

**GLASTONBURY CONSERVATION COMMISSION  
(INLAND WETLANDS & WATERCOURSES AGENCY)  
REGULAR MEETING OF MINUTES THURSDAY, September 10, 2020**

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  
*vacancy*, Vice-Chairman  
Kim McClain, Secretary  
Brian Davis  
Frank Kaputa  
William Shea

**Commission Members- Excused**

Mark Temple

*Chairman Harper called the meeting to order at 7:03 PM and explained the public hearing process to the applicants and members of the public.*

**I. FORMAL ACTION & RECOMMENDATION**

**Application of David Sessions and The Casle Corporation for: an inland wetlands and watercourses permit; and a Section 12 Special Permit with Design Review concerning the proposed Gateway V Medical Office facilities (two buildings totaling 45,000 square feet) at 280 Western Boulevard (south side) – Planned Employment Zone & Groundwater Protection Zone 1 – LADA, P.C., Land Planners – Clark Engineering – JWM Architectural Group – REMA Ecological Services, LLC – Freshwater Wetland Services – Town of Glastonbury, landowner**

Mr. Philip Doyle of LADA, P.C., Land Planners stated that the total project area for the new Gateway complex is approximately 4.83 acres. He explained that there are about 1,600 square feet of wetlands in the area, located in the south-east corner. Mr. Doyle also noted that a small portion of the complex will be in the upland review area and they will mitigate the site disturbances.

Mr. Doyle explained that the initial design proposal for the storm water management system (subsurface gravel wetland system developed by the University of New Hampshire) raised concerns about plant and site maintenance. Mr. Doyle informed the Commission that they have engaged in extensive review with Mr. Mocko and the Engineering Department and made substantial modifications to the plans, and will implement a standard storm water management

system. Mr. Doyle stated that the project engineer, Mr. Kevin Clark, will speak on that portion in greater detail. Other changes that were made include removing the invasive plants, as well as incorporating the changes the Beautification Committee suggested. Mr. Doyle reiterated that they have submitted the modified planting plans and have removed all invasive and non-native plants.

Mr. Kevin Clark of Clark Engineering in New London, Connecticut presented a slide illustrating the drainage plans. He stated that they will treat the water quality and explained that the detention basin is divided in 2 units with a berm underdrain. He pointed to the upper section of the diagram and stated that the system is designed to hold the water quality and volume and to infiltrate it. Mr. Clark explained that if the system was to clog it would still have enough volume to store the water. He noted that the system meets the Connecticut standards. Mr. Clark stated that he had extensive discussions with Mr. Mocko and the Engineering Department and they have come to an agreement about what the numbers are. He then explained that the system complies with all of the requirements. Mr. Clark noted that they have taken away the subsurface wetlands system and are implementing a conventional storm water management system.

Ms. Katie Bednaz, Wetland/ Soil Scientist at Freshwater Wetlands Services, stated that they will re-naturalize the area with habitat plantings and native species. She also explained that the plants they have selected will provide diversity, shade and will naturalize the site. Ms. Bednaz also stated that the plans will not consist of a “bunch of lawn.” She also stated that they have an erosion plan in place that Mr. Doyle will speak about in detail. Ms. Bednaz explained that sediment will remain in a protective system. She then presented a slide showing the temporary sedimentary basins shown in blue and the wetlands boundary also in blue. Ms. Bednaz stated that she believes this project will not have an impact on the wetlands. She noted that the concern is with the utility company doing maintenance which may interfere with the site.

Mr. Doyle stated that he will address Mr. Mocko’s points on windblown erosion. He explained that he can work with Mr. Mocko and explained that the site is relatively small. Mr. Doyle stated that they will handle the windblown erosion with appropriate measures including netting and stabilizing for areas with a number greater than 3. In addition, he stated that they are also proposing sediment basins and they have met the requirements of DEEP. Mr. Doyle explained that the Gateway complex has no history of significant erosion problems. He then stated that they have responded to most of the questions and concerns that have come up. Mr. Doyle referred back to the report that they have submitted and stated that before they present their application to the Town Plan and Zoning Board (TPZ) they would need to demonstrate consistency with the Conservation department. Mr. Doyle stated that he believes it is a very good project and they hope the Commission feels comfortable approving it.

Chairman Harper thanked Mr. Doyle and the rest of the applicants and asked if Mr. Mocko had any comments.

Mr. Mocko stated that the application is in good shape and explained that all remaining details are very small. He then noted that in the Town Engineer’s recent memorandum, the project was designed in accordance to Town standards and is acceptable. Only minor issues remain which

need to be changed or addressed. Mr. Mocko then explained that Mr. Clark addressed the discrepancies in the drainage report and the design team is trying to accomplish that before they present their application to TPZ.

Chairman Harper asked if any other Commissioners had a question or comment.

Commissioner Davis inquired about the height of the retaining wall on the corner of the site. Mr. Doyle stated that he could not recall and stated it was about 6 feet. Mr. Mocko replied that it is 6.5 feet. Commissioner Davis inquired if there was a guard rail on top. Mr. Doyle replied yes and explained that they will have to install a chain link fence in the field in order for the fence to be attached. He further noted that it meets the code and no one can jump over it.

Commissioner Davis stated that he has a question for Mr. Mocko. He explained that he was at the site and noticed the stone berm runs parallel to the road and inquired if it had any filtering purpose. Mr. Mocko replied no.

Commissioner Shea inquired if there was a plan in place to prevent Eversource from clearing trees and plantings in the Gateway area. Mr. Doyle explained that he was naïve in thinking that Eversource worked with surveyors before clearing the area. He informed the Commissioners that they will have a buffer of shrubs on the property line and will choose trees that do not extend into the Eversource right of way area. Mr. Doyle provided the example of a red maple variety that grows in a tight spire and will not be problematic for the site.

Mr. Mocko suggested granite or concrete monuments to demarcate the property line to prevent Eversource from clearing into the Gateway area. Mr. Doyle explained that in a project in New Haven, they used 3-foot-tall white stakes for the property border. Mr. Mocko stated that wooden stakes are not a permanent solution. Mr. Doyle agreed. Ms. Bednaz explained that putting in shrubs will not affect the elevation. Mr. Doyle stated that they will put in the monuments to prevent Eversource from clearing onto the gateway property. Mr. Mocko asked Mr. Doyle what range the intervals will be. Mr. Doyle stated the intervals would be in the 75 to 100-foot range.

Chairman Harper inquired if Eversource clears behind the other Gateway buildings. Mr. Doyle stated that he does not know all of the conditions. He presented a slide illustrating the placement of the Gateway buildings and noted that buildings B and C are within a 25 foot right of way line and Eversource did not clear much there. Mr. Doyle also explained that the area of Gateway 1 has a conservation easement and it would be the most vulnerable area. Chairman Harper inquired if all of the Gateway buildings have a collective strategy for dealing with Eversource. Mr. Doyle stated that they would add the stone monuments and extend them. Commissioner Davis agreed with the solution.

Mr. Mocko inquired if Commissioner Temple was in attendance. *(There was no reply.)*

Commissioner Harper inquired if the 2 new buildings (J and K) will have cupolas. Mr. Doyle responded that he believes they will. Chairman Harper explained that the Commission thinks they are a waste of money and resources. Commissioner Davis agreed with the Chairman's

points. Mr. Mocko explained that, in the past, the Town had directed the use of cupolas to style buildings.

*No members of the public were present for comment.*

Chairman Harper asked Secretary McClain to read the motion.

Mr. Mocko suggested adding condition #14 which states “Concrete monuments shall be installed in 75-foot intervals to prevent Eversource from clearing into the property line.”

Commissioner Davis recommended replacing “Eversource” with “utilities.”

The Commissioners were in agreement with the changes and added the additional condition to both motions.

**Motion by:** Secretary Kim McClain

**Seconded by:** Commissioner William Shea

MOVED, that the Inland Wetlands and Watercourses Agency grants an inland wetlands and watercourses permit to David Sessions and The Casle Corporation for 23, 565 square feet of disturbance and/or encroachment (involving paved areas, a portion of Building K and drainage basins and swales) into only the upland review area concerning the proposed Gateway V Medical Office facility to be located at 280 Western Boulevard, in accordance with plans on file in the Office of Community Development, and in compliance with the following conditions:

1. Adherence to items numbered 2 through 9 of the Town Engineer’s memorandum dated September 4, 2020.
2. The stormwater maintenance plan shall also be placed on the “as-built” survey plan once it is created after construction of the proposed stormwater mitigation structures.
3. A herptile expert shall be present at the site as construction begins and remain close by as initial grubbing occurs in natural habitat, watching the ground around the equipment, able to remove any turtle from harm’s way, onto the adjacent right-of-way. Barrier fencing shall be erected after a particular construction area was cleared to prevent any re-entry from the right-of-way. All sightings of the eastern box turtle shall be reported to the Town’s Environmental Planner.
4. The native topsoil to be stripped on the site during construction shall be saved, stockpiled and protected from erosion in order to re-introduce the non-invasive, native plant seed and roots along with the native microbial diversity within said stripped topsoil. Said stockpiled topsoil shall be used in the more “natural areas” to be revegetated on the site where formal landscaped areas are not proposed.
5. With regard to revegetating the proposed stormwater basins and swales, all seed mix areas shall be maintained in a manner to promote survival of the proposed species within

the specified seed mixes. Furthermore, the bottom of the basins shall be surveyed in the spring and the fall for the establishment of any invasive species. Any invasive species observed shall be immediately removed and properly disposed.

6. 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.
7. 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.
8. Tree stumps and blasted rock material shall not be buried at 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.
12. 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.
13. 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.
14. Concrete monuments shall be installed in 75-foot intervals to prevent utilities from clearing into the property line.

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

**Motion by:** Secretary Kim McClain

**Seconded by:** Commissioner Brian Davis

MOVED, that the Conservation Commission recommends to the Town Plan & Zoning Commission approval of a Section 12 Special Permit with Design Review concerning David Session's and The Casle Corporation's proposed Gateway V Medical Office facility at 280 Western Boulevard, in accordance with plans on file in the Office of Community Development, and in compliance with the following conditions:

1. Adherence to items numbered 2 through 9 of the Town Engineer's memorandum dated September 4, 2020.
2. The stormwater maintenance plan shall also be placed on the "as-built" survey plan once it is created after construction of the proposed stormwater mitigation structures.
3. A herptile expert shall be present at the site as construction begins and remain close by as initial grubbing occurs in natural habitat, watching the ground around the equipment, able to remove any turtle from harm's way, onto the adjacent right-of-way. Barrier fencing shall be erected after a particular construction area was cleared to prevent any re-entry from the right-of-way. All sightings of the eastern box turtle shall be reported to the Town's Environmental Planner.
4. The native topsoil to be stripped on the site during construction shall be saved, stockpiled and protected from erosion in order to re-introduce the non-invasive, native plant seed and roots along with the native microbial diversity within said stripped topsoil. Said stockpiled topsoil shall be used in the more "natural areas" to be revegetated on the site where formal landscaped areas are not proposed.
5. With regard to revegetating the proposed stormwater basins and swales, all seed mix areas shall be maintained in a manner to promote survival of the proposed species within the specified seed mixes. Furthermore, the bottom of the basins shall be surveyed in the spring and the fall for the establishment of any invasive species. Any invasive species observed shall be immediately removed and properly disposed.
6. 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.
7. 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.

8. Tree stumps and blasted rock material shall not be buried at 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.
12. 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.
13. Concrete monuments shall be installed in 75-foot intervals to prevent utilities from clearing into the property line.

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

Mr. Doyle thanked the Commissioners and stated that it has been a wonderful experience working with the Town and the Town officials.

## **II. COMMENTS BY CITIZENS ON NON-AGENDA ITEMS**

Commissioner Kaputa stated that he would like to comment on behalf of the Kongsicut Land Trust. He explained that he wanted to update the Commissioners on the wetlands violation at 23 Freedom way. Commissioner Kaputa stated that they met with the homeowners and had a good meeting educating them about the conservation easement. He also outlined that the homeowners moved into the property in 2002 and have cleared much of the underbrush and put down mulch. Commissioner Kaputa explained that the property owners now realize that they should not have done that and will do a property survey line. Commissioner Kaputa informed the Commission that they will meet with the property owners again and it was agreed that plantings will be put in to revert the Diamond Lake Conservation easement back into a natural state.

Commissioner Davis congratulated Commissioner Kaputa. Secretary McClain stated that it is a good resolution. Commissioner Shea inquired why the homeowners were not clear about the conservation easement. Commissioner Kaputa explained that someone told them just the basics and were not provided full details on the regulations that are attached to a conservation easement. Commissioner Kaputa also stated that real estate agents should provide the information to the homeowners and discuss the restrictions that a conservation easement has on a property. Commissioner Davis stated that real estate agents will not want to discuss restrictions with homebuyers.

Mr. Mocko stated that this morning, he met a real estate agent representing a buyer with questions regarding the conservation easement attached to the property. Mr. Mocko explained that about 50 percent of the time, homeowners are not aware they have a conservation easement. He also explained that the homeowners state that their attorney did not provide any documents related to the conservation easement. Mr. Mocko explained that many realtors and closing attorneys are not informing the buyer that a conservation easement is on the property. Commissioner Davis agreed with Mr. Mocko's points.

Secretary McClain inquired if the Diamond Lake Association can educate its members about the conservation easement. She also stated that realtors need to be educated about conservation easements and the legalities. Secretary McClain proposed that the education can be included as part of a realtor's continuing education credit. Commissioner Davis stated that if a buyer discovered this encumbrance, they may want to seek some damages. He also noted that whoever is doing the title search is the person that can identify if there is an encumbrance.

Commissioner Kaputa stated that the Kongsicut Land Trust will join the Diamond Lake Association.

### **III. APPROVAL OF MINUTES - Regular Meeting of August 13, 2020**

Minutes were approved as presented.

### **IV. OTHER BUSINESS**

- 1. Chairman's Report – NONE**
- 2. Environmental Planner's Report**

Mr. Mocko informed the Commissioners that he has emailed them a document with 7 staff administered permits. He also noted that applications have slowed down since June because of the increased demand and lack of building materials for pools to be installed.

With no other business to discuss, Chairman Harper adjourned the meeting at 8:06 P.M.

Respectfully Submitted,

Nadya Yuskaev

Nadya Yuskaev  
Recording Secretary