

TOWN OF SOMERS
Conservation Commission
600 Main Street

REGULAR MEETING
WEDNESDAY, JULY 2, 2025
7:00 PM TOWN HALL
MINUTES

I. CALL TO ORDER

Vice-chairperson Drew Kukucka called the meeting to order at 7:00 p.m. The commissioners in attendance were Dan Fraro, Sydney Flowers, and alternate Lise Wood. Joanna Shapiro, the Town of Somers Wetlands Agent, was also present.

Chairperson Formeister seated Lise Wood for Candace Aleks.

II. OLD BUSINESS

1. **SHOW CAUSE HEARING - ORDER TO CEASE VIOLATION (continued). 183 King Road.** Regulated activity within 100 feet of a wetland or watercourse. Nicholas Turnberg.

Joanna Shapiro reported that she heard from the property owner on Monday, and he noted that the stockpiles are fully stabilized. Joanna will visit the site soon to ensure, and then we will close out the order to cease violation.

2. **SHOW CAUSE HEARING - ORDER TO CEASE VIOLATION (continued). 122 Watchaug Road.** Site work causing erosion and sedimentation of watercourse. Oakridge Dairy, LLC.

Joanna Shapiro reported that property owners were unable to attend the meeting, but they provided her with updated photographs of the culvert and trench. On June 6, 2025, she received photos that showed the culvert had been cleared out as much as possible, and that additional seed had been spread in the swale. On July 01, 2025, she received more pictures showing that the vegetation was growing well and the area seemed a lot more stabilized. Drew Kukucka reported that he has noticed the area is more stabilized and has been cleaned up. Joanna Shapiro reviewed the cease and desist letter where it states they are “further ordered to stabilize all exposed soils on-site, and install sediment barriers downgradient of disturbed soils in accordance with the Connecticut Guidelines for Soil Erosion and Sediment Control, to prevent further sediment from entering stormwater infrastructure, and to prevent sediment that is within the swale and farm road culvert from traveling off-site”. Joanna feels they have met this, and the area is well-vegetated. She will follow up on whether the straw bale check dams will be removed or stay in place until it decomposes. Drew Kukucka asked how the Commission goes about officially closing the order to cease. Joanna Shapiro will follow up with the town attorney regarding this matter, and we will likely send a letter to the property owners notifying them that this order has been closed.

Lise Wood motioned to revoke the order to cease and desist violation of 122 Watchaug Road, as the Commission found that they have met the requirements of the cease and desist order and the area is now stabilized. Dan Fraro seconded. All were in favor, and the motion carried.

3. **Application #817:** 42 Dillenback Road. Grading and installation of septic system in the Upland Review Area, associated with construction of new home and barn. David Luginbuhl.

David Luginbuhl was in attendance. Joanna Shapiro stated she received a report this afternoon from soil scientist Richard Zulick, and she sent around copies to the commission members.

Joanna Shapiro read the conclusion and the soil scientist's recommendation. She also reported that we received a note from the town's sanitarian that the septic design had been approved with one provision. Joanna Shapiro shared the site plans we reviewed at the last meeting and informed us that the silt fence installed for the previously approved pond dredging was still in place. David Luginbuhl mentioned that they will spread out the soil they dredged from the pond in that area to level the ground. Joanna had visited the site and reported that they kept a forested area below the pond, and the slope behind it was still forested. She stated that at the last meeting, we discussed the owner planting a restoration seed mix in the area where the dredged soils are currently deposited (between the silt fence on the plan and the pond), once the work has been completed, instead of lawn. Joanna had already shared a restoration seed mix with the landowners.

Sydney Flowers motioned to approve Application #817: 42 Dillenback Road. Grading and installation of septic system in the Upland Review Area, associated with construction of new home and barn, with the condition that a restoration seed mix will be used to establish a vegetated buffer in the area between the silt fence shown on the plan and the 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.

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

4. **Application #818:** 75 Brittany Lane. Vegetation removal and minor grading for home construction, per prior subdivision approval (expired). Roulier & Associates.

Joanna Shapiro stated that at the last meeting, we reviewed the prior subdivision plan, but we now have new plans. The new plans will maintain the disturbance limit as it was, but they now include a footing drain. The footprint is relatively similar to the prior plans, and the septic will be just over 100 feet from the wetland. The conservation easement does not appear to be well-marked and is overgrown with invasive species. Joanna recommended that we consider using wetland boundary markers, either along the actual wetland boundary or a straighter line, which would result in fewer markers. Drew Kukucka pointed out that the 100-foot floodplain line is marked differently on the new plans compared to the old plans, and is confused about why. Joanna Shapiro will investigate this further. Joanna mentioned that she informed the builder, soil scientist, and others involved that there are numerous invasive species (i.e., Japanese barberry, bittersweet, buckthorn). She recommends that they develop an invasive plant removal plan, not necessarily with a prescribed timeline, but to bring awareness so those involved will work towards their removal. Some invasive species were present in the wetlands, but mainly in the upland review area. Joanna stated that there will be minimal grading, the house will be about as close to the street as possible, and there is another vacant lot in the subdivision. Joanna indicated that the limit of clearing is back to the silt fence, except for managing invasive plants. Joanna clarified that for the wetland markers, the town provides markers, and the developer attaches these to stone or concrete posts (or concrete-filled metal pipes with permission), 4" in width or diameter, with a minimum depth of 2' below grade and 2' above grade. Markers must be placed

every 30' if the route is curved, and every 50' if the path is straight, with every turning point marked as the standard.

Sydney Flowers motioned to approve Application #818: 75 Brittany Lane. Vegetation removal and minor grading for home construction, per prior subdivision approval (expired) with the condition that permanent wetland markers be set either along the wetland boundary or along a straight line encompassing the wetland area, and as agreed upon between the wetland agent and the applicant; and in addition, an invasive species plant removal plan will be developed, 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.

III. NEW BUSINESS

n/a

IV. AUDIENCE PARTICIPATION

n/a

V. STAFF REPORT

1. 61 Twin Brook, new house being built, no wetland permit needed, Joanna expected wetlands just off the property, she discussed this with the building/owner, and they came up with a plan to build over 100' from the wetland. Joanna went out to review the site in progress, and the builder had installed three retaining walls not proposed, with a drain discharging off-site, and also extended the footing drain down the slope within the presumed upland review area. They have since abandoned the off-site discharge and cut back the footing drain to outside the upland review area. Joanna will go back to inspect again to ensure it is fully stabilized.
2. 144 Watchaug Road is up for sale; the current landowner needs to close out his recent permit, which required certain plantings in place. Joanna reached out and heard back that the soil scientist revisited the site and will provide an updated report soon. The Commission asked Joanna to confirm whether the slope is stabilized or not, as it was supposed to be mulched with woodchips.
3. Approximately two to three foundation replacements are occurring at Stone Crossing, along with several others. There is another one on Winwood that has wetlands, and Joanna is working with them for erosion controls.
4. Old one-lot subdivision at 116 Turnpike: Joanna checked with the town attorney to ensure that the wetlands permit is still valid, and the town attorney confirmed it is. The plan involves building a long driveway along a wetland and a brook, with the house outside of the upland review area.
5. 527 Billings is for sale; it appears there is encroachment on the property from another property, and it may involve some wetland filling. Joanna will look into this further and determine if there

is encroachment onto that property and/or wetland violations. Joanna shared the recent aerials, and she is researching further.

6. The town sanitarian's last day is today, but will serve as needed. The town has posted the position.
7. Recent site work has been observed by the new airport hangar on Watchaug Road, which had been subject to erosion in the past. The front of the property is disturbed, and the silt fence is gone. Joanna will follow up with the owner to ensure that they are stabilizing the soil with hydroseed, straw wattles, etc.

Lise Wood motioned 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 \$55.09.

Lise Wood made the motion to pay \$55.09 to the Journal Inquirer. Sydney Flowers seconded. All were in favor, and the motion carried.

2. Received two notifications for herbicide treatment; one at Shady Lake for June 27 and the other for Eversource to provide utility maintenance (residents abutting property sprayed will be notified, and they are using CT DEEP-approved herbicides that can be used in areas where there is no standing water).

VII. MINUTES APPROVAL: June 4, 2025

On the minutes from last week, there was a mistake in the Minutes Approval, and it should have read that Lise Wood seconded.

Lise Wood motioned to approve the June 04, 2025 minutes with the above amendment. Dan Fraro seconded. All were in favor, and the motion carried.

VIII. ADJOURNMENT

Lise moved to adjourn the July 02, 2025, meeting. Dan Fraro seconded. All were in favor, and the motion carried. The meeting was adjourned at 8:14 p.m.

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