

TOWN OF SOMERS
Conservation Commission
600 Main Street

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

I. CALL TO ORDER

Meeting called to order by Joan Formeister at 7:03 pm. 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 seated Lise Wood for Karl Walton.

II. OLD BUSINESS

1. **Presentation of Completed Eagle Scout Projects** (received partial funding from the Conservation Commission FY22).

Eagle Scouts from Troop 287 Ryan Nero and Jack Logan presented the conservation projects that they completed in Somers. Ryan Nero built an informational kiosk on Bald Mountain. He described the installation process step-by-step and showed the commission photos of the entire installation process from start to finish. He also showed the breakdown of the expenses for the supplies which came to \$630 in total. He stated that the town Rotary Club and Conservation Commission donated funds to make up most of the budget, with the balance coming from family and friends. Mr. Nero thanked the commission for their contribution.

Jack Logan also presented his Eagle Scout project. He stated that he built two benches on the Camp Aya Po trail, along the lake trail. He showed the commission the breakdown of the expenses for the supplies, which totaled \$1125. The funds were raised through family, friends, the town Rotary Club, and the Conservation Commission. He explained the step-by-step process that he used and showed the commission photos of the building and installation process. Mr. Logan thanked the commission for their contribution.

Joan Formeister stated that the commission would like to pursue future opportunities with the Scouts.

2. **Discussion/Possible Decision Application #776:** 225 Stafford Road. Construction of new house within Upland Review Area. Martin Green.

Agent Shapiro showed the proposed plan to the commissioners. Steve Aeschliman was in attendance to speak on behalf of the property owner. This had been an approved lot as part of a prior subdivision, but the wetland permit had since expired.

Agent Shapiro visited the site and stated that the site doesn't need a lot of grading. She stated that the plan keeps the work reasonably far from the wetlands. She noted that there was a lot of debris like downed trees and brush in the wetland area. She suggested to the commission that a condition of approval should include removing the brush and debris from within the wetland. She showed site photos to the commission.

Joan Formeister stated that in addition to that condition of approval, the commission typically likes to see wetland markers so that future homeowners are aware of the location of the wetland on property.

Mr. Aeschliman stated that the debris has been there for a long time, and was not recently deposited, and did not believe that should be a condition of approval. He also stated that he will flag the proposed tree line as shown on the plan. The commission discussed with Mr. Green and Mr. Aeschliman where the wetland markers should go. Joan Formeister stated that the commission discourages lawn planting up to the wetlands and should mark accordingly several feet in from the wetland. It was discussed that the property owner would put markers in a straight line, based off of a few feet in front of WF3, and carried across to either property line, placed 50' apart. The Commission explained that the exact placement was up to the property owner, as long as the Commission's written standards are followed, as provided.

Mr. Green asked the commission about using 4" PVC piping filled with concrete. Agent Shapiro stated that the commission typically requires stone, metal, or concrete because the PVC can degrade over time. Drew Kukucka asked if the inner diameter is greater than or equal to 4", as is required by the commission, and Mr. Green stated that it is. Mr. Green agrees that he is going to securely attach signs to the posts, and that they will be anchored through the PVC into the concrete, which was acceptable to the Commission.

Drew Kukucka made a motion to approve Application #776: 225 Stafford Road. Construction of new house within Upland Review Area, Martin Green, with the condition of installing permanent wetland boundary markers before the wetland line as discussed, based on the following:

The Commission finds that the Applicant has submitted all necessary application materials pursuant to Section 211-7 of the Wetlands Regulations, including but not limited to, Section 211-7(E)(5) "Alternatives considered and rejected".

The Commission did not find the proposed activities "significant".

The Commission finds that the criteria set forth in Section 211-10B have been met by the Applicant.

Lise Wood Seconded. All in favor. Motion carried.

III. NEW BUSINESS

1. **Application #778/Violation:** 35 Cricket Lane. Construction of an in-ground pool in the Upland Review Area (work began without permits). James P. & Pamela Hickey.

Mr. and Mrs. Hickey were in attendance. They explained that the pool company did not get permits before beginning the work.

Agent Shapiro stated that she spoke to the pool company back in March and told them that there were likely wetlands on the property and that they would likely need to hire a soil scientist and apply for a permit. The pool company proceeded without getting any permits.

Mr. and Mrs. Hickey brought a plan to the commission after engaging soil scientist Rick Zulick. Mr. Zulick described two wetland areas on the property. In his report he stated that it was very likely that prior development interrupted the hydrology and that the wetland is now well disturbed. It presently has very low functions and values. He doesn't believe the excavation by the pool company occurred in wetland soils.

Agent Shapiro gave suggestions for mitigating any damage by adding plantings between the pool and wetlands, and in the wetlands as well to enhance them. She stated that the proposed limit of disturbance would be within 13.4 feet of the wetland, the pool would be 30 feet from the wetland, and the patio would be 20 feet from the wetland.

Mr. and Mrs. Hickey stated that there will be a 3 foot concrete walkway around the pool. It will be extended on the side closest to the house. There will be a fence around the concrete walkway. Agent Shapiro noted that the plans show a 10' patio, so that should be corrected in the revised plan.

Drew Kukucka asked for clarification regarding the proposed disturbance area and the dotted area on the plan. Agent Shapiro interpreted that the dotted area was the proposed planting area. The commission concluded that the entire area didn't need to be planted and that lawn could be included around the pool area as well. Agent Shapiro will talk with surveyor directly to adjust the plan so that the plantings are in and directly around the wetlands.

Drew Kukucka noted that trees had been removed from the property, and asked the homeowner if any of the trees had been removed in the wetlands. Mrs. Hickey said that no trees had been cleared from within the wetland. Drew Kukucka stated that the areas with trees in wetland could be planted rather than maintained as lawn. He would like to include the trees on the plan to be sure that the limit of disturbance doesn't impact them.

Candace Aleks stated that there should be wetland markings as a condition of approval.

Drew Kukucka asked if the building permit triggers the sanitarian review. Agent Shapiro stated that the homeowner will have to get a statement from an engineer in order to receive the sign off from the sanitarian regarding the septic reserve area. She stated that the building permit application should be submitted for the sanitarian's sign off.

Agent Shapiro explained the wetland marking requirements to the homeowners.

The revised plan should be updated to define the existing limit of disturbance, show existing mature trees, show proposed permanent wetland boundary markers, shift the planting into the wetlands and a buffer around the wetlands, and specify which native plants should be planted within the wetland vs. in the buffer just outside of the wetland.

IV. AUDIENCE PARTICIPATION

NONE

V. STAFF REPORT

Agent Shapiro stated that the Somers public works department would like to clean out the watercourse drainage ditch at 28 Pinedale Ln. It was previously done in 2016 and they would like to do it again. A jurisdictional ruling does not technically expire, but public works wanted to get permission before starting. Commission members agreed that it meets the exemption, and requested that before and after photos be submitted by public works to show the nature and extent of the work required.

Agent Shapiro stated that a few months ago an application was approved for 132 Stafford Rd. The application is for a new house in an existing subdivision. A potential buyer for the lot wants to put in a larger house than was previously approved. The proposed house will be in the upland review area approximately 40 feet. Agent Shapiro explained to the potential buyer that it would have to come back before the commission for a modification. She also suggested alternatives to the potential buyer that would reduce work within the upland review area and limit the extent of grading.

Agent Shapiro said that a concerned neighbor reached out to inquire about the work beginning at Sonny's place. They were concerned that Sonny's place would be sourcing or discharging water into the Scantic River. Agent Shapiro reached out to Sonny's Place and informed them that the "ponds" are a closed system where water will be brought in and contained. If they have to discharge, it will not be near the Scantic River.

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

VI. CORRESPONDENCE AND BILLS

1. The commission received a letter from William Skinner regarding the Hillsdale Pond construction and filling (732 Hall Hill Road violation).

At the previous month's meeting, the commission had requested more specific info from the excavator who dug the pond and then attempted to fill the pond. Agent Shapiro read the letter aloud and asked the commission if the situation is closed or if there are outstanding issues.

Joan Formeister stated that the pond is a safety hazard for wildlife and the public and the commission members agreed.

Drew Kukucka stated that the commission should send a letter to let them know to come before the commission before beginning any future projects near ponds/streams/wetlands.

2. The commission received a notice of the CACIWC 45TH annual meeting and environmental conference 10/29. Commission members asked whether the town might pay for them to attend educational conferences related to their roles as commissioners.
3. The commission received a notice of the Connecticut Invasive plant working group meeting on 11/3.
4. Journal Inquirer bill for September public notice \$77.13
Lise Wood made a motion to pay the bill.
Daniel Fraro seconded. All in favor. Motion carried.

VII. MINUTES APPROVAL: September 7, 2022

Daniel Fraro made a motion to accept the minutes of September 7, 2022 with two corrections.

Lise Wood seconded. All in favor. Motion carried.

VIII. ADJOURNMENT

Drew Kukucka made a motion to adjourn at 9:00.

Lise Wood seconded. All in favor. Motion carried.

Respectfully Submitted,
Tara Comrie, Recording Secretary

MINUTES ARE NOT OFFICIAL UNTIL APPROVED AT A SUBSEQUENT MEETING