

**TOWN OF HEBRON  
CONSERVATION COMMISSION  
DECEMBER 10, 2009  
REGULAR MEETING  
TOWN OFFICE BUILDING MEETING ROOM**

RECEIVED  
2009 DEC 17 P 2:38  
*Carly Rompouren*  
HEBRON TOWN CLERK

**Members Present:** J. Mullaney T. Loto, T. Gauthier, R. Warner  
**Members Absent:** T. Nofer, L. Maynard  
**Staff Present:** J. Soderberg, Wetlands Agent

J. Mullaney called the regular meeting to order at 7:31 p.m.

***Approval of Minutes:***

**Public Hearing- October 8, 2009:**

T. Loto made a motion to approve these minutes as submitted. R. Warner seconded the motion. The motion passed unanimously.

**Regular Meeting- October 8, 2009:**

R. Warner made a motion to approve these minutes as submitted. T. Gauthier seconded the motion. The motion passed unanimously.

**Special Meeting- October 31, 2009:**

R. Warner made a motion to approve these minutes as submitted. J. Mullaney seconded the motion. The motion *failed* because two abstained (T. Loto and T. Gauthier because not present at this meeting) and two voted in favor (R. Warner and J. Mullaney).

***Additions to the Agenda:*** None.

***Recognition of Guests:*** None.

***New Applications:***

**Petition 09-15**, David and Clara O'Brien, 48 Chesterfield Road, Amston- Remove existing home at 56 Ames Road- Construct new one-story, single-family home and conduct site work within a regulated area (**Received 12-10-09- 65 days- 2-12-10**):

David O'Brien was present for this application. He explained that the house that is currently on this lot was built in the 1940's. This lot is a double lot on Amston Lake.

They worked with an engineer to design a new house. They worked within the regulations and tried to use as few impervious surfaces as possible.

D. O'Brien noted that there are no wetlands on his property. The wetland at issue is Amston Lake.

The engineer designed two special systems to deal with run-off. The first is a driveway system and the second is for run-off from the house. D. O'Brien noted where these systems are located on the map.

He explained that the driveway system has infiltrators and that there is enough storage for 1 ½ inches of water. The filtered water will drain onto the front lawn.

J. Mullaney asked if this system would also have to deal with road drainage. D. O'Brien did not think this was an issue because the road water drains towards the neighbor's yard due to the slope and there is a bolder on his property that would also direct the water away.

D. O'Brien then noted that the footprint of the proposed house is a little bigger than the current house. He also noted that the proposed driveway is a little wider than the existing driveway. This will be a single story home with a walkout.

Then D. O'Brien passed out pictures of the shoreline. There were rocks along the edge of the lake. Behind these rocks was a retaining wall. D. O'Brien explained that the rocks are there to deal with the lake ice in the winter. He also noted that every year he seems to have to repair some part of the wall.

He proposed keeping the rock buffer to deal with the ice. He also proposed continuing to have junipers as vegetation between the rocks and wall the help with any potential erosion.

The Commission asked if the applicant would have to do any major digging or filling when constructing the foundation? It was noted that the map did provide contours. J. Soderberg responded that they will have to do some minor digging for the foundation. He also noted that they would have to bring in approximately 4 feet of fill along the south eastern side of the house. The house basically follows the natural contours of the lot.

J. Mullaney asked if they had any erosion/sediment control plans. D. O'Brien responded that they are proposing to use a silt fence and hay bales. He noted where they were proposed on the map.

The Commission asked to have the footprint of the existing structure added to the map to illustrate how this proposed structure compares to the existing structure.

J. Mullaney then asked the Commission if they thought a public hearing was warranted for the application. He noted that typically the Commission holds public hearings for lake property applications. The difference here is that there is already an existing house on this property.

T. Loto made the following motion:

- Petition 09-15 is considered to be a significant impact activity under Section 2.1.28 of the Hebron Inland Wetlands and Watercourses Regulations.

R. Warner seconded the motion. The motion passed unanimously. The public hearing for this application was set for January 14, 2010 at 7:30 p.m.

The Commission asked J. Soderberg to have the Town Engineer review the calculations. J. Soderberg will do that. J. Soderberg also noted that the applicants have consulted with the Town Planner when devising the application.

***Pending Applications:***

**Petitions 09-13**, Mario Michael Scalise, 71 Broadway, Colchester, CT- Construction of a single-family home on Reidy Hill Road on 5.44 acres on a lot described on Assessor's Map 18, Lot 15.1 (**Received 11-12-09- 65 days – 1-15-10**):

Robert Hellstrom, Land Surveyor, was present along with the applicant. R. Hellstrom explained how the applicant purchases a portion of the adjacent property to be able to build on his lot. He showed on the map where they land was in relationship to the adjacent property. He noted that Mario Scalise now has a 5.44 acre lot.

R. Hellstrom then reported that the applicant now changed the house from what he was previously proposing to build. The septic system is still in the same location. He noted that the primary reserve for the septic is beyond the 100 foot line. They are proposing to use the reserve septic area for this house because it has better soils. It was noted that this septic site is 110 feet from the stream and the wetlands.

J. Mullaney noted that the Commission accepted this application at their last meeting even though this meeting did not take place.

J. Mullaney then asked the Commission if they thought this application was a significant impact activity.

R. Warner made the following motion:

- Petition 09-13 is not a significant impact activity under Section 2.1.28 of the Hebron Inland Wetlands and Watercourses Regulations. Therefore there is no need for a public hearing.

T. Gauthier seconded the motion. It was noted that the wetland will be protected even with the building of this third house because there is not other place to build on this land. The motion passed unanimously.

The Commission asked where the septic reserve area for Parcel B was located. R. Hellstrom noted where he thought it was located on the map.

J. Mullaney asked if the Commission had received a letter from the Town Sanitarian regarding this application. J. Soderberg will ask the Town Sanitarian to review this application and put his

recommendations/issues in a letter to the Commission. J. Mullaney noted that he is concerned with the septic reserve area for the existing property.

T. Gauthier made the following motion:

- The Commission approve Petition 09-13 with the following stipulations:
  - The Conservation Commission receives the final letter from the Town Sanitarian and there are no issues to address.
  - The survey map is signed by a licensed soil scientist.

R. Warner seconded the motion. The motion passed unanimously.

**Petitions 09-14**, 108 Jan Drive- Patti A. Matthews- Corrective remedies for violation of 08-18V- Dredging and dredged material within a regulated area (**Received 11-12-09- 65 days – 1-15-10**):

Fred Marr (applicant) and Mike Tarbell (Tarbell, Heintz Associates, Inc.) were both present.

M. Tarbell explained the he has researched other previous permits for this area. He is here tonight to make recommendations to rectify the violation (08-18V).

He then noted that John Ianni, Soil Scientist, was also hired to review the soils and also to make recommendations. J. Ianni documented his findings and recommendations in his October 27, 2009 letter which the Commission received tonight. Both found that there was a body of water here in the past. J. Ianni thought that this was a significant watershed area. In a 1990 aerial photograph the extent of the open water was more than double its present condition.

M. Tarbell then noted that they are not sure where all the sediment is coming from. He noted that there are three large discharge pipes in the area.

M. Tarbell and J. Ianni made the following three recommendations:

- Remove the sand bags and other materials that constitute the outlet control structure for the pond.

Most of this can be done by hand or with a small back hoe. This should be done during the drier summer months. M. Tarbell noted that the current location of this open water pond is not a viable long term condition because the watershed area above this site carries a large sediment load.

- The applicants apply for a permit to maintain the existing open water conditions or to slightly expand the extent of the open water further to the north.

All of this excavation work must be done from the existing shoreline, outside this wetland.

- All existing dredge materials and further spoils must be either removed from the site or spread in upland areas. The site must then be reseeded.

It was noted that this pond cannot be dammed. M. Tarbell explained that the applicants may come back at a later date if they want to do something with the pond.

J. Mullaney asked if the site is currently stable. M. Tarbell responded that it is- nothing is moving. They are proposing to do this work during a dry period. The soonest would be June.

J. Mullaney then asked if DEP needed to be contacted for a diversion permit. M. Tarbell responded "no" explaining that they are not really changing any flow or volume. He also noted that they will not need an Army Corp Permit either because the area is less than 5,000 square feet.

R. Warner made the following motion:

- The Conservation Commission approved Petition 09-14 as presented along with the soil scientist's recommendations in his October 27, 2009 letter. A silt fence and erosion control measures are to be done under the guidance of John Soderberg. This violation will be kept on the agenda until it is recitified.

T. Gauthier seconded the motion. The motion passed unanimously.

***Wetland Agent Approvals:*** None.

***Violations:***

**Violation 08-18V- Patti Matthews, 108 Jan Drive, Hebron- Excavation of soils within a wetland:**

This violation was discussed above.

***Pre-applications:*** None.

***Other Pertinent Business:***

**Discontinuance and Abandonment of Certain Roads- Schedule Site Walks:**

J. Soderberg noted that he would like to send a letter to the Board of Selectmen regarding the Commission's recommendations for Crouch Road, Grayville Road, and Jagger Lane.

J. Mullaney wondered if these roads could be abandoned in such a way that they became recreational trails. He thought this proposal would enhance the open space while still protecting the wetlands. He noted that he is trying to think of this from the conservation perspective.

J. Soderberg did not think this was possible but he will check with the Town Attorney. He wondered if the town could later be forced to pay for these potential trails to become roads.

**Town Report for 2008-09:**

J. Soderberg noted that he sent out a draft report for the Commission to review and approve.

**Proposed 2010 Meeting Schedule:**

J. Soderberg provided a copy of next year's proposed meeting schedule (submitted to the Town Clerk on November 24, 2009). He noted that the meetings are generally on the second Thursday of the month with the exception of September and November. All meetings will start at 7:30 p.m. and be held in the Hebron Town Hall First Floor Meeting Room.

- R. Warner made a motion to approve this meeting schedule as submitted. T. Gauthier seconded the motion. The motion passed unanimously.

**Excavation of 60 Yards of Material- Amston Lake:**

J. Soderberg noted that the Commission has been provided with a copy of a letter from the Connecticut DEP notifying the Amston Lake Board of Directors that they do not need a diversion permit to excavate approximately 60 cubic yards of accumulated sediment from three Amston Lake locations.

J. Soderberg further explained that these areas include the Northeast Cove. These are all discharge areas that have a lot of sediment. They are planning on doing the dredging in early December.

**Extension of Wetland Permit for Loveland Farms:**

J. Soderberg reported that the Commission has received a request to extend the permit for Loveland Farms. J. Soderberg explained that this permit was already extended until January 2010 by the Commission. He would recommend extending it until June 2010.

T. Loto made the following motion:

- The Conservation Commission extends the permit for Petition #04-12 until June 30, 2010.

R. Warner seconded the motion. The motion passed unanimously.

**Election of 2010 Officers:**

Election of Conservation Commission's 2010 Chair:

- T. Gauthier made a motion to elect John Mullaney as Chair of the Conservation Commission for the 2010 calendar year. R. Warner seconded the motion. The motion passed unanimously.

Election of Conservation Commission's 2010 Vice Chair:

- R. Warner made a motion to elect Thomas Loto as Vice Chair of the Conservation Commission for the 2010 calendar year. T. Gauthier seconded the motion. The motion passed unanimously.

Election of Conservation Commission's 2010 Secretary:

- T. Loto made a motion to election Robert Warner as Secretary of the Conservation Commission for the 2010 calendar year. T. Gauthier seconded the motion. The motion passed unanimously.

**Correspondence:**


The following correspondence was received:

- September 1, 2009 letter from Connecticut DEP to Amston Lake Board of Directors RE: Maintenance Dredging of Amston Lake
- October 27, 2009 letter from John Ianni's RE: Petition 09-14.
- December 1, 2009 letter from Leonard Jacobs RE: Extension of Wetland Permit for Loveland Farms
- December 1, 2009 letter from Connecticut Attorney General Richard Blumenthal RE: His Office's Concerns with the Town of Lebanon's Response Toward Abating Pollution in Amston Lake
- Copy of the 2009 Report from the Salmon River Watershed Partnership
- Copy of Inland Wetlands and Watercourses Act Connecticut General Statutes Section 22a-40: Permitted Operations and Uses Subsection (a) (1): Farming

**Adjournment:**

The meeting adjourned at 9:28 p.m. The next meeting is scheduled for January 14, 2010.

Respectfully submitted,

  
Linda Bulkovitch  
Board Clerk