

TOWN OF SOMERS

CONSERVATION COMMISSION

P.O. BOX 308

SOMERS, CT 06071

CONSERVATION MINUTES

REGULAR MEETING

WEDNESDAY, May 7, 2008

TOWN HALL – 7:00 P.M.

**I. CALL TO ORDER**

Joan Formeister called the regular meeting to order at 7:02 p.m. Members Candace Aleks, Henry Broer, Joan Formeister, Dan Fraro, Todd Whitford, and Karl Walton were present and constituted a quorum. Erik Bedan, Erosion Control/Wetland Enforcement Officer was also present.

**II. OLD BUSINESS**

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

Dave Palmberg of Palmberg Land Surveyors spoke on behalf of the Tullock's. They propose to re-subdivide their 3.5-acre parcel into two lots. The proposed property line is irregular to avoid septic areas, a building and to meet zoning requirements.

The wetlands areas depicted on the plans were delineated at the time of the original subdivision. Soil scientist, Rick Zulik confirmed the areas and provided the Planning Commission with signed, updated plans last fall. Steve Jacobs has approved the plans regarding the septic system.

There is a house and garage with a septic system and private well on the Billings Road side of the property. On the new lot created from the re-subdivision, there is an existing garage served by a well and septic system.

The Tullock's are proposing to have a single-family house and new septic system constructed on the new lot. All of the construction and grading are outside the 50-foot buffer to the wetlands. There would be very little additional clearing of trees on the lot.

The Commission pointed out that the Somers wetlands review area is 100 feet, not 50 feet, however they did not identify any issues with wetlands.

Mr. Bedan stated that the lot is flat and run-off should not be a problem. He recommended that approval be conditioned on permanent delineation of the wetland boundary.

A motion was made by Karl Walton, seconded by Candace Aleks and unanimously voted to approve Wetland Application #590 for a 1-lot resubdivision for a new house, driveway and septic in upland review area at 539 Billings Road with the condition that silt fences be installed and the wetland boundary be permanently delineated with pressure treated posts and badges provided by the town.

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

The applicant notified staff that revisions to the plans addressing land use staff comments were expected to be submitted in the near future, and requested that the application be tabled for tonight's meeting.

A motion was made by Dan Fraro, seconded by Todd Whitford and unanimously voted to table Wetlands application #591 for a 6-lot resubdivision in upland review area at 266 George Wood Road.

**c. OTHER - THERE WAS NO OTHER OLD BUSINESS.**

**III. NEW BUSINESS**

**a. WETLANDS APPLICATION #592: 15-LOT SUBDIVISION IN UPLAND REVIEW AREA, 399 FOUR BRIDGES ROAD, TWO J'S LLC**

The applicant did not send a representative to the meeting.

The commission discussed the exact location of the proposed subdivision. Although the water table is very high throughout most of the property, Mr. Bedan pointed out that there is only a small wetland along the westerly property line. There is a small wetland across the street from the property. The westerly wetland may be the result of prior grading activities on the property. There are a number of berms and ditches on the parcel from past grading.

Mr. Bedan explained that lot sizes would range from 1<sup>+</sup> acre to 3 ½ acres.

The Commission recommended the applicant or his representative should come to the next meeting to explain their plan.

**A. WETLANDS APPLICATION #593: WETLAND CROSSING TO ACCESS REAR LAND, 179 PARKER ROAD, DEPTULA**

Mr. Bedan provided the Commission with the applicant's plans and described the applicant's proposal. The applicant proposes to construct a crossing over an intermittent stream that runs through the property. They propose to install a 24" culvert. The purpose of the proposal is to allow access to a portion of the property that is being prepared as a horse pasture.

**B. WETLANDS APPLICATION #594: FILL IN WETLANDS AND UPLAND REVIEW AREA FOR SINGLE LOT, HOUSE, DRIVEWAY AND SEPTIC SYSTEM, 19 MANSE HILL ROAD, MCCULLOUGH**

Mr. Bedan showed the Commission a line on the map where the applicant proposes to fill 85 square feet of wetlands. The fill will be contained by a retaining wall. According to Mike Mocko, the applicant is trying to meet all zoning and setback requirements.

The Commission discussed the large amount of fill needed to make the lot capable of supporting a house driveway and septic system.

According to Mr. Bedan there is a discrepancy between the location of the intermittent stream and the wetland line. Mr. Jacobs recently inspected the site and thought there were problems with the location of the bottom of slope, wetland, and stream.

*A motion was made by Karl Walton, seconded by Candace Aleks and unanimously voted **not** to accept the plan as submitted due to potential discrepancies on the site plan for Application #594 to fill in wetlands and upland review area for a single lot, house, driveway and septic system at 19 Manse Hill Road.*

#### **C. DISCUSSION: NOTICE OF VIOLATION, 238 GEORGE WOOD ROAD, FRANK CAMEROTA**

A notice of violation was sent by staff to Mr. Frank Camarota regarding dredging of a pond within Wood Stream and deposition of spoils within adjacent wetlands. The violation was observed by staff during inspection of the proposed subdivision.

Mr. Camerota was present and explained that he had been getting water in his basement so he built a retention pond.

Photos that were taken by Mr. Camerota before the work was done were presented to the Commission. Mr. Camerota explained that 30 years ago the stream behind his home was retrenched because it had filled in so much that the stream was no longer visible. This caused flooding in his basement. Over the last 30 years the stream has filled in again. So in 2007, Mr. Camerota retrenched it again up to the prison property.

Mr. Camerota's basement was flooding at that time and he felt the need to take immediate action was warranted to protect his home. He did not pursue obtaining a permit because it would have taken too long. The Commission explained the need to obtain the required permits although they did understand Mr. Camerota's frustration.

A precast concrete structure was installed at the outlet of the pond – it interrupts some flow, but does not form a complete barrier. The impoundment may need to be permitted by the DEP if it is determined that structure is a “dam”. Dredge materials were used to fill in wetlands and the impact to the wetland will need to be assessed.

The Commission told Mr. Camerota he needs to hire an engineer or an environmental consultant to ascertain how much of the wetlands has been filled and how to remediate for lost wetland functions. A complete application with the appropriate plans must be filled with the Commission.

The Commission continued talking about this issue after Mr. Camerota left the meeting. It was suggested that the Commission could convene a meeting at the property to view what had been done so as to better understand the engineer's remediation plan when it is received.

**D. OTHER - THERE WAS NO OTHER NEW BUSINESS.**

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

**V. DISCUSSION: PLAN OF CONSERVATION & DEVELOPMENT** – No Discussion.

**VI. STAFF/COMMISSION REPORT**

The report included discussion of the Mountain View Road parcels that had been subject to clearing. An adjacent landowner, Mr. Plander, is concerned regarding the increased amount of water flow and erosion since the clearing was done. Mr. Bedan explained that this area has had previous drainage problems and town staff is working with all landowners to reduce the potential for erosion. Various options were suggested by the Commission. Mr. Bedan stated that David Askew had suggested a swale to direct water away from downslope parcels.

*A motion was made by Karl Walton, seconded by Candace Aleks and unanimously voted to accept Mr. Askew's Staff Report for May 7, 2008 as written.*

**VII. CORRESPONDENT AND BILLS**

*A motion was made by Dan Fraro; seconded by Candace Aleks and unanimously voted to approve the Journal Inquirer bill for \$86.57.*

A notice received from the Regional Housing Rehabilitation Program was read aloud. It pertains to plans to provide rehabilitation to about 15 homes in Ellington, Somers and Suffield. The specific homes have not been chosen and there should be no impact on wetlands. If any wetlands may be impacted the Commission will be notified as soon as possible.

**VIII. MINUTES APPROVAL:** April 2, 2008

A motion was made by Dan Fraro; seconded by Candace Aleks to approve the minutes of April 2, 2008 as written. The following discussion took place in response to the motion:

Henry Broer felt that the minutes were incomplete as regards Grower Direct. He explained that there was no mention of the application that was approved. He stated that the project was almost completed when Grower Direct asked for approval. He feels that mention of the many years of violations by Grower Direct should be included in the minutes. He further asked the Commission if, as stated in the minutes, a third party had inspected the project and if upon completion of the project a report had been provided to the Commission.

The Commission reviewed the paragraph in question, however the status of the project was unknown. The Commission concurred that the minutes should reflect the after-the-fact status of the project.

Mr. Walton left at 8:35 because the discussion had to do with a meeting that he did not attend.

*The previous motion was withdrawn and a second motion was made by Dan Fraro; seconded by Candace Aleks and unanimously voted to table the minutes of April 2, 2008 until David Askew is consulted about adding additional information from the record to the minutes.*

**IX. ADJOURNMENT**

A motion was made by Candace Aleks; seconded by Dan. Fraro, and unanimously voted to adjourn the May 5, 2008 Conservation Commission meeting at 8:45 p.m.

Respectfully submitted,

Jeanne Reed

Candice Aleks

Recording Secretary

Commission Secretary

**MINUTES ARE NOT OFFICIAL UNTIL APPROVAL AT A SUBSEQUENT MEETING**