

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 Belski 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 a permitted 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