

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

**REGULAR MEETING**  
**WEDNESDAY, JANUARY 8, 2025**  
**7:00 PM TOWN HALL**  
**MINUTES**

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, Drew Kukucka, and Sydney Flowers. Joanna Shapiro, the Town of Somers Wetlands Agent, was also present.

Chairperson Formeister seated Lise Wood for Candace Aleks.

II. OLD BUSINESS

1. **SHOW CAUSE HEARING - ORDER TO CEASE VIOLATION (continued). 183 King Road.** Regulated activity within 100 feet of a wetland or watercourse. Nicholas Turnberg.

Nicholas Turnberg was present. Joanna Shapiro stated that we had just received the soil scientist report and wetland delineation map the day before this meeting, and she had emailed them to the Commission yesterday. She spoke with the soil scientist today on the phone (Steven Riberdy from Goddard Consulting of Palmer, MA). Joanna said we could reach out before the next meeting if we have more questions for the soil scientist.

Joanna noted that during our last meeting, the big question was whether part of the field where activity was occurring was considered a wetland. According to her conversation with the soil scientist, Steven Riberdy, the land in question had been severely disturbed, and he dug various test pits (augered) to categorize the soil types in this area. He stated that standing water was present in one low location on the field, but the soils were not classified as poorly drained. While he could not 100% rule out that any wetland pockets could have been present prior to the disturbance, Joanna mentioned that there is a common accepted threshold amongst soil scientists that they don't typically delineate an area smaller than a car. She also stated that there can be indications of hydrology in a location, but it may take decades for that area to be considered a wetland. Groundwater monitoring wells can be used to verify hydrology, and there may also be early indications of wetland hydrology in the soils. Joanna asked Nicholas Turnberg if an old drain was possibly buried there, and he stated that he has not found any drains.

Joanna then explained that the soil scientist had flagged two wetlands with flag series "A" and flag series "B." Joanna explained that this is not a wetland delineation of the entire property but just in the area where activity is occurring, and the Commission is currently concerned with. The soil scientist indicated in his report that the wet area in the field was not classified as a wetland because the soils found in the test pit of that area are not wetland soils. The soil scientist also found that all test pits dug in the former field (8 total) did not contain wetland soils.

Drew Kucucka asked Joanna Shapiro how the site walk-through went and her thoughts regarding the soil stabilization and potential for erosion. Joanna stated she went out about a week after our December meeting when the ground was frozen, but it had recently rained and had poor conditions. Therefore, she was not able to look at the soil closely. She focused on whether the site stabilization was in place or needed and the disturbance that had already occurred. She stated that the area that was disturbed between the watercourse and the current stockpiles of soil was hydro-seeded by the owner. She explained that there were very large piles of soil in an open area with straw wattles placed at the base, but the piles were not stabilized. She explained that a row of woodchips line the western boundary of the field, which isn't a concern because they provide erosion control. Joanna explained one of the main concerns currently is the lack of stabilization of the soil piles, and they could erode due to wind or rill erosion, other environmental factors. Joanna Shapiro mentioned that some of the work may have been done in the Upland Review Area, as the delineation shows that wetland soils extend up to 40' from the stream into the field. Nicholas stated it was not because he measured 100' from the edge of the tree line, not the stream's channel. Joanna stated she was under the impression he had measured from the stream channel. Joanna noted the southwest of the field is gravel, the roadway, and an existing grassy area and was not of concern.

Joanna Shapiro passed out a packet of aerial pictures showing a blue marker where the wet spot in the field is located from about 2019 to October 2024. Nicholas Turnberg mentioned that the wet area had not been scraped down previously when they did this to the rest of the field to the east, to lay down gravel.

Joan Formeister asked about the site map and why the flagging was incomplete for the wetlands A and B marked. She also stated that it was difficult to see how the current work being done overlays on the wetland map that we provided, and because it is not, it is difficult to understand exactly where the activity is taking place concerning the wetlands and upland review areas. Joan stated she is used to seeing a map of the entire property and the wetland delineated on the whole property. However, she understands we are currently only concerned with the area being addressed in the cease and desist. She stated that if he were considering future projects on the property, having all the wetlands flagged and mapped would be a good idea.

Joanna Shapiro noted that there are other watercourses within the mapped area that were not indicated as such, including the rest of the stream and pond, and a watercourse just off of the southwest corner of the field, and the upland review area should be extended to include 100' from them as well to provide a complete picture of what portions of the field are within the Upland Review Area. Joanna requested Nicholas to have the soil scientist add the following to the wetland map: identify the additional upland review areas, correct/renumber the wetland flags so they correctly represent the soil scientist's delineation, add notes regarding items on the map that are not easily identifiable, and map out where the current activity is taking place (gravel, future gravel, stockpiles, wood chips, logs, etc.), and proposed activities (further gravel, etc).

Drew asked Nicholas what his plans are for this property, and Nicholas stated that at this time, he just wants to be able to finish laying down the gravel where he will be storing equipment and materials, and he will not be doing any more grading. Nicholas stated he needs an area to store his equipment, tree logs, and wood chips, but he has no other plans at this moment. Nicholas stated he did not feel that the Commission needs to know what his plans are for the land in the long term because we are only addressing the wetland cease and desist matter at this time.

Drew asked Joanna Shapiro about the status of the cease and desist with the zoning commission. Joanna explained that she believes Nicholas is currently working with the zoning officer to work

toward applying for a special use permit. Drew Kukucka stated he had noticed trucks coming and going with materials. Nicholas noted that the zoning cease and desist stated they could not move soil, but there was no mention of not moving logs and wood chips. Drew asked Nicholas again what the purpose of the activity on the property was, and he stated he was used to seeing an application submitted with those details. Nicholas started to process lumber products. He said all materials will be stockpiled outside the wetland and upland review areas.

Joanna Shapiro mentioned that this is not a wetland application but a cease and desist order for which we need to find a resolution. We needed to identify where the wetlands and upland review areas were concerning the activity being done, which is largely completed aside from a few additions requested. Nicholas stated that he wants to be able to continue to do his work outside of those areas. Joanna asked him to have the soil scientist add those other items to the wetland map, and we will then be able to get the soil scientist to provide his official signature on the map. Joanna stated she is unsure how the zoning cease and desist will turn out, but once he gets the updated map to us, we can review it again and possibly revise or remove the cease and desist. At that time, Nicholas asked what he could do now. Joanna read the following statement from the cease and desist letter mailed to Nicolas on November 26, 2024.

*“You are hereby ordered to cease and desist from any further regulated activities within regulated areas or one hundred feet (100') of a regulated area, specifically including, but not limited to, the cutting of trees or vegetation and the deposition of any other material. You are further ordered to remove any stockpiled material that is located within one hundred feet (100') of a wetland or watercourse, to stabilize any exposed soils on-site, and install sediment barriers downgradient of disturbed soils in accordance with the Connecticut Guidelines for Soil Erosion and Sediment Control.”*

The Commission had already amended this at the prior meeting, putting a stay on the removal of materials, and allowing activities that do occur onsite only on the existing gravel areas. Joanna explained that he cannot do any work in the identified wetlands or upland reviews area but that the bare soil piles are a concern. He asked if he should hydroseed the soil piles because he does not plan to move them at this point. Joanna said they should be stabilized somehow, whether with a cover or hydroseeding with mulch and tackifier. Joanna Shapiro also mentioned that the southwest portion of the field is still an area of concern because the adjacent watercourse was not delineated; therefore, no activity should occur there at this time.

Drew Kukucka asked Joanna how to close out the cease and desist, and Joanna will contact the town attorney and find out how to do this correctly. Lastly, Joanna Shapiro mentioned that she tried to get in touch with the assessor regarding the 490 status but was unable to get in touch with this person, and that this does not seem to have any bearing on the wetland statute. She also mentioned she did her best looking for the deed, but it was difficult to find due to the history of landownership, and Nicholas agreed.

Joanna will send the surveyor an updated aerial photo to use as the background for the plan, and Nicholas will ask for the additions to the plan that were discussed. Joanna will consult with the town attorney regarding next steps toward potentially closing out this cease and desist order, if all concerns are resolved.

### III. NEW BUSINESS

**None**

IV. AUDIENCE PARTICIPATION

**n/a, no audience in attendance**

V. STAFF REPORT

1. Joanna has received several building permit applications for garages, additions, and residential solar, which she has been able to sign off on.
2. At 41 Four Bridges Road, the owners wanted to put up solar panels near the road, but zoning would not sign off on it due to its location. The owners then decided to move the installation to another location, but Joanna could not sign off on it because it was in a wetland area. The owners are trying to figure out where they will install them.
3. Joanna has reached out to the builder and owner of 1046 Main Street, a new house site under construction. She recently noticed that they are putting in the long, steep driveway and removing stumps, but they are not doing a good job with erosion control. We issued the wetland permit a while ago and extended it several times. Joanna has not heard back yet, but she stated that the property owner has been responsive in the past, so she will probably hear something soon.
4. Drew Kukucka heard that Eversource will be replacing/installing utility poles and clearing a wide swath of vegetation, and wondered if they have to get a wetland permit. Joanna stated that there are exemptions for utilities, but they usually notify the town when they will be doing this, and she will look into it and get back to the Commission.

Lise Wood moved to approve the Staff Report. Sydney Flowers seconded. All were in favor.

VI. CORRESPONDENCE AND BILLS

1. On March 05, 2024, CAWS (CT Association of Wetland Scientists) will hold its annual meeting at the Aquaturf Restaurant in Southington. Let Joanna know if you want to attend.

VII. MINUTES APPROVAL: December 4, 2024

Drew Kukucka moved to approve the December 04, 2024, minutes. Dan Fraro seconded. All were in favor, and the motion carried.

VIII. ADJOURNMENT

Lise Wood moved to adjourn the January 08, 2025 meeting, and Drew Kucuka seconded. All were in favor, and the motion carried. The meeting was adjourned at 8:16 p.m.

Respectfully Submitted, Commissioner Sydney Flowers, Secretary

MINUTES ARE NOT OFFICIAL UNTIL APPROVED AT A SUBSEQUENT MEETING