

TOWN OF SOMERS
Conservation Commission
600 Main Street

REGULAR MEETING
WEDNESDAY, OCTOBER 1, 2025
7:00 PM TOWN HALL
MINUTES

I. CALL TO ORDER

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

Chairperson Formeister seated Lise Wood for Howard Coro.

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 reported that we had been waiting for final stabilization to close this out and could have done it slightly sooner, but the last two meetings were cancelled. She visited the site in August and shared pictures she had taken, which showed that the gravel area was stabilized, and the surrounding area, as well as the pasture and stockpiles, were vegetated. She had no concern regarding any erosion at this time. Nicholas Turnberg was present but had nothing else to report. Drew stated that we could move forward with lifting the order as long as the stockpiles will remain stabilized, and Joanna confirmed that this is the understanding. She mentioned that if any additional work needs to be done on the site, it would be a good idea for the property owner to contact her first to prevent any future violations.

Candace Aleks motioned to end the cease and desist order for 183 King Road, based on the following: stockpiles and worksites have been stabilized, the violation has been resolved, the wetlands agent has confirmed that all requirements have been fulfilled, and the Commission authorizes her to withdraw the cease and desist order. Sydney Flowers seconded. All were in favor, and the motion carried.

2. Discussion/Possible Decision: Application #819: 67 Pine Knob Road. Construction of a metal garage in the Upland Review Area. Matthew Burzdak.

Joanna mentioned that a house was built here about three years ago, located at the end of the cul-de-sac. The property features an existing driveway with a watercourse crossing, and is surrounded by wetlands. Joanna showed the map of the approved plans and stated that the house had been built, and the wetland markers had been installed. The owner would like to install a metal garage (30' x 50'), but it is impossible to avoid the upland review area. She reviewed the map with the owner, who had worked with his contractor to select a site that would be the farthest from the wetland and septic system, somewhat level, and within proximity to the current driveway. Joanna passed around a photo showing where the garage would be and stated that a frost wall would need to be built, but there would be little disturbance to the ground and none to the tree line. Drew inquired about the installation of gutters, the placement of silt fencing, and the location of the stockpiles. The owner stated that the stockpiles would be located between the house and the proposed garage, that a silt fence would be installed downgradient of the work that would also protect the stockpile, and that

there was no plan for gutters. Joanna stated that we could act on this tonight, as it is old business since it was received the day before the last meeting, which was cancelled.

Candace Aleks motioned to approve application #819, 67 Pine Knob Road, construction of a metal garage 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.

III. NEW BUSINESS

1. **Application #820: 85 South Road.** Construction of a multi-family development and associated grading in the Upland Review Area. Gingras Development.

Tim Coon from JR Russo presented the plans for Gingras Developments. There is a plan to put in 25 condominiums (6 buildings) on 4.25 acres of land north of the Geissler's Plaza on South Road. A plan was created in 2007, comprising two phases. Phase 1 was completed, but Phase 2 was ultimately abandoned. Now, they are moving on to Plan B for Phase 2. Tim stated that there are no direct wetland disturbances; however, they will be building within the upland review area of a wetland created by the infiltration basin installed during Phase 1, located behind Geisslers (see the Memo from JR Russo regarding the Drainage Impacts dated August 11, 2025). Based on the report from JR Russo, the current infiltration basis can withstand the capacity of Geisslers Plaza and these condominiums because Phase 2 was supposed to have 60% impervious surfaces; however, with Plan B of Phase 2, there will only be about 47%. Tim stated that a wetland delineation took place on the property last week. According to Tim, the natural wetland (not the artificial one created by the infiltration basin) is about 150 feet away from the project area. Joan asked how far the closest building would be from the artificial wetland, and Tim stated about 56'. Joan also asked if the septic system plan had been approved, and Tim reported it had not been yet, but the town is currently reviewing it. Joanna stated the wetland had been flagged, and we would receive a report from the soil scientist soon. Drew asked Tim about the infiltration basin maintenance, and Tim believed that the lack of maintenance was the cause of the sediment accumulation, resulting in the development of wetland characteristics. However, he was unsure who would be responsible for this in the future.

Joanna pointed out that it would be a good idea to include maintenance of the infiltration basin in both the application and the plan, now and in the future. She mentioned that sediment in the basin may impede its functionality, and also noted that since the basin was delineated as a wetland, maintenance/renovation of the basin will constitute a direct wetland impact. Drew inquired about the disturbance during construction and whether the middle area of the plans and other areas would be lawn. Tim pointed out lighter green areas on his plan that would be lawn. Tim stated the darker areas on the map, near the edge of the ring of buildings, are actually trees and brush; there is no plan to touch that area. Joanna reported that she has not yet visited the site but will be going soon to inspect the wetland flags, the confirm that the soil scientist's report is accurately reflected, and to inspect the basin to verify its condition.

Joanna suggested that it would be a good idea to have a separate document outlining the basin maintenance plan, which could be kept on-site and would serve as a redundancy and draw attention to its importance. Drew asked them to do everything they could to minimize the impact of storm runoff, including incorporation of low impact development measures. Tim then stated that the Zoning Commission meeting for this will take place on Monday, October 06, 2025.

2. **Jurisdictional Determination/Application #821: 164 Hampden Road.** Construction of a gravel parking lot in the Upland Review Area, and realignment of the existing driveway to include the replacement of the existing culvert with an arch culvert and streambed restoration. Grower Direct Farms.

Tim Coon from JR Russo was hired by Grower Direct Farms to create the plans. Joanna mentioned that we received this information yesterday, which is when she first learned of these plans. Tim presented the plans and began by stating that this business grows a variety of plants on 152 acres and had experienced a fire this past winter, and they are now in the rebuilding phase. There are two phases to this current project: one to create a gravel parking lot for 27 trailers to be moved from their current location and parked permanently. This would involve building a gravel driveway from the existing driveway to the lot, sloped to the north, so that the runoff flows into the infiltration basin designed by the State. They will install a berm to plant evergreen trees on, and typical erosion controls and won't be bringing in any new material. Phase 2 will involve removing a 40-year-old culvert in a stream and replacing it with a larger, more environmentally friendly arch culvert that has footings extending beyond the bankfull width. This will also involve restoration of the current streambed where the current culvert is (about 42' long). Additionally, visibility in the driveway when leaving is deteriorating due to evergreen trees that were planted years ago. The new driveway will be shifted slightly south, which will also improve access for trucks to and from the site. The plan is to have two separate entrances for large trucks, one for entry and one for exit. This project will have no direct impact on wetlands. Grower Direct is requesting a jurisdictional ruling that this project is exempt from a wetland permit since it is agricultural.

Joanna stated that the Commission needs to examine each aspect of the project to determine if all of them meet the exemption language. There was considerable discussion about whether replacing the culvert and installing the gravel parking lot should be considered exempt. Ryan Horn (co-owner of the farm) was in attendance and requested that we approve the parking lot aspect for the project tonight, as they would like to start working on it. Sydney mentioned that the commission would need more time to review and conduct research because it had just been received the day before. The commission expressed concern that we have been receiving numerous requests for agricultural jurisdictional rulings, and we need to ensure that we closely examine these cases to avoid creating a precedent that allows any farm to operate as it sees fit without considering the wetlands. Joanna mentioned that her primary concern was with the gravel parking lot and that she will be visiting the site soon to review the wetland delineation and to check if anything is concerning. Drew mentioned that they may need to apply for a wetland permit instead of a jurisdictional ruling, if some aspects are not ruled exempt, and then the Commission can place stipulations on the project to ensure that the wetlands are protected. Joanna pointed out that this would also involve a small application fee. Tim Coon argued that the parking lot is necessary for agricultural operations and should be considered exempt. Joan stated that we aren't against the project; we just may require them to get a wetland permit instead. The commission agreed to examine this more closely over the next month, and we will decide at the next meeting in November.

IV. AUDIENCE PARTICIPATION

Kevin Barbeau, a resident in town, stated that he had a conversation with Joanna earlier to discuss the Zoning Commission's upcoming review of an application for Old Hamden Road regarding earth work and whether the Conservation Commission had been involved in the process. He appreciated her thorough response. He noted that the town recently undertook some road improvements on that road, which also features a stream, and he has observed a decline in aquatic creatures (such as frogs and salamanders) since the road improvements. He asked if the Commission was involved in either of those projects, and Joan stated that we knew nothing about it. Joan explained that we should have representatives from the Zoning and Land Use Commissions attending our meeting to ensure greater transparency and communication about what is happening in Somers. Another resident, Shawn

Curtis, was also in attendance and expressed concern about the activity taking place at Old Hamden Road. He stated that large trucks and materials are constantly being moved, almost seven days a week, starting early in the morning. There have also been sounds of blasting and rock crushing, and concerns have been raised that a mining operation may be established there, in a residential area. Shawn Curtis stated that the Zoning Commission will review this application on Monday, October 6, and the application is backdated to September 2024, as that is when the work began. He encourages us to review it and attend the meeting. There is concern that the Zoning Commission will permit commercial activity in a residential area. While the application may not trigger wetland permitting, Shawn and Kevin asked about the Conservation Commission's role to comment on issues of conservation in town, such as this, and to provide input to the Zoning Commission. They also mentioned that the town is in the process of revising the Plan of Conservation and Development (POCD) and asked if we were involved in that. Joanna reported that she had met with the Zoning officer regarding the relevancy of certain checklist items for the POCD, and that her understanding is that this is a quick update to meet statutory requirements, but she will inquire further in Land Use about the POCD update process and will report back to us.

V. STAFF REPORT

- Joanna shared a brochure that had been created by the North Central Conservation District for another Conservation Commission, using the language from our recent flyer. We could adapt this brochure for Somers and use it as a handout or mailing. Joan Formeister suggested we possibly use some of our funds to mail this out to the community.
- 122 Watchaug Road, where Oakridge Dairy has property. Joanna visited the site, and the swale was stable, so she sent a letter to close out the order. She sent the Commission's motion to close out the order to Carl Landolina, the town's attorney, and he confirmed that it was okay but gave suggested language for releasing future orders.
- 120 Watchaug Road, Joanna reported the hydroseed has taken root, but they have extended the roof drainage so that it discharges directly to a neighboring property. Therefore, she will need to see an easement or written permission from the property owner stating that the drainage is okay. She can't approve a certificate of occupancy until the neighbor provides written consent, and the drainage issue is resolved.
- 144 Watchaug Road is up for sale. The current owner needs to close out the wetland permit by completing the agreed-upon plantings. He reported to Joanna that the natural wetland vegetation is taking root, and he will have a soil scientist send an updated report. Joann will also revisit the site.
- 44 Broadway, the owner came to the Conservation Commission earlier this year when they were ready for a certificate of occupancy. The house had taken quite a while to build, and some work went beyond what was approved by the Commission. They had returned to Conservation for a permit modification, which was approved with conditions. They have met some of the conditions (by adding additional wetland markers instead of relocating the initial ones and stabilizing the area).
- 330 South Road, reached out to Joanna to ask what they can clear and what they can't. Joanna visited the site and noticed that in the wetland, there is activity happening from the abutting property (heavy equipment and fill in the wetland). She has been trying to schedule a site visit with the property owner, but it has been challenging to get in touch with them. There are three prior Conservation Commission permits issued for that property.
- 90 Old Hamden Road, someone reached out and wants to build a house on the property. They are not proposing anything in the upland review area, but they want to install a very long and winding driveway that will involve extensive clearing and work on a slope.

- Resident reached out to Joanna regarding a patch of purple loosestrife on the corner of Durkee Road and Route 83. Joanna reported this to the CT Invasive Plant Working Group, hoping they may help remove the invasive species from that area. It is unclear if it is in the State ROW or on private land.
- Joanna has gotten several requests regarding pools and foundation replacements, and she has been pushing for erosion & sediment control measures to be in place.

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

VI. CORRESPONDENCE AND BILLS

- Joanna will provide the Journal Inquirer bill(s) at the next meeting.
- CACIWC (Connecticut Association of Conservation and Inland Wetlands Commissions) Workshop is taking place on November 15, 2025, and members are encouraged to attend. There is money set aside for members to attend, and Joanna will forward the invitation to us via email.
- Joan asked if we have CACIWC annual dues that are owed, and Joanna will check.

VII. MINUTES APPROVAL: July 2, 2025

Lise Wood moved to approve the July 2, 2025 minutes (no meetings held in August and September 2025). Candace Aleks seconded. All were in favor, and the motion carried.

VIII. ADJOURNMENT

Drew Kukucka moved to adjourn the October 01, 2025, meeting, and Lise Wood seconded. All were in favor, and the motion carried. The meeting was adjourned at 9:43 p.m.

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