



Town of Watertown Connecticut

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Planning and Zoning, Zoning Board of Appeals, Conservation Commission/Inland Wetland Agency

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Minutes

CONSERVATION COMMISSION/ INLAND WETLANDS AGENCY WATERTOWN, CONNECTICUT

REGULAR MEETING

Time: 7:00 P.M. (7:30 P.M.)
Date: June 9, 2011
Place: Watertown High School Lecture Hall
324 French Street
Watertown Connecticut

1. Call Meeting to Order

Chairman, Mr. Edwin Undercuffler called the meeting to order at 7:30 P.M.

2. Roll Call

Vice Chairman, Mr. Donato Orsini executed the roll call.

Present: Chairman, Mr. Edwin Undercuffler
Vice Chairman, Mr. Donato Orsini
Mr. Michael Genovese
Ms. Martha Sturgis (7:30 P.M.)

Absent: Secretary, Mr. Thomas Murphy
Mr. Joseph Polletta
Mr. Brian Benoit
Mr. Richard Sarandrea
Mr. Todd Robinson
Ms. Dorota Habib

Also Present: Wetlands Enforcement Officer, Mr. Moosa Rafey
Town Engineer, Mr. Chuck Berger
Land Use Secretary, Mr. Chuck Bezio

3. Public Participation

Ron Wolf requested that an application located at 1057 Middlebury Road for a septic system be added to the agenda.

MOTION: Vice Chairman, Mr. Donato Orsini moved to add application #780 to the agenda as item 6E.

SECOND: Ms. Martha Sturgis.

VOTE

AYES: Chairman, Mr. Edwin Undercuffler; Vice Chairman, Mr. Donato Orsini; Mr. Michael Genovese; Ms. Martha Sturgis.

NAYS: None.

MOTION UNANIMOUS PASS T 4-0.

4. Action on Minutes

- A. Regular Meeting April 14, 2011**
- B. Special Meeting May 2, 2011**
- C. Site Walk May 7, 2011**
- D. Regular Meeting May 12, 2011**

MOTION: Mr. Michael Genovese moved to table the minutes to the next regularly scheduled meeting on July 14, 2011.

SECOND: Ms. Martha Sturgis.

VOTE

AYES: Chairman, Mr. Edwin Undercuffler; Vice Chairman, Mr. Donato Orsini; Mr. Michael Genovese; Ms. Martha Sturgis.

NAYS: None.

MOTION UNANIMOUS PASS T 4-0.

5. Pending Applications

- A. Application #760 of David Pope for construction of a new single-family dwelling within upland review area on Lot 10 Fox Crossing Subdivision, Lovley Drive, Watertown, CT.**

If a public hearing is not held then a decision is required by June 18, 2011.

Mr. Pilicy

Attorney Franklin Pilicy was present on behalf of the applicant and explained Application #760 of David Pope for construction of a new single-family dwelling within upland review area on Lot 10 Fox Crossing Subdivision, Lovley Drive, Watertown, CT to the Commission. When this lot was approved as part of the subdivision the proposed house was closer to the street line. The applicant would like to locate the house to the rear of the lot. We wish to locate the house where there is a flatter area that would cause less of a disturbance. The original lot approval occurred when the wetland setback was 50'. The new proposal still respects the 50' setback but is within the 100' regulated area and therefore consists of regulated activity as of today's Wetland's Regulations. He reviewed a letter dated 5/12/11 that his office prepared regarding the statutory authority of the Commission as it relates to the regulated upland review area.

**STANDARD OF REVIEW OF MUNICIPAL WETLAND AGENCY
UPLAND REVIEW (BUFFER) AREA**

Connecticut General Statutes Section 22a-42a(f) governs a wetland agency review of activities proposed within an upland review area sometime called a buffer area.

CGS 22a-42a(f) "If a municipal inland wetlands agency regulates activities within buffer areas around wetlands areas, such regulation shall (1) be in accordance with the provisions of the inland wetlands regulations adopted by such agency related to application for, and approval of, activities to be conducted in wetlands areas and (2) apply only to those activities which are likely to affect an inland wetland area. "

Connecticut Courts have interpreted this statutory standard to mean that the possibility of an adverse impact is not sufficient basis to deny a permit. There must be substantial evidence that the proposed activity will likely adversely impact a wetlands.

**CORNACCHIAV. ENVIRONMENTAL PROTECTION AGENCY OF DARIEN
109 CONN APP 346 (2008).**

"An activity that may affect wetlands, therefore is not a significant impact activity unless its potential effect on the wetlands is a substantial one." ROCKVILLE FISH AND GAME CLUB, INC. V. INLAND WETLANDS COMMISSION
231 CONN 451, 457 (1994).

"Evidence of general environmental impacts, mere speculation or general concerns do not qualify as substantial evidence." RIVERBEND ASSOCIATION, INC. V. CONSERVATION AND INLAND WETLANDS

COMMISSION 269 CONN 57, 71 (2004).

The Court decisions define "likely" as "reasonably probable". Potential or possible adverse impact is not enough. In order to deny an activity proposed in an upland review or buffer area there must be specific and credible evidence that the activity is likely to or it is reasonably probable to have an adverse impact on a wetland.

"The upland review process does not forbid activity based solely on proximity to wetlands, but merely provides a basis for determining whether activities in the buffer area will have an adverse impact on wetlands." QUEACH CORPORATION V. INLAND WETLANDS COMMISSION OF BRANFORD 258 CONN 178 (2001).

"Finding of town environmental protection commission, that homeowners' proposed in-ground swimming pool and related features, in upland review area within their back yard, posed "a potential for damage from erosion, flooding, and pollution, and for subsequent impairment of economic and aesthetic values of downstream neighbors' properties, merely constituted a finding of potential generalized impacts, was not substantial evidence of likely adverse impact on wetlands and watercourses, as would support commission's denial of application for permit to conduct regulated activities in upland review area.

CORNACCHIA V. ENVIRONMENTAL PROTECTION COMMISSION OF TOWN OF DARIEN 109 CONN APP 346 (2008).

In Connecticut, the regulation of wetlands was first authorized by the legislature during 1972 and as amended in 1973. Most municipal wetlands agencies were first organized between 1975 and 1980. The wetlands statutes do not require a wetlands agency to even have an upland review or buffer area provision in its regulations. Many wetland agencies did not have upland review or buffer area provisions in the regulations for many years. The regulations that did include buffer areas all included a 50' setback in the beginning. The legislature during 1995 adopted Section 22a-42a(f) to specifically provide for upland review areas while at the same time limiting which activities could be regulated in the upland review areas. Notwithstanding, some wetland agencies did not include any upland review or buffer area until much later.

PRESTIGE BUILDERS, LLC V. INLANDS WETLANDS COMMISSION OF ANSONIA 79 CONN APP 710 (2003).

The statute and Connecticut court decisions provide clear direction that a local wetland agency may review activities proposed in an upland review or buffer area, but may not deny a permit because of activity proposed in the buffer unless it is proven that the specific activity will probably or likely have an adverse impact on a wetland. A potential impact or concern is not sufficient to deny a permit for an activity in a buffer area. The statute and court decisions mean the same whether a buffer area includes a 50' setback or a 100' setback.

In this case, there is substantial evidence that there will be no adverse impact to a wetland. There is no activity proposed in a wetland. There is no activity proposed within 50' of a wetland. There

The CCIW A should require the applicant to provide details on how wetlands will be protected from impervious surface runoff. In addition, the current proposal has a foundation wall less than ten feet from the conservation easement line. It will be very difficult to keep all work activities outside the easement area given that disturbances from the construction of a home usually extends more than ten feet.

The originally approved project only has a small area of pervious fill slope within the 100 foot review area. Therefore, of the alternatives presented to the CCIW A, the originally approved lot has far less impact as compared to the current proposal. Given these two alternatives, the originally approved plan is clearly a "feasible and prudent alternative" that allows for reasonable use of the property.

Northwest Conservation District (NCD) appreciates this opportunity to assist Watertown with their land use management decisions. If a plan-of-development is revised the NCD would welcome the opportunity to up-date this site plan review.

If you have any questions, please do not hesitate to call me.

Sean Hayden

Certified Soil Scientist - (Society of Soil Scientist of Southern New England)

Certified Wetlands Soil Delineator - (Anny Corps of Engineers, 1987 Melliod)

Certified Professional in Erosion and Sediment Control - (CPESC # - 2181)

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|------------------|---|
| Mr. Hayden | I look forward to helping the Commission review the revised plans. |
| Mr. Undercuffler | Does what they are proposing going to satisfy your concerns? |
| Mr. Hayden | I believe that there is methods, measure and structures in the manuals that will help out. |
| Ms. Sturgis | Near the driveway, there is a wet area, are there wetlands? |
| Mr. Hayden | No this is not a wetlands. |
| Ms. Sturgis | I am concerned with the location of the house. I is very close to the conservation area. |
| Mr. Rafey | The Commission will need to see the plans that are proposed. The applicant will need to submit an extension of time. The burden of proof is not to the Commission to prove that the activity does not have an adverse impact to the wetlands. It is the applicant's responsibility to present to the Commission that your application does not have adverse impact on the wetlands. You need to prove |

Mr. Berger I have only done a preliminary review of the plans. I need to met with Mr. Hayden to review the plans in greater detail.

Mr. Hayden I walked the entire property yesterday. The wetland line on the plans accurately indicate what I observed in the field. I will be working with staff to complete my report.

Mr. Undercuffler I have had second thoughts on this application being a significant activity. We as a Commission should reconsider our original decision. There is a lot of proposed disturbance. There is a lot of catch basins involved. I do not want to set a precedent that something else coming along and they refer to this application as not being significant. This would allow the public the opportunity to be heard on this applicant.

Mr. Rafey The time frame will remain the same for the applicant with or without a public hearing.

Mr. Orsini What is the total disturbance?

Mr. Rafey it is 220 linear feet of a watercourse and 88,000 sq. ft. of an upland review area. There is 12 catch basins that will be discharging into the watercourse. What exists currently is worse than what they are proposing. There will be environmental improvements with what is proposed.

Mr. Sturb It is a little disconcerting that the Commission is even considering changing their minds, after already having a meeting and a site walk.

MOTION: Mr. Michael Genovese moved to declare the application a significant activity.

SECOND: Vice Chairman, Mr. Donato Orsini.

VOTE

AYES: Chairman, Mr. Edwin Undercuffler; Vice Chairman, Mr. Donato Orsini; Mr. Michael Genovese; Ms. Martha Sturgis.

NAYS: None.

MOTION UNANIMOUS PASS T 4-0.

MOTION: Mr. Michael Genovese moved to wave the public hearing fee except the cost for the legal notices due to the Commission's error in declaring this application a not significant activity.

SECOND: Ms. Martha Sturgis.

VOTE

AYES:

Chairman, Mr. Edwin Undercuffler; Vice Chairman, Mr. Donato Orsini; Mr. Michael Genovese; Ms. Martha Sturgis.

NAYS: None.

MOTION UNANIMOUS PASS T 4-0.

MOTION: Vice Chairman, Mr. Donato Orsini moved to schedule a public hearing and table the application to the next regularly scheduled meeting on July 14, 2011.

SECOND: Mr. Michael Genovese.

VOTE

AYES:

Chairman, Mr. Edwin Undercuffler; Vice Chairman, Mr. Donato Orsini; Mr. Michael Genovese; Ms. Martha Sturgis.

NAYS: None.

MOTION UNANIMOUS PASS T 4-0.

- C. Application #767 of Town of Watertown Parks Department for installation of a water fountain/ aerator in Echo Lake located on Ice House Road, Watertown, CT.**

If a public hearing is not held then a decision is required by July 16, 2011.

Mr. Berger

Town Engineer Chuck Berger was present on behalf of the applicant and explained Application #767 of Town of Watertown Parks Department for installation of a water fountain/ aerator in Echo Lake located on Ice House Road, Watertown, CT to the Commission. The Town of Watertown Park and Recreation Commission has requested that the Parks Director purchase the largest water fountain aerator possible with the funds available and install it in Echo Lake. Prior to the actual installation of the water fountain aerator the installation of a permanent underground electrical power conduit terminating with an above ground electrical J-box must be installed from the northwest corner of the existing storage building to with-in twenty four inches of the waters edge of Echo Lake. A 2.5 inch PVC conduit pipe will be installed under the existing blacktop walkway and existing lawn area starting at the storage building. The main line electrical feed will be drawn from the existing electrical service box and the

proposed ground fault interrupt control panel box required for the operation of the water fountain aerator to be located inside the recreation storage building. The 2.5 inch PVC electrical conduit will be installed into a 100 foot long, 4 inch wide, by 18 inch deep trench starting at the northwest corner of the storage building and terminating twenty four inches back from the edge of the water with the use of a Ditch Witch 4 wheel drive trencher. The Ditch Witch trencher mechanically removes soil and rock and leaves it neatly piled adjacent to the trench for immediate backfilling after the conduit has been installed. Approximately 30 feet of silt fence shall be installed between the proposed end of the trench and Echo Lake to collect any potential runoff in the event of an unexpected rain. The actual trenching will be scheduled to coincide with fair weather so runoff should not be a potential threat to the lake. The trench will be immediately backfilled after the 2.5 inch conduit is installed, raked to grade, seeded to a ryegrass, bluegrass, fescue seed mixture, mulched with a thin layer of hay to reduce surface soil seed erosion, and aid in the rapid germination of seed. The entire trenching process, conduit installation, and finish grade backfilling should not exceed one 8 hour work day depending on the size of the rock encountered. Once the conduit is installed and the wire installation is complete the 10 hp 240 single phase water fountain aerator will be wheeled down to the edge of Echo Lake and floated to as close to the center of the lake as possible. Once the aerator is visibly centered in the lake three concrete block anchors with attached stainless steel vinyl coated cable will be placed into the water equidistant from the aerator. The surface ends of the stainless steel vinyl coated cable will be attached to the aerator body to hold the aerator in place during operation. The waterproof power cord from the water fountain aerator will extend underwater from the proposed permanent electrical hook up box as previously described to the aerator. Where the water fountain aerator power cord comes ashore a hand dug slit approximately three to four inches deep by twenty four inches long will be made to direct bury the power wire to the permanent on shore connection box. The water fountain aerator will need to be removed in the fall and replaced in the spring as the unit is not designed to remain in the lake through the winter. There will be 100' trench that is 4"x18". This will all be hand dug. There will be three anchors that hold it in place. The goal is to improve the water quality of Echo lake.

Mr. Rafey

Will this be removed in the winter and reinstalled in the spring?
Will the water levels need to be reduced to install this?

Mr. Berger Yes it will be removed in the winter and reinstalled in the spring.
No, water levels need to be reduced to install this.

MOTION: Vice Chairman, Mr. Donato Orsini moved to approve the application subject to standard conditions.

SECOND: Mr. Michael Genovese.

VOTE

AYES: Chairman, Mr. Edwin Undercuffler; Vice Chairman, Mr. Donato Orsini; Mr. Michael Genovese; Ms. Martha Sturgis.

NAYS: None.

MOTION UNANIMOUS PASS T 4-0.

D. Application #769 of James and Valerie Hernovich for construction of a shed within wetlands at 171 Hollow Road, Watertown, CT.

If a public hearing is not held then a decision is required by July 16, 2011.

Mr. Hernovich James Hernovich was present and explained Application #769 of James and Valerie Hernovich for construction of a shed within wetlands at 171 Hollow Road, Watertown, CT to the Commission. The Commission was out on my property this weekend and saw the location I am proposing to put the shed.

Mr. Undercuffler I can't see approving something that is in the wetlands. This is not even in the upland review area. It is within the wetlands. There are alternative locations on the parcel to install the shed. I am not in favor of the application as submitted.

Mr. Hernovich What adverse impact will the shed have on the wetlands?

Mr. Undercuffler It is construction of a structure in a wetlands and they are not permitted.

Mr. Hernovich There is no running water, it is a little damp. All I want to do is build a shed.

Mr. Rafey This activity is not permitted within the wetlands. The applicant can move the shed 5' to 10' to the front of the area. Just keep the shed out of the wetlands area. The Commission's responsibility is to protect the wetlands.

Ms. Sturgis I agree. No one is supposed to do work within the wetlands area.

Mr. Orsini We need to protect all wetlands. We cannot allow one person to do work in the wetlands and disallow others. We need to protect the lets.

MOTION: Ms. Martha Sturgis moved to approve the application subject to the following conditions.

- The shed be relocated out of the wetlands into the upland review area.
- The relocation of the shed into the upland review area be approved by the Wetland's Agent.
- Standard condition.

SECOND: Mr. Michael Genovese.

VOTE

AYES:

Chairman, Mr. Edwin Undercuffler; Vice Chairman, Mr. Donato Orsini; Mr. Michael Genovese; Ms. Martha Sturgis.

NAYS: None.

MOTION UNANIMOUS PASS T 4-0.

E. Application #772 of Town of Watertown Department of Public Works for construction of a greenway walking trail along Steele Brook, Watertown, CT.

If a public hearing is not held then a decision is required by July 16, 2011.

Mr. Berger Town Engineer Chuck Berger was present on behalf of the applicant and explained application #772 of Town of Watertown Department of Public Works for construction of a greenway walking trail along Steele Brook, Watertown, CT to the Commission. He handed out additional plans sheets for the Commission review. He reviewed the areas that the Commission inspected at the site walk. He reviewed the following soils report dated 6/14/10 from Conn Soils with the Commission

SOILS AND WETLANDS REPORT

INSPECTIONS: 6/7/10 & 4/11/11

MAP PROVIDED: Town Property

CONTOUR INTERVAL SHOWN: No contours shown

SCALE SHOWN: No

SOIL MOISTURE CONDITIONS: Moist

PROPERTY LINES IDENTIFIABLE: Inspection area ok.

WETLAND FLAG NUMBERING SEQUENCE: #1-#62; A1-A-28

This site inspection was conducted to evaluate the presence of inland-wetlands and watercourses. A detailed classification of the soils was not part of this study. Field observations of the wetland and upland soils together with the classification system of the National Cooperative Soil Survey, USDA, and the County Soil Legend were used in this investigation to identify the soil series names. In conducting field investigations, soil borings are taken from which many important soil properties are observed, as follows: seasonal soil moisture condition or the presence of free water and its depth, for each horizon in the soil profile, the thickness, color and texture are also observed. The areas shown on soil maps are called soil map units. Some map units consist of one kind of soil while others consist of two or more kinds of soil. A few have little or no soil material at all. The information in this report is based on examination and interpretation of soils with the use of a hand auger and shovel. Wetland delineation is based on prevailing conditions at the time of investigation and best professional judgment. Field conditions may change over time.

COMMENTS: The subject area is along the west side of Steele Brooke from French Street northerly to a bridge at the parking area at Princeton Road. The wetland boundary follows the stream channel and there are two additional watercourses entering Steele Brook from the west which were also delineated. Vegetation is very thick with mostly invasive Japanese Knotweed which made access difficult in places. Because of this, a longer-than-normal distance was needed between flags #33 and #34. Alluvial soils were identified and delineated between the parking lot and the berm along the watercourse channel.

Mr. Berger

It will be a 10' wide stone dust trail. We are doing our best to minimize the wetlands impacts. This will include three foot bridges over three small drainage channels, where storm water drainage runs down into the brook. There will be minor drainage improvements. He explained the improvements to the Commission. The foot print of the 10' wide trail will impact 618.7 sq. ft. of wetlands impact not including the 5' on each side of the trail. Total wetland impact is 2069.2 sq. ft. We require multiple permits for this project. We need Planning and Zoning approval. We are using state funds for the project, there is a flood management certificate required, along with a state stream encroachment permit to demonstrate that no flooding will occur. There will be no increase in fill in the flood plain. We are planning on invasive species removal and wetland restoration and enhancements. We will need to add signs for the trail.

Ms. Sturgis

Where is the parking for the trail? Is there parking at Seimon Company?

Mr. Berger

Seimon Company has donated land necessary for the trail. We can informally park in there parking lots. We are planning to start work in last summer early fall. We would like to mow the invasive

species immediately. There would not be any disturbance other than the tractor tires. There will be no shovels in the ground.

Mr. Orsini How are you going to maintain this area so the invasive species do not return.

Mr. Berger It will be a challenge. It will be an ongoing process. I suspect that we will need to be working in the area for years to come.

MOTION: Vice Chairman, Mr. Donato Orsini moved to approve the application on the condition that the invasive species removal begins immediately.

SECOND: Mr. Michael Genovese.

VOTE

AYES: Chairman, Mr. Edwin Undercuffler; Vice Chairman, Mr. Donato Orsini; Mr. Michael Genovese; Ms. Martha Sturgis.

NAYS: None.

MOTION UNANIMOUS PASS T 4-0.

F. Application #773 of Steven Philippi for restoration of a disturbed inland wetland/ watercourse area at 349 Artillery Road, Watertown, CT.

If a public hearing is not held then a decision is required by July 16, 2011.

Mr. Philippi Steven Philippi was present and explained Application #773 for restoration of a disturbed inland wetland/ watercourse area at 349 Artillery Road, Watertown, CT to the Commission. Know that the Commission had the site walk this Saturday, I hope the Commission has a better understanding of my safety concerns.

Mr. Undercuffler The Commission does not favor activity in the wetlands. Moosa has spoke to you about removing the fill that you put in the wetlands. We may entertain the possibility of widening your driveway that crosses the brook. You have a prime wetlands area and filling it in will destroy the purpose and benefits of the wetlands.

Mr. Philippi Would be able to push it to the far right side? There is no wetlands vegetation on the right side. I want to be able to get to the lake.

Mr. Rafey There needs to be a plan put together for the Commission to review. You need to speak with an engineer. You need to show

the Commission what you plan and how you plan to remove the fill from the wetland area and put it in the upland review area. We need to know how you're going to re-grade and stabilize this area. This project is significant activity. The long pipe on the south side of the driveway is a problem. This pipe needs to be removed or you need to get proper approvals from the federal and state authorities. You need to leave the wetlands alone.

Mr. Genovese You need to stabilize the drive.

Mr. Undercuffler You cannot just push the fill over. You should probably withdrawal this applicant and come back when you're done with the engineered designs of the proposed project.

Mr. Philippi Applicant submitted a withdraw letter into the record.

Mr. Undercuffler Chairman, Mr. Edwin Undercuffler read the withdrawal letter into the record.

MOTION: Vice Chairman, Mr. Donato Orsini moved to accept the withdrawal letter and waive a future application fee if submitted within the next year and if the Commission determines the new application is a significant activity the public hearing fees will be the responsibility of the applicant.

SECOND: Ms. Martha Sturgis.

VOTE

AYES: Chairman, Mr. Edwin Undercuffler; Vice Chairman, Mr. Donato Orsini; Mr. Michael Genovese; Ms. Martha Sturgis.

NAYS: None.

MOTION UNANIMOUS PASS T 4-0.

6. New Applications

- A. Application #775 of AT&T for digging and restoration of disturbed areas within the right-of-way of Partridge Court, East Street, Meadow View Court, Vista Drive, Mount Fair Drive, Pheasant Ridge Drive, and Golf View Court, Watertown, CT.**

If a public hearing is not held then a decision is required by August 13, 2011.

Mr. Lombardi Michael Lombardi from AT&T was present and explained Application #775 of AT&T for digging and restoration of disturbed areas within the right-of-way of Partridge Court, East

B. Application #777 of AT&T for digging and restoration of disturbed areas within the right-of-way of Charter Oak Drive, Aubrey Court, and Brookview Circle, Watertown, CT.

If a public hearing is not held then a decision is required by August 13, 2011.

Mr. Lombardi

Michael Lombardi from AT&T was present and explained Application #777 of AT&T for digging and restoration of disturbed areas within the right-of-way of Charter Oak Drive, Aubrey Court, and Brookview Circle, Watertown, CT to the Commission. We plan to install in the right of way where cables already exist. We will notify the neighbors prior to any work. We want to maintain the existing facility and installing AT & T U-Verse.

MOTION: Ms. Martha Sturgis moved to authorize the Wetland's Agent to approve the AT & T applications within wetlands and upland review areas as they are submitted on the condition the applicant notify the office prior to any site disturbance.

SECOND: Mr. Michael Genovese.

VOTE

AYES:

Chairman, Mr. Edwin Undercuffler; Vice Chairman, Mr. Donato Orsini; Mr. Michael Genovese; Ms. Martha Sturgis.

NAYS: None.

MOTION UNANIMOUS PASS T 4-0.

C. Application #778 of AT&T for digging and restoration of disturbed areas within the right-of-way of Bayview Circle, Breezy Knoll Drive, Wheeler Farm Road, and Curtis Lane, Watertown, CT.

If a public hearing is not held then a decision is required by August 13, 2011.

Mr. Lombardi

Michael Lombardi from AT&T was present and explained Application #778 of AT&T for digging and restoration of disturbed areas within the right-of-way of Bayview Circle, Breezy Knoll Drive, Wheeler Farm Road, and Curtis Lane, Watertown, CT to the Commission.

MOTION: Ms. Martha Sturgis moved to authorize the Wetland's Agent to approve the AT & T applications within wetlands and upland review areas as they are submitted on the condition the applicant notify the office prior to any site disturbance.

MOTION: Vice Chairman, Mr. Donato Orsini moved to table the application and schedule a special meeting for 6/23/11 at 6 P.M. at the Planning and Zoning office.

SECOND: Mr. Michael Genovese.

VOTE

AYES:

Chairman, Mr. Edwin Undercuffler; Vice Chairman, Mr. Donato Orsini; Mr. Michael Genovese; Ms. Martha Sturgis.

NAYS: None.

MOTION UNANIMOUS PASS T 4-0.

MOTION: Ms. Martha Sturgis moved to declare this application not a significant activity.

SECOND: Mr. Michael Genovese.

VOTE

AYES:

Chairman, Mr. Edwin Undercuffler; Vice Chairman, Mr. Donato Orsini; Mr. Michael Genovese; Ms. Martha Sturgis.

NAYS: None.

MOTION UNANIMOUS PASS T 4-0.

E. Application #780 located at 1057 Middlebury Road for a septic system.

Mr. Wolf

Ron Wolf was present and explained Application #780 located at 1057 Middlebury Road for a septic system to the Commission. This septic system is failing. Torrington Area Health District has approved the application. There is a small wetlands area that appears to have been created when the house was around the area. It does not have any way to drain out. He reviewed the soil conditions in the area for the proposed septic system with the Commission. The soils are not really that good. We cannot use any of the area in the front because of the well. We explored the northwest corner of the p-property and that was not suitable. Are only option is to building the back yard. Rob Rubbo the Deputy Director Torrington Area Health District has reviewed this plan with the State Sanitarian Department of Health. We need a few exceptions required with our plan. The State Department of Health has granted the exceptions.

Mr. Undercuffler Is this a repair or a replacement?

Mr. Wolf It is considered a repair but it is an entire new system, it is in the same general location as the existing system. There will be a new water tight septic tank. There is no activity in the wetlands.

Mr. Rafey Who flagged the wetlands on this property?

Mr. Wolf This is approximations? I assigned the approximate wetlands limits.

Mr. Rafey You need someone to flag the wetlands. We need it verified that it is being proposed outside of the wetlands area. You need a soil scientist to flag the wetlands.

MOTION: Vice Chairman, Mr. Donato Orsini moved to have a site walk on 6/23/11 at 5:30 P.M. and table the application to the special meeting for 6/23/11 at 6 P.M. at the Planning and Zoning office with the condition that a Soil Scientist flag the wetlands before the site walk.

SECOND: Mr. Michael Genovese.

VOTE

AYES: Chairman, Mr. Edwin Undercuffler; Vice Chairman, Mr. Donato Orsini; Mr. Michael Genovese; Ms. Martha Sturgis.

NAYS: None.

MOTION UNANIMOUS PASS T 4-0.

7. Old Business

A. Notice of Violation issued to the owner of 633 Park Road, Watertown, CT.

MOTION: Mr. Michael Genovese moved to table the Notice of Violation issued to the owner of 633 Park Road, Watertown, CT

SECOND: Ms. Martha Sturgis.

VOTE

AYES: Chairman, Mr. Edwin Undercuffler; Vice Chairman, Mr. Donato Orsini; Mr. Michael Genovese; Ms. Martha Sturgis.

NAYS: None.

MOTION UNANIMOUS PASS T 4-0.

B. Notice of Violation issued to the owner of 349 Artillery Road, Watertown, CT

MOTION: Mr. Michael Genovese moved to table Notice of Violation issued to the owner of 349 Artillery Road, Watertown, CT.

SECOND: Ms. Martha Sturgis.

VOTE

AYES:

Chairman, Mr. Edwin Undercuffler; Vice Chairman, Mr. Donato Orsini; Mr. Michael Genovese; Ms. Martha Sturgis.

NAYS: None.

MOTION UNANIMOUS PASS T 4-0.

8. New Business

None

9. Communications and Bills

A. The Habitat A Newsletter of the Connecticut Association of Conservation and Inland Wetlands Commission, Inc. Spring 2011 Volume 23 Number 1

MOTION: Ms. Martha Sturgis moved to accept and file the Communication and bills.

SECOND: Mr. Michael Genovese.

VOTE

AYES:

Chairman, Mr. Edwin Undercuffler; Vice Chairman, Mr. Donato Orsini; Mr. Michael Genovese; Ms. Martha Sturgis.

NAYS: None.

MOTION UNANIMOUS PASS T 4-0.

10. Reports from Officers and Committees

None

11. Reports from Staff

A. Agent Determination

1. Application #774 of Lacey Gregory for construction of an addition to an existing single-family dwelling and an existing shed within upland review area at 351 Straits Turnpike, Watertown, CT.

Mr. Rafey

He gave the Commission a report about Application #774 of Lacey Gregory for construction of an addition to an existing single-family dwelling and an existing shed within upland review area at 351 Straits Turnpike, Watertown, CT. The addition is 22'x18' that will be located approximately 63' away from wetlands. The back yard is a lawn. He also has a 7'x7' shed that exists that he never received a permit for.

2. Application #776 of AT&T for digging and restoration of disturbed areas within right-of-way of Whispering Hill Road, Inverary Drive, Westgate Road, and Penny Lane, Watertown, CT.

Mr. Rafey

He gave the Commission a report about #776 of AT&T for digging and restoration of disturbed areas within right-of-way of Whispering Hill Road, Inverary Drive, Westgate Road, and Penny Lane, Watertown, CT. This application did show any not have wetlands in the area.

12. Public Participation

No motion was necessary.

13. Adjournment

MOTION: Vice Chairman, Mr. Donato Orsini moved to adjourn at 9:30 P.M.

SECOND: Mr. Michael Genovese.

VOTE

AYES:

Chairman, Mr. Edwin Undercuffler; Vice Chairman, Mr. Donato Orsini; Mr. Michael Genovese; Ms. Martha Sturgis.

NAYS: None.

MOTION UNANIMOUS PASS T 4-0.

Attest:

Tom Murphy, Secretary
Conservation Commission
Inland/Wetland Agency