

**TOWN OF SOMERS**  
**Conservation Commission**  
**600 Main Street**  
**P. O. Box 308**  
**Somers, CT 06071**  
**REGULAR MEETING**  
**Wednesday, October 5, 2016**  
**7:00 p.m. Town Hall**

**MINUTES**

**I. CALL TO ORDER:**

Meeting called to order by Chairman, Joan Formeister at 7:05 P.M.

Commissioners in attendance were Chairperson, Joan Formeister, Daniel Fraro, 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 September 7, 2016:**

**Application #700: 589 Main Street**

Darin Overton, Engineer with Milone and MacBroom spoke on behalf of the applicant. Mr. Overton reviewed the events that transpired since the September meeting and discussed the revisions made to the plan.

Mr. Overton explained that on 9/15/16 he and William Root, Soil Scientist from Milone and MacBroom, met with Ed Pawlak, Joanna Shapiro and Jeff Bord. Revisions that were made as a result of this meeting included items such as elimination of one traffic lane behind the building, which allowed the pavement to be moved further from the wetland; a relocated discharge point from the basin, which allowed tree removal and grading on the steep slope to be minimized; as well as removal of the dry well, addition of two feet of an engineered bioretention soil mix to the basin to improve organic content and water quality treatment, and specification of a proprietary hydro-dynamic separator with available performance data.

Also, changes were implemented that the Planning Commission had recommended, which included incorporation of sightline triangle at the intersection, with a minimum of fifty feet back from two intersecting streets. This resulted in a change to the parking areas. Also, there are now two designated snow storage areas.

Todd Whitford asked if in the event the maintenance plan isn't followed and the stormwater system fails; what will happen and how the town will know.

Mr. Overton explained that if the system is clogged or fails, you would see pooling water right away. Attorney Carl Landolina suggested that they make reporting the maintenance a condition of approval.

Discussion was held regarding maintenance requirements, schedule and reporting.

Chairman Formeister asked Ed Pawlak if he'd like to give an update on his review of revisions that have been made to the plans.

Edward Pawlak, of Connecticut Ecosystems, LLC, 38 Westland Avenue, West Hartford, CT came forward to speak. Mr. Pawlak mentioned that he has reviewed the 9/30/16 letter from Milone and MacBroom, as well as the revised plans.

After meeting with others and reviewing the plans, he feels improvements have been made. He has a few suggestions and questions for the applicant's engineer; such as the feasibility of installing the bio-retention basin later on during construction to prevent sediment from clogging the basin. Also, regarding his original concern of potential pool-breeding habitat in the wetland, he does not feel that there will be a loss to the breeding in this area or loss to the upland habitat.

Mr. Pawlak mentioned in closing that there were a few things in the maintenance plan that he'd suggest be made more specific. He'd like to see a more specific number of months as to when construction will start. Also replacing the term "should" with "will" or "shall" throughout the plans. Lastly; state who will inspect the basin.

Chairman Formeister questioned Mr. Pawlak if he has any concerns should a larger storm happen. Mr. Pawlak stated that the stormwater runoff from the first one inch of rain carries the majority of pollution, and additional runoff in a single storm event tends to be far less polluted.

Attorney Carl Landolina asked Mr. Pawlak for confirmation of the key points Mr. Pawlak would like addressed 1) sedimentation basin, install for construction then install bio-retention basin; 2) location of snow storage and 3) have the language in the maintenance schedule tightened up. Also, did Mr. Pawlak have any other recommendations?

Mr. Pawlak confirmed, those are his key points to be addressed; and he wouldn't have any further recommendations.

Mr. Overton commented that they would not want to direct sediment-laden water during construction to the bio-retention basin either; and that a proposed sediment trap would be used per the Erosion and Sediment manual. Also, snow storage is shown on sheet 3 of 9, indicating 2 snow storage areas; lastly, they would be happy to make the requested changes to wording in the plans.

Presentation complete, floor opened for public comments.

The following citizens spoke:

James Radziewicz, 237 Gulf Road – expressed concerns  
Tom Sherman, 88 Sokol Road – expressed concerns  
Joan Ellis, 35 Colonial Drive – expressed concerns  
Linda Louise, 87 Main Street – expressed concerns  
Miriam Donerian, 42 Patsun Road – expressed concerns  
Ms. Golden, 87 Maple Ridge Road – expressed concerns

Chairperson, Joan Formeister read letters for the record from the following citizens:

Robert Chester  
Edward Gorsky  
Sara Bollinger

Joanna Shapiro responded to question from the public regarding the potential for fuel tanks leaking, and effect on groundwater. It is not within the jurisdiction of the Conservation Commission/Inland Wetland Commission to consider potential effects on groundwater in their decision process, as both the state statute and town Inland Wetland Regulations specify that this commission consider effects on surface water and wetlands, which do not include groundwater. This issue would fall more appropriately under the Zoning Commission's jurisdiction. In addition, the CT Department of Energy and Environmental Protection regulates fuel storage.

Attorney Carl Landolina concurred that the Zoning regulations have a section pertaining to environmental protection. Additionally, the Town Engineer previously gave a report to the Zoning commission regarding regulatory requirements.

Joanna Shapiro read and submitted for the record a memo from Jeff Bord, Town Engineer, dated 10/5/2016 stating he's reviewed the updated plans, and has no concerns with the design.

Ms. Shapiro further stated that the matter of endangered species, as mentioned by Ms. LaCasse, pertains to actions taken by a federal agency, or facilities requiring federal licenses, not local.

Discussion was held about how to proceed, what are the next steps in the hearing/application process.

Mr. Pawlak commented that in his opinion, the risks have been reduced to the lowest feasible level, and that the plan revision represents a prudent alternative.

Attorney Leonard Jacobs, representing Hendel Corporation, gave a closing statement. In summary, Attorney Jacobs pointed out that the applicant has had a Wetlands expert testify, the Town has had a Wetlands expert testify; both seem to be in substantial agreement with the plans as they are now revised. With the changes made, he believes the application now merits an approval. Also evidence shows the application is now in compliance with the Wetlands Regulations.

Todd Whitford stated, for the record, that he has in fact listened to the 1<sup>st</sup> public hearing, for which he was absent, in its entirety.

Todd Whitford moved to close the public hearing, Karl Walton seconded the motion, and public hearing was closed at 9:21p.m.

Lise Wood seated for Greg Genlot.

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

**1. Application #700: 589 Main Street.** Convenience Store and Filling Station with associated parking and utilities in Upland Review Area. Hendels Inc.

Todd Whitford made a motion to table the decision for #700, 589 Main Street, until the November 2<sup>nd</sup> meeting, to allow the commission time to review the new information provided. Karl Walton seconded the motion, motion carried by unanimous vote.

2. **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. Mr. Coon gave brief overview of the proposal that was discussed at the prior meeting, that there is a small wetland area to the front of the property that is to be filled for construction of a new house. All wetlands on property have been delineated. This area has been disturbed previously.

Joanna Shapiro explained that based on the discussion at the last meeting, the commission determined that the proposal does not represent a significant activity. While the original resubdivision plans proposed a house location that would maintain the wetland area, the new proposal would eliminate the isolated, lower value wetland area. Ms. Shapiro explained that if the wetland area is to be filled, she has nothing further to comment with regard to erosion controls. Discussion was held.

Candace Aleks made a motion to approve application #702; Karl Walton seconded, motion carried by unanimous vote.

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

1. **Application #703:** 210 Hall Hill Road. Dredging of a pond to remove accumulated sediment. Casimir J. Kruzel.

Casimir J. Kruzel Jr was present to speak on behalf of his parents, who were also present. Mr. Kruzel gave a brief explanation that since there's been so little rain, now is an opportune time to dredge the pond.

Discussion was held. Application was received, and a special meeting was scheduled for October 19<sup>th</sup> at 6:00 p.m.

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

**VI. STAFF/COMMISSION REPORT:** Ms. Shapiro distributed and discussed the Wetland Agent Report. Discussion was held regarding ongoing activities and projects that are not yet complete due to pending wetland-related requirements. Candace Aleks made a motion to accept the Wetland Agent report. Todd Whitford seconded, motion carried by unanimous vote.

#### **VII. CORRESPONDENCE AND BILLS:** none

**VIII. MINUTES APPROVAL:** for the September 7, 2016 meeting. Lise Wood made a motion to approve the minutes. Dan Fraro seconded, motion carried by unanimous vote.

**VIII. ADJOURNMENT:** Karl Walton made the motion to Adjourn. Dan Fraro seconded, motion carried by unanimous vote. Meeting was adjourned at 9:55 P.M.

Respectfully Submitted,  
Jennifer Roy, Recording Secretary

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