

MEETING MINUTES

Conservation Commission
Waterford Town Hall

June 23, 2011
7:00 PM

Members Present: Henry Curtis, Harold Hansen, David Lersch, Richard Muckle, Jeff Sims.
Members Absent: Gary Johnson, Nancy Hicks (notified absences)
Alternates Present: (2 vacancies)
Alternates Absent: Wade Thomas
Staff Present: Maureen FitzGerald, Environmental Planner
Katrina Kotfer, Recording Secretary

1. CALL TO ORDER AND APPOINTMENT OF ALTERNATES

Acting Chairman J. Sims called the meeting to order at 7:04 p.m.

2. APPROVAL OF THE June 16, 2011 MEETING MINUTES

MOTION: Motion made J. Sims, seconded by R. Muckle, to approve the minutes of the June 16, 2011 meeting as written with the correction on page 3 of 7 to have reason 2 in the motion for 28 Butlertown Road state "No alternatives have been proposed".

VOTE: 4-0-1 (D. Lersch abstained as he was not at the June 16, 2011 meeting)

3. APPLICATION REVIEWS

#2011-014- 16/69R Douglas Lane: Douglas Lane Reconstruction-Modification to Permit #06-19; Owner-Richard Morgan, Applicant-Town of Waterford Public Works Department, Agent-Neil Kulikauskas, Kleinfelder/SEA. (Action Date 7/28/11, Last Meeting Date 7/29/2011)

M. FitzGerald reviewed with the Commission a memo dated June 22, 2011 from Neil Kulikauskas, P.E. answering questions raised at the last meeting.

D. Lersch questioned what happens if no change is made to the culvert.

M. FitzGerald reviewed the correspondence from the engineer, noting the existing conditions will not flood the road.

J. Sims stated concerns that the swale would be a point source to the wetland and questioned if the length or width of the channel can be reduced to have less impact on the wetland.

M. FitzGerald stated the intent is to drain the plunge pool. The ditch should not be constructed as a point discharge and the Commission can require conditions of approval to address this.

H. Hanson stated he had concerns with the long term maintenance of the ditch.

J. Sims stated that if the current as-built condition doesn't flood the road, then he is inclined to keep the area as is.

R. Muckle requested the plunge pool be maintained to function as designed.

The Commission requested more information on the following before proceeding further with the application: the need for the change to the outlet if it is currently functioning; measures to minimize any potential erosion; and impact on the adjoining wetlands.

H. Curtis questioned if the Commission can approve the permit application when the property owner has not signed the submitted application.

#2011-016– 5 West Strand Road: Frame Shed; Owner – Barbara G. Allen, Estate, Applicant – Wayne Scott Allen, Agent – William F. Kent, R.L.S. (Action Date 7/28/11, Last Meeting Date 7/29/2011)

The Commission reviewed the draft permit.

MOTION: Motion made H. Curtis, seconded by D. Lersch, to approve the draft permit for application 2011-016 as written.

Discussion was held on the motion.

MOTION: Motion made D. Lersch, seconded by H. Curtis, to add wording as a condition of the permit, to restrict of the discharge of hazardous chemicals and materials into the wetlands.

VOTE: 5-0-0 The amendment to the motion passed.

VOTE: 5-0-0 The amended motion to approve the draft permit passed.

4. NEW APPLICATIONS

#2011-017– 913 Vauxhall Street Ext.: Single Family Dwelling; Owner & Applicant – Little T, LLC, Agent – Gerwick-Mereen, LLC.

M. FitzGerald noted this application was submitted after the agenda was posted. She reminded the Commission that this application had been submitted last fall and the Commission had prepared a draft permit approval before the applicant had to modify the site plan to address Ledge Light Health District questions. She stated she will review the new site plan for consistency with the prior application and report to the Commission. The newly submitted application has been approved by the Ledge Light Health District.

5. VIOLATIONS

28 Butlertown Road: Abatement Order: August 17, 2010. Amended Abatement Order-12/8/10. Wetland Restoration Plan to be completed by May 31, 2011.

M. FitzGerald informed the Commission that she had received an email from Don Fortunato informing her that he had reviewed the June 16, 2011 meeting minutes and that he has had no discussion with the property owners regarding plant selection and planting locations.

51 Shore Road: Notice of Violation - Violation of Permit #97-07 – Tree Cutting & Brush Clearing in Wetland and Designated Non-Encroachment Area.

M. FitzGerald will check the status of the restoration and report back at the next meeting.

5 West Strand Road

The Commission directed M. FitzGerald to send a Notice of Violation to the property owner regarding the unauthorized wood chip fill in the wetland area in excess of the pathway authorized under Commission action #08-051.

M. FitzGerald reported that discharge of sediment-laden run-off to inland wetlands and watercourses was observed from Wednesday's rain event at the High School construction site in the area of the Miner Lane access road, the stormwater basin re-construction and from the temporary sediment trap near the track oval. She noted there were failures of the erosion and sediment control measures at the site. She stated that third party erosion and sediment control inspection reports are received from VHB with repeated notices where site construction tasks need completion and application of controls.

The Commission directed staff to document the inspection and issue a notice of non-compliance to the permittee.

6. OTHER BUSINESS

The Commission reviewed a letter from Attorney Lewis Wise, dated June 23, 2011, re: Re: Seaside in Waterford, LLC – Application to Amend Regulations – Response to Conservation Commission Comments.

The Commission discussed the correspondence regarding the proposed two step application process. H. Hansen stated that the only written record of action by the Commission regarding Inland Wetlands is a permit decision. If the Commission does not have enough information to issue a finding on a permit application, it cannot issue an approval.

M. FitzGerald will prepare a response to the memo.

7. CONSERVATION COMMISSION TASKS

No Action was taken.

8. CORRESPONDENCE

The Commission reviewed the Correspondence.

9. PAYMENT OF BILLS

The Commission received a bill from Ben Meadows for supplies.

MOTION: Motion by R. Muckle, seconded by D. Lersch, to pay the bill from Ben Meadows for supplies in the amount of \$461.32.

VOTE: 5-0-0

10. ADJOURNMENT

MOTION: Motion by R. Muckle, seconded by H. Curtis, to adjourn the meeting at 9:25 pm.

VOTE: 5-0-0

Respectfully Submitted,

Katrina Kotfer
Recording Secretary