

TOWN OF FARMINGTON  
INLAND WETLANDS COMMISSION

January 9, 2019

Present were Chairman Hannon, Commissioners Hinze, Isner, St. James, Simpson, Statchen and Wolf and Assistant Town Planner and Clerk. The meeting was called to order at 7:01 p.m.

**PUBLIC HEARING**

599 Farmington Avenue LLC and Birdseye Road LLC – 599 Farmington Avenue and 10 Birdseye Road

Application for Regulated Activity within wetlands or watercourse to expand parking lot. The applicant requested the public hearing be postponed to the January 23, 2019 meeting.

**NEW BUSINESS**

David & Jennifer Quisenberry – 70 Mountain Road

Regulated Activity within wetlands and upland review area to widen existing driveway from 12' to 18' at 70 Mountain Road. Mr. Quisenberry, property owner and Michael Klein, wetland/soil scientist were present to answer any questions the Commission may have resulting from the site visit. Revised plans addressing staff comments regarding the catch basin location and curbing for stormwater collection have been submitted. Stormwater from the upper section of the private road will be collected in the system shown. Stormwater otherwise will continue to sheet flow as it currently does. Comments from the membership as a result of the site visit was that the proposed conversion from driveway to private road would have minimal impact to the wetlands and it would improve access to the parcels from a safety standpoint.

Upon a motion made and seconded (Isner/Hinze) it was unanimously

VOTED: To make the determination that the David and Jennifer Quisenberry application for regulated activity within wetlands and upland review area to widen existing driveway from 12' to 18' at 70 Mountain Road was non-significant and did not require a public hearing.

Upon a motion made and seconded (Isner/Hinze) it was unanimously

VOTED: To approve the David and Jennifer Quisenberry application for regulated activity within wetlands and upland review area to widen existing driveway from 12' to 18' at 70 Mountain Road as submitted and on file in the Planning Office with the following conditions:

1. Perimeter erosion control shall be straw wattle or silt sock backed by silt fence;
2. An integrated pest management plan shall be implemented; and
3. Engineering comments dated November 5, 2018 shall be addressed to the satisfaction of Town Staff.

Show-cause Hearing – 41 Woodruff Road

Cease and Desist Order for conduct of regulated activity without a permit for property located at 41 Woodruff Road. The Cease & Desist Order remains in effect. Mr. Seinyan stated he contacted a landscape architect that recommended planting burning bush and forsythia. When asked who Mr. Seinyan contacted he responded Eco Turf Landscaping. Mr. Seinyan did not have a printed plan to provide the Commission as requested at the November 7, 2018 meeting. The Conservation Easement restoration plan with details must be in writing and all plants need to be native species; which excludes the burning bush. Details shall include grading restoration. Mr. Seinyan was instructed to have his landscape architect contact the Planning Office within seven days. A plan must be presented no later than the February 6, 2019 meeting. The Assistant Town Planner informed Mr. Seinyan that fines can be imposed for failure to comply.

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. Matt Davison, Davison Environmental, provided a complete presentation of the details of the extensive restoration plan created for this site. The surveyor hired to determine whether or not encroachment onto the northerly property has taken place submitted a letter stated that he had not yet been able to get out to the site but would do so by the end of the month and report his findings to Staff. After some discussion for clarification of the plan, Mr. Davison stated he will make some adjustments to the restoration plan and provide for their final review and acceptance. Adjustments to the plan include restoration to the forested area north of the watercourse which will include removing tire ruts by hand raking, seeding and mulch, restoration of area of disturbance of adjoining property (pending survey information), hemlocks to remain within the front conservation easement are to be staggered within the easement among the additional planting, show all plants on the plan that are listed in the plant list, and the conservation easement note shall be added to the conservation area that is north of the watercourse.

The Commissioners then continued the discussion started at the December 19, 2018 special meeting. At the December meeting they has made the determination that the work done was a willful violation and that fines would begin accruing as of November 6, 2018, the date of the original Cease & Desist Order was issued. The initial fines stopped when the first benchmark was met by installing erosion control measures by December 21, 2018. Further milestones will be determined when the restoration plan is adjusted and resubmitted for review/acceptance by the Commission. While some Commissioners still felt the minimum fine was appropriate and the maximum fine was appropriate, other Commissioners suggested a fine somewhere in the middle that would have the possibility of reduction based on implementation of the restoration plan.

Upon a motion made and seconded (Isner/Statchen) it was

VOTED: 6 in favor to 1 opposed (Simpson) to make the recommendation to the Zoning Enforcement Officer that the owner of 275 Talcott Notch Road be fined at a rate of \$500 per day beginning November 6, 2018 and ending December 21, 2018 with the opportunity for a reduction up to 50% upon the successful completion of the restoration work.

The final details regarding the implementation/completion deadline of the restoration plan will be determined upon final acceptance of the restoration plan.

**OTHER BUSINESS**

No Other Business.

**PLANNER'S REPORT**

No Planner's Report.

**MINUTES**

Meeting Minutes

Upon a motion made and seconded (Statchen/Isner) it was unanimously

VOTED: To approve the December 5, 2018 Inland Wetlands meeting minutes.

Upon a motion made and seconded (Hinze/Statchen) it was

VOTED: 6 in favor, 1 abstention (Wolf) to approve the December 9, 2018 Site Walk Notes.

Upon a motion made and seconded (St. James/Wolf) it was

VOTED: 5 in favor, 2 abstentions (Hinze, Statchen) to approve the December 19, 2018 special meeting minutes.

The meeting adjourned at 8:52 p.m.

*SJM*