



Town of Avon

Conservation Commission

Public Hearing- Thursday, April 11, 2019

Members Present: Kevin Mooney, Edward Mekjian, Christopher Canducci, John Costa

Absent: N/A

Others Present: Terry Edwards, Bill Self, Steve Edwards, John Kelley JR, Steven Monahan, Joe Aiello, Mike Venisky, Greg Enos, Joseph S. Lalli

Kevin Mooney called the public hearing to order at 7:10 PM.

NOI 8 & 10 Katherine's Way- Bill Self, Curley & Hansen

Kevin Mooney started the public hearing with a follow up on the NOI at 8 and 10 Katherine's Way that was heard on March 14, 2019. Kevin Mooney informed Bill Self that the wetlands in this area were not healthy. There are uprooted trees, invasive species, pallets, Styrofoam, and more. Mr. Mooney is not looking for new plans but accurate numbers on disturbed areas, volume of fill and excavation, and to meet the required 2:1 mitigation for altered areas. Bill Self wants clarification for exact what the commission would like to see done. Mr. Self changed the application for NOI for 8 & 10 because the proposed plans are duplexes and the original application was for single family. Mr. Mooney's letter sent to Bill Self states that he acknowledged the plans were for duplexes at the first hearing. Mr. Self was not happy with the lighting in the meeting room at the first hearing and thinks that is why there is confusion. Mr. Mooney checked out the lot and worked with the numbers himself and states that mitigation is the problem here, and that Bill Self's mitigation numbers do not meet the required 2:1. Mr. Mooney wants to see something done for building within the 50' zone. He suggests going into the wetlands and clean up the area. Bill Self suggests they can make the property next to the proposed lot clear. Steve Edwards suggests going in behind retention basin and cleaning dead fall and trash. Mr. Mooney agrees.

McCoy St. and Malley Ave.- Mike Venisky

Mr. Mooney begin this hearing by stating he received many phone calls about the work being done at this location. Mr. Mooney stated Mike Venisky asked for request for determination to clear lot with 3 years to maintain it which was approved in august of last year. Furthermore, Mr. Venisky agreed to stipulations which was to stay 10 feet away from drainage on each side. The

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ditch has been filled which is a violation of the bylaw that approved clearing of the property only, however Mr. Venisky altered the property by filing this area. To alter the property by filing, Mr. Venisky must have permission by the conservation commission first, this was not done, and filed without permission. Mr. Mooney sent Mr. Venisky a letter to inform him of the violations. Mr. Venisky states he never received a letter. Mr. Mooney disagrees and states that they had a discussion about the letter prior to the hearing. If Mr. Venisky does not comply, an enforcement order will have to be issued. Mr. Venisky stated he ran into problems because the existing pipe was cracked and broken. He thought the ditch was a danger to the children. Mr. Venisky also stated he had a report from an engineering company stating the area is not wetlands. Mr. Mooney states it is not wetlands for DEP, under the bylaws it is. Filling of the ditch is a stormwater violation and all stormwater falls under the commission which is why it is a bylaw violation. Mr. Venisky states a neighbor filled in land with no repercussions. Edward Mekjian, commission member, states that the board did not discuss this issue together, did not agree on the letter sent to Mr. Venisky, and believes it is not Mr. Venisky's fault. Mr. Mooney states that he is in no violation by sending a letter without approval of the other board members. If Mr. Venisky came in and asks for the commission's help, they would help. If the board is satisfied by the end of this hearing, then no enforcement will be issued. Joseph Lalli, Town Council, states that there is a need for an enforcement officer for information like this to be brought to the board. Mr. Venisky states that everyone was dumping stuff on his property and he has been working very hard to clean his property. Kevin Mooney restates his issues with the violations: 1. There was no public meeting with neighbors to support or not support what Mr. Venisky was doing and 2. Don't have anything to show that the pipe that was put in is efficient enough to support its job. Mr. Mooney would like to see the proper material and proper process done to accomplish this task. Edward Mekjian states that this was an emergency issue, that the neighbors land could fall in if it wasn't taken care of. Kevin Mooney would like to see Mr. Venisky submit an application prior to any work, mitigation for doing this work without filing, clean out invasive species, or undo the work that was done. Mr. Mooney would like an engineer to inform the commission the correct pipe size, a notice of intent filed, the area of disturbance, fill, alteration numbers known. Mr. Venisky doesn't agree with having to pay to clean draining ditches around town. Mr. Mooney states his other option is to put the ditch back to its original state. The enforcement comes with a 2,500 day fine until problem is resolved. Mr. Mooney doesn't want an enforcement order but would like to see the engineer report for the right size pipe in the correct location for the stormwater violation. Disturbance is a bylaw; the violation is 5:1 mitigation but the chairman is willing to do a 2:1 mitigation for destroying existing wetlands. Edward Mekjian does not agree with the punishment, he thinks Mr. Venisky already benefited the town by cleaning the ditch area. Christopher Canducci does not think Mr. Venisky should have to go planting around town. He agrees with Mr. Mekjian that he did the town a favor. John Costa can not speak on the issue since he was not on the board during the first issuance.

A motion was made by Kevin Mooney to approve to bring in an engineer to review the work that was done and to bring a report of the work to the conservation commission with a NOI. Seconded by Edward Mekjian. John Costa abstained. Passes with 3 votes.

A motion was made by Edward Mekjian to not require 2:1 mitigation, seconded by Christopher Canducci. Kevin Mooney Against. John Costa Abstained. Passes with 2 votes.

A motion was made by Edward Mekjian to not require replanting vegetation 2:1 from both sides of ditch, seconded by Christopher Canducci. Kevin Mooney Against. John Costa abstained. Passes with 2 votes.

Any order of conditions issued is good for 3 years, but the client can ask for extended time.

Joseph Lalli asked Mr. Venisky if everything is clear and understood. Mike Venisky states everything is clear.

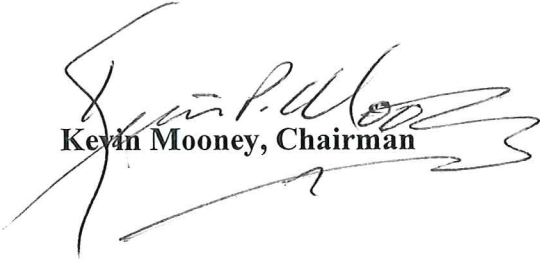
A motion was made by Kevin Mooney to close the public hearing, seconded by Edward Mekjian. John Costa abstained. Passes with 3 votes.

The hearing closed at 7:56 P.M.

Adjournment

A motion was made by Edward Mekjian to adjourn the meeting at 8:48 PM, seconded by Kevin Mooney.

Next meeting scheduled on Thursday, May 9, 2019 at 7:00 PM.



Kevin Mooney, Chairman

