

TOWN OF SOMERS
Conservation Commission
600 Main Street

REGULAR MEETING
WEDNESDAY, MAY 4, 2022
7:00 PM TOWN HALL
MINUTES

I. CALL TO ORDER

Meeting called to order by Joan Formeister at 7:03pm. Commissioners in attendance were Daniel Fraro, Sydney Flowers, 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 Candace Aleks. Sydney Flowers seconded. All in favor. Motion carried.

II. OLD BUSINESS

1. **Discussion/Possible Decision: Application #769:** 16 Mason Lane. Construction of in-ground pool within Upland Review Area. Christopher Colin Darling.

Agent Shapiro stated that she had received a new survey plan from the applicant, with additional details as suggested at the last meeting. She had then recommended additional changes, which were completed the day before the meeting. The commissioners reviewed the new plan.

Lise Wood made a motion to approve application #769: 16 Mason Lane. Construction of in-ground pool within Upland Review Area. Christopher Colin Darling.

Daniel Fraro seconded. All in favor. Motion carried.

III. NEW BUSINESS

1. **Application #770:** 44 Broadway Road. Construction new house and driveway within Upland Review Area and Wetland. KRL Builders Inc.

Ric Leno showed the commissioners the plan. He explained that it had had wetlands approval in 1995 in order to construct a gravel driveway. At this time the property owner would like to build a house.

He stated that he had a letter from an engineer saying that portions of the driveway will have to be reconstructed, resulting in 935 square feet of wetland disturbance, but that everything else is still in good shape. The homeowner would like a paved driveway in the same location as the existing gravel driveway. He also stated that the proposal would not cause a change in the drainage pattern on the property, according to the engineer's letter.

Agent Shapiro told the commission that the new delineation included the wetland along the northeastern side of the driveway and proposed house, which was not originally delineated on the 1995 plan.

Agent Shapiro stated that she walked the site prior to the meeting. She asked the builder for the reason of choice in placement of the driveway and garage. She discussed alternative locations for the driveway, and possibly reorienting the garage, to decrease the amount of impervious pavement along the wetland, which the builder intends to consider.

Agent Shapiro stated that the property would likely need permanent wetland markers as a condition of approval.

Lise Wood made a motion to amend the agenda to include new Application #773 below the next item on the agenda, so that they can be discussed together.
Daniel Fraro seconded. All in favor. Motion carried.

2. **Jurisdictional Ruling/Application #771:** Ninth District Road (parcel behind 391 Ninth District). Clear-Cutting in Upland Review Area to expand cropland, using existing stream crossing. Stephen Sobaski.

Agent Shapiro stated that she walked the site with the forester. The forester stated that they are proposing to stop clearing 50' from the brook. There will be no clearing in the wetlands and no new wetland or watercourse crossings.

Agent Shapiro showed an aerial photo to the commissioners. Agent Shapiro stated that an existing stream crossing will be used, and that matting will be used to reinforce and protect the crossing and bring the equipment across. No new crossings will be needed. The forester will be on site to monitor that there is no erosion.

Lise Wood made a motion to approve Application #771 as a permitted use as-of-right, clear-cutting in Upland Review Area to expand cropland.

Sydney Flowers seconded. All in favor. Motion carried.

3. **Jurisdictional Ruling/Application #773:** Ninth District Road (parcel behind 391 Ninth District). Construction of a barn in the Upland Review Area. Stephen Sobaski.

Agent Shapiro explained that a building permit for the barn had been approved, but when visiting the site for the clearing application, she observed that the barn construction was underway, but in a different location than originally proposed, closer to wetlands. She asked that the property owners submit for a jurisdictional ruling for the barn as well, for work within 100' of the wetland, which they did.

Agent Shapiro had also observed a ditch leading to the wetland that was not stabilized, and suggested that measures to stabilize the area should be used in order to keep sediment out of the wetland. Houston Sobaski, who was there to represent the property, confirmed that this would be taken care of.

Lise Wood made a motion to approve Application #773, Sobaski, for barn construction in the Upland Review Area, as a permitted use as-of-right.

Sydney Flowers seconded. All in favor. Motion carried.

4. **Jurisdictional Ruling/Application #772:** 520 Hall Hill Road. Construction of barns within Upland Review Area. Jarmoc Tobacco, LLC.

Owen Jarmoc stated that they chose the location of the barns because the site is flat and the soil isn't good. They had a delineation done by Rick Zulick. Part of the barns will be built in the upland review area. He showed the commission photos of woodchip berms that are currently in place.

Agent Shapiro explained that the new wetland delineation was very helpful to clarify that the barns and any grading associated with them would not be within the wetland itself, yet portions of the barns would be within the upland review area, and therefore require either a wetland permit or jurisdictional ruling. She also stated that while they already have building permits for only the two barns that are not in the upland review area, she received word from the building official that work on all of the barns has already begun, before coming to the Commission and before receiving building permits for four of the barns.

Chair Formeister stated that the farm had been well aware of the regulations, and the requirement that the Conservation Commission had to make a ruling prior to work beginning, but that they again ignored that requirement and began work anyway. Chair Formeister expressed frustration, and explained that the farm should follow the regulatory process, as everyone else is expected to, and asked if anything else was planned.

Agent Shapiro explained that although work began prior to the ruling, and was technically a violation, the barns may still be ruled exempt, as they are partially within the upland review area and are not requiring fill within a wetland.

Lise Wood made a motion to approve Application #772: 520 Hall Hill Road as a permitted use as-of-right, Construction of barns within Upland Review Area, Jarmoc Tobacco, LLC.

Daniel Fraro seconded.

All in favor. Motion carried.

IV. AUDIENCE PARTICIPATION

James Wysocki came to deliver a delineation of his property to the commission. He stated that he wants to turn his wooded land at 459 Pinney into agricultural land, and would like to clear and farm the wetland area.

Agent Shapiro encouraged him to work with NRCS to figure out a feasible plan for farming that portion of the property, and ensure that they do not jeopardize their eligibility for federal NRCS programs. Agent Shapiro asked whether it would be possible to simply farm around the small wetland area. She explained that an application would have to be submitted prior to a meeting in order for the Commission to rule on it.

V. STAFF REPORT

Agent Shapiro stated that the development on Eleanor Road is continuing to progress.

She stated that building permit applications need to include information about grading and erosion controls. Often, a simple footprint is sketched, without enough detail.

Agent Shapiro stated that a prospective buyer of a large parcel on the corner of Broadway and Mountain wants to put two houses on 18 acres, with extensive wetlands and a Gillette's Brook cutting through the property.

Agent Shapiro and Joan Formeister visited the property on 68 Skyridge Drive. The property owner has concerns about a watercourse under the road because it runs onto the property, flooding the yard. They are interested in the town creating and maintaining a drainage easement on the property.

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

VI. CORRESPONDENCE AND BILLS

Agent Shapiro presented the notice of an upcoming solar installation by the CT Green Bank. Its planned location is near the Osbourne Correction Institution and its size will be approximately 7.5 acres.

She presented a Journal Inquirer bill for April's announcement totaling \$51.94

She presented the CT Wildlife Magazine

Lise Wood made a motion to pay the Journal Inquirer bill.
Daniel Fraro seconded. All in favor. Motion carried.

VII. MINUTES APPROVAL: April 6, 2022

Daniel Fraro made a motion to accept the minutes of April 6, 2022 with two corrections.
Sydney Flower seconded. All in favor. Motion carried.

VIII. ADJOURNMENT

Lise Wood made a motion to adjourn at 8:18.
Sydney Flowers seconded. All in favor. Motion carried.

Respectfully Submitted,
Tara Comrie,
Recording Secretary

MINUTES ARE NOT OFFICIAL UNTIL APPROVED AT A SUBSEQUENT MEETING