

**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 9<sup>th</sup> 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