

**TOWN OF SOMERS**  
**Conservation Commission**  
**600 Main Street**  
**P. O. Box 308**  
**Somers, CT 06071**  
**REGULAR MEETING**  
**Wednesday, September 7, 2016**  
**6:30 p.m. Town Hall**

**MINUTES**

**I. CALL TO ORDER:**

Meeting called to order by Chairman, Joan Formeister at 6:40 P.M.

Commissioners in attendance were Chairperson, Joan Formeister, Daniel Fraro, Greg Genlot, Candace Aleks, Karl Walton, Todd Whitford, Henry Broer and Alternate Lise Wood.

Also in attendance, Joanna Shapiro, Somers Wetlands Agent, Jennifer Roy, Recording Secretary, Carl Landolina, Town Attorney

**II. PUBLIC HEARING cont'd from August 3, 2016:**

**Application #700: 589 Main Street**

Edward Pawlak, of Connecticut Ecosystems, LLC, 38 Westland Avenue, West Hartford, CT presented his independent review of the wetland aspects of the proposed filling station & convenience store site located at 589 Main Street.

Mr. Pawlak began with a statement of his credentials; stating he no longer represents any applicants or opponents, he does not support nor oppose this application, he reviews the proposal and site and makes recommendations for municipalities.

Mr. Pawlak presented his report, CE Job #16-21, to the commission and submitted a copy for the record.

Mr. Pawlak gave extensive presentation, explaining each area of his report. Topographic map is included in the report, as well as a map showing the wetlands open canopy area in the northwest portion of the property.

Mr. Pawlak confirmed that there is an intermittent water course on site, which he referred to as a headwaters watercourse. While he agrees with the majority of the "wetland delineation" report's assessment of the wetland functions, he does not agree that these wetlands offer limited, lower-quality wildlife habitat. In his professional opinion, a high-quality wildlife habitat is a principal function of the wetlands on this and the abutting property.

Mr. Pawlak agrees with the impact assessment reporting no direct impacts to wetlands are proposed by this application. However, he disagrees with the statement that no indirect impacts are proposed that will have a significant likelihood of negatively affecting inland wetland or watercourses and the vegetated bank that separates the level uplands area. There will be very little room for error during construction in the event that a significant rain event occurs before all soils are fully stabilized. Mr. Pawlak explained the importance of a vegetated buffer, and recommended that no clearing take place on the steep slope.

Mr. Pawlak asked the applicant for further data relating to the potential for amphibians to breed in the wetland. Mr. Pawlak would request further explanation from the applicant regarding the water quality volume and the sizing of basin. Also, as mentioned in section 7.0 of his report; he does not find a calculation showing that the groundwater recharge volume has been satisfied. Mr. Pawlak cited studies showing ineffective removal of hydrocarbons by hooded catch basins and requested that the applicant provide performance data for the proposed practices.

Discussion was held. Mr. Pawlak concluded that in his professional opinion the project as currently designed poses a high risk of actual adverse impact to the on-site wetland and intermittent watercourse, as described in his report. Suggestions were made as feasible and prudent alternatives to reduce this risk.

Town Attorney Carl Landolina asked Mr. Pawlak if he discussed post-construction impacts. Mr. Pawlak explained that post-construction risk of water quality impact will depend on the pollutant removal efficiency of the storm water management practices.

Attorney Landolina mentioned that the applicant should be allowed to make reasonable and prudent alternatives. Also, the applicant should be allowed the opportunity to reply. Discussion was held.

Joanna Shapiro provided the commission with the definition of significant impact activities from the town's regulations.

Attorney Leonard Jacobs, representing the applicant, stated that they would like to respond, also that they did not object to the commission making a determination regarding significant impact activity.

Darin Overton, Engineer with Milone and MacBroom spoke on behalf of the applicant. Mr. Overton stated that he has worked along-side of project engineer, Matthew Ducsay and he is fully knowledgeable about this project and site. Mr. Overton explained the changes they've made to date to the site plan to accommodate recommendations. The erosion and sediment controls meet local code as well as the DEEP minimum standards. Further, they will institute recommendations from Mr. Pawlak regarding perimeter control. Mr. Overton described the proposed improvements to storm water management compared to the current conditions.

Todd Whitford questions if the design utilized is for use as a gas station. Yes, per Mr. Overton. Mr. Whitford then questioned if what they are designing around is a pollutant? Also, does Mr. Overton consider a potential to cause pollution a significant impact? Mr. Overton responded that there is a potential for pollution from various sources.

William Root, Certified Soil Scientist with Milone and MacBroom was also present to speak on behalf of the applicant. Mr. Root gave detailed explanation about vernal pools, and specific characteristics of this site. Mr. Root explained that while a thorough vernal pool study was not conducted, no evidence of breeding vernal pool species was observed during their site investigation in April.

Joan Formiester thanked Mr. Root for his comments and opinion. Ms. Formiester then stated the commission needs to make a determination as to whether this is a significant impact activity or not.

Todd Whitford states that his interpretation of the definition of significant impact activity from the regulations is anything that has the potential to pollute a wetland.

Mr. Whitford moves that application #700 – 589 Main Street is a significant impact activity. Karl Walton seconded, motion carries by unanimous vote.

Attorney Len Jacobs declined to make further comments at this time, the engineers and other professionals will get together and make necessary changes to plans and address concerns.

Joanna Shapiro requested written consent from the applicant to extend the commission's deadline requirement for decision another 35 days. Attorney Len Jacobs provided Ms. Shapiro with the necessary consent.

Presentation complete, floor opened for public comments.

The following citizens spoke:

James Radziewicz, 237 Gulf Road – expressed concerns  
Gary Eisenman, 85 Michele Drive – expressed concerns  
Fran Goldman, 87 Maple Ridge – expressed concerns  
Linda Louise, 87 Main Street – expressed concerns  
Ralph Petkis, 167 Sokol Road – expressed concerns  
Judy Piper – expressed concerns

The following citizens submitted written comments for the record:

Ken Gowlash – expressed concerns  
Robert Chester – expressed concerns  
Sarah Bollinger – expressed concerns

Chairperson, Joan Formeister asked about the snow removal plan. Mr. Overton responded; snow storage will be along the front and rear of the property. If larger storms occur, then a bucket loader would be utilized to remove excess snow from the site.

Attorney Carl Landolina advised the commission that the Zoning Commission has continued their public hearing to September 19, 2016.

At this time Ms. Formeister announced the public hearing will be continued to October 5, 2016 at 7:00p.m. in the Town Hall Auditorium, 600 Main Street.

Commission member Todd Whitford excused himself from the remainder of the meeting at 8:35p.m. Lise Wood now seated for Mr. Whitford.

### **III. OLD BUSINESS:**

1. **Application #701: 36 Deerfield Road.** Grading and construction of a gravel parking pad with retaining wall in upland review area. Robert & Kathleen Dwight. A brief discussion was held.

Greg Genlot made a motion to approve the application; Dan Fraro seconded, motion carried by unanimous vote.

#### **IV. NEW BUSINESS:**

1. **Application #702:** 145 Highland View Drive. Fill of a wetland area for construction of a single family home and associated structures. T&J Properties of Somers LLC.

Tim Coon from JR Russo was present to explain the application. There is a small wetland area to the front of the property. All wetlands on property have been delineated. This area has been disturbed previously.

Ms. Shapiro has reviewed the subdivision file; there is an existing wetlands permit for the subdivision and construction of a house on this site, which did not include fill in the wetland. She explained that the wetland had been planted as a condition of the prior wetland permit, but that there is now a discrepancy between the original and current wetland delineations.

Tim Coon provided photos of the site.

Discussion was held. Application received.

#### **V. AUDIENCE PARTICIPATION:** none

**VI. STAFF/COMMISSION REPORT:** Ms. Shapiro distributed and discussed the Wetland's Agent Report. Greg Genlot made a motion to accept the Wetland's Agent report. Candace Aleks seconded, motion carried by unanimous vote.

**VII. CORRESPONDENCE AND BILLS:** Ms. Shapiro presented correspondence and bills. Karl Walton made a motion to accept the Correspondence and pay all required bills. Greg Genlot seconded, motion carried by unanimous vote.

**VIII. MINUTES APPROVAL:** for the August 3, 2016 meeting. Lise Wood made a motion to approve the minutes, with one correction. Karl Walton seconded, motion carried by unanimous vote.

**VIII. ADJOURNMENT:** Karl Walton made the motion to Adjourn. Candace Aleks seconded, motion carried by unanimous vote. Meeting was adjourned at 9:05 P.M.

Respectfully Submitted,  
Jennifer Roy, Recording Secretary

**MINUTES ARE NOT OFFICIAL UNTIL APPROVAL AT A SUBSEQUENT MEETING**