

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

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

**I. CALL TO ORDER**

Meeting called to order by Vice Chairperson, Drew Kukucka at 7:00 P.M.  
Commissioners in attendance were Dan Fraro, Sydney Flowers, Lise Woods and Candace Aleks, Secretary. New member Jill Conklin arrived at 7:15 P.M. Joanna Shapiro, Town of Somers Wetlands Agent was also present.

**II. OLD BUSINESS**

1. **Discussion/Possible Decision Application #779:** 41 Wood Road. Construction of gravel driveway in the Upland Review Area, associated with new house. Adam Van Wingerden.

Jay Ussery from J. R. Russo presented plans for the driveway in the upland review area. About a third of this 35 acre lot has been agricultural. The hayfield will function as a driveway using the old farm road which will need to be widened.

There is a wooded functional wetland. Utilities will be underground on the right side of the driveway to avoid the wetlands. Referring to soil scientist Rick Zulick's wetland report, Mr. Ussery stated that there are no wetland values and no impact will result. Silt barriers will be placed where appropriate and no filling will take place. It will be seeded and grassed upon completion.

Drew Kukuka requested that Conservation Markers be placed along the wetlands, and the group determined that the markers would be 30 feet spacing on the curve of the driveway starting and between (W6 thru W13) and 50 foot spacing starting at and between (W13 thru W23), for a total of 10 Markers.

Sydney Flowers made a motion to approve the application, with a condition that permanent wetland boundary markers be installed every 30 feet between WB6-WB13 and every 50 feet from WB13-WB23, 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

Lise Wood seconded. All were in Favor. Motion passed.

2. **Discussion/Possible Decision Application #782/Violation:** 47 Horseshoe Lane. Construction of pool house in the Upland Review Area without permits. Tom Ringwalt.

Mr. Ringwalt explained that the pool company did not finish the project completely by planting the agreed upon plantings around the wetlands area. It was determined recently that at that time of construction, no CO was issued for the pool, and no permit was pulled for the new pool house that was recently constructed.

Mr. Ringwalt has now applied for all the proper permits. He has presented a planting estimate from Allen Howard LLC showing a plant list that will be planted in the Spring. This list was revised from the original planting list shown on the plan, based on Agent Shapiro's recommendation, to ensure that all plants are native.

Since it's not a suitable time of year to install the planting, a bond of \$5000 will be submitted to the Town of Somers, to be held until the planting is completed. The Wetlands Agent will inspect that all the work will be completed correctly per the application in the Spring and upon completion, the bond will be released.

Sydney Flowers made the motion to approve the application, with a condition that a bond of \$5000.00 will be submitted to the Town of Somers and that a planting be completed as shown on the planting plan dated June 24, 2014, 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

Lise Wood seconded. All in Favor. The motion passed.

### **III. NEW BUSINESS**

1. **Application #783:** 278 George Wood Road. 1-lot Subdivision, with driveway construction and fill within Wetland and Upland Review Area. Brandon Eastwood.

Jay Ussery of J. R. Russo Associates presented plans for a driveway to be constructed for a newly built home. The land is presently an agricultural field. There is an existing fire hydrant by the road. There is a wetland that is not apparent within the cornfield. Referring to Rick Zulick, soil scientist, report, it is a barely functioning wetland. It is being cultivated each season for corn production.

Mr. Ussery stated that the plans show that they designed the driveway to avoid the fire hydrant and to accommodate the 10' zoning setback for driveways from the property line, which pushes the disturbance further into the wetland, and that there is no alternative for placement.

Agent Shapiro questioned the placement and requested that they explore other alternatives for driveway placement. She suggested easements for the driveway, as these properties are all owned by the same family. She then suggested a zoning variance to place the driveway closer to the property line, on the opposite side of the hydrant from the wetland, since this is not yet an approved lot.

Agent Shapiro explained that in terms of regulatory implications, creation of a new lot is different than dealing with an existing lot that requires wetland disturbance for access. All possible alternatives should be sought to avoid wetland disturbance when creating a

new lot. Agent Shapiro noted that the remaining lot as designed would have an additional 65' of frontage (discontinuous) anyway, so only 110' should be needed in front of the house, and that some of that frontage could be given to this new lot to allow driveway access parallel to the existing driveway, away from the wetland.

Various alternatives were discussed by the Commissioners and Mr. Ussery. Commissioner Conklin suggested going to the east side of the fire hydrant and come in 50 feet to the building setback line. Mr. Ussery said a variance from Zoning would be needed for that proposal. All agreed that that alternative would at least reduce the impact to the wetland.

Mr. Ussery was asked to explore these alternatives with the property owner.

## **2. Proposed 2023 Meeting Dates**

Joanna presented the 2023 meeting dates.

Lise Wood made a motion to accept the Meeting Calendar for 2023.

Sydney seconded the motion.

All in Favor. Motion passed.

## **IV. AUDIENCE PARTICIPATION NONE.**

## **V. STAFF REPORT**

Agent Shapiro explained current inquiries related to 132 Stafford Rd and 44 Broadway.

Lise Wood made a motion to accept the Staff/Commissioner Report.

Dan seconded the motion.

All in Favor. Motion passed.

## **VI. CORRESPONDENCE AND BILLS**

### **1. Journal Inquirer bill for November public notice \$55.09**

Agent Shapiro brought up the proposal to add \$200.00 to the budget to pay for commissioner attendance at annual seminars. She also noted that the Conservation project budget had apparently been reduced this past fiscal year from \$650 to \$500, which means that after \$350 for Scantic water quality sampling, only \$150 will remain for a project. She suggested that funds be expended sooner within the fiscal year to hopefully avoid that happening. The Commissioners requested that she obtain the original annual \$650.00 for the Conservation project budget.

Sydney Flowers made the motion to approve the bill payment and Agent Shapiro's proposal for the budget items.

Dan seconded. All in Favor. motion carried

## **VII. MINUTES APPROVAL: November 2, 2022**

Lise Wood made a motion to approve the minutes of November 2, 2022.

Dan seconded. All in Favor. The motion passed unanimously.

## **VIII. ADJOURNMENT**

Lise made a motion to adjourn the meeting.

Dan seconded. All in favor. The meeting was adjourned at 9:18pm.

Respectfully Submitted,

Commissioner Candace Aleks, Secretary

MINUTES ARE NOT OFFICIAL UNTIL APPROVED AT A SUBSEQUENT MEETING