

**GLASTONBURY CONSERVATION COMMISSION
(INLAND WETLANDS & WATERCOURSES AGENCY)
AMENDED SPECIAL MEETING MINUTES THURSDAY, JULY 22, 2021**

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

ROLL CALL

Commission Members-Present

Frank Kaputa, Chairman
Mark Temple, Vice-Chairman
Kim McClain, Secretary (Logged in 6:31 PM)
Kelsey Hawkins
James Parry- (Dialed in by phone)

Commission Members- Excused

Brian Davis
William Shea

Chairman Kaputa called the meeting to order at 6:31 P.M. and explained the public hearing process to the applicants and members of the public.

I. FORMAL ACTIONS & RECOMMENDATIONS

- 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. – GEI Consultants, Inc.**

Attorney Meghan Hope of Alter & Pearson, LLC began the presentation for her client, Carrier Construction. She noted that two other panelists will be presenting. Attorney Hope outlined that the application is for a 7-lot subdivision located in the Residence AA Zone and Groundwater Protection Zone 1. She explained that the site is located at 1040 Main Street. The Lakewood Drive Open Space is adjacent to the site to the east, Saint Augustine's Church is located to the south of the site, and the Southgate Condominiums are across Main Street, to the west. Attorney Hope said that the site is a little over 9 acres in size. She noted the 100-foot elevation on Main Street; the slope rises to a 150-foot elevation and dips to a 120-foot elevation further east on the site. Attorney Hope stated that the site is currently woodlands with overgrown brush near and within the wetlands. Attorney Hope displayed the locations of the wetlands and vernal pool. She noted that the wetlands make up 0.66 acres of the site and were flagged by Mr. Eric Davison, Soils and Wetlands Scientist and Wildlife Biologist.

Attorney Hope explained that the biggest change they made was reducing the number of lots from 8 to 7. She noted that they will plant arborvitae near lot 4 to demarcate the conservation/wetlands area and provide a buffer to the vernal pool. A sidewalk is proposed on the southerly side of the new street which will connect to Main Street. The proposed lots will utilize public water and sewer. The site requires mass regrading and the removal of 31,000 cubic yards of material for the construction of the road. An additional 17,000 cubic yards of material will be removed from the remainder of the site. Attorney Hope explained that they have expanded the conservation easement to include a greater buffer around the vernal pool. Approximately 0.5 acre was added to the conservation easement making the total area 1.77 acres. She explained that a public access easement across Lots 3 and 4 will provide access to the Lakewood Open Space area.

Attorney Hope stated that they have provided a draft agreement dictating how the easement will be maintained. The owners of lots 3 and 4 will be charged with making sure that the 5-foot-wide wood chip path will not be blocked off. She explained that the document is a starting point and can be amended if the Commission has concerns or suggestions. Attorney Hope said that the more the path is used, the more the brush will be kept back.

Attorney Hope noted that Mr. Ron Wolff will go over the culvert replacement plan. She explained that the debris will be removed. Attorney Hope noted that she reached out to Father Mark and it was reported that St. Augustine's Church is not interested in selling any portion of the property. The email exchange was added as part of the application materials. Attorney Hope noted that they hired GEI Consultants to carry out a geological assessment of the geological features found on the site. The detailed findings were included in the application materials. She stated that, based on field observations, soil testing, historical and topographical photos, and aerial maps, it was concluded that there is no evidence of an esker or other significant geological features. Attorney Hope explained that they have conducted additional soil testing based on the recommendation of Vice-Chairman Temple. The findings are included in the application materials. There were some SPLP lead levels present, but were below the limits.

Mr. Eric Davison, Wetland Scientist and Wildlife Biologist, began his presentation. He explained that there is a single wetlands system on site, with a southern lobe and a northern lobe separated by a culvert crossing. The vernal pool is located in the southeast portion of the site and is seasonally flooded 3 to 5 months of the year. The more natural wetlands are located in the northwest corner of the site. Only one vernal pool indicator species was found (wood frog). Mr. Davison noted that it is not an overly productive pool, with just 38 egg masses found this past spring. Measures to support the vernal pool habitat will be implemented. These include surrounding forest cover and the forest located east of the site will remain. A 100-foot protection zone around vernal pool is critical to preserve and maintain the hydrology of the pool which benefits young amphibians and full-fledged frogs. The proposed arborvitae will serve to protect the vernal pool habitat.

Mr. Davison noted that the vernal pool was likely created from excavations. Mr. Davison noted that the culvert is in complete disrepair and has iron staining. He explained that debris and the

collapsed culvert have restricted the flow. Mr. Davison said that it will be an improvement to replace the culvert and noted that there should be no more clogs.

Mr. Ron Wolff, Professional Engineer began his presentation. He recapped that the site is comprised of 9.33 acres, is in Residence AA zone, and the surveying was done by a licensed land surveyor. The property is wooded and sloped, the lowest point is the northeast portion of the site. There are two wetlands areas comprising of approximately 20,000 square feet. The easterly portion of the site was used as a gravel bank. Mr. Wolff pointed out the right-of-way access, the drainage easement that is in favor of the Town, and the sanitary sewer manhole that is also in favor the Town. Mr. Wolff explained that they are proposing 7 lots, ranging from 31,000 square feet to 100,000 square feet in size. A 22-foot wide, 650-foot-long public road is proposed that is in accordance with the Town of Glastonbury standards. They have received DOT approval for the roadway's entrance onto Main Street/Route 17. The stormwater will flow easterly to the proposed detention basin. There will be a zero increase in the peak discharge rates for all storm events. The detention basin is separated into 2 compartments. The runoff first enters the forebay which filters out the courser sediment. The runoff is then directed into the second chamber, and released to the adjacent wetlands at controlled discharge rates. The underdrain in the basin is designed to drain out the remaining runoff in a 48-hour period. Mr. Wolff explained that the stormwater system has an adjustable valve which allows to fine tune the rate of release if needed.

Mr. Wolff recapped that they are proposing a 5-foot wide foot path composed of wood chips through the conservation easement area. They will replace the damaged culvert; the details have been provided in the application packet. The plan includes additional species of proposed street trees to plant based upon the trees currently on the site. Sugar maples, pin oaks, and scarlet oaks were a few of the tree species that were mentioned. Mr. Wolff explained that the sedimentation and erosion controls are first, associated with the construction of the road. After the road is largely constructed and the disturbed soils are stabilized, then an erosion and sediment control plan is specifically implemented for the house lot construction. Mr. Wolff added that another revision to the plan includes the addition of the green giant arborvitae trees near lot 4. Grass seed mixtures will be applied to stabilize the slopes. Mr. Wolff reiterated that the lots have been reduced to 7 to provide more of a buffer.

Attorney Hope recapped that the site is located in Plan of Conservation & Development's Planned Area 5 in South Glastonbury's Center. She explained that they have complied with the Town guidelines, adhering to the policy of preserving large tracks of land or open space. Attorney Hope reiterated that they will protect the wetlands, extend the conservation easement area, and will implement measures to protect the vernal pool. She remarked that she is happy to answer any questions.

Chairman Kaputa noted that the applicants covered the check list established by the Conservation Commission at their informal review, and added that the lot reduction was nice. Vice-Chairman Temple inquired how long it would take to complete the road. Attorney Hope explained that her client, Mr. Gino Carrier, and his brother do the site work that includes digging and removing. She estimated that it would take 4 months to remove the excess soil material. They have found 2 locations that will take the material and process it.

Vice-Chairman Temple noted that some of the construction will be done during the dry season. He inquired about the dust control measures. Mr. Wolff explained that the use of a water wagon and a truck with a sprinkler is one dust control measure. The other method involves the use of a calcium application, spreading it out by hand to keep the dust down. Vice-Chairman Temple noted that in the Dufford's Landing approval the use of dust control agents (calcium) was prohibited. He noted that the road will be 650 feet long and the goal would be to complete it as quickly as possible. Vice-Chairman Temple asked Mr. Mocko his thoughts.

Mr. Mocko explained that the use of calcium chloride is less of a concern on properties with no water wells. He noted that the application of salt for de-icing the road is more concerning. Mr. Mocko reiterated that the use of calcium chloride is acceptable use for houses with no individual wells. Vice-Chairman Temple remarked that he is happy with that response. He recommended that the Town should be notified about the method of dust control that will be implemented.

Vice-Chairman Temple also recommended that the re-fueling of heavy equipment be facilitated by a fuel truck sent to the site. He also suggested that the applicants notify the Town if a fuel tank will be kept on-site. Mr. Mocko explained that if a double-walled fuel tank is utilized, a permit from the Fire Marshal is required.

Chairman Kaputa inquired about the impervious calculations. Mr. Wolff replied that he will look for the numbers during the meeting

Commissioner Parry asked Mr. Mocko about the erosion controls on site, and what can be added to the site plans to mitigate the effects of the extra rainfall. Mr. Mocko explained that no erosion control is going to hold off the 12 inches of rain that has occurred in Town since July 1. He recommended phasing the project into small patches, opening up small areas of disturbance at a time and stabilizing before opening up a new area. The length of the road makes working in small patches nearly impossible and a better strategy might be doing it all at once as quickly as possible. Mr. Mocko explained that silt fences and hay bales combined with erosion controls going up the hill every 50 to 75 feet will ensure a better outcome. He noted that each project is site specific. Commissioner Parry remarked that he is not surprised to hear that and thanked Mr. Mocko.

Mr. Wolff announced that he has found the impervious coverage numbers. The road totals are 19,900 square feet, the driveway totals are 15,160 square feet, and the roof totals are 14,000 square feet. The total impervious coverage for the site is 49,060 square feet (12% impervious). Chairman Kaputa asked Vice-Chairman Temple if the numbers are acceptable. Vice-Chairman Temple replied yes. He also added that he would like to thank Attorney Hope and the applicants for conducting further test pits and soils analysis. Vice-Chairman Temple noted that test pit 3 had some lead levels, but it is not concerning because the soils will be blended together and the number will be less than the pollutant mobility number. Vice-Chairman Temple reiterated his thanks on the record. Chairman Kaputa thanked the applicants for taking the time to conduct the extra testing.

Mr. Wolff stated that there will be no on-site fuel storage. The fuel will be delivered.

Secretary McClain thanked the applicants for reaching out to the Church. Attorney Hope said that they reached out to the neighboring properties, including the Southgate Condominiums.

Commissioner Hawkins inquired what type of wood chips would be used for the walking path. Mr. Wolff said that native wood chips from the site would be used. He noted that there will be an extra stock pile available. Chairman Kaputa remarked that the wood chips would mostly consist of oak and maple. Mr. Wolff concurred.

Vice-Chairman Temple asked who would maintain the wood railing. Attorney Hope explained that it is a split rail fence located near lot 3. She said that she can put that in the easement agreement. Vice-Chairman Temple agreed that the maintenance of the split rail fence should be included in the easement agreement. He noted that it could be a safety issue and commented that wood is prone to damage.

Mrs. Patricia Manfredi of 1044 Main Street stated that she met with Attorney Hope and Mr. Gino Carrier. She informed the Commission that there is a deer population and inquired if the arborvitae is the best choice. Mrs. Manfredi noted that her house was built in 1760. She explained that she has questions related to traffic but is not sure the issue is in the Commission's purview. Chairman Kaputa explained that the green giant variety of arborvitae is somewhat deer resistant. Attorney Hope asked Mr. Davison if he can confirm this. Mr. Davison replied that green giant variety is deer resistant.

Mrs. Manfredi is concerned about water going into her driveway and asked where it would be diverted to. Mr. Wolff explained that the water would flow to the east and to the detention basin, away from Mrs. Manfredi's property.

Motion by: Secretary McClain

Seconded by: Commissioner Parry

MOVED, that the Inland Wetlands and Watercourses Agency issues an inland wetlands and watercourses permit to Carrier Construction, LLC for culvert replacement between two wetland areas, a stormwater management structure within the upland review area and its subsequent discharges into the wetlands, and portions of road construction and house lot development within the upland review area for the proposed 7-lot subdivision at 1040 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 Town Engineer's memorandum, dated June 15, 2021.
2. The optimal seeding dates (from whenever the snow melts until May 15) and optimal seeding depth (between 1 to 1.5 inches) shall be added to the subdivision site plans where the warm season grass mix appears within the submitted plans.
3. The subdivision's site plans shall be revised prior to any filing on the land records to indicate and require three-foot deep catch basin sumps in order to provide enhanced sediment removal.

4. 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.
5. 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 utilizing best management practices for integrated pest management; and
 - c. The developer agrees to recite these conditions in the deed to the individual property(ies).
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. Except for the construction activities of the detention ponds and storm drainage system, earthen material shall not be stockpiled in regulated areas. Stockpiles shall be mulched, temporarily seeded or otherwise protected.
9. Plot plans developed for building permits shall not exceed encroachment into the regulated areas beyond that indicated on the previously cited plans.
10. 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. If the Permittee sells individual building lots to other builders, the Permittee shall thoroughly review all conditions of this permit with the buyer, and the buyer shall consult with the Environmental Planner before the buyer commences any work on the site.
11. Prior to the issuance of a Certificate of Occupancy, certification from a professional engineer shall be required confirming that the stormwater management system was constructed in conformance with the approved design.

Result: Motion passes unanimously. (5-0-0)

Motion by: Secretary McClain

Seconded by: Commissioner Parry

MOVED, that the Conservation Commission recommends to the Town Plan & Zoning Commission subdivision approval of Carrier Construction, LLC's proposed 7-lot subdivision of 1040 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 Town Engineer's memorandum, dated June 15, 2021.
2. The optimal seeding dates (from whenever the snow melts until May 15) and optimal seeding depth (between 1 to 1.5 inches) shall be added to the subdivision site plans where the warm season grass mix appears within the submitted plans.
3. The subdivision's site plans shall be revised prior to any filing on the land records to indicate and require three-foot deep catch basin sumps in order to provide enhanced sediment removal.
4. 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.

5. 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 utilizing best management practices for integrated pest management; and
 - c. The developer agrees to recite these conditions in the deed to the individual property(ies).
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. The plot plan required for building permit application shall contain and comply with these conditions of approval. If construction including limits of clearing is proposed in areas other than the indicated locations on these plans, the Office of Community Development shall be notified and the Office of Community Development and the Chairman of the Town Plan and Zoning Commission are hereby authorized to approve or deny the alternative. Each plot plan shall indicate the limits of vegetative clearing, existing and proposed contours, soil erosion and sediment controls, all subsurface drainage, all stockpile areas, and temporary and permanent vegetative stabilization measures, including details of seedbed preparation, seed

mix selection, application rates, seeding dates and mulching requirements. Vegetative clearing for stockpiling shall be minimized and subject to the approval of the Environmental Planner.

10. 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.
11. Underground fuel storage tanks shall be prohibited to reduce the potential of contamination to wetlands, watercourses, and groundwater resources.
12. 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.
13. The Town's Office of Community Development shall be notified of any dust control agents to be applied to the land surface.
14. The deed to lot 3 shall clearly state the landowner's responsibility to maintain the proposed split rail fence along the walking path.

Chairman Kaputa stated that that he had consulted with former Vice-Chairman Dennis McInerney, a Geologist, about the geological formations on the site. Based on the site visit, it is likely that the geological formation is a kame. The feature is interesting, but not significant or unique enough to preserve.

Mr. Mocko asked the Commissioners if they wanted to include conditions 13 (dust control measures) and 14 (maintenance of the split rail fence).

The Commissioners agreed. The Commissioner who made the motion and the Commissioner who seconded it agreed to adding conditions 13 and 14.

Result: Motion passes unanimously. (5-0-0)

- 1. Application of James D. Jusko for: an inland wetlands and watercourses permit to construct an outlet channel from a farm pond (to be constructed) to an existing watercourse and to remove existing culverts (beneath a driveway turnaround) within said watercourse and re-establish a stable section of watercourse; a declaratory ruling that the proposed 0.65-acre farm irrigation pond is permitted as of right; and to modify an existing conservation easement agreement in order to allow a proposed 12-foot-wide grassed farm road to be established, used and maintained to cross a 50-foot wide conservation easement area – 14.5 acres of residential and farmland property at 150 Chatham Hill Road – Clint Webb & Associates, LLC, Environmental Consulting – Clark Land Surveying, LLC – Rich Snarski, New England Environmental Services, Soil Scientist – Sebastian Amenta, P.E.**

Mr. Clint Webb, Senior Environmental Planner of Clint Webb & Associates, LLC began his presentation. Mr. Webb said that the pond's proposed outlet channel will be the focus of the application and presentation. He explained that, once the farm pond is constructed, they will stabilize the outlet and the flow will be directed to Matson Hill Road. He explained that they aim to create a defined channel near the edge of the Donnelly property. Mr. Webb noted that some of the work was done last fall. It included clean up and debris removal. The channel will be stabilized with native stone. Mr. Webb noted that some of the work did not have a permit, which includes illegally installed culverts, and a turnaround that was added by a previous homeowner. This will be removed and the area will be restored. Mr. Webb added that the wetlands flow into the stream. He noted that it is pretty close to being a perennial stream, especially with the increased rain levels. They are proposing to line the 2-foot-wide channel bottom with stone, instead of allowing a narrower, deeply incised channel to form. Mr. Webb explained that the flows are not significant and he referenced Mr. Amenta's previously submitted hydrology report. They propose to plant wetland vegetation and a wetland seed mix on each side of the bank. The result will be a dense and herbaceous planting that will hold up fairly well to storm flows. They plan to plant shrubs on the remaining wetlands boundary which will stabilize the area and provide wildlife habitat. Mr. Webb remarked that, listening to the previous application, wood chip berms really work well during storms. He noted that the wood chip berm they put in held up; the area never eroded.

Chairman Kaputa asked Mr. Mocko and Vice-Chairman Temple if the channel sides should be reinforced with riprap. He also inquired if the seed mix and selected plantings would hold up during the drought season. Mr. Webb noted that the plants are not really dead. He explained that they are perennial plants and the root mass survives. Mr. Webb said that it is not about the amount of plants, but it is the root mass that provides stabilization. Vice-Chairman Temple remarked that Mr. Webb provided a pretty good answer. Chairman Kaputa questioned if the root mass was enough to keep the soil in place.

Mr. Mocko explained that the channel bottom is wider and lined with native stone, so the erosive velocities should be minimized. Mr. Mocko explained that, if any erosion does occur, and the seeds do not stabilize as planned, rock materials can be utilized in any problem areas.

Mr. Webb explained that the pond serves to attenuate storm flows. He noted that had the pond been in place before the heavy July rains, it would have held back or stored the increased runoff. Mr. Webb also noted that the seeds will be planted in good soil that is compacted and fertilized. Mr. Webb added that the application of a seeded mat will also be beneficial. Mr. Mocko explained that it is best if the seed was planted at a depth below the soil and then laying down the erosion control mat. Mr. Webb replied that it is exactly right. He noted that he should have described it as such. Mr. Webb commented that is how it is done in DOT projects.

Commissioner Parry remarked that he has visited the site on Sunday, July 11th and noticed the failure of the wood chip berms. He explained that the flooding effects will be remediated once the pond is built. Mr. Webb explained that the culvert was completely clogged with debris. Commissioner Parry noted that they discussed the need to eliminate the culvert at the last

meeting. Commissioner Parry said that, once the culverts are removed, the area will be stabilized. Mr. Webb agreed and added that the pond is designed to capture the flow.

Commissioner Parry noted the applicants are on top of the erosion and sedimentation controls. He remarked that 80 percent of the controls are already reestablished. Mr. Webb explained that Mr. Paul Gondek, the General Contractor, is very reliable. Vice-Chairman Temple remarked that there is a maximum pumping rate for ponds during a 24-hour period. Mr. Webb explained that they do not have a permanent pump installed. He noted that the hybrid apple trees have a shallow root system that require an irrigation system. Mr. Webb explained that, based on his discussion with Mr. Bussa, it will take 2 days to irrigate. Sixteen hours are needed and the breakdown will be 8 hours each day. They plan to irrigate in the warm months once every 2 weeks.

Vice-Chairman Temple inquired about the flow rate. Mr. Webb explained that the pipes are 2 inches in diameter, and narrow to a 1 inch feed, then reduced to drip irrigation. He noted that there are 400 trees right now and added that there is more than adequate water in the small pond. Vice-Chairman Temple explained that the Connecticut statute prohibits pumping more than 50,000 gallons in one day without having a water diversion permit. Mr. Webb remarked that he understands. He noted that the pump would not run unattended and that daily withdrawals would not come close to exceeding 50,000 gallons per day.

Chairman Kaputa noted that Mr. Mocko sent an email at 5:57 pm today. He asked Mr. Mocko to provide a summary. Mr. Mocko explained that the research of the meeting minutes for the Belle Vista subdivision, which created Chatham Hill Road and the accompanying lots, provide no reasons for the creation of the conservation area. The subdivision deeds were processed on May 13, 1996. The easement documents were prepared by an attorney and an engineering firm that represented the subdivision's applicant. The conservation easement strip in question was filed 2 years later on May 18, 1998 by different consultants than the earlier subdivision and its assigned easements. Mr. Mocko speculated that one of the buyers from 90 and 92 Belltown Road probably asked the property owner, Mrs. Anagnos, to establish an easement in 1998 for the purpose of preventing any extension of Chatham Hill Road and/or allow driveway access up from Matson Hill Road.

Mr. Mocko explained that he came up with a motion to modify the existing easement's agreement. He noted that certain utilities can be considered and allowed as stated within the agreement's exceptions section. Mr. Mocko read his suggested re-wording of the easement agreement. It will be added to the motion if the Commission concurs.

Commissioner Parry noted that a concern was the use of "haul road". He explained that replacing "haul road" with "orchard access path" makes it a permanent, accepted use. Commissioner Parry added that the motion is spot on. Mr. Webb explained that a haul road would hold up better because it would consist of gravel. A farm road is a dirt road, with soil and grass. The farm tractors on site are pretty small and light and the gravel would be put in temporarily. Mr. Webb noted that the contractors will replace or repair the fallen stone walls if necessary.

Commissioner Parry noticed two gaps in the stone wall, one on the western side near the proposed road, and another on the eastern end near the large oak tree. He asked if this restoration should be included in the motion. Chairman Kaputa stated that he agrees with this and noted that it was discussed during the last meeting. He also noted that he spoke with former Chairman Judy Harper, and she does not have any recollection. Chairman Kaputa said that the conservation easement was given to the Town with the purpose of preventing a road or a driveway, and to ensure fewer building lots. He explained that the application is not proposing any building lots, and the area will get a farm pond and an orchard. Chairman Kaputa asked Mr. Mocko if the word “natural state” can be applied to an orchard. He explained that it might have to be spelled out as an exception. Commissioner Parry explained that, in this case, agricultural state is the same as natural state. Chairman Kaputa asked Mr. Mocko for his thoughts.

Mr. Mocko explained that the term “natural state” has been consistently used and since the establishment of the conservation easement, the property was originally an orchard. He remarked that he likes the suggestion of “agricultural state”. Chairman Kaputa asked how it would work. Mr. Mocko suggested changing “natural state” to “agricultural state”.

Vice-Chairman Temple reminded the Commission that he missed the first meeting. He agrees with Commissioner Parry’s suggestion of adding the restoration of the stone walls to the motion.

Chairman Kaputa asked Mr. Webb about the conservation easement that was promised to the Town. Mr. Webb explained that the landowner and applicant were not consulted about that location. He suggested that he might have been overly generous and leaves it up to the Commission to decide on a parcel. Chairman Kaputa explained that the Wetlands Agency has been overly generous despite the violations that have occurred. Mr. Webb explained that the client took it off because he was not consulted. He noted that the applicants did overstep and there should be some restitution. Mr. Webb stated that he leaves the decision to the Commissioners.

Chairman Kaputa noted that there were wetlands violations, and pointed out that the applicants want something from the Commission. He explained that the deal they came up with at the last meeting was fair and he is surprised and disappointed to see the conservation easement removed. Chairman Kaputa explained that the land designated as a conservation easement will remain natural.

Mr. Webb explained that they would want to conduct routine maintenance. Secretary McClain suggested tabling the application until Mr. Webb is given permission from the applicant/land owner. Chairman Kaputa explained that at the last meeting there was an agreement in place. He stated that it is the best option to accept the original conservation easement that was already agreed to. Mr. Webb offered that, for the sake of simplicity, it is best to give back the original area.

Chairman Kaputa noted that there is a valid concern regarding the invasive plants. Mr. Webb stated that no machines will be used to remove the invasive plants.

Chairman Kaputa asked Mr. Webb if he is in agreement about gifting the Town the original conservation easement, as was agreed at the last meeting. Mr. Webb replied yes and added that they can do it now.

Commissioner Parry inquired if a condition of approval should be added regarding the removal of invasive species. Mr. Webb explained that the owner wants the right to walk into the easement and remove the invasive plants. Mr. Mocko remarked that condition 5 covers it and noted that it describes a trapezoidal conservation easement.

Mr. Webb read out the linear dimensions. The eastern boundary measures 167.30 feet, the northern tip is 25 feet, the western boundary measures 180.7 feet, and the southern border measures 80.00 feet. Vice-Chairman Temple asked if there was a visual that he can view. Commissioner Parry said that the conservation easement measures 8,773 square feet. He added that he just emailed the site plans from the June 10, 2021 meeting to Vice-Chairman Temple. Vice-Chairman Temple thanked Commissioner Parry and noted that he is on board.

(There were no public comments.)

Motion by: Secretary McClain

Seconded by: Commissioner Hawkins

MOVED, that the Inland Wetlands and Watercourses Agency grants an inland wetlands and watercourses permit to James D. Jusko for the creation of a stable outlet channel from the proposed farm pond to the existing downgradient watercourse, and to remove the existing culverts further downstream and re-stabilize the restored watercourse channel and streambanks at 150 Chatham Hill Road, in accordance with plans on file in the Office of Community Development, and in compliance with the following conditions:

1. All disturbed wetland and soil areas shall be stabilized with vegetation as indicated on the submitted plans. Disturbed soil areas shall be seeded as soon as practicable after August 15, 2021 in order to minimize soil erosion and sediment transport.
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. Material shall not be stockpiled in wetland areas.
4. Tree stumps shall not be buried at the site.

5. A private conservation easement shall be established as directed by the Wetlands Agency 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 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 Environmental Planner, 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 galvanized nails, with the nails left protruding from the tree trunks about 1-1/2". Where no trees are suitable 7 foot metal posts with easement signs attached shall be used. Such placement of signs shall be performed prior to land-clearing or earth-moving activities and notice shall be provided to the Environmental Planner upon its completion.

Mr. Mocko said that Secretary McClain misread "farm pond" as "farm road". Secretary McClain thanked Mr. Mocko for catching the error.

Result: Motion passes unanimously. (5-0-0)

Motion by: Secretary McClain

Seconded by: Vice-Chairman Temple

MOVED, that the Inland Wetlands and Watercourses Agency declares James D. Jusko's proposed farm pond at 150 Chatham Hill Road, as represented on plans on file in the Offices of Community Development dated 5-29-2021, revised 6-29-2021, by Clark Land Surveying, LLC, to be permitted as of right pursuant to Section 4.1.a of the Town of Glastonbury's Inland Wetlands and Watercourses Regulations.

Result: Motion passes unanimously. (5-0-0)

Motion by: Mr. Tom Mocko on behalf of Secretary McClain

Seconded by: Vice-Chairman Temple

MOVED, that the Conservation Commission modifies the existing conservation easement agreement at 150 Chatham Hill Road, and recorded within Volume 1166 beginning on page 92, to establish a new subsection "4" within said agreements. II. EXCEPTIONS section on page 94. Said new subsection shall read as follows:

"4. The Grantee, acting through its Conservation Commission, or its successor, may upon written application of the Grantor, permit the construction and maintenance of a 12-foot wide grassed farm path or road within said premises for the limited purposes of providing (a) a temporary haul road to facilitate just the construction of the proposed 0.65 acre farm irrigation pond, and (b) a long-lived access path to and from the proposed orchards north of said premises for farm vehicles, tractors and equipment."

Furthermore, the Conservation Commission amends the last line of the exception section to substitute the term “natural” in the last line to “agricultural” and, furthermore, the Conservation Commission permits the: establishment and maintenance of the proposed temporary haul road and farm path and in strict accordance to the submitted plans; and the repair of the existing stone wall along the northern edge of said conservation easement area..

Result: Motion passes unanimously. (5-0-0)

The Commissioners thanked Mr. Webb.

1. Application of Kirsten Trussler for an inland wetlands and watercourses permit for house lot redevelopment within the wetlands-regulated upland review are at 863 Hopewell Road – raze existing house and construct a new 1,800 square foot footprint house on this 1.6-acre residential lot – Residence AA Zone and Groundwater Protection Zone 2 – Megson, Heagle & Friend, C.E. & L.S., LLC

Secretary McClain recused herself.

Mr. Richard Megson of Megson, Heagle & Friend, C.E. & L.S., LLC began the presentation. He explained that they plan to raze the existing house and construct a new house on 1.6 acres of land in Residence AA Zone and Groundwater Protection Zone 2. The house will utilize a septic system and well. Regrading the site is needed to accommodate the larger house footprint. Mr. Megson explained that a conservation easement and 2 infiltration drains are proposed. He pointed out the wetlands and the house. Mr. Megson said that the soils are well drained. He explained that they will locate and protect the existing sanitary lateral prior to the installation of the roof drain. Mr. Megson stated that they have incorporated Mr. Mocko’s requests regarding the roof runoff. The house originally belonged to the applicant’s grandfather. There will be no proposed changes to the driveway, except for moving it back. They propose putting in additional erosion and sedimentation controls due to the increased rainfall. The house has an almost ranch-like layout and will have an attached 2 car garage and basement.

Chairman Kaputa inquired about the current impervious numbers. Mr. Megson explained that they are proposing a building that is twice the size. Chairman Kaputa explained that the Commission keeps information on pre- and post- impervious numbers. Mr. Megson said that he will email the numbers to Mr. Mocko.

Chairman Kaputa noted that there was a machine on site. He inquired what kind of work happened. Mr. Megson explained that it is related to clearing, which went on in regulated areas. Mr. Megson noted that erosion controls were in place.

(Vice-Chairman Temple explained that his computer died and he was listening to the meeting on his phone.)

Mr. Mocko explained that roof drains will connect to two proposed infiltration pits; one of these pits is located on the other side of an active sanitary lateral and the crossing needs to be carefully

done. Mr. Mocko noted that the applicants have provided details on the infiltration pits and will provide the other calculations. Chairman Kaputa noted that they do not have the calculations. Mr. Mocko noted that it is straightforward. Mr. Megson replied that it will be added. He noted that these are easy and normal details. Mr. Megson explained that the final plan generated from this meeting will be the basis of the plot plan for the submitted building permit.

Mr. Mocko explained that this proposal could have gone the route of a staff-administrated permit. He noted that he already had issued a permit for some initial tree clearing and regrading. Mr. Mocko explained that the owner does not live in town and was difficult to contact. Commissioner Parry thanked Mr. Mocko for his explanation.

There were no questions.

Mr. Brian Smith of 212 Sunset Drive explained that he and Ms. Kim McClain are the beneficiaries of the active sanitary lateral easement located at 863 Hopewell Road. Mr. Smith explained that their property at 212 Sunset was purchased in 1987 and, because of the wetlands, there was no room for a septic system. He noted that the property owner's grandfather had given them the easement. Mr. Smith explained that his biggest concerns are that they own part of the proposed conservation easement that the applicant is offering at this time. He noted the current owner cannot give their share of the easement to the Town. Mr. Smith explained that a simple solution would be having the applicant change the proposed conservation easement area to avoid any overlap of the existing sanitary sewer lateral. Mr. Smith stated he has no issues with the construction of the house.

Ms. Kim McClain of 212 Sunset Drive explained that their property is located directly uphill from the applicant's property. She first noticed a great deal of heavy activity in the late fall. Ms. McClain had contacted Mr. Mocko to find out if permits were taken out. The landowner failed to get a permit, but the situation was quickly remedied thanks to Mr. Mocko. Ms. McClain added that the work has continued sporadically. A photo of the machinery and debris was submitted. Ms. McClain explained that they are concerned about the lack of attention to detail. She is requesting the applicants flag the area of their sewer to ensure that their septic system will not be damaged. Ms. McClain noted that the applicant's grandfather had built the house and may not be happy with it being torn down. She inquired if it is possible to renovate the existing property rather than tearing it down.

Mr. Smith explained that he is concerned that heavy machinery will go right to the edge of their easement, crushing their sanitary sewer pipe. He appreciated Mr. Mocko authorizing the applicants to put in more erosion controls and hay bales. Mr. Smith asked Mr. Megson if blasting is required. Mr. Megson explained that the area will be cleaned up. He noted that the structure of the house and frame of the roof are not up to code. Mr. Megson said that there are problems with the foundation. He explained that an architect advised the applicant to tear down the house because it is cost effective and the new house will be up to code. Mr. Megson added that they will not go to the edge of the easement owned by Mr. Smith and Ms. McClain. He also noted that they will use an excavator with a long reach. Mr. Smith explained that overlapping the

applicant's easement with theirs is illegal. Chairman Kaputa noted that there is an exception for utilities.

After further discussion, Vice-Chairman Temple suggested that it was easier to forego the approximate 20 feet, and separate the easements. He explained that things may get complicated when one of the parties tries to sell their property. The Commissioners were in agreement. Mr. Smith and Ms. McClain were also in agreement.

Vice-Chairman Temple suggested the use of a camera to view the existing sanitary sewer lateral before any blasting occurs. Mr. Megson said that he has no problem with the suggestion. He noted that the PVC pipe was found through careful digging. Mr. Megson stated that, if a PVC pipe breaks, it can be easily glued together in 15 minutes. Vice-Chairman Temple explained that it is best to prevent problems and to proceed carefully with the use of a camera inspection. Mr. Megson agreed with the camera inspection. He added that he suspects the pipe is very deeply buried. He pointed out to the oval area on the site plan near the roof drain drywall and explained that he has complete confidence that nothing will happen to the lateral. Commissioner Parry noted that the pipes are very deep.

Commissioner Hawkins agreed to read the motion. Commissioner Parry said that he would come up with condition 14 regarding on-site blasting.

Motion by: Commission Hawkins

Seconded by: Vice-Chairman Temple

MOVED, that the Inland Wetlands and Watercourses Agency grants an inland wetlands and watercourses permit to Kirsten Trussler for house lot redevelopment activities within the wetlands-regulated upland review area at 863 Hopewell Road, in accordance with a plan entitled "Proposed Lot Redevelopment #863 Hopewell Road prepared for Kirsten Trussler Glastonbury, Conn." Prepared by Megson, Heagle & Friend, Civil Engineers & Land Surveyors, LLC 81 Rankin Road, Glastonbury, Conn. 06033 Phone (860)-659-0587 Date: 5-6-21 Map No. 93-20-IPP, sheets 1 and 2", and in accordance with the following conditions:

1. The plot plan(s) submitted for a building permit shall be revised to indicate the following:
 - a. Concerning the proposed dry wells for rooftop runoff, calculations shall appear to demonstrate that they are sized to facilitate a two-inch rainfall;
 - b. A comprehensive detail for both/each of the proposed dry wells; and
 - c. A bold note: to be careful and protective with regard to the existing sanitary sewer lateral within its easement corridor located between the proposed house and southwestern dry well; and that said sanitary sewer lateral's location shall be clearly staked out by a surveyor on the land prior to any land disturbances within the easement corridor.
2. Additional sediment barriers, and the details for such, shall be indicated on the plans submitted for a building permit.

3. 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.
4. 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 utilizing best management practices for integrated pest management; and
 - c. The developer agrees to recite these conditions in the deed to the individual property(ies).
5. Plot plans developed for building permits shall not exceed encroachment into the regulated areas beyond that indicated on the previously cited plans.
6. 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.
7. In the event blasting is required for construction, pre-blast and post-blast surveys shall be required for nearby properties.

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. An as-built statement from the contractor that constructed the dry wells shall be required for obtaining a certificate of occupancy.
12. 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.
13. The plot plan required for building permit application shall contain and comply with these conditions of approval.
14. If no blasting occurs during the excavation for the foundation of the new house, then a TV camera inspection of the sewer lateral is only required up to the point of the intersection of the roof drain and the sewer lateral on the plan. If blasting is required, the TV camera inspection of the sewer lateral needs to be extended to the point of the furthest grade change beyond the foundation of the building.

Vice-Chairman Temple said that motion 14 is fine and is beyond the elevation point 300.

Result: Motion passes unanimously. (4-0-0)

There was discussion regarding adding another condition to separate the conservation easements. Mr. Mocko explained that it is not necessary because the information has been recorded in the minutes. He explained that the applicant will file the conservation easement into the land records, based on what was discussed today.

II. APPROVAL OF MINUTES - Regular Meeting of June 24, 2021

The minutes were accepted as presented.

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

IV. OTHER BUSINESS

1. Chairman's Report

Chairman Kaputa inquired if anyone else besides Commissioner Parry watched the ethics video. Vice-Chairman Temple explained that it is on his mind and he will do it.

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

2. Environmental Planner's Report

Mr. Mocko explained that, due to the increased rain levels, he had to go on-site to instruct contractors and residents on erosion and sedimentation control methods. Mr. Mocko noted that he spent much of the day on Mountain Road explaining the methods to control erosion and sediment transport on a large house lot under construction. Commissioner Parry remarked that he is familiar with the Mountain Road location and it is quite an issue.

Mr. Mocko noted that he has 3 meetings left before he retires. He noted that he has been an Environmental Planner since 1987. The Commissioners expressed their appreciation to Mr. Mocko.

Secretary McClain inquired about the date of the next meeting. Mr. Mocko replied August 19th. Secretary McClain remarked that she will be out of town and will not be able to make the meeting if it is in person.

The Commissioners discussed extending the Zoom meeting format.

With no other business to discuss, Chairman Kaputa adjourned the meeting at 10:28 P.M.

Respectfully Submitted,

Nadya Yuskaev

Nadya Yuskaev

Nadya Yuskaev
Recording Secretary