

TOWN OF SOMERS
Conservation Commission
600 Main Street

REGULAR MEETING
WEDNESDAY, APRIL 7, 2021

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

I. CALL TO ORDER – Meeting called to order by Joan Formeister at 7:03pm. Commissioners in attendance were Candace Aleks, Daniel Fraro, Greg Genlot, and Drew Kukucka. Also in attendance were Recording Secretary Tara Comrie and Wetland Agent Joanna Shapiro.

II. PUBLIC HEARING – **Application #740:** 50 Hangdog Lane. Construct Driveway and Repair Drainage, involving work within both Wetland and Upland Review Area. Roulier Family Limited Partnership/Daniel R. Roulier.

Jay Ussery with JR Russo and Associates was in attendance on behalf of the Roulier Family Limited Partnership representing Dan Roulier and speaking in favor of the application. He stated that the property had been delineated by soil scientist Rick Zulick since the previous meeting, and that soil scientist George Logan was in attendance during the delineation on behalf of the intervenor. Due to the recent delineation, a revised plan was submitted to the commission by Mr. Ussery. He stated that the wetland area was once 2718 sq.ft. but had since disappeared. The current wetland footprint is now 150 sq.ft., located near a depression dug by Dan Roulier for cow drinking. He reminded the commission that the area of disturbance on original plan was 280sqft, and with the redelineation it had been reduced to 10 sq.ft.. Additionally, the regulated area became much smaller with the new delineation. It went from 12800 sq.ft. to 6000 sq.ft.. With the new plans there will now be only 10 sq.ft. of temporary disturbance. He stated that George Logan and Rick Zulick remarked during the delineation that extending the pipe is good idea to allow water to outlet into the depression.

George Schober spoke on behalf of the intervener and asked Mr. Ussery if he had received and reviewed the letter from Deirdre Barbeau, the owner of 66 Hangdog Lane. He asked Mr. Ussery to explain where the water is coming from and going to. Mr. Ussery replied that the water is currently draining via footing drains and roof leader drains. The water leaves downgradient and ties into the storm drainage system in the street.

Ozzie Torres, the engineering expert speaking on behalf of the intervener in opposition to new plan, shared a revised plan of the driveway coming up from Hangdog Lane. He stated that the goal was to determine how to access this parcel without going through any upland review area. The maximum slope of his proposed alternate slope is much less than 11%, making it a feasible and prudent alternative to the proposed driveway, with no fill material to be contained, and therefore no impact. Joanna displayed the new plan.

Agent Shapiro stated that if the Commission does not deem this a significant activity, then they are not required to determine that a feasible and prudent alternative does not exist in order to approve the application.

Joan Formeister asked the commission if there were any more questions.

George Schober stated that the CT Environmental Protection Act states that if there will be unreasonable pollution, impairment or destruction, a prudent alternative must be identified according to statute 22a-19

Agent Shapiro reminded the commission that based on expert findings on the record, there will be no negative impact to the wetland. The intervenor's wetland scientist, whose first report was written before he had access to the site, was since able to visit the site, provided a written memo, concurred with the revised wetland delineation, and did not comment that this activity would represent an adverse impact.

Candace Aleks stated that the commission should consult with the town attorney prior to the next meeting.

Candace Aleks made a motion for the commission to close the public hearing and vote at the next meeting.

Greg Genlot seconded.

All in favor. Motion carried.

III. OLD BUSINESS

1. **Discussion/Possible Decision Application #740:** 50 Hangdog Lane. Construct Driveway and Repair Drainage, involving work within both Wetland and Upland Review Area. Roulier Family Limited Partnership/Daniel R. Roulier.

Greg Genlot made a motion to table the vote until Agent Shapiro has a chance to talk to the town attorney.

Candace Aleks seconded.

All in favor. Motion carried.

2. **Discussion/Possible Decision Application #745:** 603 Hall Hill Road. Construction of Driveway in the Upland Review Area, from Bridle Path Drive, associated with construction of a single family House. R.A. McCullough Homes.

Agent Shapiro stated that she met with Mike Mocko on the property to get a better sense of the pinch points. She stated that they spoke about plantings and reducing the footprint and overall limit of disturbance. The revised plan shows proposed plantings, including native grasses and shrubs along the driveway, and the septic system has been moved somewhat closer to the house, to decrease the limit of clearing and disturbance.

Mike Mocco described the details of plans submitted to commission. He stated that they plan to move the septic closer to the house to reduce the amount of cleared area for the home site.

Agent Shapiro asked for a maintenance plan to be created for the property owner to use to maintain native grasses. Mr. Mocko agreed.

Drew Kuukucka asked about the alternative, a driveway from Hall Hill Road, outside of the upland review area. Agent Shapiro generally agreed that wetland impacts should be avoided if possible, but that as is was not considered significant by the commission, an alternative isn't as critical. She also noted that the wetland area is upgradient from the driveway, that no change in grade is proposed, and that the proposed driveway will closely follow the property line, and the adjacent land is maintained as lawn.

Greg Genlot made a motion to approve the application with three conditions: That the wetlands are permanently marked according to commission's standards, a maintenance plan for the native grasses is created for the property owners, and that markers are put on the delineation of the original conservation easement.

IV. NEW BUSINESS

1. **Application #746:** 21 Eleanor Road. Subdivision of property containing wetlands. Eleanor Road Business Center.

Agent Shapiro stated that the owners are not proposing any work but that the plan is to technically create a subdivision. The lot is fully developed with two businesses, and the subdivision will simply divide it into two properties.

The application was received.

2. **Application #747:** 47 Avery Road. Construction of an above-ground pool in the upland review area. Edward and Barbara Czelazewicz.

Agent Shapiro displayed the GIS map. Based on the location of the septic system, they have chosen the most natural place for the pool. The installation of the pool will require very little ground disturbance,

Daniel Fraro stated that he drove by the property and approves of the location.

The commission explained the importance of not draining the pool to the property owner. Daniel Fraro suggested installing the filter on the non wetland side and including this detail in the plan.

3. **Application #748:** Watchaug Road. Replacement of Watchaug Brook culverts. Town of Somers.

Agent Shapiro stated that there are two culverts carrying Watchaug Brook under Watchaug Rd. The old pipes are metal, oblong, and deteriorating. They will be replaced by round concrete pipes. She stated that she talked to the town engineer about managing water during construction, and that he will prepare more detailed drawings for the next meeting.

4. **Discussion/Violation:** 11 Ninth District Road. Unpermitted vegetation clearing and construction of sheds in wetland along Gulf Stream.

Kevin Riley was in attendance to discuss ways to mitigate the work done in violation of wetland regulations. He stated that he had a lot of ideas for the property and that although he was looking for a more permanent solution for the area near the wetland, he would be open to planting grasses. Agent Shapiro explained that there are zoning and floodway issues related to the buildings in the wetland as well. Agent Shapiro asked that Mr. Riley work on a plan for the overall site, and submit a draft in time for the next meeting.

5. Conservation funds for FY2021

Agent Shapiro stated that the \$300 conservation project funds could be used to support the Scantic River water quality monitoring study, and that additional budget funds are pending. The Commission discussed, and decided by consensus to use their annual conservation project funds for the Scantic River water quality monitoring supplies.

V. AUDIENCE PARTICIPATION

NONE

VI. STAFF REPORT

Agent Shapiro stated that the multifamily development at 23 Eleanor Rd is underway. Sediment basins and erosion controls are in. Engineers made an adjustment to the outlet of detention basin. The topography on the plan was slightly off and the outlet is now to the side of the basin right along Eleanor Rd. She stated that this change does not increase the amount of disturbance. There will be an area of riprap tucked in outside of the wetland, as well as a grass swale within the wetlands.

Agent Shapiro stated that the property owner on Root Rd on top of the ridge is working with new contractor. Legal issues have stopped much of the work but grading and stabilizing is in progress. The will hydroseed soon.

Agent Shapiro updated that commission on the progress at 18 Harvest Hill where there had been clearing along wetlands. The logger went to measure from the stream to the extent of the wetland lines and staked out points. Agent Shapiro measured and confirmed the distances for marker placement. Agent Shapiro reported that there are not enough mature trees to attach wetland markers too, and asked whether pressure treated wood posts could be used in this case. Greg Genlot stated that lally columns would be easy to obtain and would last longer, and should be used instead.

Greg Genlot made a motion to approve the staff report.

Drew Kukucka seconded.

All in favor. Motion carried.

VII. CORRESPONDENCE AND BILLS

Correspondence was the State of the Scantic.

VIII. MINUTES APPROVAL: March 3, 2021

Drew Kukucka made a motion to approve the minutes from March 3, 2021.

Candace Aleks seconded.

All in favor. Motion carried.

IX. ADJOURNMENT

Candace Aleks made a motion to adjourn.

Drew Kukucka seconded.

All in favor. Motion carried. The meeting was adjourned at 10:08 P.M.

Respectfully Submitted,

Tara Comrie, Recording Secretary

MINUTES ARE NOT OFFICIAL UNTIL APPROVED AT A SUBSEQUENT MEETING