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TOWN OF FARMINGTON
INLAND WETLANDS COMMISSION
SPECIAL MEETING

December 19, 2018

Present were Chairman Hannon, Commissioners St. James, Simpson and Wolf and Assistant Town Planner and Clerk. The meeting was called to order at 6:01 p.m.

NEW BUSINESS

Show-cause Hearing – 275 Talcott Notch Road

Cease and Desist Order for conduct of regulated activity without a permit for property located at 275 Talcott Notch Road. Assistant Town Planner Rutherford provided an update on activity at the site since the December 9, 2018. Letters were sent to the contractors that have continued work informing them that there is a Cease & Desist Order issued to the property owner and that if they conduct any other work without consulting Town Planning Staff they may be subject to fines. Johnathan Espinar, owner, arrived at the meeting at approximately 6:10pm. The property owner has a contract with Davison Environmental to develop a restoration plan and their representatives were at the property on December 18th. Staff had a preliminary discussion with them regarding the property on December 19th and discussed stabilization measures and possible restoration options. This afternoon Staff visited the site and found that some hay mulch had been spread out in the yard between the driveway and embankment in an attempt to stabilize this portion of the yard. More work will be done by the end of the day Thursday prior to forecasted heavy rains on Friday, December 21, 2018.

The Commission first discussed the need for additional erosion control measures and Assistant Town Planner Rutherford said she will visit the site during Friday's heavy rains to see if more measures are needed to stabilize the site. The hay bales in place have been staked.

With respect to work conducted north of the watercourse, the Commission would like the northern property line pins located and marked to verify whether or not work was done on the adjacent property. After some discussion it was also suggested that the conservation easement boundaries are located and medallions installed. The easement can be marked now with pins at the corners and medallions installed after the restoration planting.

The restoration planting plan for the conservation easement, watercourse embankment, wetland and upland review areas is being prepared by Davison Environmental. The Commission agreed that the plan shall be presented to the Commission no later than the January 23rd meeting.

Commissioners then discussed fines and when they felt the fines should begin. Since the original Cease & Desist Order was issued November 6, 2018, the property owner had prior notice of the encumbrances on his property and the property owner continued work at the site after the Order was issued it was the consensus of the Commissioners that this is a willful violation and as such the fines should begin accruing as of November 6, 2018. There was no consensus on the daily fine amount. Some felt the maximum daily fine was appropriate and others felt the minimum daily fine appropriate, noting that a concurrent daily fine is accruing because of the zoning violations. Discussion then took place regarding the end date for the initial fine and a phased

sequence of dates for subsequent benchmarks and the potential of additional fines should the benchmarks be missed. The Commission concurred that the next benchmark will be the submission of the restoration plan at the January 23rd meeting. They also agreed that subsequent benchmarks will be determined based on the restoration plan and will be identified at or after the January 23rd meeting.

Regarding paving the existing driveway, the contractor was asked to stake out the limits of the driveway for staff to review. Upon staff inspection it was determined that the limits of proposed paving exceeded the existing driveway limits and as a result the contractor was informed that they could not proceed without approval from the Commission. Assistant Town Planner Rutherford reviewed the site plan to show the additional area proposed for paving is outside the conservation easement area and is south of the existing driveway.

Upon a motion made and seconded (Inez/Simpson) it was unanimously

VOTED: To approve the expansion of the driveway at 275 Talcott Notch Road as presented.

The meeting adjourned at 7:19 p.m.

SJM