

TOWN OF SOMERS
Conservation Commission
600 Main Street
P.O. Box 308

REGULAR MEETING
WEDNESDAY, FEBRUARY 6, 2019
7:00 PM TOWN HALL
MINUTES

I. CALL TO ORDER--- Meeting called to order by Chairperson, Joan Formeister at 7:05 p.m. Commissioners in attendance were Vice Chairperson, Todd Whitford, Greg Genlot, and Secretary, Candace Aleks. Also present, Joanna Shapiro, Town of Somers Wetlands Agent.

II. OLD BUSINESS –

1. **Discussion:** Town use of herbicides along roadways. Town of Somers Public Works Department.

Todd Rolland, Director of the Somers Public Works Department came before the Commission to discuss the use of herbicides around the 5 miles of guardrails along the roads in Somers. The herbicides are used to kill the influx of poison ivy and other weeds around the guardrail areas that a mower cannot reach. The herbicide is used one day per year, and follows State guidelines and uses a vendor off of the state bid to kill invasive weeds and poisonous plants along roadways. Last year, 750 gallons of were sprayed, containing 739 gallons of water mixed with 11 gallons of herbicide (Razor, Oust, and Garlon).

Mr. Rolland referred to some possible alternative treatments currently being studied, including vinegar-based products, which could possibly replace herbicides in the future. So far, they have shown to be less effective and require more frequent application.

Commission members expressed concern regarding the use of herbicides near watercourses. Chairwoman Formeister explained the need to have this discussion with the Conservation Commission on alternatives to herbicides and/or consider spraying on alternate years. Mr. Rolland said he would look further into alternatives and keep the Commission informed of any changes.

2. **Violation:** 60 Cooksville Road. Clearing and Grading in Wetland and Upland Review Area. Dan Roulier.

Wetland Agent Shapiro explained that this is a continuation of the preliminary discussion that Mr. Roulier was unable to attend last month, and that since that time, Mr. Roulier had a surveyor out to replace the original wetland flagging, and it became clear that there was encroachment into the wetland area.

Mr. Roulier came before the Commission expressing great concern over the violation at his property. He wanted to share his explanation of the original intent and purpose for the work he had done on the property and to make clear he had every intention to work with the Commission to rectify the situation in a positive manner. He came with his own suggestions and was open to hearing any other suggestions from the Commission to find a positive solution to fix the situation.

Mr. Roulier explained that he wanted to clear the area to create more pasture and grazing area for the cattle that he raises on the property, but he did not intend to work within the wetland. He explained that he thought there was an exemption for agricultural use, and also that he would not need a permit for work outside of the wetland itself, but later realized that there is a 100 foot upland review area, and acknowledged that the work did inadvertently extend into the wetland. He subsequently had a silt fence installed to protect the pond. Wetland Agent Shapiro determined, and it was agreed by Mr. Roulier, that there was a violation, but reviewed the regulation with the Commission and Mr. Roulier, and explained that certain activities may be exempt while others require a permit. The agricultural exemption states that grazing itself is exempt but clear cutting, grading, and filling is not exempt, and would require a wetland permit. Also, an agricultural exemption cannot be assumed, but must be determined by the Commission.

Mr. Roulier explained how he planned to restore the wetlands. He planned to re-vegetate the wetland area with seedlings and blueberry bushes, and establish pasture outside of the wetland. About an eighth of an acre of impacted wetlands would be re-vegetated. When weather permitted, he planned to screen the topsoil of rocks, replace the topsoil and put up an electric fence.

Wetland Agent Shapiro referred to the original concern expressed by a resident, that a small pocket of wetlands on a different parcel

He will return to the Commission with an Application and a written plan and present it to the Commission for review. He said he wanted to be sure he was in 100% compliance.

III. NEW BUSINESS -

1. **Possible Violation/Jurisdictional Ruling:** 752 Main Street. Clearing in Wetland, along Watercourse. Thomas Francis.

Mr. Thomas Francis, landowner, came before the Commission to explain the work that had been done on his property. He expressed concern about being called before the Commission and wanted the Commission to know his initial intentions for the work done on his property. He explained that the property had been in his family for over 70 years. He said his neighbor had cut down trees at the front of his property. He told the neighbor to stay off the property. He later hired Bill's Landscaping to clear the brambles and the diseased ash trees. He and Bill's Landscaping workers looked for the property markers. He could not find the markers that had been on the west side of the property. Bill's cleared out the reeds while looking for the markers but they could not be found. He then told them to stop.

Mr. Francis said his intention is to clean up the dead wood area and create a wood-chipped pathway heading back to the watercourse, ending in a small area for sitting and contemplation. He did not intend to create a lawn or add any fill.

Just recently, his surveyor and his neighbor's surveyor met and agreed on the location of the property line. Wetland's Agent Shapiro said that the results would be helpful for the town to correct records and mapping.

By consensus, the Commission determined that the tree cutting and mowing work completed to date did not rise to the level of a violation, and that the proposed pathway does not require a wetland permit. The Commission also asked Mr. Francis to work with Ms. Shapiro on any further work so that she can help him stay within the regulations.

Todd Whitford made a motion to amend the agenda to add Election of 2019 Officers to the agenda under New Business.

Greg Genlot seconded. All in Favor. Motion passed.

2. Election of Commission Officers for 2019

Chairperson Formeister proposed a discussion to elect Commission Officers for 2019. Commissioners nominated Joan Formeister as Chairperson; Todd Whitford as Vice-Chairperson; and Candace Aleks as Secretary.

Todd Whitford made the motion to approve the Officers for 2019.

Greg Genlot seconded. All in Favor. Motion passed.

IV. AUDIENCE PARTICIPATION ----

Patrice Carson, representing the Northern CT Land Trust, was present in the audience. Chairperson Formeister asked if she had any input regarding the activity discussed at 752 Main Street. Ms. Carson stated that as long as the property line is clarified, they have no other concerns regarding the work that the property owner is conducting.

V. STAFF/COMMISSION REPORT---

Ms. Shapiro distributed and discussed the Wetland's Agent Report.

*Commissioner Whitford made a motion to accept the Wetland's Agent report.
Commissioner Genlot seconded. All were in Favor. Motion carried.*

VI. CORRESPONDENCE AND BILLS-----

Ms. Shapiro presented correspondence from the CT Land Conservation Conference for March 2019.

Ms. Shapiro presented a bill from the Journal Inquirer for \$51.94.

*Candace Aleks made a motion to pay the bill presented.
Todd Whitford seconded. All in Favor. Motion passed.*

VII. MINUTES APPROVAL: October 3, 2018 and for the Special Meeting of December 19, 2018

*Greg Genlot made the motion to accept the minutes as written for both meetings.
Todd Whitford seconded. All On Favor. Motion passed.*

VIII. ADJOURNMENT

*Todd Whitford made the motion to Adjourn.
Greg Genlot seconded. All in Favor. Motion Passed.*

Meeting was adjourned at 8:10 P.M.

Respectfully Submitted,

Commissioner Candace Aleks, Secretary

MINUTES ARE NOT OFFICIAL UNTIL APPROVED AT A SUBSEQUENT MEETING