

TOWN OF SOMERS
Conservation Commission
600 Main Street

REGULAR MEETING
WEDNESDAY, NOVEMBER 5, 2025
7:00 PM TOWN HALL
MINUTES

I. CALL TO ORDER

Chair Joan Formeister called meeting to order 7:05, and seated Lise Wood for Sydney Flowers

II. OLD BUSINESS

1. **Discussion/Possible Decision: Application #820: 85 & 95 South Road.** Construction of a multi-family development and associated grading in the Upland Review Area, and renovation of stormwater basin within a delineated wetland. Gingras Development.

Lise Wood recused herself from the discussion of this application.

Tim Coon, Engineer, from J.R. Russo & Associates and Attorney George Schober approached the commission and represented the applicant. Tom Carenzo was also present to answer questions.

Tim Coon explained that since last meeting, we now have the wetland scientist's report, in addition to the previously presented wetland delineation. The report explains that the wetland was highly disturbed during development of Geissler's, and is occupied by Phragmites, and it was originally created to be a water quality basin. Recommendations included removal of phragmites and sediment from the basin, which has been added to the plan. The wetland scientist determined that direct impacts to the wetland will be outweighed by proposed improvements to the basin, including plantings. Updates to the plan included that roof runoff will be directed toward dry wells to promote infiltration, rather than discharging directly to the basin. A sediment barrier has been added to the outlet of the sediment basin to prevent sediment from leaving the site. Basin restoration work will be completed between August 1-October 15 to avoid amphibian breeding and allow vegetation to establish prior to cold weather. The wetland scientist will also be present during basin planting. The Phragmites removal will continue for 2 years.

Tim Coon explained that a drainage easement will be put on the record outlining the responsibility for basin maintenance. The wetland application has been updated to include the property at 95 South Road, since the basin is on 95 South Road while the new multifamily development is at 85 South Road. Attorney Shober said that the basin is largely the responsibility of Ladd, as it was primarily created for the Geissler's development and remaining portions of the property. Most likely the zoning commission will require that the drainage easement language will be reviewed by the town attorney.

Joan Formeister expressed a concern that the basin has not been maintained, and has reverted to a wetland, and that it is important to ensure that the basin is maintained going

forward. Candace Aleks stated that we have to make sure that the basin is functioning, and Attorney Schober said that the basin has been doing its job to prevent flooding off-site. Wetland Agent Shapiro stated that water quality is also a function of the basin, and that the basin discharges to a natural wetland, and the basin should be properly maintained to prevent sediment from entering that wetland.

Joan Formeister asked about having the wetland scientist on-site for the basin work as suggested by the wetland agent. Tim Coon stated that is not necessary during excavation, only for planting, as his primary role is to determine appropriate plantings depending on conditions. Wetland Agent Shapiro suggested that she had some concern about wildlife potentially being present in the basin, since the basin has reverted to a wetland and is providing wildlife habitat. She suggested that a compromise may be having the soil scientist on-site at least prior to the start of excavation of the basin, to screen for any wildlife in the basin. Attorney Shober thought that would be appropriate.

Drew Kukucka asked about the extent of disturbance in the basin. Tim Coon responded that the side slopes have been established, so they should only have to excavate in the bottom of the basin. Drew asked about the maintenance of the basin, and whether that would require future consultation with the commission. Wetland Agent Shapiro explained that if the basin is maintained in the future, it should not require such an extreme renovation, that it was the extent of neglect and scope of renovation required, and finding by the wetland scientist that the basin had reverted to a wetland that was triggering review now. If they follow the operation and maintenance plan, they should be regularly cleaning out the forebay, and hopefully would not need to disturb the main basin again for a very long time.

Drew asked about the timing of the work, and Tim Coon explained that the August 1 – October 15 timeframe is to both avoid amphibian breeding and allow vegetation to be established. The basin will hopefully be dry during that time of year as well.

Wetland Agent Shapiro distributed photos that she took on-site the day before, showing the basin, the forebay, the phragmites in the basin, the inlet pipe, sediment delta, and debris on-site.

George Schober asked about proposed condition #5, specifying that the basin be completed and stabilized prior to issuance of a Certificate of Occupancy, and requested that be modified. Tim Coon pointed out that the basin may serve as an additional temporary sediment basin during construction, and that it may be best to delay cleaning out the basin until after construction is completed. Wetland Agent Shapiro agreed that might make sense, but wanted to ensure that the basin is fully restored. Discussion was held that the surety bond that would be required by zoning for the special use permit should cover it.

Drew Kukucka made a motion to approve Application #820: 85 & 95 South Road. Construction of a multi-family development and associated grading in the Upland Review Area, and renovation of stormwater basin within a delineated wetland, with the conditions listed in the Wetland Agent memo dated 11/5/25, modifying #3 to read “The applicant’s wetland scientist shall be present prior to the start of in-basin work, and to oversee the re-planting and permanent restabilization of the basin.” and also revising condition #5 by striking “prior to issuance of a Certificate of Occupancy and”, 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 in favor, motion carried.

Lise Wood rejoined the meeting.

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

Engineer Tim Coon from J.R. Russo & Associates and Ryan Horn from Grower Direct Farms approached the commission. Tim Coon explained that they presented last month and requested a jurisdictional ruling, and have since made some revisions to the plan. Changes included slightly reducing the size of gravel parking area due to a zoning concern, installation of a wood chip berm in front of the silt fence by the gravel parking area, and inclusion of a no-mow area 15’ out from either side of the stream, only to be mowed annually to keep woody vegetation out, as well as a time restriction on removal of the pipe and fill from the culvert, to remove material during a time of no flow. Drew Kukucka asked about the extent of work needed during in-stream work. Tim Coon explained that the pipe and fill would simply be removed and the stream channel restored to the gravel bottom. Wetland Agent Shapiro distributed photos of the stream and culvert.

Wetland Agent Shapiro reminded the commission that we are dealing with a 2-part jurisdictional determination, discussed at the last meeting, both a gravel parking lot for truck/trailer storage used for transporting goods to market, and the realignment of the farm road for visibility and safety, to include removal of an existing culvert and fill from the stream from the existing crossing, and installation of an arch culvert in another location. which we had discussed at length at the last meeting. After the last meeting, she discussed this complex scenario with the Town Attorney, who shared his opinion that the parking lot seems to easily meet the agricultural exemption language, but the in-stream work is trickier, as typically in-stream work is typically not exempt as an agricultural activity. Wetland Agent Shapiro explained her interpretation that the removal of the culvert may fit as a “nonregulated” use, part B of the exemption section, as a conservation activity, rather than an agricultural exemption. While it involves in-stream work and removal of material, it is not impacting the “natural and indigenous” character of the watercourse, but rather it is restoring the channel.

The Commission discussed both the agricultural exemption and the nonregulated use language at length, particularly whether the newly constructed road would be considered exempt since it involves a crossing, yet Wetland Agent Shapiro emphasized that it will fully span the stream and wetland does not involve fill within wetlands or watercourses.

Drew Kukucka made a motion to approve jurisdictional determination/application #821 as an as-of-right/non-regulated activity. Lise Wood seconded. All in favor, motion carried.

III. NEW BUSINESS

1. **Application #822: 151 Florida Road.** Construction of a residential addition in the Upland Review Area. Ryan Horn.

Ryan Horn presented his plan for a first floor bedroom addition to his home. There is a portion of a channelized watercourse in his yard, which later is piped below the yard. He is proposing an approximately 400 square foot addition, back corner is approximately 63' from the exposed portion of the watercourse before it is piped. A soil scientist visited the site to delineate the watercourse, and provided a report. He determined that no wetlands were present, the only regulated area is the watercourse up until the pipe that carries the rest of the stream below the yard and across the road. The formal site plan is still in progress, but will be available likely at the end of the week. The Commission discussed the possibility of holding a special meeting for this fairly simple application, as long as the plan is submitted soon and is complete with erosion controls, etc.

Candace Aleks made, and Lise Wood seconded, a motion to add Approval of 2026 Meeting Dates to the agenda. Motion carried unanimously.

IV. PROPOSED MEETING DATES 2026

The Commission discussed moving the April meeting to April 8 to avoid a holiday.

Candace Aleks made motion to approve proposed meeting dates as revised, Lise Wood seconded. All in favor, motion carried.

V. AUDIENCE PARTICIPATION – None

VI. STAFF REPORT

-90 Old Hampden Rd – Raw land site with a small area in the upland review area, may not need a wetland permit.

-Various – many new in-ground pool applications and others, have been requiring E&S details for them. Also have been checking in with active sites to stabilize prior to winter.

-40 Brae Burn – Issued a minimal impact agent permit for a shed in the upland review - area of a wetland.

-44 Broadway – revisited the site again, all wetland items resolved, only a minimal lawn bond remains.

-330 South Rd – An apparent violation was observed on this site via aerial photography when an abutting property was recently up for sale. Prospective buyers were inquiring about the adjacent property, asking what they could do on the property, given that there are wetlands. Upon looking up the original subdivision plan that divided the two adjoining properties to assist those inquiring, it was observed that wetlands had been delineated from the adjacent property through the back section of 330 South Road, through which there was an apparent disturbance. Aerial photographs revealed a progression of work and apparent fill in the wetlands. The wetland agent had communicated with the property owner, yet was refused access to the property. Seeking guidance from the Commission. The Commission discussed and recommended writing a letter requesting his cooperation, to allow the wetland agent access to the site, and/or request presence at the next meeting.

Candace Aleks made a motion to accept the staff report, Lise Wood seconded. All in favor, motion carried.

VII. CORRESPONDENCE AND BILLS

Shapiro presented two Journal Inquirer bills for legal notices, one from July for \$78.70 and one from October for \$39.35. Lise made, and Candy seconded, a motion to pay the bills. All in favor, motion carried.

Shapiro also shared news of a Native Plant conference at UConn on Thursday November 13, in addition to the previously shared CACIWC conference on Saturday November 15.

VIII. MINUTES APPROVAL: October 1, 2025

Joan Formeister suggested two corrections – under “Audience Participation” it should say that we should have representation from Zoning and Planning (rather than “Land Use”).

Also, Hampden Road is sometimes spelled incorrectly.

Drew Kukucka suggested two corrections – under “Old Business”, item 2, to change “Drew inquired” to “Joanna inquired”. Also, under “New Business”, item 1, change the two uses of “artificial” in the first paragraph to “manmade”.

Drew Kukucka made, and Dan Fraro seconded, a motion to approve the minutes as amended. All in favor, motion carried.

IX. ADJOURNMENT

Lise Wood made, and Candace Aleks seconded, a motion to adjourn at 9:33pm. All in favor, motion carried.

Respectfully Submitted, Wetland Agent Joanna Shapiro

MINUTES ARE NOT OFFICIAL UNTIL APPROVED AT A SUBSEQUENT MEETING