

TOWN OF SOMERS
Conservation Commission
600 Main Street

REGULAR MEETING
WEDNESDAY, AUGUST 7, 2024
7:00 PM TOWN HALL
MINUTES - REVISED

I. CALL TO ORDER

Chairperson Joan Formeister called the meeting to order at 7:02 P.M. Commissioners in attendance were Dan Fraro, Lise Wood, and Sydney Flowers. Joanna Shapiro, Town of Somers Wetlands Agent, was also present.

Chairperson Formeister seated Lise Wood for Candace Aleks.

II. OLD BUSINESS

None

III. NEW BUSINESS

1. **Jurisdictional Ruling Application #808:** 42 Dillenback Rd. Selective timber harvest within the Upland Review Area and Wetland. David Worthington.

Joanna Shapiro walked the site with the forester/soil scientist, Joseph Theroux, yesterday and briefly discussed the revised plans, which show more land and the ability to get around the stream without directly crossing through it. The landowner is working with Mr. Theroux to focus on removing overmature, diseased, and inferior trees so more valuable crops can grow. They will have access to an existing gravel road and can cross the dam to avoid directly crossing the stream. The road is in poor repair, and they will put in bridge matting to support the weight of the heavy equipment (mainly a skidder) and stabilize the road. The timber landing area will be in the open field above the dam. A few trees directly on the edge of the wetland will need to be harvested. If, at any point during the harvest, it rains or mud starts to appear, they will put up hay bales/silt fencing and hold off on activities until conditions are dryer. The area is not steep, and there should be little to no erosion. Joanna Shapiro went through what constitutes an agricultural permitted use as of right and what type of activities would not allow it to be exempt. Joanna Shapiro stated that she felt this activity does meet the criteria as a permitted use of right. Sydney Flowers asked where the timber would be going, and Mr. Theroux mentioned that they work with a variety of sawmills. The trees to be harvested are not marked, but the logger and owner will work this out, and follow what was prescribed by the forester. Joseph Theroux will continue to be involved in this project and will monitor and ensure that no sediment is being eroded into the stream and all logging best practices are used.

Sydney Flowers motioned to approve Jurisdictional Ruling/Application #808 as a permitted use of right at 42 Dillenback Road for selective timber harvest within the Upland Review Area and Wetland. Lise Wood seconded. All were in favor, and the motion carried.

Lise Wood motioned to add jurisdictional ruling application #809, 42 Dillenback Rd., Dredge farm pond and application #810, 30 Ridgewood Rd., construction of an inground pool in the upland review area. Sydney Flowers seconded. All were in favor, and the motion carried.

2. **Jurisdictional Ruling Application #809:** 42 Dillenback Rd. Dredge farm pond. David Luginbuhl.

The Commission has not seen any information on this plan because it came in yesterday. Joanna Shapiro stated that the Commission can act on the application tonight if they have enough information, but it is not required. David Luginbuhl was in attendance and informed us that he had bought this property about a year ago. The property has a lot of wetlands, and they plan to continue to use the property for forestry/timber harvests. David pointed out the plans for application #808, the smaller area where he would like to dredge the current pond, Cooley Pond, which overall is about 6.27 acres. Joan Formeister asked Mr. Luginbuhl what the intention was for the dredging. He explained that the current upper pond area he wants to dredge is full of silt/muck (4-5' deep), and he would like to use the water to irrigate the trees they planted and a flower garden that his wife is creating. According to the landowner, a beaver dam has almost delineated the pond and made a second pond. This part of the pond is shallow and has virtually no water. Joanna Shapiro mentioned that we don't know the history of this land, and she may need to revisit the site to look more closely at this area; the Commission agreed this is a good idea. Joan Formeister mentioned that she does not see an issue with the dredging of the pond. However, it is difficult for the Commission to find this exempt as an agricultural permitted use of right, and it would be best to apply for the wetland permit. Joanna Shapiro mentioned that his application should include more information about where the dredged soil/vegetation will be placed, what is currently growing there, and what will happen after the dredging, etc. Joe Theroux offered to provide further information to support the application. The Commission agreed to receive this permit application, and we will discuss it under Old Business at the next meeting. Joanna Shapiro will contact the landowner to schedule a visit to the site again.

3. **Application:** 30 Ridgewood Rd. Construction of inground pool in the upland review area. Craig and Joann St. Germain.

Mike Smith, with Smith Associates (a surveying company), was in attendance and representing the family because they are currently out of town. He explained that he scrambled to get this together for today so we could receive it and vote on it in September because they would like to start building sooner rather than later. Mike Smith showed us the current plans which outlines the existing wood line around established lawn area and where they would like to install the pool. The pool placement was chosen because of the reserve area for a septic, and they may want to install an underground propane tank. The plan is to grade everything away from the wetland, and a silt fence will be installed. Mike Smith stated there is currently no ability to shift the pool location. He will bring the revised plans for the September meeting, including the stockpile location, propane tank, site access, grading, shed, other structures, etc. The owners thought they could start building immediately and did not know they needed a permit. They will be at the next meeting. Mike Smith mentioned that the houses on either side of them have pools. Joanna Shapiro asked if the septic reserve area could be in front of the house, but Mike Smith was unsure. Joanna Shapiro also briefly mentioned that there have been violations on this site in the past regarding a shed built very close to a wetland without a permit in the 1990s. She asked Mike Smith if it would be possible for them to remove that, but he was not sure. He mentioned that the gazebo was already removed, and chicken coops may be

removed. Joanna Shapiro will visit the site soon. The homeowners have been there since about 2011. Joanna Shapiro will contact the landowner or Mike Smith to schedule a visit.

IV. AUDIENCE PARTICIPATION – n/a, no audience in attendance

V. STAFF REPORT

- The Bobolink property with addition has been frustrating because of a series of changes, including a change in the builder. The prior builder met with Joanna Shapiro and Jen Roy, and understood the requirements, but the new builder submitted a plan with no wetland delineation because the new builder was unaware of the requirements. They finally did get it all together, and Joanna Shapiro signed off on the plans.
- A pool was installed on 49 Manse Hill without a permit. An electrician came to apply for his permit, but the building permit for the pool had just been submitted, not approved. Joanna Shapiro visited the site and discovered that a retaining wall was built, and there was a steep slope down to a wetland. Fortunately, wetlands were delineated and the pool was far enough from the wetland, so no wetland permit was needed.
- 32 Goodwin wants to extend their deck, and a minimal impact permit may be all that is needed because they need to drill for the footing, and that is about it. Joanna Shapiro will visit the site, and she will most likely be able to approve it then.
- In the past (early 2000s), affordable housing was approved to be built on 225 & 251 Field Road but never built. They are now selling the property, and their zoning permit is still good, but the wetland permit may no longer be valid. An attorney visited the town hall to ask questions about the property because this was her first time working on affordable housing. There is a plan to put in a retention basin within the upland review area. Joanna Shapiro has informed them that they must update their stormwater calculations because they may need to change the basin size.

Sydney Flowers moved to approve the Staff Report, and Dan Fraro seconded. All were in favor, and the motion carried.

VI. CORRESPONDENCE AND BILLS

1. Journal Inquirer July notice - \$55.09

Sydney Flowers moved to pay the \$55.09 fee to the Journal Inquirer. Lise Wood seconded; all were in favor, and the motion carried.

VII. MINUTES APPROVAL: July 10, 2024

Lise Wood moved to approve the July 10, 2024 minutes. Dan Fraro seconded. All were in favor, and the motion carried.

VIII. ADJOURNMENT

Lise Wood moved to adjourn the August 07, 2024 meeting, and Dan Fraro seconded. All were in favor, and the motion carried. The meeting was adjourned at 8:13 p.m.

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