

TOWN OF SOMERS

CONSERVATION COMMISSION

P.O. BOX 308

SOMERS, CT 06071

CONSERVATION MINUTES

REGULAR MEETING

WEDNESDAY, April 2, 2008

TOWN HALL – 7:00 P.M.

I. CALL TO ORDER

Joan Formeister called the regular meeting to order at 7:05 p.m. Members Candace Aleks, Henry Broer, Joan Formeister, Dan Fraro, Todd Whitford, and Lise Wood (seated for Karl Walton) were present and constituted a quorum. Also present was Erosion Control/Wetland Enforcement Officer, David Askew.

II. OLD BUSINESS

- a. DISCUSSION/POSSIBLE DECISION: WETLANDS APPLICATION #586: FILL & EXCAVATION FOR EXPANSION OF OUTDOOR GROWING AREA WITHIN WETLAND & POND EXCAVATION WITHIN UPLAND REVIEW AREA, 164 HAMPDEN ROAD, GROWER DIRECT FARMS

Both Commission members Broer and Wood recused themselves from this discussion.

Environmental Consultant, Mike Mocko, and applicant Mr. Leonard Van Windgerden were in attendance. Mr. Mocko started by distributing a revised copy of the “Functional Assessment Consistent with Connecticut General Statutes Appendix G.3”. The functional assessment was in response to Mr. Askew’s prior request that Mr. Mocko prepare a report describing the condition of the wetland prior to alteration and associated wetland functions. The reports addresses the following: an estimate of the type and area of vegetated wetland, a description of proposed impacts, a functional assessment of the pre-existing wetland and a description of wetland functions altered by construction of the berm and growing area. Mr. Mocko read the report and addressed all areas that Mr. Askew and the Commission had requested.

As stated at the last meeting, Grower Direct is not requesting an agricultural exemption, but was seeking a permit to fill and clear allowing for the increase of the outside growing area. Tied to this application is the construction of a pond (29,600 sf) located in a non-

wetland area which is offered as mitigation for previous wetlands alteration, which was approved in December 2006.

Mr. Askew reiterated that filling and reclamation of wetland is not permitted as a Permitted Right for agricultural activities. In general, wetland soils in Connecticut are no longer classified as wetland (very poorly drained and poorly drained soil) if filled by more than 20 inches of fill material. Therefore, he recommends that if the Commission approves the activity, a condition be added to require a third party inspector to “certify” that no filling of the wetland occurs. If no filling occurs within the area proposed for the growing area, that portion of the application would be a permitted use of right, since wetland conditions will persist.

A motion was made by Mr. Fraro; seconded by Ms. Aleks, and unanimously voted to approve Grower Direct Farms’ Wetlands Application #586 for fill and excavation for expansion of an outdoor growing area within a wetland and pond excavation within an upland review area at 164 Hampden Road, with the conditions that a third party be present during project implementation to ensure that no more than 20 inches of top soil be added to the existing wetland area other than for the proposed berm and that a report be provided to the Commission after project completion.

After the motion was made, Mr. Van Windgerden requested the opportunity to address the Commission and express some of his recent frustrations. He began by giving a brief history of the land and his arrival to Somers in 1981. He went on to state that initially the town and its officials were pleased with the development of the property and the positive changes that were being made to the land. But over time, this positive feeling has been replaced with negativity when referencing Grower Direct. He further commented on his frustration with being reported to the D.E.P.

Ms. Formeister responded that she hoped that “this evening’s meeting would be a turning point;” adding that the Commission is a governmental body and that there are regulations that need to be followed. It is the Commission’s obligation to notify the appropriate authorities. However, the Commission has no direct influence on DEP investigations. Ms. Formeister then explained that the Commission alone has the authority to determine jurisdiction, and Grower Direct should submit proposals for determinations prior to construction.

Ms. Wood and Mr. Broer rejoined the Regular meeting.

- b. DISCUSSION/POSSIBLE DECISION: WETLANDS APPLICATION #587:
INGROUND POOL WITHIN UPLAND REVIEW AREA, 175 SCULLY ROAD,
PELLISSIER

After some discussion, a motion was made by Ms. Aleks; seconded by Ms. Wood, and unanimously voted to approve Pellissier’s Wetlands Application #587 for an inground pool within an upland review area at 175 Scully Road with the condition that a silt fence be installed around the perimeter of the proposed pool, or as directed by staff.

- c. DISCUSSION/POSSIBLE DECISION: WETLANDS APPLICATION #588:
CULVERT & BARN IN UPLAND REVIEW AREA, 20 PINNEY ROAD,
LINDY FARMS

After some discussion, a motion was made by Ms. Wood; seconded by Mr. Fraro, and unanimously voted to approve Lindy Farms' Wetlands Application #588 for a culvert and barn in an upland review area at 20 Pinney Road.

- d. DISCUSSION/POSSIBLE DECISION: WETLANDS APPLICATION #589:
NEW HOUSE & DRIVEWAY IN UPLAND REVIEW AREA, 132 STAFFORD
ROAD, DANIELE

Mr. Mocko was present and spoke on behalf of the applicant. He presented the Commission with two plans to be filed with the town as well as two lot configuration plans. Per Mr. Askew's request last meeting, there is a "limits of disturbance" noted on the plans and permanent markers will be placed on trees, as a condition of approval. No activity is proposed within 30 feet of the wetland and a silt fence is required.

A motion was made by Mr. Fraro; seconded by Ms. Wood, and unanimously voted to approve Daniele's Wetlands Application #589 for a new house and driveway in an upland review area at 132 Stafford Road, with the condition that permanent markers be installed along the wetland delineation.

- e. OTHER – There was no other Old Business.

III. NEW BUSINESS

- a. WETLANDS APPLICATION #590: 1-LOT RESUBDIVISION FOR NEW
HOUSE, DRIVEWAY & SEPTIC IN UPLAND REVIEW AREA, 539
BILLINGS ROAD, TULLOCK

Mr. and Mrs. Tullock were in attendance and presented plans to the Commission. The property was initially part of the Cedar Knob Subdivision. The applicant wishes to sell their current home and build a new home just north of the existing home. Mr. Jacobs has reviewed the septic application and sees no issues. Mr. Askew recommended application of the standard condition for this type of application for markers along wetlands boundary. In addition, "limits of disturbance" should be shown on the plans. The Commission accepted the application.

- b. WETLANDS APPLICATION #591: 6-LOT RESUBDIVISION IN UPLAND
REVIEW AREA, 266 GEORGE WOOD ROAD, CAMEROTA

Mr. Aeschliman, Land Surveyor, was present and presented plans to the Commission for their review. He noted that the property in question is close to the Enfield town line. Currently a five-lot subdivision is proposed. An additional lot may be added if suitable septic area is found after further soil testing. The property has will have public water and septic systems. No direct wetland alterations are proposed and there is sufficient distance between disturbance areas and wetlands. Hydrodynamic separators are proposed to treat stormwater. Mr. Askew noted the presence of two active (apparently man-made) vernal pools located off property along both the west and east property lines. Mr. Askew

request that Mr. Aeschliman stake the storm water outlet, so he could determine its proximity to the eastern vernal pool. The Commission accepted the application.

c. OTHER – There was no other New Business.

IV. **AUDIENCE PARTICIPATION** – There was none.

V. **DISCUSSION: PLAN OF CONSERVATION & DEVELOPMENT**

VI. **STAFF/COMMISSION REPORT**

A motion was made by Ms. Wood; seconded by Ms. Aleks and unanimously voted to accept Mr. Askew's Staff Report for April 02, 2008.

VII. **CORRESPONDENT AND BILLS** – There were none.

VIII. **MINUTES APPROVAL:** March 5, 2008

Correction – Page 2 item C first sentence, “Mr. Palmberg presentenced...” to be replaced with Mr. Palmberg presented...”

A motion was made by Mr. Fraro; seconded by Ms. Wood and unanimously voted to approve the meeting minutes of March 5, 2008 as amended.

IX. **ADJOURNMENT**

A motion was made by Ms. Wood; seconded by Mr. Fraro, and unanimously voted to adjourn the April 2, 2008 Conservation Commission meeting at 8:25 p.m.

Respectfully submitted,

Jennifer D. Boudreau

Candice Aleks

Recording Secretary

Commission Secretary

MINUTES ARE NOT OFFICIAL UNTIL APPROVAL AT A SUBSEQUENT MEETING