

**GLASTONBURY CONSERVATION COMMISSION
(INLAND WETLANDS & WATERCOURSES AGENCY)
REGULAR MEETING MINUTES OF THURSDAY, APRIL 11, 2019**

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

ROLL CALL

Commission Members – Present

Mrs. Judy Harper, Chairperson
Dennis McInerney, Vice-Chairman
Ms. Kim McClain, Secretary
Mr. Frank Kaputa
Mr. Mark Temple
Mr. Brian Davis
Vacancy

Chairperson Harper called the meeting to order at 7:27 P.M.

I. FORMAL ACTIONS & RECOMMENDATIONS

1. Recommendation to the Town Plan & Zoning Commission for a Section 12 Special Permit with Design Review concerning the Proposed Change of Use – 1199 Hebron Avenue (former Pilgrim Christian Fellowship to daycare use) – Rural Residence Zone and Groundwater Protection (overlay) Zone 1 – Dutton Associates, LLC – Educational Playcare, landowner/ applicant

Mr. James Dutton presented his site plans, explaining that he had suggested eliminating a curb cut but the Town Engineer did not support it, citing safety concerns. In terms of the water quality volume, the applicant noted that Mr. Pennington asked for an overflow catch basin to connect to the drainage system. Mr. Dutton explained that the watershed area is very small, and most of the site drains to the north and into the facility that was built for the other daycare. The applicant stated that he has no issue with Mr. Mocko's recommendation with regard to seed mixes, and noted that no other changes have been made to the plan since the last time he spoke before the Commission. Mr. Dutton concluded by stating that all of the comments will be addressed in regard to the Engineering and Health Department.

Commissioner Davis said that he does not agree with the safety issue of the curb cut because it is on a separate piece of property. Secretary McClain agreed. Commissioner Temple expressed concern at the nitrogen loading calculations, stating that 90% infiltration of precipitation on a flat soil is very high. Mr. Mocko stated that he would normally agree but this case is different because the soil is very coarse and textured, and most of the runoff is being directed to an infiltration structure, so it is kind of a wash. Mr. Mocko remarked that a larger concern for him is the fact that there need to be grass mixes that are drought-resistant. Mr. Dutton explained that

there are a few other areas on the site that also infiltrate, such as the artificial turf play areas located behind (west of) the existing daycare buildings, and relatively significant areas that will be covered with just wood chips. Commissioner Temple asked where this calculation came from. Mr. Mocko stated that it is in the zoning regulations. He also suggested the applicant check to see if water has ever flowed out of the large retention infiltration basin after it was put in. Mr. Dutton said to his knowledge it has not, but he can inquire about it. Chairman Harper asked if it is usual to get a permit when the septic situation has not been resolved, to which the applicant responded that the septic tank collapsed but the building is connected to the sewer, and replacements will be made using durable materials like tile pipes.

Motion by: Secretary McClain

Seconded by: Commissioner Kaputa

MOVED, that the Conservation Commission recommends to the Town Plan & Zoning Commission approval of a Section 12 Special Permit with Design Review concerning Educational Playcare's proposed change of use to a daycare facility at 1199 Hebron Avenue, in accordance with plans on file in the Office of Community Development and in compliance with the following conditions:

1. In order to reduce nitrogen loading to the groundwater with respect to the Town of Glastonbury Building Zone Regulations (specifically Section 20.13), alternative seed mixes for the project site's peripheral lawn areas, and the minimal fertilizer application rates for maintenance of the selected seed mix(es) once said mix(es) is (are) established, shall be specified on revised plans to the satisfaction on the Town's Environmental Planner. Such alternative seed mix(es) and its (their) maintenance fertilizer application rates shall consider, preferably, C4 warm season grass and legume seed mixes, or a low-fertilizer maintenance wildflower seed mix suitable for drought tolerance. Plan revisions shall occur prior to being scheduled for action by the Town Plan & Zoning Commission .
2. The higher use and/or aesthetically-preferred lawn areas on the project site shall consider, under consultation with the Environmental Planner, seed species substitutions to the prescribed mix on the current plans in order for said lawns to be more drought-tolerant, require less irrigation, and provide nitrogen-fixing capabilities.
3. In order to provide any necessary temporary stabilization of disturbed land areas using temporary seeding measures, the specific seeding mix shall be devised under consultation with the Environmental Planner, based upon the season and the climatological conditions at the time.
4. Adherence to the Town Engineer's memorandum dated April 4, 2019 for this proposal.
5. 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.
6. Installation of soil erosion and sedimentation control and stabilization measure 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.

7. 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.
8. Underground fuel storage tanks shall be prohibited to reduce the potential of contamination to wetlands, watercourses, and groundwater resources.
9. Prior to the issuance of a Certificate of Occupancy, certification from a professional engineer shall be required confirming that the stormwater management system was constructed in conformance with the approved design.
10. Prior to the issuance of a Certificate of Occupancy, certification from a landscape architect shall be required confirming that landscape plants were installed in accordance with the approved landscape plan.

Result: Motion passes unanimously. (6-0-0)

2. Recommendation to the Town Plan & Zoning Commission for resubdivision approval concerning the proposed 3-lot Dug Road Resubdivision – 223 Dug Road – Rural Residence and Groundwater Protection (overlay) Zone 1– Megson, Heagle & Friend, C.E. & L.S., LLC – Greg Bonaiuto, applicant

Mr. Jonathan Sczurek, Civil Engineer, reviewed the plans on behalf of the applicant, explaining that the proposal is to create two building lots with on-site septic systems and private wells. Stormwater from the two proposed driveways will be directed into paved leak-offs that go into gravel level spreaders. Mr. Sczurek explained that, based on feedback received from the informal review, the applicant has added plastic infiltrator chambers to capture and infiltrate the water quality volume for the lots. Mr. Sczurek noted that the existing level spreaders on the existing driveway reflect the intention of a ½-inch storm, but need to be sized to 1-inch, as per request from Engineering. Mr. Sczurek stated that they recalculated the drainage swale and realigned the culverts to match the new swale that will be there when the Town replaces it. Mr. Sczurek concluded by pointing out that the only other outstanding comment from the informal review was the question of combining the two driveways into one. He explained that the applicant looked into that but will be moving forward with the two separate driveways.

Chairman Harper stated that the last time he presented before the Commission, Mr. Sczurek mentioned enhancing erosion controls. Mr. Sczurek responded that they did increase the erosion controls on the water quality plan, and also pointed out Mr. Mocko's recommendation for

erosion controls on the uphill sides of the driveway. Chairman Harper asked for the impervious figure. Mr. Sczurek said 7.16, stating that this number has not changed because no modifications have been made to the impervious.

Commissioner Davis remarked that he is not convinced of Mr. Sczurek's logic on the curb cuts, stating that widening one driveway must be less expensive than building a whole new driveway. Mr. Sczurek responded that the issue is not the money, but that the combination of the driveways would require lots of reworking, which the applicant does not want to do. Commissioner Davis and Secretary McClain both expressed that they would love to see more creative ideas for how to combine these driveways.

Motion by: Secretary McClain

Seconded by: Commissioner Kaputa

MOVED, that the Conservation Commission recommends to the Town Plan & Zoning Commission subdivision approval of Gregory Bonaiuto's proposed 3-lot Dug Road Resubdivision at 223 Dug Road, in accordance with plans on file in the Office of Community Development and in compliance with the following conditions:

1. Adherence to the Town Engineer's memorandum dated April 4, 2019.
2. Adherence to the Town Sanitarian's memorandum dated April 3, 2019.
3. The proposed soil erosion and sedimentation control plan that appears on sheet 4 of 6 shall be revised to the satisfaction of the Town's Environmental Planner to utilize sediment barriers immediately uphill of the proposed driveways where the uphill land is to be disturbed.
4. The plot plans and as-built plans required by the Building and Health departments shall contain the Agricultural Caveat note that appears on the current site plans.
5. 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 Chairman of the Town Plan & 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.
6. Dry wells shall be designed and installed to facilitate the roof runoff in order to attenuate increased flows to the 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.

7. 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.
8. Installation of soil erosion and sedimentation control and stabilization measure 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.
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. Underground fuel storage tanks shall be prohibited to reduce the potential of contamination to wetlands, watercourses, and groundwater resources.
11. Prior to the issuance of a Certificate of Occupancy, certification from a professional engineer shall be required confirming that the stormwater management system was constructed in conformance with the approved design.

Result: Motion passed unanimously. (6-0-0)

3. Application of Glastonbury 2815, LLC for: an inland wetlands and watercourses permit; and recommendations to the Town Plan & Zoning Commission for: a Section 4.11 Flood Zone Special Permit and/or any waiver to the specific requirements of Section 4.11.6.b.2 and 3; and a Section 12 Special Permit with Design Review concerning the proposed Redevelopment of 2815 Main Street (3,449 square feet restaurant building) – Flood Zone and Planned Business & Development Zone – Alter & Pearson, LLC, counsel

Attorney Peter Alter of Alter & Pearson, LLC representing the applicant, reviewed the site plan. The property consists of two zones, Planned Business & Development and Flood Zones. The project has come before the Commission several times, and was much more complicated before but has since been modified significantly. Mr. Alter explained that, yesterday afternoon, they received several memoranda regarding the project and would like to work their way through them with the Commission tonight: Mr. Jon Sczurek would address the comments made in the April 4 memo from Mr. Pennington and the North Central Conservation District memo; Mr. Alter will then return to address the issues raised in Mr. Mocko's memorandum.

Mr. Sczurek, Civil Engineer from Megson, Heagle, and Friend, noted a couple changes that were made to the plan since it last came before the Commission: the elimination of a curb cut, a stone filter berm, water quality basin, and some changes to the outlet structure detail. The drainage pattern has been maintained, pre and post development.

Mr. Sczurek first went through the comments from the Town Engineer, and responded to each one individually. In regard to the flood storage, Mr. Sczurek stated that he calculated just under 100 cubic yards of excess flood storage but that does not take into account any of the site features that were placed after construction, which adds another 50 cubic yards, yielding around 44 cubic yards of excess storage. In terms of the water quality basin, Mr. Sczurek explained that because this is a redevelopment project, the applicant needs to meet only 50% of the water quality volume, which he said will be reflected in the revised calculations.

Mr. Sczurek stated that a pre-cast concrete headwall will be placed within a carved-out section of the berm, which will excavate right up to the wetland edge to install the riprapped, pre-formed scour hole. Mr. Sczurek explained that the intent is to have a level lip at the top of the riprap that matches the wetland line on the other side. Mr. Sczurek stated that the existing standpipes were added to the existing conditions plan, and a tree line was also added around the wooded area.

Mr. Sczurek then went through the comments and recommendations as detailed in the North Central Conservation District memo. Mr. Sczurek stated that they have agreed to follow through on the recommendation to put a siltsack in the existing Town catch basin on Main Street and will revise the plan accordingly. Mr. Sczurek also anticipates that the water quality basin will be used as a temporary sediment trap, noting that their erosion control narrative states that. Mr. Mocko asked how they plan on temporarily stabilizing it, to which Mr. Sczurek said they were anticipating vegetation.

Mr. Sczurek noted that they have been directed by the owner to start construction this May, should all of the approvals go through on time. He remarked that they are working on coming up with some creative terminology to allow for excavation close to the property line. He also stated that the memorandum recommends using a moist mix rather than the wet mix because plants will thrive if the groundwater monitoring level drops below 2 feet. Mr. Mocko stated that can be discussed but it is a valid point.

Mr. Sczurek noted that the memorandum recommends a landscaping bond, which they see no problem with. He also explained that the final slopes are 2:1, and offered to add notes to the plan to ensure that if the vegetation is not taking, they can put down some measures to make sure the site is stable. Mr. Sczurek concluded his presentation by stating that he embraces these recommendations set forth by the North Central Conservation District.

Mr. Alter addressed the issues raised in Mr. Mocko's memo. He noted that Mr. Mocko disagrees with their statement that no wetlands will be disturbed. Mr. Alter noted that the site in question has been heavily disturbed over the years, and reaffirmed his statement that the applicant has no intention of intruding into the wetland. Mr. Alter said that he found the second part of Mr. Mocko's concern more problematic, which is that they will have an adverse impact on the site.

Mr. Alter countered this point by stating that the quality of water that will be leaving the site after this development will be better than what is going there now. The stormwater discharge that they propose on the adjacent wetland will have a positive impact on the stormwater treatment before it enters the wetland, he stated.

Mr. Alter noted that they have received two memos from the Town Manager, agreeing to grant the applicant an easement, adjacent to the property that is owned by the applicant, in order to install the drainage system they are proposing. Mr. Alter wanted to put it on the record that the Town has authorized to file that application to construct and authorize that easement, once the approval is completed. Mr. Alter noted that the only property that would be considered an abutter to the Town property is 33 Pratt Street. Commissioner Kaputa asked if that additional property is a residence. Mr. Alter said no, it is owned by an LLC. Mr. Mocko asked Chairman Harper to enter Attorney Alter's exhibits into the record.

Mr. Alter noted that Mr. Mocko's memo mentions that the compensatory flood storage should be a higher ratio than 1:1, but the regulations say that it must be 1:1. He also indicated that Mr. Mocko was still unclear whether the project needs a Section 4.11 Permit. Mr. Alter affirmed that they do, in fact, need that permit and will also be asking for waivers from TPZ to be flood proof. Mr. Mocko stated that was his statement based on the information that was presented to him, which included the following: the revision date was different than what was submitted to him; Mr. Sczurek came in to his office and swapped plans without notifying him; and the landscaping plan was not submitted at the same time of the wetlands permit application. He continued that, at the informal meeting, a point was made to do more for shade in the parking lot. The honey locust that was chosen is not a dense spreading crown and it will not provide much shade. Mr. Alter responded that the Town's Environmental Planner could have suggested a different species but it was inaccurate to state that there was no apparent attempt to respond to the concerns expressed by this Commission.

In regard to Attorney Alter's statement that there is no wetlands disturbance, Mr. Mocko explained that he analyzed the current condition of the vacant land and concluded that vehicle runoff fluid will not be trapped totally in the stormwater basin, so the discharge of the water off of the site will adversely impact the wetlands. Secretary McClain added that even if they are not working on the wetlands, she senses that there is tremendous pressure to get this project done quickly and that makes her nervous. Commissioner Kaputa asked if it is a fair statement to say that this is an improvement over what was there before it was empty. Commissioner McInerney felt that, compared to what is there today, there will be some impact on the wetlands but the question is, has enough mitigation been put in place. Mr. Mocko remarked that the wetlands permit application asks for alternatives and the applicant is saying they will not provide any because there will be no adverse impact.

Commissioner Temple stated that he understands where Mr. Mocko is coming from but their wetlands requirements require best management practices, so there ought to be a development that provides for a better position than what exists today. He agreed with Secretary McClain that there should be shade trees on the southern portion of the parking lot. Commissioner Temple asked if the applicant has considered any alternatives. Mr. Sczurek said that there was one

alternative discussed at the informal meeting, which consisted of taking down the whole berm. Commissioner McInerney asked what the advantages/disadvantages would be to doing that. Mr. Sczurek said the advantages would be the following:

- more flood storage
- a better visual corridor out to the wetland
- having that lowered elevation near the groundwater for wetlands restoration

Commissioner Kaputa asked how the stormwater treated off the parking lot was in that case. Mr. Sczurek explained that their required water quality volume is what is seen in this berm, so by bringing removing the berm, they could still achieve the water quality volume in the bottom of the basin. He noted that the volume of their pond, as far as best management practices go, is three times the required amount.

Secretary McClain proposed setting up a long-term bond to maintain this project going forward. Mr. Mocko said that there has been a precedence for this in the past but in recent years, the Commission has strayed from it. Mr. Mocko raised the issue of the compensatory storage ratio, to which Commissioner Temple agreed. Commissioner Davis argued that this issue is over arithmetic and not the reality of the impact. Commissioner Temple agreed, stating that everybody is doing this and it all adds up, decreasing the flood potential of Connecticut every day.

Secretary McCain brought up the topic of seed mixes, for which she would like to encourage native seed mixes as much as possible. Mr. Sczurek informed the Commission that, in regard to the suggestion for more shade trees, the landscape architect chose the trees he did because they were the largest he could suggest for that property line and he did not add more on the westerly side because he was concerned about snow plowing.

Attorney Alter wrapped up his presentation by stating that Mr. Sczurek will go over the items with the Assistant Town Engineer, the recommendations from the North Central Conservation District will be incorporated in the plans, and the applicant is receptive to species suggestions for trees and seed mixes. Mr. Alter also pointed out that they have no problem with a three-year maintenance bond on the water quality basin. He agreed with the Commission that they should engage an expert to oversee the erosion sediment control process during the course of construction and on a periodic basis. Mr. Alter concluded by stating that they will return before the Commission soon to follow up on this application.

II. APPROVAL OF MINUTES - Special Meeting of March 28, 2019

Commissioner Kaputa noted the following changes to be made:

- page 2, paragraph 1, line 4 to read: “Mr. Alter stated that he has **not** presented an environmental impact statement...”
- page 5, paragraph 1 and page 7, paragraph 2: “test bits” shall be changed to “test **pits**.”
- page 5, paragraph 1, line 5: the word “wells” shall be changed to “**test pits**”
- page 5, paragraph 2, line 2: the word “silk” shall be changed to “**silt**”
- on page 5, paragraph 2, line 5: “situation” shall be changed to “**spillway**”

