

**Marlborough Conservation Commission
Special Meeting
Marlborough Town Hall
December 20, 2004
7:00 p.m.**

1. CALL TO ORDER

Mr. Don Hautman called the meeting to order at 7:00 p.m. in the small meeting room of Marlborough Town Hall.

2. ROLL CALL

The following Commission members were seated and voting:

Don Hautman
Gordon Isleib
Gale Busemeyer
Jim Montstream

Also present:

John Spagna & Tina Deluco, 23 Lewis Rd.
Peter Hughes, Director of Planning & Development

3. OLD BUSINESS

John Spagna & Tina Deluco – application #04-17 – 23 Lewis Rd. – Possible Action

Don Hautman stated that the public hearing was closed at the December regular meeting. He noted that the commission was not comfortable with all the conditions of approval at that time. The commission had discussed a third party consultant to review the activity under the application.

Don Hautman noted that Peter Hughes prepared a draft motion for the application. Don Hautman read a memo from Peter Hughes to the Conservation Commission dated December 16, 2004 re the motion. The memo noted that Mr. Hughes discussed third party oversight with the town attorney, who opined that it was not necessary. Rather, the attorney feels that having Mr. Spagna's professional oversee the work is more appropriate.

Don Hautman went through the draft motion, noting modifications from the previous draft motion discussed at the December regular meeting. The only significant modification is that the new motion requires the applicant to submit a fee of \$1,500 for a third party inspector. Don Hautman noted that the \$1,500 will cover approximately 18 hours of inspection time. Peter Hughes noted that the specifics of the third party inspection work will be defined between the town and the inspector.

There was a brief discussion about oversight of the work and whether it should be done by the applicant's professional or a third party inspector. Don Hautman noted that the group has three options: 1) go with the applicant's representatives, 2) go according to the draft motion and 3) go with a third party inspector. Peter Hughes stated that the commission could impose third party

oversight if the applicant violated the permit. He also stated that the commission could request town staff to spend extra time at the site (regular visits) and do away with the third party inspector. Peter Hughes stated that the commission could require the applicant to submit the \$1,500 fee for a third party inspector, and if it is not required it would be returned to the applicant.

Motion by Gordon Isleib to approve application #04-17 – John Spagna & Tina Deluco – 23 Lewis Rd. with the following conditions:

- 1) **The applicant shall address comments 1&3 contained in the Nathan L. Jacobson & Associates, Inc. application review letter dated November 16, 2004;**
- 2) **The applicant shall address comments 2&3 contained in the Land Tech Consultants, Inc. application review letter dated November 15, 2004;**
- 3) **The plans shall be revised to show the approved utility location and a utility installation narrative be added to the plans.**
- 4) **The applicant's environmental consultant shall inspect and prepare reports for each phase of driveway construction (including biofilter and driveway crossing construction) prior to the commencement of each phase, twice a week during each phase of the driveway construction, and upon completion of each phase and send copies of each report to the Commission for review at its next regularly scheduled monthly meetings.**
- 5) **Prior to the commencement of any further construction activities the applicant shall:**
 - a. **Submit a cost estimate breakdown for the erosion control specified in the plans and the final stabilization of the entire site to the Wetlands Enforcement Officer (WEO) for determination of the project bond.**
 - b. **The WEO shall review the cost estimate and set the appropriate bond amount. The applicant shall post the bond.**
 - c. **All clearing limits and grade stakes shall be set by a State of Connecticut licensed land surveyor or a professional engineer and approved by the WEO.**
 - d. **The applicant shall submit a revised plan to the Commission.**
- 6) **Prior to the issuance of a certificate of occupancy, the applicant shall post conservation placards every 100 feet and install plantings as outlined in the REMA Environmental Report.**
- 7) **The applicant's environmental consultant shall submit a planning plan for the bio-filter to the Commission and shall monitor the vegetation for two (2) years and submit a report to the Commission. The applicant shall implement any recommendations made.**
- 8) **The applicant and the applicant's site contractor shall meet weekly with the WEO during periods of active construction on site.**
- 9) **The applicant shall notify the WEO or Assistant WEO at least 72 hours prior to commencement of any construction activity, and shall also notify the WEO or Assistant WEO of times when construction will be suspended for more than seven (7) days and shall re-notify the WEO or Assistant WEO of the re-starting of construction activities 72 hours in advance.**

- 10) The WEO shall approve ENS measures at the commencement of each phase of construction of the driveway and the house.
- 11) As Built plans shall include all clearing limits and locations of all conservation easement area plantings and placards. The WEO will review and approve before the issuance of the COO for the house or any other structure.
- 12) The applicant's environmental consultant shall inspect and prepare reports prior to the excavation of the foundation, after completion of backfill of the foundation, prior to stripping of the septic area, upon completion of the septic area and upon completion of final grading and send copies of each report to the Commission for review at its next regularly scheduled monthly meetings.

The motion was seconded by Jim Montstream and it was carried by a unanimous vote.

4. WETLAND ENFORCEMENT OFFICER'S REPORT

Don Hautman noted that across from the state garage there is a white farmhouse. The owners have put in a large blue tank on the property. The tank has been buried in the ground. Mr. Hautman believes that this activity is within the regulated area. There is some question whether the regulated area in this location is 100 feet or 200 feet and Mr. Hughes is going to investigate this. Don Hautman reported that Mr. Hughes visited the property owners and questioned the activity but the property owners would not explain what the tank was for. Mr. Hautman stated that, in his opinion, this activity represents a violation, a violation notice should be sent to the property owners and the Commission should have a show cause hearing. Mr. Hautman will follow-up with Peter Hughes on this item.

5. ADJOURN

Motion by Gale Busemeyer to adjourn the meeting at 8:00 p.m. The motion was seconded by Jim Montstream and it was carried by a unanimous vote.

Respectfully submitted,

Mary Sciano