Plans include lowering the grade and adding the wetland soils to create a shallow vegetated pond, approximately 40 feet by 60 feet.

h. Wetlands Application #559, Remove Sediment From Pond/Stream & Provide Bank Stabilization, 9 Somerset Lane/392 Turnpike Road & 5 Somerset Lane, Driscoll and Gibbs

Mr. Mocko explained that a pond located across the two parcels was filled in during the October 2005 storm. There is a sand bar that extends where the pond used to be. He is proposing dredging the pond and re-vegetating the area. Rip rap will be used to protect the area outside of the banks. Forebays in the pond will be included to allow for regular dredging of sedimentation.

Mr. Fraro asked if a sediment pond had been considered and Mr. Mocko explained that if the town is careful to remove road sands in this area on an annual, priority basis, then the sediment pond should not be necessary.

V. DISCUSSION: PLAN OF CONSERVATION AND DEVELOPMENT

There was no discussion on this item.

VI. STAFF/COMMISSIONER REPORT

Mr. Bedan presented David Askew's Wetland Agents Report for the Commissioners to review. After brief discussion, a motion was made by Henry Broer, seconded by Candace Aleks and unanimously voted to accept the report as written.

VII. CORRESPONDENCE AND BILLS

The agreement between the North Central Conservation District and the Town of Somers was presented and signed by Mrs. Formeister.

Copies of the spring issue of The Habitat and The Connecticut Federation of Planning And Zoning Agencies Quarterly Newsletter were distributed to the Commissioners.

A motion was made by Dan Fraro, seconded by Henry Broer and unanimously voted to pay the CACIWC dues.

VIII. MINUTES APPROVAL

A motion was made by Dan Fraro, seconded by Henry Broer and unanimously voted to approve the minutes of the June 7, 2006 meeting as written.

A motion was made by Candace Aleks, seconded by Daniel Fraro and unanimously voted to approve the minutes of the June 21, 2006 meeting as written.

IX. ADJOURNMENT

A motion was made by Dan Fraro, seconded by Henry Broer and unanimously voted to adjourn the July 13, 2006 Conservation Commission meeting at 10:00 p.m.

Respectfully submitted,

Lise Wood, Secretary

Robin Timmons, Recording Secretary

MINUTES ARE NOT OFFICIAL UNTIL APPROVAL AT A SUBSEQUENT MEETING.