

Approved Meeting Dates for Somers Conservation Commission 2024

All to be held at the Somers Town Hall, Lower Meeting Room, at 7:00pm

January 3

February 7

March 6

April 3

May 1

June 5

July 3

August 7

September 4

October 2

November 6

December 4

TOWN OF SOMERS
Conservation Commission
600 Main Street



REGULAR MEETING
WEDNESDAY, JANUARY 3, 2024
7:00 PM TOWN HALL
AGENDA

- I. CALL TO ORDER
- II. OLD BUSINESS
 - 1. **Discussion/Possible Decision Application #798:** 301 Mountain Road. Addition within Upland Review Area. Michael Monteiro.
 - 2. **Discussion/Possible Decision Application #800:** 12 Hampden Road. Subdivision with proposed driveway in the Upland Review Area. Mark Polek.
- III. NEW BUSINESS
 - 1. Discussion of Watchaug Road Agricultural Stormwater Management.
- IV. AUDIENCE PARTICIPATION
- V. STAFF REPORT
- VI. CORRESPONDENCE AND BILLS
- VII. MINUTES APPROVAL: December 6, 2023
- VIII. ADJOURNMENT

TOWN OF SOMERS
Conservation Commission
600 Main Street

REGULAR MEETING
WEDNESDAY, JANUARY 3, 2024
7:00 PM TOWN HALL
MINUTES



I. CALL TO ORDER

The meeting was called to order by Chairperson Joan Formeister at 7:03 P.M. Commissioners in attendance were Drew Kukucka, Dan Fraro, Sydney Flowers, and alternate Lise Wood. Joanna Shapiro, Town of Somers Wetlands Agent, was also present.

Chairperson Formeister seated Lise Wood for Candace Aleks.

II. OLD BUSINESS

1. Discussion/Possible Decision Application #798: 301 Mountain Road. Addition within Upland Review Area. Michael Monteiro.

Mr. Monteiro showed the updated plans and pictures, including the requested details made during the November 2023 meeting. He presented photographs and showed the pathway, which will be used to bring in equipment and materials, which is all vegetated, but will be careful of soil movement/erosion. He will put crushed stone down if the path does begin to get torn up. Joanna Shapiro also reminded him to keep the road clear of any soil or debris, especially as Gillette Brook reappears directly across the road after the Mountain Road crossing. Currently, three tree stumps in the area will also be buried, using any excess excavated soils. Joanna Shapiro stated that everything requested was on the plan now, and she described to him what happens next regarding town permits.

Drew Kukucka made a motion to approve application #798 (301 Mountain Road), Addition within the Upland Review Area, based on the following:

- The Commission finds that the Applicant has submitted all necessary application materials pursuant to Section 211-7 of the Wetlands Regulations, including but not limited to Section 211-7(E)(5), "Alternatives considered and rejected."
- The Commission did not find the proposed activities "significant."
- The Commission finds that the criteria set forth in Section 211-10B have been met by the Applicant.

Dan Fraro seconded. All were in favor, and the motion carried.

2. Discussion/Possible Decision Application #800: 12 Hampden Road. Subdivision with proposed driveway in the Upland Review Area. Mark Polek.

Joanna Shapiro mentioned that this item is technically old business, but nothing has been presented yet, so we may not be ready to approve it. Mark Polek's attorney Andrew Urbanowicz introduced himself and distributed copies of the site plans. They are requesting to turn one existing lot into two building lots; Mr. Polek would like to build on Lot 2 (2.5 acres) and sell Lot 1 (1 acre). No construction will occur in the wetlands, and part of one of the driveways will be in the Upland Review Area. Glen Martin, the Landscape Architect for this project, was also present and presented the plan and described proposed improvements and site work. Agent Shapiro explained how she had previously requested that the wetland be accurately mapped on the plan, with soil scientist's signature. She reported that this had been done, and their soil scientist had

visited and delineated the wetland and submitted a report, and also determined that the isolated wetland is not a vernal pool.

Glen Martin explained that there will be a separate driveway and entrance for each lot, and each driveway will be 12' wide. Builders will install a silt fence along the driveway, up around the septic systems, and along the entire lot two driveway. The silt fence was not indicated on the plans handed out, but we were informed they were on the other plans. The cleared area will be seeded for the lawn. Trees along the road will remain undisturbed, although that wasn't apparent from the plans. Joanna Shapiro mentioned she did not have a hard copy of the revised plans. Chairperson Formeister asked if all of the trees on lot 1 had to be removed as proposed.

Joanna Shapiro questioned whether or not the slope on lot 1 was adequate for clearing and maintaining as lawn based on her calculations (over 3:1 slope), but she will review this again with the hard copy of the revised plan provided during the meeting. She also suggested using creative measures such as a retaining wall to limit the extent of grading and clearing, and reduce the gradient of the slope.

The Commission requested that the limit of clearing be indicated on the plans and what trees will not be removed. The driveway's slope will indicate whether the driveway can be gravel/crushed stone, paved, or a mix of both, based on zoning rules. A gravel driveway may help lessen the runoff from the driveway. The landscape architect mentioned they are open to planting shrubs and a conservation mix for the sloped area behind the house. The plan will be updated to include the Commission's requests and will be presented at the February meeting for approval.

III. NEW BUSINESS

1. Discussion of Watchaug Road Agricultural Stormwater Management.

Joanna Shapiro mentioned that the purpose of this is to have a constructive conversation regarding the sedimented runoff from the field areas on Watchaug Road during the rainstorm a week before Christmas. Brandon Gudeman with Oakridge Dairy and Gordy Burson with B&B Produce were present to discuss their observations and describe what they usually do to prevent runoff. Three different farmers operate the land in the area where the runway is located. The runway is owned by Jarmoc Farms; Oakridge uses one side of the runway, and B&B Produce uses the other side. For the past several years, Oakridge has used cover crops and no-till practices to prevent soil from running off, which has typically worked well. They also inject manure to prevent it from running off, and it had last been injected around Thanksgiving, so the brown stormwater runoff would have contained sediment and not manure. In addition, it was mentioned that the amount of rain this year has been exceptional. Typically, they are able to harvest the corn and plant the cover crop much sooner, but due to the weather this year, by the time they planted the cover crop, it didn't have time to grow enough before cold weather began, which caused much of the erosion of topsoil from the field. Recently, the runway was resurfaced, and the swales that were on either side have been removed but may need to be reinstalled due to erosion.

Brandon and Gordy further explained that the town recently reconstructed a catch basin within the front portion of the Jarmoc hangar property; however, since that was installed, the water has not shed as quickly as it used to, possibly due to the drain entrance being higher than the road surface. Most fields are below grade, so the water does not necessarily run directly off the fields to the road. Brandon and Agent Shapiro shared pictures and the topography/wetland map of that area. Drew Kukucka said the issue is not the water itself, but the sediment being washed into the stream, particularly where the equipment enters the field. Commission requested that some sort of erosion control/construction entrance be installed at the farm road entrance, similar to what is across the street. Brandon explained that the beginning of the farm road is actually on Jarmoc's property, but Oakridge has always used it. Both Brandon and Gordy stated that a lot of the water seen flowing down the side of the road is from the residential areas and not from the farm; water from the farm starts where the runway is located.

Gordy discussed different ideas for improving drainage, as he experienced significant flooding of his vegetable crops this year. Agent Shapiro asked that they present their plan to her before proceeding, so that she can determine if any action by the Commission is needed for work within 100' of a wetland or watercourse, most likely a simple jurisdictional ruling. Brandon and Gordy explained that they have worked cooperatively with Jarmoc as a neighboring farm, and would discuss possible solutions with them and try to come up with a plan together. Drew Kucucka reminded everyone that we must capture this water runoff before it gets to the streams because of e.Coli and other contaminants. Brandon mentioned that his farm is regulated by CAFO permit. This requires that farmers have a nutrient management plan regarding when and where they can spread manure (must consider timing of rain events, how much frost/snow is on the ground, how far is the location set back from wells/residences, etc.). CAFO permits started recently, and Oakridge has been doing it for 3-4 years.

Joanna Shapiro will follow up with the town regarding the catch basin. Joanna also mentioned that the hope is that the landowners will all work together to improve the water/drainage/erosion issue cooperatively.

Lise Wood motioned to add Application #801: 21 Bobolink Road, Addition in Upland Review Area, to new business. Dan Fraro seconded. All were in favor.

2. **Application #801:** 201 Bobolink Lane. Addition in Upland Review Area. Jim Patsun.

Joanna Shapiro dug deep into the files for prior subdivision development plans, which showed a plan move the brook. The old plans also showed a wetland area, where there is now a pond, but the plans from 1986 did not show a pond. The old plans also do not show the house location, so Jim Patsun used a rough as-built survey instead to show proposed improvements. The addition will be built within the Upland Review Area, and they will demolish an existing old building/shed that is currently closer to the brook. The current retaining wall will stay in place. Mr. Patsun explained that there would be minimal site work and limited excavation, if any, and they could use the current foundation and build right next to it within the current driveway. Currently, the closest area of the house is 52' from the brook, and the new addition will be 36' from the brook. A silt sock will be designated and used to contain any sediment, including any soil stockpiles.

IV. AUDIENCE PARTICIPATION – None

V. STAFF REPORT

1. Agent Shapiro met with Jim Patsun on 183 Mountain Road today near Gilette Brook. The Eastmans want to start working on the driveway, which will be shared. They plan to access it from their other property above as long as possible so there is little impact on the driveway until needed. Joanna visited to inspect the erosion controls, a condition of the wetland approval, yet they did not span the crossing. The pipe will be set in the channel to allow clean water to flow through during construction. Jim will keep Joanna in the loop so she can recheck it before the crossing goes in.
2. Agent Shapiro issued a minimal impact permit at 57 Stebbins Road for a new shed, and it was a simple process. The shed will be between the pool and house, and the pool is closer to the Brook.
3. Agent Shapiro had spent significant time reviewing E&S plans for the current subdivision application, which will also be discussed with Planning, along with other planning concerns.

Lise Wood made a motion to approve the staff report. Dan Fraro seconded. All were in favor, and the motion carried.

VI. CORRESPONDENCE AND BILLS

1. December 2023: The Journal Inquirer's legal notice is \$55.09. Lise Wood made a motion to pay the fee of \$55.09 to Journal Inquirer. Sydney Flowers seconded, All in favor.

2. Received a formal notice regarding the solar installation on South Rd.

VII. MINUTES APPROVAL: December 6, 2023

Drew Kucucka made a motion to approve the minutes of December 06, 2023. Dan Fraro seconded. All were in favor, and the motion carried.

VIII. ADJOURNMENT

Lise Wood made a motion to adjourn the January 03, 2024 meeting. Drew Kucucka seconded. All were in favor, and the motion carried. The meeting was adjourned at 8:57 p.m.

Respectfully Submitted,

Commissioner Sydney Flowers, Secretary

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TOWN OF SOMERS
Conservation Commission
600 Main Street



REGULAR MEETING
WEDNESDAY, JANUARY 3, 2024

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Mr. Monteiro showed the updated plans and pictures, including the requested details made during the November 2023 meeting. He presented photographs and showed the pathway, which will be used to bring in equipment and materials, which is all vegetated, but will be careful of soil movement/erosion. He will put crushed stone down if the path does begin to get torn up. Joanna Shapiro also reminded him to keep the road clear of any soil or debris, especially as Gillette Brook reappears directly across the road after the Mountain Road crossing. Currently, three tree stumps in the area will also be buried, using any excess excavated soils. Joanna Shapiro stated that everything requested was on the plan now, and she described to him what happens next regarding town permits.

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- The Commission did not find the proposed activities "significant."
- The Commission finds that the criteria set forth in Section 211-10B have been met by the Applicant.

Dan Fraro seconded. All were in favor, and the motion carried.

2. **Discussion/Possible Decision Application #800:** 12 Hampden Road. Subdivision with proposed driveway in the Upland Review Area. Mark Polek.

Joanna Shapiro mentioned that this item is technically old business, but nothing has been presented yet, so we may not be ready to approve it. Mark Polek's attorney Andrew Urbanowicz introduced himself and distributed copies of the site plans. They are requesting to turn one existing lot into two building lots; Mr. Polek would like to build on Lot 2 (2.5 acres) and sell Lot 1 (1 acre). No construction will occur in the wetlands, and part of one of the driveways will be in the Upland Review Area. Glen Martin, the Landscape Architect for this project, was also present and presented the plan and described proposed improvements and site work. Agent Shapiro explained how she had previously requested that the wetland be accurately mapped on the plan, with soil scientist's signature. She reported that this had been done, and their soil scientist had

visited and delineated the wetland and submitted a report, and also determined that the isolated wetland is not a vernal pool.

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Brandon and Gordy further explained that the town recently reconstructed a catch basin within the front portion of the Jarmoc hangar property; however, since that was installed, the water has not shed as quickly as it used to, possibly due to the drain entrance being higher than the road surface. Most fields are below grade, so the water does not necessarily run directly off the fields to the road. Brandon and Agent Shapiro shared pictures and the topography/wetland map of that area. Drew Kukucka said the issue is not the water itself, but the sediment being washed into the stream, particularly where the equipment enters the field. Commission requested that some sort of erosion control/construction entrance be installed at the farm road entrance, similar to what is across the street. Brandon explained that the beginning of the farm road is actually on Jarmoc's property, but Oakridge has always used it. Both Brandon and Gordy stated that a lot of the water seen flowing down the side of the road is from the residential areas and not from the farm; water from the farm starts where the runway is located.

Gordy discussed different ideas for improving drainage, as he experienced significant flooding of his vegetable crops this year. Agent Shapiro asked that they present their plan to her before proceeding, so that she can determine if any action by the Commission is needed for work within 100' of a wetland or watercourse, most likely a simple jurisdictional ruling. Brandon and Gordy explained that they have worked cooperatively with Jarmoc as a neighboring farm, and would discuss possible solutions with them and try to come up with a plan together. Drew Kucucka reminded everyone that we must capture this water runoff before it gets to the streams because of e.Coli and other contaminants. Brandon mentioned that his farm is regulated by CAFO permit. This requires that farmers have a nutrient management plan regarding when and where they can spread manure (must consider timing of rain events, how much frost/snow is on the ground, how far is the location set back from wells/residences, etc.). CAFO permits started recently, and Oakridge has been doing it for 3-4 years.

Joanna Shapiro will follow up with the town regarding the catch basin. Joanna also mentioned that the hope is that the landowners will all work together to improve the water/drainage/erosion issue cooperatively.

Lise Wood motioned to add Application #801: 21 Bobolink Road, Addition in Upland Review Area, to new business. Dan Fraro seconded. All were in favor.

2. **Application #801:** 21 Bobolink Lane. Addition in Upland Review Area. Jim Patsun.

Joanna Shapiro dug deep into the files for prior subdivision development plans, which showed a plan to move the brook. The old plans also showed a wetland area, where there is now a pond, but the plans from 1986 did not show a pond. The old plans also do not show the house location, so Jim Patsun used a rough as-built survey instead to show proposed improvements. The addition will be built within the Upland Review Area, and they will demolish an existing old building/shed that is currently closer to the brook. The current retaining wall will stay in place. Mr. Patsun explained that there would be minimal site work and limited excavation, if any, and they could use the current foundation and build right next to it within the current driveway. Currently, the closest area of the house is 52' from the brook, and the new addition will be 36' from the brook. A silt sock will be designated and used to contain any sediment, including any soil stockpiles.

IV. AUDIENCE PARTICIPATION – None

V. STAFF REPORT

1. Agent Shapiro met with Jim Patsun on 183 Mountain Road today near Gilette Brook. The Eastmans want to start working on the driveway, which will be shared. They plan to access it from their other property above as long as possible so there is little impact on the driveway until needed. Joanna visited to inspect the erosion controls, a condition of the wetland approval, yet they did not span the crossing. The pipe will be set in the channel to allow clean water to flow through during construction. Jim will keep Joanna in the loop so she can recheck it before the crossing goes in.
2. Agent Shapiro issued a minimal impact permit at 57 Stebbins Road for a new shed, and it was a simple process. The shed will be between the pool and house, and the pool is closer to the Brook.
3. Agent Shapiro had spent significant time reviewing E&S plans for the current subdivision application, which will also be discussed with Planning, along with other planning concerns.

Lise Wood made a motion to approve the staff report. Dan Fraro seconded. All were in favor, and the motion carried.

VI. CORRESPONDENCE AND BILLS

1. December 2023: The Journal Inquirer's legal notice is \$55.09. Lise Wood made a motion to pay the fee of \$55.09 to Journal Inquirer. Sydney Flowers seconded, All in favor.

2. Received a formal notice regarding the solar installation on South Rd.

VII. MINUTES APPROVAL: December 6, 2023

Drew Kukucka made a motion to approve the minutes of December 06, 2023. Dan Fraro seconded. All were in favor, and the motion carried.

VIII. ADJOURNMENT

Lise Wood made a motion to adjourn the January 03, 2024 meeting. Drew Kukucka seconded. All were in favor, and the motion carried. The meeting was adjourned at 8:57 p.m.

Respectfully Submitted,

Commissioner Sydney Flowers, Secretary

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TOWN OF SOMERS
Conservation Commission
600 Main Street

REGULAR MEETING
WEDNESDAY, FEBRUARY 7, 2024
7:00 PM TOWN HALL
AGENDA



- I. CALL TO ORDER
- II. OLD BUSINESS
 - 1. **Discussion/Possible Decision Application #800:** 12 Hampden Road. Subdivision with proposed driveway in the Upland Review Area. Mark Polek.
 - 2. **Discussion/Possible Decision Application #801:** 21 Bobolink Lane. Addition in Upland Review Area. Jim Patsun.
- III. NEW BUSINESS
 - 1. Wetland Informational Flyer.
- IV. AUDIENCE PARTICIPATION
- V. STAFF REPORT
- VI. CORRESPONDENCE AND BILLS
 - 1. Journal Inquirer bill for \$39.35 – January public notice.
- VII. MINUTES APPROVAL: January 3, 2024
- VIII. ADJOURNMENT

TOWN OF SOMERS
Conservation Commission
600 Main Street



REGULAR MEETING
WEDNESDAY, FEBRUARY 7, 2024
7:00 PM TOWN HALL
MINUTES

I. CALL TO ORDER

The meeting was called to order by Vice Chairperson Drew Kukucka at 7:00 P.M. Commissioners in attendance were Drew Kukucka, Dan Fraro, Lise Wood, and Sydney Flowers. Joanna Shapiro, Town of Somers Wetlands Agent, was also present.

Vice Chairperson Kukucka seated Lise Wood for Candace Aleks.

II. OLD BUSINESS

- 1. Discussion/Possible Decision Application #800:** 12 Hampden Road. Subdivision with proposed driveway in the Upland Review Area. Mark Polek.

Mark Polek's attorney, Andrew Urbanowicz, attended and presented the updated plans, addressing the questions during the January meeting. Joanna Shapiro passed out the revised development plans to the Commission members, which included updated grading plans and a new landscaping sheet.

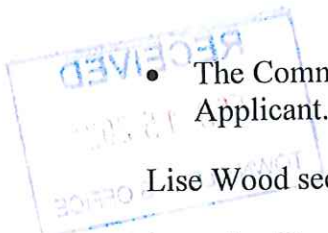
The updates show where the new plantings will be placed, and most will be planted along the slope to alleviate erosion. The plans indicate where they will be using conservation mix rather than lawn. The trees that will be left along the road are now shown on the map as well. The updated plan also includes an update to the driveways, indicating that they will only pave the portions of the driveway with over 10% slope, and the remainder will not be paved.

Agent Shapiro will visit the site to ensure the plantings have taken place before the certificate of occupancy is issued to the owner. She has visited the site recently, and no additional concerns were noticed.

Agent Shapiro briefly discussed the typical requirement for wetland markers, but it was decided they were unnecessary due to the wetland only being on the edge of the property near the driveway.

Sydney Flowers made a motion to approve application #800, 12 Hampden Road, Subdivision, with the proposed driveway in the Upland Review Area, based on the following:

- The Commission finds that the Applicant has submitted all necessary application materials pursuant to Section 211-7 of the Wetlands Regulations, including but not limited to Section 211-7(E)(5), "Alternatives considered and rejected."
- The Commission did not find the proposed activities "significant."

- 
- The Commission finds that the criteria set forth in Section 211-10B have been met by the Applicant.

Lise Wood seconded. All were in favor, and the motion carried.

2. **Discussion/Possible Decision Application #801:** 21 Bobolink Lane. Addition in Upland Review Area. Jim Patsun.

Jim Patsun was in attendance. Agent Shapiro has visited the site since the January meeting and confirmed that the photographs shown at the January meeting were accurate to what is happening on-site. She indicated that most of the work is happening on the driveway and in the area of the existing deck. Mr. Patsun stated they may leave the slab in place where they will be removing the small shed/building that is close to the stream. Agent Shapiro mentioned that leaving the slab will prevent soil disturbance, but removal of impervious surfaces can benefit water quality.

The Commission briefly reviewed what history was found regarding the development of the subdivision, including the prior proposed moving of a stream and the installation of a pond. There was nothing found to show when and how the pond came about.

Sydney Flowers made a motion to approve application #801, 21 Bobolink Lane, Addition in Upland Review Area, based on the following:

- The Commission finds that the Applicant has submitted all necessary application materials pursuant to Section 211-7 of the Wetlands Regulations, including but not limited to Section 211-7(E)(5), "Alternatives considered and rejected."
- The Commission did not find the proposed activities "significant."
- The Commission finds that the criteria set forth in Section 211-10B have been met by the Applicant.

Lise Wood seconded. All were in favor, and the motion carried.

III. NEW BUSINESS

Lise Wood motioned to add Application/Jurisdictional Ruling #802: 144 Watchaug Road, Soil Deposition in Upland Review Area, Matt Moylan. Dan Fraro seconded. All were in favor.

1. **Application/Jurisdictional Ruling #802:** 144 Watchaug Road, Soil Deposition in Upland Review Area. Matt Moylan.

Matt Moylan was in attendance. Joanna explained that she contacted Mr. Moylan the day before this meeting to discuss soil being deposited near a wetland. Mr. Moylan promptly responded and submitted an application for a jurisdictional ruling, and attended the meeting to discuss what he was doing. Mr. Moylan provided the Commission with an image showing his plans for the shooting target he would like to install on his property. Agent Shapiro has not seen the site but described where the property was located on Watchaug Road. It appears to be primarily wetlands from aerial photographs but has not been delineated; it is just assumed. The stream seems to be the property line.

Mr. Moylan described that he bought these 6 acres from a tax sale and has no intention to build there. He plans to fish there with his daughter, sight-in guns, and do some target shooting. He

stated he plans to go there only one to two times per month to shoot and would only fire about 20-30 rounds per time. He said he would use lead-free ammunition, would not bring in any machinery to do the work, and would not be pulling out any stumps.

Also presented was a Town of Somers GIS map showing the wetland mapping. The light green area indicates poorly drained soil, and the dark green area indicates alluvial soils. Matt indicated that on this map, where you see "61.49," many stones were deposited from what he assumes came from the fields used for growing produce. He plans to use those stones by burying them in soil and covering them with soil or mulch (wood chips) for a shooting target.

Agent Shapiro indicated that the GIS maps are inaccurate, it is unclear where the property line is now, and that Oakridge Dairy may own part of that property. Drew Kukucka requested a site visit. Joanna Shapiro discussed how if we do a site visit, it would have to be done with each member separately to avoid violating Freedom of Information laws, or a group walk could be noticed as a meeting. Drew Kukucka requested that we see the delineation of the wetland and the extent of this activity before anything is decided because this is a significant wetland. Mr. Moylan mentioned that he briefly spoke with a soil scientist and willing to have people come on-site to visit. He asked to be included in these visits.

Mr. Moylan then asked if he could continue to use the wetland for shooting. Agent Shapiro read over the exempt items, which included hunting, but not necessarily the site work and putting up the range. She explained how the law is written broadly and left up to interpretation in instances. She mentioned that the Commission has not had this type of exemption ruling request come up and that we mainly handle agriculture exemptions. She explained that even though the activity may be deemed exempt, it is the Commission's duty to rule that it is exempt before the activity commence. Mr. Moylan asked if he is supposed to get permission each time he hikes or goes fishing in the wetland. Agent Shapiro explained that each situation is handled based on the situation, and that hiking and fishing tend to be ongoing activities in established areas, and typically do not rise to requiring a ruling by the commission. Work to create hiking trails, including using fill or crossings, would require consultation with the Commission. She recommended that Mr. Moylan prepare a written narrative regarding what activities he plans to do there and to what extent. She then explained that frequently, something will come to the Commission because there is a change in use on the property that triggers review.

Drew Kukucka mentioned that other shooting range sites in Connecticut have been deemed contaminated due to the use of ammunition and clay targets and can significantly disturb wetlands.

Joanna stated that if Oakridge Dairy does own that part of the site, they would also need to give permission and sign off on the application in order for the Commission to act on it. Mr. Moylan asked what he should do now while they wait to determine the next steps. Currently, there is soil piled on the top of the slope, but no erosion control has been put in place because he was just made aware of this on 2/6/24. Agent Shapiro indicated that he should not do any more work with the dirt and should install straw wattles or similar at the edge of the pile to avoid the soil from eroding.

Drew Kukucka again suggested we do a site walk and go from there. Sydney Flowers stated that we need to determine the property line. Mr. Moylan asked if the Commission typically does site visits, and Joanna Shapiro explained that we have done this in the past.

Commissioner Kukucka and Agent Shapiro will meet with Brandon from Oakridge and Mr. Moylan in the next two weeks to visit the site and report their observations at the next meeting.

in March. Joanna Shapiro stated that a wetland scientist might be needed to flag the wetland boundary. Joanna Shapiro expressed her appreciation to Mr. Moylan for his quick response and indicated he should not move any more soil and simply stabilize what is there now.

2. Wetland Informational Flyer

Sydney Flowers passed out the updated draft of the wetland information flyer. This flyer included an updated picture and layout. Commissioners were tasked with reviewing the draft before the next meeting and to come prepared with their feedback. Once the flyer is finalized, we plan to get it in the First Selectman's next mailing, put it on the Town's website and Facebook, and print it out.

IV. AUDIENCE PARTICIPATION

n/a, no audience in attendance at this time

V. STAFF REPORT

1. The season's big story is that everyone is coming into the Town Hall concerned about flooding. Long-time community members have said they haven't seen this flooding in years. Joanna explained it is due to the exceptional rain received this year. She mentioned this can be challenging to explain to property owners. She stated that many property owners are quick to blame the most recent building project in the area.
2. A current wetland permit was issued to 35 Cricket Lane when a pool was dug without a permit. A neighbor recently called the town because their property is being flooded, and they believe it is due to the new pool. Joanna visited the site and noticed that they had not done the plantings they agreed to do when they received the wetland permit, and they had not yet obtained their certificate of occupancy. Joanna emailed the owners and hopes to hear from them soon and will inform them to get the plantings done in the spring.
3. An old pond at 455 Hall Hill Road is flooding another person's property on Blue Ridge Drive.
4. The property owner of 286 Mountain Road is concerned that flooding is happening because of the new house built on Broadway. Joanna Shapiro explained multiple reasons for the flooding (culverts, streams under the driveway, wetlands, slope, etc.). The property owners expressed that they may want to channel the flow in the wetland, and Joanna informed us that this may come forward to the Commission.
5. A high school student wants to install a dog park near Quality Avenue's sewage plant for their senior capstone project. This was brought up to Joanna, and she mentioned that the site may be a challenge since it is partially wetland.
6. A possible subdivision on Gulf Road may involve a wetland disturbance with a new possible driveway. There is a current driveway that goes to a barn, and Joanna encouraged them to use that to minimize disturbance.
7. Agent Shapiro inspected the house just completed at 522 Turnpike Road. The owners put up wetland monuments (used 4' footings) that are difficult to get out of the ground. Agent Shapiro was impressed with wetland monuments and showed the Commissioners a picture. She did mention that one monument was put in the wrong place and that they would move it soon. She

tied that condition to their lawn bond before approving the CO. Joanna noticed when visiting that they started to grade along Wood Road, but that was not presented during the wetlands meeting when they received their permit. Joanna told them to put in erosion controls now, and they will need to come before the Commission to amend their application to include this.

8. Agent Shapiro updated the Watchaug Road drainage conversation from last month. Brandon from Oakridge sent Joanna a series of photos from a ½" rain event; the flooding was insignificant and the drainage structures functioned well. Joanna did talk with Todd from the Public Works Department about the catch basin being too high. He explained that during hefty rainfalls, much of the water may bypass the catch basin, but it works well in most instances. Todd mentioned that the town would regrade the road's edge near there to help with flooding and erosion. The property owners don't feel that removing the swales along the new runway is what is causing the flooding. However, swales with check dams may help sediment to settle out when there is flooding. Jarmoc Farms will put down the stone in the driveway, too. The side of the field that is closer to the wetlands, where the vegetables are grown, the owner will switch to no-till this year. Drew Kukucka asked about the recent excavator work, and Joanna Shapiro explained that Oakridge may be maintaining their drainage ditches.

Lise Wood made a motion to approve the staff report. Dan Fraro seconded. All were in favor, and the motion carried.

VI. CORRESPONDENCE AND BILLS

1. Journal Inquirer bill for \$39.35 – January public notice.

Lise Wood made a motion to pay the fee of \$39.35 to the Journal Inquirer. Sydney Flowers seconded, All in favor.

2. The State of Scantic Report was emailed to the Commission members. Drew Kukucka mentioned that he drove by the school today and saw the Stream Team getting samples of the Gulf Stream. Joanna Shapiro mentioned we may have funding to support some of this in the future.
3. Two conferences coming up in March: CAWS in Southbury and CLCC is later in March. Let Joanna know if you are interested because we have some money set aside.

VII. MINUTES APPROVAL: January 3, 2024

Some minor typographical errors were discussed.

Lise Wood made a motion to approve the minutes of January 03, 2024, as amended. Dan Fraro seconded. All were in favor, and the motion carried.

VIII. ADJOURNMENT

Lise Wood made a motion to adjourn the February 07, 2024 meeting. Dan Fraro seconded. All were in favor, and the motion carried. The meeting was adjourned at 8:52 p.m.

Respectfully Submitted,

Commissioner Sydney Flowers, Secretary

MINUTES ARE NOT OFFICIAL UNTIL APPROVED AT A SUBSEQUENT MEETING

TOWN OF SOMERS
Conservation Commission
600 Main Street
Somers, CT 06071



The regular meeting of the Town of Somers Conservation Commission scheduled for **March 6, 2024 at 7:00pm** has been canceled.

The next regularly scheduled meeting is **April 3, 2024.**

TOWN OF SOMERS
Conservation Commission
600 Main Street

REGULAR MEETING
WEDNESDAY, APRIL 3, 2024
7:00 PM TOWN HALL
AGENDA



- I. CALL TO ORDER
- II. OLD BUSINESS
 - 1. **Discussion/Possible Decision Application/Jurisdictional Ruling #802:** 144 Watchaug Road, Soil Deposition in Upland Review Area. Matt Moylan.
- III. NEW BUSINESS
 - 1. **Application #803:** 449-455 Billings Road (Drainage Easement). Pipe section of watercourse to eliminate washouts. Town of Somers.
 - 2. **Request to Modify Application #793:** 700 Main Street. Restore flow within watercourse to correct flooding. Northern CT Land Trust.
 - 3. Wetland Informational Flyer
 - 4. Approve use of Conservation Funds
- IV. AUDIENCE PARTICIPATION
- V. STAFF REPORT
- VI. CORRESPONDENCE AND BILLS
 - 1. Journal Inquirer bill for \$47.22 – February public notice.
- VII. MINUTES APPROVAL: February 7, 2024
- VIII. ADJOURNMENT

TOWN OF SOMERS
Conservation Commission
600 Main Street



REGULAR MEETING
WEDNESDAY, APRIL 3, 2024
7:00 PM TOWN HALL
MINUTES

I. CALL TO ORDER

Joan Formeister, the Chairperson, called the meeting to order at 7:00 p.m. Commissioners in attendance were Drew Kukucka, Dan Fraro, Lise Wood, and Sydney Flowers. Joanna Shapiro, Town of Somers Wetlands Agent, was also present. Lise Wood was seated for Candace Aleks.

Drew Kukucka motioned to move New Business to the top of today's agenda and then discuss Old Business. Dan Fraro seconded. All in favor. Motion carried.

II. NEW BUSINESS

1. **Application #803:** 449-455 Billings Road (Drainage Easement). Pipe section of the watercourse to eliminate washouts. Town of Somers.

Todd Rolland, the Director of Somers Public Works and Land Use departments, explained that the town acquired a drainage easement in order to construct this project. He has been with the town for fifteen years and has had to rebuild this area several times due to washouts. The location is 449 & 455 Billings Road, across from the golf course. This was an intermittent watercourse at one point. Currently, there is riprap along the banks and channel, with a pipe running under the road. During high flows, the water takes out the banks and the end of the driveway at 449; it is also eroding right up to the driveway's edge for 455. At one point, mafia blocks were installed to control erosion, but erosion is still occurring. The town had to recently repave the end of the driveway for 455. The owners of these two properties have given the town a 25' drainage easement so that the town can work on fixing this issue long-term. The town proposes installing a double-catch basin at the road near 455's driveway, piping the water to another catch basin and extending to the pipe past 449's driveway. Currently, no catch basin has been installed. The town will dispose of the current riprap, mafia blocks, and other masonry work. Joan Formeister stated it was a well-thought-out plan.

Joanna Shapiro also mentioned that since the current channel is fully riprap and walls, there is little ecological concern for piping the watercourse because there is no obvious functionality, aside from water conveyance. Drew Kukucka asked if there would be a disturbance downstream due to this construction. Mr. Rolland clarified that the work will stop right past the driveway, so there will be minimal vegetation disturbance, and haybales will be placed to prevent sediment from going downstream while they are doing the work. Mr. Rolland was not sure when this work was going to be done, but he wanted to get the permits in place so that when the weather is dryer they can get in and do the work at that time. There were no further questions/concerns voiced.

2. **Request to Modify Application #793:** 700 Main Street. Restore flow within the watercourse to correct flooding. Northern CT Land Trust.

Richard Bailey, Chairman of the Northern CT Land Trust, submitted the original application, which was approved in August 2023. They are now submitting modifications to that approved plan after the fact because the work has already been done. Also in attendance was Mike Ulitsch, a neighbor of the property who leases the farmland, and the equipment operator who performed the work, and his partner and another neighbor Becky, who had been greatly affected by the flooding. Becky has had basement flooding due to the blockage in the stream. Mr. Bailey explained that when the application was approved in August 2023, they were to wait for a dry period to do the work, but there was a lot of rain, and the flooding was getting worse. There was a window of opportunity to do the work when the ground was somewhat frozen, and they could get the equipment there to excavate the debris out of the stream channel. They also changed the location of the excavation because, with the original plan, they would have to remove a lot of stable vegetation to dig a ditch. Therefore, Mike dug a parallel channel along the edge of the field where the area was heavily vegetated, about 12' from the original channel. The dirt excavated was piled near a shallow swale, and they will create a berm between the field and stream with that soil. Then, they will plan a conservation mix of wildflowers. Mike reported they can drive on the field for the time in three years, and Becky hasn't had to deal with flooding in her house since the work was completed. According to them, the stream now has a broad gravel base with a low flow, which Joanna confirmed. They put hay bales downstream to prevent sediments from washing away, and the banks are already filling in with grass. They will keep an eye on it until the swales and build, and if they notice any sediment buildup, they should shovel it out.

Joanna mentioned that the change in plan to alter the watercourse could trigger other federal or state permitting requirements, such as a diversion permit through CT DEEP, although that may not be needed since the drainage area seems to be well under 100 acres. She forwarded the relevant information to Mr. Bailey to look into. Any work within the state ROW would also be in the jurisdiction of the state.

Commissioner Drew Kukucka moved to approve the modification to application #793 at 700 Main Street to restore flow within the watercourse and correct flooding. Commissioner Lise Wood seconded. All were in favor, and the motion carried.

3. Wetland Informational Flyer

The Conservation Commission made live edits to the first paragraph of the flyer. All agreed with the edits, and Sydney Flowers will send a finalized flyer to Joan Formeister and Drew Kukucka for the town meeting on April 04, 2024. The goal is to get this flyer out to Somers residents so they know when they need to apply for a wetland permit.

4. Approve the use of Conservation Funds

Joanna Shapiro told us that the Conservation Commission has money to be used for some conservation projects, and we should all think about ideas for this. Joan Formeister said the Eagle Scouts are looking for projects and may be interested. Joanna Shapiro believes there is \$650 in our budget, but she will check with finance to see if there are additional funds available for water quality monitoring, as was done last year, using open space funds. We have previously used funding for University of St. Joseph's water quality monitoring in town and Scouts' conservation projects. Dan Fraro mentioned there are areas of the Scantic River that have a lot of debris buildup, and maybe we can use the money to get those areas cleaned out. We were tasked with thinking of some projects and bringing those ideas to future meetings in the next month or two.

III. OLD BUSINESS

1. **Discussion/Possible Decision Application/Jurisdictional Ruling #802:** 144 Watchaug Road, Soil Deposition in Upland Review Area. Matt Moylan.

No site walk has been completed yet, and the applicant is currently talking with a soil scientist about getting the wetland delineated. Joanna Shapiro asked the applicant to send a note to the Commission stating that he needs an extension to act on this application, which was received and accepted. Drew Kukucka requested that the site walk be done a bit before the next meeting because there are a lot of unknowns now. Joanna Shapiro and Drew Kukucka stated that they could do the site walk on April 23, 2024. The big questions that need to be answered before we can act on this application are the precise location of the property line and wetland delineations.

IV. AUDIENCE PARTICIPATION

N/A – no audience in attendance at this time

V. STAFF REPORT

1. Joanna Shapiro reported that she was notified of a concrete patio built at 194 Field Road, and she wants the Commission's thoughts on what should be required of this property owner. The patio is close to a wetland. Joanna Shapiro had not been on-site but passed around pictures of the patio. The landowners had to do some ground leveling/grading to put the patio in, but no excavation had occurred. Joanna Shapiro stated this could potentially be considered a permitted use as of right and nonregulated uses, particularly #4 ("Uses incidental to the enjoyment or maintenance of residential property, such property defined as equal to or smaller than the largest minimum residential lot site permitted in the Town of Somers, and containing a residence. Such incidental uses shall include, but are not limited to, maintenance of existing structures and landscaping, but shall not include the removal or deposition of significant amounts of material from or into a wetland or watercourse, or diversion or alteration of the watercourse.") The Commission decided that no permit or application would be needed since the patio was not built in or caused disturbance to the wetland. Joanna will follow up with the landowner and contractor about stabilization.
2. At Highland View Drive, one remaining lot is currently being developed. This land had been subdivided multiple times, and at one point, they were allowed to fill a very small wetland that was islanded between non-wetlands. A house is being built there now, and the neighbors are experiencing a lot of flooding. Joanna Shapiro met with the builder, and she reported to the Commission that an old farm ditch (stone) runs behind the houses. Many trees were recently cleared, and we have been getting a lot of rain. That could be why it is flooding. They may want to put in a pipe now to help with the drainage.
3. Inquiries regarding 39 Pheasant Road are coming in, and a wetland permit for a small house without a pool is already in place.
4. A landowner on Skyridge Drive wants to put a solar array up. Joanna Shapiro reported an evident pond and stream on site and that the solar installation company has yet to visit the site because they have sent in incorrect plans. The first plan they sent had labeled the pond as a pool with no streams. It was sent back, and then they resent the plans with the pond labeled as a pond but still no stream or wetland. The plans were sent back again and resent with the streams and pond, but the solar panels are within 100' of the stream. Joanna Shapiro

told them they had to move the solar panels to a location further away from the stream or apply for a wetland permit.

5. There is an undeveloped lot on Old Farm Road, and the landowners live next door. In the past, building permits were denied for this area because they wanted to fill the wetland. The property owner recently received a letter from a Florida real estate agency wanting to buy it, and now the landowners have hired their own real estate agent to see if the land can be built on.
6. On Jamestown Road/Colonial Drive, there is a subdivision. Recently, an application came in for a pool, and Joanna Shapiro looked at past plans from the early 1970s, and wetlands were indicated there. Wetlands were likely filled, but there's no updated mapping.

Lise Wood made a motion to approve the Staff Report, and Dan Fraro seconded. All in favor. Motion carried.

II. CORRESPONDENCE AND BILLS

1. Journal Inquirer bill for \$47.22 – February public notice.

Lise Wood made a motion to pay the fee of \$47.22 to the Journal Inquirer. Dan Fraro seconded, All in favor.

2. The SHS Somers Stream Teams' poster abstract has been accepted for St Joseph's symposium day in April. Commission members can attend, and Joanna will forward the email to us. She will also send information to everyone about the Bio Blitz at the University of St Joseph's on 4/26 and 4/27.

III. MINUTES APPROVAL: February 7, 2024

There was no meeting held in March 2024.

One edit was proposed. Lise Wood made a motion to approve the minutes of February 07, 2024, as amended. Dan Fraro seconded. All were in favor, and the motion carried.

IV. ADJOURNMENT

Lise Wood made a motion to adjourn the April 03, 2024 meeting. Drew seconded. All were in favor, and the motion carried. The meeting was adjourned at 8:42 p.m.

Respectfully Submitted,
Commissioner Sydney Flowers, Secretary

MINUTES ARE NOT OFFICIAL UNTIL APPROVED AT A SUBSEQUENT MEETING

TOWN OF SOMERS
Conservation Commission
600 Main Street
Somers, CT 06071



The regular meeting of the Town of Somers Conservation Commission scheduled for **May 1, 2024 at 7:00pm** has been canceled.

The next regularly scheduled meeting is **June 5, 2024.**

**TOWN OF SOMERS
Conservation Commission
600 Main Street**



**REGULAR MEETING
WEDNESDAY, JUNE 5, 2024
7:00 PM TOWN HALL
AGENDA**

- I. CALL TO ORDER
- II. OLD BUSINESS
 - 1. **Discussion/Possible Decision Application #802:** 144 Watchaug Road. Soil Deposition and tree clearing in Upland Review Area. Matt Moylan.
 - 2. **Discussion/Possible Decision Application #803:** 449-455 Billings Road (Drainage Easement). Pipe section of watercourse to eliminate washouts. Town of Somers.
- III. NEW BUSINESS
 - 1. **Application #804:** 194 Field Road. Construction of patio and gazebo in Upland Review Area. Jeremy and Amie Lawson.
 - 2. **Jurisdictional Ruling/Application #805:** 407 South Road. Construction of livestock barn in Upland Review Area. Pleasant View Farms, Inc.
 - 3. **Informal Discussion:** 378 Gulf Road. Possible subdivision of land. Daniel Halpin.
 - 4. Approve use of Conservation Funds
- IV. AUDIENCE PARTICIPATION
- V. STAFF REPORT
- VI. CORRESPONDENCE AND BILLS
- VII. MINUTES APPROVAL: April 3, 2024
- VIII. ADJOURNMENT

TOWN OF SOMERS
Conservation Commission
600 Main Street



REGULAR MEETING
WEDNESDAY, JUNE 5, 2024
7:00 PM TOWN HALL
AGENDA - Revised

I. CALL TO ORDER

II. OLD BUSINESS

1. **Discussion/Possible Decision Application #802:** 144 Watchaug Road. Soil Deposition and tree clearing in Upland Review Area. Matt Moylan.
2. **Discussion/Possible Decision Application #803:** 449-455 Billings Road (Drainage Easement). Pipe section of watercourse to eliminate washouts. Town of Somers.

III. NEW BUSINESS

1. **Application #804:** 194 Field Road. Construction of patio and gazebo in Upland Review Area. Jeremy and Amie Lawson.
2. **Jurisdictional Ruling/Application #805:** 407 South Road. Construction of livestock barn in Upland Review Area. Pleasant View Farms, Inc.
3. **Informal Discussion:** 378 Gulf Road. Possible subdivision of land. Daniel Halpin.
4. **Application #806:** 255 Maple Street. Proposed stormwater discharge to watercourse, with direct disturbance to wetland for construction of outfall. Lindy Farms.
5. **Jurisdictional Ruling/Application #807:** 32 Mason Lane. Forest restoration within Wetland. Daniel Briggs, Ascending Tree Care.
6. Approve use of Conservation Funds

IV. AUDIENCE PARTICIPATION

V. STAFF REPORT

VI. CORRESPONDENCE AND BILLS

VII. MINUTES APPROVAL: April 3, 2024

VIII. ADJOURNMENT

TOWN OF SOMERS
Conservation Commission
600 Main Street

REGULAR MEETING
WEDNESDAY, JUNE 5, 2024
7:00 PM TOWN HALL
MINUTES

I. CALL TO ORDER

Chairperson Joan Formeister called the meeting to order at 7:00 p.m. Commissioners in attendance were Dan Fraro, Lise Wood, and Sydney Flowers. Joanna Shapiro, Town of Somers Wetlands Agent, was also present.

Chairperson Formeister seated Lise Wood for Candace Aleks.

II. OLD BUSINESS

1. **Discussion/Possible Decision Application #802:** 144 Watchaug Road. Soil Deposition and tree clearing in Upland Review Area. Matt Moylan.

Matt Moylan attended and provided an updated application, including the signature of a representative of the adjoining property, on which work likely has occurred, a wetland delineation map, and a report. George T. Logan of REMA Ecological Services, LLC completed the wetland delineation and report. The wetland was also flagged. Joanna Shapiro, Drew Kukucka, Matt Moylan, and Brandon Gudeman of Oakridge Dairy met on-site to see the soil deposition and tree clearing physically.

Matt Moylan explained that he had installed erosion control at the base of the slope, downgradient from the fill deposited for the shooting target mound. The mound is made of rocks and will be covered by local fill (clean soil and pebbles/rocks), and will soon be covered by 5-6" of natural wood chips. Straw waddles were also installed at the bottom of the mound to prevent erosion and above the wetland boundary.

George Logan's report recommended planting a wetland buffer as mitigation for the work that has been done. Matt Moylan agreed to plant 5-6 clusters of 3 shrubs at least 3-4 feet high and 6 feet apart (15-18 shrubs total) in the clearing that has taken place, primarily in the upland areas. He will plant native wetland-type shrubs in the upland review area within a few feet of the wetland boundary. Matt Moylan will ensure that the shrubs have a least two-year survivability rate, or he will replant them. He will ensure that erosion control is in place while planting the trees. He will notify Joanna Shapiro when the work is complete, and she will come to review the site at that time.

Sydney Flowers motioned to approve application #802, 144 Watchaug Road. Soil Deposition and tree clearing in Upland Review Area, with a condition that at least 5 clusters of 3 shrubs be planted along the wetland buffer, including species recommended in the soil scientist's report and may also include blueberries, plant survivability to be ensured for at least 2 years, based on the following:

- The Commission finds that the Applicant has submitted all necessary application materials pursuant to Section 211-7 of the Wetlands Regulations, including but not limited to Section 211-7(E)(5), "Alternatives considered and rejected."

- The Commission did not find the proposed activities “significant.”
- The Commission finds that the criteria set forth in Section 211-10B have been met by the Applicant.

Lise Wood seconded. All were in favor, and the motion carried.

Lise Wood made a motion to move Old Business #2 to follow the conclusion of the New Business agenda items. Dan Fraro seconded. All were in favor, and the motion carried.

2. **Discussion/Possible Decision Application #803:** 449-455 Billings Road (Drainage Easement). Pipe section of the watercourse to eliminate washouts. Town of Somers.

Sydney Flowers motioned to approve application #803, 449-455 Billings Road (Drainage Easement). Pipe section of the watercourse to eliminate washouts, based on the following:

- The Commission finds that the Applicant has submitted all necessary application materials pursuant to Section 211-7 of the Wetlands Regulations, including but not limited to Section 211-7(E)(5), “Alternatives considered and rejected.”
- The Commission did not find the proposed activities “significant.”
- The Commission finds that the criteria set forth in Section 211-10B have been met by the Applicant.

Lise Wood seconded. All were in favor, and the motion carried.

III. NEW BUSINESS

1. **Application #804:** 194 Field Road. Construction of patio and gazebo in Upland Review Area. Jeremy and Amie Lawson.

Jeremy and Amie Lawson were in attendance. Joanna Shapiro explained that the Commission can receive the application tonight and will vote on it at the next meeting. Joanna explained that the patio is already installed, and they plan to put up a pre-fab 12’ x 14’ gazebo on top of the patio shortly. Joanna also stated that a patio doesn’t often require the owners to pull a building permit, but getting a wetland permit would be a good idea due in this case to the patio’s size and distance from the wetland.

Amy Lawson explained that their contractor did not put in for permits, and they had assumed they were being completed as needed. She explained that the contractor typically works out of Massachusetts and may not be familiar with Connecticut laws. Joanna visited the site and stated that Amy and Jeremy have cooperated with the town since discovering that permits were needed. Amie Lawson passed around updated site pictures showing the grass is seeding exceptionally well. She also explained the other plants growing near the wetland and that they do not put any chemicals on their lawn. Jeremy Lawson explained that no grading or erosion occurred while installing the patio.

Joanna Shapiro informed Amy and Jeremy Lawson that we can’t approve their wetland permit tonight, but the Commission does not see any concerns, and it will most likely be approved next month.

2. **Jurisdictional Ruling/Application #805:** 407 South Road. Construction of livestock barn in Upland Review Area. Pleasant View Farms, Inc.

Jeff Lipton, the owner of Pleasant View Farms, explained that the farm has been working with Natural Resources Conservation Services to manage cattle waste appropriately. NRCS has already approved

the building of a barn to store the cattle and keep the cows out of the brook, and store their manure. NRCS is funding this project because it improves natural resources. The building will be located within the upland review area, but there will be no clear-cutting or filling because the site is already cleared agricultural land. The barn being built will hold up to six months of cow manure, which will then be used for soil enrichment.

Lise Wood motioned to approve Jurisdictional Ruling/Application #805: 407 South Road. Construction of livestock barn in Upland Review Area. Pleasant View Farms, Inc. as a permitted use of right. Dan Fraro seconded. All were in favor, and the motion carried.

3. Informal Discussion: 378 Gulf Road. Possible subdivision of land. Daniel Halpin.

Daniel Halpin, Brian Coope, Andrew Bushnell, and Rick Zulick attended. Joanna Shapiro stated that the Commission doesn't usually have informal discussions. Therefore, she explained that this was a time to discuss the type of project being considered and give guidance, explain what the process would look like, but we should not get too far in the weeds because it is not an application being submitted.

Andrew Bushnell is the engineer who explained the plans to subdivide the land, build a new house, and install a new driveway. The property is in both Somers and Stafford. The plans presented included about 22 acres. The existing house has its own driveway, and the existing barn is further south on the property and has its own driveway. The septic reserve area for the existing house would be in the upland review area. They would like to create another driveway so the residence does not need to share it with the barn on site. The new driveway they are proposing would cut through a wetland, and plans show clearing, piping, and filling an area of wetland for another driveway. The applicants explained that they want to preserve the look of the original farm, and not have the driveway go through the farm, and keep the appearance how it is. There is also some farm traffic on the existing driveway to the barn.

Joan Formeister pointed out that the existing gravel driveway already extends back to the proposed house location. Andrew Bushnell agreed that it does, but it is more of a farm road than a driveway, and would need improvement to meet town standards. It would need to be widened some and would need a gravel base, and the culvert might need to be replaced. Joan Formeister stated that it would be quite an impact to the wetland to start from scratch and create a new driveway straight through a wetland, versus just improving what's there. Andrew Bushnell explained that there was also a desire to separate the farm use out from the residential use for the future. Brian Coope suggested that portions of the property could be put into conservation.

There would be over 4,000 square feet of wetland disturbance, which could possibly be reduced if a variance is received from ZBA to allow the property line to be closer to the existing barn, which would also allow the driveway to be shifted. Joanna Shapiro explained that this project has both wetland and zoning issues requiring permits and variances in both Stafford and Somers due to the proposed driveway location and how there is no frontage proposed in Somers for the new lot.

Joanna Shapiro explained that with significant wetland filling proposed, the application would likely trigger a public hearing, and the commission likely would not be able to approve it if there is a less impactful alternative. Joanna Shapiro also stated she and the zoning enforcement officer had met with the property owners and engineer and raised these concerns, and they guided the landowners that the path of least resistance was the best option, and that option would be to share the existing barn driveway.

Joanna Shapiro explained that if this was a preexisting approved lot from an old subdivision, the Commission may be forced to approve a permit to prevent a "taking" of the land for the intended use. However, with any new subdivision, the Commission typically wants to prevent new wetland disturbance.

Commission members reviewed at the overall property mapping to assess whether there may be other options. There are extensive wetland areas on the property. The proposed new house location appears suitable.

Sydney Flowers stated that she would most likely not be in favor of a wetland permit for the new driveway as it is currently laid out in the building plans, as there is a feasible alternative.

Joanna Shapiro explained that if an application is submitted, it may trigger another level of review because the wetland on the property may serve as a feeder to a water company watershed. She stated we don't typically run into these concerns as very little land in Somers is within a water company watershed.

Rick Zulick Andrew Bushnell explained it is a dirt driveway in rough shape, and a culvert might need to be replaced. Joan Formeister responded that installing a new driveway would involve a lot of work, too, including lots of clearing, probably more work than fixing the existing driveway. Andrew Bushnell explained that there was concern of conflict between the driveway and the farm road. Commission members are very familiar with the area, and have not observed farm traffic there. The applicants explained that the farm equipment is further back on the driveway.

Joanna Shapiro then brought up another option: they could split the existing barn driveway after the existing wetland crossing. The driveway to the new house would then run along the edge of the field to the proposed residence, and only part of it would need to be shared. Joanna Shapiro noted that the area is flat enough that the driveway could remain gravel, and noted that improving the existing driveway would seem to have less visual impact on the property than clearing and altering the wetland for a new driveway. Dan Fraro stated that putting a new driveway through the wetland would also not be suitable for the driveway due to water and seasonal changes (frost heaves).

Joan Formeister ended the discussion by stating there is not much more we can offer at that point, and she requested that they send the commission a copy of the proposed building plans.

4. **Application #806:** 255 Maple Street. Proposed stormwater discharge to a watercourse, directly disturbing the wetland for construction of outfall. Lindy Farms.

Joanna Shapiro explained that the application was submitted yesterday, but no one was available tonight to present it, and she had not had an opportunity to review the plans or visit the site. The Commission is receiving it now, and we will discuss it next month when they present it.

5. **Jurisdictional Ruling/Application #807:** 32 Mason Lane. Forest restoration within Wetland. Daniel Briggs, Ascending Tree Care.

Joanna Shapiro visited this site on Mason Lane today, without the forester, because schedules did not align. A couple of weeks ago, the arborist contacted the town about taking down one large pine tree on the edge of the wetland, but would keep heavy equipment out of the wetland and would lift it out by crane. Joanna Shapiro explained that could be done without going before the Commission. The forester then reached out again and explained that more work was proposed, including clearing invasives and other cutting, so Joanna Shapiro suggested that they apply for a jurisdictional ruling to avoid conflicts.

The plan they submitted was confusing; therefore, Joanna Shapiro reached out for clarification. Based on her discussion, they mistook the wetland line on the map as the stream. Joanna explained that there is a steep drop-off from the house down to the wetland with a big retaining wall. Invasive plants are coming up near and across the stream, and the owners want to go in and remove the invasives with hand tools. The landowners stated there would be no use of heavy equipment other than the crane to remove the one large pine tree.

TOWN OF SOMERS
Conservation Commission
600 Main Street
Somers, CT 06071

The regular meeting of the Town of Somers Conservation Commission scheduled for **July 3, 2024 at 7:00pm** has been canceled.

A special meeting will be held **July 10, 2024, at 7:00pm.** Agenda to follow.

TOWN OF SOMERS
Conservation Commission
600 Main Street

SPECIAL MEETING
WEDNESDAY, JULY 10, 2024
7:00 PM TOWN HALL
AGENDA



- I. CALL TO ORDER
- II. OLD BUSINESS
 - 1. **Discussion/Possible Decision Application #804:** 194 Field Road. Construction of patio and gazebo in Upland Review Area. Jeremy and Amie Lawson.
 - 2. **Presentation/Discussion Application #806:** 255 Maple Street. Proposed stormwater discharge to watercourse, with direct disturbance to wetland for construction of outfall. Lindy Farms.
- III. NEW BUSINESS
 - None
- IV. AUDIENCE PARTICIPATION
- V. STAFF REPORT
- VI. CORRESPONDENCE AND BILLS
- VII. MINUTES APPROVAL: June 5, 2024
- VIII. ADJOURNMENT

TOWN OF SOMERS
Conservation Commission
600 Main Street



SPECIAL MEETING
WEDNESDAY, JULY 10, 2024
7:00 PM TOWN HALL
MINUTES

I. CALL TO ORDER

The meeting was called to order by Vice Chairperson Drew Kukucka at 7:04 P.M. Commissioners in attendance were Drew Kukucka, Dan Fraro, Lise Wood, Candace Aleks, and Sydney Flowers. Joanna Shapiro, Town of Somers Wetlands Agent, was also present.

Vice Chairperson Kukucka seated Lise Wood for Joan Formeister.

II. OLD BUSINESS

- 1. Discussion/Possible Decision Application #804:** 194 Field Road. Construction of patio and gazebo in Upland Review Area. Jeremy and Amie Lawson.

Joanna Shapiro reminded the Commission that we had discussed this last month, including how the patio was installed, and reviewed the updated plans and pictures. At this time, there are no outstanding questions or concerns from the Commissioners.

Sydney Flowers motioned to approve application #804, 194 Field Road. Construction of patio and gazebo in Upland Review Area, based on the following:

- The Commission finds that the Applicant has submitted all necessary application materials pursuant to Section 211-7 of the Wetlands Regulations, including but not limited to Section 211-7(E)(5), "Alternatives considered and rejected."
- The Commission did not find the proposed activities "significant."
- The Commission finds that the criteria set forth in Section 211-10B have been met by the Applicant.

Lise Wood seconded. All were in favor, and the motion carried.

Joanna Shapiro told property owners that she could sign off on the building permit for the gazebo, and that their wetland permit would be coming soon.

- 2. Presentation/Discussion Application #806:** 255 Maple Street. Proposed stormwater discharge to watercourse, with direct disturbance to wetland for construction of outfall. Lindy Farms.

In attendance was Tim Coon from JR Russo & Associates, who created the plans, and John Belskie, Farm/Property Manager for Lindy Farms. Joanna Shapiro explained how this application was technically received before the June meeting, but no presentation was done then. Therefore, the Commission can act on the application tonight if they feel comfortable doing so. Tim Coon requested that the Commission act on it tonight if possible because if approved, the ground is currently dry, and

they can begin the work. Tim Coon then explained the plans and pointed out where the stream is currently located. The pasture is wet, and they would like to use it for the horses once it is dry. Currently, the pasture is challenging to manage because a culvert (large corrugated plastic pipe) comes off Maple Street and dumps into the pasture. The water then sheds across the field into the stream. Lindy Farms proposes to put a pipe underground from the current culvert and run it directly to the brook, bypassing the pasture altogether. Tim Coon explained how the shortest route would be through a large part of the wetland, but to mitigate the impact, they have opted to angle the pipe so that it will go through the shortest section of the wetland to the brook and should only disturb 405 square feet. They plan to install a riprap outfall at the end of the underground pipe.

Lise Wood asked if this application would meet the use of right exemption, and Tim Coon and Joanna Shapiro explained that since this directly impacts the wetland, it would not. Joanna Shapiro mentioned that the other alternative would be to install only the underground pipe through the pasture, and discharge before the watercourse, but this would cause a lot of erosion on the bank of the watercourse. Drew Kukucka asked about the town's drainage easement and their responsibility for managing this water. Tim Coon stated that no drainage easement was found at the location of the existing runoff drain. Joanna Shapiro visited the site the day before and showed the Commission pictures of the current pipe, pasture, and stream. Drew Kukucka had asked if this was located near the same area where the Commission recently approved a use as of right exemption for dredging a drainage ditch/intermittent brook. John Belskie stated that it is in the same area; the dirt is currently piled up, but they don't want to spread it until the ground is dryer. Joanna Shapiro stated that the dirt piles are well stabilized with vegetation, and the water flow is shallow, and that this proposed pipe extension would discharge to that same watercourse. Joanna Shapiro shared that she had no significant concerns and that possible tree planting in the pasture would be helpful with drying up the field and enhancing water quality in the stream. She also mentioned that Lindy Farms is looking into possible state/federal programs to help with the farm's natural resources.

Joanna Shapiro asked about the duration of the work. Tim Coon stated he thinks the project should take about one week once the conditions are dry enough. Drew Kukucka asked if the other town departments should have any say in this because they will probably need to get right-of-way permits for the structures. Tim Coon stated he has been speaking with Todd from the Public Works Department, and he believes the town will have the same amount of maintenance as they do now. The Commission also discussed how the road run-off should ideally run through the pasture to be filtered instead of being dumped directly into the stream. The Commission asked about mapping of the stormwater system, and Joanna Shapiro mentioned work that has been done in response to the MS4 permit, and that she would speak with Todd from DPW to find out if they have a documented plan for our stormwater management system.

Sydney Flowers motioned to approve application #806, 255 Maple Street. Proposed stormwater discharge to watercourse, with direct disturbance to wetland for construction of outfall. Lindy Farms with the condition that the Somers Department of Public Works approves of this plan, based on the following:

- The Commission finds that the Applicant has submitted all necessary application materials pursuant to Section 211-7 of the Wetlands Regulations, including but not limited to Section 211-7(E)(5), "Alternatives considered and rejected."
- The Commission did not find the proposed activities "significant."
- The Commission finds that the criteria set forth in Section 211-10B have been met by the Applicant.

Lise Wood seconded. All were in favor, and the motion carried.

III. NEW BUSINESS

None

IV. AUDIENCE PARTICIPATION

n/a, no audience in attendance at this time

V. STAFF REPORT

1. 1046 Main Street had a wetland permit approved quite a while ago, but the legislature keeps extending permits from that time frame, and it is still valid. There is an intermittent watercourse on-site, and they will be snaking a driveway up the hill to the building site. There were conditions with the last approval that they needed to have a pre-construction meeting to discuss E&S and dewatering methods and steps. Joanna Shapiro recently met with the builder and he to know what is required and she signed off on the building permit, house is smaller than initially planned for.
2. 65 Scully is currently on the market. There is a house there now, and the back is mainly a wetland. Someone called to ask what they can and can't do with the property before they buy it. They want goats or chickens, and this site has a history of violations. Currently, there are two small upland areas where the landowner could put chickens or goats if they don't disturb and/or work in the existing wetlands.
3. Many people have called about 75 Brittany Road, off Hall Hill Road. One lot was never developed, and it went back on the market recently. Someone may be purchasing it now. There is currently a conservation easement, and two-thirds of the property can't be developed. Joanna Shapiro sent the subdivision plan to those who called and explained that they would likely need a wetland permit to build, which will most likely be approved as long as they stay within the prior development envelope, and there have been no big changes to the land.
4. Someone called to say that trees are being cut down near the end of Hallie Lane. In the past, this location had some zoning concerns due to blasting that was happening. Joanna Shapiro went to look at the site, and she thought she saw stockpiles of soil from the road. She then met with the owner and found that they were piles of woodchips and they had taken some trees down for maintenance but they were not in the wetland. Joanna Shapiro and the landowners discussed their ideas for the land, and she explained to them what would and would not need permits.
5. Someone on Greentree Lane reported that they were getting a lot of water on their property, and they thought it might have to do with the work being done behind Hallie Lane. Joanna Shapiro didn't think the work was being done in an upland review area, but she said she would contact them to find out what is happening because the work is not near a house. Joanna Shapiro thinks the water may be shedding from Root Road due to the high rainfall, the watercourse that cuts through Green Tree runs quite a ways and seems to have a large watershed. Todd from DPW did talk with the property owners about erosion control and possibly armoring the banks with riprap, and explained that they would need a wetland permit for that work.

Candace Aleks moved to approve the Staff Report, and Dan Fraro seconded. All were in favor, and the motion carried.

VI. CORRESPONDENCE AND BILLS

1. Joanna Shapiro stated that we owe \$47.22 for the June Public Notice in the Journal Inquirer. Lise Wood motioned to pay \$47.22 for Journal Inquirer June Public Notice, and Candace Aleks seconded. All were in favor, and the motion carried.

2. The Commission received a thank you letter from Dr. Kristen Martin of the University of St. Joseph for the \$1150 donation to be used for water quality monitoring in the Scantic River. She also wrote that two high school stream team members are volunteering this summer as research assistants to help with water quality testing and that a senior may do their senior project on the Scantic River. The Commission expressed interest in a future presentation from the students.

VII. MINUTES APPROVAL: June 05, 2024

Lise Wood made a motion to approve the minutes of June 05, 2024 as presented. Candace Aleks seconded. All were in favor, and the motion carried.

VIII. ADJOURNMENT

Lise Wood moved to adjourn the July 10, 2024 meeting, which Dan Fraro seconded. All were in favor, and the motion carried. The meeting was adjourned at 8:00 p.m.

Respectfully Submitted, Commissioner Sydney Flowers, Secretary

MINUTES ARE NOT OFFICIAL UNTIL APPROVED AT A SUBSEQUENT MEETING

TOWN OF SOMERS
Conservation Commission
600 Main Street

REGULAR MEETING
WEDNESDAY, AUGUST 7, 2024
7:00 PM TOWN HALL
AGENDA



I. CALL TO ORDER

II. OLD BUSINESS

None

III. NEW BUSINESS

1. **Jurisdictional Ruling Application #808:** 42 Dillenback Rd. Selective timber harvest within Upland Review Area and Wetland, with temporary stream crossing. David Worthington.

IV. AUDIENCE PARTICIPATION

V. STAFF REPORT

VI. CORRESPONDENCE AND BILLS

1. Journal Inquirer July notice - \$55.09

VII. MINUTES APPROVAL: July 10, 2024

VIII. ADJOURNMENT

TOWN OF SOMERS
Conservation Commission
600 Main Street



REGULAR MEETING
WEDNESDAY, AUGUST 7, 2024
7:00 PM TOWN HALL
MINUTES - REVISED

I. CALL TO ORDER

Chairperson Joan Formeister called the meeting to order at 7:02 P.M. Commissioners in attendance were Dan Fraro, Lise Wood, and Sydney Flowers. Joanna Shapiro, Town of Somers Wetlands Agent, was also present.

Chairperson Formeister seated Lise Wood for Candace Aleks.

II. OLD BUSINESS

None

III. NEW BUSINESS

1. **Jurisdictional Ruling Application #808:** 42 Dillenback Rd. Selective timber harvest within the Upland Review Area and Wetland. David Worthington.

Joanna Shapiro walked the site with the forester/soil scientist, Joseph Theroux, yesterday and briefly discussed the revised plans, which show more land and the ability to get around the stream without directly crossing through it. The landowner is working with Mr. Theroux to focus on removing overmature, diseased, and inferior trees so more valuable crops can grow. They will have access to an existing gravel road and can cross the dam to avoid directly crossing the stream. The road is in poor repair, and they will put in bridge matting to support the weight of the heavy equipment (mainly a skidder) and stabilize the road. The timber landing area will be in the open field above the dam. A few trees directly on the edge of the wetland will need to be harvested. If, at any point during the harvest, it rains or mud starts to appear, they will put up hay bales/silt fencing and hold off on activities until conditions are dryer. The area is not steep, and there should be little to no erosion. Joanna Shapiro went through what constitutes an agricultural permitted use as of right and what type of activities would not allow it to be exempt. Joanna Shapiro stated that she felt this activity does meet the criteria as a permitted use of right. Sydney Flowers asked where the timber would be going, and Mr. Theroux mentioned that they work with a variety of sawmills. The trees to be harvested are not marked, but the logger and owner will work this out, and follow what was prescribed by the forester. Joseph Theroux will continue to be involved in this project and will monitor and ensure that no sediment is being eroded into the stream and all logging best practices are used.

Sydney Flowers motioned to approve Jurisdictional Ruling/Application #808 as a permitted use of right at 42 Dillenback Road for selective timber harvest within the Upland Review Area and Wetland. Lise Wood seconded. All were in favor, and the motion carried.

Lise Wood motioned to add jurisdictional ruling application #809, 42 Dillenback Rd., Dredge farm pond and application #810, 30 Ridgewood Rd., construction of an inground pool in the upland review area. Sydney Flowers seconded. All were in favor, and the motion carried.

2. **Jurisdictional Ruling Application #809:** 42 Dillenback Rd. Dredge farm pond. David Luginbuhl.

The Commission has not seen any information on this plan because it came in yesterday. Joanna Shapiro stated that the Commission can act on the application tonight if they have enough information, but it is not required. David Luginbuhl was in attendance and informed us that he had bought this property about a year ago. The property has a lot of wetlands, and they plan to continue to use the property for forestry/timber harvests. David pointed out the plans for application #808, the smaller area where he would like to dredge the current pond, Cooley Pond, which overall is about 6.27 acres. Joan Formeister asked Mr. Luginbuhl what the intention was for the dredging. He explained that the current upper pond area he wants to dredge is full of silt/muck (4-5' deep), and he would like to use the water to irrigate the trees they planted and a flower garden that his wife is creating. According to the landowner, a beaver dam has almost delineated the pond and made a second pond. This part of the pond is shallow and has virtually no water. Joanna Shapiro mentioned that we don't know the history of this land, and she may need to revisit the site to look more closely at this area; the Commission agreed this is a good idea. Joan Formeister mentioned that she does not see an issue with the dredging of the pond. However, it is difficult for the Commission to find this exempt as an agricultural permitted use of right, and it would be best to apply for the wetland permit. Joanna Shapiro mentioned that his application should include more information about where the dredged soil/vegetation will be placed, what is currently growing there, and what will happen after the dredging, etc. Joe Theroux offered to provide further information to support the application. The Commission agreed to receive this permit application, and we will discuss it under Old Business at the next meeting. Joanna Shapiro will contact the landowner to schedule a visit to the site again.

3. **Application:** 30 Ridgewood Rd. Construction of inground pool in the upland review area. Craig and Joann St. Germain.

Mike Smith, with Smith Associates (a surveying company), was in attendance and representing the family because they are currently out of town. He explained that he scrambled to get this together for today so we could receive it and vote on it in September because they would like to start building sooner rather than later. Mike Smith showed us the current plans which outlines the existing wood line around established lawn area and where they would like to install the pool. The pool placement was chosen because of the reserve area for a septic, and they may want to install an underground propane tank. The plan is to grade everything away from the wetland, and a silt fence will be installed. Mike Smith stated there is currently no ability to shift the pool location. He will bring the revised plans for the September meeting, including the stockpile location, propane tank, site access, grading, shed, other structures, etc. The owners thought they could start building immediately and did not know they needed a permit. They will be at the next meeting. Mike Smith mentioned that the houses on either side of them have pools. Joanna Shapiro asked if the septic reserve area could be in front of the house, but Mike Smith was unsure. Joanna Shapiro also briefly mentioned that there have been violations on this site in the past regarding a shed built very close to a wetland without a permit in the 1990s. She asked Mike Smith if it would be possible for them to remove that, but he was not sure. He mentioned that the gazebo was already removed, and chicken coops may be

removed. Joanna Shapiro will visit the site soon. The homeowners have been there since about 2011. Joanna Shapiro will contact the landowner or Mike Smith to schedule a visit.

IV. AUDIENCE PARTICIPATION – n/a, no audience in attendance

V. STAFF REPORT

- The Bobolink property with addition has been frustrating because of a series of changes, including a change in the builder. The prior builder met with Joanna Shapiro and Jen Roy, and understood the requirements, but the new builder submitted a plan with no wetland delineation because the new builder was unaware of the requirements. They finally did get it all together, and Joanna Shapiro signed off on the plans.
- A pool was installed on 49 Manse Hill without a permit. An electrician came to apply for his permit, but the building permit for the pool had just been submitted, not approved. Joanna Shapiro visited the site and discovered that a retaining wall was built, and there was a steep slope down to a wetland. Fortunately, wetlands were delineated and the pool was far enough from the wetland, so no wetland permit was needed.
- 32 Goodwin wants to extend their deck, and a minimal impact permit may be all that is needed because they need to drill for the footing, and that is about it. Joanna Shapiro will visit the site, and she will most likely be able to approve it then.
- In the past (early 2000s), affordable housing was approved to be built on 225 & 251 Field Road but never built. They are now selling the property, and their zoning permit is still good, but the wetland permit may no longer be valid. An attorney visited the town hall to ask questions about the property because this was her first time working on affordable housing. There is a plan to put in a retention basin within the upland review area. Joanna Shapiro has informed them that they must update their stormwater calculations because they may need to change the basin size.

Sydney Flowers moved to approve the Staff Report, and Dan Fraro seconded. All were in favor, and the motion carried.

VI. CORRESPONDENCE AND BILLS

1. Journal Inquirer July notice - \$55.09

Sydney Flowers moved to pay the \$55.09 fee to the Journal Inquirer. Lise Wood seconded; all were in favor, and the motion carried.

VII. MINUTES APPROVAL: July 10, 2024

Lise Wood moved to approve the July 10, 2024 minutes. Dan Faro seconded. All were in favor, and the motion carried.

VIII. ADJOURNMENT

Lise Wood moved to adjourn the August 07, 2024 meeting, and Dan Fraro seconded. All were in favor, and the motion carried. The meeting was adjourned at 8:13 p.m.

Respectfully Submitted, Commissioner Sydney Flowers, Secretary

MINUTES ARE NOT OFFICIAL UNTIL APPROVED AT A SUBSEQUENT MEETING

TOWN OF SOMERS
Conservation Commission
600 Main Street

REGULAR MEETING
WEDNESDAY, SEPTEMBER 4, 2024
7:00 PM TOWN HALL
AGENDA



- I. CALL TO ORDER
- II. OLD BUSINESS
 - 1. **Discussion/Possible Decision Application #809:** 42 Dillenback Rd. Selective timber harvest within Upland Review Area and Wetland, with temporary stream crossing. David Luginbuhl.
 - 2. **Discussion/Possible Decision Application #810:** 30 Ridgewood Rd. Construction of inground pool in the upland review area. Craig and Joann St. Germain.
- III. NEW BUSINESS
 - 1. **Jurisdictional Ruling Application #808 (revised):** 42 Dillenback Rd. Selective timber harvest within Upland Review Area and Wetland, with temporary stream crossing. David Worthington.
- IV. AUDIENCE PARTICIPATION
- V. STAFF REPORT
- VI. CORRESPONDENCE AND BILLS
- VII. MINUTES APPROVAL: August 7, 2024
- VIII. ADJOURNMENT

TOWN OF SOMERS
Conservation Commission
600 Main Street

REGULAR MEETING
WEDNESDAY, SEPTEMBER 4, 2024
7:00 PM TOWN HALL
MINUTES

I. CALL TO ORDER

Chairperson Joan Formeister called the meeting to order at 7:03 P.M. Commissioners in attendance were Dan Fraro, Lise Wood, Drew Kukucka, Candace Aleks, and Sydney Flowers. Joanna Shapiro, Town of Somers Wetlands Agent, was also present.

Chairperson Formeister seated Lise Wood for Pat Pio.

II. OLD BUSINESS

Sydney Flowers moved to discuss Application #810 first and then Application #809, as Application #810 is involved with the New Business Application #808. Lise Wood seconded. All were in favor, and the motion carried.

1. Discussion/Possible Decision Application #810: 30 Ridgewood Rd. Construction of inground pool in the upland review area. Craig and Joann St. Germain.

Mike Smith, with Smith Associates (a surveying company), was in attendance and representing the applicants who were in attendance. Mike Smith stated he has provided an update on the proposed plans based on the conversation at last month's meeting, and Joanna Shapiro had a chance to visit the site today. The updated plans included the chicken coop and other structures currently in place on the property. Mike Smith stated that moving the proposed pool outside the upland review area wouldn't work because of the setbacks needed for the septic reserve area and an inground propane tank the owners plan to install. The plan is to put the propane tank near the garden shed by the retaining wall. Where the proposed pool would go is currently a lawn, and it is pretty level and grades away from the wetland behind the shed.

Joanna Shapiro mentioned that the previous and current owners had built structures without getting the correct permits, such as the woodshed and the goat enclosure. Joanna stated a violation had been sent from the town for the woodshed and deck and prior gazebo, and recently, there has been grading and tree removal happening in the upland review area with no permits. Joanna Shapiro stated that even though there are no structures in the wetlands, they are encroaching, and this runs the risk of activity within the wetlands and the lawn area has been extended to nearly the wetland. Mike Smith stated that the owners plan to remove the chicken coop altogether. Once they use the existing wood stored in the woodshed, they will remove that structure, do some plantings to stabilize the area, and ensure all the grading/drainage is away from the wetlands. Once both goats are gone, the goat pen on the wetland line will also be removed. The two goats were their daughters' pets. The owners are also willing to move the other shed closer to the house and further away from the wetland. Joanna Shapiro pointed out that there is a small dirt road from the area of the proposed pool site to the woodshed, and she believes it would be a good idea to seed that area and discontinue use once the woodshed is removed. She also mentioned that there are currently no permanent wetland markers, which could be beneficial for future owners. Joanna Shapiro shared historical aerial photos from 2010 through the present and the pictures she had taken that day, giving a good idea of what the property currently looks like and how it has progressed in the past 14 years.

Drew Kukucka asked where the pool filter would be located, and the owners stated it would be on the northern side of the pool. Joan Formeister asked Joanna Shapiro if there were any other concerns regarding the construction we should be aware of. Joanna Shapiro mentioned that the owners should monitor the contractors to ensure they follow the plan, ensure the stockpile is in the correct area, and install the silt fence correctly. Drew Kukucka mentioned that he does not see any issues with putting the pool in the proposed area, but the soils need to be stabilized, and wetland markers or vegetative buffers should be put in place to prevent continued and further encroachment. Joanna Shapiro pointed out that putting tags on existing trees to mark the edge of the wetland could be a reasonable compromise, rather than putting in monuments to avoid heavy equipment by the wetland. Mike Smith stated he would add the tagged trees to the plan and that Joanna Shapiro could assist with placing the markers.

Drew Kukucka motioned to approve application #810: 30 Ridgewood Rd, construction of an inground pool in the upland review area based on the following and with the following conditions. 1-The woodshed will be removed once the current wood is used, the chicken coop will be removed as shown on the plan, and the goat pen will be removed as soon as possible from the upland review area/wetland. 2-Once the woodshed is removed, the dirt road and area of the shed will be seeded and planted with plants recommended by Joanna Shapiro to stabilize the soil and provide a visual barrier. 3-Wetland tree markers will be placed based on Joanna Shapiro's recommendations. At the time of the CO for the pool, if conditions are not fully met, the wetland agent will likely require a nominal bond to ensure they are completed. The Commission finds that the Applicant has submitted all necessary application materials pursuant to Section 211-7 of the Wetlands Regulations, including but not limited to Section 211-7(E)(5), "Alternatives considered and rejected."

- The Commission did not find the proposed activities "significant."
- The Commission finds that the criteria set forth in Section 211-10B have been met by the Applicant.

Lise Wood seconded. All were in favor, and the motion carried.

Mike Smith asked Joanna Shapiro when they could start building, and she informed him that the wetland permit is valid immediately, so she can sign off on the building permit now, but they will have to wait to receive the building permit from the building official. Once they have that, they can technically move forward with the construction. However, they should be aware that a public notice goes into the paper regarding this decision, and there are 15 days allowed for public appeal.

2. **Discussion/Possible Decision Application #809:** 42 Dillenback Rd. Dredge farm pond. (The topic of the application was corrected due to being incorrect on the agenda.) David Luginbuhl.

Joanna Shapiro stated that the applicant had paid the application fee, and she was able to visit the site with the property owner. The applicant provided a new narrative from Joseph Theroux, a certified forester and soil scientist, the same individual who provided a narrative and is working with the applicant and David Worthington on Application #809. Joanna Shapiro stated that the current dam was made of wood boards, which have been removed, and there is now a small channel running through the pond area. On the northern side of the dam is a manmade pond, a smaller portion of which is separated from the larger pond by a beaver dam. The applicant stated that there is barely any water flow currently, which will make it easier to do the work. He said he would excavate the pond's northern portion with an excavator and bulldozer when the conditions are dry. They will stake haybales or a silt fence to prevent sediment from moving back into the pond or the stream. Before dredging, they will clear an already reasonably level area, where the excavated materials will be deposited for de-watering, protected by straw bales. Once sediment is de-watered, they will spread it on the field or remove it from the site. Once they have completed the project, they will seed and mulch to revegetate and stabilize the area being worked on. The applicant stated he would be sure to follow the narrative provided.

Sydney Flowers motioned to approve application #809: 42 Dillenback Rd. Dredge farm pond based on the following:

- The Commission finds that the Applicant has submitted all necessary application materials pursuant to Section 211-7 of the Wetlands Regulations, including but not limited to Section 211-7(E)(5), "Alternatives considered and rejected."
- The Commission did not find the proposed activities "significant."
- The Commission finds that the criteria set forth in Section 211-10B have been met by the Applicant.

Candace Aleks seconded. All were in favor, and the motion carried.

III. NEW BUSINESS

1. **Jurisdictional Ruling Application #808 (revised):** 42 Dillenback Rd. Selective timber harvest within the Upland Review Area and Wetland, with temporary stream crossing. David Worthington.

Property owner David Luginbuhl was there to represent the application, in place of the applicant/logger, and the forester could also not attend due to personal matters. David Luginbuhl stated that this revision is needed because, after the last meeting, they walked the area where they were proposing the heavy equipment to enter, which was found not feasible. They now realize that the existing gravel road, located along the dam's length, cannot be utilized to facilitate access to the western portion of the property due to its condition and the limitations of the forestry equipment. The proposed revision includes a temporary stream crossing and harvesting of a few trees in and adjacent to the wetlands so that they can access the area where the timber harvest will occur. Joanna Shapiro passed out literature to the Commission on what types of forestry are exempt and what practices would not allow forestry to be exempt. For example, forestry is typically exempt unless clear-cutting wetlands, filling in wetlands, or building roads unrelated to the farming operation. Adding a crossing to a stream can meet the definition of filling in a wetland unless it is temporary and will be removed as soon as the project is completed. They plan to use temporary portable bridge sections and log corduroy to protect the stream channel and adjacent wetland soils. The bridge sections are constructed as solid one-piece sections 4 feet wide by 25 feet long. Three or four sections are placed adjacent, creating a solid bridge. The forester plans to use staked hay bales or silt fencing to prevent sedimentation from entering the watercourse if conditions, such as excessive rainfall, start to cause erosion. On completion of the harvest operation, the bridges will be removed, and all disturbed areas will be seeded and mulched to revegetate and stabilize the site. Drew Kukucka mentioned the concern of harvesting trees up to the pond's edge. Joanna Shapiro clarified that they plan to do selective cutting of trees based on the narrative and will not do any clearcutting, except for the dewatering area. Joanna Shapiro informed David Luginbuhl that he and David Worthington must work closely with the forester to ensure the proposed and approved narrative is followed.

Lise Wood motioned to approve Jurisdictional Ruling/Application #808 (revised) at 42 Dillenback Road for selective timber harvest within the Upland Review Area and Wetland, with temporary stream crossing, as a permitted use as of right under the agricultural exemption, Drew Kukucka seconded. All were in favor, and the motion carried.

IV. AUDIENCE PARTICIPATION

n/a, no audience in attendance

V. STAFF REPORT

1. Joanna Shapiro received a complaint of noise and possible work in the area of Amy & Hallie Lane off Mountain Road. We are aware of the work going on at 183 Mountain Road, which received a wetland permit due to an intermittent stream crossing. Jim Patsun is the contractor overseeing that project and is working with the town to ensure the proper permits are in place. Joanna spoke with the complainant to find out what they were hearing, but she could not identify any other source of the possible noise.
2. There was a report of material, mainly trees, being removed from 183 King Road. Joanna Shapiro contacted the property owner, who just purchased it this year, and discovered he is a tree arborist with a business in Massachusetts. This property has many wetlands, and abuts the Scantic River, and Joanna shared the GIS wetland layer map of the area with the Commission. Joanna shared with the new owner what he can't do in the wetlands and what he must do to permit specific projects. She told him that continuing farming as had been done historically is fine, but if he changes something on the property, he should alert her to ensure it is okay. Joanna has not visited the site yet but would like to do so soon. The landowner informed Joanna that he was cleaning up along the road by the existing manmade pond and clearing out vegetation/debris that accumulated near the dam. He also mentioned that he may have materials in his truck that aren't coming from that site due to his business as an arborist. Joanna informed the landowner that she would provide an update to the Commission and would like to visit the site in the future.
3. Joanna issued a minimal impact permit at 15 High Meadows for a small shed by a ditched watercourse.
4. Someone contacted Joanna, inquiring about the property for sale at 48 Gulf Road. They were wondering if building a large detached garage on the property would be possible. It was found that the specific area where they'd like to put the garage appears to be within of the FEMA floodplain according to the GIS, and wetlands have also not been delineated yet, so due diligence is needed.
5. Owen Jarmoc contacted Joanna about replacing a culvert on the private section of Northwest Drive. Joanna informed him that he would need a permit and to consult with engineers to draw up a plan and ensure that the culvert was appropriately sized.
6. Joanna asked the Commission how they felt about patios and wetland permits. She said this question comes up periodically and wonders what we think should trigger a wetland permit and what would not. The decision was that the size of the patio, distance from the wetland, and if there is any grading involved would trigger a need for a wetland permit. The current example she gave of a small permeable paver patio 25-30' downgradient of an intermittent watercourse would not need a permit, whereas the prior extensive concrete patio did. The commissioners agreed that we trusted Joanna Shapiro's expertise on whether or not a permit should be applied for because she errs more on the side of caution.
7. The town will be doing work on the dam at Hurd Lake at Camp Aya Po. They are working on a permit through CT DEEP Dam Safety, but may need to apply to the Commission for a permit for any work that is happening outside a certain distance from the dam.

Lise Wood motioned to approve the staff report. Candace Aleks seconded. All were in favor, and the motion carried.

VI. CORRESPONDENCE AND BILLS

1. Notice about the CT Invasive Plant Symposium: Joanna will email us the information
2. Erosion Control Sediment Field Days on 9/18/24, Joanna will be attending
3. Sydney Flowers mentioned the Source to Sea Cleanup project she may organize for 2025
4. Joan Formeister mentioned that the Boy Scouts still seek conservation and community service projects. Joanna will ask Dr. Kirsten Marin and Todd Rolland if they could use their help.

VII. MINUTES APPROVAL: August 7, 2024

Drew Kukucka moved to approve the August 07, 2024, minutes with some revisions as discussed. Lise Wood seconded. All were in favor, and the motion carried.

VIII. ADJOURNMENT

Candace Aleks moved to adjourn the September 04, 2024 meeting. Lise Wood seconded. All were in favor, and the motion carried. The meeting was adjourned at 8:41 p.m.

Respectfully Submitted, Commissioner Sydney Flowers, Secretary

MINUTES ARE NOT OFFICIAL UNTIL APPROVED AT A SUBSEQUENT MEETING

TOWN OF SOMERS
Conservation Commission
600 Main Street
Somers, CT 06071



The regular meeting of the Town of Somers Conservation Commission scheduled for **October 2, 2024 at 7:00pm** has been canceled.

The next regularly scheduled meeting is **November 6, 2024.**

TOWN OF SOMERS
Conservation Commission
600 Main Street
Somers, CT 06071



The regular meeting of the Town of Somers Conservation Commission scheduled for **November 6, 2024 at 7:00pm** has been canceled.

The next regularly scheduled meeting is **December 4, 2024**.

TOWN OF SOMERS
Conservation Commission
600 Main Street

REGULAR MEETING
WEDNESDAY, DECEMBER 4, 2024
7:00 PM TOWN HALL
AGENDA



I. CALL TO ORDER

II. OLD BUSINESS

None

III. NEW BUSINESS

1. **SHOW CAUSE HEARING - ORDER TO CEASE VIOLATION. 183 King Road. Wednesday, December 4, 7:00PM.** Somers Town Hall, Lower Level Meeting Room.

THE FOLLOWING SHOW CAUSE HEARING WILL BE HELD BY THE COMMISSION IN CONNECTION WITH CEASE AND DESIST ORDER ISSUED IN ACCORDANCE WITH THE INLAND WETLANDS AND WATERCOURSES REGULATIONS OF THE TOWN OF SOMERS AND THE CONNECTICUT GENERAL STATUTES. A COPY OF THE CEASE AND DESIST ORDER IS ON FILE IN THE SOMERS LAND USE OFFICE:

Nicholas Turnberg, 183 King Road, regulated activity within 100 feet of a wetland or watercourse.

2. **Modification: Application #770:** 44 Broadway Road. Construction of new house and driveway within Upland Review Area and Wetland; modification to include deck, shed, and footing drain outlet in Upland Review Area. Jason Hackett.

3. **Proposed 2025 Meeting Dates**

IV. AUDIENCE PARTICIPATION

V. STAFF REPORT

VI. CORRESPONDENCE AND BILLS

CACIWC - \$65 CACIWC Dues, \$85 annual symposium attendance for Chair.

VII. MINUTES APPROVAL: September 4, 2024

VIII. ADJOURNMENT

TOWN OF SOMERS
Conservation Commission
600 Main Street

REGULAR MEETING
WEDNESDAY, DECEMBER 4, 2024
7:00 PM TOWN HALL
MINUTES



I. CALL TO ORDER

Chairperson Joan Formeister called the meeting to order at 7:03 P.M. Commissioners in attendance were Dan Fraro, Lise Wood, Drew Kukucka, Candace Aleks, and Sydney Flowers. Joanna Shapiro, the Town of Somers Wetlands Agent, was also present, as was Carl Landolina, the town attorney.

Chairperson Formeister seated Lise Wood for Pat Pio.

II. OLD BUSINESS

None

III. NEW BUSINESS

1. SHOW CAUSE HEARING - ORDER TO CEASE VIOLATION. 183 King Road. Wednesday, December 4, 7:00PM. Somers Town Hall, Lower-Level Meeting Room.

THE FOLLOWING SHOW CAUSE HEARING WILL BE HELD BY THE COMMISSION IN CONNECTION WITH THE CEASE-AND-DESIST ORDER ISSUED IN ACCORDANCE WITH THE INLAND WETLANDS AND WATERCOURSES REGULATIONS OF THE TOWN OF SOMERS AND THE CONNECTICUT GENERAL STATUTES. A COPY OF THE CEASE-AND-DESIST ORDER IS ON FILE IN THE SOMERS LAND USE OFFICE:

Nicholas Turnberg, 183 King Road, regulated activity within 100 feet of a wetland or watercourse.

The town attorney suggested Joanna Shapiro explain what has happened to date. Joanna started by saying that she received inquiries from concerned citizens regarding the activity occurring on 183 King Road. Joanna explained that the property has a new owner this year, Nicholas Turnberg. She contacted him about a week before the September 2024 Conservation Commission meeting and reported that contact had been made with him then. She tried a few more times after the September meeting to set up a time to visit the site to set up parameters to continue the activities and what would be needed from him regarding a wetland application. She sent emails and left a voicemail. On November 12, 2024, Joanna sent the owner a notice of violation via regular mail. By November 26, 2024, no response had been received from the owner, and she then sent a cease-and-desist letter by certified mail, regular mail, and email. The owner responded to the email at that point, and agreed to come to the meeting tonight. Carl then explained the nature of the violation and that Joanna had not yet been granted access to the property.

At this time, Joanna has aerial photographs from various resources and pictures emailed to her by a property neighbor. Joanna stated that based on these pictures, a lot of soil and woody materials are being moved around, and there are large piles of soil and wood chips in about a 5-acre area. Joanna pointed out that the Scantic River runs along the eastern side of the property, there is another stream that runs through the property, and a large portion of the property appears to be wetlands. Joanna stated that she believes that there is activity happening within 100 feet of the wetlands, and it seems that there is activity in the wetland itself, but it is difficult for her to determine without visiting the site. The town attorney confirmed with Joanna that there was initial contact in August/September 2024, and there has been no response to her communication attempts until the November 26 cease-and-desist letter/email was sent. Joanna stated that was true, and the owner promptly responded to the email sent on November 26 stating that he had not had access to his mail. Joanna pointed out that the town's zoning commission has also raised concerns with the property owner. The town attorney asked Joanna if the letters were sent by certified mail, and she confirmed that the cease and desist was, but that the green confirmation card had not been returned.

Joanna Shapiro then presented four sets of map and photo documentation, and the town attorney recommended that we label them as exhibits. Therefore, the following four sets were labeled as follows. Exhibit 1 (1a, 1b, 1c, 1d) includes an aerial view of the property, a close-up of a field where activity has been reported, a wetland layer, and a floodplain layer. These maps came from the Town of Somers' GIS website. Joanna stated that the property used to have a Public Act 490 classification, but she believes that expired in October 2024. She said that for the land to remain classified as Public Act 490, the new owner must reapply and update the permit when purchasing the land, which based on a conversation with the town assessor, did not occur in time.

Exhibit 2 (2a, 2b, 2c, 2d, 2e, 2f, 2g, 2h, 2i, 2j) is a series of higher-resolution aeriels of the property from 2016 through October 2024. Joanna noted that the October 2024 map shows recent activities, piles, and wet areas. These maps came from the Nearmap website, which the town subscribes to. Drew Kukucka asked what the land was currently zoned as, and Joan Formeister believed it was agriculture. Joanna is going to confirm the zoning. Drew Kukucka asked what type of work was being done. Joanna stated that from early conversations, the property owner indicated that he is an arborist and may use the property for his business. The town attorney said we should wait to ask the owner directly. Joanna confirmed using the town GIS that the property is zoned A-1, which is a residential zone. The town attorney explained that agriculture is allowed in all zones.

Exhibit 3 (3a, 3b, 3c, 3d, 3e, 3f, 3g) are additional aeriels at different scales and may be redundant. These maps came from the Nearmap website. Joanna estimated that the closest pile to the stream was about 88 feet using the Nearmap measuring tool.

Exhibit 4 (4a, 4b, 4c, 4d, 4e, 4f, 4g) is a set of pictures sent to Joanna via email from a property neighbor. The photos show the material piles, equipment, and culvert debris.

In addition to the four exhibits of maps and photos, Exhibit 5 is the original Notice of Violation letter, dated November 12, 2024, and Exhibit 6 is the Cease and Desist letter, dated November 26, 2024.

Town Attorney Carl Landolina stated that we will now hear from the property owner, who is in attendance. He said that we should provide him with a copy of the documents that were reviewed tonight and that we will likely continue this at a future date. He stated that at the next meeting, we should have a set of materials for each person in attendance, including the property owner. He also recommended presenting the property assessor card and deed at the next meeting.

The property owner, Nicholas Turnberg, introduced himself to the Commission, and the town attorney formally introduced himself to Nicholas. The town attorney informed Nicholas that a violation of wetlands could result in civil penalties and violations, and there could be a \$1000 fine per violation. He also stated that the violations can increase quickly because each day that passes, each violation is a new fine, which could be something like \$1000 per day. The town attorney then informed Nicholas that the general status of wetlands violations could be a criminal offense involving fines and imprisonment. The attorney informed Nicholas that he is here on his own accord, can ask for discontinuance, and could have a lawyer present. Nicholas shook his head, saying that he understood. He then presented a picture he brought with him and pointed out that the piles were more than 100' from the brook. Nicholas also stated that he had installed wattles to prevent the piles from eroding and seeded a portion of the land between the piles and the stream. Carl Landolina, town attorney, then said that he also represents the zoning commission in town and that they also have concerns. Carl asked Nicholas if he had been bringing soil in from offsite, and Nicholas said he had not. Nicholas stated that he processed logs and woodchips with timber brought in from offsite. Nicholas noted that they grind up the logs to make mulch and that he eventually wants to log the land and tap the maple trees for sap. Carl asked if he had removed any topsoil and put down gravel, and Nicholas said he had removed about 4 to 6 inches of topsoil and piled it so he could process woodchips and other wood products on firmer ground. Nicholas stated that gravel had been put down in this area, but some activities are happening off the gravel area. Nicholas estimated that the field was approximately 5 acres, and that the gravel area was approximately 1 acre. The town attorney informed Nicholas that the Conservation Commission can have jurisdiction even if the activity is more than 100 feet from the wetland because there may still be a wetland impact. Carl asked Nicholas what type of preventative measure had been put in place between the activities that happened and the stream. Nicholas stated that wattles had been staked in and Joanna Shapiro mentioned it appears that these were just recently installed.

Joanna Shapiro went on to inform Nicholas that she had requested to meet with him before these activities started so that she could further inform him of the wetland rules and how they are different from what he knows from Massachusetts. She informed Nicholas that Connecticut determines wetlands based on soil types. Joanna told him that she wanted to visually see what was going on to help him understand what would be considered an agricultural exemption and what would be needed to maintain that. However, now that the land had been disturbed drastically, it would be challenging for her to estimate wetland boundaries on-site. Joanna stated that based on the aerial and topographic mapping presented, she believes that at least a portion of the field that has been disturbed likely contains wetland soils. That field where the site work has occurred, south of the watercourse that divides the two fields, is lower in elevation and darker/wetter in appearance than the upper field, and it contains a persistent wet pocket in all of the aerial photos from over the years, until the most recent October 2024 aerial which shows large stockpiles throughout the recently disturbed field. She stated that despite Nicholas' efforts to place piles 100' from the watercourse and wooded wetland, actual wetland soils within the field were likely disturbed. Nicholas pointed out the soil is sand, and the town attorney asked if he was a wetland or soil scientist, and he responded he was not, but he served on the Conservation

Commission in East Longmeadow, MA. The town attorney reiterated that the soil has not been tested and that he can't determine if it is a wetland based on assumption.

Carl then asked Nicholas if Joanna Shapiro could meet with him on the property, and he said yes if they scheduled a time in advance to do so. Carl then mentioned that the zoning commission also needed to visit the site, and it may make sense to schedule those visits simultaneously. Nicholas stated he wanted them separately because they are two different issues. Drew Kukucka stated that he would like to see the wetlands delineated at this property and understand what activities will be happening there. Candace Aleks asked if he should walk the property with Joanna Shapiro to determine the wetland boundary. The town attorney advised that we do not do that and that only a soil scientist should be doing that. Joanna Shapiro stated that the town did not have any record of a prior wetland determination, although it's possible that NRCS might have done a determination for the property owner, which would likely be based on federal definitions of wetlands, not state. The town attorney informed Nicholas that he had put himself at a significant disadvantage by not communicating with the Commission before. Candace Aleks stated it would be good to know exactly where the wetlands are on his land, and Joanna Shapiro also said it would be helpful if he wanted to build on this property in the future. Joan Formeister also pointed out that logging is not necessarily exempt, and Nicholas stated that he understood.

Carl Landolina informed Nicholas that the cease-and-desist order remains in effect until the Commission officially closes the hearing and potentially modifies the order. Carl informed the Commission that we can now set parameters on the cease-and-desist. Carl asked Nicholas how often he and his crew work on this site. Nicholas stated the crew could be there up to five days a week making mulch, firewood, and logs. Joanna Shapiro asked if they were screening soil on site, and Nicholas stated that they were not currently screening materials. Joan Formeister asked Nicholas how the trucks were getting to the site on the property, and Nicholas stated they were using a preexisting driveway and farm road. Nicholas asked what he could do at this time besides hiring a soil scientist. Joanna Shapiro then read the order from the cease-and-desist letter to him and agreed that now might not be the best timing to remove materials. The town attorney then told Nicholas there are two types of violations: misunderstandings/ignorance and willful. He stated to Nicholas that if he continues his activities at this time, he could be committing a willful violation because he was made aware that it appears he is doing work in regulated areas. Carl told Nicholas that the first thing that would happen if this occurred was that we would go to court, and he may have to reimburse the town for expenses. Drew Kukucka said that all activities should stop, no materials should come or go from the site, and a wetland delineation may be needed, but this may not be realistic for our next January 8th meeting. Carl stated we can't order a soil delineation, but we can suggest it.

Joan Formeister questioned if the equipment used is coming in and out on the existing driveway and just staying on the gravel, why should we order them to stop activities? She expressed concern that his employees will be out of work. Carl stated that it appeared that much of the activity is happening off the gravel, and he asked Nicholas to confirm this. Nicholas agreed. Joan Formeister recommended that Joanna Shapiro meet with him on-site as soon as possible to see what problems may currently exist and what activities can continue until this is resolved with the proper preventative measures in place. Nicholas proposed that he would pursue hiring a soil scientist to delineate wetlands on the site, and also meet Joanna on-site. Joanna and Nicholas will find a time to meet after the meeting, and Joanna will then reach out to the Commission to find out if a special meeting can occur before January 8.

Drew Kuckucka made a motion for the cease-and-desist order issued in accordance with the inland wetlands and watercourses regulations of the town of Somers and the Connecticut general status to Nicholas Turnberg of 183 King Road to remain in effect, with a stay on the portion of the order that requires him to remove the material, and amended to allow activities that do occur onsite to only be permitted on the existing gravel areas. Lise Wood seconded. All were in favor, and the motion carried.

2. **Modification: Application #770:** 44 Broadway Road. Construction of new house and driveway within Upland Review Area and Wetland; modification to include deck, shed, and footing drain outlet in Upland Review Area. Jason Hackett.

Joanna Shapiro explained that this property was given a permit in 2022 but work has occurred beyond what was shown on the plans that were approved when the permit was issued. Joanna introduced Mark Peterson of Gardner & Peterson Associates, LLC. Mark then explained that they would like to modify the existing permit for the house to include the existing deck, footing drain, and shed in the upland review area. Jason and Michelle Hackett were also present at the meeting. Mark Peterson said he came on board about a month and a half ago with this project. He noted that the house was built as planned, but the pool has been moved and is now entirely located in the Upland Review Area, a deck was built along the back of the house, a shed was installed about 40 feet from the wetland, and a footing drain with outlet was installed. Joanna Shapiro stated she could have issued a minimal impact permit for the shed alone, but since there were several discrepancies from the original plans, they had to return to request a modification anyway.

Joanna stated that in addition to the additional structures, some original permit conditions were not met. Some of the permanent wetland markers had not been installed where they should have been. Joanna and Mark worked on an outline together to fix the issues that have come up. Joanna Shapiro mentioned that the 2022 approval required supplemental plantings to occur, which had not been done, but now, further additional planting is needed because the clearing was more extensive than approved. Mark mentioned there are currently stockpiles of materials that will be removed later. Joanna Shapiro noted that the area in the front of the house and where the pool was installed needs to be stabilized, and the supplemental plantings from the 2022 permit still need to occur. Mark read the scope of work that was provided, which included relocating wetland posts to the drip edge per the wetland permit and adding an 8th post near the twin 15" tree per the permit; furnishing and installing supplemental plantings in WL 82 (species and quantity to be coordinated with Gardner & Peterson Associates); removing and disposing of soil, rocks, and boulders not required for final grading; stabilizing currently disturbed areas on the property; regrading slope downgrade of shed to make less steep, loaming, and seeding.

Candace Aleks made a motion to modify application 770, 44 Broadway Road. Construction of new house and driveway within Upland Review Area and Wetland; modification to include deck, shed, and footing drain outlet in Upland Review Area with the conditions that the five items outlined on the proposed scope of work from Fontaine Bros. dated 11/22/2024 be completed, along with a sixth item for additional plantings, to be approved by wetland agent, to occur between WL 75 and WL 85 in the spring of 2025. A bond will be posted for \$6185 until the completion of work. Lise Wood seconded. All in favor.

At this time, Joanna Shapiro left to make copies of exhibits presented for the King Road violation upon the request of the property owner, Nicholas Turnberg.

3. Proposed 2025 Meeting Dates

Joan Formeister asked the Commission member if the following 2025 dates were okay with everyone. Everyone said yes.

January 8
February 5
March 5
April 2
May 7
June 4
July 2
August 6
September 3
October 1
November 5
December 3

Drew Kukucka moved to approve the proposed 2025 meeting dates as listed above. Joan Formeister seconded. All were in favor.

IV. AUDIENCE PARTICIPATION

n/a, no audience in attendance

Drew Kukucka made a motion to move the Staff Report part of the agenda to follow the Correspondence and Bills section. Lise Wood seconded. All in favor.

V. STAFF REPORT

- Minimum impact permit issued for 24 White Birch Circle to replace a shed further from the wetland than it is currently.
- The manure pit that was being planned for 122 Watchaug Road has withdrawn its application. They want to create a new driveway entrance that does not go through the Jarmoc's property. A soil scientist said it's not within 100' of a wetland, but Joanna Shapiro had a few follow-up questions and wants to visit the site but has not heard back.
- A resident reached out to Joanna to inquire about a dead tree along the mill pond behind Somers Hill Circle. The state has been made aware of this since it is on their land.

Lise Wood moved to approve the Staff Report. Candace Aleks seconded. All were in favor.

VI. CORRESPONDENCE AND BILLS

- CACIWC - \$65 CACIWC Dues, \$85 annual symposium attendance for Chair.

Lise Wood moved to pay the \$65 CACIWC Dues and the \$85 annual symposium attendance fee for the Chair. Candace Aleks seconded. All were in favor, and the motion carried.

- CT Bar Association Land Use Law webinar on Saturday March 22, all day.
- Solar project on Route 83 may be coming back. There will be a public hearing on January 30.

VII. MINUTES APPROVAL: September 4, 2024

There were no meetings held in October 2024 and November 2024.

Lise Wood moved to approve the September 04, 2024, minutes. Dan Fraro seconded. All were in favor, and the motion carried.

VIII. ADJOURNMENT

Candace Aleks moved to adjourn the December 04, 2024 meeting, and Dan Fraro seconded. All were in favor, and the motion carried. The meeting was adjourned at 9:30 p.m.

Respectfully Submitted, Commissioner Sydney Flowers, Secretary
MINUTES ARE NOT OFFICIAL UNTIL APPROVED AT A SUBSEQUENT MEETING