

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

**CONSERVATION COMMISSION MINUTES
SPECIAL MEETING
JUNE 16, 2010
TOWN HALL – 7:30 pm**

I. CALL TO ORDER:

Chairman Todd Whitford called the regular meeting of the Conservation Commission to order at 7:34 pm. Members present included: Candace Aleks, Henry Broer, Joan Formeister, Karl Walton and alternate member, Lise Woods. Also present: David Askew, Wetland Agent

II. OLD BUSINESS:

a. Discussion/Decision Wetland Application #626. New house and septic system within upland review area. 391 Watchaug Road. Paul Girard.

Mike Mocko addressed the Commission as the Applicant's representative. He stated since the last Conservation meeting, the Town Sanitarian has approved the septic system. Mr. Mocko outlined his work with the architect; changing the lay-out plans slightly. He mentioned that the Building Inspector has okayed the revised plans. Silt fencing will be used during construction and will be installed prior to construction to delineate the extent of disturbance.

Mr. Walton asked whether there should be a pre-construction meeting.

- *A motion was made by Joan Formeister to approve this application and require permanent wetland markers and a pre-construction meeting with Mr. Askew; seconded by Karl Walton. A unanimous vote followed.*

b. Tabled Pending Additional information: Discussion/Decision Wetland Application #627. New Driveway crossing of stream and addition within upland review area. 45 Lindell Drive. Fred and Kathleen Spielman.

Mike Mocko addressed the Commission as the Applicants' representative and requested an extension. Mr. Askew informed Commission members that the application is still within the 65 day timeline.

c. Discussion/Decision Wetland Application #628. Sediment removal within stream at culvert on Harvest Hill Lane. Town of Somers.

Mr. Askew reviewed the project with the Commission. This is a Town maintenance project to remove sediment from the culvert inlet and outlet. Guidelines for the work and other instream maintenance to be conducted this summer by public works staff have been reviewed with the Public Works Coordinator.

- *A motion was made by Joan Formeister to approve sediment removal within stream at culvert on Harvest Hill; seconded by Karl Walton. A unanimous vote followed.*

III. NEW BUSINESS:

a. Wetland Application #629. Fill in wetland and intermittent stream/Jurisdictional Determination for agricultural activity – clearing for pasture. Main Street and Hurlburt Road, Lindy Farms.

Darlene Chapdelaine addressed the Commission as the Applicant's representative. She distributed copies of a binder of documents relating to the Application to Commission members. She stated the applicant's intent to fill in the wetland area in order to expand a pasture. She added that as a result of "Farming activities," as outlined in State statutes, filling in the wetland and intermittent stream would qualify as an exempt activity, thereby outside the realm of the Commission's jurisdiction.

Mr. Walton asked to see the location of the wetland on a site map. Ms. Chapdelaine pointed it out as approximately 100 feet from the Scantic River at its closest point. She added that the fill in area is a man-made ditch, which is unsafe for the owner's livestock.

Mr. Askew stated his disagreement to Ms. Chapdelaine's interpretation that the fill in is an exempt activity. His interpretation of the statute differed from hers. Mr. Askew cited the DEP and the CT Attorney General's office, explaining the exemption as referring to clear-cutting of land versus fill in of wetland area. He added that wetland area cannot be filled without a permit, and suggested further review by the Commission to determine if there are feasible and prudent alternatives to the filling and described wetland functions currently provided by the wetland, including amphibian habitat (limited to common species like green frog and American toad), flood storage, and groundwater discharge. Any decision regarding fill in the wetland should take consider wetland functions.

There was additional discussion between the applicant's agents, including the Farm Manager John Belskie, regarding the layout of pasture fences and horse safety.

Mr. Whitford asked members for additional comments or questions, and then asked for a motion.

- *A motion was made by Joan Formeister that the fill in of wetland area is a permitted activity, as opposed to a Use of Right, and would require the applicant get a permit; seconded by Candace Aleks. A unanimous vote followed. By consensus, the Commission also determined that proposed clearing activities were a Permitted Use of Right.*

IV. ADJOURNMENT:

A motion to adjourn was made by Joan Formeister; seconded by Karl Walton, and unanimously approved to adjourn the June 16, 2010 Special meeting of the Conservation Commission at 8:35 pm.

Respectfully submitted,

Candace Aleks, Secretary

Kimberly E. Dombek, Recording Secretary

MINUTES ARE NOT OFFICIAL UNTIL APPROVAL AT A SUBSEQUENT MEETING.