

Approved Meeting Dates for Somers Conservation Commission 2023

All to be held at the Somers Town Hall, Lower Meeting Room

January 4

February 1

March 1

April 5

May 3

June 7

July 5

August 2

September 6

October 4

November 1

December 6

TOWN OF SOMERS
Conservation Commission
600 Main Street
Somers, CT 06071

The regular meeting of the Town of Somers Conservation Commission scheduled for **January 4, 2023 at 7:00pm** has been canceled.

The next regularly scheduled meeting is **February 1, 2023.**

TOWN OF SOMERS
Conservation Commission
600 Main Street



REGULAR MEETING
WEDNESDAY, FEBRUARY 1, 2023
7:00 PM TOWN HALL
AGENDA

- I. CALL TO ORDER
- II. OLD BUSINESS
 - 1. **Discussion/Possible Decision Application #783:** 278 George Wood Road. 1-lot Subdivision, with driveway construction and fill within Wetland and Upland Review Area. Brandon Eastwood.
 - 2. **Discussion: WP #751:** 67 Pine Knob Road (New house and driveway in URA approved 8/4/21). Discuss Permanent Wetland Delineation.
 - 3. **Discussion/Update: WP #752:** 11 Tumble Brook Circle (In-ground pool, modified to include retaining wall 9/7/22). Discuss site conditions and remedy.
- III. NEW BUSINESS
 - 1. **Application #784:** 36 Northwest Drive. Construction of 5 Tobacco Barns in the Upland Review Area. Jarmoc Tobacco LLC.
 - 2. **Application #785:** 58 Manse Hill Lane. Construction of garage in the Upland Review Area. John O'Donnell.
 - 3. **Election of Officers**
- IV. AUDIENCE PARTICIPATION
- V. STAFF REPORT
- VI. CORRESPONDENCE AND BILLS
 - 1. Journal Inquirer bill for December public notice \$67.68
- VII. MINUTES APPROVAL: December 6, 2022
- VIII. ADJOURNMENT

TOWN OF SOMERS
Conservation Commission
600 Main Street



REGULAR MEETING
WEDNESDAY, FEBRUARY 1, 2023
7:00 PM TOWN HALL
MINUTES - REVISED

I. CALL TO ORDER

The meeting was called to order by Chairperson Joan Formeister, at 7:05 P.M. Commissioners in attendance were Dan Fraro, Drew Kukucka, Sydney Flowers, Lise Wood, and Candace Aleks. Joanna Shapiro, Town of Somers Wetlands Agent, was also present.

Chairperson Joan Formeister seated Lise Wood for the unknown Planning Commission representative.

II. OLD BUSINESS

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

Joanna Shapiro showed revised plans since the last meeting held in December 2022. New plans include a zoning variance to reduce the amount of fill/disturbance in the wetland. Jay Ussery spoke to the original application with a driveway west of the fire hydrant; in that scenario, about 3000sq feet of disturbance would occur. New plans show the driveway out of the wetland with only about 340sq feet being disturbed. The land is currently used for agriculture (mainly silage corn). Joanna Shapiro sent around a current picture she took to show the area to be disturbed, and she stated that she saw a wetland flag on the side of the road. Drew Kukucka noted that getting the zoning variance allows for a significant improvement from the plan shown to the Conservation Commission in December. Jay Ussery stated that the variance has already been approved by ZBA and will be filed soon.

Drew Kukucka made a motion to approve application #783 (278 George Wood Road) with the specification that the revised plan developed on 12/20/22 be used 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 were in favor, and the motion carried.

2. **Discussion: WP #751:** 67 Pine Knob Road (New house and driveway in URA approved 8/4/21). Discuss Permanent Wetland Delineation.

Joanna Shapiro stated that the owner, Matt Burzdak, has requested the Commission to give some leeway to the number of permanent markers needed to permanently delineate the wetland, a condition of the wetland permit, due to the size of the wetland. Large property (10+ acres in total), wetlands surround almost the entire area, and he wants to delineate just the edge of the field versus the whole perimeter of the wetland. He has already installed 10 granite markers that meet the standards, near the driveway and front portion of the property. Matt explained the plan, and currently, there are ten wetland flags in the field area, some in the wooded area, and six outside of his property line. Joanna Shapiro did state that the current monuments meet the correct standards, but the markers had not yet been attached. Joanna Shapiro reviewed Matt's proposed plan to add metal posts filled with concrete to supplement the 10 granite monuments already installed, and suggested repositioning some that were very close together, as others were too far apart. Matt passed out a revised wetland demarkation plan during the meeting. Joan Formeister stated that flagging might not be needed near the stream area due to the apparent appearance of the wetland. The

Commission agreed that two markers along the western boundary on the revised plan are not required, and instead of the two shown at WF 4 and 3, one can be placed between them, and the two proposed posts along the northern boundary should be installed. That results in 3 additional posts, which can be metal pipes filled with concrete, in addition to the 10 granite monuments already installed. The handwritten edits on the revised plan were provided to Joanna Shapiro and Matt. Matt requested three markers and stated they are about a month out from the certificate of occupancy. Joanna Shapiro noted that the driveway is in better shape and she will come back to visit the site when the as-built survey is ready to approve the certificate of occupancy, at which time a lawn bond will be needed if the site is not permanently stabilized.

3. Discussion/Update: WP #752: 11 Tumble Brook Circle (In-ground pool, modified to include retaining wall 9/7/22). Discuss site conditions and remedy.

The owner, David Springer, was in attendance. Joanna Shapiro stated there had been concerns with contractors not following the plan previously approved by the Commission and asked Mr. Springer to discuss with the Commission to remedy this. The retaining wall is now done correctly and looks great; however, subsequent work created a disturbance in the wetland. Joanna Shapiro shared that there is an area between the retaining wall and the wetland that has been mowed/cleared, which was not agreed upon based on preliminary plans that were approved. This area needs to naturalize again and be restabilized. In addition, the silt fence was not staked in the ground correctly, there are disturbed soils beyond the silt fence, and there is recently harvested wood piled within the wetland, and at least one large tree was removed because it was dying, according to the owner. Joanna Shapiro told the owner he could always contact the town on how best to remove trees from wetlands and upland review areas to prevent disturbance. Mr. Springer stated he contacted Frank's Landscaping, who will stabilize the current soils/provide erosion control, remove recently harvested wood from the wetland, and install straw wattles against the silt fence. Joanna Shapiro sent an email to the owner to guide Frank's Landscaping regarding what work needs to occur to provide a better buffer between the pool and the wetland.

III. NEW BUSINESS

Lise Wood made the motion to add application #786, 520 Hall Hill Road, jurisdictional ruling, construction of underdrain through wetland and upland review area, to the agenda. Drew Kukucka seconded. All were in favor, and the motion carried.

1. Application #784/Jurisdictional Ruling: 36 Northwest Drive. Construction of 5 Tobacco Barns in the Upland Review Area. Jarmoc Tobacco LLC.

Jay Ussery spoke to the proposed plans. The map shows one existing farm pond delineating the wetland and upland review area. However, Joanna noted that there is one pond on the map that is closest to the proposed barns, and plans do not show wetland delineation or upland review area around that pond. Barns are technically outside of the 100' upland review area, but the ruling was requested out of an abundance of caution since the property is surrounded by wetlands and the Scantic River. Jay Ussery stated that there are no wetland soils in the area where the proposed barns are going to be built, and that area has the highest elevation on the field. Barns will be on piers and not require grading, and no additional clearing will occur.

Lise Wood made the motion to approve application #784 as agricultural as-of-right use, and no permit is needed. Candace Aleks seconded. All were in favor, and the motion carried.

2. Application #785: 58 Manse Hill Road. Construction of garage in the Upland Review Area. John O'Donnell.

John O'Donnell was in attendance. Joanna Shapiro explained that when the plan for the house was initially approved, the plans included a garage that was never built, and the wetland permit has since expired. John O'Donnell provided updated plans for the garage that he would like to build, and the garage is located in the same spot as the originally approved plans, but the garage is slightly larger and two feet closer to the wetland. No alternative locations that would be further from the wetland were apparent, and the driveway to the unbuilt garage is currently in place. No questions or concerns were addressed at this time.

3. Application #786/Jurisdictional Ruling: 520 Hall Hill Road. Construction of 1300' underdrain through Wetland and Upland Review Area. Jarmoc Tobacco LLC.

Jay Ussery showed a map with a proposed underdrain about 1300 feet long. Jarmoc Tobacco is entering its third season of using this field to grow tobacco. The area is wet, and they are proposing to install an underdrain that will tie into an existing drainage swale. The underdrain will pick up surface water and some groundwater to make the area dryer so it can be easier to farm. Mr. Ussery stated that the underdrain

installation is an agricultural as-of-right use, and no permit is needed. Joanna Shapiro noted that the "filling or reclamation of wetlands and watercourses with continual flow" may kick this out from being an agriculture exemption. Commission discussed this and the definition of farming outlined in CT Statute 1-1q. This could be considered an "improvement or maintenance of a farm and its buildings" or "construction of a drainage swale" included in the definition of farming. Joanna Shapiro agreed that the farming definition can be used to define what farming means in the Connecticut Inland Wetlands and Watercourses Act. However, the filling involved with installing an underdrain pipe may prevent it from being exempt. Jay Ussey explained that installing an open ditch may be a better alternative because the underdrain can become clogged and need further maintenance, and wouldn't require fill. Jarmoc agreed to do the open ditch or drainage swale to see how it goes. If it does not provide adequate drainage, Jarmoc will return to the Conservation Commission to apply for a permit for the underdrain if needed. Joanna Shapiro mentioned that they need to be mindful of silt and erosion when digging the ditch, and Jarmoc agreed that they would, and would use wood chip check dams to control runoff.

Candace Alexs made the motion to approve application #786, with the amendment that an open ditch will be constructed instead of the underdrain pipe, as an agricultural as-of-right use, and no permit is needed. Lise Wood seconded. All were in favor, and the motion carried.

4. Election of Officers

Joan Formeister stated that the current officers up for election are Drew Kukucka for Vice Chairman, Sydney Flowers for Secretary, and Joan Formeister for Chairman. Joan Formeister asked if others would like to be considered for these roles, but none were.

Lise Wood motioned to elect Joan Formeister as Chairman, Drew Kukucka as Vice Chairman, and Sydney Flowers as Secretary. Candace Alexs seconded. All were in favor, and the motion carried.

IV. AUDIENCE PARTICIPATION - None

V. STAFF REPORT

Joanna Shapiro explained there were some general erosion issues, 10 Eleanor Drive was waiting for their certificate of occupancy, and erosion issues were recently resolved. Also, there is some possible interest in a building lot on Brittany Drive. Due to driveway work, there were concerns about sediment in the road coming from 41 Wood Road, but that was quickly cleaned up and resolved.

Lise Wood made a motion to accept the Staff/Commission Report. Dan Fraro seconded. All were in favor, and the motion carried.

VI. CORRESPONDENCE AND BILLS

1. Journal Inquirer bill for December public notice \$67.68

Joanna Shapiro handed out the State of the Scantic: 2022 Annual Report, prepared by Dr. Kirsten Martin. Next meeting, Dr. Martin will present the report's findings.

Joanna Shapiro mentioned the email she had sent to the Conservation Commission, regarding Jarmoc's diversion permit application to CT DEEP for withdrawals from Lafayette Pond. The Commission had determined that we would not require any town wetland permitting or rulings for this activity (farm withdrawal of water from an existing irrigation pond to irrigate crops) but that DEEP does require a diversion permit for withdrawals that may exceed 50,000 gallons per day. We received the application because it is required to be copied to the town wetland agency, and we can choose to submit comments (either as a commission or as individuals) to DEEP as they consider this permit. No members had any comments on the application. Drew Kukucka did ask if we would get a final notice from DEEP on the decision of the application, and Joanna Shapiro was not sure.

Candace Alexs made a motion to approve the bill payment of \$67.68 for the Journal Inquirer. Lise Wood seconded. All were in favor, and the motion carried.

VII. MINUTES APPROVAL: December 7, 2022

Lise Wood made a motion to approve the minutes of December 07, 2022 (not December 06, 2022, as stated on the meeting agenda), with 3 minor edits. Dan Fraro seconded. All were in favor, and the motion carried.

VIII. ADJOURNMENT

Lise Wood made a motion to adjourn the February 01, 2023, meeting. Candace Alexs seconded. All were in favor, and the motion carried. The meeting was adjourned at 9:20 pm.

Respectfully Submitted,
Commissioner Sydney Flowers, Secretary
MINUTES ARE NOT OFFICIAL UNTIL APPROVED AT A SUBSEQUENT MEETING

TOWN OF SOMERS
Conservation Commission
600 Main Street



REGULAR MEETING
WEDNESDAY, MARCH 1, 2023
7:00 PM TOWN HALL
AGENDA

- I. CALL TO ORDER
- II. OLD BUSINESS
 - 1. **Discussion/Possible Decision Application #785:** 58 Manse Hill Lane. Construction of garage in the Upland Review Area. John O'Donnell.
- III. NEW BUSINESS
 - 1. **Presentation:** Scantic River – Somers Stream Team and State of the Scantic. Kirsten Martin, PhD.
- IV. AUDIENCE PARTICIPATION
- V. STAFF REPORT
- VI. CORRESPONDENCE AND BILLS
 - 1. Journal Inquirer bill for February public notice.
- VII. MINUTES APPROVAL: February 1, 2023
- VIII. ADJOURNMENT

TOWN OF SOMERS
Conservation Commission
600 Main Street



REGULAR MEETING
WEDNESDAY, MARCH 1, 2023
7:00 PM TOWN HALL
MINUTES

I. CALL TO ORDER

The meeting was called to order by Chairperson Joan Formeister, at 7:01 P.M. Commissioners in attendance were Dan Fraro, Drew Kukucka, Sydney Flowers, and Lise Wood. Joanna Shapiro, Town of Somers Wetlands Agent, was also present.

II. OLD BUSINESS

- a. **Discussion/Possible Decision Application #785:** 58 Manse Hill Road (not Lane). Construction of garage in the Upland Review Area. John O'Donnell.

Joanna Shapiro spoke about how she visited the site and saw no concerns with the updated plans to build a garage at this location. There are erosion control methods proposed on the plan, and there is an existing grassed leach field between the proposed garage and the wetland. Drew Kukucka made a motion to approve application #785 (58 Manse Hill Road) 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 were in favor, and the motion carried.

III. NEW BUSINESS

- a. **Presentation:** Scantic River – Somers Stream Team and State of the Scantic. Kirsten Martin, Ph.D.

Dr. Martin spoke about how she started the Scantic River study in 2009. The original study focused on E. coli levels but, over the years, has added monitoring pH levels, temperature, phosphorous, nitrate, and turbidity and recently started surveying microplastics. The State of the Scantic River is published by her every year. The funding for the E-coli testing, done weekly in the summer months and posted online, is funded by the Scantic River Watershed Association, East Windsor, Somers, Enfield, and the University of Saint Joseph. Dr. Martin uses her personal funds for the other testing. Testing is only done in the summer months due to limited funding.

We reviewed the report, and Dr. Martin pointed out that this year's numbers have changed due to all the rain we had this past year. The higher amounts of rain seem to have kept the nitrate levels lower; in the past, it was 4/5 (less than one mg/L is normal). Phosphorous and turbidity were still significant issues. Somers' testing sites include Durkee Road, Four Bridges Road, Kibbe Grove Road, King Road, Rt 190 Bridge, Rt 83, and the Somersville Mill Pond Dam area. Durkee Road was the most concerning site, and the Somersville Mill Pond had some of the best water quality, possibly due to the vegetation.

Dr. Martin can only continue this study as funding is secured. Limited to testing only in the summer because testing equipment is costly. Limited sample sizes and frequencies she has to test due to testing costs are not ideal. Not able to locate the sources of pollution due to small test size.

Funding was secured from the Hartford Foundation for Public Giving to create a Stream Team with Somers HS (part of the STEM program). She recently visited a high school class, and many students had yet to go to the Scantic River. SHS students are adopting the tributary near the school and testing the water. She will train them and provide nitrate testing equipment through the grant and hopes to start this spring. Dr. Martin also discussed how a grant was recently awarded through CRC (Connecticut River Conservancy) and a 319 grant through DEEP to create a Scantic River Watershed Management Plan. This will include public forums, issue awareness, culvert assessments, upgrading lab capability, and implementing stream walks (federal program). This is slated to start this summer.

We discussed how Somers' testing funds ran out before the end of the testing season, and potentially adding a testing site at Camp Aya-Po. Joanna will check the Conservation Commission budget, and Dr. Martin will email her about what is needed for funding for the continuation of the Scantic River study. The report will be shared with the Board of Selectman and the Land Use Committee.

Scantic River will be featured in a Silvio O Conte National Fish & Wildlife Refuge documentary on April 21, 2023, in the Hoffman Auditorium at 6:00 pm, part of the Earth Day celebration.

IV. AUDIENCE PARTICIPATION

- a. John Gale, who owns a horse farm on 229 Billings Road, is interested in clearing about six acres of land to turn into a horse pasture. He attended the meeting to find out what he should do next and to share his idea with the Commission. He will get a surveyor out soon, develop a plan, and will bring that plan back to the Commission for review and approval.
- b. Jay Ussery and Dan O'Sullivan attended to discuss the subdivision plan on Turnpike Road. Based on the Somers wetland regulations, if an application to the Town of Somers Planning, Zoning, or Planning and Zoning Commission for subdivision or subdivision of land involves land containing a wetland or watercourse, the applicant shall, in accordance with Section 8-3(g), 8-3c, or 8-26, as applicable, of the Connecticut General Statutes, submit an application for a permit to the Commission in accordance with this section, no later than the day the application is filed with such Planning, Zoning, or Planning and Zoning Commission.

Jay Ussery argued that a permit should not be needed since the land containing wetlands will have no work done in the wetlands or upland review area, and he does not want to seek a permit because he feels this should not be regulated by the town. They requested that the Conservation Commission submit a report to the Planning Commission, saying there was no need for a permit. Jay also stated that the state statutes differ slightly from the Somers statutes. Joanna mentioned that there is currently no mechanism for a report or referral, and that the regulations specify that a permit is needed in this situation. We could consider refining that language as part of a larger update of the wetland regulations, once the state updates the model regulations. We briefly reviewed the supplied subdivision maps since we could not officially receive the application because it was submitted too late to the Commission. The Commission will wait to hear guidance from the town attorney, Carl Landolina. We can officially receive and decide on the next steps during the next meeting.

V. STAFF REPORT

Joanna Shapiro mentioned the Jarmoc Tobacco land on Watchaug Road, across from where the barns were recently built; two structures were demolished before a permit was received. During that time, it was noticed that there was a stockpile of materials placed on that lot, reportedly moved from across the street

after the new pond was excavated, and there was no silt fence put in place. The town will be looking into this more regarding zoning requirements. Drew Kukucka suggested that it would be a good idea if the town mandated that they have established egresses on both sides of the road due to heavy equipment and materials going back and forth. Joan Formeister asked Joanna Shapiro to inform the building official regarding the egress need since there was reportedly a meeting scheduled the next day in the land use office with the property owner.

Joanna Shapiro also mentioned that the new property owner of 144 Watchaug Road might want to do some grading near the stream so he can add a personal fishing spot/access. That is adjacent to the replacement culvert that the town installed. Drew Kukucka mentioned there is now a mailbox there.

Joanna Shapiro discussed the land being cleared on the corner of Sokol Road/190 near the Fire Dept. She visited the site to find out what was happening, and they were clearing because there were plans to build a house there. This is a lot of record, and a site plan is being developed but hadn't been submitted for a building permit yet, and not much clearing should have been required. Since there appear to be wetlands with a small stream, they will need to get a soil scientist out there and present plans to the Conservation Commission.

Joanna Shapiro briefly mentioned plans to build the remaining 2-3 units in the Soapstone Development.

Joanna Shapiro mentioned that someone might be interested in purchasing the land on the corner of Durkee and Four Bridges, and they may need to modify the wetland permit.

Lise Wood made a motion to approve the Staff Report. Dan Fraro seconded. All were in favor.

VI. CORRESPONDENCE AND BILLS

a. Journal Inquirer bill for February public notice...

Joanna Shapiro informed us that the Journal Inquirer bill has yet to be received. Lise Wood made the motion to approve an amount of up to \$100 to pay the February JI bill. Dan Fraro seconded. All were in favor.

b. Joanna Shapiro shared that the CAWS (Connecticut Association of Wetland Scientists) Annual Meeting will be held on 3/9 and passed around information.

VII. MINUTES APPROVAL: February 1, 2023

Lise Wood made a motion to approve the minutes of February 01, 2023, with four minor revisions. Dan Fraro seconded. All were in favor, and the motion carried.

VIII. ADJOURNMENT

Drew Kukucka made a motion to adjourn the February 01, 2023, meeting. Lise Wood seconded. All were in favor, and the motion carried. The meeting was adjourned at 9:07 pm.

Respectfully Submitted,

Commissioner Sydney Flowers, Secretary

MINUTES ARE NOT OFFICIAL UNTIL APPROVED AT A SUBSEQUENT MEETING

TOWN OF SOMERS
Conservation Commission
600 Main Street



REGULAR MEETING
WEDNESDAY, APRIL 5, 2023
7:00 PM TOWN HALL
AGENDA

- I. CALL TO ORDER
- II. OLD BUSINESS - None
- III. NEW BUSINESS
 - 1. **Application #787/Jurisdictional Ruling:** 8 Turnpike Road. Subdivision of land containing wetlands; no proposed work in Upland Review Area. D&S Developers, LLC.
 - 2. **Application #788/Jurisdictional Ruling:** 329/307 Billings Road. Clearing wetland and converting to pasture. Fawn Hill, LLC.
 - 3. **Application #789:** 15 Sokol Road. Clearing within Upland Review Area, associated with construction of new house. Glenn Hastie.
 - 4. **Application #790:** 349 Mountain Road. Hydro-raking to control aquatic vegetation. SOLitude Lake Management.
- IV. AUDIENCE PARTICIPATION
- V. STAFF REPORT
- VI. CORRESPONDENCE AND BILLS
 - 1. Journal Inquirer bill for \$81.85 – combined February/March public notice due to JI issue.
- VII. MINUTES APPROVAL: March 1, 2023
- VIII. ADJOURNMENT



TOWN OF SOMERS
Conservation Commission
600 Main Street

REGULAR MEETING
WEDNESDAY, APRIL 5, 2023
7:00 PM 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, Candace Aleks and Lise Wood. Also present, Joanna Shapiro, Town of Somers Wetlands Agent. Chairman Joan Formeister seated Lise Wood for Sydney Flowers.

II. OLD BUSINESS –

Chairman Joan Formeister updated the Commission on the Scantic River Water Quality Monitoring Project being conducted by Dr. Kirstin Martin, and the town's support and efforts to provide funding for the testing materials.

III. NEW BUSINESS -

1. **Application #787/Jurisdictional Ruling:** 8 Turnpike Rd. Subdivision of land containing wetlands; no proposed work in Upland Review Area. D & S Developers, LLC.

Chairman Formeister recused herself from this application, as she is an abutter.

Agent Shapiro summarized the application for a proposed subdivision of land containing wetlands. She read from both the Somers Inland Wetlands and Watercourses Regulations and the Subdivision Regulations, which require that the applicant apply for a wetland permit for any subdivision of land containing wetlands or watercourses. She also read the section of CGS Section 8-26 submitted by the applicant, which also requires that an application be submitted to the wetland agency, and refers to a report that can be issued from the wetland agency to the planning agency with their decision. Agent Shapiro explained that the applicant technically submitted an application form, but specifically for a "Section 8-26 referral", not a wetland permit, and they maintain that they do not need or want a permit. Agent Shapiro explained that her interpretation of the town regulations would require that a wetland permit be obtained for subdivision of land containing wetlands. She explained that the permitting process would

have been very simple and easy, since there was no work proposed within the upland review area, but that there was a process to follow. She reported that she consulted with the Town Attorney, who understood the concern regarding the language of the regulations, but said that the Commission could make a determination if they have jurisdiction and whether a permit would be required, and that they could rule it exempt if they wanted to.

Jay Ussery represented the developer. Jay said the application he submitted is based on State of CT statute, and that they are requesting that the Commission write a memo to the Planning Commission that no wetland permit is required; as proposed work will be over 900 feet from the upland review area, and there is therefore no regulated activity proposed.

Commission members discussed the regulations, and their interpretation.

Drew Kukucka made a motion to deny the Jurisdictional Ruling, based on the language of the town wetland regulations, requiring a wetlands permit. Candace Aleks seconded. Motion Failed 2-2.

Dan Fraro made a motion that the application is exempt from needing a wetland permit. Lise Wood seconded. Motion Failed, 2-2.

Jay Ussery asked that a memo be submitted to Planning by the Commission.

2. Application # 788/Jurisdictional Ruling: 329/307 Billings Rd. Clearing wetland and converting to pasture. Fawn Hill, LLC.

John Gale, the owner and applicant, explained that he purchased an adjacent property and merged it with his existing property, now containing 33.98 acres, and now wants to clear cut a proposed 7.7 acre area for the purpose of creating a pasture for his horses to graze. He will be leaving some trees and stumps in some areas of the wetlands. He is a member of the Farm Bureau and consulted with the Bureau for advice on what to do and what not to do. He is not proposing work in the vernal pool area.

Agent Shapiro distributed both Farm Bureau and CT DEEP guidance on the agricultural exemptions from the wetland statute. Agent Shapiro explained that grazing itself is exempt, but that the creation of pasture within a wetland may not be, if it involves either filling in a wetland or clear-cutting for a purpose other than the expansion of crop land, and that the Commission should consider whether the grading proposed would constitute filling, and whether pasture is crop

land or not. She explained that portions of the proposal may be exempt, while others may require a separate wetland permit.

Lise Wood made the motion to vote on the application as "a use of right".
Dan Fraro seconded.

The Commission discussed whether pasture would constitute crop land, and no consensus was reached. Drew Kukucka disagreed that clear cutting in a wetland to create pasture was exempt. Candace Aleks felt the term "grazing" was a permitted right, and that pasture is crop land.

Vote was 3/2. Motion carried.

3. **Application # 789:** 15 Sokol Rd. Clearing within the Upland Review Area, associated with construction of a new house. Glenn Hastie

Mike Mocko, environmental consultant, apologized to the Commission for the unapproved clearing of the lot that was done without his knowledge. There was a communication error upon all involved in the clearing. He had originally planned a 200 foot buffer zone by the wetlands and stream. Mr. Mocko discovered that the buffer zone had been breached once Wetland Agent Shapiro contacted him. As a result, he has submitted a new plan and application "after the fact".

The new plan delineates the buffer zone and wetlands as not being disturbed, and shows where clearing occurred within the upland review area. Further disturbance or grading will NOT occur near the buffer zone so that it can regrow. The permit is for the "after the fact" unapproved clearing of trees and he assures that there will be NO further disturbance.

4. **Application 790:** 349 Mountain Road. Hydro-raking to control aquatic vegetation. SOLitude Lake Management.

Jeff Castellani from SOLitude Lake Management presented a plan for nuisance vegetation management. There are water lilies that have overgrown the pond. The large lily leaves spread over the pond surface and block the allowance of proper growing of diverse pond vegetation. The pond will soon become unmanageable.

The plan is to remove some of the lilies and their root systems by using a Hydro-rake. A Hydro-rake is a floating excavator which is used in ponds and lakes to rid the waterbody of invasive plants. It cleans and manages the pond/lake so that aquatic life can be sustained in a healthy ecosystem.

Protective mats will be placed around the pond edge to protect the soil while inserting the Hydro-rake. A fabric turbidity curtain will be placed to localize the management area and will act as a filter allowing clear water to flow through it.

Agent Shapiro asked how they will prevent invasive aquatic plants from entering the pond. Jeff Castellani explained their procedure for cleaning equipment.

At this point of the presentation, Attorney George Schober asked to speak to the Commission regarding this application. Att. Schober submitted a "Verified Petition To Intervene" on behalf of Kenneth J. Prior, who owns property at 364 Mountain Rd. across the road from 349 Mountain Rd. Mr. Prior is "concerned with the environmental integrity of resources including ground water, surface water, land and quality of life" which might be potentially affected by this proposed project.

As a resident and neighbor, Mr. Prior has concerns about the wildlife in the area and what potential impact the project might have on Gillette Brook (which runs through his property) and the Scantic River. Mr. Prior believes that a public hearing should be held for residents of Somers to hear about the proposed work.

Jeff Castellani further explained their process and protective measures for preventing sedimentation and turbidity within the receiving waters. He also explained how turbidity can be monitored during the project, which would only take 5 days per year for 3 years. He also explained how the removal of these plants would also remove organic matter and nutrients, which can improve water quality.

The Commission discussed whether to hold a public hearing on the application. Agent Shapiro read the definition of a significant impact activity for the Commission to consider. The Commission requested that SOLitude Lake Management submit a report from a biologist. There was additional discussion on whether herbicides would be used and whether there were any potential dangers, to include examples/case studies, and to include details on cleaning of equipment and other issues discussed. DEEP would be required to issue a permit for the use of herbicides.

The Commission felt that further discussion was needed for the next meeting in May and that more information would help to determine if this activity is significant, and if a Public Hearing would be necessary in June.

IV. AUDIENCE PARTICIPATION ----

None.

V. STAFF/COMMISSION REPORT---

Ms. Shapiro distributed and discussed the Wetland's Agent Report. Darcy Winter, liaison for DEEP has received a promotion and will no longer be a resource for the Commission. There will be a replacement for her.

Commissioner Lise Wood made a motion to accept the Wetland's Agent report.

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

VI. CORRESPONDENCE AND BILLS---

Ms. Shapiro presented a bill from the Journal Inquirer for \$81.85.

Commissioner Aleks made a motion to pay the bill presented.

Commissioner Wood seconded. All in Favor. Motion carried.

VII. MINUTES APPROVAL: for March 1, 2023

Correction made, to specify that Lise Wood was seated for Candace Aleks.

Commissioner Aleks made the motion to accept the minutes with the correction.

Commissioner Wood seconded. All in Favor. Motion carried.

VIII. ADJOURNMENT

Commissioner Fraro made the motion to Adjourn.

Commissioner Kukucka seconded. All in Favor. Motion carried.

Meeting was adjourned at 9:55 P.M.

Respectfully Submitted,
Commissioner Candace Aleks, Secretary

TOWN OF SOMERS
Conservation Commission
600 Main Street



REGULAR MEETING
WEDNESDAY, MAY 3, 2023
7:00 PM TOWN HALL
AGENDA

- I. CALL TO ORDER
- II. OLD BUSINESS – None
 - 1. **Discussion/Possible Decision Application #789:** 15 Sokol Road. Clearing within Upland Review Area, associated with construction of new house. Glenn Hastie.
 - 2. **Discussion/Possible Decision Application #790:** 349 Mountain Road. Hydro-raking to control aquatic vegetation. SOLitude Lake Management.
- III. NEW BUSINESS
 - 1. **Application #791:** 46 Harvest Hill Drive. Construction of in-ground swimming pool in the Upland Review Area. Amber Wilhelm, Vernon Poolman.
- IV. AUDIENCE PARTICIPATION
- V. STAFF REPORT
- VI. CORRESPONDENCE AND BILLS
- VII. MINUTES APPROVAL: April 5, 2023
- VIII. ADJOURNMENT

TOWN OF SOMERS
Conservation Commission
600 Main Street

REGULAR MEETING
WEDNESDAY, MAY 3, 2023
7:00 PM TOWN HALL
MINUTES



I. CALL TO ORDER

The meeting was called to order by Chairperson Joan Formeister at 7:03 P.M. Commissioners in attendance were Dan Fraro, Sydney Flowers, Lise Wood, Candace Aleks, and new member Shane Manning (Zoning Commission rep). Joanna Shapiro, Town of Somers Wetlands Agent, was also present. Chairman Joan Formeister seated Lise Wood for Drew Kukucka.

II. OLD BUSINESS

- a. Discussion/Possible Decision Application #789:** 15 Sokol Road. Clearing within Upland Review Area, associated with the construction of a new house. Glenn Hastie.

Joanna Shapiro heard from the two consultants, Mike Mocko and Mike Smith, neither were able to be here tonight. The owners cleared the land to the stream, but none of the plans included building in the wetland or upland review area. They will not do any more clearing near the wetland and will allow the vegetation to regrow. May need to include a couple of permanent markers to indicate where the wetland is for future reference.

Candace Aleks made a motion to approve application #789 (15 Sokol Road) clearing within the upland review area, associated with the construction of a new house with the exception that no more clearing be done in the upland review area/wetland, the vegetation is allowed to regrow in that area, and a permanent marker is placed to indicate where the delineation starts (Joanna Shapiro will inform consultants) 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 were in favor, and the motion carried.

- b. Discussion/Possible Decision Application #790:** 349 Mountain Road. Hydro-raking to control aquatic vegetation. SOLitude Lake Management.

Tabling discussion upon SOLitude Lake Management's request. The applicant needs more time to prepare. No one was present at the meeting to discuss this. Joan Formeister provided a synopsis of the last meeting to Sydney Flowers and Shane Manning, who were absent at the April 2023 meeting. When this topic was presented at that meeting, a person was in attendance who was not in favor of hydro-raking the pond. The Commission decided more information would need to be presented for the Commission to decide on the application.

III. NEW BUSINESS

- a. **Application #791:** 46 Harvest Hill Drive. Construction of an in-ground swimming pool in the Upland Review Area. Amber Wilhelm, Vernon Poolman.

Keith Rivers, the property owner, was in attendance. No one from Vernon Poolman was there. A sketch of the plan was emailed to Joanna Shapiro regarding the proposed grading, stockpile, silt fence, pool site, etc. will be placed. Joanna Shapiro informed Keith Rivers that we couldn't approve it tonight but could review it and answer any questions. Joanna Shapiro will visit the site soon. Mr. Rivers indicated that no trees would need to be removed, and the pool water would not need to be lowered, so there would not be any regular discharging of the pool water. Joanna Shapiro stated that the pool location would be 78' from the wetland, but grading and site work would extend closer. Joanna Shapiro informed Mr. Rivers to come prepared for the next meeting with more information about the slope material being used, the patio area, any planting, clearing, etc. Commission agreed that nothing looked concerning and that we could most likely approve at the next meeting if there are no significant changes to the current plan and more information is provided regarding the current plan. Joanna Shapiro informed Mr. Rivers that she would likely stop by to review the site next week.

IV. AUDIENCE PARTICIPATION

No audience in attendance.

V. STAFF REPORT

- a. 62 Franklin Woods Drive – crumbling foundation replacement, exempt from wetland permitting, but discussed erosion controls and will inspect.
- b. 52 Therese Drive, a few years ago installed above ground pool, and now want to install a deck, will likely approve administratively as a minimal impact permit.
- c. 343 Hall Hill Road minimum impact permit issued for a chicken coop.
- d. 349/359 Mountain Road adjacent properties, same owner, wants to put in timber trellis to lead up to one of the buildings, less than 100' from the small pond; will visit the site soon.
- e. 659 Hall Hill Road pool being proposed, a large portion of the pond on the property, back and forth with the company to get plans, most likely will come forward to Commission with an application.
- f. 120 Watchaug Road, plans to put in the new hanger near the landing strip, the plan submitted, tracking sediment across the road should be addressed; Joanna Shapiro asked them to put in a construction entrance and erosion control measures.
- g. Joanna Shapiro contacted the owner of the land where new culverts were installed on Watchaug Road; the landowner reported nothing was going on; Joanna Shapiro will look for more info (new mailbox was observed).
- h. Joan Formeister asked about the Commission's budget and if we have money earmarked for a town project. Boy Scouts had not yet come forward with a proposed project.

Lise Wood made a motion to accept the staff report. Dan Fraro seconded. All were in favor, and the motion carried.

Lise Wood made a motion to add Discussion of Use of Conservation Funds to the agenda. Candace Aleks seconded. All in favor, motion carried.

VI. USE OF CONSERVATION FUNDS

Joan Formeister explained that Dr. Martin, the scientist doing water sample testing of the Scantic River, has been using much of her funds to pay for the testing. She would appreciate getting funding from the town to continue her testing, and ideally to add two more testing sites in Somers. The First Selectman has been in favor of funding this work, and \$1020 of Open Space funds will be made available to cover the costs of testing 4 sites season-long. Joan Formeister suggested using the Commission's Conservation funds to pay for testing 2 additional sites to narrow down where the pollution is coming from. Joanna Shapiro will check to find out what money we currently have in the Conservation budget.

Lise Wood made a motion to approve use of up to \$300 for Dr. Martin to add two additional water testing sites in Somers if Joanna Shapiro finds out we have the funds available. Candace Aleks seconded. All were in favor, and the motion carried.

VII. CORRESPONDENCE AND BILLS

None

VIII. MINUTES APPROVAL: April 5, 2023

Lise Wood motioned to approve the minutes of April 05, 2023, as written. Dan Fraro seconded. All were in favor, and the motion carried.

IX. ADJOURNMENT

Candace Aleks made a motion to adjourn the May 03, 2023, meeting. Lise Wood seconded. All were in favor, and the motion carried. The meeting was adjourned at 7:59 pm.

Respectfully Submitted,

Commissioner Sydney Flowers, Secretary

MINUTES ARE NOT OFFICIAL UNTIL APPROVED AT A SUBSEQUENT MEETING

TOWN OF SOMERS
Conservation Commission
600 Main Street



REGULAR MEETING
WEDNESDAY, JUNE 7, 2023
7:00 PM TOWN HALL
AGENDA

- I. CALL TO ORDER
- II. OLD BUSINESS
 - 1. **Discussion/Possible Decision Application #790:** 349 Mountain Road. Hydro-raking to control aquatic vegetation. SOLitude Lake Management.
 - 2. **Discussion/Possible Decision Application #791:** 46 Harvest Hill Drive. Construction of in-ground swimming pool in the Upland Review Area. Amber Wilhelm, Vernon Poolman.
- III. NEW BUSINESS
 - 1. **Application #792:** 573 Hall Hill Road. Construction of detached garage in the Upland Review Area. Christopher Williams.
 - 2. **Use of Conservation Funds**
- IV. AUDIENCE PARTICIPATION
- V. STAFF REPORT
- VI. CORRESPONDENCE AND BILLS
- VII. MINUTES APPROVAL: May 3, 2023
- VIII. ADJOURNMENT

TOWN OF SOMERS
CONSERVATION COMMISSION
600 Main Street
P.O. Box 308



REGULAR MEETING MINUTES
June 7, 2023
7 P. M. TOWN HALL

- I. CALL TO ORDER**--- Meeting called to order by Chairperson Joan Formeister at 7:02 P. M. Commissioners in attendance were Vice Chairperson Drew Kukucka, Dan Fraro, Candace Aleks and alternate Lise Wood. Also present, Joanna Shapiro, Town of Somers Wetlands Agent.

Chairperson Formeister seated Lise Wood for Sydney Flowers.

II. OLD BUSINESS –

1. **Discussion/Possible Decision Application #790: 349 Mountain Rd.**
Hydro-raking to control aquatic vegetation. SOLitude Lake Management

Last month we tabled the discussion about the hydro-raking proposal so that the applicant could prepare additional requested materials to present today.

The Commission received 2 resumes from SOLitude's Senior Aquatic Biologist, Emily Vulgamore, and Dominic Meringola, Senior Environmental Engineer.

The "Petition to Intervene" on Application #790 presented at the May meeting by Attorney George Schober on behalf of his client, Kenneth Prior was determined to be in compliance with the intervenor statute 22a-19. The Town Attorney also reviewed and came to this conclusion.

Commissioner Lise Wood made the motion to grant Mr. Kenneth Prior Intervenor status. based on statute 22a-19.

Candace Aleks seconded.

All in Favor. Motion passed.

Mr. Jeff Castellani, Mechanical Director from SOLitude Lake Management provided a brief summary from last month's meeting regarding the pond management proposal to the Commission, and explained what had been revised in the plan. The plan is to manage the

eutrophic waterbody, get control of the dense water lilies in Worthington Pond, and improve open water quality and value for aquatic life to survive and flourish.

Mr. Castellani explained that SOLitude proposes to provide restoration to the previously dredged areas around the pond using hydroraking. The goal will be to get native submersed vegetation to reestablish. In no way will any activity in this process impair the pond. It will only improve the quality of the pond. This will be done by installing turbidity curtains around the work area and monitoring the water daily to ensure that there will not be a turbidity issue. The removed material will be moved to an upland area for repurposing.

There was a concern raised last time about how the equipment was cleaned so as to not transfer invasives from one pond to another. A new paragraph has been added to the proposal explaining how the equipment is cleaned and decontaminated.

Additionally, the use of an herbicide is needed to completely kill the rhizome of the lilies so that they do not reestablish. Following best practices widely used throughout the states of Massachusetts, Rhode Island, and Connecticut, they will topically treat the leaves of the lilies so that the root system will be reached. At that point the hydro-rake will then remove the treated lilies in the controlled area of removal.

Finally, the areas of activity have been trimmed down. They will be concentrating on areas around where it had been previously dredged.

The pond is 15 acres and the proposed areas to be managed encompass approximately 3 acres, and will be worked on only 5 days per year (over 3 years), which does not pose a significant activity.

Commissioner Lise Wood asked if the hydro-rake made a noise. Mr. Castalani said there is a muffler on it and is a little quieter than a lawn mower.

Vice Chairman Drew Kukucka asked for clarification about the number of years of the project and treatment area that would be potentially included in the permit. Joanna Shapiro, Wetland's Agent clarified that wetland permits are valid for 5 years by default, and will cover the 3 years of proposed work in application. She also explained that she references a specific plan in the written permit, so that it is clear what was permitted.

Drew Kukucka appreciated the inclusion of resumes and statements from the experts, and asked biologist Emily Vulgamore to speak on how this plan fits into the industry standard for pond management project, and to

confirm that she concurred with the findings of the plan. Ms. Vulgamore said this project is a typical, standard water management project following Best Practices. By removing the dense monoculture of lilies, which constitutes eutrophication, they will improve water quality and clarity, and decrease harmful algal blooms, and this is a standard accepted practice.

Drew Kukucka asked about guidelines and best management practices. Ms. Shapiro referred to CT DEEPs *Nuisance Aquatic Vegetation Management* guidebook (2014), and distributed copies of the page on Waterlily, which explains how it can crowd areas and make access difficult, and explains how mechanical control should include digging out the roots.

Agent Shapiro also referred to the CT DEEP aquatic treatment permit application process, and explained that CT DEEP regulates application of aquatic herbicides, and that while the Commission can choose to also regulate use of aquatic herbicides, historically, this Commission's practice is to acknowledge that DEEP and EPA have the expertise to review and permit herbicides. Mr. Castellani described the application process that they must follow for the approval of the above agencies and the public postings regarding the use of an approved and regulated herbicide.

Chairman Joan Formeister asked what the findings have been on wildlife and fish from the hydro-raking and the type of herbicide they will be using? Biologist Ms. Vulgamore responded that there have been no adverse effects found with wildlife, fish, or humans. They are registered with the EPA due to their low risk. The hydrorake is also very selective and won't affect wildlife. Managing this area will increase native plant diversity, which will increase aquatic organism diversity, and will be beneficial in the long run.

Attorney Schober asked to address the Commission on behalf of his client, Mr. Prior, the intervenor. He asked Mr. Castellani if the amount of hydro-raking was trimmed down, and to clarify the area. Mr. Castellani said the pond covered 15 acres. The 1st year the hydro-raking would cover a .65 acre and the next 2 years will be .50 acres each. Attorney Schober referred to the statutory definition of Significant Activity, and Agent Shapiro distributed copies of that section from the Commission's regulations. Attorney Schober explained that determination of whether this is a "significant activity" is important because it would require a public hearing. His client is seeking a public hearing, and his client wanted the Commission to use the town's ordinance that allows them to require the Applicant to pay for the town to hire an independent expert to review the proposal and determine if this is the best method to use. If an independent expert agreed that the project proposed was the best method to clean the pond and that the proposed areas did not constitute a "significant activity"

then his client would be fine with it. If not, this would become another court case for the town, in addition to the several lawsuits related to this property, and that they will go to court.

Attorney Schober read from the definition of “significant activity” from the regulations. He could not off-hand recall a project involving this large of an area of wetlands. This project may be good, but we don’t know that, and it is a significant activity because it flows to Gillette’s Brook. He also said that it will cause substantial turbidity, and asked about impact to fish and turtle eggs.

Attorney Schober asked Biologist Ms. Vulgamore if she had visited the site and completed a plant and aquatic wildlife inventory. She said “no.” He questioned if the herbicide they plan to use would affect the wildlife in the area if they are following Best Practices. Ms. Vulgamore said the herbicide and Best Practices they will be using are very selective towards what they are looking to manage. It is usually not necessary to do an inventory for a 15 acre pond. To accurately survey a pond they would have to do a Point Intercept System which is a grid that they would overlay the area, and on such a small area of 5 points, findings would not prove to be statistically significant. Compressing the grid would result in redundancies.

Attorney Schober asked if the herbicide would kill any other plant life other than the lilies. Biologist Ms. Vulgamore said the herbicide would be applied to only the lily bed that rises to the surface, and does not mix well with water so it will be rapidly taken up by the lilies.

He also asked if the herbicide would escape the lily bed and flow into Gillette Brook? Ms. Vulgamore said the herbicide does not bind to soil or water. It binds to the plants that it is broadcasted on rapidly, therefore it would be very unlikely that there would be any dispersal downstream.

He asked Mr. Castellani if there was any device they used to catch any dispersed herbicides. Mr. Castellani said that in cases of heavy flow or infestations of invasives, for additional assurance and containment on some jobs, they have installed a nonpermeable curtain around the work bed, but in this case, they are doing a topical treatment where the herbicide is applied to the lily leaves and is rapidly absorbed by only the leaves. The herbicide is useless once it enters the water, so other plants are very unlikely to be impacted in the pond or downstream.

Attorney Schober asked if any fish or frog eggs could be destroyed when the hydro-raking is being done. Biologist Ms. Vulgamore said the Spring is spawning season. Mr. Castellani said they plan to hydrorake in the Fall, and the herbicide treatment would be done before, in early July or August.

Attorney Schober asked if the herbicide treatment would affect any possible endangered species. Mr. Castellani said the herbicide does not affect fish or amphibians because the herbicide they use is cleared by the EPA and only affects plant tissue. Only the lily leaves on top will be treated.

Attorney Schober asked if more native species of plant life may grow after the treatment. Biologist Ms. Vulgamore agreed and mentioned the diversity of native species that might appear.

Attorney Schober asked where the removed material will be placed. Mr. Castellani said it would be dispersed on the vineyard as soil enhancement.

Mr. Prior asked if there were any invasive species in the pond and he was concerned that they could travel to Gillette Brook which runs through his property. Ms. Vulgamore said she did not know of any, and Mr. Castellani said there would be surveys done to identify any at the time of the project. Also he and Ms. Vulgamore pointed out that boating and normal human activity can spread invasives. The curtains surrounding the hydro-raking area will provide containment to the work site until everything settles.

In conclusion, Attorney Schober representing Mr. Prior, the Intervenor, is requesting an independent expert to review the project.

Agent Shapiro referred back to the CT DEEP Nuisance Aquatic Vegetation Management guidebook, and read the section on Glyphosate, which includes Aquapro, which is the herbicide proposed for use. This section confirmed what the experts and their plan stated about the way in which Glyphosate works, and binds with plant material and not water, although it does say that it can bind with soil. It will only affect plants at the surface, and will not be effective within the water column. Drew Kukucka and Agent Shapiro reiterated how typically this commission defers regulation of aquatic herbicides to CT DEEP regardless.

Candace Aleks asked if the Somers Wetland's Agent could request that a representative from DEEP come out and observe the project so that all parties would be assured of the safety of the project. Wetland's Agent Joanna Shapiro said she could make the request but wasn't sure if DEEP would agree to the request.

Agent Shapiro also explained that in terms of endangered species, as part of the applicant's permitting process with CT DEEP, they would have to consult with the Natural Diversity Database, which would identify any known species of concern in the area.

Agent Shapiro explained the regulatory timeline for the Commission rendering a decision on this application, depending on if the Commission would like to set a public hearing, or if they are not comfortable making a decision based on the information that they have received. She recommended that the Commission first determine if the activity is significant.

Vice-Chairman Drew Kukucka stated that he felt enough information on this project had been explained to the Commission. He appreciated the concerns brought up by the Intervenor because the Commission members all have an interest in protecting and preserving the wetlands, watercourses and the environment. That is our Mission. He did not feel that this project was a “significant activity” in any way, based on the definition in our regulations. The application and discussion support that it will improve the quality of this pond and aquatic wildlife that use this waterbody. There are measures in place to ensure that sediment from hydroraking will not impact the rest of the pond or downstream of the pond. Additionally, the herbicide is regulated by industry standards and regulated by DEEP and EPA in CT. It is a small-scale application each year. He has trust that the state has checks in place to ensure that it is used properly. The concerns in the petition have been discussed, and there are good explanations for why they are not real issues.

Commissioner Lise Wood and Chairman Joan Formeister both agree that enough proper information has been presented by SOLitude and its representatives and by the Commission’s Wetlands Agent for the project to be acceptable for the pond and community. Chairman Formeister pointed out that many communities have used this method of practice.

Wetland Agent Shapiro recommended that the Commission go through each section of Mr. Prior’s Verified Petition to Intervene dated April 5, 2023, allegations 2A-2D to confirm that each of the concerns had been examined and addressed.

In addition, the Commission should determine whether a public hearing should be held for any applicable reason. Agent Shapiro read the section regarding public hearings from the Commission’s regulations. She reported that no petition from the public that would require a public hearing be held had been received, but there are two other possible reasons to hold a public hearing, significant activity or public interest.

Vice Chairman Drew Kukucka made the motion that this project is NOT a “significant impact activity” and therefore does not require a Public Hearing.

Commissioner Dan Fraro seconded. All in Favor. Motion passed.

The Commission discussed their observations and perceptions related to public interest related to this application.

Commissioner Lise Wood made a motion stating that the Commission does not find that a public hearing would be in the public interest. Commissioner Dan Fraro seconded. All in Favor. Motion passed.

Commission referred to the Verified Petition to Intervene and read through the claims:

2A. Vice Chairman Drew Kukucka made the motion to reject the claim, based on the information of the presentations by SOLitude Lake Management and Biologist Ms. Emily Vulgamore, and that the activity will have minimal impact related to this claim. Commissioner Fraro seconded. All in Favor. Motion passed.

2B. Commissioner Aleks made the motion to reject 2B, based on the presentations by the biologist and Mr. Castellani that the turbidity curtains will prevent any contaminants and/or invasives from spreading to other water sources, and visual monitoring will be done. Commissioner Lise Wood seconded. All in Favor. Motion passed.

2C. Commissioner Drew Kukucka made a motion to reject this claim based on lack of evidence of the claims that the herbicide will flow downstream, experts explained how herbicide will be absorbed on-site, and that Connecticut DEEP and EPA requires permits and have approved and regulated the application of this herbicide during proper weather conditions. The herbicide is absorbed only by the plant tissue and does not affect wildlife. Commissioner Lise Wood seconded. All in Favor. Motion passed.

2D. Commissioner Kukucka made the motion to reject the implication that herbicides would impact wildlife in the area based on the materials presented by the representatives of SOLitude demonstrating that the herbicide will be absorbed by plants on-site, demonstrating that they don't impact wildlife and will not have an adverse impact on the environment. Commissioner Aleks seconded. All in Favor. Motion passed.

Agent Shapiro asked the Commission whether they feel as though the expert testimony that they have heard is sufficient and reliable, and asked about thoughts on the intervenor's request that a third party reviewer be hired. She explained the town ordinance that would allow the Commission, with agreement from the Board of Selectmen, to find that it is a complex application, and that they don't have the expertise required to render a decision, to require the applicant to pay for the town to hire a third party reviewer.

Chairman Formeister wanted the audience to know that she did a lot of research on these methods of lake and pond restoration. She was already familiar with hydro-raking and has seen it done. Everything she read explained the same methods used throughout many communities year after year, and it is the best, accepted practice.

Agent Shapiro mentioned that typically we've seen applications for dredging ponds, which seems more impactful. She mentioned how the application and presentation went over the various alternatives already. This is not a public hearing, and the Commission does not have to find that no feasible and prudent alternative exists, but alternatives are always required.

Drew Kukucka explained that if the Commission thought this was a significant activity, it may entertain requiring a third party reviewer, but this is a standard practice, and he does not find it necessary to put that burden on the applicant. The intervenor could have hired their own third party reviewer as well.

Vice Chairman Drew Kukucka made the motion to approve **Application 790, 349 Mountain Road**. Hydro-raking to control aquatic vegetation. SOLitude Lake Management, 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.

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

2. **Discussion/Possible Decision application #791** 46 Harvest Hill Dr. Construction of in-ground swimming pool in the Upland Review Area. Amber Wilhelm, Vernon Poolman.

A new plan shows the pool will be 10 feet closer to the house, as close as possible, and sediment precautions will be used, and details were given regarding the patio and how the slope will be permanently stabilized. Agent Shapiro visited the site, and the proposed pool area is currently lawn, and her main concern was preventing erosion down the slope toward the wetland. Drew Kukucka asked if the filter will have to be backwashed, but the property owner explained that it will not, and that the pool will use minimal chlorine.

Commissioner Fraro made the motion to approve the application #791, 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.

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

III. NEW BUSINESS -

1. **Application #792:** 573 Hall Hill Rd. Construction of detached garage in the Upland Review Area. Christopher Williams.

Tim Coon from J. R. Russo explained that there will be disturbance in the Upland Review Area and there will be no disturbance of the wetlands. Joanna wanted to know if the swale that was previously installed at the downspout, leading to the wetland, would be affected. He said it will not be impacted. No alternative locations for the garage are possible due to the septic system and other setbacks.

2. **Use of Conservation Funds**

Discussion involved using \$500.00 to provide financial assistance to Dr. Martin for further testing of the water in the Scantic River. We want to request from the Town \$650.00 for the current fiscal year to supplement the \$500 in the Commission's budget, but going forward we are going to request \$1200.00 each year for continued testing, in addition to the \$500 budgeted for conservation projects.

Commissioner Aleks made the motion to use \$500.00 from current conservation funds plus \$650.00 from the town to the University of Saint Joseph for, and going forward we will request \$1200.00 each year after, for the purpose of water testing in the Scantic River.

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

IV. AUDIENCE PARTICIPATION ----

None.

V. STAFF/COMMISSION REPORT---

Wetland Agent Joanna Shapiro issued 2 minimal impacts permits for a shed (372 Mountain Rd) and deck on an above ground pool (52 Therese Dr). She reviewed and inspected the E&S for a crumbling foundation at 62 Franklin Woods Dr, which contains wetlands. She signed off on an application at 120 Watchaug Rd. for a new hanger, and required plan revisions to include a construction entrance. She also walked 42 Hallie Lane with the zoning officer to inspect final grading and stabilization. She also inspected the required planting along the stream at 47 Horseshoe Lane. She also reached out to the property owner of 144 Watchaug, to alert him that any work on this property will require consultation and/or permitting with the Conservation Commission. A mailbox has been installed at the road for this undeveloped wetland property.

Vice Chairman Drew Kukucka made the motion to accept the Wetland's Agent report.

Commissioner Dan Fraro seconded. All in Favor. Motion Passed.

VI. CORRESPONDENCE AND BILLS---

Ms. Shapiro presented a bill for \$47.22 from the Journal Inquirer.

Commissioner Wood made a motion to pay the bill presented.

Commissioner Fraro seconded. All in Favor. Motion passed.

VII. MINUTES APPROVAL: for May 3, 2023

Commissioner Wood made the motion to accept the minutes as written.

Commissioner Fraro seconded. All In Favor. Motion passed.

VIII. ADJOURNMENT

Commissioner Wood made the motion to Adjourn.

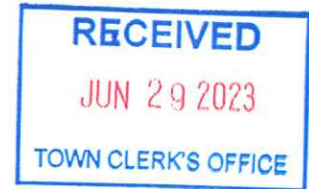
Commissioner Fraro seconded. All in Favor. Motion Passed.

Meeting was adjourned at 9:28 P.M.

Respectfully Submitted,
Commissioner Candace Aleks

MINUTES ARE NOT OFFICIAL UNTIL APPROVED AT A SUBSEQUENT MEETING

TOWN OF SOMERS
Conservation Commission
600 Main Street



REGULAR MEETING
WEDNESDAY, JULY 5, 2023
7:00 PM TOWN HALL
AGENDA

- I. CALL TO ORDER
- II. OLD BUSINESS
 - 1. **Discussion/Possible Decision Application #792:** 573 Hall Hill Road. Construction of detached garage in the Upland Review Area. Christopher Williams.
- III. NEW BUSINESS
 - Pending**
- IV. AUDIENCE PARTICIPATION
- V. STAFF REPORT
- VI. CORRESPONDENCE AND BILLS
 - 1. Journal Inquirer bill for \$47.22 – June public notice.
- VII. MINUTES APPROVAL: June 7, 2023
- VIII. ADJOURNMENT

TOWN OF SOMERS
Conservation Commission
600 Main Street



REGULAR MEETING
WEDNESDAY, JULY 5, 2023
7:00 PM TOWN HALL
MINUTES

I. CALL TO ORDER

The meeting was called to order by Chairperson Joan Formeister at 7:01 P. M. Commissioners in attendance were Vice Chairperson Drew Kukucka, Candace Aleks, and Sydney Flowers. Also present was Joanna Shapiro, Town of Somers Wetlands Agent.

II. OLD BUSINESS

1. **Discussion/Possible Decision Application #792:** 573 Hall Hill Road. Construction of detached garage in the Upland Review Area. Christopher Williams.
Joanna Shapiro presented the building plans, which show that the garage is almost entirely in the upland review area. The house construction was permitted by the Commission a few years ago, and they are now planning to build a garage. At last month's meeting, Joanna Shapiro asked the project engineer if there would be any impact near where the existing swale and mitigation planting are in the upland review area, and he had responded that the project would not impact the swale. Also, the updated plan doesn't show any additional discharge locations from the original plans presented. The owner, Chris Williams, was in attendance, and he did not have any questions.

Drew Kukucka made a motion to approve application #792 (573 Hall Hill Road), Construction of a detached garage in the Upland Review Area, 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.

Commissioner Candace Aleks seconded. All were in favor, and the motion carried.

Candace Aleks made a motion to add Application #793 (700 Main Street) to the agenda under New Business. Commissioner Drew Kukucka seconded. All were in favor, and the motion carried.

III. NEW BUSINESS

1. **Application #793,** 700 Main Street, Restore flow within the watercourse to correct flooding. Northern CT Land Trust.
Joanna Shapiro discussed the plan, that the Land Trust would like to clear out a section of the stream because it has been blocked with debris, and a lot of vegetation has grown in, which is causing flooding on both the Land Trust and the neighbor's property near the driveway. The stream was previously altered, and the location, right above the overcrowding debris/vegetation, the stream was redirected at a sharp angle so it would run down the edge of the property. It was determined that this would likely not meet the agricultural exemptions, so the Land Trust applied for a permit. The Land Trust property has not been leased in a couple of years, but they may have a new farmer who wants to lease the land. The neighbor had brought this up with the Land Trust because there was flooding happening near the driveway. The state DOT had previously cleaned out the section that runs along 190, but it has not been cleaned out past that sharp turn in decades.

Land Trust will most likely bring in a bobcat to do the work, but not sure yet; Joanna Shapiro will confirm with the Land Trust what type of equipment will be used. Joanna Shapiro will also talk with the Land Trust about buffer zone and planting and if they plan to be cutting down any of the live trees. The Commission wondered if the summer months may not be the best time to do this work due to the amount of rain we have been getting. Joanna Shapiro will ask the Land Trust the following additional information, as well; when do they plan to do the work, what is the estimated timeline, will they stabilize the bank while the vegetation is regrowing, who is doing the work, and where is the sediment going that they are dredging out of the stream.

IV. AUDIENCE PARTICIPATION

None, no audience in attendance at this time.

V. STAFF REPORT

Joanna Shapiro reported that 11 Tumble Brook has been making progress to be compliant and has replaced the large boulder wall with an engineered wall near the pool, and the wood that was being stacked in the wetlands has been removed. Joanna Shapiro recently walked the property and noticed erosion near the corner of the driveway that needs to be addressed, but they are moving in the right direction.

Joanna Shapiro visited the site of 44 Broadway. She reported that a driveway had been put in a long time ago, and there was a lot of damage to the driveway that needed to be repaired, which has largely been completed. There is some erosion occurring along the driveway, but they plan to fix it very soon. The house is mostly built.

A check will be issued this week to St. Joseph's College for the water quality testing they have been doing in Somers. Joanna Shapiro stated we should request check in advance for this fiscal year so it is not so last minute.

Candace Aleks made a motion to approve the staff report. Commissioner Sydney Flowers seconded. All were in favor, and the motion carried.

VI. CORRESPONDENCE AND BILLS

1. Journal Inquirer bill for \$47.22 – June public notice.

Drew Kukucka made a motion to pay the Journal Inquirer \$47.22 for the June Public Notice. Commissioner Candace Aleks seconded. All were in favor, and the motion carried.

2. Joanna Shapiro received a draft permit to DEEP from Worthington Pond for the use of pesticides and will forward it to Commission for review.

VII. MINUTES APPROVAL: June 7, 2023

Drew Kukucka made a motion to approve the minutes of June 07, 2023. Commissioner Candace Aleks seconded. All were in favor, and the motion carried.

VIII. ADJOURNMENT

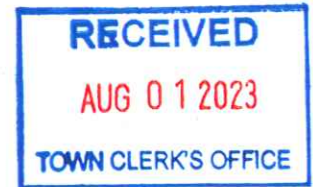
Candace Aleks made a motion to adjourn the July 05, 2023, meeting. Drew Kukucka seconded. All were in favor, and the motion carried. The meeting was adjourned at 7:59 pm.

Respectfully Submitted,

Commissioner Sydney Flowers, Secretary

MINUTES ARE NOT OFFICIAL UNTIL APPROVED AT A SUBSEQUENT MEETING

TOWN OF SOMERS
Conservation Commission
600 Main Street



REGULAR MEETING
WEDNESDAY, AUGUST 2, 2023
7:00 PM TOWN HALL
AGENDA

- I. CALL TO ORDER
- II. OLD BUSINESS
 - 1. **Discussion/Possible Decision Application #793:** 700 Main Street. Restore flow within watercourse to correct flooding. Northern CT Land Trust.
- III. NEW BUSINESS
 - 1. **Request to Modify Application #792:** 573 Hall Hill Road. Construction of detached garage in the Upland Review Area, amended to also include a storage building. Christopher Williams.
 - 2. **Informal Presentation** – 159 South Road Solar Project
- IV. AUDIENCE PARTICIPATION
- V. STAFF REPORT
- VI. CORRESPONDENCE AND BILLS
 - 1. Journal Inquirer bill for \$47.22 – July public notice.
- VII. MINUTES APPROVAL: July 5, 2023
- VIII. ADJOURNMENT

TOWN OF SOMERS
Conservation Commission
600 Main Street

REGULAR MEETING
WEDNESDAY, AUGUST 2, 2023
7:00 PM TOWN HALL
MINUTES



I. CALL TO ORDER

The meeting was called to order by Chairperson Joan Formeister at 7:03 P. M. Commissioners in attendance were Lise Wood, Dan Fraro, Sydney Flowers, and Candace Aleks. Also present was Joanna Shapiro, Town of Somers Wetlands Agent. Chairman Joan Formeister seated Lise Wood for Drew Kukucka.

II. OLD BUSINESS

1. **Discussion/Possible Decision Application #793:** 700 Main Street. Restore flow within the watercourse to correct flooding. Northern CT Land Trust.

Richard Bailey, Chairman of Land Trust, was the main presenter. Also in attendance was Mike Ulitsch, who is a neighbor of the property and the equipment operator who plans to perform the work. Richard showed the Commission the updated map and discussed the revised plan from when this was brought to the Commission's attention at the July meeting. Joanna Shapiro informed Richard that they should also keep in mind any federal permits that may be needed, and they should consult with the Army Corps of Engineers. The Land Trust would like to use the sediment/debris that is removed to build a berm along the stream to prevent further run-off. Shapiro mentioned that this may increase the sediment run-off if not stabilized appropriately. The excavated material will be brought off-site if they don't build the berm. Mike stated that the work should not take more than a day. Mike also pointed out that the land is never dry, and the vegetation is very thick. Richard mentioned that they would like to clear away the brush growing on the field so they can use it again to grow hay. Shapiro informed them that they should not plan the hay up to the water's edge, a buffer would be needed, and that planting a conservation mix and maintaining a meadow buffer would be a compromise, since there are concerns about trees going into the stream. Richard Bailey agreed and mentioned that the buffer would only need to be mowed down once or twice yearly. Mike mentioned that he lives near the property and can do the work as soon as it is dry enough to do, and he will need to start downstream and work his way up. Richard Bailey also provided a written request that the \$180 permit fee be waived due to being a non-profit and that they provide passive recreational opportunities for the public and preserve the land so it is not developed.

Candace Aleks made a motion to approve application #793 (700 Main Street), including the permit fee waiver of \$180 to restore flow within the watercourse to correct flooding, with the stipulation that the narrative includes more information about creating a berm, removing woody debris from further downstream, and planting a conservation mix in the buffer area 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.

Commissioner Lise Wood seconded. All were in favor, and the motion carried.

III. NEW BUSINESS

1. **Request to Modify Application #792:** 573 Hall Hill Road. Construction of a detached garage in the Upland Review Area, amended to include a storage building. Christopher Williams.

Tim Coon, engineer from JR Russo, spoke briefly about the updated plan to build a storage shed on the property in addition to the already approved garage. Christopher Williams, the landowner, was also in attendance and stated that this would be needed because they won't have time to build the garage before winter arrives, and he has a lot of equipment that will need to be secured. The additional shed would be about 560 square feet, slightly too large for Joanna to approve as an agent permit, and they will need to do some slight grading in the area proposed. The shed is prefabricated and will be delivered on-site. The site of the proposed shed is as far away from the wetland as they can get on the property but is still in the upland review area. On the modified application, the proposed disturbance within the wetland area of 2380 square feet is in addition to the square footage on the June approved application (3874 square feet), bringing the total to 6254 square feet.

Commissioner, Candace Aleks made a motion to approve the request to modify application #792: 573 Hall Hill Road. Construction of a detached garage in the Upland Review Area, amended to include a storage building. Commissioner Dan Fraro seconded. All were in favor, and the motion carried.

2. **Informal Presentation** – 159 South Road Solar Project

Tim Coon from JR Russo briefly spoke about the plan to build a solar project in Somers on South Road. Also in attendance were two representatives from Santa Energy (Luke and Mackenzie), and a representative of a partner firm. The proposed site will be leased from the landowners, and the existing house will remain on the property. The property has two farm ponds, and the proposed solar panels will not be in the wetlands or the Upland Review Area, yet site work will extend within the upland review area, but will stay 50 feet from the wetland. Existing vegetation will be preserved within the field, and some tree clearing and grading will be needed. Rick Zulick recently delineated the wetland, as shown in a proposed plan. They plan to use 17.1 acres of this land, where 8710 tracking solar panels will be installed and connected to the electrical grid, upgrading existing utility lines. They will put a fence around the trackers and provide evergreen screening. Shapiro asked if any pollinator plantings will be included. Tim Coon stated that they do not plan on reseeding the land due to the existing vegetation. A pre-application meeting with the siting council was today and will apply in a couple of weeks. The Santa Energy company requests that the Conservation Commission provide a letter stating that the plan was presented to the commission, and that they have no concerns regarding impact on wetlands. The Commission asked that conservation seed mix be used wherever possible. Tim Coon will email the plans to Shapiro and she will circulate a draft letter in the next few weeks.

IV. AUDIENCE PARTICIPATION

N/A

V. STAFF REPORT

1. There is currently a house for sale on 1 Pinney Road, and people have contacted the town hall to inquire whether or not the land could be subdivided or chickens could be raised there. Shapiro has been informing them that no definitive information or answers can be provided at this time because detailed survey data is not available. The land will most likely need a wetland delineation before additional activity can occur.

2. 87 Brittany Road would like to put in a pool and informed Shapiro that the silt fence would be exactly 100' from the wetland; therefore, no permit is needed. Shapiro is working with the pool company, so that they can provide more assurance that no disturbance will occur within the URA.
3. 31 Oak Grove Road would like to install a pool, and they will need a wetland delineation
4. 659 Hall Hill Road would like to install a pool, and they have completed a wetland delineation
5. 225 Stafford Road was required to put in wetland monuments based on prior approval. When Shapiro visited the site recently, she noticed that the columns installed were only about 1' out of the ground, and they need to be a minimum of 2'. Shapiro mentioned that these were a bit difficult to locate. Commission members discussed how the owner was provided with instructions before the installation about how these should be installed and neglected to put them at the correct minimum height. Based on the Commission's directive, Shapiro will inform the landowner that they either need to reset the current columns at the correct height or install two more between the existing ones.
6. Shapiro received a call regarding the proposed parking spots at the vineyard on 359 Mountain Road and whether or not that should require a permit from the Conservation Commission. The Commission decided that at this time, since they are not proposing any site work, it would only be needed if they plan to gravel/pave or grade the area or need to plow the area.

Commissioner Sydney Flowers made a motion to approve the staff report. Commissioner Lise Wood seconded. All were in favor, and the motion carried.

VI. CORRESPONDENCE AND BILLS

1. Journal Inquirer bill for \$47.22 – July public notice.
Commissioner, Lise Wood made a motion to approve the bill of \$47.22 for the Journal Inquire July public notice. Commissioner Candace Aleks seconded. All were in favor, and the motion carried.

VII. MINUTES APPROVAL: July 5, 2023

Lise Wood made a motion to approve the minutes of July 05, 2023. Commissioner Dan Fraro seconded. All were in favor, and the motion carried.

VIII. ADJOURNMENT

Lise Wood made a motion to adjourn the August 02, 2023, meeting. Dan Fraro seconded. All were in favor, and the motion carried. The meeting was adjourned at 8:26 pm.

Respectfully Submitted,

Commissioner Sydney Flowers, Secretary

MINUTES ARE NOT OFFICIAL UNTIL APPROVED AT A SUBSEQUENT MEETING

TOWN OF SOMERS
Conservation Commission
600 Main Street
Somers, CT 06071



The regular meeting of the Town of Somers Conservation Commission scheduled for **September 6, 2023 at 7:00pm** has been canceled.

The next regularly scheduled meeting is **October 4, 2023.**

TOWN OF SOMERS
Conservation Commission
600 Main Street

REGULAR MEETING
WEDNESDAY, OCTOBER 4, 2023
7:00 PM TOWN HALL
AGENDA



- I. CALL TO ORDER
- II. OLD BUSINESS
None
- III. NEW BUSINESS
 - 1. **Jurisdictional Determination/Application #794:** 359 Mountain Road. Installation of dry hydrant within pond. Town of Somers.
 - 2. **Application #795:** 39 Pheasant Run. Construction of house with septic system and associated grading within the Upland Review Area. Daniel Jasminski.
- IV. AUDIENCE PARTICIPATION
- V. STAFF REPORT
- VI. CORRESPONDENCE AND BILLS
 - 1. Journal Inquirer bill for \$55.09 – August public notice.
- VII. MINUTES APPROVAL: August 2, 2023
- VIII. ADJOURNMENT
- IX.

TOWN OF SOMERS
Conservation Commission
600 Main Street



REGULAR MEETING
WEDNESDAY, OCTOBER 4, 2023
7:00 PM TOWN HALL
MINUTES

I. CALL TO ORDER

The meeting was called to order by Chairperson Joan Formeister at 7:00 P.M. Commissioners in attendance were Drew Kukucka, Lise Wood, Dan Fraro, Sydney Flowers, and Pat Pio. Joanna Shapiro, Town of Somers Wetlands Agent, was also present. Chairperson Joan Formeister seated Lise Wood for Candace Aleks.

II. OLD BUSINESS

None

III. NEW BUSINESS

Lise Wood made a motion to add Jurisdictional Determination Application #796: 236 Main Street, regrading swale at Knights of Columbus and Application Violation/ Jurisdictional Determination Application #797: 255 Maple Street, dredge watercourse and farm ditches to improve agriculture drainage at Lindy Farms of CT, LLC. Dan Fraro seconded. All were in favor.

1. **Jurisdictional Determination/Application #794:** 359 Mountain Road. Installation of dry hydrant within pond. Town of Somers.

The Fire Chief of the Somers Fire Dept sent a packet along with the application regarding how they would install a dry hydrant in the smaller pond at Worthington Pond, which will strictly be used for rapid access to water for firefighting operations. The Fire Department is working with the owners. They plan to complete the project in one day and will reseed and put down straw. Public Act No. 11-184 (Section 7b3) states that the dry hydrant installation by a municipal fire department, only used for firefighting purposes where there is no alternative access to the water supply is an operation that is permitted as nonregulated uses in wetlands and watercourses, provided they do not disturb the character of the wetland by removal or deposition of material, alteration or obstruction of water flow, or pollution of the wetland.

Dan Fraro made a motion to approve Application #794: 359 Mountain Road, installation of a dry hydrant within pond as a permitted jurisdictional nonregulated use. Lise Wood seconded. All were in favor, and the motion carried.

2. **Application #795:** 39 Pheasant Run. Construction of house with septic system and associated grading within the Upland Review Area. Daniel Jasminski.

Michael Mocko, an Environmental Consultant from Stafford Springs, CT, prepared and presented the site plan and septic design. The owner is requesting a permit to construct a single-family house with a septic system that will involve grading. The entire lot is within an upland review area of a 3-acre pond on an already approved building lot. Richard Zulick, a soil scientist from Datum Engineering & Surveying, provided the wetland delineation on the site plan and installed

20 wetland delineation flags. There is a plan to install 15-16 Conservation Commission-approved wetland markers. The site plan included notes that a silt fence will be installed and approved by the Town prior to excavation, and all disturbed areas will be loamed and seeded as soon as practical. The silt fence will be maintained until all disturbed area is protected by an established lawn, and the Conservation Commission will be notified for inspection and approval to remove the silt fence. Joanna Shapiro plans to visit the site soon. The site plan also included job procedure notes about how no equipment operation or tree felling would occur in the wetland, anti-tracking mats would be installed, soil stockpiles would be at least 10' from the silt fence, and site plan revisions will come back to the Conservation Commission for review. Since this is an existing approved building lot, the Commission cannot deny development and is charged with finding the least impactful plan. Commission requested that the plans include a note that the limit of clearing disturbance will not go beyond the silt fence. It was noted that the sanitarian approval of the septic plan would be needed prior to wetland permit approval. The Commission was happy with the plans presented, and Joanna Shapiro will visit the site soon.

3. Jurisdictional Determination/Application #796: 236 Main Street. Regrading swale. Knights of Columbus.

Jeff Robiatti, current Board member of the Knights of Columbus, submitted an application to the Commission to regrade a swale that runs along the edge of the property that is currently clogged up and causing the water that is flowing from across the street through a culvert to flow into the parking lot of the Knights of Columbus. The Knights recently repaved the parking lot and would like to unclog the swale to direct the water away from the parking lot. Frank Ciccarella of Frank's Landscaping Company spoke about how he plans to get in there as soon as the weather permits. Joanna Shapiro stated that she was unsure if the swale was considered an existing watercourse based on what she reviewed on topography maps and was probably ditched in the past to drain water. A simple site plan showed the areas (marked in blue) that would need to be reclaimed as a swale. Frank plans to come in with one small piece of equipment to dig out the swale, in hopefully one day's time, haul the dirt off-site, install erosion control with wattles, and seed and loam area with quick-growing grass. Joanna Shapiro mentioned that this may meet the requirements to be an operation that is permitted in wetlands and watercourses, as of right based on Public Act No. 11-184 (section 1a6) that states the maintenance relating to a drainage pipe which existed before the effective date of any municipal regulations adopted pursuant to section 22a-42a or July 1, 1974, whichever is earlier, provided such pipe is on property which is zoned residential but which does not contain hydrophytic vegetation. For purposes of this subdivision, maintenance means the removal of accumulated leaves, soil, and other debris, whether by hand or machine, while the pipe remains in place. This project meets all these requirements; however, the Commission struggled with whether or not this was maintenance relating to a drainage pipe. Drew Kukucka did not see a problem with this project but does not interpret this being a permitted jurisdictional nonregulated use based on the statute, and does feel that an application for a permit should be submitted. Joan Formeister asked each Commissioner how they interpreted the statutes. Sydney Flowers stated she did think that it met this requirement of being a nonregulated use because the work being done was to maintain existing drainage that was being clogged up, the watercourse was not continuous and had not been determined as a watercourse, and it ran along the property of an agriculture field. The Commission did mention that putting up signs along the edge of the parking lot to deter people from driving on the lawn and plowing the snow away from the swales would be beneficial.

Sydney Flowers motioned to approve Application #796, 236 Main Street, regrading swale at Knights of Columbus as a permitted jurisdictional as of right operation allowed in wetlands and watercourses based on Public Act No. 11-184. Lise Wood seconded. Four in favor, one opposed. Motion carried.

4. **Violation/Jurisdictional Determination Application #797:** Violation/Jurisdictional Determination. 255 Maple Street. Dredge watercourses and farm ditches to improve agricultural drainage. Lindy Farms of CT, LLC.

John Belskie, Manager of Lindy Farms, was present. Joanna Shapiro mentioned that it was brought to her attention that there was equipment operation and debris removal from an existing watercourse on this property. Joanna Shapiro contacted them, and they immediately stopped the work, installed straw waddles, put down additional straw, and have been cooperative since contact. John Belskie mentioned that the work being done is the removal of debris from an existing swale clogged up, and with the recent heavy rains, flooding is happening on the horse/cow pasture. The plan is to move the soil to an upper part of the property where the soil is compacted and needed. The application submitted proposes that this project is exempt from a wetland permit because it involves farming, an operation that is considered as of right in wetlands and watercourses. Based on CT General Status Sec 1-1 (q), the word agriculture or farming shall include cultivation of the soil, dairying, forestry, raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training and management of livestock, including horses, bees... and further includes "the construction, operation or maintenance of ditches, canals, reservoirs or waterways used exclusively for farming purposes...".

Lise Wood made a motion to approve Application #797: Violation/Jurisdictional Determination. 255 Maple Street. Dredge watercourses and farm ditches to improve agricultural drainage. Lindy Farms of CT, LLC., as a permitted jurisdictional nonregulated use. Dan Fraro seconded. All were in favor, and the motion carried.

John Belskie will continue to contact Joanna Shapiro while doing this type of work to ensure it is being done correctly and responsibly. Also, since the work is within 500 feet of Enfield, CT, Joanna Shapiro will notify the Town Clerk in Enfield of this project, and John Belskie will notify the Enfield Wetland Commission.

IV. AUDIENCE PARTICIPATION

n/a

V. STAFF REPORT

1. Next month, the owners of 11 Tumble Brook may be back to provide information about possible violations of an approved wetland permit. Joanna Shapiro reviewed that when visiting the site on multiple occasions, work has exceeded what was permitted. Previously, it was noticed that a boulder wall was installed that was not approved or properly engineered and had to be rebuilt; trees were cleared and wood was being stacked in the wetland which has been removed, a corner off the driveway was showing signs of erosion, and most recently a catch basin has been installed with a pipe that is diverting water into the wetland.
2. Another violation was reported at 1027 Main Street. Most of the property is within 100' of a stream, and there are reports of tree clearing, stone structures being installed, etc. Joanna Shapiro has tried to contact the owners twice, with no response, and will send them a letter soon.
3. As an awareness, additional greenhouses will soon be built on 143 Four Bridges Road, which were part of the plan that the commission has previously approved.
4. 87 Brittney Road wants to put in a pool; Joanna Shapiro has spoken with the pool contractors. They have had the wetland and upland review area reflagged, and based on that, they now have a small area where they can install the pool that won't need a wetland permit.

5. The wetland monuments on 225 Stafford Road were corrected, and they will put the wetland tags on the top soon. Joanna Shapiro will revisit the site shortly.
6. 62 Franklin Wood replaced a house foundation, which does not involve jacking up the house. This was covered under the prior jurisdictional ruling for crumbling foundation replacements. There is a wetland in front, but the work was done cleanly and without impact to the wetland.
7. The Connecticut Guidelines for Soil Erosion and Sediment Control and the Connecticut Stormwater Quality Manual Department were recently updated and have gone live. The plan is for them to live online, not be printed, and can be updated as needed. These will go into effect in March 2024.

Lise Wood made a motion to approve the staff report. Dan Fraro seconded. All were in favor, and the motion carried.

VI. CORRESPONDENCE AND BILLS

1. Journal Inquirer bill for \$55.09 – August public notice.

Lise Wood made a motion to approve the bill of \$55.09 for the Journal Inquirer's August public notice. Pat Pio seconded. All were in favor, and the motion carried.

The solar project being planned in town that was presented at the August 2023 meeting did send the Commission the required notification. Joanna Shapiro sent the town a letter of support for the project, and already received correspondence back from the siting council, acknowledging it.

The CACIWC 46th Annual Meeting and Environmental Conference is taking place on 11/11/23. If anyone from the Commission is interested in attending, they should let Joan Formeister know. The town can also reimburse the cost to attend.

VII. MINUTES APPROVAL: August 2, 2023

Dan Fraro made a motion to approve the minutes of August 02, 2023. Lise Wood seconded. All were in favor, and the motion carried. (No meeting held in September 2023).

VIII. ADJOURNMENT

Sydney Flowers made a motion to adjourn the October 04, 2023, meeting. Dan Fraro seconded. All were in favor, and the motion carried. The meeting was adjourned at 8:49 p.m.

Respectfully Submitted,

Commissioner Sydney Flowers, Secretary

MINUTES ARE NOT OFFICIAL UNTIL APPROVED AT A SUBSEQUENT MEETING

TOWN OF SOMERS
Conservation Commission
600 Main Street



REGULAR MEETING
WEDNESDAY, NOVEMBER 1, 2023
7:00 PM TOWN HALL
AGENDA

I. CALL TO ORDER

II. OLD BUSINESS

1. **Discussion/Possible Decision Application #795:** 39 Pheasant Run. Construction of house with septic system and associated grading within the Upland Review Area. Daniel Jasminski.

III. NEW BUSINESS

1. **Application #798:** 301 Mountain Road. Addition within Upland Review Area. Michael Monteiro.
2. **Extension of Permit #622:** 1046 Main Street. Driveway Crossing and Grading in Upland Review Area. Natalia Khandros.

IV. AUDIENCE PARTICIPATION

V. STAFF REPORT

VI. CORRESPONDENCE AND BILLS

VII. MINUTES APPROVAL: October 4, 2023

VIII. ADJOURNMENT

TOWN OF SOMERS
Conservation Commission
600 Main Street

REGULAR MEETING
WEDNESDAY, NOVEMBER 1, 2023
7:00 PM TOWN HALL
MINUTES

I. CALL TO ORDER

The meeting was called to order by Chairperson Joan Formeister at 7:04 P.M. Commissioners in attendance were Drew Kukucka, Dan Fraro, and Sydney Flowers. Joanna Shapiro, Town of Somers Wetlands Agent, was also present.

II. OLD BUSINESS

1. **Discussion/Possible Decision Application #795:** 39 Pheasant Run. Construction of house with septic system and associated grading within the Upland Review Area. Daniel Jasminski.

Applicant requested to table this discussion until a future meeting because they had test pits done today, and they will present a revised plan. Joanna Shapiro will also visit the site soon.

III. NEW BUSINESS

1. **Application #798:** 301 Mountain Road. Addition within Upland Review Area. Michael Monteiro.

Michael Monteiro was present and provided an updated plan and application during the meeting. Joanna Shapiro tasked Commissioners with determining whether or not this application can be received tonight or wait until the next meeting due to it being incomplete. Plans were available from the town when the culvert was put in on Mountain Road, and Mr. Monteiro hand drew on this map where an addition to the house will be built and indicated that about 560' of disturbance will occur in the Upland Review Area. The existing house is located between the stream and the proposed building site. The Commission did agree to accept the application at this meeting, but in order to get approved will need to present a better site plan that is to scale and includes topography, tree line, where the stockpile for materials will be, where strawbales will be placed, etc. T-Square Builders will be the contractors. One tree will need to be removed to provide access to the building site. There is currently a deck in place that will need to be torn down to build the addition. Mr. Monteiro can send a draft of the revised plan to Joanna Shapiro.

2. **Extension of Permit #622:** 1046 Main Street. Driveway Crossing and Grading in Upland Review Area. Natalia Khandros.

The original permit was issued in February 2010 and had been extended multiple times. The last extension had been granted in December 2018, and that permit is in effect until February 03, 2024. The Legislature keeps changing the wetland permit extension allowance, and at this point, you can now request another five-year extension, for a maximum of 19 years, which would make it in effect until February 03, 2029. Ms. Khandros did mail in the \$105 fee associated with the extension. Joanna presented the previously approved plans.

Dan Fraro made a motion to approve the Extension of Permit #622: 1046 Main Street, driveway crossing and grading in the Upland Review Area. Sydney Flowers seconded. All were in favor, and the motion carried.

Dan Fraro made a motion to add Application #799: 43 Horseshoe Lane, an addition within the Upland Review Area. Platinum Construction, LLC. Drew Kukucka seconded. All were in favor.

3. **Application #799:** 43 Horseshoe Lane. Addition within the Upland Review Area. Platinum Construction, LLC.

Platinum LLC is out of East Hamden, MA. The owner and the builder were absent from the meeting. Joanna Shapiro explained that the addition will be built approximately 80' from the existing watercourse. Joanna Shapiro visited the site today, and it does appear the stream had been straightened in the past (prior to the house being built). Currently, the stream runs along the edge of the property, and there is a lawn right up to the edge of the stream and lawn is the only vegetation on the side of the stream where the addition will be built. Downstream, the stream seems to meander more and appear more natural. The Commission discussed requiring the owner to install native buffer plantings between the stream and house and possibly instill a no-mow-zone area so that vegetation can grow. This will help decrease erosion and filtration of ground and surface water before it drains into the stream. The Commission wants to know how deep the foundation will be and whether it will interfere with the current footing drain. The contractor provided a well-thought-out plan with silt fence, straw wattles, temporary stockpile location, etc.

IV. AUDIENCE PARTICIPATION

N/A no audience in attendance at this point.

V. STAFF REPORT

- Joan Formeister mentioned that Scouts are always looking for conservation projects. Therefore, if we think of anything, please share it with the Commission.
- Joan Formeister brought up that she noticed that at Hurds Lake, a clearing occurred on the edge of the water recently. Joanna Shapiro will ask the town about this.
- Joanna Shapiro updated the Commission on the possible violation at 1027 Main Street. Joanna had sent two emails with no response and then sent a postal letter (Notice of Violation) after the Commission's last meeting. Joanna heard back on Tuesday, 10/31/23, and was provided with a new phone number and email address. The property owner is out of state today, so couldn't attend this meeting but will be at the December meeting. The owner asked Joanna how to get a site plan, and Joanna informed the owner that one is available in the land use office with the wetland delineation marked. The Commission will likely need to handle this as an enforcement item based on the violation.
- Joanna Shapiro reported that several building permit applications have been coming in with no or little detail regarding erosion control, etc., and she continuously reminds them to add to the plans.
- Joanna Shapiro reported that a number of crumbling foundation permits are coming in, but none regarding wetlands other than the one that was discussed last month.
- Joanna Shapiro reported that realtors have been reaching out with questions regarding the property for sale at 336 Mountain Road. The property is very wet, and test pits were done a while ago. This may come in future meetings.

Drew Kukucka made a motion to approve the staff report. Sydney Flowers seconded. All were in favor, and the motion carried.

VI. CORRESPONDENCE AND BILLS

No bills.

Joanna Shapiro reported that a DEEP Notice came in yesterday regarding notice for stakeholder input and engagement regarding pesticides. Joanna will forward further information to the Commission.

Joanna Shapiro reported that she needed to provide input regarding draining 109,000 gallons of water from the bumper boat attraction at Sonny's Plan on Main Street. The water is treated, and the Director of Public Health did not foresee an issue with discharging the water into the ground after the water is neutralized (chemicals and pH must be neutralized). Joanna requested that discharge be no closer than 100' from the Scantic River and drain slowly so no erosion occurs. The Commission was concerned regarding the oversight of this and if it has to be done every year.

VII. MINUTES APPROVAL: October 4, 2023

Dan Fraro made a motion to approve the minutes of October 04, 2023. Drew Kukucka seconded. All were in favor, and the motion carried.

VIII. ADJOURNMENT

Drew Kukucka made a motion to adjourn the November 01, 2023, meeting. Dan Fraro seconded. All were in favor, and the motion carried. The meeting was adjourned at 8:41 p.m.

Respectfully Submitted,

Commissioner Sydney Flowers, Secretary

MINUTES ARE NOT OFFICIAL UNTIL APPROVED AT A SUBSEQUENT MEETING

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



**REGULAR MEETING
WEDNESDAY, DECEMBER 6, 2023
7:00 PM TOWN HALL
AGENDA**

- I. CALL TO ORDER
- II. OLD BUSINESS
 - 1. **Discussion/Possible Decision Application #795:** 39 Pheasant Run. Construction of house with septic system and associated grading within the Upland Review Area. Daniel Jasminski.
 - 2. **Discussion/Possible Decision Application #798:** 301 Mountain Road. Addition within Upland Review Area. Michael Monteiro.
 - 3. **Discussion/Possible Decision Application #799:** 43 Horseshoe Lane. Addition within Upland Review Area. Platinum Construction, LLC.
- III. NEW BUSINESS
 - 1. **Discussion of Possible Violation:** 1027 Main Street.
 - 2. **Modification of Permit #752:** 11 Tumblebrook Circle. Construction of an in-ground pool in the Upland Review Area. Modification requested to improve drainage, with catch basin and discharge pipe in the Upland Review Area. David Springer.
 - 3. **Application #800:** 12 Hampden Road. Subdivision with proposed driveway in the Upland Review Area. Mark Polek.
 - 4. **Proposed 2024 Meeting Dates**
- IV. AUDIENCE PARTICIPATION
- V. STAFF REPORT
- VI. CORRESPONDENCE AND BILLS
- VII. MINUTES APPROVAL: November 1, 2023
- VIII. ADJOURNMENT



TOWN OF SOMERS
CONSERVATION COMMISSION
600 Main Street

REGULAR MEETING MINUTES
December 6, 2023
7 P. M. TOWN HALL

- 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, Candace Aleks and Lise Wood. Also present, Joanna Shapiro, Town of Somers Wetlands Agent.

Joan Formeister seated Lise Wood for Shane Manning.

II. OLD BUSINESS –

1. **Discussion/Possible Decision Application #795:** 39 Pheasant Run. Construction of house with septic system and associated grading within the Upland Review Area. Daniel Jasminski.

Mike Mocko, environmental consultant, presented the updated plans to the Commission. The plans now show the limit of clearing as the silt fence line. The septic design has been approved by the town sanitarian. Agent Shapiro reported that the site consists of a lot of brush, and between the proposed house and the pond is a stand of Japanese Knotweed and other invasives, and suggested a condition of removal and monitoring of invasive plants, and replanting native plants. Mike Mocko recommended that the invasives be cleared from the property by a professional to keep them from encroaching further. Joanna Shapiro, Somers Wetlands Agent also recommended this action be taken to protect the wetlands.

Candace Aleks made the motion to approve the application with two conditions: 1-developer/owner of the lot submit an Invasives Eradication Plan to the Wetlands Agent, and 2-permanent wetland markers as depicted on the plan be installed, 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 the motion. All in Favor. Motion passed.

2. **Discussion/Possible Decision Application #798:** 301 Mountain Rd. Addition within Upland Review Area Michael Monteiro.

Item Tabled, applicant not present, more information needed.

3. **Discussion/Possible Decision Application #799: 43 Horseshoe Lane.** Addition within Upland review Area. Platinum Construction, LLC.

Peter Paridiso represented Platinum Construction, LLC. Agent Shapiro described the updates to the current plan and the narrative that had been submitted, showing a planting plan and no-mow area, clarifying that the addition would only have a 4 foot crawl space, and addressing the concern about the footing drain.

Drew Kukucka made a motion to approve the application with the condition that the planting and "No Mow Zone" be completed as indicated on the revised plan, 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 the motion. All in Favor. Motion passed.

III. NEW BUSINESS -

1. **Discussion of Possible Violation: 1027 Main Street**

Attorney William Shapiro represented the homeowners who were also present. Joanna Shapiro, Somers Wetland Agent had observed an open soil disturbance with heavy equipment on the property. She had attempted communication by email and then had sent a letter to the property owners. While contact had been made, she still had not received an explanation of the extent or intent of the work. The Cherry's said that they had hired a professional landscaping company to clean up the front area of their property as it was constantly being washed out. Their plan was to add river rocks and large boulders to the front along with salt tolerant trees and plantings. They did not seek an application as they believed it was a permitted right. They did not encroach on State property or wetlands. They also added straw to curb washing out of the area in question.

The Commission determined that the homeowners were not in violation but should have sought a jurisdictional ruling prior to determine that it was an as-of-right activity, and were encouraged to always check with the Wetlands Agent on any future plans to insure protection of the wetlands on their property.

2. **Modification of Permit #752:** 11 Tumblebrook Circle. Construction of an in-ground pool in the Upland Review Area. Modification requested to improve drainage, with catch basin and discharge pipe in the Upland Review Area. David Springer.

Agent Shapiro explained the progression of events that led us here, as the original pool permit has led to several unpermitted activities along the way, and this is the latest. A small catch basin and pipe directed toward the wetland were installed, yet were not part of the approved plan.

Eric Peterson from Gardner + Peterson Associates represented the homeowner and presented before and after photos of the disturbed area in question. He believes that the catch basin and pipe properly resolve the drainage and erosion issue on that slope, and his recommendation was to add a rip rap apron to the end of the pipe to dissipate energy and reduce erosion before the water reaches the wetland. Grass seed and straw mulch has also been recommended to help stabilize the area.

The Commission discussed whether to require a new permit rather than a modification, and whether the activity is related to the pool permit.

Dan Fraro made a motion to approve the modification requested, with conditions that the rip rap apron be installed as shown on the plan, that the area be reseeded in the spring if necessary, and that the Wetland Agent be contacted to inspect the work. In addition, he instructed the Wetland Agent, Joanna Shapiro to send a registered letter to Mr. Springer stating that the Somers Wetland Agent must be contacted if any additional future site work is to be done on the property **prior** to beginning the project.

Lise Wood seconded the motion. All in Favor. Motion passed.

3. **Application # 800:** 12 Hampden Rd. Subdivision with proposed driveway in the Upland Review Area. Mark Polek.

Application tabled per applicant's request.

4. **Proposed 2024 Meeting Dates.**

Candace Aleks made the motion to approve the 2024 meeting dates.

Lise Wood seconded. All in Favor. Motion Passed.

IV. AUDIENCE PARTICIPATION

None.

V. STAFF/COMMISSION REPORT---

Joanna Shapiro presented the Wetland's Agent Report, reported on: a proposed foundation replacement at 8 Bittersweet with adjacent wetlands; a revised plan from Lindy Farm regarding 245 Maple St, showing that no work will occur within 500' of the town line; a possible future project by the town to culvert a section of stream at 455 Billings Rd, and another barn proposed behind 391 9th District Rd, outside of the URA.

Commissioner Lise Wood made a motion to accept the Wetland's Agent report.

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

VI. CORRESPONDENCE AND BILLS---

No correspondence or bills were presented.

VII. MINUTES APPROVAL: for November 1, 2023

Drew Kukucka requested a correction with edits to Application #799 East Hampton, CT Add the word "Construction" after Platinum, and change "East Hamden, MA" to "East Hampden, CT".

Drew Kukucka made a motion to accept the minutes with corrections made.

Dan Fraro seconded the motion. All in Favor. Motion Passed.

VIII. ADJOURNMENT

Commissioner Wood made the motion to Adjourn.

Commissioner Kukucka seconded. All in Favor. Motion Passed.

Meeting was adjourned at 8:55 P.M.

Respectfully Submitted,
Commissioner Candace Aleks, Acting Secretary

MINUTES ARE NOT OFFICIAL UNTIL APPROVED AT A SUBSEQUENT MEETING