

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

**CONSERVATION COMMISSION MINUTES
REGULAR MEETING
OCTOBER 6, 2010
TOWN HALL – 7:00 pm**

I. CALL TO ORDER:

Chairman Todd Whitford called the regular meeting of the Conservation Commission to order at 7:02 pm. Members present included: Henry Broer, Joan Formeister, Candace Aleks, Daniel Fraro and Karl Walton. Also present: David Askew, Wetland Agent, and Joanna Winkler, Wetland Agent.

II. OLD BUSINESS:

- a. Discussion/Decision, Wetland Application #630: Grading of slope to create pasture, completion of grading around pond (new permit for activities approved under expired permit #499) 89 Partridge Run. Worthington Pond LLC/Dan Roulier.**

David Askew reminded members they had reviewed this application last month. The Applicant is seeking to clean out piles of top soil and spread them west of the pond, and to continue grading for pasture and eventual house construction on the west side of the wetland.

A motion was made by Karl Walton to approve the Wetland Application #630 – grading of slope to create pasture, completion of grading around pond; seconded by Dan Fraro. A unanimous vote followed.

- b. Discussion/Decision, Wetland Application #631: Fill in wetland associated with development of pasture. 260 Main Street. Frank Antonacci-KC 260 Main Street LLC.**

Mr. Askew began by reviewing the application history and reminded the Commission that the applicant had re-submitted the application with both an alternative assessment and a new representative. Mr. Walton asked what was different. Mr. Askew explained that they now propose underdraining the wetland to continue to discharge groundwater to the Scantic River. Mr. Walton questioned whether this would maintain existing flow conditions. Mr. Askew confirmed that it would.

A motion was made by Karl Walton to approve the Wetland Application #631 – fill in wetland associated with development of pasture; seconded by Candace Aleks. In the vote that followed: Messr's. Walton, Broer, Fraro and Ms. Aleks voted for the motion; while Mr. Whitford and Ms. Formeister voted against. The motion carries.

III. NEW BUSINESS:

- a. Application #632: Expand parking lot in upland review area. 138 Main Street, Michael Redmond.**

Mr. Askew reviewed the site plan and informed members that he asked the applicant to be present at the meeting. Mr. Redmond was not present. Mr. Askew explained that last fall the applicant scraped out an area behind his business for additional parking. The work was done within the upland review area of two small flagged wetlands that are present in the existing disturbed lawn area. It is this gravel parking lot, he is proposing to maintain and pave. Mr. Askew stated that he has no issues, as long as drainage patterns are maintained. The existing flagged wetlands are isolated and wetland functions are minimal. There is a large wetland to the south of the property that is more significant. He finished by mentioning that the site has not been reviewed yet by the Town Engineer and additional stormwater measures could be required.

b. Application #633: Construct in-ground swimming pool in upland review area. 7 Mason Lane, Michael Hevey.

Russell, from Juliano Pools represented the Applicant to the members. He stated that there would be no grading, nor filling in of the wetlands, and that any fill would be removed from the site. Mr. Askew stated he has no issues; they are planning to maintain a decent buffer to the wetland. Mr. Whitford asked about the pool house, is it part of the plan? Mr. Askew responded yes, but he also has no concerns with the structure. He added that the flow is away from the wetland toward the brook. Mr. Askew informed the applicant's representative that no decision could be made until the next meeting, after the Public Appeal period.

c. Jurisdictional Determination for Agricultural Activity, tree removal in wetland. 164 Hampden Road, Grower Direct.

Mr. Askew explained that the Commission needs to determine if this application represents a Permitted Use of Right under the provision that allows clearcuts for the expansion of cropland. He distributed copies of Agricultural Exemptions, a guidance document prepared by the CT DEP for their wetland training program. Mike Mocko, addressed the Commission as the Applicant's representative. Mr. Mocko explained that the need came about due to the curtain-house (greenhouse) receiving too much shade. He added that the Applicant is growing poinsettias (Sept-Dec) and the treeline shading is significant; approximately 1/3 of the curtain-house and is detrimental to the crop.

He stated that the trees are approximately 80 feet tall, and 20 feet from the building. They propose clearing to a 120 foot line. He showed members an illustration which depicted the angles of the sun angles to demonstrate what clearing is necessary. Mr. Mocko said the area is level, sandy wetland soil, with mature maples, white pines. They are only marking the mature trees for clearing, intend to leave the stumps, and the shrubs and small native trees will be allowed to re-grow. He proposed that disturbance would be minimal. There are small intermittent streams, and a channel which is 1-2 feet deeper than the topography. He stated logging bridges would be used so as not to disturb the stream bed or bank.

Mr. Mocko finished by stating his belief that their application is agriculturally exempt. They are seeking vegetation removal to eliminate shade for a crop in a non-wetlands area.

Mr. Walton asked what percentage of the trees they are proposing the clearing. Mr. Mocko stated it to be 80-90%. Mr. Walton said the application does not meet the definition of a Permitted Use of Right, as it is not expansion or creation of cropland. Mr. Mocko restated his belief that they do meet the definition, as it is existing cropland.

Mr. Whitford stated that the question before them should be narrowly construed. Does the Application meet the criteria?

Ms. Formeister said it appears to be an expansion of the ability to use current cropland area, not an expansion of area itself.

Mr. Fraro asked how many feet of woods would be cleared. Mr. Mocko answered, approximately 120 feet; leaving 390 feet remaining to the property line.

A motion was made by Karl Walton that tree removal in wetland area should be an activity Permitted as a Right; seconded by Candace Aleks. In the vote that followed: Messrs. Whitford, Walton, and Fraro and Ms. Aleks voted for the motion; while Mr. Broer and Ms. Formeister voted against. The motion carries.

IV. AUDIENCE PARTICIPATION:

None

V. STAFF/COMMISSION REPORT:

David Askew distributed his Wetland Agent's October 2010 Report.

A motion was made by Karl Walton to accept Wetland Agent's October 2010 report; seconded by Joan Formeister. A unanimous vote followed.

VI. CORRESPONDENCE AND BILLS:

Mr. Askew submitted the following invoice for payment:

Journal Inquirer	\$ 62.96
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A motion was made by Karl Walton to approve the invoice for payment; seconded by Dan Fraro, then unanimously approved by the members.

VII. MINUTES APPROVAL: 9/1/2010

Mr. Whitford asked the members for comments or corrections on the 9/1/2010 Minutes. None were brought forth.

A motion was made by Joan Formeister to approve the 9/1/2010 Minutes as written; seconded by Dan Fraro, and then unanimously voted as approved by the members.

VIII. ADJOURNMENT:

A motion to adjourn was made by Karl Walton; seconded by Dan Fraro, and unanimously approved to adjourn the October 6, 2010 Regular meeting of the Conservation Commission at 8:02 pm.

Respectfully submitted,

Candace Aleks, Secretary

Kimberly E. Dombek, Recording Secretary

MINUTES ARE NOT OFFICIAL UNTIL APPROVAL AT A SUBSEQUENT MEETING.