

**GLASTONBURY CONSERVATION COMMISSION  
(INLAND WETLANDS & WATERCOURSES AGENCY)  
REGULAR MEETING OF MINUTES THURSDAY, April 15, 2021**

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**

Frank Kaputa, Chairman

Mark Temple, Vice-Chairman

Kim McClain, Secretary

Brian Davis

Kelsey Hawkins

James Parry

William Shea

*Chairman Kaputa called the meeting to order at 6:53 P.M. and explained the public hearing process to the applicants and members of the public.*

*The new Commissioners were welcomed.*

**I. INFORMAL DISCUSSIONS**

**1. Proposed Subdivision of 55 Parker Terrace, a 26, 951 square foot parcel, into two frontage lots and site plan for a duplex residential dwelling on the newly created vacant lot – Town Center and Town Center Mixed Use Zone – Dutton Associates, LLC – Trinkaus Engineering, LLC – Jie Wand, landowner/applicant**

Mr. Jim Dutton of Dutton Associates represented the applicant. Mr. Dutton stated that the proposed subdivision is a relatively simple project with no wetlands involved. The landowner has an existing house next to the proposed duplex area. The duplex will feature public water, gas, sewer, 2 driveways and 2 separate 2-car garages. Mr. Dutton remarked that he will address the comments from the Engineering Department and will speak about the stormwater management plan. He informed the Commissioners that the area has been staked to mark the location of the proposed duplex and rain gardens.

Mr. Dutton explained that the stormwater management plan will mitigate the runoff. This project entails removing the trench drains on the street. The runoff from the driveway will drain in the rain gardens behind the proposed duplex. Mr. Dutton noted that the rain garden is designed to hold 8 times the water quality volume.

Mr. Dutton stated that the 100-year flood level is 28 feet and the 500-year flood is at 30 feet. He explained that the finished floor of the house foundation is above the flood level. Mr. Dutton

noted that there is no concern about flooding-related damage to the utilities. The site will have separate gas meters and one downspout.

Mr. Dutton noted that the site is open and some trees in the front will be removed. He stated that they hope to save some of the larger trees on the east side of the site. The shed in the front will be relocated.

Mr. Dutton stated that they will add a sidewalk. He noted that there is an existing sidewalk 80 feet to the east of the property. The project was initially planned for a condominium but changed to a duplex because it is much easier. Mr. Dutton explained that the property owner currently lives there but is not sure what the arrangement will be in the future.

Mr. Dutton noted that there are no invasive species on the property. He stated that there was no groundwater in the test pit. He added that they are proposing a sump pump, which will discharge into the water quality basin in case of a flooding event.

Mr. Dutton stated that the back part of the proposed duplex is positioned for solar and that is something the owners can pursue. The total impervious area is 25.2 percent post development (6,797 square feet). The present impervious area total is about 10.6 percent (2,855 square feet). Mr. Dutton concluded the presentation.

Vice-Chairman Temple inquired how the rain garden basin in north would be maintained. Mr. Dutton explained that Lot 1's owner would be predominantly responsible; a perennial grass will be planted and he added that the eastern side slope extends onto Lot 2. Mr. Temple suggested they flatten the slope on Lot 2 that contains the duplex and build a retaining wall on the east side of the rain garden on Lot 1.

Vice-Chairman Temple asked Mr. Mocko if he has any concerns with the plans. Mr. Mocko explained that he is not particularly concerned and added that a bit of a depression currently exists on the site.

Commissioner Shea inquired about the preservation of the trees on the site. Mr. Dutton stated that they will try to preserve all three trees that will not have their root systems compromised. Commissioner Shea remarked that he would hate to see nice trees cut down.

Secretary McClain suggested the applicants adhere to a maintenance plan. She explained that, as time goes on, people tend to forget their obligations. Having the maintenance plan included as part of the land records will help to ensure it will be done. Mr. Dutton stated that the final version will have a maintenance plan.

Secretary McClain stated that she is glad that this is not a condo proposal. She explained that no one in her industry would recommend a 2-unit condo and added that conflicts can happen and it is not a good idea. Secretary McClain added that she strongly recommends for the property owner to install solar and added that it boosts property values.

Commissioner Davis inquired if the backyard has a slight depression. Mr. Dutton replied correct.

Commissioner Davis inquired if there were any compromises with the filtration. Mr. Dutton stated that the rain garden basin will be within several inches of the top and it will not fill up all the way.

Chairman Kaputa noted that the proposal was simple and straightforward and asked Mr. Mocko why the application was not scheduled for a formal hearing. Mr. Mocko explained that the MS4 requirements have not been met and added that the comments from the Engineering Department have not been addressed yet. Vice- Chairman Temple noted that the applicants need to revise and finalize the plans first.

Mr. Dutton stated that the final plan is near completion and all that is left are minor issues. He noted that some of the utilities were relocated and some cosmetic changes were made.

**2. Proposed four-lot Equestrian Ridge Subdivision - 582 Main Street, located on the easterly side of Main Street and the southerly side of Foote Road with a total acreage of 6.53 acres after conveyances - Lot 1 is proposed to be located in the Residence AA Zone & Groundwater Protection Zone 1 and accessed from Main Street; and Lots 2, 3, and 4 are proposed to be located in the Rural Residence Zone & Groundwater Protection Zone 2 and accessed from Foote Road - Mark Reynolds, Reynolds Engineering Services, LLC - Newberry Homes Company, LLC, applicant**

Mark Reynolds, Professional Engineer, represented the applicant, Tom Azzara. He explained that the parcel comprises approximately 6.5 acres and they are proposing a 4-lot subdivision. One property has frontage on Main Street in the AA Zone. The other 3 properties will be accessed from Foote Road, are rear lots and are in the RR Zone. Mr. Reynolds stated that there are no wetlands on the property, but noted that an intermittent watercourse lies to the east of the site and has its upland review area extend onto the site. Mr. Reynolds directed the Commissioners to the 2 yellow areas, which are proposed conservation easements. The site is moderately steep sloped. The site drains in a westerly and northerly direction. Each lot on the subdivision will have individual septic systems and wells. The 3 proposed lots accessed from Foote Road will share a common driveway.

Mr. Reynolds explained that great effort was taken to ensure that the runoff does not affect neighboring properties. They have designed diversion swales and berms. The proposed stormwater management system will direct water from the common driveway to a retention area. Mr. Reynolds stated that they have addressed both stormwater detention and water quality. He noted that the extensive test pit exercise yielded suitable locations for the septic systems. Mr. Reynolds added that they will have erosion and sedimentation measures in place during the construction period. Mr. Reynolds stated that he is working with the Engineering Department and will provide answers to their comments.

Commissioner Parry noted that there is serious water flow on Foote Road from its uphill contributing areas. He remarked that it is not the problem of the applicant and asked Mr. Mocko for his thoughts. Mr. Mocko explained that similar situations occur on other town roads such as Chestnut Hill Road. He noted that it often takes some time to improve such situations and it is a matter of prioritizing.

Commissioner Parry inquired about the proposed culvert on the 3-lot driveway near Foote Road. Mr. Reynolds stated that he does not expect an increase from upstream sources since such future development will address their own stormwater detention needs.

Commissioner Parry noted that the smaller conservation easement proposed around the sidehill spring or seep on Lot 2 is well intentioned but questioned the purpose and effectiveness of it. Commissioner Davis agreed with Commissioner Parry's point and asked what is the value of the smaller conservation easement. Mr. Mocko explained that the smaller-sized conservation easement will facilitate an orderly, non-erosive flow from the spring's/seep's discharge point and will prevent people from altering the flow path, which could easily divert the water, causing problems elsewhere. Vice-Chairman Temple inquired why the conservation easement was not extended further. Mr. Mocko explained that there is a catch basin for the flow to enter a pipe. Mr. Reynolds added the catch basin serves as an inlet to a proposed drainage pipe. Chairman Kaputa noted that, post development, the conservation easement will amount to being a lawn. Mr. Reynolds stated that the idea behind the conservation easement is to prevent people from altering the land's surface in that area. Chairman Kaputa stated that, down gradient, he has trouble envisioning what that lawn will look like. He also remarked that it will be wet. Vice-Chairman Temple suggested adding placards to the proposed conservation area/lawn. Commissioner Parry noted that he has not seen a conservation easement designed like that.

Chairman Kaputa inquired how the design would prevent homeowners from filling in the conservation easement. Mr. Mocko explained that the conservation easement is designed to be a natural appearing area made up of rocks and plants. He noted that it is unlikely that the homeowners will fill in the area. Mr. Mocko asked the Commissioners if they had any ideas to prevent homeowners from interfering with the area. Chairman Kaputa stated that he does not have a great answer to the question and suggested maintaining the area as woods. This will ensure a better outcome and will prevent homeowners from filling or altering the area. Secretary McClain suggested planting trees along the easement's boundary and adding such to the plan.

Mr. Reynolds explained that, after a period of time, the seepage goes back into the ground and added that it happens more quickly in well-drained areas located further down slope. Mr. Reynolds remarked that they have done 50 test holes and are certain there are no drainage problems. He also noted that it is unlikely that anyone will add anything to the septic areas. Mr. Reynolds stated that the shallow depth of the ledge on the property is the limiting factor.

Chairman Kaputa asked Mr. Reynolds to explain the septic area downhill. Mr. Reynolds explained that based on the requirements specified in the health code, the area can consist of grass and even small shrubbery. He stated that no one will recommend large trees in that area. Vice-Chairman Temple noted that the trees follow a contour and inquired if trees would be

added to that area of the site plan. He also recommended for placards to be placed in the area. Mr. Reynolds remarked that it is a reasonable suggestion. He inquired if the Commission wanted to preserve specific trees.

Vice-Chairman Temple stated that he was talking about new plantings and new trees. He explained that this would prevent the area from being used as a lawn. Vice-Chairman Temple noted that ultimately someone will do something and recommends adding trees and other plantings. Chairman Kaputa agreed with Vice-Chairman Temple's recommendation. Mr. Reynolds stated that they can add shrubs and plantings and will work something out.

Vice-Chairman Temple explained that the soil is going to be saturated for 3-5 months out of the year and will dry out quickly.

Chairman Kaputa stated that, if the area was planted and marked with placards, it would have a much better chance of being respected. Vice-Chairman Temple remarked that he is sure Mr. Mocko and Mr. Reynolds will come up with a good solution that will last at least 20 years.

Chairman Kaputa inquired about the types of trees and plantings that will be placed on the site. Mr. Reynolds stated that some of the plantings would be shrubs. Chairman Kaputa asked Mr. Mocko what type of plantings he would recommend. Mr. Mocko stated that a wildflower mix would work. Secretary McClain stated that it could be a pollinator garden. Mr. Mocko noted that the area could transition nicely toward the conservation easement.

Chairman Kaputa asked Mr. Reynolds to point out the area where the seep is. Mr. Reynolds identified the area and stated that plantings around the conservation easement make sense. He noted that alternative plantings featuring a wild flower mix can replace a manicured lawn. Chairman Kaputa asked Mr. Reynolds to come up with a plan that works.

Commissioner Shea inquired if more drainage onto the existing 594 Main Street residential property will occur. Mr. Reynolds stated that there is no increase in the peak rate of runoff. He explained that they are creating a point of flow and the runoff comes down Foote Road to a large grass field into well-drained soil. Mr. Reynolds noted that they wanted to ensure that the neighbors understand what they were doing. Commissioner Shea brought up the right-to-drain agreement the applicants have in place with the neighbor. Mr. Reynolds stated that it is redundant, but they wanted to make it clear to their neighbors to avoid any confusion.

Chairman Kaputa inquired about the size of the larger conservation easement to the east. He also inquired about the pre- and post-development impervious area numbers. Mr. Reynolds stated that he will provide that information.

Commissioner Davis inquired about the proposed diversion berm and asked how heavily wooded is the area. Mr. Reynolds stated that there are mature trees and the berm is around the trees. He noted that they did not go with a swale because it would injure the trees' root systems. Commissioner Davis remarked that it could be a nice feature.

Secretary McClain recommended the applicants have a maintenance plan for the proposed drainage mitigation measures. She also recommended that the applicants take the necessary steps to ensure that the proposed houses will be positioned for optimal solar use. Mr. Reynolds stated that they will do the best that they can. He noted that there is a predominantly west-facing slope on the property and the house has to be oriented along the contours in order to eliminate drainage problems. Mr. Reynolds remarked that they will take advantage as much as they can. Secretary McClain stated that houses with solar sell for 17 percent higher and added that it is a feature for that buyers are interested in.

Chairman Kaputa thanked the applicants and asked them to address the following:

- Maintenance plan
- Conservation easement plan
- Imperious coverage numbers
- Solar
- Size of the larger conservation easement
- Plantings for along the seep's conservation easement and the septic leaching area on Lot 2

## **II. APPROVAL OF MINUTES - Special Meeting of February 11, 2021**

Commissioner Shea informed the Board that his name was not on the roll call. The record will be corrected. Secretary McClain noted that she recused herself from the first agenda and will not vote on the minutes.

The minutes were accepted as corrected.

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

**Mr. Bruce Bowman of 62 Morgan Drive** introduced himself to the Commissioners and explained that he is asking them to offer advice to the Town Council and Town Manager regarding a proposed timber harvest. Mr. Bowman stated that he voted to preserve Town open space land and not to commercialize it with the removal of healthy timber. He explained that he has no problems with the removal of invasive species or the removal of diseased trees. Mr. Bowman explained that the former MDC land, which is now Town-owned, is a valuable ecological habitat. Mr. Bowman stated that he is concerned about climate change, with deforestation adding to the carbon footprint. Mr. Bowman stated that he read on the Town website that Glastonbury is a sustainable town. He stated that the Town should lead by example and offer residents incentives to plant trees and protect the open space areas. Mr. Bowman stated that the Town of Knoxville, TN pays its residents \$30 to plant a tree. He noted that it will take a generation to regain what is lost from the timber harvest. Mr. Bowman stated that the trees minimize climate change. He also explained that some citizens want to remove downed trees for aesthetic purposes. These downed trees serve a purpose and become a habitat for insects and

other animals. Mr. Bowman stated that Earth Day is on April 22<sup>nd</sup> and it will mark the 51<sup>st</sup> anniversary of the initiative. He stated that he appreciates the work that the Commission is doing. Mr. Bowman reiterated that his concern is about the preservation of Town open space. The Commissioners thanked Mr. Bowman for sharing his concerns.

Mr. Mocko stated that forestry is a science and a sustainable practice. Chairman Kaputa remarked that the Town Council has not come to them for advice. Vice-Chairman Temple inquired if there is direct knowledge that the timber harvest is intended for the MDC property.

Mr. Bowman stated that the location is not specified. He stated that, based on the minutes from the Town Council meeting, the Town Council was in the process of looking for bids for the proposed timber harvest. Mr. Bowman stated that this action is not based on preserving or conserving resources, but based on cash retrievals.

Vice-Chairman Temple inquired if Mr. Bowman wanted to change the regulations, preventing private homeowners from cutting down timber. Mr. Bowman stated that he is drawing the line on Town-owned land and not private land. He stated that he voted for the preservation of Town-owned open space. Mr. Bowman reiterated that he is opposed to a timber harvest on Town-owned open space. Commissioner Parry stated that the clearing of some trees is needed to manage forest lands. Commissioner Davis stated that he agrees with Commissioner Parry's point. He also noted that forest management can be done effectively and responsibly. Commissioner Davis stated that the revenue from the timber might be used for infrastructure.

Secretary McClain remarked that the Town has not asked for their input and added that a lot of good points have been raised. She stated that the Conservation Commission should be involved, and inquired about the protocol. Vice-Chairman Temple suggested reaching out to the Town Manager and have the Commission take on an advisory role.

Mr. Bowman stated that there was no comment on fire risk or invasive species in the Town Council minutes. He noted that what stood out to him was a plan to sell the timber and "cash in." Mr. Bowman stated that the Town should encourage residents to plant up to 3 trees per household and get compensated 30 dollars per tree. He also explained that the world is getting hotter. Mr. Bowman questioned why the Town would tear down timber to make \$40,000. He reiterated that he voted to preserve the Town open space.

Vice-Chairman Temple inquired if the Town has ever forested on public lands. Mr. Mocko replied yes and explained that, instead of letting the red pine die in J.B. Williams Park, it was harvested while it still had value. Secretary McClain noted that it was preemptive, because the trees were diseased and dangerous.

Commissioner Davis stated that forestry is an interesting science and it has come a long way in the last few decades. He stated that he is not saying they always get it right and added that a

specific plan would be put into place by a state forester, as well as through a RFP. Commissioner Parry clarified it would be forestry first, then a RFP.

Mr. Bowman reiterated that, whenever trees are harvested, it will take a generation to recoup the loss. He understands that forestry is a science and questioned whether the timber trees in Glastonbury have to come down at this time. Chairman Kaputa thanked Mr. Bowman for his input. Secretary McClain stated that the Commission should ask the Town Manager to grant them an active role in the discussions.

Chairman Kaputa stated that he will reach out to the Town Manager. He stated that, if there are safety issues, hazardous trees would need to be removed next to the trails. Chairman Kaputa stated that a timber harvest does not address this. He noted that removing diseased trees promote healthier forests. Chairman Kaputa explained that, when trees die, insects and woodpeckers move in. He noted that it is not a bad thing to have dead trees. Chairman Kaputa stated that trees would not be cleared if there were no financial incentive. He brought up an example of diseased hemlock and noted those would not be removed. Chairman Kaputa stated that forest management happens because it is profitable. Commissioner Davis stated that forest management can happen responsibly. Chairman Kaputa inquired why the Town wants to do this and noted that the Town is a not-for-profit.

Commissioner Davis stated that they are not in the business to judge and noted that a responsible professional will be involved. Chairman Kaputa stated that there have not been any indications a scientist will be involved. Commissioner Davis stated that it is still early in the process. Commissioner Hawkins stated that the revenue to be made from the timber harvest should be included in part of the report. Chairman Kaputa remarked that ideally the revenue would be put back into conservation.

Mr. Bowman stated that he did not vote with his tax dollars for a parking lot and voted specifically for open space preservations. He noted that, in the minutes, it was proposed that \$15,000 would cover 100 acres. Mr. Bowman stated there are 1,000 acres of open space land.

Secretary McClain inquired about the motivation for the timber harvest. She questioned if it was for aesthetic purposes or for generating revenue. Vice-Chairman Temple agreed with Secretary McClain's point and added that they should find out. He stated that there are still no trespassing signs at the MDC site, even though the Town owns it. Vice-Chairman Temple stated that at a minimum there should be trails and a parking lot, just like the other open space properties in Town. He stated that they need to know why MDC lands were purchased.

Secretary McClain noted that, in the past, a Commissioner would sit on the open space discussion at the Town Council. Commissioner Davis asked Mr. Bowman which conditions would have to be in place for him to agree. Mr. Bowman stated that he is in favor of hiring an ecological scientist and not a forester. Commissioner Davis noted that foresters are trained in



ecological issues and they should not rule out a forester. Chairman Kaputa stated that the more diverse the viewpoint the better. He asked Mr. Bowman to feel free to keep in touch with the Commission. Mr. Bowman thanked the Commissioners for hearing out his concerns.

**Mr. Richard Eldridge of 108 South Mill Drive** stated that he has the same thoughts as Mr. Bowman. Mr. Eldridge asked the Commission to get involved and noted that they have not seen a proposal and do not know what the forester is being tasked with. Chairman Kaputa stated that he will reach out to the Town Manager.

**Mrs. Elizabeth Eldridge of 108 South Mill Drive** questioned why the Town would propose to take down trees in the Town open space. She recommended that an unbiased ecologist, and not a forester, should make the decision based on what is best for the woods. Mrs. Eldridge stated that financial profit should not be the motivation.

**Mr. Allen Fredrich of 47 Prospect Street** informed the Commission that deer hunters are on the MDC grounds. He stated that he could not believe how many cars were parked. Mr. Fredrich stated that he is concerned about the hunting in the MDC woods. Chairman Kaputa stated that permission is required to hunt. He stated that he will notify the Town Manager and inquire if it is legal to hunt there.

#### **IV. OTHER BUSINESS**

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

Chairman Kaputa stated that the Great Pond Preserve Stewardship Committee requires one member of the Commission. He explained that it is one meeting per year, coming this Wednesday. He noted that he can attend the first one and leave it open for another member to step in later.

The Commissioners discussed gifts for the retired members.

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

Mr. Mocko discussed the format of the packets. It was agreed that hard copies work best for the majority of the Commissioners.

Mr. Mocko stated that the Commission needs to appoint a member for the Salmon River Watershed Partnership. The meetings are quarterly and also include interim meetings with consultants. Commissioner Davis stated that he will consider volunteering and will follow up with Mr. Mocko. Chairman Kaputa thanked Commissioner Davis.

Mr. Mocko informed the Commissioners that Ms. Rebecca Augur was hired to become the Director of Planning and Land Use Services. He stated that there was a press release. The Commissioners did not see the press release.

Mr. Mocko stated that the staff administered wetlands permits were emailed and asked if there were any questions. There were no questions.

Commissioner Davis informed the Commission that he is friends with Mr. Bruce Bowman. He inquired whether he is allowed to have conversations with Mr. Bowman regarding the timber harvest. The Commission agreed that there are no issues concerning such conversations as long as Commissioner Davis speaks on his behalf and not on the behalf of the Commission.

With no other business to discuss, Chairman Kaputa adjourned the meeting at 9:14 P.M.

Respectfully Submitted,

Nadya Yuskaev

**Nadya Yuskaev**

Nadya Yuskaev  
Recording Secretary