

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

**REGULAR MEETING**  
**WEDNESDAY, FEBRUARY 7, 2024**  
**7:00 PM TOWN HALL**  
**MINUTES**

I. CALL TO ORDER

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

Vice Chairperson Kukucka seated Lise Wood for Candace Aleks.

II. OLD BUSINESS

1. **Discussion/Possible Decision Application #800:** 12 Hampden Road. Subdivision with proposed driveway in the Upland Review Area. Mark Polek.

Mark Polek's attorney, Andrew Urbanowicz, attended and presented the updated plans, addressing the questions during the January meeting. Joanna Shapiro passed out the revised development plans to the Commission members, which included updated grading plans and a new landscaping sheet.

The updates show where the new plantings will be placed, and most will be planted along the slope to alleviate erosion. The plans indicate where they will be using conservation mix rather than lawn. The trees that will be left along the road are now shown on the map as well. The updated plan also includes an update to the driveways, indicating that they will only pave the portions of the driveway with over 10% slope, and the remainder will not be paved.

Agent Shapiro will visit the site to ensure the plantings have taken place before the certificate of occupancy is issued to the owner. She has visited the site recently, and no additional concerns were noticed.

Agent Shapiro briefly discussed the typical requirement for wetland markers, but it was decided they were unnecessary due to the wetland only being on the edge of the property near the driveway.

Sydney Flowers made a motion to approve application #800, 12 Hampden Road, Subdivision, with the proposed driveway 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.

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

2. **Discussion/Possible Decision Application #801:** 21 Bobolink Lane. Addition in Upland Review Area. Jim Patsun.

Jim Patsun was in attendance. Agent Shapiro has visited the site since the January meeting and confirmed that the photographs shown at the January meeting were accurate to what is happening on-site. She indicated that most of the work is happening on the driveway and in the area of the existing deck. Mr. Patsun stated they may leave the slab in place where they will be removing the small shed/building that is close to the stream. Agent Shapiro mentioned that leaving the slab will prevent soil disturbance, but removal of impervious surfaces can benefit water quality.

The Commission briefly reviewed what history was found regarding the development of the subdivision, including the prior proposed moving of a stream and the installation of a pond. There was nothing found to show when and how the pond came about.

Sydney Flowers made a motion to approve application #801, 21 Bobolink Lane, Addition in 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.

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

III. NEW BUSINESS

Lise Wood motioned to add Application/Jurisdictional Ruling #802: 144 Watchaug Road, Soil Deposition in Upland Review Area, Matt Moylan. Dan Fraro seconded. All were in favor.

1. **Application/Jurisdictional Ruling #802:** 144 Watchaug Road, Soil Deposition in Upland Review Area. Matt Moylan.

Matt Moylan was in attendance. Joanna explained that she contacted Mr. Moylan the day before this meeting to discuss soil being deposited near a wetland. Mr. Moylan promptly responded and submitted an application for a jurisdictional ruling, and attended the meeting to discuss what he was doing. Mr. Moylan provided the Commission with an image showing his plans for the shooting range he would like to install on his property. Agent Shapiro has not seen the site but described where the property was located on Watchaug Road. It appears to be primarily wetlands from aerial photographs but has not been delineated; it is just assumed. The stream seems to be the property line.

Mr. Moylan described that he bought these 6 acres from a tax sale and has no intention to build there. He plans to fish there with his daughter, sight-in guns, and do some target shooting. He

stated he plans to go there only one to two times per month to shoot and would only fire about 20-30 rounds per time. He said he would use lead-free ammunition, would not bring in any machinery to do the work, and would not be pulling out any stumps.

Also presented was a Town of Somers GIS map showing the wetland mapping. The light green area indicates poorly drained soil, and the dark green area indicates alluvial soils. Matt indicated that on this map, where you see "61.49," many stones were deposited from what he assumes came from the fields used for growing produce. He plans to use those stones by burying them in soil and covering them with soil or mulch (wood chips) for a shooting target.

Agent Shapiro indicated that the GIS maps are inaccurate, it is unclear where the property line is now, and that Oakridge Dairy may own part of that property. Drew Kukucka requested a site visit. Joanna Shapiro discussed how if we do a site visit, it would have to be done with each member separately to avoid violating Freedom of Violation laws, or a group walk could be noticed as a meeting. Drew Kukucka requested that we see the delineation of the wetland and the extent of this activity before anything is decided because this is a significant wetland. Mr. Moylan mentioned that he briefly spoke with a soil scientist and willing to have people come on-site to visit. He asked to be included in these visits.

Mr. Moylan then asked if he could continue to use the wetland for shooting. Agent Shapiro read over the exempt items, which included hunting, but not necessarily the site work and putting up the range. She explained how the law is written broadly and left up to interpretation in instances. She mentioned that the Commission has not had this type of exemption ruling request come up and that we mainly handle agriculture exemptions. She explained that even though the activity may be deemed exempt, it is the Commission's duty to rule that it is exempt before the activity commence. Mr. Moylan asked if he is supposed to get permission each time he hikes or goes fishing in the wetland. Agent Shapiro explained that each situation is handled based on the situation, and that hiking and fishing tend to be ongoing activities in established areas, and typically do not rise to requiring a ruling by the commission. Work to create hiking trails, including using fill or crossings, would require consultation with the Commission. She recommended that Mr. Moylan prepare a written narrative regarding what activities he plans to do there and to what extent. She then explained that frequently, something will come to the Commission because there is a change in use on the property that triggers review.

Drew Kukucka mentioned that other shooting range sites in Connecticut have been deemed contaminated due to the use of ammunition and clay targets and can significantly disturb wetlands.

Joanna stated that if Oakridge Dairy does own that part of the site, they would also need to give permission and sign off on the application in order for the Commission to act on it. Mr. Moylan asked what he should do now while they wait to determine the next steps. Currently, there is soil piled on the top of the slope, but no erosion control has been put in place because he was just made aware of this on 2/6/24. Agent Shapiro indicated that he should not do any more work with the dirt and should install straw wattles or similar at the edge of the pile to avoid the soil from eroding.

Drew Kukucka again suggested we do a site walk and go from there. Sydney Flowers stated that we need to determine the property line. Mr. Moylan asked if the Commission typically does site visits, and Joanna Shapiro explained that we have done this in the past.

Commissioner Kukucka and Agent Shapiro will meet with Brandon from Oakridge and Mr. Moylan in the next two weeks to visit the site and report their observations at the next meeting

in March. Joanna Shapiro stated that a wetland scientist might be needed to flag the wetland boundary. Joanna Shapiro expressed her appreciation to Mr. Moylan for his quick response and indicated he should not move any more soil and simply stabilize what is there now.

## 2. Wetland Informational Flyer

Sydney Flowers passed out the updated draft of the wetland information flyer. This flyer included an updated picture and layout. Commissioners were tasked with reviewing the draft before the next meeting and to come prepared with their feedback. Once the flyer is finalized, we plan to get it in the First Selectman's next mailing, put it on the Town's website and Facebook, and print it out.

## IV. AUDIENCE PARTICIPATION

n/a, no audience in attendance at this time

## V. STAFF REPORT

1. The season's big story is that everyone is coming into the Town Hall concerned about flooding. Long-time community members have said they haven't seen this flooding in years. Joanna explained it is due to the exceptional rain received this year. She mentioned this can be challenging to explain to property owners. She stated that many property owners are quick to blame the most recent building project in the area.
2. A current wetland permit was issued to 35 Cricket Lane when a pool was dug without a permit. A neighbor recently called the town because their property is being flooded, and they believe it is due to the new pool. Joanna visited the site and noticed that they had not done the plantings they agreed to do when they received the wetland permit, and they had not yet obtained their certificate of occupancy. Joanna emailed the owners and hopes to hear from them soon and will inform them to get the plantings done in the spring.
3. An old pond at 455 Hall Hill Road is flooding another person's property on Blue Ridge Drive.
4. The property owner of 286 Mountain Road is concerned that flooding is happening because of the new house built on Broadway. Joanna Shapiro explained multiple reasons for the flooding (culverts, streams under the driveway, wetlands, slope, etc.). The property owners expressed that they may want to channel the flow in the wetland, and Joanna informed us that this may come forward to the Commission.
5. A high school student wants to install a dog park near Quality Avenue's sewage plant for their senior capstone project. This was brought up to Joanna, and she mentioned that the site may be a challenge since it is partially wetland.
6. A possible subdivision on Gulf Road may involve a wetland disturbance with a new possible driveway. There is a current driveway that goes to a barn, and Joanna encouraged them to use that to minimize disturbance.
7. Agent Shapiro inspected the house just completed at 522 Turnpike Road. The owners put up wetland monuments (used 4' footings) that are difficult to get out of the ground. Agent Shapiro was impressed with wetland monuments and showed the Commissioners a picture. She did mention that one monument was put in the wrong place and that they would move it soon. She

that condition to their lawn bond before approving the CO. Joanna noticed when visiting that they started to grade along Wood Road, but that was not presented during the wetlands meeting when they received their permit. Joanna told them to put in erosion controls now, and they will need to come before the Commission to amend their application to include this.

8. Agent Shapiro updated the Watchaug Road drainage conversation from last month. Brandon from Oakridge sent Joanna a series of photos from a ½” rain event; the flooding was insignificant and the drainage structures functioned well. Joanna did talk with Todd from the Public Works Department about the catch basin being too high. He explained that during hefty rainfalls, much of the water may bypass the catch basin, but it works well in most instances. Todd mentioned that the town would regrade the road's edge near there to help with flooding and erosion. The property owners don't feel that removing the swales along the new runway is what is causing the flooding. However, swales with check dams may help sediment to settle out when there is flooding. Jarmoc Farms will put down the stone in the driveway, too. The side of the field that is closer to the wetlands, where the vegetables are grown, the owner will switch to no-till this year. Drew Kukucka asked about the recent excavator work, and Joanna Shapiro explained that Oakridge may be maintaining their drainage ditches.

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 \$39.35 – January public notice.

Lise Wood made a motion to pay the fee of \$39.35 to the Journal Inquirer. Sydney Flowers seconded, All in favor.

2. The State of Scantic Report was emailed to the Commission members. Drew Kukucka mentioned that he drove by the school today and saw the Stream Team getting samples of the Gulf Stream. Joanna Shapiro mentioned we may have funding to support some of this in the future.
3. Two conferences coming up in March: CAWS in Southbury and CLCC is later in March. Let Joanna know if you are interested because we have some money set aside.

#### VII. MINUTES APPROVAL: January 3, 2024

Some minor typographical errors were discussed.

Lise Wood made a motion to approve the minutes of January 03, 2024, as amended. Dan Fraro seconded. All were in favor, and the motion carried.

#### VIII. ADJOURNMENT

Lise Wood made a motion to adjourn the February 07, 2024 meeting. Dan Fraro seconded. All were in favor, and the motion carried. The meeting was adjourned at 8:52 p.m.

Respectfully Submitted,

Commissioner Sydney Flowers, Secretary

MINUTES ARE NOT OFFICIAL UNTIL APPROVED AT A SUBSEQUENT MEETING