

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

**CONSERVATION MINUTES  
REGULAR MEETING  
Wednesday, October 4, 2006 – 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, Joan Formeister, Dan Fraro, Karl Walton and Alternate Member Daniel Fraro were present and constituted a quorum. Wetlands Agent David Askew was also present.

**II. OLD BUSINESS**

**a. Discussion/Possible Decision: Wetlands Application #557, Proposed Wetland Filling for Lawn, 95 Franklin Woods Road, Socha**

Mr. Askew distributed copies of 2 memos received from Timothy Coon, P.E. from J.R. Russo & Associates regarding his analysis of the Socha property. During Mr. Coon's inspection of the area, Mr. Socha explained where the 280 square foot storage area is located as well as what area he was seeking to fill. Mr. Socha is not seeking to fill in any portion of the storage area. Given this information, Mr. Askew is satisfied that enough information has been gathered on the application to make a decision. If the application is approved, he requests that the area to be filled is taped off and that he have an on-site pre-construction meeting with the applicant to be certain that the storage area is not filled. In addition, the base of the slope is to be protected with a silt fence for erosion control.

Mr. Whitford requested clarification as to whether or not any wetland areas are to be filled. The plans show some of wetlands outside of the storage area are to be filled.

Mrs. Formeister noted that generally the Commission does not approve the filling of wetlands to increase a lawn area.

Mr. Askew stated that the wetlands in this case are created wetlands caused over the last 10 years by a combination of the road design and the fill slope from the house. The biggest function of the wetland is currently for water storage, and there is no significant wildlife habitat to be disturbed. Discussion followed and it was noted that Mr. Coon's September 26, 2006 memo explained that the proposed changes should not cause a significant change in the amount of water that will run into the collection area.

A motion was made by Henry Broer and seconded by Karl Walton to approve the application with the condition that Mr. Askew have a pre-construction meeting with Mr. Socha at the site, that the area to be filled is to be taped off, that the base of the slope is to be protected with a silt fence, and that the area, once

seeded, is to be covered with hay mulch. The motion carried with a vote of 5 to 1 (opposed: Whitford).

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**b. Wetlands Application #558, Driveway Crossing Wetlands for Single Family Residence, 99 White Oak Road, Richard A. McCullough, Inc. Builders – Reschedule Public Hearing**

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Mr. McCullough presented a letter requesting a time extension. A motion was made by Karl Walton, seconded by Lise Wood and unanimously approved to reschedule the public hearing on the application for November 1, 2006.

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**c. Discussion/Possible Decision: Wetlands Application #559, Dredging of Pond and Stream Inlet and Stream Bank Stabilization, 9 Somerset Lane/392 Turnpike Road and 5 Somerset Lane, Driscoll and Gibbs**

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Environmental Engineer Mike Mocko stated that no further action has been taken on this application and it is to be put off until next year. He will submit a request for an extension in writing. The item will be tabled until a future meeting.

A motion was made by Karl Walton, seconded by Lise Wood and unanimously approved to address item **d. Other** after **New Business**.

**III. NEW BUSINESS**

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**a. Modification of Wetlands Application #528, 23-Lot Subdivision in Upland Review Area, Battle Street and Bailey Lane, KRL Builders**

Ric Leno, KRL Builders, presented the original plans and explained that a memo was received by his surveyor stating that the current plan did not meet regulations because there was only one lot prior to the future Bailey Lane and the Town requires a minimum of 2 lots of frontage prior to the turn onto a road. However, the memo was not addressed and the plans have not yet been changed. Once changes to the plans are made, the subdivision will consist of 23 lots rather than 24 lots.

Mr. Askew presented another copy of the original plan, noting that the house involved is shown within 50 feet of the wetland. For purposes of clarification, Mr. Askew had marked on the plan the proposed changes for the Commissioners to review. One corner of the house is nearer to the wetland by 10 to 15 feet. There will be no impact to the wetland. David Askew has asked that the area be staked out so that he can look at them.

Mr. Whitford asked if there would be a disturbance to the wetlands during construction of the road. Mr. Leno stated that there would be none.

Discussion followed about whether or not it had been decided to permanently delineate wetland borders on two or more of the lots. Mr. Askew noted the need to address this issue and stated that this should be done and noted on the new plans. Mr. Askew also requested that there be an erosion control bond.

**b. Wetlands Application #562, New House in Hall Hill Estates Subdivision (Lot 18 Tabb Property) in Upland Review Area, 32 Applewood Drive, Dan Roulier & Associates, Inc.**

Mike Mocko spoke for the applicant. The applications are for lots in Hall Hill Estates that were approved in 1998 but have since expired. Mr. Askew explained that the applicant has been allowed to start to cut in 100 foot entrances. Everything is outside of the upland review area. The applicant would like to further cut in the driveways up to approximately 65 feet as originally approved. David Askew has checked the area and there is a wetland on the site that currently drains into the road.

Mr. Askew noted that he has no outstanding issues or concerns about the application.

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**c. Wetlands Application #563, New Houses in Hall Hill Estates Subdivision (Lots 10 & 14) in Upland Review Area, 67 & 93 Brittany Lane, Dan Roulier & Associates, Inc.**

Mr. Mocko presented plans showing the lots. Discussion followed that there was only one application submitted for the lots and the applicant was asked to present separate fees and separate application forms at the next meeting.

Lot 14 has already been sold and Lot 10 has been recreated to match the original plan as approved as part of the original subdivision application. There is a silt fence and a 100- foot buffer zone.

Discussion followed about a clearing limit. Mr. Mocko explained that the clearing limit is up to the silt fence shown on the plan which will serve as erosion control. At the closest point it is 50 feet and at the furthest point it is 90 feet from the wetlands. The 100 foot buffer zone is also shown on the plan. There is also an open space easement shown on the map, as well as the 100-year flood line.

Mr. Askew noted that he has no issues with the application.

**d. Other** – There was no other New Business.

**II. OLD BUSINESS Item d. Other**

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Lise Wood recused herself at this time.

Mrs. Formeister referred to the August 2, 2006 Conservation Commission Minutes in which it is stated that at the December 2005 Meeting it was stipulated Grower Direct was to submit a mitigation plan by July 30, 2006 and we had not yet received one. To date, we still don't have one. Mr. Mocko spoke in behalf of the applicant stating that he doesn't believe such work should be undertaken until the current condition of the site is repaired.

Mr. Askew presented updated photos of the site and a letter of complaint received from Mr. Bealey. Mrs. Formeister sent a letter to Mr. VanWingerden pointing out the situation and she and Mr. Askew met with him. Copies of the letter were distributed to Commission members for review.

Mr. Mocko explained that the disturbance occurred when Herb Holden placed a large stockpile of erodeable materials from the gravel pit on the edge of the roadway prior to the heavy rain on Sunday. The rain led to erosion that caused sediment to discharge into the neighbor's pond. Mr. Mocko has prepared emergency repair plans to be given to Mr. VanWingerden who will pass them to Mr. Holden.

Discussion followed about all the erosion control measures put in place in the past and the fact that they have not been taken care of or properly maintained. It was noted also that the landowner is ultimately responsible for all activities on the property and that Herb Holden cannot be made liable for what happened even if his actions led to the difficulty.

It was recommended that the Zoning Commission should become involved now because the gravel pit is not being operated correctly. The hours of operation are not within regulation in addition to this violation.

Discussion followed about additional steps the Conservation Commission could take to respond to the situation. It was suggested that the applicant be fined or the gravel pit bond be attached. A consensus was reached that David Askew, Joan Formeister and Karl Walton, together with any other Commission members who could attend, would meet with the First Selectman in order to arrange a meeting with the Town Attorney regarding the situation. It was noted that the Commission had been extremely tolerant of the landowner and has tried very hard to work with Grower Direct Farms.

Todd Whitford stressed the importance of remembering that the Town can be held liable by residents when it does not take action to enforce it's own regulations. The Town needs to take property owners to task by way of injunction if necessary in order to protect its residents and provide for their safety.

Lise Wood returned to the meeting at this time.

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

**V. DISCUSSION: PLAN OF CONSERVATION AND DEVELOPMENT** – There was no discussion on this item.

**VI. STAFF/COMMISSIONER REPORT**

David Askew presented the Wetland Agent's Report. The Commissioners reviewed the report and Mr. Askew stated that he received a brief update today stating that the one on Gulf Road is going forward with a few changes at the parcel just south of the bridge where there the riprapping was done. Nothing is going to be done at upper Stafford Road, but the work is going to be done on Lower Stafford Road and Schneider Road. A motion was made by Henry Broer, seconded by Candace Aleks and unanimously approved to accept the report as written.

**VII. CORRESPONDENCE AND BILLS**

No bills were presented and a motion was made by Karl Walton, seconded by Lise Wood and unanimously approved to reimburse David Askew \$5.00 for the purchase of a tape used at the last

meeting. Mr. Askew presented notices of a CACIWC conference as well as copies of The Habitat for each Commission member.

### **VIII. MINUTES APPROVAL**

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A change was made to the August 2, 2006 minutes on Page 3. Item b. was changed to Item g. A motion was made by Karl Walton, seconded by Lise Wood and unanimously voted to approve the minutes of the August 2, 2006 meeting as corrected.

A motion was made by Karl Walton, seconded by Lise Wood and unanimously voted to approve the minutes of the September 6, 2006 meeting as written.

A change was made to the September 20, 2006 minutes in Old Business, Item c, third sentence. “machine shop” was changed to “storage shed”. A motion was made by Karl Walton, seconded by Lise Wood and unanimously voted to approve the minutes of the September 20, 2006 meeting as amended.

### **IX. ADJOURNMENT**

A motion was made by Karl Walton, seconded by Lise Wood and unanimously approved to adjourn the meeting at 8:55 p.m.

Respectfully submitted,

Lise Wood, Secretary  
Robin Timmons, Recording Secretary

MINUTES ARE NOT OFFICIAL UNTIL APPROVAL AT A SUBSEQUENT MEETING.