

TOWN OF SOMERS
Conservation Commission
600 Main Street

REGULAR MEETING
WEDNESDAY, SEPTEMBER 4, 2024
7:00 PM TOWN HALL
MINUTES

I. CALL TO ORDER

Chairperson Joan Formeister called the meeting to order at 7:03 P.M. Commissioners in attendance were Dan Fraro, Lise Wood, Drew Kukucka, Candace Aleks, and Sydney Flowers. Joanna Shapiro, Town of Somers Wetlands Agent, was also present.

Chairperson Formeister seated Lise Wood for Pat Pio.

II. OLD BUSINESS

Sydney Flowers moved to discuss Application #810 first and then Application #809, as Application #810 is involved with the New Business Application #808. Lise Wood seconded. All were in favor, and the motion carried.

1. **Discussion/Possible Decision Application #810:** 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 applicants who were in attendance. Mike Smith stated he has provided an update on the proposed plans based on the conversation at last month's meeting, and Joanna Shapiro had a chance to visit the site today. The updated plans included the chicken coop and other structures currently in place on the property. Mike Smith stated that moving the proposed pool outside the upland review area wouldn't work because of the setbacks needed for the septic reserve area and an inground propane tank the owners plan to install. The plan is to put the propane tank near the garden shed by the retaining wall. Where the proposed pool would go is currently a lawn, and it is pretty level and grades away from the wetland behind the shed.

Joanna Shapiro mentioned that the previous and current owners had built structures without getting the correct permits, such as the woodshed and the goat enclosure. Joanna stated a violation had been sent from the town for the woodshed and deck and prior gazebo, and recently, there has been grading and tree removal happening in the upland review area with no permits. Joanna Shapiro stated that even though there are no structures in the wetlands, they are encroaching, and this runs the risk of activity within the wetlands and the lawn area has been extended to nearly the wetland. Mike Smith stated that the owners plan to remove the chicken coop altogether. Once they use the existing wood stored in the woodshed, they will remove that structure, do some plantings to stabilize the area, and ensure all the grading/drainage is away from the wetlands. Once both goats are gone, the goat pen on the wetland line will also be removed. The two goats were their daughters' pets. The owners are also willing to move the other shed closer to the house and further away from the wetland. Joanna Shapiro pointed out that there is a small dirt road from the area of the proposed pool site to the woodshed, and she believes it would be a good idea to seed that area and discontinue use once the woodshed is removed. She also mentioned that there are currently no permanent wetland markers, which could be beneficial for future owners. Joanna Shapiro shared historical aerial photos from 2010 through the present and the pictures she had taken that day, giving a good idea of what the property currently looks like and how it has progressed in the past 14 years.

Drew Kukucka asked where the pool filter would be located, and the owners stated it would be on the northern side of the pool. Joan Formeister asked Joanna Shapiro if there were any other concerns regarding the construction we should be aware of. Joanna Shapiro mentioned that the owners should monitor the contractors to ensure they follow the plan, ensure the stockpile is in the correct area, and install the silt fence correctly. Drew Kukucka mentioned that he does not see any issues with putting the pool in the proposed area, but the soils need to be stabilized, and wetland markers or vegetative buffers should be put in place to prevent continued and further encroachment. Joanna Shapiro pointed out that putting tags on existing trees to mark the edge of the wetland could be a reasonable compromise, rather than putting in monuments to avoid heavy equipment by the wetland. Mike Smith stated he would add the tagged trees to the plan and that Joanna Shapiro could assist with placing the markers.

Drew Kukucka motioned to approve application #810: 30 Ridgewood Rd, construction of an inground pool in the upland review area based on the following and with the following conditions. 1-The woodshed will be removed once the current wood is used, the chicken coop will be removed as shown on the plan, and the goat pen will be removed as soon as possible from the upland review area/wetland. 2-Once the woodshed is removed, the dirt road and area of the shed will be seeded and planted with plants recommended by Joanna Shapiro to stabilize the soil and provide a visual barrier. 3-Wetland tree markers will be placed based on Joanna Shapiro's recommendations. At the time of the CO for the pool, if conditions are not fully met, the wetland agent will likely require a nominal bond to ensure they are completed. 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.

Mike Smith asked Joanna Shapiro when they could start building, and she informed him that the wetland permit is valid immediately, so she can sign off on the building permit now, but they will have to wait to receive the building permit from the building official. Once they have that, they can technically move forward with the construction. However, they should be aware that a public notice goes into the paper regarding this decision, and there are 15 days allowed for public appeal.

2. **Discussion/Possible Decision Application #809:** 42 Dillenback Rd. Dredge farm pond. (The topic of the application was corrected due to being incorrect on the agenda.) David Luginbuhl.

Joanna Shapiro stated that the applicant had paid the application fee, and she was able to visit the site with the property owner. The applicant provided a new narrative from Joseph Theroux, a certified forester and soil scientist, the same individual who provided a narrative and is working with the applicant and David Worthington on Application #809. Joanna Shapiro stated that the current dam was made of wood boards, which have been removed, and there is now a small channel running through the pond area. On the northern side of the dam is a manmade pond, a smaller portion of which is separated from the larger pond by a beaver dam. The applicant stated that there is barely any water flow currently, which will make it easier to do the work. He said he would excavate the pond's northern portion with an excavator and bulldozer when the conditions are dry. They will stake haybales or a silt fence to prevent sediment from moving back into the pond or the stream. Before dredging, they will clear an already reasonably level area, where the excavated materials will be deposited for de-watering, protected by straw bales. Once sediment is de-watered, they will spread it on the field or remove it from the site. Once they have completed the project, they will seed and mulch to revegetate and stabilize the area being worked on. The applicant stated he would be sure to follow the narrative provided.

Sydney Flowers motioned to approve application #809: 42 Dillenback Rd. Dredge farm pond 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.

Candace Aleks seconded. All were in favor, and the motion carried.

III. NEW BUSINESS

1. **Jurisdictional Ruling Application #808 (revised):** 42 Dillenback Rd. Selective timber harvest within the Upland Review Area and Wetland, with temporary stream crossing. David Worthington.

Property owner David Luginbuhl was there to represent the application, in place of the applicant/logger, and the forester could also not attend due to personal matters. David Luginbuhl stated that this revision is needed because, after the last meeting, they walked the area where they were proposing the heavy equipment to enter, which was found not feasible. They now realize that the existing gravel road, located along the dam's length, cannot be utilized to facilitate access to the western portion of the property due to its condition and the limitations of the forestry equipment. The proposed revision includes a temporary stream crossing and harvesting of a few trees in and adjacent to the wetlands so that they can access the area where the timber harvest will occur. Joanna Shapiro passed out literature to the Commission on what types of forestry are exempt and what practices would not allow forestry to be exempt. For example, forestry is typically exempt unless clear-cutting wetlands, filling in wetlands, or building roads unrelated to the farming operation. Adding a crossing to a stream can meet the definition of filling in a wetland unless it is temporary and will be removed as soon as the project is completed. They plan to use temporary portable bridge sections and log corduroy to protect the stream channel and adjacent wetland soils. The bridge sections are constructed as solid one-piece sections 4 feet wide by 25 feet long. Three or four sections are placed adjacent, creating a solid bridge. The forester plans to use staked hay bales or silt fencing to prevent sedimentation from entering the watercourse if conditions, such as excessive rainfall, start to cause erosion. On completion of the harvest operation, the bridges will be removed, and all disturbed areas will be seeded and mulched to revegetate and stabilize the site. Drew Kukucka mentioned the concern of harvesting trees up to the pond's edge. Joanna Shapiro clarified that they plan to do selective cutting of trees based on the narrative and will not do any clearcutting, except for the dewatering area. Joanna Shapiro informed David Luginbuhl that he and David Worthington must work closely with the forester to ensure the proposed and approved narrative is followed.

Lise Wood motioned to approve Jurisdictional Ruling/Application #808 (revised) at 42 Dillenback Road for selective timber harvest within the Upland Review Area and Wetland, with temporary stream crossing, as a permitted use as of right under the agricultural exemption, Drew Kukucka seconded. All were in favor, and the motion carried.

IV. AUDIENCE PARTICIPATION

n/a, no audience in attendance

V. STAFF REPORT

1. Joanna Shapiro received a complaint of noise and possible work in the area of Amy & Hallie Lane off Mountain Road. We are aware of the work going on at 183 Mountain Road, which received a wetland permit due to an intermittent stream crossing. Jim Patsun is the contractor overseeing that project and is working with the town to ensure the proper permits are in place. Joanna spoke with the complainant to find out what they were hearing, but she could not identify any other source of the possible noise.
2. There was a report of material, mainly trees, being removed from 183 King Road. Joanna Shapiro contacted the property owner, who just purchased it this year, and discovered he is a tree arborist with a business in Massachusetts. This property has many wetlands, and abuts the Scantic River, and Joanna shared the GIS wetland layer map of the area with the Commission. Joanna shared with the new owner what he can't do in the wetlands and what he must do to permit specific projects. She told him that continuing farming as had been done historically is fine, but if he changes something on the property, he should alert her to ensure it is okay. Joanna has not visited the site yet but would like to do so soon. The landowner informed Joanna that he was cleaning up along the road by the existing manmade pond and clearing out vegetation/debris that accumulated near the dam. He also mentioned that he may have materials in his truck that aren't coming from that site due to his business as an arborist. Joanna informed the landowner that she would provide an update to the Commission and would like to visit the site in the future.
3. Joanna issued a minimal impact permit at 15 High Meadows for a small shed by a ditched watercourse.
4. Someone contacted Joanna, inquiring about the property for sale at 48 Gulf Road. They were wondering if building a large detached garage on the property would be possible. It was found that the specific area where they'd like to put the garage appears to be within of the FEMA floodplain according to the GIS, and wetlands have also not been delineated yet, so due diligence is needed.
5. Owen Jarmoc contacted Joanna about replacing a culvert on the private section of Northwest Drive. Joanna informed him that he would need a permit and to consult with engineers to draw up a plan and ensure that the culvert was appropriately sized.
6. Joanna asked the Commission how they felt about patios and wetland permits. She said this question comes up periodically and wonders what we think should trigger a wetland permit and what would not. The decision was that the size of the patio, distance from the wetland, and if there is any grading involved would trigger a need for a wetland permit. The current example she gave of a small permeable paver patio 25-30' downgradient of an intermittent watercourse would not need a permit, whereas the prior extensive concrete patio did. The commissioners agreed that we trusted Joanna Shapiro's expertise on whether or not a permit should be applied for because she errs more on the side of caution.
7. The town will be doing work on the dam at Hurd Lake at Camp Aya Po. They are working on a permit through CT DEEP Dam Safety, but may need to apply to the Commission for a permit for any work that is happening outside a certain distance from the dam.

Lise Wood motioned to approve the staff report. Candace Aleks seconded. All were in favor, and the motion carried.

VI. CORRESPONDENCE AND BILLS

1. Notice about the CT Invasive Plant Symposium: Joanna will email us the information
2. Erosion Control Sediment Field Days on 9/18/24, Joanna will be attending
3. Sydney Flowers mentioned the Source to Sea Cleanup project she may organize for 2025
4. Joan Formeister mentioned that the Boy Scouts still seek conservation and community service projects. Joanna will ask Dr. Kirsten Marin and Todd Rolland if they could use their help.

VII. MINUTES APPROVAL: August 7, 2024

Drew Kukucka moved to approve the August 07, 2024, minutes with some revisions as discussed. Lise Wood seconded. All were in favor, and the motion carried.

VIII. ADJOURNMENT

Candace Aleks moved to adjourn the September 04, 2024 meeting. Lise Wood seconded. All were in favor, and the motion carried. The meeting was adjourned at 8:41 p.m.

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