

TOWN OF SOMERS
Conservation Commission
600 Main Street



REGULAR MEETING
WEDNESDAY, FEBRUARY 2, 2022
7:00 PM TOWN HALL
MINUTES

I. CALL TO ORDER

Meeting called to order by Joan Formeister at 7:02pm. Commissioners in attendance were Candace Aleks, Daniel Fraro, Drew Kukucka, and alternate 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 Karl Walton.
Candace Aleks seconded. All in favor. Motion carried.

II. OLD BUSINESS

1. **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 applicant would like the application to be tabled. The current plan needs improvement before they bring it back before the commission.

2. **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 summarized that the only unresolved issue from the prior meeting was whether permanent wetland markers will be required, and where.

Jay Ussery from J.R. Russo and associates was in attendance representing Ronald Bilodeau. He reminded the commission of the planned location of the house and barn and their proximity to the wetland. He also restated the value of the wetlands according to soil scientist Rick Zulick's report, and stated that there will be no disturbance to the wetlands. He suggested that the commission would likely require the homeowner to mark the primary wetland to the rear of the property.

Joan Formeister stated that the markings don't need to follow the zig zag of the wetland, but that they could create a straight line path to reduce number of markers, which would be placed 50 feet apart.

The commission determined that considering the size and value of the small piece of wetland, a single permanent post would be ok.

Drew Kukucka made motion to approve Application #764: 271/279 Billings Road. Construction of single family house and barn in the Upland Review Area. Ronald L. and Lisa J. Bilodeau, with the condition that permanent wetland markings be placed along the primary wetland and a single permanent post at the smaller wetland.

Candace Aleks seconded. All in favor. Motion carried.

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

Agent Shapiro stated that she visited the site last week with the property owners and Jay Ussery to see the current state of the property and recently received an updated narrative about the plans.

Jay Ussery from J.R. Russo and associates was in attendance representing the Jarmoc family. Also in attendance was Attorney Derek Donnelly, representing the Jarmoc family. An aerial plan of the area and a packet of information identifying the scope of work planned and an interpretation of the regulations was distributed to commission members.

Agent Shapiro asked if grading or drainage alterations would be taking place, and stated that more detail is needed than “reclaiming farmland” as explained in the application.

Attorney Donnelly introduced the business and explained the statute as it applies to the application. He stated the expansion of agricultural cropland is allowed by exemption. He then identified the work that is forbidden under the statute, and confirmed that they will not be part of the plan.

Joan Formeister stated that the commission must determine whether it’s an as of right use with no permit needed. If the business had come to the commission as they were asked to do before starting work, the process would have been less difficult and confusing.

Mr. Ussery explained that he and the Agent Shapiro talked with the property owner about erosion control measures such as seeding farm swales and creating woodchip berms along the existing farm road. Mr. Ussery explained that there would be row crops planted with cover crops over the winter. There would be no filling, no road construction, no culverting. Cutting and stumping and chipping is all that is being done.

Drew Kukucka asked if the portion of wetlands that’s already been cleared will be farmed. Mr. Ussery replied that it would.

Drew Kukucka asked if the drainage ditch will remain in place. Mr. Ussery replied that it would. Agent Shapiro stated that although the ditch or swale possibly meets the definition of an intermittent watercourse, since it’s not being altered, the exemption is not affected.

Drew Kukucka made a motion to approve the jurisdictional ruling as an as of right activity as presented.

Lise Wood seconded. All in favor. Motion carried.

III. NEW BUSINESS

1. Application #767 (after the fact): 63 Maple Street. Construct small boat dock into Mill Pond. C.G. Knorr, Jr.

Agent Shapiro stated that the applicant wasn’t able to attend the meeting. She will relay any questions or information to the applicant after the meeting.

Joan Formeister stated that the pressure treated pilings are one concern, as a floating dock may have been preferred, and asked about the precedent.

Candace Aleks asked when the dock was installed. Agent Shapiro stated that it was likely around two years ago.

Drew Kukucka asked to see a photo at the next meeting.

The Commission discussed whether there is any oversight of the safety of the structure, and whether the state may require a permit since the dock enters the state-owned pond.

Agent Shapiro stated that she will look into whether there’s oversight for this activity and whether the state regulates it.

IV. AUDIENCE PARTICIPATION - NONE

V. STAFF REPORT

Agent Shapiro went to look at the dam on Shady Lake with a contractor and a member of the association to try to determine what can be done immediately, without a permit. It was determined that most of what needs to be done falls under DEEP's jurisdiction. Agent Shapiro stated that they will ultimately need a dam safety permit, but that some of the details of the project might fall under conservation commission jurisdiction. They can replace stones on the spillway and remove trees from the top of the dam without a permit. The association would like to be able to repair the outlet structure to lower the water to do these repairs. Work on the outlet specifically requires a DEEP dam safety permit. A sinkhole has developed along the path of the outlet, which could possibly necessitate an emergency repair.

Agent Shapiro stated that a couple of older approved lots may be nearing development, 475 Turnpike and 1046 Main Street. 475 Turnpike is both able to move forward due to another recent legislative change in permitting length during the specific time frame they were originally approved. Permits meeting a certain timeline constraints are now 14 year permits, and can now be extended to 19 years upon request.

Agent Shapiro reported that 204 Root Rd resolved the driveway grade and much of the site was stabilized. She collected a \$1000 lawn bond for their CO until it can be inspected again to confirm complete stabilization after the thaw in the spring.

The property owner at 202 Root Rd wants to cut down all mature trees. There is a wetland crossing under the driveway. Agent Shapiro informed them that they need to apply and seek a permit or jurisdictional ruling from the Conservation Commission.

Agent Shapiro told the commission that today is World Wetland Day. This year is also the 50-year anniversary of CT inland wetland statute, and events will follow.

Agent Shapiro informed the commission that the DEEP inland wetland commissioner training program is back online.

Lise Wood made a motion to accept the staff report.
Candace seconded. All in favor. Motion carried.

VI. CORRESPONDENCE AND BILLS

Agent Shapiro reminded the commission that it has \$300 to spend on commission projects this fiscal year, in addition to the \$350 for Scantic River Water Quality Monitoring. The commission discussed different potential ideas.

VII. MINUTES APPROVAL: January 5, 2022

Lise Wood made a motion to approve the minutes from January 5, 2022 as written.
Drew Kukucka seconded. All in favor. Motion carried.

VIII. ADJOURNMENT

Lise Wood made a motion to adjourn at 8:16.
Candace Aleks seconded. All in favor. Motion carried.

Respectfully Submitted,
Tara Comrie, Recording Secretary

MINUTES ARE NOT OFFICIAL UNTIL APPROVED AT A SUBSEQUENT MEETING