

**GLASTONBURY CONSERVATION COMMISSION  
(INLAND WETLANDS & WATERCOURSES AGENCY)  
REGULAR MEETING MINUTES OF THURSDAY, DECEMBER 6, 2018**

The Glastonbury Conservation Commission (Inland Wetlands & Watercourses Agency), along with Mr. Tom Mocko, Environmental Planner, in attendance held a Regular Meeting in Council Chambers, second floor of Town Hall located at 2155 Main Street, Glastonbury, Connecticut.

**ROLL CALL**

**Commission Members**

Mrs. Judy Harper, Chairman  
Mr. Dennis McInerney, Vice Chairman *{excused}*  
Mrs. Kim McClain, Secretary *{excused}*  
Mr. Brian Davis  
Mr. Frank Kaputa  
Mrs. Helen Stern  
Mr. Mark Temple

Chairman Harper called the meeting to order at 7:50pm because of a conflict with Council Chambers.

**I. INFORMAL DISCUSSION**

**Proposed parking lot expansion at St. Paul Church – 2577 Main Street and Assessor’s Lot W-38A Main Street properties – either 111 or 115 new parking spaces in two areas that encroach upon inland wetlands and upland review areas – Town Center Zone – Megson, Heagle & Friend, C.E. & L.S., LLC – Davison Environmental, consultants – Attorney Meghan Hope – The Community of Saints Isidore and Maria at St. Paul Church, applicant**

Attorney Peter Alter represented the applicant and reviewed the need for additional parking, the plans and application. He said that they will require 260 spaces and propose 269. He submitted a letter from St. James across the street in support to help alleviate the congestion. Mr. Mark Friend, engineer for the applicant, reviewed the plans, noting the wetland area determined by soil auguring and observation, saying that the area drains toward the Connecticut River. He said that there is flood zone but no activity within the 100-year flood zone. He pointed out the utilities, sewer line and tree line noting that there are invasive species. He said that the sanitary sewer easement is mowed once per year and pointed out the upland review area. He noted the newly proposed landscaped islands. Regarding stormwater management, he proposed a depressed rain garden, island and bio-retention basin, both with conservation plantings, and a subsurface detention system to help mitigate the impact of peak runoffs and stormwater quality, adding that they will develop a maintenance plan.

Mr. Eric Davison, wildlife biologist, explained that he was asked to determine if the area of seasonal standing water was a vernal pool. He said that they normally go out in March looking

for larval masses and in May looking for the hatched young, but they were only able to go out in May. He continued saying that he was more thorough in May with his dip-netting for young, but still found no activity and felt that was due to the impaired surface runoff, debris, lack of forest cover and proximity of a roadway. He said that he would classify this as an urban wetland but not a vernal pool and even if there were any animals found, he felt there was no long-term viability for this area as a vernal pool. He reviewed his planting plan of the edge of the wetlands including native species, 1150 plugs, 198 shrubs and 18 trees. He stated while technically it was a wetland, functionally, it was of low value. He noted the proposal to implement an invasive control plan.

Commissioner Kaputa asked Mr. Davison to evaluate the vernal pools to the south and how the conditions are different for them to be viable. Commissioner Davis commented on the unnatural act of crossing the wetlands to the loop road and that it seems so forced that people may still park on Main Street rather than use this parking so removed from the church. Attorney Alter noted that they wouldn't be making application if it weren't for the cell tower and roadway already existing. Mr. Mocko questioned the function and value of the stated "urban wetland" for migratory birds in light of its proximity to the Connecticut River; Mr. Davison said that while birds may be more likely to use spaces closer, the last value of this wetland is for migratory birds. The review of the plans continued.

**Mr. John Ruggiero of St. Paul Church** spoke to the parking need and the increased need due to the reduction of masses for the yoked churches in town. Commissioner Kaputa asked if they could increase the number of masses.

**Mr. Donald Kray of St. Paul Church** said that priests are limited to the number of masses they can do, and they already have an exception to do extra in Glastonbury.

Commissioner Temple noted the space between the classrooms and garage that he thought did not drain toward the proposed stormwater structures and suggested they evaluate it further. He also asked for larger tree species to help cool the pavement and do as much as they can to mitigate the runoff from all areas of existing pavement toward the wetland. Commissioner Kaputa asked about the peer review and Mr. Mocko indicated it would be prudent. Commissioners Davis and Temple said they would consider a proposal for more contiguous parking over a portion of the wetland in exchange for significant improvements to the remaining wetland. Mr. Mocko indicated that the wetland may have limited functions and values, but it was still a functional and valuable wetland that would be expensive to replicate elsewhere.

Commissioner Kaputa and Chairman Harper indicated they would have trouble with the tradeoff suggested by Commissioners Davis and Temple. Chairman Harper listed the following: conduct a peer review of the submitted limits of wetlands, clean-up debris and junk from the wetlands, evaluate wetlands to the south and determine if they work together, plant larger trees to cool the pavement, proposed percentages for impervious surfaces and open space, more information about the runoff, added mitigation for the runoff, look into pervious pavement options around the cell tower, overall mitigation to enhance or improve the wetland area, lighting plan, and a

detailed maintenance plan for the proposed stormwater structures. Commissioner Kaputa added that he was not convinced it was not a vernal pool and a consensus was reached that he, Mr. Mocko and the applicant's consultants would go out, evaluate and discuss it further. Regarding the peer review, Mr. Mocko suggested, and it was acceptable to the applicant, to contact Soil Scientist Richard Snarski.

## II. FORMAL RECOMMENDATIONS

### 1. Recommendation to the Town Plan & Zoning Commission concerning subdivision approval of the 3-lot River Road Subdivision, Phase III, involving an easterly extension of Dufford's Landing – Assessor's Lots LS-4 Dug Road and L3A Dufford's Landing – Rural Residence Zone and Groundwater Protection Zone 1 – Megson, Heagle & Friend, C.E. & L.S., LLC – Attorneys Peter Jay Alter & Meghan Hope – William M. Dufford, landowner/applicant

Attorney Megan Hope represented the applicant, explained the application and reviewed the plans. She noted they are maintaining the water budget, there is no regulated activity in the groundwater protection zone and the south facing exposure does allow for solar. Mr. John Sczurek, engineer representing the applicant, continued reviewing the plans noting the need to excavate 75,000 cubic yards, storm drainage and catch basin locations with drywell structures. He explained that despite good soils, the health department asked for another test pit and perc test scheduled the following Friday to rule out potential soil compaction due to an old farm road. He reviewed the erosion and sedimentation plan and the staging of the project overall. Commissioner Temple asked about the timing of completing this work. Mr. Bill Dufford, applicant, said that the market is good, so they plan to move right along but that it can change at any time. Chairman Harper asked about the percentage impervious and Mr. Sczurek replied saying 9.8%. Chairman Harper asked about conservation easements. Attorney Hope said that there are none with this phase.

**Mr. Michael Blair of 65 Dufford's Landing** reviewed the history of the project and his concern about the impact to his property. He said that he was advised by counsel to hire his own engineer to address the concerns and asked that they delay the vote to allow for that to happen.

**Scott Bissell of 156 Dug Road** asked that they leave flexibility in their vote to allow for different roads for entrance and egress.

Chairman Harper said that the neighbor's concerns are under the authority of TPZ and she didn't believe there was any reason for them to delay.

**Motion By:** Commissioner Kaputa  
MOVED, that the Conservation Commission recommends to the Town Plan & Zoning Commission subdivision approval of William Dufford's proposed 3-lot River Road Subdivision, Phase III, involving an easterly extension of Dufford's Landing, in accordance with plans on file in the Office of Community Development, and in compliance with the following conditions:

1. Comments 2 through 10, inclusive, within the Town Engineer's memorandum dated November 29, 2018 shall become conditions of approval.
2. Soil testing and final septic system designs shall be completed to the satisfaction of the Health Department.
3. All future sheets within the subdivision plans and individual plot plans shall boldly note the following Agricultural Caveat:

**Please Note:** Agricultural activities occur on properties abutting this subdivision site. Potential lot owners should be aware that these activities include use of heavy farming equipment/machines at early morning hours and weekends and application of pesticides, fertilizer and manure.

4. Healthy mature trees shall be preserved and saved when possible. Said trees shall be protected with the use of high visibility construction fence during construction or otherwise protected as required by staff.
5. Installation of soil erosion and sedimentation control and stabilization measures shall be the Permittee's responsibility. Once installed these measures shall then be inspected by the Environmental Planner prior to land disturbance activities. Afterwards it then shall be the Permittee's responsibility to inspect these control measures during, and immediately following, substantial storm events and maintain and/or replace the control measures, when needed, on a regular basis until the site is vegetatively stabilized. Hay bales shall be replaced every 60 days. The Environmental Planner is hereby authorized to require additional soil erosion and sediment controls and stabilization measures to address situations that arise on the site.
6. Tree stumps and blasted rock material shall not be buried at the site.
7. Dry wells shall be designed and installed to facilitate the roof runoff in order to attenuate increased flows to downgradient receiving water and provide recharge to the groundwater. Such dry well design shall appear on the site plan submitted for a building permit. An as-built statement from the contractor that constructed the dry wells shall be required for obtaining a certificate of occupancy.
8. The plot plan required for building permit application shall contain and comply with these conditions of approval. If construction including limits of clearing is proposed in areas other than the indicated locations on these plans, the Office of Community Development shall be notified and the Office of Community Development and the Chairman of the Town Plan and Zoning Commission are hereby authorized to approve or deny the alternative. Each plot plan shall indicate the limits of vegetative clearing, existing and proposed contours, soil erosion and sediment controls, all subsurface drainage, all stockpile areas, and temporary and permanent vegetative stabilization

measures, including details of seedbed preparation, seed mix selection, application rates, seeding dates and mulching requirements. Vegetative clearing for stockpiling shall be minimized and subject to the approval of the Environmental Planner.

9. Metal waste containers shall be provided at the site to facilitate the collection of refuse material generated from construction activities. Such material shall not be buried or burned at the site.
10. Prior to any bond release concerning the new road and public road acceptance, certification from a professional engineer shall be required confirming that the stormwater management system was constructed in conformance with the approved design and modified by condition number 1 above.

**Result:** Motion passes unanimously. (5-0-0)

**2. Application of 244 NAUBUC AVE, LLC (c/o Chrisoula LaBella, Member) for: an inland wetlands and watercourses permit; and recommendations to the Town Plan & Zoning Commission concerning a Section 12 Special Permit with Design Review and a Section 4.11 Flood Zone Special Permit – proposed LaBella (Hair) Salon – reuse of previous residential structure at 244 Naubuc Avenue, along with other site improvements – Town Center Mixed Use Zone and Flood Zone – Attorney Meghan Hope – Wentworth Civil Engineers, LLC**

Attorney Meghan Hope represented the applicant and explained the application and plans. She said all the work is in the upland review area on three sides and they plan to eliminate unnecessary pavement in the back and will be expanding the width of the driveway. She said that they propose lighting that will be dark sky compliant, they are revitalizing an underutilized property, meet all the requirements and there will be no loss in flood storage. Commissioner Davis confirmed with Attorney Hope that there would be a net reduction of impervious surface. Commissioner Temple asked about the previous dumping on the property. Chairman Harper was appreciative an old home would be saved, spoke to the value of the stone walls and asked about the barn. Attorney Hope said that the owner would like to restore the barn at some point in the future.

**Motion By:** Commissioner Kaputa **Seconded:** Commissioner Stern  
MOVED, that the Inland Wetlands and Watercourses Agency grants and inland wetlands and watercourses permit to 244 NAUBUC AVE, LLC for activities within the upland review area (driveway and parking lot re-construction, and additional outdoor modifications around the building) at 244 Naubuc Avenue, in accordance with plans on file in the Office of Community Development, and in compliance with the following conditions:

1. A private conservation easement shall be established as directed by the Wetlands Agency and this area shall henceforth not be disturbed from its present condition until the conservation easement is in force. The precise delineation shall be recording by bearings

and distances. The easement shall be recorded on the land records. The conservation easement shall be marked with oak stakes labeled "Conservation Easement" with waterproof ink and tied with red flags. These stakes are to be located at each change of boundary direction and at every 100 foot interval on straightaways. All conservation easement corners shall be permanently marked with iron pins. In addition, numbered "Glastonbury Conservation Easement" signs, available from the Environmental Planner, shall be nailed to trees that are within two feet of the easement area's boundary line, at approximately 100 foot intervals. The sign shall be installed facing outwards at about 7 feet above grade, using two 3 inch or greater aluminum galvanized nails, with the nails left protruding from tree trunks about 1-1/2". Where no trees are suitable 7 foot metal posts with easement signs attached shall be used. Such placement of signs shall be performed prior to land-clearing or earth-moving activities and notice shall be provided to the Environmental Planner upon its completion.

2. In order to protect the physical, chemical and biological characteristics of the wetlands and watercourses and water quality, the following conditions shall apply:
  - a. Pesticides and herbicides shall not be disposed of within the designated conservation easement areas;
  - b. Pesticides and herbicides shall only be applied by homeowners utilizing best management practices for integrated pest management; and
  - c. The developer agrees to recite these conditions in the deeds to the individual residential properties.
3. Healthy mature trees shall be preserved and saved when possible. Said trees shall be protected with the use of high visibility construction fence during construction or otherwise protected as required by staff.
4. Installation of soil erosion and sedimentation control and stabilization measures shall be the Permittee's responsibility. Once installed these measures shall then be inspected by the Environmental Planner prior to land disturbance activities. Afterwards it then shall be the Permittee's responsibility to inspect these control measures during, and immediately following, substantial storm events and maintain and/or replace the control measures, when needed, on a regular basis until the site is vegetatively stabilized. Hay bales shall be replaced every 60 days. The Environmental Planner is hereby authorized to require additional soil erosion and sediment controls and stabilization measures to address situations that arise on the site.
5. Metal waste containers shall be provided at the site to facilitate the collection of refuse material generated from construction activities. Such material shall not be buried or burned at the site.
6. Tree stumps and blasted rock material shall not be buried at the site.

7. Underground fuel storage tanks shall be prohibited to reduce the potential of contamination to wetlands, watercourses, and groundwater resources.

**Disc:** Chairman Harper confirmed with the applicant that the impervious surface was reduced from 5.1% to 4.9%.

**Result:** Motion passes unanimously. (5-0-0)

**Motion By:** Commissioner Kaputa **Seconded:** Commissioner Davis  
MOVED, that the Conservation Commission recommends to the Town Plan & Zoning Commission subdivision approval of a Section 4.11 Flood Zone Special Permit and a Section 12 Special Permit with Design Review concerning the proposed LaBella Salon at 244 Naubuc Avenue, in accordance with plans on file in the Office of Community Development, and in compliance with the following conditions:

1. A private conservation easement shall be established as directed by the Wetlands Agency and this area shall henceforth not be disturbed from its present condition until the conservation easement is in force. The precise delineation shall be recording by bearings and distances. The easement shall be recorded on the land records. The conservation easement shall be marked with oak stakes labeled “Conservation Easement” with waterproof ink and tied with red flags. These stakes are to be located at each change of boundary direction and at every 100 foot interval on straightaways. All conservation easement corners shall be permanently marked with iron pins. In addition, numbered “Glastonbury Conservation Easement” signs, available from the Environmental Planner, shall be nailed to trees that are within two feet of the easement area’s boundary line, at approximately 100 feet intervals. The sign shall be installed facing outwards at about 7 feet above grade, using two 3 inch or greater aluminum galvanized nails, with the nails left protruding from tree trunks about 1-1/2". Where no trees are suitable 7 foot metal posts with easement signs attached shall be used. Such placement of signs shall be performed prior to land-clearing or earth-moving activities and notice shall be provided to the Environmental Planner upon its completion.
2. In order to protect the physical, chemical and biological characteristics of the wetlands and watercourses and water quality, the following conditions shall apply:
  - a. Pesticides and herbicides shall not be disposed of within the designated conservation easement areas;
  - b. Pesticides and herbicides shall only be applied by homeowners utilizing best management practices for integrated pest management; and
  - c. The developer agrees to recite these conditions in the deeds to the individual residential properties.

3. Healthy mature trees shall be preserved and saved when possible. Said trees shall be protected with the use of high visibility construction fence during construction or otherwise protected as required by staff.
4. Installation of soil erosion and sedimentation control and stabilization measures shall be the Permittee's responsibility. Once installed these measures shall then be inspected by the Environmental Planner prior to land disturbance activities. Afterwards it then shall be the Permittee's responsibility to inspect these control measures during, and immediately following, substantial storm events and maintain and/or replace the control measures, when needed, on a regular basis until the site is vegetatively stabilized. Hay bales shall be replaced every 60 days. The Environmental Planner is hereby authorized to require additional soil erosion and sediment controls and stabilization measures to address situations that arise on the site.
5. Metal waste containers shall be provided at the site to facilitate the collection of refuse material generated from construction activities. Such material shall not be buried or burned at the site.
6. Tree stumps and blasted rock material shall not be buried at the site.
7. Underground fuel storage tanks shall be prohibited to reduce the potential of contamination to wetlands, watercourses, and groundwater resources.
8. Prior to the issuance of a Certificate of Occupancy, certification from a licensed land surveyor or professional engineer shall be required confirming that site development occurred without any loss of available flood storage capacity or any incremental fill within the 100-year Flood Zone.

**Result:** Motion passes unanimously. (5-0-0)

**I. COMMENTS BY CITIZENS ON NON-AGENDA ITEMS**

*None*

**II. APPROVAL OF MINUTES - Regular Meeting of November 13, 2018**

**Motion By:** Commissioner Kaputa **Seconded:** Commissioner Temple  
 MOVED, that the Inland Wetlands Agency and Conservation Commission approves the minutes for the meeting held November 13, 2018, correcting that both Commissioners Davis and Stern were appointed to the nominating committee.

**Result:** Motion passes unanimously. (5-0-0)

**III. OTHER BUSINESS**

**1. Chairman's Report**



Chairman Harper said that they had discussed having an educational meeting with TPZ at some point. Mr. Mocko said that there appears to be limited interest from the Town Plan & Zoning Commission and suggested that perhaps Chairman Harper could reach out to the TPZ Chairman. Chairman Harper conveyed that Secretary McClain had spoken to the Democratic Committee Chair who said she could finish her term despite having resigned. She added that she asked the Town Manager who said she could remain. Commissioners Davis and Stern nominated the same slate to lead the Commission.

## **2. Environmental Planner Report**

Mr. Mocko reviewed his report to the Commission. He said that they do not have the Council Chambers for the upcoming January 24, 2019 meeting and a consensus was reached in favor of using Meeting Room A. He said that the court ruled in their favor on the Wetlands Appeal for the Edge fitness center. He met with the parties attempting to iron out their differences in reaching a settlement with the Town Plan & Zoning Commission appeal. Such a settlement involves revised landscape plans with changes in species and numbers for plantings. Mr. Kaputa indicated he wanted to review the proposed changes.

## **3. Commission Membership for 2019**

Chairman Harper said that they used to keep an unofficial list of qualified interested people so if they had a vacancy, they could work through the list to keep the Commission fully staffed.

## **4. Reminder to Nominating Committee**

Commissioner Davis reiterated that they are nominating the current slate of officers.

**Motion By:** Commissioner Temple  
MOVED, that the Inland Wetlands Agency and Conservation Commission elects the current slate of officers for a term of two years: Mrs. Judy Harper, Chairman, Mr. Dennis McInerney, Vice Chairman *and* Mrs. Kim McClain, Secretary.

**Result:** Motion passes unanimously. (5-0-0)

**Seconded:** Commissioner Kaputa

With no other business to discuss, Chairman Harper adjourned the meeting at 11:30 P.M.

Respectfully Submitted,

*Kimberly Meanix Miller*

Recording Clerk