

**TOWN OF SOMERS**  
**Conservation Commission**  
**600 Main Street**

**REGULAR MEETING**

**WEDNESDAY, OCTOBER 7, 2020**

**7:00 PM – VIRTUAL MEETING VIA TELECONFERENCE (ZOOM)**  
**MINUTES**

**I. CALL TO ORDER**

Meeting called to order by Chairperson Joan Formeister at 7:02pm. Commissioners in attendance were 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. Greg Genlot motioned to re-order the agenda, to review the revised wetland application form at the end.

Daniel Fraro seconded. All in favor. Motion is approved.

**II. OLD BUSINESS**

**1. Adoption of Revised Wetland Application form (done at the end)**

Agent Shapiro stated that the form has been completed since the commission reviewed it in March, but that since the commission hasn't met due to Covid it had not yet been approved. Agent Shapiro and Karl Walton discussed the possibility of creating an online, fillable application form in the future.

Greg Genlot made motion to adopt the revised wetland form

Karl Walton seconds. All in favor. Motion is approved.

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

Agent Shapiro stated that the soil scientist report suggested there may be isolated areas where colors might indicate wetland soils, but not large enough areas to be map. The disruption to the drainage observed by the soil scientist indicates that the area is no longer a wetland. The conclusion of the report is that the area is not to be flagged as wetland. This conclusion was drawn by two separate soil scientists. It is recommended that 25 feet of separation is left between the delineated wetland and the curtain drain.

Mike Mocko stated that he modified the plan and moved the curtain drain to 27 feet or more from the wetlands line. The undisturbed line 25 feet from wetlands is considered the limit of work.

Drew Kukucka asked if the line for the limit of work is also the line to which the lot will be cleared. Mike Mocco said that this is the case.

Drew Kukucka asked Agent Shapiro about the prior application on the lot and about the issues it had with approval. Agent Shapiro stated the approval had just been waiting for the soil scientist's report and explanation of the delineation.

Greg Genlot motioned to approve the application #734 including the installation of permanent markers to delineate the wetlands.

Daniel Fraro seconded. All in favor. Motion is approved.

### III. NEW BUSINESS

1. **Application #736:** 236 Watchaug Road. Dredge existing pond to maintain drainage for existing house and lawn. Heather Chase.

Agent Shapiro stated that in 2006 the owner had applied to dig a pond on the site to help with drainage on the property. The house was built decades ago on a lot that was primarily wetland. The drainage pond was approved.

Agent Shapiro stated that the Commission previously made a jurisdictional ruling that foundation replacements do not require a permit, which applied to this site. She described the documentation from Heather Chase that includes a drawing of the original pond area. Agent Shapiro also included an aerial photo, and both the photo and drawing show that it is very wet on all sides of the property.

Greg Genlot asked if the dredged material will stay on site. Heather Chase stated that it will be used for the berm. Drew Kukucka asked if there is an application form and Agent Shapiro said there is, sent by emails along with the 2006 documentation and that all documentation will be included with the application.

2. **Jurisdictional Ruling:** 379 Main Street. Stormwater discharge in Upland Review Area related to replacement of barn. Lindy Farms.

Tim Coon, project engineer, explained that Lindy Farms proposes to demolish the existing barn that is old and structurally unsound. They would like to put a new barn in its place. Roof runoff from the new barn will be collected and piped to be discharged to the mitigation area at the edge of the constructed wetland. It would be only clean roof runoff and yard drains being discharged, and would have no direct wetland impact. The pipe and outfall will be installed at the edge of the man-made wetland. Tim Coon stated that he believes that such a use is of right.

Karl Walton asked Tim if property is part of the Sonny's place property. He stated that it is not. It is east of Sonny's Place and separate.

Agent Shapiro stated that drainage from the barn is generally included if the activity is allowed by right.

Karl Walton motioned that the activity be allowed as a permitted use as of right under the wetland regulations.

Greg Genlot seconded. All in favor. Motion is approved.

3. **Jurisdictional Ruling:** 295 Ninth District Road. Dredge existing 1-acre farm pond for irrigation use. Nancy Barrett.

Agent Shapiro met with Nancy Barrett and visited the farm pond. It is used for irrigation. Dredging the pond is allowed as part of the right of unregulated use with for farming, when the pond is 3 acres or less and essential to farming operation. Agent Shapiro reviewed the ways to protect the receiving waters and Nancy Barrett is aware of measures she can take including straw bales to help control erosion from the pond into the receiving stream. Nancy Barrett stated that the spoils wouldn't leave the property and that there is a small berm around the perimeter of the pond. and also a gravelly field that could use additional organic matter.

Karl Walton said that the large wetland behind the fairgrounds is along the eastern border of the property. The farm ponds feed the brook that feed the Scantic River.

Greg Genlot motioned that the activity be allowed as a permitted use as of right under the wetland regulations.

Karl Walton seconded. All in favor. Motion is approved.

4. **Jurisdictional Ruling:** 120 Billings Road. Dredge existing 1/3-acre farm pond for irrigation use. Nancy Barrett.

Agent Shapiro stated that the pond in question has no outlet and that it is a small pond that has been losing capacity over the years.

Karl Walton motioned that the activity be allowed as a permitted use as of right under the wetland regulations.

Drew Kukucka seconded. All in favor. Motion is approved.

5. **Application #737:** 110 Mountain View Road. Construction of driveway within Upland Review Area. Chris Bores.

Agent Shapiro stated that she has not yet gone out to the site but has had phone and email conversations and that electronic plans were distributed. The plan is lacking a soil scientist signature and flag numbers on it.

Chris Bores plans to build a long driveway that comes and goes within the upland review area. Agent Shapiro stated that the closest that the driveway gets to the wetland is 70 feet. A grading plan has been made, but more thorough review of the plans is needed.

Chris Bores stated that the driveway attempts to closely follow the existing logging road within existing topography and required grading for gravel driveway (3:1 slope per regulations). He intends to use bonded fiber matrix fiberseed on the slopes.

Agent Shapiro stated that erosion and sediment control information should be included on the plan as well.

Greg Genlot reminds the commission that the fire department will have to review the plans to be sure that they would be able to use the driveway in an emergency.

Karl Walton stated that the proposed driveway has turnouts for the firetrucks.

Chris Bores explains that he is on fire department and was aware of their requirements. He stated also that the soil scientist's signature is ready to be delivered.

Joan Foremeister stated that the commission should be able to make a decision next month provided that all issues with the plans are addressed.

6. **Application #738:** 186 Stebbins Road. Subdivision of property to create an additional house lot. John E. and Dorian A. Jones.

Agent Shapiro says the plan involves what is technically a subdivision. There is an existing lot on Stebbins Rd that they want to carve one lot off of. The remaining acreage would then be a separate parcel. Agent Shapiro states that the plans are preliminary as they are not looking to build the house immediately, but that they include a soil scientist's signature and that there is no activity currently proposed in the upland review area.

Agent Shapiro stated that the grading will need to be added to the plan to show activity in the upland review area. There is some indication that a house can fit on the proposed lots but there is not enough detail in the plans to say for certain.

Steve Aeschliman stated that minimal grading needs to be done around the proposed house. The 282 contour by the buffer line will stay, and there will be a 284 contour to the lower part of the building area. He stated that the grading is minimal as far as getting close to the buffer, and that this will be shown on the next plan revision. He stated that they will not be getting near the wetlands and therefore do not anticipate any impact. He confirms that they are trying to cut out existing house lot with no intentions of building right away.

Dorian Jones stated that splitting off the acreage won't have any impact on the wetlands. The other house has been sold and splitting the property must be done before the buyer can move in.

Agent Shapiro stated that the importance of seeing very clear plans prior to approval is the fact that it is hard to deny a permit for an existing lot. If a lot is created that can't

support development, that will put the commission in a bind in the future.

Dorian Jones stated that there's plenty of room for development, and that the land could easily be split into 3 lots.

Steve Aeschliman confirms that the completely soil testing indicated that it can sustain septic systems for up to 3 lots. The lots are primarily gravel. He stated that the perk tests have been done and that he can get the plans with grading to prove that the lots can sustain development.

Agent Shapiro stated that she received the report from the soil scientist and spoke with him. Two pocket wetlands caught her eye as potential breeding habitats, but that the soil scientist didn't get any impression of vernal pool, and the land is currently agricultural. There is a brook to the south of the site and that the wetlands run along Gilletes brook. Agent Shapiro plans to go out and visit the site.

Drew Kukucka asked what the procedure is for approving a subdivision. Agent Shapiro stated that the Planning Committee will have to approve it. Greg Genlot says that there will be a public hearing by the Planning Committee because it's an existing subdivision. Agent Shapiro indicated that there could be a special meeting of the Conservation Commission to expedite the approval depending on the Planning Committee's schedule.

IV. AUDIENCE PARTICIPATION  
NONE

V. STAFF REPORT

Agent Shapiro stated that now that zoning is allowing the Soapstone project on Eleanor Rd without age restriction, they're moving forward. The new plan includes adding more units than were originally approved, and the original approval has expired. Agent Shapiro stated that the plan needs more work before meeting.

Agent Shapiro stated that 56 Durkee Rd (a property that is almost entirely floodplain and wetlands) has been sold. The new owner started construction of a shed without applying for any permits. The shed has been removed, and the owner has stated that they would like to use the land recreationally but looking to build a storage shed to keep equipment.

VI. CORRESPONDENCE AND BILLS

No bills.

Correspondence from the Society of Soil Scientists of Southern New England explains that the list of soil scientists is available on their website. They will no longer be providing a paper copy.

VII. MINUTES APPROVAL: April 15, 2020

Greg Genlot made a motion to approve the minutes from April 15, 2020

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 8:24 P.M.

Respectfully Submitted,

Tara Comrie, Recording Secretary

MINUTES ARE NOT OFFICIAL UNTIL APPROVED AT A SUBSEQUENT MEETING