

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

REGULAR MEETING
WEDNESDAY, FEBRUARY 5, 2020
7:00 PM TOWN HALL
MINUTES

- I. CALL TO ORDER - Meeting called to order by Chairperson Joan Formeister at 7:05pm. Commissioners in attendance were Candace Aleks, Daniel Fraro, Greg Genlot, Drew Kukucka, and Karl Walton. Also in attendance were recording secretary Tara Comrie and Wetland Agent Joanna Shapiro.

The Commission discussed re-ordering the agenda for the sake of audience participants. Karl Walton motioned to re-order the agenda, to switch Old Business and New Business. Dan Fraro seconded. All in favor. Motion is approved.

II. NEW BUSINESS

1. **Permanent Wetland Boundary Marker Standards Clarification/Wetland Permit #727:** Request to use alternate materials for 160 and 190 Battle Street monuments. Richard Leno.

Mr Leno requested permission to use U-Posts at wetland markings. He stated that the standard markings are unattractive, and the U-Posts are less conspicuous. He would like to know if his purpose falls under the exception listed on the Boundary Marker Standards regarding materials.

Agent Shapiro passed out documented standards for boundary markers to the commission. Joan Formeister stated that the exception allowing the use of concrete filled pipe or poured concrete piers in place of pre-cast monuments is for the rare occasion when homeowners buy an unmarked property and are required to add wetland markings. Since homeowners do not have the equipment necessary to install the required concrete markings, this would cause hardship, and the commission would make an exception.

Karl Walton stated that in addition to not meeting the requirements for the exception, the U-Posts are too easily removed and the boundary could be disregarded in the future. Greg Genlot expressed his agreement. Drew Kukucka stated that the concrete appears more official as well. The commissioners agreed that the standard must be followed consistently. Joan Formeister stated that the back of the property on 190 Battle Street abuts wetlands closely, and that property at 160 Battle Street has significant wetlands on the property.

Mr. Leno then asked if he can use lally columns (concrete filled metal column), which meet the 4" diameter and material requirement of the standards, and may be allowed in certain scenarios. He stated that they are less expensive and that he prefers the appearance versus granite monuments. The commission agrees that this is a suitable choice for the markings on both properties, but going forward, this exception will be determined on a case-by-case basis by either the agent or commission.

2. **Pre-Application Discussion: Application #734:** 142 Turnpike Road. Construct single family home in Upland Review Area. Estate of Jane Palmer – Frank Palmer Executor.

Mr. Mocko, Environmental Consultant, presented the plans for the property to the commission. He shows the commission the wetlands at the back of the property that are of concern. Mr. Mocko explained that he was unable to make revisions to the plan requested by Agent Shapiro in time for this meeting, but wanted to present what he has so far. Mr. Mocko drew the 100ft upland review area from the wetlands on the site plan to show the impact within the upland review area to the commission. On the front of the property he points out a 50ft setback from the street that is not buildable. Mr. Mocko explained that most of the house and part of the septic system would be in the buffer zone.

Mr. Mocko stated that he is working closely with Steve Jacobs to design a septic system for the property that meets requirements. Sanitary requirements necessitate a curtain drain on the right side of the property.

Agent Shapiro expressed concern about the potential of the curtain drain to dry up the wetlands. Mr. Mocko stated that the drain is far enough from the wetlands and would not have that impact due to the fact that the elevation of the drain and the property are equal. Mr. Mocko stated that he will use fill to raise the elevation of the house itself so that gravity will allow drainage into the septic. The front yard puddles in the spring and grading will be done to solve that problem. He stated that foundation drains for the house will be installed as well.

Mr. Mocko stated that there is a catch basin behind the property with drainage. Agent Shapiro explained that it seemed a stream was piped in the past, which flows to the off-site catch basin. Mr. Mocko also stated that nearby roads have drainage that diverts water from the property as well. He has been monitoring the groundwater table before and during the wettest part of the year to determine whether there are dramatic fluctuations. He stated that between the drains and the septic, the groundwater fluctuation will not impact the wetland.

Agent Shapiro expressed her concern regarding a soil sample that demonstrated gleyed soil at 16” depth on the property, which is typically indicative of a wetland.

Mr. Mocko stated that there is some room for interpretation depending on the color chart used, and that 40-year wetlands expert John Ianni will confirm and sign off on the final plans. He stated that prior wetland agent Dave Askew had confirmed the wetland line that John Ianni flagged in the field. Agent Shapiro stated that the soil scientist should view the test pit data and provide a written report to explain.

Daniel Fraro asked about the plans to drain for the septic. Mr. Palmer stated that they will excavate a foot and fill the area with sand. The septic plans have not been fully finalized.

The application was not formally received, as the materials submitted were deemed incomplete.

3. **Jurisdictional Ruling:** Replacement of compromised foundations.

Joan Formeister stated that this is for all compromised/crumbling foundations that are being replaced with no changes to the footprint of the building. Because of this, the impact to the wetlands on any of the properties should be non-existent. Agent Shapiro provided reference from the regulations from which the commission in a nearby town concluded that the foundation repairs met exemption criteria and did not need individual wetland approval. The language of the exemption sited states that “uses incidental to the enjoyment and maintenance of residential property...shall

include...maintenance of existing structures and landscaping” is permitted as of right, not including significant removal or deposition of material within a wetland. Agent Shapiro asked the committee if they believe each case should come before the committee for a permit, or if these foundation replacements may be considered exempt. Karl Walton stated that a permit and fee would be unnecessary, but that care should be taken to ensure no wetland impacts occur during construction. Agent Shapiro stated that she will flag building permit requests for sites containing wetlands for a site visit and discussion of erosion and sedimentation control measures to prevent issues. By consensus, the Commission determined these activities exempt, as a permitted use as of right under the wetland regulations.

4. **Election of Officers**

Joan Formeister asked the commission if any member is interested in the position of chairperson. No one indicated that they would. Joan Formeister then asked Drew Kukucka if he would take the vice chair position. He agrees. Joan Formeister asked Candace Aleks if she is willing to continue in her position as secretary. Candace Aleks said that she will. Greg Genlot motioned to accept Joan Formeister as chairperson, Drew Kukucka as vice chairperson, and Candace Aleks as secretary. Karl Walton seconded. All in favor. Motion is approved.

III. OLD BUSINESS

1. **Revision of Wetland Application form**

The commissioners were all in agreement that the new application draft looks very thorough and useful for all types of requests. Agent Shapiro stated that a set of checklists that would accompany the application are in the works, and they would specify requirements for specific requests such as regular permits, extension modifications, jurisdictional rulings, significant impact activity, minimal impact activity, etc. The purpose of the checklist is to make the application more user friendly. The requirements for each checklist will be very situation-specific. Karl Walton suggests that the application should include a sort of ‘audit trail’ to keep track of what documentation has been asked for and what documentation has been provided. He suggests a place on the application to record feedback for applicants regarding anything that may be missing. Agent Shapiro stated that the application takes into account all Somers and state regulations. It asked applicants to identify the impact of their planned work, describe possible alternatives to their chosen method, and justify their choice of solution. Agent Shapiro plans to create a separate permit form that will be signed on approval. The state reporting form will be separate from the application and will be filled out by Agent Shapiro. The commissioners discuss the possibility of digitizing the application in the future, and allowing applicants to submit online. Drew Kukucka asked for all commissioners to submit any input or feedback before the next meeting so that the finalization phase can begin.

IV. AUDIENCE PARTICIPATION

none

V. STAFF REPORT

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

Karl Walton made a motion to accept Wetland Agent's Report.

Candace Aleks Seconded. All in Favor. Motion passed.

VI. CORRESPONDENCE AND BILLS

Agent Shapiro presented a notification of a diversion permit application submitted by Grower Direct to CT DEEP, including plans and testing results. They are planning a new facility on Four Bridges Rd under the jurisdiction of DEEP and are inviting feedback from the commission. Commission members requested that Agent Shapiro contact DEEP to ensure that the agency is considering potential impact on nearby waterways.

Agent Shapiro presented a bill from the Journal Inquirer for a legal notice from the November 6, 2019 meeting for \$51.94

Karl Walton made a motion to pay the bill.

Greg Genlot seconded. All in favor. Motion carried.

VII. MINUTES APPROVAL: November 6, 2019 and November 20, 2019

Karl Walton made the motion to accept the minutes of November 6, 2019 and November 20, 2019.

Daniel Fraro seconded. All in favor. Minutes were approved.

VIII. ADJOURNMENT

Karl Walton made the motion to Adjourn.

Greg Genlot seconded. All in Favor. Motion carried. Meeting was adjourned at 9:00 P.M.

Respectfully Submitted,

Tara Comrie, Recording Secretary

MINUTES ARE NOT OFFICIAL UNTIL APPROVED AT A SUBSEQUENT MEETING