

TOWN OF SOMERS
Conservation Commission
600 Main Street

REGULAR MEETING
WEDNESDAY, MAY 7, 2025
7:00 PM TOWN HALL
MINUTES

I. CALL TO ORDER

Chairperson Joan Formeister called the meeting to order at 7:01 p.m. The commissioners in attendance were Dan Fraro, Drew Kukucka, Candace Aleks, Sydney Flowers, and alternate Lise Wood. Joanna Shapiro, the Town of Somers Wetlands Agent, was also present.

Chairperson Formeister seated Lise Wood for Pat Pio.

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.

The property owner was not in attendance, but Joanna Shapiro was able to connect with him yesterday, and he sent her current photos of the area. According to Joanna, the seeding on the pasture came in well, but the seed on the stockpiles has not germinated that well and will need to be reseeded soon. The photos circulated showed a small amount of germination on the stockpiles and two edges of the field, showing the seeds germinating and taking root. Joanna stated that she did not see an imminent risk to the wetlands and that the edge is stable. The owner told Joanna that he had been keeping an eye on the straw wattles and that the landscaping company would be out soon to re-hydroseed the stockpiles. The commission agreed that once we see the stockpiles in better condition, we can act on the order to cease the violation.

III. NEW BUSINESS

1. **Application #816:** 378 Gulf Road. Construction of a gravel driveway in the Upland Review Area, associated with subdivision of property and construction of a new home and garage. Daniel Halpin.

Daniel Halpin and Brian Coope were in attendance, along with Andrew Bushnell from Bushnell & Associates LLC (land surveyor), who prepared the plans. Andrew reported that they revisited the plans from when they previously presented this to the Commission to devise a better placement for the new driveway. In the prior plans, the driveway was to be installed directly through the wetlands. The alternative they developed was to utilize the existing barn driveway and veer off that along the edge of the farm pasture to avoid the wetlands altogether. They will

be bringing in base material to elevate the current driveway to the specified requirements. They will also run utilities along the driveway, but whether it will be above or underground is unclear. Joan Formeister asked about the size of Lot 2. Andrew stated that it is not set in stone, but they are attempting to split the property roughly in half, resulting in about 11 acres. Drew Kukucka asked if this approved permit would apply to both lots. Joanna Shapiro stated that Lot 1 already has an existing house and barn, so this would be for Lot 2, and they are currently not proposing anything for Lot 1. She mentioned that this is not technically a subdivision, but a “first free cut” so they likely do not need to obtain a subdivision permit through Planning for that. The owners noted that most of the frontage is in Stafford, but the existing and proposed house are in Somers. It was also reported that there is no address yet for the new home, which will be decided by either the assessor or the fire department. Drew Kukucka asked if the north side of the driveways consists of hayfields and the lower side is wooded, to which the owner confirmed. Drew inquired whether they plan to remove any trees to install the driveway, and they stated that no trees will be removed within the upland review area, and it has already been measured. They also mentioned the need to put in a small turnaround for emergency purposes. The landowners expressed their desire to install a garage in the future, but the location they are considering is not in a wetland or URA. Joanna Shapiro stated she was pleased with the current plan, noting that it is very clear where the wetlands are, along the driveway and fairly far from the house, so likely no markers would be necessary. She reminded the owners that it is essential to maintain erosion control throughout the entire construction process. Joan Formeister informed them that, by state law, we cannot approve this at this month’s meeting, but we can at the next one on June 04, 2025, and we do not anticipate any concerns if there are no changes to the plan.

IV. AUDIENCE PARTICIPATION

Nancy Drury, a resident on Watchaug Road, was in attendance and requested that something be put on the June agenda regarding the manure pond being installed by Oakridge. She has been trying to get answers from the town and state regarding this project and has not received any. She mentioned that the town needs to do more research regarding the botany and animals, particularly fisher cats, that live in that area. She stated she has called the town hall and fire department, asking what their plan is if one of the manure trucks tips over in town, and they don’t have a plan. She expressed feelings of frustration and doesn’t know where to go next. She told us that Oakridge will have an average of 30 trucks per month coming in to drop off manure. She stated she is meeting with an environmental attorney to discuss her concerns. She mentioned that manure particles would be blowing in the air and that it gets really windy there. Joan Formeister asked Joanna who gave Oakridge the okay to build this. Joanna Shapiro stated that this pond was not included in the plans recently approved by the Conservation Commission. She mentioned she had seen the new plans for this pond, which was more than 100 feet from the wetlands, which is outside of the Conservation Commission upland review area. Joanna explained the jurisdiction of the Conservation Commission, as an Inland Wetland Agency, charged with enforcing the Wetland Statute. She explained that they can not consider anything to do with wildlife when work is occurring outside of a wetland.

Nancy Drury asked why the health department has done no environmental study. Joanna Shapiro suggested she contact Andrea Vitrano in the Somers Health Department. The commission discussed that this topic will be covered at the Zoning Board of Appeals meeting on May 13. Initially, the town determined that a variance would be needed for the manure lagoon because it was too close to the water table. Oakridge then changed their plans to meet zoning regulations, and town staff approved it, but a neighbor to the field appealed that decision, which is why it is being reviewed by ZBA. Nancy Drury asked who else regulates this. Joanna Shapiro explained that Oakridge has a CAFO permit from the State of CT due to the size of their operation. She stated they would need to get this approved as part of their CAFO permit and also has a nutrient management plan through the USDA. Nancy asked who would be regulating them, and how do we know the pond will always have 70% water. She stated that we, as a town, need to have someone check it every day, and she is worried that the clay liner is not fail-proof and the manure can leak into our water. She also stated they won't be washing their tires. Joan Formeister explained how certain farming activities get agricultural exemptions from some wetlands and zoning rules. The commission advised Nancy to write her concerns to the Zoning Board of Appeals because it will become a public record. Nancy asked if the Commission could write a letter to the town stating that we were not given a clear picture of what is being proposed, and we would like to review it. Drew asked what the process would be for the Commission to regulate something outside of the Upland Review Area, and asked if Joanna could ask others in Land Use. Joanna explained that it would likely still receive an exemption as a farm from wetland permitting, but will ask the town attorney.

V. STAFF REPORT

1. 10 Field Road, formerly owned by Somers DOT, was bought by someone who would like to use the material that is currently there. Joanna Shapiro asked the owner to have the wetland delineated on the property, which was done, and it was determined that wetlands are just off-property and over 100' from proposed material removal. However, the owner may have to come before the Commission in the future due to possible future activity within the URA.
2. 1046 Main Street, the contractor has been sloppy with erosion controls for the driveway/house they are building on a steep incline. Joanna Shapiro has been going back and forth with their contractor because they are not following the approved plan for erosion control. This week, the owners emailed Joanna Shapiro that they have installed wood chips over the soil, straw bales before and after the culvert, and woodchip berms, and sent pictures.
3. 39 Pheasant, new house close to a pond with many invasive species. They are now seeking the certificate of occupancy. Joanna visited the site, and had concerns about erosion that had occurred. She pointed out areas where sediment needs to be hand-shoveled out and stabilized, and gave them pointers on controlling the invasive species.
4. Will be issuing a minimal impact permit for a shed at 43 Suncrest. They needed a zoning permit for the shed, but not a building permit. They are about 50' from the stream and are putting the shed on gravel

Lise Wood moved to approve the Staff Report. Candace Aleks seconded. All were in favor.

VI. CORRESPONDENCE AND BILLS

1. Journal Inquirer bill for \$47.22.

Candace Aleks motioned to approve the Journal Inquirer bill at \$47.22. Lise Wood seconded. All were in favor.

2. The Scantic River Water Quality Monitoring money was not added to the budget this year, but will hopefully be added next year. Last year, we provided \$1150 through our conservation project and land use budget items. Joanna explained how she reached out to Dr Martin who runs the program to ask about cost of materials for sampling in Somers, which exceed \$4000, but she appreciates any contributions.

Candace Aleks motioned to request the Town of Somers to provide \$1200 for the Scantic River Water Quality Monitoring through our conservation project line items and other funds. Dan Fraro seconded. All were in favor.

3. CT DEEP notified the town that an herbicide permit was issued for the Shady Lake Association to apply herbicide to the lake due to aquatic invasives.
4. Joanna Shapiro was copied on an email from a concerned citizen about a solar panel installed on a residence on Skyridge Drive. The panel is ground-mounted and very close to the neighbor's house. Most of the email was directed at the Zoning Committee.

VII. MINUTES APPROVAL: April 2, 2025

Lise Wood moved to approve the April 02, 2025 minutes. Drew Kukucka seconded. All were in favor, and the motion carried.

VIII. ADJOURNMENT

Lise Wood moved to adjourn the May 07, 2025, meeting, and Dan Fraro seconded. All were in favor, and the motion carried. The meeting was adjourned at 8:50 p.m.

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