

CONSERVATION COMMISSION

P.O. BOX 308

SOMERS, CT 06071

CONSERVATION MINUTES

REGULAR MEETING

WEDNESDAY, JULY 9, 2008

TOWN HALL – 7:00 P.M.

I. CALL TO ORDER

Chairman Joan Formeister called the meeting to order at 7:02 pm. Members Candace Aleks, Henry Broer, Dan Fraro, Karl Walton and Lise Wood were present and constituted a quorum.

II. OLD BUSINESS

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

Sandy Aeschliman of Aeschliman Land Surveying spoke on behalf of the applicant. He reiterated that at the last Commission meeting concern was expressed regarding the stormwater discharge to a vernal pool located just off-site. The applicant had proposed a water quality pond to alleviate concern but Mr. Strauss and Mr. Cafferelli preferred a different solution. The applicant has proposed a water quality swale to the satisfaction of Mr. Askew.

Mr. Aeschliman addressed the issue of the illegal pond that had been a part of this proposed subdivision. That part of the property has been conveyed to Mr. Frank Camerota and is no longer part of the present property.

These were the only outstanding issues to be resolved and Mr. Askew has stated that there are no other issues identified that affect regulated resources.

A motion was made by Mr. Walton; seconded by Ms. Wood and unanimously voted to approve Camerota's wetlands application #591 for a 6-lot resubdivision in upland review area at 266 George Wood Road.

b. DISCUSSION/POSSIBLE DECISION: WETLANDS APPLICATION #594: FILL IN WETLANDS AND UPLAND REVIEW AREA FOR SINGLE LOT, HOUSE, DRIVEWAY AND SEPTIC SYSTEM, 19 MANSE HILL ROAD, MCCULLOUGH

Mike Mocko spoke on behalf of the applicant. He said that since the last meeting the plans have been revised. The grading was changed to provide proper cover for the septic

system, which secured Mr. Jacobs approval of the septic system. The alternatives assessment was done as requested by the Commission and was submitted at the meeting. The Commission reviewed the submission of alternatives.

A motion was made by Mr. Walton and seconded by Ms. Aleks to approve McCullough's wetlands application #594 to fill in wetlands and upland review area for single lot, house, driveway and septic system at 19 Manse Hill Road. A discussion ensued.

Mr. Mocko explained that the applicant has made a sincere effort to minimize the impact on the wetlands. He reiterated that Zoning Regulations limit the house size in the area to a minimum of 1500 square feet, therefore reducing the home's footprint would make it smaller than the zoning minimum. The lot is 4 acres with 3½ acres of wetlands and ½ acre of dry land on which to build. The lot itself had been approved by the Planning Commission during the subdivision process. The applicant is requesting to fill 85 square feet of the wetland, equivalent to 8½ X 10 feet. He reminded the Commission that the wetlands area in question is not pristine and has already been altered by storm drainage and road filling both of which had been approved by the Town. Alternate areas on the site were considered as well as different house configurations but the other options would not comply with Zoning and wetlands regulations or septic system requirements.

The Commissioners said that they have no interest or concern if the size of a home fits in with existing neighborhood. They do not need to accept impact to wetlands because of minimum house size required under Zoning regulations. Although the lot may have been approved, it was not approved by the Conservation Commission and furthermore, any approval granted on this lot in the early 80's would have expired. Requirements, reserve areas and setbacks have changed since the time of the original lot approval. The subdivision approval process does not ensure approval by all other agencies involved and this lot would not have been approved by the Conservation Commission. Several years ago when there were 50-foot setbacks to wetlands, a home construction on this site could not have been considered and this lot has probably not been developed previously because of this. Ms. Formeister's concern is related to making the lot fit the house by filling wetlands.

Mr. Mocko presented the original approved map to the Commission and they found that the house and septic locations were in different and unacceptable locations.

The Commission suggested the following options:

1. Going to Zoning Board of Appeals for a variance on the 50-foot setback requirement.

Mr. Mocko said that if denied by the Conservation Commission they could claim this as a hardship. However, if the house were moved forward 5 feet, the benefit to the impact on the wetlands would be negligible.

2. Repositioning the garage to avoid disturbing the wetland?

Mr. Mocko replied that this is not possible because the garage is on the 50-foot setback line and changing the angle would put it in violation of that regulation.

3. Could the garage go on the other side of the house?

Mr. Mocko replied that that would put the house grading in conflict with the wetlands. The current garage design utilized the garage foundation as a retaining wall to reduce the fill requirement.

4. Would the reduced size in the septic system of a two-bedroom home allow construction without wetland disturbance?

Mr. Mocko replied that although the leaching field could be reduced by 10 feet, the primary system must be located per the plan because of other setback requirements.

5. Could the wetlands area be replaced somewhere else on the property?

Mr. Mocko replied “yes”; however that would disrupt 85 square feet of enhanced buffer zone that the applicant is proposing. This buffer would restore planting of native shrubs that would protect the wetland from runoff of fertilizer and insecticides. The current buffer zone is a filled slope.

A vote was taken on the motion that was made previously: 3 in favor (Wood, Fraro, Broer), 3 opposed Walton, Formeister, Aleks, 0 abstentions.

Mr. Mocko offered that under Robert’s Rules a vote is taken and the moderator/chairman only votes to break a tie and asked member to state the reasons for their vote on the record:

The Commission provided their reasons for their votes as follows:

Mr. Walton felt that without an application to the Zoning Board of Appeals for a variance, that all alternatives had not been explored.

Ms. Formeister believes this would cause a disturbance of wetlands and that all alternatives had not been explored.

Ms. Aleks believes this would be a disturbance to the wetlands.

Ms. Wood believes the applicant should have full use of his property.

Mr. Fraro agreed that this had been an approved building lot and that this seems to be the only way the house can fit on the property with respect to all rules and regulations.

Mr. Broer feels that 85 square feet impact on the wetlands is small in relation to the many acres of wetlands that go to the Scantic River.

c. OTHER – There was no other Old Business.

III. NEW BUSINESS

a. WETLANDS APPLICATION #596: WETLAND & POND RESTORATION & MAINTENANCE OF EXISTING (UNAUTHORIZED) POND, 238 GEORGE WOOD ROAD, CAMEROTA

The applicant's representative presented satellite images and photographs and said they show that the area in question appears to have been a pond site that has since filled with sediment. At present, the pond has been excavated within the wetlands with fill materials placed on either side of the pond, mostly within vegetated wetland area; approximately 50 to 60 yards was placed on the west side and 300 to 350 yards on the east side. Wood Stream has already filled in about 5% of the pond with new sediment.

The representative met on-site with Mr. Askew and performed a field delineation of the wetland soils. Surveys of this and other studies along with soil and plant inventories have been submitted to Mr. Askew. The wetlands application and fee has been provided.

He stated that a concrete structure and PVC pipe can be removed per the request of Mr. Askew. Removal will not affect the water level of the pond. However, removal of the fill would require a great deal of disturbance to the remaining wetland. A road would need to be built to accommodate the trucks that would remove the fill. Putting the fill back into the pond area where it came from presents other problems. Draining the pond to do this would be unrealistic and depositing the fill into the pond would cause sedimentation problems down stream.

Hydrology problems caused by the pond are minimal since there is no blocking of water coming into the pond. There is a small area (4 feet diameter) of ponding that continues to get larger downstream, which is the result of an elevated woods road with no culvert that predates wetlands regulations. The current situation surrounding the disturbed area is very stable and is well on its way to recovery.

The Commission expressed concern that the natural water flow has been disrupted by creation of this pond and that the berm created on the east side would alter hydraulic conductivity during times of flood risk. It was suggested that this berm could be leveled up to Woods Stream.

Camerota's representative stated that he would appreciate some feedback from Mr. Askew regarding the plan. It was pointed out however, that the site was a violation and the owner was told to hire someone to devise a remediation plan. An application was submitted without a plan. The Commission realizes a disturbance will occur during remediation and would welcome any options offered that will minimize impact. The soonest this can be reviewed is the next meeting in August.

b. WETLANDS APPLICATION #597: DRIVEWAY CROSSING WETLAND, 75 FRANKLIN WOODS DRIVE, PATSUN

No application or fee was received, so the applicant was told at this time that nothing could be presented regarding this application at this meeting. (Heard later this meeting)

c. WETLANDS APPLICATION #598: NEW DRIVEWAY CROSSING THRASHER BROOK, 216 STAFFORD ROAD, VAN WINGERDEN

No application or fee was received, so the applicant was told at this time that nothing could be presented regarding this application at this meeting. (Heard later this meeting)

d. WETLANDS APPLICATION #599: POOL IN UPLAND REVIEW AREA, 132 WRIGHT'S BROOK DRIVE, GRAY

Ms. Formeister explained that the application involves an above-ground pool that will be installed 20 feet from the stream and will require no excavation.

A motion was made by Mr. Walton; seconded by Mr. Fraro and unanimously voted to allow Gray's wetlands application #598 for a pool in upland review area at 132 Wright's Brook Drive to be handled as a staff approval.

e. OTHER

Mr. Mocko said that it has always been allowed for an application to be accepted at a meeting. This makes it possible for discussion and a vote at the next meeting after the interceding review period. He further stated that it has always been the courtesy of the Town to hear an applicant who was on the agenda. Mr. Mocko asked for a written copy of the State statute that mandates that the application must be received by a certain specified time before a meeting. Mr. Walton stated that he would furnish him with that statute.

A discussion ensued regarding the rules past and present for timely submission of an application. Since there was a misunderstanding on Mr. Mocko's part regarding instructions regarding submissions and uncertainty of the Commission regarding the rules, the Commission agreed to hear the application.

c. WETLANDS APPLICATION #598: NEW DRIVEWAY CROSSING THRASHER BROOK, 216 STAFFORD ROAD, VAN WINGERDEN

Mr. Walton commended Mr. Van Wingerden (not in attendance) on submitting an application before the work was started.

Mr. Mocko explained that Mr. Van Wingerden would like to repair and use the original driveway to his home that was abandoned when a culvert under it collapsed. This driveway is more convenient than the one he has been using in the interim.

He wants to replace the culverts that were washed out with two box culverts. The new culverts would be installed in the stream by a crane and then rock/stone backfill would be placed to protect the inlet and outlet. The culverts are sized to almost carry a hundred year flood. Excess water would flow over the driveway and go down slope through a hay field.

A motion was made by Mr. Walton; seconded by Ms. Woods and unanimously vote to waive the fee since this application is for a repair.

b. WETLANDS APPLICATION #597: DRIVEWAY CROSSING WETLAND, 75 FRANKLIN WOODS DRIVE, PATSUN

Mr. Mocko presented a lot map and explained that the applicant proposes to construct a driveway on Lot 21 that will cross a narrow strip of wetlands. A wetland area of approximately 15 X 30 feet will need to be filled to allow placement of the necessary culverts. This wetland area had previously been altered for the construction of Franklin Woods. The fill is required to gain access to the approved building site.

IV. AUDIENCE PARTICIPATION – There was none.

V. DISCUSSION: PLAN OF CONSERVATION & DEVELOPMENT – No discussion.

VI. STAFF/COMMISSION REPORT – There was none.

VII. CORRESPONDENCE AND BILLS

The following bill was submitted for payment:

CACIWC Annual Dues \$60.00

A motion was made by Mr. Walton; seconded by Mr. Fraro and unanimously voted to pay the CACIWC bill.

VIII. MINUTES APPROVAL: June 4, 2008

A motion was made by Mr. Fraro; seconded by Mr. Walton and unanimously voted to add the approval of the June 19, 2008 minutes to the agenda.

A motion was made by Ms. Wood; seconded by Mr. Fraro and unanimously voted to approve the June 4, 2009 minutes as written.

A motion was made by Mr. Walton; seconded by Ms. Aleks and unanimously voted to approve the June 19, 2008 minutes as written

IX. ADJOURNMENT

A motion was made by Ms. Aleks; seconded by Mr. Walton, and unanimously voted to adjourn the July 9, 2008 Conservation Commission meeting at 9:05 p.m.

Respectfully submitted,

Jeanne Reed

Candice Aleks

Recording Secretary

Commission Secretary

MINUTES ARE NOT OFFICIAL UNTIL APPROVAL AT A SUBSEQUENT