

**GLASTONBURY CONSERVATION COMMISSION  
(INLAND WETLANDS & WATERCOURSES AGENCY)  
CORRECTED REGULAR MEETING OF MINUTES OF  
THURSDAY, JUNE 11, 2020 (pages 3, 5, 8 and 14)**

The Glastonbury Conservation Commission (Inlands Wetlands & Watercourses Agency), along with Mr. Tom Mocko, Environmental Planner, in attendance held a Regular Meeting *via ZOOM video conferencing*.

**ROLL CALL**

**Commission Members-Present**

Judy Harper, Chairman  
Dennis McInerney, Vice-Chairman  
Kim McClain, Secretary  
Brian Davis  
Frank Kaputa  
William Shea

**Commission Members- Excused**

Mark Temple

Chairman Harper called the meeting to order at 7:00 P.M and explained the public hearing process to the applicants and members of the public.

**I. FORMAL ACTION & RECOMMENDATION**

- 1. Application of the Town of Glastonbury for: an inland wetlands and watercourses permit involving a proposed, outdoor stairway down to Roaring Brook; and repairs to stabilize an eroding masonry retaining wall immediately downstream of the dam (to be removed) at the Town's Slocomb Pond Open Space located at 68 Matson Hill Road; and a recommendation to the Town Plan & Zoning Commission concerning a Section 4.11 (Flood Zone) Special Permit – Flood Zone and Planned Industrial Zone – Princeton Hydro, Science, Engineering, Design – Daniel A. Pennington, Town Engineer**

Chairman Harper welcomed the expert panelists to speak. Mr. Daniel A. Pennington, Town engineer gave an overview of the project. He stated that the dam is in danger of collapsing which will cause sediment to be transported downstream. Mr. Pennington explained that they have done temporary measures such as filling in the area to keep it stable until a permanent solution is created. Mr. Pennington also noted that the stairs are a stand-alone issue from the dam. Ms. Laura Wildman, P.E., Princeton Hydro, LLC, presented a series of slides on the project. Ms. Wildman stated that it is a dam removal project with a proposed staircase and wall repairs. The stairs shown on the slide are not an actual rendering but an example of what will be constructed. Ms. Wildman explained that they will reuse some of the rock from the retaining wall. She also stated that the dam has eroded and created a whirlpool, adding sediment to the

river. Ms. Wildman stated that because of the dangerous conditions, the Town had to do an emergency repair to fill the hole with rock to stop it from eroding further. Ms. Wildman explained that their proposals include repairs to the retaining wall as needed, removing crushed stone and putting in some form work including flowable fill that will harden and not go into the river. She also noted that they will put topsoil and seed the floodplain as needed. Ms. Wildman also stated that they will put railing and fencing on both sides of the retaining wall because of the risk of fall hazards. Ms. Wildman concluded her slide presentation.

Chairman Harper stated that the base of the stairs appears to be rough and inquired if there would be any work done. Ms. Wildman stated that there will be no work done and that the area has a flat bedrock. She also stated that it has a nice composition and is self-sustaining. Ms. Wildman also added that this project is an exciting opportunity for people to have access, including those with mobility issues. Commissioner Davis inquired if it will be ADA accessible. Mr. Pennington stated that it would not have a wheel chair ramp because it would be significantly more expensive. He also added that he is not aware of any requirements of having to build a ramp. Mr. Pennington explained that people with mobility issues can view the brook but may not be able to make it down to the water. Commissioner Shea inquired whether the fence and guard rail will be compliant. Mr. Pennington replied that it will meet the building codes. Commissioner Davis inquired about the railing dimensions. Ms. Wildman stated she would have to ask another staffer. Mr. Pennington stated it might be about 6 feet high. Mr. Jake Dittes, Water Resources Engineer, joined the meeting and stated the fence is at least 4 feet if not 5 feet high. Commissioner Shea inquired why the iron railing cannot go over the wall. Mr. Pennington stated that it would be less stable and much more expensive. He also added that it would be a liability not to have the fence because it serves as a barrier preventing children from falling in. Commissioner Kaputa stated that the stairs may not be a good idea because it does nothing for the natural character of Roaring Brook. Mr. Pennington stated that different people have different opinions and brought up the example of the Riverfront Park. Commissioner Kaputa stated that the Riverfront Park was not in the jurisdiction of the Commission.

Commissioner Kaputa stated that he disagrees with Mr. Roger Emerick's view that the dam is not a dam anymore but just a retaining wall. He asked the Commission if they need to address this. Mr. Pennington stated that he also disagrees with Mr. Emerick's view and that it is a dam but a structurally deficient one.

Vice- Chairman McInerney inquired if the dam is still being regulated by the State. Ms. Wildman replied yes and added that it is considered to be in poor condition. She also explained that there are multiple breaches to the concrete and large areas that have deteriorated. Chairman Harper stated that Mr. Roger Emerick's letter has been noted and discussed. She asked if there were any other questions. Chairman Harper asked if there were any members from the public that wanted to speak on the application. No members of the public raised the blue electronic hand.

Chairman Harper closed public comment on the application.

**Motion by:** Secretary McClain

**Seconded by:** Commissioner Shea

MOVED, that the Inland Wetlands and Watercourses Agency issues an inland wetlands and watercourses permit to the Town of Glastonbury for an outdoor staircase down to Roaring Brook and stabilization of an eroding/failing masonry retaining wall immediately downstream of the existing dam at the Town's Slocomb Pond Open Space at 68 Matson Hill Road, in accordance with the submitted application materials (including plans entitled "Slocomb Pond Dam Removal Project" on file in the Office of Community Development and in compliance with the following conditions:

1. The staircase construction element shall be added to the Overview plan sheet (sheet no. 2 of 10 of set of plans) because it was apparently an oversight.
2. 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.
3. The Permittee shall be fully responsible for damages caused by all activities undertaken pursuant to this permit that may have a detrimental effect on wetlands and/or watercourses, and all such activities that cause erosion and sedimentation problems.
4. Appropriate contingency measures (e.g. cease work and temporarily protect vulnerable, exposed soil areas along the brook, especially the lower elevations subject to erosion from elevated brook flows) shall be taken for forecasted rainstorm events of two (2) inches or greater in advance of such events.
5. These assigned conditions of approval shall be boldly noted on all subsequent revised site plans, including, but not limited to, the construction plans devised for bidding purposes.

### **Discussion:**

Mr. Mocko inquired if the first condition should be removed from the motion. Secretary McClain asked if it has been done or will be done. Ms. Wildman replied that it will be done. Chairman Harper stated that it is best to err on the side of caution and leave the first item in the motion. ~~Secretary McClean~~ **Kim McClain** agreed with Chairman Harper's suggestion. Commissioner Davis stated that he would like to see a condition looking at a 42-inch versus 48-inch fence and said 6 inches makes a lot of difference in terms of visibility. Commissioner Kaputa stated that a fence may not be the best solution. Secretary McClain stated that a fence that is 6 inches shorter will save the Town money. Commissioner Davis agreed with Secretary McClain's point and added that a shorter fence would better promote the overall enjoyment of the watercourse. Commissioner Kaputa stated that the fence is not a wetlands issue and it should

instead be addressed by TPZ. Mr. Mocko stated flood zones require a special permit requirement and wanted to inform the panelists in case the issue comes up. Secretary McClain stated that it would then go back to the Town Council. Mr. Pennington stated that the Town Council already gave the order and added that he does not oppose a 42-inch fence. Mr. Pennington explained that he would first like to check with insurance companies to make sure there are no liability issues. Commissioner Kaputa reiterated that he does not think the staircase is the best idea and will probably abstain from the vote. Chairman Harper inquired about how the idea for the staircase came to be. Mr. Pennington stated that they consulted with engineers and discussed the idea with the Town Council and Town Manager. Mr. Pennington also explained that the stairs will only be implemented if the budget allows. He added that there is no guarantee it will happen.

**Result:** Motion passes (5-0-1); Commissioner Kaputa abstained.

MOVED, that the Inland Wetlands and Watercourses Agency issues an inland wetlands and watercourses permit to the Town of Glastonbury for an outdoor staircase down to Roaring Brook and stabilization of an eroding/failing masonry retaining wall immediately downstream of the existing dam at the Town's Slocomb Pond Open Space at 68 Matson Hill Road, in accordance with the submitted application materials (including plans entitled "Slocomb Pond Dam Removal Project" on file in the Office of Community Development and in compliance with the following conditions:

1. The staircase construction element shall be added to the Overview plan sheet (sheet no. 2 of 10 of set of plans) because it was apparently an oversight.
2. 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.
3. The Permittee shall be fully responsible for damages caused by all activities undertaken pursuant to this permit that may have a detrimental effect on wetlands and/or watercourses, and all such activities that cause erosion and sedimentation problems.
4. Appropriate contingency measures (e.g. cease work and temporarily protect vulnerable, exposed soil areas along the brook, especially the lower elevations subject to erosion from elevated brook flows) shall be taken for forecasted rainstorm events of two (2) inches or greater in advance of such events.
5. These assigned conditions of approval shall be boldly noted on all subsequent revised site plans, including, but not limited to, the construction plans devised for bidding purposes.

**2. Recommendations to the Town Plan & Zoning Commission for subdivision approval and a Section 6.8 (rear lot) Special Permit concerning the proposed 2-lot Dorothy's Place Subdivision – 181-A Main Street (west side) – Rural Residence Zone and Groundwater Protection Zone 1 – Richard F. Mihok, P.E. – Guaranteed Maintenance and Development, LLC (Paul Jacques), landowner/applicant**

Mr. Richard F. Mihok, P.E. gave an overview of the application. He informed the Commission that the site is about 4.5 acres and each subdivision would be on a little over 2 acres each. Mr. Mihok stated that the subdivision will have public water and private leach fields. He then explained there is no vegetation and they have a permit from the DOT approving the shared driveway. Mr. Mihok also noted that the run off will be contained on site.

Chairman Harper inquired what features will they include in the open space. Mr. ~~Richard~~ **Paul** Jacques, developer, stated that they put an evergreen buffer on the easterly boundary and will add additional landscaping to the dwellings. He then informed the Commission that he has owned the property for 8 years and added 59 trees and shrubs to the property. Mr. Jacques also stated that, so far, they have done quite a bit to improve the barrenness of the property. Chairman Harper inquired if the applicants considered solar panels. Mr. Jacques replies yes. Secretary McClain stated that they have the opportunity to inform their clients about saving money and having a comfortable home in the long run. Commissioner Davis inquired if someone raised the issue of the conservation easement. Mr. Mocko stated that the conservation easement is on the next agenda item.

**Motion by:** Secretary McClain

**Seconded by:** Commissioner Kaputa

MOVED, that the Conservation Commission recommends to the Town Plan & Zoning Commission subdivision approval and a Section 6.8 (rear lot) Special Permit concerning Guaranteed Maintenance and Development, LLC's (Paul Jacques) proposed Dorothy's Place (2 rear lots) Subdivision located at 181-A Main Street, in accordance with plans on file in the Office of Community Development, and in compliance with the following conditions:

1. Adherence to the Health Department's memorandum dated June 8, 2020.
2. The following Agricultural Caveat shall be **boldly** noted on all plan sheets filed on the Glastonbury land records and on each plot plan for a building permit:

**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.

3. 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.

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. Underground fuel storage tanks shall be prohibited to reduce the potential of contamination to wetlands, watercourses, and groundwater resources.
6. 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.
7. When a driveway is paved, it shall be paved the entire width in accordance with standards of Section 6.8 of the Building-Zone Regulations.

**Discussion:**

Mr. Jacques stated that there is nothing abutting the property. He asked if the Commission can change the word. Mr. Mocko stated the Commission can simply say "nearby" instead of "abutting." He then explained that the Commission can change it on the next one after the motion passes. Chairman Kaputa commented that he saw a large Norway maple tree that may or may not be on the property. He explained that it is an invasive non-native plant and stated it will probably come down because of the driveway construction. Mr. Jacques said he would look into it. Chairman Harper asked Secretary McClain and Commissioner Kaputa if they agree to change the wording of the motion from "abutting" to "nearby." Both Commissioners agreed to the change.

MOVED, that the Conservation Commission recommends to the Town Plan & Zoning Commission subdivision approval and a Section 6.8 (rear lot) Special Permit concerning Guaranteed Maintenance and Development, LLC's (Paul Jacques) proposed Dorothy's Place (2 rear lots) Subdivision located at 181-A Main Street, in accordance with plans on file in the Office of Community Development, and in compliance with the following conditions:

1. Adherence to the Health Department's memorandum dated June 8, 2020.

2. The following Agricultural Caveat shall be **boldly** noted on all plan sheets filed on the Glastonbury land records and on each plot plan for a building permit:

### **Agricultural Caveat**

**Please Note:** Agricultural activities occur on properties nearby 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.

3. 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.
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. Underground fuel storage tanks shall be prohibited to reduce the potential of contamination to wetlands, watercourses, and groundwater resources.
6. 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.
7. When a driveway is paved, it shall be paved the entire width in accordance with standards of Section 6.8 of the Building-Zone Regulations.

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

3. **Recommendations to the Town Plan & Zoning Commission for subdivision approval and a Section 6.8 (rear lot) Special Permit concerning the proposed 4-lot Dorothy's Place II Subdivision – 180 Main Street (east side) – Rural Residence Zone and Groundwater Protection (overlay) Zones 1 & 2 – Richard F. Mihok, P.E. – Guaranteed Maintenance and Development, LLC (Paul Jacques), landowner/applicant**

Mr. Mihok stated that to the east side of the Main Street lot, the older dwelling and out buildings will be removed from the property. He also explained that they are proposing 4 lots, 2 in the front and 2 in the rear of the property. Mr. Mihok also noted that the driveway is composed of gravel and will be shared. He also stated that the subdivision will have public water and private leach fields. Mr. Mihok then stated that there are wetlands on the back half of the property. He also noted that they will tie in to the existing conservation easement for better flow and appearance.

Chairman Harper asked the Commission if they have any questions. Commissioner Kaputa stated that he saw the property and a good job was done about the evergreen trees.

Commissioner Kaputa also informed the Commission that there was a public comment from Mr. Roger Emerick about trying to save historic older homes. Commissioner Kaputa then asked if the applicants have looked into the possibility of not razing the home. Mr. Jacques replied that the home is too far gone to rehab. Commissioner Kaputa asked if saving the home was a consideration. Mr. Jacques replied it was and stated that the home had one nice lead glass window that can be saved. Mr. Jacques also noted that he brought in restoration contractors and they saw nothing worth saving.

Commissioner Kaputa stated that he appreciates the conservation easement on the back. Chairman Harper inquired if the neighboring conservation easement lines up with the one on their property. Mr. Mihok replied that they do line up. Chairman Harper stated that is very good.

Chairman Harper inquired about the shared driveway being a shared responsibility and how it is written in the deed. Mr. Mocko stated that this issue is not related to wetlands but there is a standard agreement the Town provides to a developer. Chairman Harper agreed with Mr. Mocko's point.

Chairman Harper stated that she noticed the invasive plant, Narrowleaf Bittercress (*Cardamine impatiens* L.), on the property. She explained that it is new to Connecticut and it is related to the mustard plant. Chairman Harper also noted that within 6 weeks it releases hundreds of seeds and it quickly carpets an area. She then stated that the Commission discourages invasive plants. Mr. Mocko inquired about the name of the plant. Chairman Harper stated that it goes by different names in different regions but it is known as Narrowleaf Bittercress (*Cardamine impatiens* L.) in the North East.

Chairman Harper informed the applicants that there was a suggestion from Secretary McClain to reorient the houses and/or create a clearing in order for solar to be a consideration. Mr. Mihok stated that they will rotate the roof lines to accommodate for solar. Chairman Harper stated that it is important for a house to point in the right direction, giving homeowners the option to have solar. Secretary McClain agreed with Chairman Harper's points.

**Motion by:** Secretary ~~McClain~~ **McClain**

**Seconded by:** Commissioner Davis



MOVED, that the Conservation Commission recommends to the Town Plan & Zoning Commission subdivision approval and approval of a Section 6.8 (rear lot) Special Permit concerning Guaranteed Maintenance and Development, LLC's (Paul Jacques) proposed Dorothy's Place II Subdivision (2 frontage and 2 rear lots) located at 180 Main Street, in accordance with plans on file in the Office of Community Development, and in compliance with the following conditions:

1. Adherence to the Health Department's memorandum dated March 6, 2020.
2. A private conservation easement shall be established as generally depicted on the site plans and this area shall henceforth not be disturbed from its present condition until the conservation easement is in force. The precise delineation shall be recorded 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 Town's Office of Community Development, 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 or galvanized nails, with the nails left protruding from tree trunks about 1-1/2". Where no trees are suitable 7 foot metal or long-lived wood posts with easement signs attached shall be used. Such placement of signs shall be performed under the supervision of a Licensed Land Surveyor prior to land-clearing or earth-moving activities and notice shall be provided to the Town's Office of Community Development upon its completion.
3. 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.
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. Underground fuel storage tanks shall be prohibited to reduce the potential of contamination to wetlands, watercourses, and groundwater resources.

6. 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.
7. When a driveway is paved, it shall be paved the entire width in accordance with standards of Section 6.8 of the Building-Zone Regulations.
8. 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.
9. 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.
10. Tree stumps and blasted rock material shall not be buried at the site.
11. Prior to any action being taken by the Town Plan & Zoning Commission, the site plans shall be revised to the satisfaction of the Town's Environmental Planner in order to:
  - a. Provide a specified 3-year, invasive plant control program, especially for the species (genus species? & common name);and
  - b. Locate the specimen trees within the lots' areas (potentially) to be disturbed for house lot construction activities.Such revisions shall be included on the plans to be recorded in the Town Clerk's Office.

**Discussion:**

The Commission members were in agreement about changing the wording on 8b to include lawn care companies and renters. Commissioner Kaputa recommended removing the word "homeowners." Secretary McClain agreed with the solution. Commissioner Kaputa also stated that 11a should include the invasive plant Narrowleaf Bittercress (*Cardamine impatiens* L.) and the Norway Maple. Chairman Harper asked if Secretary McClain and Commissioner Davis agree to the changes in the wording of the motion. They both agreed to the wording changes.

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

MOVED, that the Conservation Commission recommends to the Town Plan & Zoning Commission subdivision approval and approval of a Section 6.8 (rear lot) Special Permit

concerning Guaranteed Maintenance and Development, LLC's (Paul Jacques) proposed Dorothy's Place II Subdivision (2 frontage and 2 rear lots) located at 180 Main Street, in accordance with plans on file in the Office of Community Development, and in compliance with the following conditions:

1. Adherence to the Health Department's memorandum dated March 6, 2020.
2. A private conservation easement shall be established as generally depicted on the site plans and this area shall henceforth not be disturbed from its present condition until the conservation easement is in force. The precise delineation shall be recorded 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 Town's Office of Community Development, 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 or galvanized nails, with the nails left protruding from tree trunks about 1-1/2". Where no trees are suitable 7 foot metal or long-lived wood posts with easement signs attached shall be used. Such placement of signs shall be performed under the supervision of a Licensed Land Surveyor prior to land-clearing or earth-moving activities and notice shall be provided to the Town's Office of Community Development upon its completion.
3. 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.
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. Underground fuel storage tanks shall be prohibited to reduce the potential of contamination to wetlands, watercourses, and groundwater resources.

6. 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.
7. When a driveway is paved, it shall be paved the entire width in accordance with standards of Section 6.8 of the Building-Zone Regulations.
8. 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 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.
9. 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.
10. Tree stumps and blasted rock material shall not be buried at the site.
11. Prior to any action being taken by the Town Plan & Zoning Commission, the site plans shall be revised to the satisfaction of the Town's Environmental Planner in order to:
  - a. Provide a specified 3-year, invasive plant control program, especially for the species Narrowleaf Bittercress (*Cardamine impatiens L.*) and Norway Maple (*Acer platanoides*).
  - b. Locate the specimen trees within the lots' areas (potentially) to be disturbed for house lot construction activities.Such revisions shall be included on the plans to be recorded in the Town Clerk's Office.

**4. Application of Charles E. Collins for an inland wetlands and watercourses permit to allow for the prior installation of 110+/- feet of 8-inch PVC pipe within the channel of a small, intermittent brook, and subsequent filling of said channel – 68 Hickory Drive**

Commissioner Shea stated that he has some concerns about the conservation easement on the application. Chairman Harper stated that the Commission can address this issue.

Chairman Harper welcomed the applicants back and asked them if they have a statement or a comment to make. Mr. Collins provided an overview of the steps they had taken and informed the Commission that he had an engineer from Megson, Heagle & Friend review the pipe and area. Commissioner Kaputa stated that there is no information in the application regarding the conservation easement. He then asked Mr. Mocko if he has seen any drawings. Mr. Mocko

replied yes. He further explained that the drawing was not included in the application and, instead, was included in other materials. Commissioner Shea asked the applicants about the lot line adjustment and wanted clarification if they currently own or will acquire the land. Mr. Collins responded that they will acquire it and the agreement with his neighbor is finalized and they are waiting to hear from Ms. Khara Dodds' office.

Commissioner Shea inquired whether the Commission should approve the application without the conservation easement because Mr. Collins does not yet own that part of the property. Secretary McClain agreed that it seems premature because the applicant doesn't own the property at play.

Commissioner Shea complimented the applicants on fixing the drain appropriately and added that he is prepared to approve the application. Commissioner Shea reiterated that his only issue is regarding the conservation easement. Commissioner Kaputa stated that he was the one who suggested the idea and is glad the applicant is willing to do that. Mr. Mocko stated that the proposed addition can get a staff administered wetland.

Mr. Mocko also stated that the Commission can remove the condition of the conservation easement, and add a condition when the property is purchased. The Commission members were in agreement with the solution.

Secretary McClain wanted to confirm that the Commission will not include the first motion that was proposed. Mr. Mocko replied that is correct.

**Motion by:** Secretary McClain

**Seconded by:** Commissioner Shea

MOVED, that the Inland Wetlands and Watercourses Agency grants Charles E. Collins an inland wetlands and watercourses permit for his previous piping of a small, intermittent watercourse and the subsequent filling of the narrow, deeply-incised brook valley at 68 Hickory Drive, in accordance with the submitted application materials and the engineering report from Mark Friend, P.E., and with the following conditions:

1. 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.

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

## **II. SHOW-CAUSE HEARING (continued)**

**Resolution of an inland wetlands and watercourses violation involving the piping of a small, intermittent watercourse and filling of its valley on residential property at 68 Hickory Drive – Charles E. Collins, IV & Mary E. Collins, landowners**

*Motion by:* Commissioner Shea

*Seconded by:* Secretary McClain

MOVED, that the Inland Wetlands and Watercourses Agency closes the show-cause hearing.

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

The Commission thanked the applicants for their cooperation.

## **III. APPROVAL OF MINUTES**

### **Regular Meeting of May 28, 2020**

Minutes were approved as presented.

## **IV. COMMENTS BY CITIZENS ON NON-AGENDA ITEMS – NONE**

## **V. OTHER BUSINESS**

### **1. Chairman's Report**

Chairman Harper asked Mr. Mocko what the procedure is if a commissioner cannot make a meeting. Mr. Mocko replied that it is the standard procedure and a commissioner can email or call him or contact Ms. Glynis McKenzie.

The Commissioners discussed some of the Zoom problems they have encountered and agreed that there were audio difficulties with some of the presentations. Mr. Bobby Ashton, IT Manager, informed the Commission that he will help troubleshoot the audio and technical problems.

### **2. Environmental Planner's Report**

Mr. Mocko, Commissioner Shea and Commissioner Davis surveyed the beaver damage on the east side of Smith Middle School. Flooding damage was apparent in 3 residential properties on Worthington Road. Mr. Mocko stated that it is worthwhile to allow the Town to dismantle the beaver dam. Commissioner Davis agreed with Mr. Mocko's solution and added that he noticed root damage to the trees. Commissioner Shea informed the Commission that he saw the flooding and stated that the problem is much worse than he thought. Mr. Mocko brought up Chairman Harper's solution, which she learned from a trapper – using rigid PVC pipes in multiple openings to confuse the beavers. Secretary McClain stated that this approach is more humane to the

beavers. The Commission was in consensus about allowing the Town to use equipment to break down the dams.

The Commission members discussed the best way to receive materials and packets for the upcoming Zoom meetings. Mr. Mocko informed the Commission that there is a drop box for recyclables located near the Parks and Recreation department.

With no other business to discuss, Chairman Harper adjourned the meeting at 9:24 P.M.

Respectfully Submitted,

Nadya Yuskaev

*Nadya Yuskaev*

Nadya Yuskaev  
Recording Secretary