

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 Burzduk, 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 Ussery 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 Alexis 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 Alexis 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 Alexis 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 Alexis 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