

**TOWN OF SOMERS  
CONSERVATION COMMISSION  
P.O. BOX 308  
SOMERS, CT 06071**

**CONSERVATION MINUTES  
REGULAR MEETING  
WEDNESDAY, JUNE 6, 2007  
TOWN HALL – 7:00 P.M.**

**I. CALL TO ORDER**

Chairman Joan Formeister called the regular meeting to order at 7:03 p.m. Members Candace Aleks, Henry Broer, Joan Formeister, Dan Fraro, Karl Walton, Todd Whitford and alternate member Lise Wood (seated for the full member vacancy) were present and constituted a quorum. Wetland Agent David Askew was also present.

A motion was made by Karl Walton, seconded by Lise Wood and unanimously voted to move Item IV, Audience Participation, before Old Business.

**IV. AUDIENCE PARTICIPATION**

**Jody Sobaski, Ninth District Road**, asked about a drainage easement for the Bernier application at 455 Ninth District Road.

Mr. Askew spoke with the Town Planner about this issue. Her understanding is that a drainage easement was not required because the drainage was going into the center of the road, which is the town's right of way. Easements usually cover a new discharge onto someone else's property. He added that this is an issue properly dealt with before the Planning Commission.

Mrs. Sobaski stated that she is concerned because they have very wet land with a stream running through it that their dairy cows use. The cows drink from the stream and they are afraid that the water will be contaminated and cause health problems for their animals.

She also asked about the drainage separator and what size storm that it is designed to handle. Mr. Askew did not know the answer and added that this would be an engineering question. Mr. Walton suggested that this issue be brought before the public hearing at the Planning Commission meeting.

Mr. Askew noted that the town has been very active in ensuring that all applicants for subdivisions demonstrate that they are meeting the state's minimum water quality requirements for post-construction stormwater discharges.

**II. OLD BUSINESS**

**a. Discussion/Possible Decision: Wetlands Application #575, Drainage System in Upland Review Area, 455 Ninth District Road, Bernier**

- Sandy Aeschliman presented plans for the applicant. As requested, stone check dams have been added along the proposed road and all invasive plant species have been eliminated from the plans.

Mr. Askew noted that there are no wetlands on the parcel and the reason for reviewing the application is that the drainage system will have to go along the road and discharge into the right of way. He has no outstanding issues with the application.

There is a farm ditch that the Sobaski's clean out and the beginning of the intermittent stream is on the other side of the road. Mr. Walton asked if the stream will become more prominent as a result of the drainage system installation. Mr. Askew responded that it would not and the standard engineering procedure is to ensure that there is no increase in peak flow. There is generally more water off of a developed parcel of land than off of an undeveloped parcel. This is addressed by creating a detention basin to handle the runoff during storm water events.

Mr. Whitford asked if the increase in the overall water will impact the wetland down gradient. Mr. Askew explained that it should not.

Mr. Walton noted that the conversations at the Planning Meetings have included the requirement that the peak flow, with the utilization of the detention/retention basin, will not be increased. He was not sure whether or not Merv Strauss has worked all of the numbers out yet.

A motion was made by Dan Fraro and seconded by Karl Walton to approve Wetlands Application #575, Drainage System in Upland Review Area, 455 Ninth District Road, Bernier. The motion passed by a vote of 4 in favor, 1 opposed (Broer) and 1 abstention (Whitford).

**b. Discussion/Possible Decision: Wetlands Application #576, Senior Housing Project in Upland Review Area, 64 Battle Street, Town of Somers**

- Henry Torcellini from Gardner & Peterson Associates, LLC, presented plans for the applicant. There are 2 small vernal pools on the northeast side of the property. Mr. Askew explained that the larger one is fairly productive and the smaller one has only minimal productivity and is generally dry by the end of June. There is some filling proposed up to the wetland boundary of the smaller pool.

Mr. Torcellini noted all their work will be outside of the wetlands. They have a landscape architect planning the work and they will be fully vegetated by the time the project is complete. Originally a road was planned to go along the entire perimeter of the site for access purposes, but to protect the vernal pools, plans have been changed to cut the road off at both ends. The existing drainage system discharges to the edge of the property and into the pool. They have redesigned this system to include perforated pipe, so the water will be infiltrated into the sand and gravel along the side.

David Askew asked for a copy of the planting plan and Mr. Torcellini stated that one will be submitted.

There are two catch basins on the road. The central corridor already has a basin and they will be regrading that with new pipe and perforated pipe. They are still discussing maintenance issues with Merv Strauss. All the water from the site flows to the 2 lower areas. David Askew noted that that there will not be any adverse impact on the wetlands. There may be a bit of drainage difference to the smaller pool area, but no impact at all to the productive one.

A motion was made by Dan Fraro and seconded by Lise Wood to approve Wetlands Application #576, Senior Housing Project in Upland Review Area, 64 Battle Street, Town of Somers. The motion passed by a vote of 5 in favor, 0 opposed and 1 abstention (Whitford).

c. **Other** – There was no other Old Business.

### **III. NEW BUSINESS**

#### **a. Wetlands Application #577, New House in Upland Review Area, 15 Harvest Hill Drive, Frangiamore**

Mr. Askew explained that this is Lot #8 of an approved subdivision off of Turnpike Road. There is a productive pool on the site and when the subdivision was originally presented, a conservation easement was requested for the area around the pool.

This application moves the house closer to the pool than originally proposed. David Askew has asked that the conservation easement be staked so he can see where everything is. The intent of the easement was to keep a good amount of vegetation around the pool area and he believes that there is an upland habitat to the rear of the easement area. Everything has been cleared along the conservation easement line and some preliminary grading has been done. Mr. Frangiamore explained that the house location has been moved to a better position on the site.

It was noted that the conservation area should be marked so that the future homeowner will be aware of where the easement is.

#### **b. Wetlands Application #578, Garage in Upland Review Area, 77 Wood Road, Gengenbach**

Mr. Gengenbach presented plans for his 66' x 46' garage on a lot with an existing house. There are wetlands on either side of the garage location. On one side is an area of shrub swamp and on the other side is the edge of a stream. There is an existing cut path through the woods giving access to the garage. Mr. Gengenbach has agreed to relocate the shed so that it equidistant from the two wetlands.

#### **c. Wetlands Application #579, ARH in Upland Review Area, 31 South Road, Shady Lake LLC**

Nat Sreenath presented plans for the age restricted housing project with a cul-de-sac. He showed where the wetlands are on the site and noted that they will not be disturbed with the exception of the access road at the entrance onto Route 83. The location of this road is necessary in order to meet the line of site

requirements. They will be lowering the existing grades by 8 or 10 feet and all buildings are at least 50 feet from the wetland areas. They propose 2 detention ponds to control runoff flow and eliminate any sedimentation. A sediment separator has been included. A water quality unit has been included near the entrance to the site.

There is a 750 square foot parcel of wetland that will not be touched at all. There will be an emergency access connecting to the new Geissler's site.

Mr. Askew noted that there is an existing dam repair order on the dam. They have discussed this with the owner who is going to defer all of this work to another date.

Lise Wood recused herself at this time.

**d. Discussion of Violation: Excavation Within Wetland Without Permit, 164 Hampden Road, Grower Direct Farms**

Mr. Askew presented the notice of violation dated May 29, 2007, as well as a Google Earth photo of the non-permitted cleared area. He explained that he noticed some cutting in February and notified Mr. Mocko at that time that this activity should stop, but it did not.

Mr. VanWingerden presented a history of his ownership of the property and explained that he did not understand why he was in violation by clearing the area and preparing it for use as another growing site. He suggested that perhaps a soil scientist could come in to determine whether or not it is an area of wetland soils.

Mr. Askew presented a map prepared by Lou Ilgin showing that the newly disturbed area is wetland. Mr. VanWingerden disputed the accuracy of the map.

It was noted that Mr. VanWingerden continually comes before the Commission with violations for activity he has commenced without first making application.

It was the consensus of the Commission that a soil scientist be consulted to report on the area as soon as possible. Mr. Mocko will schedule a meeting time and verify this with Mr. Askew so that he may also be present for the evaluation.

Mr. Bealy has also complained that his pond is once again being adversely impacted as a result of Grower Direct Farms activity. Mr. Van Wingerden noted that Herb Holden has contacted Mr. Bealy about the situation. They have agreed to clean out the pond if indeed there is enough sediment to take out. He checked it out himself about 6 months ago and there was a small film of reddish soil but there is no way to dig it out without digging out the bottom of the pond.

Mr. Askew commented that as the town's enforcement officer he has been through 2 years of this type of activity on the part of Grower Direct. Mr. Bealy has numerous photographs of his silted pond. As the enforcement officer, Mr. Askew believes the town's enforcement actions have not adequately protected

Mr. Bealy's pond.

Mr. VanWingerden will begin to make application for activity he has commenced.

Lise Wood returned to the meeting at this time.

**e. Other** – There was no other New Business.

**V. DISCUSSION: PLAN OF CONSERVATION AND DEVELOPMENT** – There was no discussion on this item.

**VI. STAFF/COMMISSIONER REPORT**

David Askew presented the Wetland Agent's Report. He made change to his report clarified the dates. He noted that Mr. Bealy came into his office on May 22, 2007 with photos of his silted pond and on May 27, 2007 he inspected the Grower Direct Farms site and then sent out the Notice of Violation on May 29, 2007.

He added that the Stafford Road flooding project began on Monday and it should be completed in a few weeks.

A motion was made by Karl Walton, seconded by Lise Wood and unanimously voted to accept the Wetland Agent's report with the changes noted.

**VII. CORRESPONDENCE AND BILLS** – No correspondence or bills were presented.

**VIII. MINUTES APPROVAL**

A change was made to page 2, Item b, first paragraph, last line: "with" changed to "will". On page 3, first line: "fairy" was changed to "fairy shrimp" and under Staff/Commissioner Report, "look" was changed to "looks" in Paragraph 3, first line.

A motion was made by Karl Walton, seconded by Dan Fraro and unanimously voted to approve the May 2, 2007 minutes as corrected.

**IX. ADJOURNMENT**

A motion was made by Karl Walton, seconded by Dan Fraro and unanimously voted to adjourn the June 6, 2007 Conservation Commission meeting at 9:20 p.m.

Respectfully submitted,

Candace Aleks, Secretary

Robin Timmons, Recording Secretary

***MINUTES ARE NOT OFFICIAL UNTIL APPROVAL AT A SUBSEQUENT MEETING***