

**GLASTONBURY CONSERVATION COMMISSION
(INLAND WETLANDS & WATERCOURSES AGENCY)
REGULAR MEETING OF MINUTES THURSDAY, JUNE 24, 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 – (Dialed in by phone)
Kelsey Hawkins
James Parry – (Technical difficulties, logged in at 6:45)
William Shea

Commission Members- Excused

Brian Davis

Chairman Kaputa called the meeting to order at 6:30 P.M. and explained the public hearing process to the applicants and members of the public.

The application of Carrier Construction, LLC has been postponed.

I. INFORMAL DISCUSSIONS

- 1. Proposed Pickleball Courts Installation at the Riverfront Community Center located at 300 Welles Street – a 64-foot by 136-foot paved play surface (to facilitate 4 individual playing courts) with enclosure fencing and stormwater runoff mitigation measures – Reserved Land and Flood Zone – Daniel A. Pennington, Town Engineer – Lisa Zerio, Director of Parks & Recreation**

Mr. Daniel Pennington, Town Engineer, began the presentation. He informed the Commission that the area has been staked out. Mr. Pennington explained that a pickleball court is similar in design to a tennis court and added that it is a simple project. The pickleball court will measure 64 feet by 136 feet and will be oriented in a north south direction to avoid glare. The grading on-site is 1 percent. A total of 4 courts and an 8-foot chain link fence are proposed. Mr. Pennington explained that they will install an underground conduit, which will allow them to put in any future outdoor lighting at a later date. Underdrain will be put in around the entire perimeter of the courts. The infiltration trench is located in the western part of the site and runoff ends up in the small water quality basin. The basin was designed to accommodate the water quality volume. There is no direct wetlands impact. A portion of the site (0.3 acres) is located in the upland review area. Mr. Pennington highlighted the 150-foot buffer on the screen and pointed to

the flood plain. He explained that they will need to put in fill and excavate 40 cubic yards, which creates flood storage. Mr. Pennington stated that implementing these measures will ensure that they are compliant with the flood zone regulations.

Mr. Pennington explained that there were some constraints in designing the site plan. He pointed to the MDC easement, the water main, and the sanitary sewer system. Mr. Pennington also noted that the former bulk oil facility was remediated in 2013-2014 and is designated as an environmental land use restriction area; he said that they cannot disturb that land area. Mr. Pennington reiterated that it is a straightforward and simple construction project. He noted that another physical constraint is the walking path and grass area, which is associated with the Apple Harvest Festival. Mr. Pennington mentioned that they have provided a co-authored memorandum that includes information about pickleball. The presentation was concluded.

Vice-Chairman Temple asked if they have considered the prior issue of erosion near the Boathouse. Mr. Pennington explained that they used geotechnical reports and noted that subsequent remediation was done at the Boathouse. He said that if the Commission allows them to proceed, they would then verify the results. Mr. Pennington explained that the area of excavation is only 40 cubic yards and they do not foresee any issues. Vice-Chairman Temple recommended that the excavated area is clearly staked out. He explained that staking out the area would ensure contractors know the limits and do not go over and excavate a larger area than permitted. Mr. Pennington agreed to the recommendation.

Chairman Kaputa remarked that he did not have time to visit the site. He inquired about the area of the proposed basin and what is there. Mr. Pennington replied that there are just weeds and no trees whatsoever. Chairman Kaputa noted that he will check out the area this week. Mr. Mocko explained the area is herbaceous and contains sumac and bittersweet vine. He noted that there is very little woody vegetation in that area. Chairman Kaputa remarked that it is just a court that is being proposed. Mr. Pennington replied yes, and explained that they will use the existing paved parking and access drive. There is no need for additional surface in this case.

Chairman Kaputa asked Ms. Zerio, Director of Parks & Recreation, about the lighted courts. Ms. Zerio explained that many community members expressed interest in pickleball courts. She noted that the town of Cheshire does not have lights on their courts. However, they are planning on installing them. Old Saybrook will install lights and will also add more courts. West Hartford has already renovated their existing courts and has lighting. Simsbury has renovated courts and has lighting as well. Ms. Zerio noted that some towns do not have lighting, and game play is limited to day light hours. She explained that down the road, they will put in lighting. The underground conduit makes the installation of lighting possible in the future. Chairman Kaputa inquired why the lights would not be added right away. Ms. Zerio stated that it is a funding issue and the lighting costs about \$60,000 to \$90,000. Chairman Kaputa noted that the price seems very high. He inquired if the estimate includes both power and the conduit. Ms. Zerio replied that the estimate is for both. She noted that these were just informal quotes.

Chairman Kaputa asked Mr. Pennington if the proposal would come back to the Commission if lights were added. Mr. Pennington replied yes, because the lights are in a regulated area.

Chairman Kaputa asked Mr. Mocko if he agrees with this. Mr. Mocko replied no. He noted that activities in the upland review area can be approved by a staff administered permit. Mr. Mocko explained that this application was brought before the Commission to determine if they are comfortable granting a staff administered wetlands permit. He noted that it is his preference, and Mr. Pennington's preference to proceed with granting a staff administered wetlands permit.

Vice-Chairman Temple asked where the trenching would be put in. Mr. Pennington pointed to the dotted line that is located in the western part of the site, situated between the water quality basin and court. Vice-Chairman Temple remarked that, in this scenario, the Commission can select an agency approval rather than going through a full hearing.

Secretary McClain explained that there is a concern for light spillage into the wetlands area. She said that there will be an impact to wildlife. Secretary McClain remarked that she has passed by the baseball field and noticed that the lights were still on way past the time they were supposed to be shut off. Secretary McClain noted that there are concerns with the lighting, but added that she is not in disagreement about issuing a staff administered wetlands permit. Vice-Chairman Temple asked Secretary McClain if she is asking for a lighting plan. Secretary McClain replied yes. Vice-Chairman Temple agreed with the suggestion and added that the plan would ensure that there is very little light spillage. Chairman Kaputa remarked that it would be a separate proposal. Mr. Pennington stated that they would provide specific information and the lighting would be night sky-compliant. Secretary McClain commented that she has no doubt it will be the case. She noted that it is necessary to look at the lighting plan before approval. She explained that they are cautious and want to avoid cases where a developer might cite the example of the Town being exempt from a lighting plan. Mr. Pennington agreed with Secretary McClain and added that the Town will not object to the lighting plan.

Commissioner Parry inquired about the other uses for the proposed pickleball court. He noted that there is a possibility in 10-years that the game would lose interest and appeal. Mr. Pennington explained that it is a hybrid type facility. Ms. Zerio explained that the pickleball courts can easily be turned into tennis courts or paddleball courts. She noted that pickleball is a combination of different racquet sports. Ms. Zerio explained that the game developed in 1965 and has now exploded across the country, mainly in the age demographic of 55 and older. This age demographic might gravitate to pickleball because it is less strenuous than tennis. Ms. Zerio noted that children also play the sport with their grandparents and it is offered at the Riverfront Community Center.

Commissioner Shea inquired if the gate will be open or locked. Ms. Zerio said that the courts would be open. They would be locked only during maintenance use. Commissioner Shea inquired if the Town will provide equipment. Ms. Zerio explained that equipment is provided to the seniors of the Riverfront Community. All others would have to bring their own equipment.

Vice-Chairman Temple inquired about the lighting schedule and the shut down time. Ms. Zerio explained that she has access to shutting off the lights and can do it remotely from her computer. She said that 9:00pm or 10:00pm would be the typical shut-off time. Ms. Zerio noted that the shut off time would be the same as the basketball courts.

Chairman Kaputa asked the Commissioners for their thoughts on the issuance of a staff administered wetlands permit. Commissioner Parry said that he is fine with issuing a staff administered permit. Commissioner Shea was also in agreement. Secretary McClain noted that she is in agreement, but reiterated the concerns about the light spillage. Chairman Kaputa explained that lighting is a separate issue and it would go to Mr. Mocko for review/ approval. Vice-Chairman Temple and Commissioner Hawkins agreed with Secretary McClain's point.

Mr. Pennington asked if they need a permit/ recommendation for TPZ because the project is in the flood zone. Mr. Mocko stated that it is not necessary and explained that the Conservation Commission makes recommendations on all proposed land uses. He noted that he can come up with a motion for a favorable recommendation on the spot. Mr. Mocko read out the wording.

Motion by: Vice-Chairman Temple

Seconded by: Commissioner Parry

MOVED, that the Conservation Commission recommends to the Town Plan & Zoning Commission approval of a Flood Zone Special Permit for the proposed pickleball courts at the Riverfront Community Center, at 300 Welles Street.

The Commissioners thanked Mr. Mocko for drafting a motion for a favorable recommendation on the spot.

Chairman Kaputa noted that the Commissioners would like to see the lighting plan before a staff-administered wetlands permit is granted.

There were no public comments.

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

II. FORMAL ACTION & RECOMMENDATION - POSTPONED

- 1. Application of Carrier Construction, LLC (c/o Gino Carrier, President) for: an inland wetlands and watercourses permit; and a recommendation to the Town Plan & Zoning Commission concerning final subdivision approval – proposed 7-lot Subdivision of 1040 Main Street – 7 frontage lots and some 650 feet of road construction on 9.3 acres – Residence AA Zone and Groundwater Protection (overlay) Zone 1 – Alter & Pearson, LLC – Davison Environmental, Soil and Wetland Scientist and Wildlife Biologist – Wolff Engineering, C.E.**

Mr. Mocko remarked that the applicants understand the problem and did the right thing by postponing the application.

Commissioner Shea inquired why the application was postponed.

Vice-Chairman Temple explained that the applicants failed to meet the definition of clean fill. The applicants claimed that there were no pesticides on-site and only ran 1 out of the 2 soil tests.

The applicants conducted a direct exposure test, which rightfully claimed that the pollutants were below the acceptable levels. Vice-Chairman Temple explained that typically lead and arsenic levels are in the range of 10-20 parts per million. In this case, the arsenic and lead levels were 40-80 parts per million, which is concerning. Vice-Chairman Temple explained that it is concerning because the applicants propose to remove 55,000 cubic yards of the soil with elevated arsenic and lead levels off-site. This pollutant mobility might cause the lead and arsenic to leach into ground water sources. Vice-Chairman Temple noted that the applicants never ran the pollutant mobility test.

Commissioner Shea wanted to confirm that the applicants were planning to take the fill off-site and place it elsewhere. Vice-Chairman Temple replied correct and noted that they can place the fill anywhere. Secretary McClain thanked the Vice-Chairman for his remarkable discovery.

Commissioner Parry inquired about the status of the application. Mr. Mocko explained that Vice-Chairman Temple has agreed to meet with the applicants next week. They can convince them to run more testing and conduct a pollutant mobility test.

Vice-Chairman Temple explained that, if the fill was left on-site, it would be perfectly acceptable. Moving the fill to another area presents concerns. He noted that the applicants may not be aware of the potential problems. Commissioner Parry thanked Vice-Chairman Temple for noticing the issue.

III. APPROVAL OF MINUTES- Regular Meeting of June 10, 2021

The minutes were accepted as presented.

IV. COMMENTS BY CITIZENS ON NON-AGENDA ITEMS - NONE

V. OTHER BUSINESS

1. Chairman's Report

Chairman Kaputa asked the Commissioners if they received the link to the ethics video. The Commissioners replied yes. Commissioner Parry replied yes and noted that he has now watched the same video for the 4th time. Chairman Kaputa asked the rest of the Commissioners to let him know once they have watched it so he can check them off the list.

2. Environmental Planner's Report

Mr. Mocko informed the Commission that Glynis has emailed the staff-administered wetlands approvals.

Chairman Kaputa inquired if the application on East Lake Shore is on the lake side. Mr. Mocko replied yes. He explained that the homeowner has 2 lots and is trying to expand yard usage. The drainage will occur furthest away from the lake. The applicant is planning on installing a

retaining wall, as well as having minor regrading done on the property. Mr. Mocko explained that the homeowners are elderly and are concerned about tripping hazards.

Chairman Kaputa asked how close the yard is to the lake. Mr. Mocko replied 25 feet. He explained that there will be no tree removals, just removal of underbrush. Mr. Mocko noted that the homeowners are not putting in lawn and plan to eliminate the tripping hazards. The homeowners want to keep the area natural. Chairman Kaputa remarked that his main concern for the application on East Lake Shore is the possibility of chemicals seeping into the lake if a lawn is put in. Mr. Mocko explained that homeowners cannot be prevented from having a lawn. He added that lawns are customary uses for properties. Mr. Mocko explained that he believes the applicant to be an environmentally oriented person. The project is mainly underbrush removal. Chairman Kaputa thanked Mr. Mocko for the explanation.

Mr. Mocko informed the Commission that the next meeting is planned for July 15, 2021. He suggested moving the meeting to July 22, and calling it a special meeting. Mr. Mocko explained that moving the date would give the applicants at 1040 Main Street more time to conduct testing. Commissioner Parry remarked that the 22nd works better for him. The Commissioners were in agreement to moving the next meeting to July 22, 2021.

Commissioner Hawkins gave an update on the gift for the retired Commissioners.

With no other business to discuss, Chairman Kaputa adjourned the meeting at 7:24 P.M.

Respectfully Submitted,

Nadya Yuskaev

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Recording Secretary