

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

**REGULAR MEETING**  
**WEDNESDAY, JANUARY 5, 2022**  
**7:00 PM TOWN HALL**  
**MINUTES**



I. CALL TO ORDER

Meeting called to order by Joan Formeister at 7:00pm. Commissioners in attendance were Daniel Fraro, Drew Kukucka, Karl Walton and Lise Wood. Also in attendance were Recording Secretary Tara Comrie and Wetland Agent Joanna Shapiro.

Joan Formeister made a motion to seat Lise Wood for Candace Aleks. Karl Walton seconded. All in favor. Motion carried.

II. OLD BUSINESS

1. **Discussion/Possible Decision: Application #761:** 89 Winwood Circle.

Construction of detached garage in the Upland Review Area. Mark Powichrowski.

Agent Shapiro reviewed that the homeowner was planning to remove the existing shed and to put in a larger shed building. There is no flood zone issue and the building permit was reviewed by the sanitarian.

Agent Shapiro showed the site plans to the commission and stated that the application included erosion controls and a silt fence. Only slight grading would be needed to level it.

Karl Walton made a motion to approve application #761: 89 Winwood Circle. Construction of detached garage in the Upland Review Area. Mark Powichrowski. Lise Wood seconded. All in favor. Motion carried.

2. **Discussion/Possible Decision: Application #762:** 117 Durkee Road. Construction of addition and deck in the Upland Review Area. T-Square Builders.

Agent Shapiro stated that she had visited the property. The homeowner plans to replace and expand an existing deck to make it larger and wrap around the house by the wetland.

Agent Shapiro he stated that delineation was done during the original subdivision and that the corner of the house is currently 20ft from the wetland. Construction only requires augering a couple of pillars adjacent to the wetland.

The application also includes construction of an addition on the opposite side of the house, within the existing driveway. The addition would be located on the side of the house that is farthest from the wetland.

Joan Formeister asked when the house was originally built, as it is unusual for a house to be so close to a wetland. Agent Shapiro stated that the subdivision plan was from 1973.

Karl Walton made a motion to approve application #762: 117 Durkee Road. Construction of addition and deck in the Upland Review Area. T-Square Builders. Daniel Fraro seconded. All in favor. Motion carried.

3. **Discussion/Possible Decision: Application #763:** 207 Stafford Road. Extension of driveway and construction of detached garage in the Upland Review Area. Peter and Joy Ferwerda.

Agent Shapiro stated that the homeowner is looking for a place to build a detached garage. The commission issued a wetland permit for the house a few years ago. At the time, the placement of the driveway was a concern and alternatives were considered. There exist two isolated wetland pockets on the property.

Agent Shapiro stated that the new garage would be east of the existing driveway. She said that there was concern about the proximity to wetlands caused by the extension of the driveway. She spoke to the homeowner about mitigating or reducing impacts.

Joy Ferwerda stated that in their plans they had tried to go as far north as possible, away from the wetlands. Although new driveway would be created, some of the old driveway would be removed.

Agent Shapiro suggested mitigation using planting and a rain garden, as well as bringing the garage closer to eliminate even more of the pavement.

Drew Kukucka asked if the property is currently cleared all the way up to the wetlands now. Agent Shapiro stated that it is cleared close to the nearest wetland but that none of the wetlands are vernal pools. There is a culvert under the road, but it doesn't seem to have any flow.

Drew Kukucka stated that he wants to know the actual distance from the limit of clearing to the wetland and distance from the proposed garage to the wetland.

Joan Formeister asked that alternatives be considered.

The commission looked at the plan and the GIS map and noted that the property currently has no permanent wetland markings, but some flags may remain.

The homeowner was asked to update the plan for accuracy, to consider alternatives, and to include measurements and the location of where mitigation strategies will be implemented, including plantings along the driveway and a rain garden.

### III. NEW BUSINESS

1. **Application #764:** 271/279 Billings Road. Construction of single family house and barn in the Upland Review Area. Ronald L. and Lisa J. Bilodeau.

Agent Shapiro stated that the property has a large wetland and brook bisecting it. The owner is planning to build a home and garage up front, in front of the wetland. Alternatively, building in the back as prior individuals have been interested in would require a long driveway, following an existing farm road, crossing through the wetland.

Jay Ussery from J.R. Russo and associates spoke on behalf of the property owner. He showed the building plan to the commission and pointed out that there is 180 feet of frontage, and 19 acres in total. It is a remnant parcel from Sunshine Farms.

Jay Russo stated that Rick Zulick delineated the property and submitted a report. The main wetland is far behind where the house will be built on the property. It will be built on an old agricultural field. There is also a very small low spot with little or no wetland value. He stated that the plan for the house and barn will cause no wetland disturbance, not even on neighboring properties where wet spots were identified. There will be disturbance in the upland review area only. A silt fence will be installed all around the construction, and a building design was reviewed and approved with the septic.

Alternatives were considered to locate the barn further back, and to fill the small wetland area and replicate it elsewhere. Agent Shapiro stated that she prefers this plan, as it eliminates direct impact, and also keeps development further from the valuable wetland.

**2. Jurisdictional Ruling/Application #765 (after the fact):** 520 Hall Hill Road. Clear-Cutting in Regulated Area to reclaim farmland. Jarmoc Tobacco, LLC.

Jay Ussery from J.R. Russo and associates spoke on behalf of the property owner. He stated that the Jarmocs bought the property a year ago with the intent to farm. They also have tobacco and pumpkin farms in Enfield. Clearing to farm is allowable as a use as of right for agriculture. They own parcels surrounding the property which they also intend to continue farming. He stated that several previous aerial photos show that it has been cleared historically.

Agent Shapiro stated that she initially met with Owen Jarmoc and she told him that clearing may be within his right under certain stipulations. Clearing must not be done in or within 100' of the wetland without coming to the Conservation Commission to discuss it first and obtain a jurisdictional ruling.

Agent Shapiro stated that she received complaints from abutting property owners regarding clearing in wetlands, and she viewed the activity from Watchaug Road and from a back yard on Cantlewood, and thought that clearing may have taken place within the wetland already, without approval, which is considered a violation.

Agent Shapiro pointed out how vague the language within the application is, and was concerned that the Commission may not have enough information to make a ruling. It was not clear whether the clearing would involve stumping, or whether any filling would occur. If there is to be crossing of a likely watercourse on the property, a plan needs to be shared with the wetlands commission first to aid in their ruling.

Jay Ussery stated that approximately 18 acres in total have been cleared already, and that two of those acres are likely to be wetland based on the GIS map.

The Commission decided to table this decision until more information is available.

Agent Shapiro and Jay Ussery plan to take a site visit with the property owner prior to the commission's next meeting.

**3. Jurisdictional Ruling/Application #766:** Pinedale Road. Remove accumulated sediment from drainage easement/watercourse. Town of Somers.

Agent Shapiro explained the issue with water drainage in the area and the trouble it's causing homeowners who have had flooding in their yards. There is a history of cleaning out the watercourse. The town cleaned out the lower portion that parallels Pinedale a few years ago. Now they want to do the segment that is east of the road.

The town stated that they will use a silt sock to prevent sediment from traveling downstream. They will also use loam and seed at the end of the project, and use blankets as needed.

Commissioners asked how they plan to dispose of the sediment. Agent Shapiro will ask.

Karl Walton made a motion to approve application #766: Pinedale Road. Remove accumulated sediment from drainage easement/watercourse, Town of Somers, as an as-of-right maintenance activity.

Lise Wood seconded. All in favor. Motion carried.

IV. AUDIENCE PARTICIPATION

None

V. STAFF REPORT

Agent Shapiro had a meeting with the town Land Trust and the land owner at McCann about improving the access from a driveway. There is currently conflict over how to maintain the area. There is currently an informal crossing there, made by a few stones in the watercourse. There was discussion about dredging an old pond or creating a new pond, to be determined, which would be brought before the Commission.

On 343 Hall Hill Rd. a minimal impact permit was issued for a lean-to to store equipment next to a barn.

On 16 Mason Lane, a minimal impact permit was issued for a shed. Agent Shapiro spoke to the homeowner about invasive plant control and what can be done.

Agent Shapiro stated that there was an all-staff meeting that she attended with the new First Selectman, and also an FOI staff training refresher.

Agent Shapiro will be going to 204 Root Road next week to see if the site is fully stabilized and ready for the CO. The driveway grade has been improved to meet regulations.

Steve Jacobs is now retired. Andrea Vitrano is the new sanitarian, and Steve Knauf is staying on and training her for the transition.

Agent Shapiro received a complaint from a neighbor of a dock being installed at 63 Maple St. The commission determined that the owner should come before the commission to seek an application.

Karl Walton made a motion to accept the staff report.  
Daniel Fraro seconded. All in favor. Motion carried.

VI. CORRESPONDENCE AND BILLS

Agent Shapiro presented a \$85 JI bill to the commission.

Karl Walton made a motion to approve pay the JI bill.  
Daniel Fraro seconded. All in favor. Motion carried.

VII. MINUTES APPROVAL: November 3, 2021

Lise Wood made a motion to approve the minutes from November 3, 2021 as written.  
Drew Kukucka seconded. All in favor. Motion carried.

VIII. ADJOURNMENT

Lise Wood made a motion to adjourn at 8:22.  
Karl Walton seconded. All in favor. Motion carried.

Respectfully Submitted,  
Tara Comrie, Recording Secretary

MINUTES ARE NOT OFFICIAL UNTIL APPROVED AT A SUBSEQUENT MEETING