

**TOWN OF SOMERS
CONSERVATION COMMISSION
600 Main Street**



**REGULAR MEETING
November 2, 2022
7:00 P.M. TOWN HALL
MINUTES**

I. CALL TO ORDER--- Meeting called to order by Chairperson, Joan Formeister at 7:05 P. M. Commissioners in attendance were Vice Chairperson, Drew Kukucka, Dan Fraro, Sydney Flowers and Secretary, Candace Aleks. Also present, Joanna Shapiro, Town of Somers Wetlands Agent.

II. OLD BUSINESS –

1. **Discussion/Possible Decision 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.

New plans were submitted by the owners and Joanna reviewed them and also worked together on the plant list (substitute native shrubs were recommended). The engineer corrected the size of the patio and the surveyor will put in the required permanent conservation wetland markers. Existing trees and limit of disturbance were also added to the plan. The sanitarian also said she would sign off on the project.

Drew Kukucka made a motion to approve Application #778 based on the following:

1. 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”.
2. The Commission did not find the proposed activities “significant”.
3. The Commission finds that the criteria set forth in Section 211-10B have been met by the Applicant.

Sydney Flowers seconded. All were in Favor. The motion passed.

III. NEW BUSINESS -

1. Application #779: 41 Wood Rd. Construction of gravel driveway in the Upland Review Area, associated with new house. Adam Van Wingerden.

Chris Locatelli, Facility Manager of Grower Direct presented the plans for Mr. Van Wingerden. Prior tree cutting was approved back in October of 2021, in preparation for widening the farm road and trenching the utilities for a future home. They consulted with Eversource. The house will be outside the Upland Review Area, and will not require filling/disturbing the wetland area. Dan Fraro added that he grew up on the property and that the road is solid and not wet. Commission members asked whether the tree line shown is accurate. Drew suggested that permanent Wetland markers be placed along the wetland area in areas where the driveway is very close to the wetland.

- 2. Jurisdictional Ruling/Application # 780:** 520 Hall Hill Rd. Construction of tobacco barn #8 within the Upland Review Area. Jarmoc Tobacco, LLC.

Owen Jarmoc from Jarmoc Tobacco, LLC presented plans before the Commission. Plans were presented for an 8th barn to be constructed. No tree clearing will be done on the other side of the road where there are some wetlands. They will not be filling or going into that area. The barn will be constructed on concrete piers, with minimal site work.

Drew made a motion to state that this activity is determined to be an agricultural “permitted use of right”. Candace Aleks seconded. All were in Favor. The motion passed.

- 3. Jurisdictional Ruling/Application # 781:** 520 Hall Hill Rd. Construction of 1 acre irrigation pond within Wetland. Jarmoc Tobacco LLC.

This area within the existing farm field is wet, and has been left as brush rather than crops. It is the ideal area to build an approximately 1-acre farm irrigation pond for growing tobacco. The regulations will allow up to a 3 acre pond to be constructed for the farming operation without a wetland permit. The dredged soils will be removed and trucked to other Jarmoc farmland along Watchaug Road, outside of wetlands, to improve upland soils.

Sydney Flowers made a motion to state that this activity is determined to be a “permitted use of right”. Drew seconded the motion. All were in Favor. The motion passed.

- 4. Application 782/Violation:** 47 Horseshoe Lane. Construction of a pool house in the Upland Review Area without permits. Tom Ringwalt.

A permit was issued in 2015 for a pool. Plantings were supposed to be planted as a condition of approval, to mitigate the construction of the pool near a watercourse. The current Wetlands Agent found that the homeowner did not fulfill the 2015 requirements per the original approved application of the Commission regarding the mitigation plantings. Secondly, the homeowner did not

apply for building permits at Town Hall for the pool house and additional hardscape patio construction.

Commissioners advised that plantings must be installed per the original approved application. Homeowner should consult with a landscaping company on the proper type of plantings to install. Plantings should be completed now while weather allows, before the Commission acts on this current application, or otherwise must be bonded to ensure it will be done. If not planted right away, it might have to wait until spring due to weather, in which case a bond can be accepted until the planting is done. The bond should be enough to cover both the plants and the work to install the planting, and the homeowner can provide an estimate for that.

Homeowner should work in conjunction with the Wetland Agent to complete the proper mitigation requirements that were approved in 2015. Only native plants that are suitable for a streamside buffer should be used.

Commission members discussed whether a new planting plan should be developed at this point, since more impervious coverage has been added. The original planting plan would at least be a good starting point, unless the property owner wants to have a new plan created.

IV. AUDIENCE PARTICIPATION ----

None.

V. STAFF/COMMISSION REPORT---

Ms. Shapiro discussed recent updates:

132 Stafford – recently approved house, met with a new potential buyer, an updated plan is being developed, will likely come to Conservation as a permit modification

Durkee corner lot – met with a new potential buyer, may construct a smaller house than approved.

CACIWC annual conference – Joan and Joanna attended, asked about the requirement in our regulations for a collective statement on the record for any decision; advice was to remove it from the regulations (anything in the statute is “advisory” and will not be enforced by the court, but the regulations will be).

Commissioner Aleks made a motion to accept the Wetlands Agent report.

Commissioner Flowers seconded. All were in Favor. Motion carried.

VI. CORRESPONDENCE AND BILLS---

Ms. Shapiro presented a bill from the Journal Inquirer for \$42.50.

Commissioner Kukucka made a motion to pay the bill presented.

Commissioner Fraro seconded. All in Favor. Motion passed.

VII. MINUTES APPROVAL: for October 5, 2022

Commissioner Kukucka made the motion to accept the minutes as written.
Commissioner Aleks seconded. All in Favor. Motion passed.

VIII. ADJOURNMENT

Commissioner Fraro made the motion to Adjourn.
Commissioner Kukucka seconded. All in Favor. Motion Passed.

Meeting was adjourned at 8:40 P.M.

Respectfully Submitted,
Commissioner Candace Aleks, Secretary

MINUTES ARE NOT OFFICIAL UNTIL APPROVED AT A SUBSEQUENT
MEETING