

TOWN OF SOMERS
CONSERVATION COMMISSION

600 Main Street
P.O. Box 308

REGULAR MEETING
April 3, 2019
7:00 P. M. TOWN HALL
MINUTES

- I. CALL TO ORDER**--- Meeting called to order by Chairperson Joan Formeister at 7:00 P.M. Commissioners in attendance were Vice-Chairperson Todd Whitford, Secretary Candace Aleks, Drew Kukucka, Daniel Fraro, Karl Walton and Recording Secretary Tara Comrie. Also in attendance was Wetland Agent Joanna Shapiro.

II. OLD BUSINESS

1. **Discussion/Possible Decision: Application #724:** 60 Cooksville Road. Expansion of pasture in Upland Review Area and Remediation of Wetland Disturbance. Dan Roulier.

Dan Roulier presented a plan prepared by environmental consultant Mike Mocko to remediate 9,000 sq ft of the wetland. The plan includes seeding in the pasture area and adding wetlands plants and grasses that will be maintained. The upland area that was disturbed will be regraded as pasture.

Agent Shapiro stated that the species chosen for the restoration will be suitable, and that the shrubs will help to delineate the wetland area.

Karl Walton made the motion to accept the application.
Daniel Fraro seconded. All in favor. Motion passed.

III. NEW BUSINESS –

1. **Application #725:** 80 Bridle Path Drive. Addition in Upland Review Area. Stephen and Kathleen Moynihan.

Stephen and Kathleen Moynihan presented their plan to add an addition to their kitchen. Agent Shapiro stated that the new kitchen will require a foundation and excavation within 85ft of the wetland. There is currently a deck in the place where the kitchen will go, which will be removed. Photos of the area were introduced.

Agent Shapiro says that two minimal impact permits were authorized in the past for an above ground pool and a shed, but explained that the excavation needed for this project

did not meet the definition of a minimal impact permit. She met with the owners previously and discussed protecting areas downgradient. Mr. and Mrs. Moynihan added a silt fence to the plan to protect the area and an intermittent stream per her suggestions.

2. **Application #726:** 952 Main Street. Gravel Parking Area and Gazebo in Upland Review Area. Renata Bowers.

Renata Bowers presented three visuals (wetland map, contractor plans and an aerial photograph) to explain her plan to expand her gravel driveway. The expansion is part of a plan to convert the property into a children's story conservatory, and safety concerns are what prompted her to build the new driveway. Ms. Bowers states that the plan does not involve much grading of the land.

There is a gazebo on the property built without permit by previous owner. Agent Shapiro recommended permits for both the new driveway and existing gazebo. Ms. Bowers states that the gazebo is not fixed and can be moved.

Karl Walton states that the planned driveway doesn't encroach far into the upland review area and Agent Shapiro elaborates to say that the planned driveway only encroaches approximately 20 ft into the upland review area. Additionally, she states that the type of material proposed for the driveway is effectively impervious, yet the surrounding soils are very sandy and pervious, which will handle any runoff. She also notes that the plan does not impact the natural crest in the slope that separates and protects the wetland.

3. **Violation/Proposed Remediation:** 573 Hall Hill Road. Drainage Pipe Installed within Wetland. Chris Williams.

During an inspection for an occupancy permit, Agent Shapiro noticed a pipe within the wetland. The pipe was trenched into the wetlands, in an attempt to carry runoff from the gutters, and creating standing water.

Chris Williams states that he is working with environmental consultant Mike Mocko on a plan to shorten the pipe 35 ft and install a swale and shrubs on either side. Their plan would include wetland boundary monuments, blueberry bushes and grasses along the wetland. Swale would continue into the disturbed area of wetlands to restore the area.

Joanna Shapiro states that using the system described in the plan, runoff will have plenty of time to cool and filter before reaching the wetlands. Joanna Shapiro suggests treating it as a correction of a violation in order to expedite the process. Joanna Shapiro will go out and inspect the work after its completion. A bond of \$1,000 is being held to ensure completion of the work.

Karl Walton makes a motion in agreement that plan is acceptable for remediation.

Daniel Fraro seconded. All in Favor. Motion passed.

4. **Possible Violation/Jurisdictional Ruling:** 700 Hall Hill Road. Pond dredging.

Wayne Dumas, representing Presley Blake, explained that a pond on the property was being used by John Berney, owner of Meadowbrook Farm, to irrigate his fields. Low water flow in the pond caused by accumulated sediment and clogged waterways was preventing Mr. Berney from getting the water that he needed, so they began to dredge the ponds to remove debris and sediment.

Mr Dumas stopped dredging the ponds when informed by Agent Shapiro of the violation. Agent Shapiro met with Mr. Dumas on-site and discussed methods of stabilizing and protecting the area. This plan includes planting cedar, hemlocks, and grasses in the areas that were disturbed. Agent Shapiro explained that the dredged spoils were used to build up the banks of the pond.

Agent Shapiro says the establishment of a farm pond, and typically dredging, meet requirements for an agricultural exemption. She passed out the section of the Inland Wetlands and Watercourses Act that describes the exemption.

The board reviews the qualifications for this exemption to verify whether it meets the exemption or whether a permit or remedy of the violation is needed. Joanna Shapiro states that there is no accurate field delineation of the area, just GIS estimate. Karl Walton observed that the east side of the pond is the approximate location of the wetland. Todd Whitford noted that a pond size of 3 acres or less is required for the exemption, and Agent Shapiro estimated that pond area is approximately 3 acres.

Joanna expresses concern about where the dredging spoils are being placed, as they must not be left in the wetland. She also states that seeding areas that are bare soil at this point must be done, and trees must be added to increase shade and keep water cool. Mr Dumas agrees that these things will be done, and states that transplanted trees are already in place.

Daniel Fraro states that he believes it's permitted as of right and Karl Walton agrees that it is a proper agricultural use of the water.

A letter from John Berney, the owner of Meadowbrook farm, is presented by Mr. Dumas. The letter verifies the use of the property for agricultural purposes, and the purpose of dredging the pond.

Karl Walton motions to determine that it's a use as of right.
Daniel Fraro seconds the motion. All in Favor. Motion passed.

5. **Jurisdictional Ruling:** 143 Four Bridges Road. Greenhouse Structures, Grading, Stormwater Infrastructure/Drainage in Upland Review Area. Grower Direct Farms Inc.

Sam Smith from Grower Direct Farms Inc., Timothy Coon from JR Russo and Associates, and Rick Zulick soil scientist presented plan for about 75 acres of Grower

Direct Farms property, 50 of which already has been in open agriculture. Mr. Coon states that the proposal is to put in approximately 16 acres of greenhouse and have 15 acres of outdoor production for a nursery, a shipping building with a loading dock, employee parking on gravel lots, and a dirt farm road around the site to access greenhouse and production areas.

Mr. Coon states that roof runoff will discharge to infiltration basins that will be in-between sections of greenhouse to slow the movement of water and allow it to infiltrate into sandy soil. Pipe overflow will drain to a larger basin which overflows to a riprap spillway on the edge of the wetlands in the event of major storm event. There will be an additional drainage ditch installed for runoff from parking and loading area. This separate infiltration basin is designed according to CT stormwater quality management standards. He states that control of storm water is the priority. Erosion controls will also be put into place and a silt fence will be installed downgradient of any work being done.

Mr. Smith explains that Grower Direct Farms plans to widen existing driveway space to allow two-way traffic in and out. This will be seasonally used expansion space only (Mar-Oct). Field production on the perimeter – has the same footprint as previous owner (previously shade tobacco, corn, pumpkins), and no direct wetland impact. The grading for the access road will be tight to the wetland in one spot, requiring fill during the expansion.

Agent Shapiro asks for clarification about what is put down on the ground. Mr. Smith says that black weed mat is used.

Agent Shapiro expresses concern about a report made in 1996 by soil scientist John Ianni, of Highland Soils, who had visited the site to identify wetland areas. His narrative and map showed a pocket of wetlands toward the front (near proposed parking lot). Mr. Zulick referenced the report from Highland Soils, and gave his professional opinion that it likely wasn't a wetland in 1996, 23 years ago, but likely was earlier in history. It previously functioned as a wetland but its viable wetland value was long lost. Testing was recently done to prove that the area no longer meets wetland criteria. Soils on the site are very permeable sand. Basins will function very well even in the case of a flash storm, in which case the water is relatively clean storm water.

Agent Shapiro states that the decision to be made by the Commission is between wetland permit vs agricultural exemption. Even with an agricultural exemption, there will still be a building permit and inspections to ensure that sediment does not reach the wetland, and the landowners will still be responsible if a breach occurs. With grading so close to the wetland, erosion controls must be installed as proposed and maintained impeccably to prevent sediment in the wetland.

Daniel Fraro and Karl Walton state that it's definitely an agricultural use. Joanna Shapiro says greenhouses are included in the exemption, yet the appurtenant stormwater infrastructure is a grey area, although the impervious coverage is partially mitigated by the storm water drainage system. Karl Walton states that the effect of the changes to the

farm will not be impactful to the wetland. The exemption in the statute covers roads and buildings, says Daniel Fraro.

Karl Walton makes the motion to consider it permitted as of right.
Daniel Fraro seconds the motion. All in Favor. Motion passed.

IV. AUDIENCE PARTICIPATION

None

V. STAFF REPORT

None

VI. CORRESPONDENCE AND BILLS

No correspondence was presented this month
No bills were presented this month

VII. MINUTES APPROVAL for February 6, 2019

Daniel Fraro made the motion to accept the minutes as presented.
Candace Aleks seconded. All in favor. Minutes were approved.

VIII. ADJOURNMENT -

Karl Walton made the motion to Adjourn.

Dan Fraro seconded. All in Favor. Motion carried. Meeting was adjourned at 8:27 P.M.

Respectfully Submitted,

Tara Comrie, Recording Secretary

MINUTES ARE NOT OFFICIAL UNTIL APPROVED AT A SUBSEQUENT MEETING.