

**GLASTONBURY CONSERVATION COMMISSION
(INLAND WETLANDS & WATERCOURSES AGENCY)
REGULAR MEETING OF MINUTES THURSDAY, NOVEMBER 18, 2021**

The Glastonbury Conservation Commission (Inlands Wetlands & Watercourses Agency), along with Suzanne Simone, Environmental Planner and Tom Mocko, Consultant, held a 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

Vice-Chairman Mark Temple signed in late, at approximately 7:15pm due to technical difficulties. He joined the meeting towards the end of the first agenda item. Chairman Kaputa informed the Commission that Commissioner Hawkins will be late for the meeting. Commissioner Hawkins joined the meeting at approximately 7:01 pm.

Chairman Kaputa welcomed Ms. Suzanne Simone, the Town's new Environmental Planner.

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 ACTION

Application of the Town of Glastonbury for an inland wetlands and watercourses permit for the installation of a 12-inch diameter culvert between existing ponds located at 407 Ash Swamp Road (Roger & Marlene Zola) and 133 Penwood Crossing (Muhammad Abbas & Maira Rahman) – Rural Residence Zone & Groundwater Protection (overlay) Zone 1 – Daniel A. Pennington, Town Engineer

Mr. Dan Pennington, Town Engineer, noted that the application does not concern a Town project; the Town has stepped in to help a private property owner rectify the adverse impact that resulted from the nearby construction of the Tyler Subdivision. He said that it is a cooperative effort between Engineering and the Office of Community Development, Tom Mocko, Environmental Planner in particular, the developers of the Tyler Subdivision, Megson, Heagle & Friend Civil Engineers and Land Surveyors LLC, as well as Mr. Roger Zola and Mrs. Marlene Zola, the homeowners.

Mr. Pennington pointed out the detention pond that is associated with the subdivision. He noted the Town drainage easement is encumbered by a conservation easement. He also pointed out the Zola's pond, which is near the project area. Mr. Pennington said that it was determined that the construction of the subdivision altered the Zola pond's groundwater flow pattern; the Zola's pond levels are a fraction of what they used to be. Mr. Pennington verified this by looking through past aerial photos. He stated that it is a cooperative effort and remediation would entail a simple and inexpensive fix. Mr. Pennington explained that the installation of a 35-foot long, 12-inch diameter plastic pipe with riprap on both sides should fix the water levels. The proposed pipe will direct some of the water flow from the detention pond to the Zola's pond. The installation of the pipe will enhance the water quality and reach the Zola's pond.

Mr. Pennington announced that the developer has come forward with the necessary funding to achieve this objective. The Town has agreed to come up with the permits and this Commission will approve the pipe installation. The work would be completed by a firm hired by the homeowners, who have been compensated by the developer. Mr. Pennington noted that it is a unique situation and the right thing to do would be to remedy the issue. He added that fixing the pond water level is easy, not invasive and not expensive. Mr. Pennington noted that even if they decided to go with further investigation, and more expensive tests, the recommendation and outcome would very likely be the same. He said that the homeowners, as well as the firm representing them, have provided letters indicating that they are aware of the information presented in the Town application for a culvert and have agreed to allow designated agents to inspect the area.

Commissioner Parry inquired about the pond conditions in times of flood or high flow. Mr. Pennington explained that, in times of high flood, the flows would be constrained because of the pipe installation. The excess runoff would go to the wetlands. Both ponds feed the same wetlands system. Mr. Pennington further explained that there would be no diversion of flow to a different system or watershed.

Chairman Kaputa announced that work is being done in the conservation easement which according to the terms of the easement may be a violation. Commissioner Parry inquired about the purpose of the conservation easement. Chairman Kaputa remarked that the conservation easement was set up in 2003, which was before his time. He noted that the conservation easement makes up a large area. Commissioner Parry inquired if this application is similar to the apple orchard application that was recently approved in the area near Matson Hill Road. Chairman Kaputa remarked that the applications are similar. He added that, in both cases, the Commission is being asked to allow construction. Commissioner Parry noted that it is the reason behind his inquiry about the purpose of the conservation easement. Mr. Pennington guessed that the purpose may be to protect the pond, maintain the viability of the pond and to maintain the water source.

Commissioner Davis inquired if the berm is natural. Mr. Pennington replied no, and the manmade pond existed before the subdivisions. Commissioner Davis asked if both ponds were ever connected at one point. Mr. Pennington replied no, which he confirmed by looking at aerial photos. It was a former granite operation and the ponds mitigated erosion.

Chairman Kaputa inquired if the pond existed before the house at 407 Ash Swamp Road was built. Mr. Pennington replied yes, adding that the detention pond was there before the subdivision.

Commissioner Shea asked Mr. Pennington if the proposed measures will solve the issue. Mr. Pennington replied yes; it will give the homeowners a water source of which they had been deprived. Commissioner Shea inquired if the level of the pond will return. Mr. Pennington replied yes. He explained that the pond will maintain its function as intended, retain flow, mitigate peak flow, and enhance the water quality all while supplying the pond.

Chairman Kaputa asked Mr. Pennington to review the elevation of the existing outlet structure. Mr. Pennington said Mark Friend drew up the plans. Chairman Kaputa asked if it is certain that the subdivision is the reason the Zola's pond has reduced in volume. Mr. Pennington responded there is no definitive proof, however his observation of the site lends to this conclusion. He noted that there has been a long history of observing the pond levels.

Chairman Kaputa remarked that he would have guessed that the subdivision development would have increased the runoff. Commissioner Parry noted that homes with basements and footing drains could have easily intercepted the groundwater; he thinks it is a groundwater issue. Mr. Pennington noted that it is his understanding that the soils in that area are well-draining and gravelly.

Mr. Mocko explained that the groundwater is being recharged and redistributed. The groundwater movement remained constant. Mr. Mocko noted that there is no conclusive way of saying the subdivision development dewatered the pond but the evidence is there. Chairman Kaputa agreed with Mr. Mocko's explanation. Mr. Mocko noted that it has been a high precipitation year.

Chairman Kaputa does not think any flow calculations were done. Mr. Pennington stated that no technical analysis was done. If calculations had been done the results would vary depending on the level of precipitation.

Chairman Kaputa remarked that his gut feeling is that the pipe will do nothing. Commissioner Shea inquired whether the homeowners will come back to the Commission if the pipe does not resolve the issue. Chairman Kaputa said that the issue is between the developer and the homeowners. Mr. Pennington noted that a document has been signed which relieves the developer.

Chairman Kaputa inquired about the construction process. Mr. Pennington replied that it would be a fairly simple process. A berm between the 2 ponds has to be excavated during low flow and dry conditions. There would be no adverse impacts and the pipe and riprap can be installed in a matter of hours. Mr. Pennington added that the Town would not assume maintenance.

Chairman Kaputa noted that the vegetation in the conservation easement has been kept low. He remarked that it is definitely not in a natural state and appears to have been mowed. Mr.

Pennington was not aware that the pond was included in the conservation easement. Chairman Kaputa asked if there were thoughts on how to keep the conservation easement area in a natural state. Mr. Pennington suggested that the Conservation Commission create a condition of approval regarding that. Chairman Kaputa noted that there are no conditions in the motion. Secretary McClain remarked that the Town has put in so much effort and agrees with Mr. Pennington's suggestion of adding a condition.

Mr. Mocko said that the pond was dug prior to 1998. The area was seeded and there was no conservation easement. Mr. Mocko reiterated that there was a pond before a conservation easement.

Chairman Kaputa remarked that, presently, the pond is being mowed, and that the Commission needs to communicate that the pond needs to be left in a natural state. Commissioner Davis noted that the area near the pond was mowed prior to being a conservation easement. Mr. Mocko's interpretation is for the area to be maintained in its natural state. There was a pond and maintained grass. Mr. Mocko pointed out that if the area is not maintained, invasive plants and organic debris will fill up in and around the pond. The pond is meant to be a recreational pond and the desired condition of the pond will be lost if there is no maintenance.

Commissioner Davis noted that he agrees with Mr. Mocko's interpretation. Chairman Kaputa remarked that there are lots of trees in the area. Mr. Mocko added that the trees are not growing on the edge of the pond. Chairman Kaputa noted that the Commission has had this discussion of natural state before.

When Mr. Mocko first became the environmental planner in the late 1980s, there was a mowed hayfield encumbered with a conservation easement. Mr. Mocko noted that his supervisors explained that the area was a hay field before it was obtained and designated as a conservation easement. Therefore, the natural state for this particular parcel is a hay field. Mr. Mocko stated that this explanation is what he is basing his position on.

Commissioner Davis remarked that he hopes that the homeowners would not be prevented from maintaining the pond area or mowing the perimeter. Secretary McClain noted that she understands Mr. Mocko's point of a natural state and the example of the hay field. She noted that, in this situation, what matters is the distinction between the wording *natural* and *current state*. Chairman Kaputa remarked that natural state is pretty clear. Secretary McClain noted that natural is leaving the area alone, with no use of machines. Commissioner Shea noted that is why the Commission needs to know the purpose of the conservation easement. Chairman Kaputa stated that it is not listed and noted that the Commission usually asks Mr. Mocko. The Chairman added that, looking on GIS, it looks like a large conservation easement.

Chairman Kaputa remarked that the Commissioners have differing opinions. He noted that a condition should be put in and pointed out that, if the area is mowed, what is the point of the conservation easement. Secretary McClain said that there should be some compromise and suggested that perhaps the entire perimeter does not have to be mowed.

Commissioner Davis suggested using present condition instead of natural state. Commissioner Shea and Commissioner Parry agreed with Commissioner Davis.

The Chairman asked Commissioner Hawkins her view. Commissioner Hawkins asked for a recap, explaining that she arrived late and missed the background information. The Commissioners explained the application and provided the background information.

Commissioner Hawkins noted that the owners came in for a different reason, their pond volume was reduced because of the subdivision. She said that the homeowners may not be happy with the surprise of having to adhere to conditions regarding their pond area.

Commissioner Parry noted that the Commission does not even know if there is a violation. He added that it is conjecture.

Commissioner Hawkins noted that if the homeowners stopped mowing, the pond area would be filled with invasive plants. She asked the Commissioners if this is something the Commission wants. Commissioner Hawkins stated that, if it is a higher likelihood that the area will be filled with invasive plants, she would lean towards allowing the homeowners to continue what they were doing.

Chairman Kaputa noted that the majority of the Commissioners do not want to put in conditions restricting the mowing.

After further discussion, Mr. Mocko noted that the conservation easement does serve a purpose; it prevents any structures from being put in. It is not only about mowing versus not mowing. Mr. Mocko suggested that Commissioners add a condition to prohibit fertilizer or to allow very minimal fertilizing. He explained that fertilizing the grass will end up going into the pond and then downstream. Mr. Mocko noted that it is better to educate the landowner on the issue of fertilizing.

Secretary McClain thanked Mr. Mocko. She also thanked Mr. Pennington and the Town staff for stepping in. Mr. Pennington remarked that it is part of their jobs to assist residents and tax payers and added that it is not uncommon for Town staff to go above and beyond.

Chairman Kaputa inquired if the work will be done in the summer. Mr. Pennington replied yes and noted that the work must be completed in low flow and dry conditions.

Chairman Kaputa inquired when it would become apparent that the solution has worked, in the fall or spring. Mr. Pennington said that the pond is a small area and will fill up really quickly. Commissioner Parry pointed out that the first discharge point is the Zola's pond, the flow will go there first. Mr. Pennington agreed.

Motion by: Secretary McClain

Seconded by: Commissioner Parry

MOVED, that the Inland Wetlands and Watercourses Agency grants an inland wetlands and watercourses permit to the Town of Glastonbury for the installation of 35 linear feet of pipe culvert, along with the placement of riprap, at 407 Ash Swamp Road and 133 Penwood Crossing in accordance with the plan on file in the Office of Community Development, and in compliance with the following conditions:

1. An Engineering Inspector from the Town's Engineering Department shall be present during the installation to assure that this remedial project is installed as designed.
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. Pesticide and herbicide application within the conservation easement area is prohibited.

Mr. Mocko asked if there was a standard pesticide and fertilizer prohibition condition. Secretary McClain thanked Mr. Mocko for pointing out the condition. Chairman Kaputa noted that he does not remember the wording of the condition and asked for it to be read. Secretary McClain explained that it was drafted a few years ago and it pertains to best practices. She said that she does not have that condition with her. After further discussion regarding the wording and the condition to put into the motion, it was agreed that Ms. Simone's wording would be used. The wording that was agreed to be added to the motion is "Pesticide and herbicide application within the conservation easement area is prohibited."

Chairman Kaputa asked Mr. Mocko what would need to be done procedurally in light of the change in the 3rd item. Mr. Mocko explained that the seconder would need to agree to the change. Commissioner Parry agreed to the change. Vice-Chairman Temple abstained from voting because he signed in closer to the end of the first agenda item.

Result: Motion passes unanimously. (6-0-1)

Mr. Pennington thanked the Commission.

II. INFORMAL DISCUSSION

Proposed Mixed-Use Redevelopment of five contiguous properties along the west side of Main Street (#2283-2289, #2327-2233, #2341-2355, #2377 and #2389) on 10.5 acres with an emphasis on whether to locate the proposed stormwater mitigation measures: within a disturbed wetland area (in which the abundance of non-native, invasive plants can be more

effectively removed); OR immediately outside of the eastern limits of the site's wetlands in a much more linear fashion (where no direct wetlands impact would occur, but make it more difficult to effectively manage the invasive plants) – Town Center Zone & Flood Zone – Alter & Pearson, LLC, Counsel – Alfred Benesch & Company, Engineering – Martin Brogie, Inc., Environmental Services – HB Nitkin, Developers

Chairman Kaputa disclosed that he has a friend who is involved in this proposal; however he will not recuse himself.

Attorney Alter of Alter & Pearson, LLC said that today's discussion has a narrow focus. Attorney Alter noted that Mr. Mocko was involved in the prior discussions. The project site comprises 10.53 acres and is located on the west side of Main Street at Hebron Avenue. The site is bounded to the north by Welles-Turner Memorial Library. Main Street lies to the east of the site and to the south is Rankin Road Extension. To the west of the site is town-owned land. Attorney Alter noted that there are 2 vernal pools on the site; the specific locations have been provided in the report completed by Mr. Eric Davison, Wildlife Biologist. Attorney Alter stated that their proposed activity would not be near those vernal pools. There is an area of very thick and invasive knotweed, which is located in the parking lot and to the west of the Daybreak Coffee Roasters property. Attorney Alter said that they are looking for guidance on how to address this invasive species.

Attorney Alter continued, saying they are proposing a redevelopment of the site. Five parcels are involved and the project includes the removal of most of the buildings. The site will have approximately 27,000 square feet of commercial space and 151 residential units. A total of 412 parking spaces are proposed, which meets the minimum requirements of the regulations. He noted that the site is mostly paved and added that the team worked hard to preserve the wetlands edge. The only proposed activity will be in an already disturbed wetlands area, and Mr. Martin Brogie, Certified Soil Scientist, will speak on that in detail. Attorney Alter continued, saying that the drainage system outlet is located near the Daybreak Coffee Roasters property. It discharges, untreated, into the area of the invasive knotweed. The runoff that comes from Main Street and Hebron Avenue is also discharged into the area of the knotweed. On the southern end of the Rankin Road Extension is a trail and entrance to the riverfront park and dog park, as well as another discharge point. Attorney Alter noted a report from Mr. Brogie has photographs of this and reiterated that the discharge is untreated and the flows eventually end up in the Connecticut River. Attorney Alter stated that their client is willing to do a more balanced approach of stormwater treatment while addressing the invasive plant issues. Attorney Alter requested that the Commission provide their team with guidance on how to proceed with the invasive issues.

Mr. Will Walter, Primary Civil Engineer on the team, explained that the drainage flows west. Mr. Walter noted that he has worked closely with Mr. Mocko and Town staff to not disturb the wetlands. The proposed bio-retention basins will capture the flow, treat it and it would be slowly discharged back into the wetlands. Mr. Walter stated that the knotweed is thick and noted that Mr. Brogie will speak on that in detail. Mr. Walter explained that one method to combat the knotweed requires it to be hand cut every year and it is very expensive. Even after 5 years of

treatment, the knotweed will come back. Mr. Walter said that the team considered using the invasive area as the stormwater management area. It would require excavation and would get rid of the knotweed better than going by hand and treating it. Mr. Walter stated that, once the area is excavated and the stormwater management system is in place, shrubs, plantings and a wetlands seed mix would be put in; they can work with the Commission in choosing the plantings. Mr. Walter said the excavation, as well as keeping the area as a bio-retention area would keep invasive plants out. Mr. Walter has no doubt that they can engineer this and he is asking the Commission if they are on board with their team disturbing a small amount of already disturbed wetlands. The disturbed wetlands have a town- owned drainage easement which contributes to the wetness of the area. Mr. Walter asked the Commission if they are open to their team excavating and putting in the stormwater management system in that area, which is taken over by invasive plants.

Mr. Martin Brogie, Soil Scientist stated that he has been working as a Soil Scientist in Connecticut for 30-31 years. He announced that he first visited the site in March 2020 and issued a wetland delineation report. Mr. Brogie stated that on Monday November 8, 2021 he wrote up a detailed report on the parcels, the vernal pools, and the invasive plants; a report should have been submitted to the Commission. Mr. Brogie offered that there are quite a few invasive species, including the thick knotweed that extends further north into an overgrown phragmites patch. Mr. Brogie reiterated that knotweed is very difficult to treat even with herbicides and that there is already disturbance around that portion of the wetlands. Mr. Brogie offered that he is currently working on a project in West Hartford that is in the process of hand removing knotweed. He explained that they must export the roots off-site and it is a very expensive and time-consuming process. There must also be follow up to make sure there are no sprouts and monitor until the area is under control.

Attorney Alter asked Mr. Brogie to provide a summary of the quality of the area. Mr. Brogie responded that there is nothing growing in the area but knotweed and it is seen in aerial photos. He noted that the area is a mess and the knotweed seeds are carried downstream and end up in the Connecticut River.

Attorney Alter said that they have presented a focused inquiry. They will come back with a full-scale plan. Attorney Alter stated that they will comply with all of the regulations and asked the Commission with which plan they should proceed; their team can come back with either plan.

Chairman Kaputa summed up that what he heard was the design team planned on removing the invasive plants and decided to put in a detention basin in the area. Attorney Alter said that the first plan did not involve going into the wetlands area. Commissioner Davis offered that the situation is killing two birds with one stone. He noted that the invasive plants would be removed and a storm management system would go in. Mr. Mocko added that knotweed is one of the toughest invasive plants to deal with. He noted that the excavation will minimize the root fragments. Mr. Mocko agreed with Commissioner Davis's assessment.

Commissioner Parry inquired about the risks and asked if any permits were needed, such as a permit with the Army Corps of Engineers. He also asked if there were other things that can be

an impediment. Mr. Walter stated that no other permits are needed. He explained that they want to avoid a federal permit because the permitting process can take 18 months. Mr. Walter remarked that he would not prefer to go through that permitting process unless absolutely necessary. He explained that, if needed, they would disturb less than 5,000 square feet of Army Corps soil. Mr. Walter noted that they can delineate and disturb up to 4,999 square feet and would not need a permit. He noted that there is no limit to the amount of soil disturbances in Connecticut or in the Town of Glastonbury. Mr. Walter reiterated that they would like to avoid going the route of waiting 18 months for a federal permit.

Commissioner Davis inquired if that area amounts to 5,000 square feet. Mr. Walter replied that the majority of the site is state wetlands. Mr. Brogie added that the knotweed is pretty far in the upland review area. He added that the Army Corps boundary is down slope, around the watercourse, more into the flatter area of wetlands, outside of the fill. Mr. Brogie stated that it is possible they will encounter soil meeting the Army Corp definition of a wetland which will be an added factor to the overall project.

Commissioner Davis asked what is along the perimeter and what is the likelihood of removing the knotweed. Mr. Brogie responded that the area is oddly-shaped and full of dense knotweed. They propose to excavate a large area, which will provide a better fighting chance to get rid of the invasive plants. Mr. Brogie noted that he would expect some of the knotweed to remain on the perimeter and they will remove it.

Vice-Chairman Temple noted that the test pits show 4 to 5 feet of fill. He stated that he observed soil containing broken glass, brick and concrete on-site. He inquired if the area could be deemed a solid waste disposal site. Mr. Brogie stated that he is licensed with the State of Connecticut to manage solid waste disposal cleanup. If the fill is polluted, they will take it away and the site will be managed. Mr. Brogie noted that site clean up will be addressed during the development application phase of the proposed project.

Attorney Alter said that a great deal of energy was spent on the building design. He noted that he is not sure if anyone went out to the edge. Vice-Chairman Temple remarked that the applicants have discussed moving material around and this could be a cause for concern if it turns out to be solid waste. Mr. Brogie explained that he has experience closing landfills and he looked at a lot of urban fill areas. He noted that the glass, ceramic, concrete and metal look nothing like solid waste. Mr. Brogie stated that about 70 to 80 percent of sand and gravel is mixed with those items. They will certainly reuse or dispose of anything based on how the material is categorized. Vice-Chairman Temple said that someone has to look through the debris and noted that all it takes is 10 cubic yards to label the soil a solid waste disposal site. Attorney Alter stated that the client will address the Commission concerns regarding waste disposal. Vice-Chairman Temple stated that he appreciates this and added that it could possibly be solid waste. He remarked that the plans were unscaled. He noted that he was out on the site with a piece of string. Attorney Alter remarked that they will do better.

Chairman Kaputa asked about the changes that would be made to the plan. Mr. Walter said that they will pull construction further away from the wetlands and there would be more room for

truck-turning movements. Chairman Kaputa inquired if the proposed basin where the knotweed is would change the design, the square footage, runoff or any calculations. Mr. Walter responded no. Chairman Kaputa then asked about the berm. Mr. Walter replied that it is a small berm measuring a foot and a half with a shallow depression.

Chairman Kaputa noted that he did not see any maps with overlays or other drawings; he does not have a sense as to where the basin is being proposed. Chairman Kaputa would like to know how much disturbance will occur. Mr. Brogie stated that the line is halfway between the pavement and the knotweed. Vice-Chairman Temple. He explained that the area drops off very quickly 5 feet into the edge of the knotweed. Vice-Chairman Temple said that the knotweed is growing right at the edge. He reiterated that he observed loose brick, glass, and badly broken pavement.

Mr. Brogie remarked that this is a preliminary discussion. He added that they would certainly come back with a more detailed plan and a feasibility analysis. Mr. Brogie would like to know if the Commission is on board with the idea of this enormous undertaking. He inquired if it is a good way to go after the knotweed or if they should proceed or not. Mr. Brogie explained that, if there are concerns for the presence of solid waste, it will be removed and the wetland can be improved.

Vice-Chairman Temple noted that, if the Commission approved the basin, it would be exposed to the sun all day long, which does not maintain or benefit the wetlands. Mr. Brogie said that they would have a mitigation plan as well as planting a wide variety of native plants and shade trees. Vice-Chairman Temple remarked that there is very little canopy; one dead tree and a small group of fairly large trees. The Vice-Chairman also noted that there is not much of anything in the area but the knotweed. He explained that canopy and shade trees are vital for the wetlands.

Attorney Alter said that they did not prepare to that extent because they wanted to know if they would be allowed to go into the wetlands area. Commissioner Davis remarked that the applicants are waiting for the Commission to evaluate this idea, or determine that they must go back to plan A.

Chairman Kaputa remarked that is why he asked about the square footage earlier. He explained that there are approved disturbances, such as the drainage pipes. The proposed plan is different. The disturbance could be 10,000 square feet or more. This would apply to other applications. The Chairman asked the Commissioners if this is a road they want to go down and noted that invasive plants are everywhere. He added that, legally, as an agency, the Commission must be consistent.

Commissioner Parry offered that, in his view, the value of the wetlands is more important than the magnitude of the wetlands. He noted that he is a big fan of renovating low value wetlands, even if the renovated area will result in less square footage. Commissioner Parry offered that he is in favor of renovating rather than leaving the wetlands in a detrimental phase with fill and debris going in.

Commissioner Davis agreed with Commissioner Parry's point. He remarked that he is not a soil scientist, but that area of the wetlands is a mess. Commissioner Davis would like to entertain the idea of fixing the mess, which will have added benefits and some compromise. He added that he would like to see what the development team comes up with.

Commissioner Hawkins asked Mr. Mocko to share his thoughts. In his experience, this alternative is the way to go. Mr. Mocko noted that he does not vote and he encouraged the applicants to come up with a better solution for the project. He explained that the Town has done a lot of good work, including creating nectar areas for insects and other animals. Mr. Mocko remarked why not take a degraded wetland and make it better. He added that he knows it can be done.

Chairman Kaputa pointed out that the rest of the wetlands were not designated as degraded, just the area of the knotweed. Attorney Alter stated that they do not propose to go into the higher value areas. He noted that this project would improve the water quality all the way downstream. Commissioner Davis noted that the seeds of the knotweed can travel downstream and compromise the wetlands. Mr. Walter said that they will put in riprap, have a bio-retention area and treat the runoff, which was not done before.

Chairman Kaputa asked Mr. Walter if he is confident they can handle that amount of water. Mr. Walter reiterated that they would slow down the water with riprap.

Commissioner Davis inquired if they would work in a larger area than needed. Mr. Brogie responded yes. He explained that, as they remove the knotweed, they will adjust the grade, making it consistent with the native topography, lending to the overall restoration of the area. Mr. Brogie stated that, aside from the detention area, it will be enhanced with native trees, shrubs, and herbaceous vegetation, instead of the monoculture of knotweed that it is currently on site.

Commissioner Hawkins inquired if the applicants have an alternative plan. Mr. Walter responded by saying that this approach would allow them to be further away from the wetlands, and the removal of the knotweed in this area might address the fire marshall concern of fire truck turn radius. They were asked to renovate the area and get rid of the knotweed. Mr. Walter added that getting rid of knotweed is very time consuming and expensive. Mr. Walter stated that their proposal is reasonable and it might work at ridding the area of knotweed 10 years down the line.

Attorney Alter said that this approach is better and not more expensive. He noted that, initially, they did not plan to go into the wetlands. Attorney Alter stated that they are convinced they can do something better for the same cost.

Commissioner Hawkins remarked that she does not feel this application would set a precedent and added that she believed every proposal should be taken as its own.

Chairman Kaputa disagreed: Legally, the Commission has to be consistent. He explained that, if there was another application with a monoculture of knotweed, any decision the Town made could be challenged in court.

Secretary McClain said that Commissioner Hawkins made a very good point, while precedent and consistency are important. Secretary McClain stated that the Commission must be careful about how any application is going to impact future applications. Attorney Alter remarked that he does not see this as a bad precedent. Secretary McClain reminded everyone that the wetlands area is very large. Chairman Kaputa added that invasive plants are everywhere. He understands that this project can be an improvement, but the Commission must be cautious.

Chairman Kaputa asked about the amount of excavation, fill and whether a berm would be put in. Mr. Walter explained that they have not engineered those plans yet; they are before the Commission/Agency to find out if they would be allowed to go into the wetlands. There would be transition buffers as well as further treatment of the water. Chairman Kaputa noted that the topography is flat. Mr. Brogie said there is a decent slope near the watercourse and added that he is not sure a berm is needed. Mr. Brogie stated that they will need to put in test pits as well as look at the waste. They will create the design plans, work with the topography and will create a storage area for the water.

Chairman Kaputa noted that there has to be something put in to maintain the water. He inquired if that would be fill. Vice-Chairman Temple also noted that the water has to be contained.

Commissioner Davis reminded Commissioners that the applicants would like to know if the Commission would allow their proposal. Commissioner Shea stated that he is in favor of seeing their design. Vice-Chairman Temple noted that he agrees with Commissioner Parry's point in restoring a low value wetlands. Commissioner Davis noted that he would like to see what the project team come up with and added that he would like to be presented with more than one option. Commissioner Parry remarked that anything that can be done to enhance the wetlands is worth pursuing.

Chairman Kaputa noted that a wetlands restoration is not the same as putting in a detention basin. He remarked that restoration might be the way to proceed; that is what the Commission needs to decide. Secretary McClain noted that she likes the project phrased as a wetlands restoration and added that she would like to see more than one option. Commissioner Hawkins noted that she agrees with Secretary McClain's and Commissioner Parry's points.

Attorney Alter mentioned they are addressing comments from the Fire Marshal involving access around the building. They would minimize the detention basin to the west of the proposed L-shaped building in order for the fire department to circumnavigate the site, as required. Chairman Kaputa asked if there would be an increase to the impervious area and if more parking would be added. Attorney Alter replied no.

Commissioner Davis also inquired about the impervious areas to which Attorney Alter responded that the proposed project has a significant amount of green space. Commissioner

Davis inquired if the water treatment system in the wetlands will increase the impervious coverage. Attorney Alter said not that he is aware. Chairman Kaputa inquired who would know. Attorney Alter offered that they would be able to answer that when plans have been engineered.

Chairman Kaputa remarked that, if the applicants increase the size of the detention basin, there would be more impervious coverage. Attorney Alter explained that the redesigned detention basin does not translate to more spaces for parking or for the expansion of the building. He guarantees they have no interest in adding additional impervious areas. Chairman Kaputa noted that he appreciates the guarantee and reminded Attorney Alter that the meeting is recorded.

Vice-Chairman Temple would like to see more trees added. He also noted that he would like to keep the number of parking spaces the same. Vice-Chairman Temple inquired if more pavement is added then can more greenery also be added. He noted that Attorney Alter knows about large parking lots and that the Commission requests breaking up the large areas with green spaces.

Secretary McClain reiterated that she would like to see a couple of creative options. Chairman Kaputa remarked that it sounds like a consensus and he asked the applicants to come back with at least two options.

Mr. Bruce Bowman of 62 Morgan Drive remarked that he heard discussions of excavating to a depth of two feet and noted that knotweed can grow 10 feet. He noted that knotweed is a pervasive invasive in the northeast. Mr. Bowman commented that he felt the discussions of the knotweed treatment may not be satisfactory. Chairman Kaputa noted that Mr. Bowman made a good point and this can be answered when the applicants come up with a plan. Mr. Mocko suggested putting in root barriers to keep the roots from going into the sun. He added that there are other ways to combat the knotweed. Mr. Bowman inquired if the root barriers would add to the impervious coverage. Mr. Mocko responded that he cannot answer that question. Mr. Bowman inquired if the root barrier would be concrete or made from steel. Mr. Mocko said that a similar problem with knotweed happened at M & R Liquors on Main Street. The root barrier did its job. He noted that he is not sure what kind of root barrier was used and they can explore the issue further, once the plan details are created.

Mr. Brogie explained that the project in West Harford required hand excavation and herbicides. He added that they made significant strides and it requires ongoing maintenance for 3 years. They cut the stem and place a small drop of herbicide on the root. He noted that nothing beats the knotweed like careful excavation. After getting rid of the first wave, the knotweed becomes more manageable.

Chairman Kaputa asked the applicants to provide best practices on the knotweed. Mr. Brogie explained that this was Mr. Mocko's idea; Mr. Mocko wanted a better job treating the stormwater, especially because it affects the Connecticut River. He noted that they are excited about this project and the Commission will pay attention to the aesthetics.

III. APPROVAL OF MINUTES - Regular Meeting of September 16, 2021

Commissioner Shea mentioned that he was not at the September meeting.

The minutes were accepted as presented.

IV. COMMENTS BY CITIZENS ON NON-AGENDA ITEMS

Mr. Bruce Bowman of 62 Morgan Drive inquired if there were any updates to the former MDC land acquired by the Town. He asked if the Town has engaged the opinion of the Commission. Mr. Bowman is still looking for as much preservation as possible.

Chairman Kaputa announced that he contacted the Town Manager and requested the Commission be involved. He noted that he offered some comments and suggested that cutting down the trees would spark a public outcry. Chairman Kaputa added that he spoke to the Town Manager regarding his experience associated with owning forest land. Vice-Chairman Temple inquired if this has to do with the Town cutting down trees to sell. Chairman Kaputa remarked that he has not heard anything regarding cutting down trees or selling wood. He noted that wood prices are down. Secretary McClain remarked that it is wrong for the Commission to be denied the opportunity to sit in as advisors. Vice-Chairman Temple noted that the Commission does not know if anything was even done; if nothing happened, then the Town does not need to talk to them.

Mr. Bowman stated that he spoke with the Town Manager about the open space. He noted that there might be an opportunity for public comment in the future. Mr. Bowman's understanding is that a timber harvest is not preservation. He added that this issue will continue to be a concern. Mr. Bowman explained that the former MDC space has not been touched in 122 years and he would like to see hiking trails. He added that cutting trees is detrimental and it will introduce invasive plants. Mr. Bowman asked the Commission if they can tell the Town that citizens are requesting for this Commission to sit in and advise the Town Council on the open space. Chairman Kaputa thanked Mr. Bowman.

V. OTHER BUSINESS

1. Chairman's Report

Chairman Kaputa asked the Commissioners if anyone else has watched the ethics video to which he received no response. The Chairman reminded the Commissioners that there is a month left to watch the video and they are required to.

Commissioner Hawkins updated the Commission on the gift.

2. Environmental Planner's Report: None

Vice-Chairman Temple remarked that he likes informal discussions as it helps the developers better understand what the Commission is seeking. Ms. Simone offered that the Town of Cheshire does not have informal discussions and noted that she understands these meetings are intended to provide the applicants with feedback.

Commissioner Hawkins inquired if the meetings will continue on Zoom. Mr. Mocko said that the Zoom meetings require constant support from IT staff and there is a desire to move away from this format. Secretary McClain mentioned that Commissioner Hawkins has offered to host the Zoom meetings. She noted that they have the capacity to hold Zoom meetings without support from IT staff.

Mr. Bobby Ashton, IT Manager, said that he saw several commission members signed in under one person's name. He warned that this can result in someone being kicked out of the Zoom meeting. He noted that IT may start training staff and Commission members on how to use Zoom. Mr. Ashton offered that there will be 2 hosts, in case one of the hosts does not have a good connection. Vice-Chairman Temple mentioned that the meetings must be recorded. The Commissioners further discussed the Zoom meeting format.

Commissioner Davis remarked that the meeting tonight was 3 hours long. He suggested for the meetings to be streamlined and asked if there are things that can be done to speed up these meetings. Commissioner Hawkins agreed.

Commissioner Parry inquired about the status of the approved apple orchard application. He inquired if the applicants are adhering to the conditions. Ms. Simone will report back to the Commission.

With no other business to discuss, Chairman Kaputa adjourned the meeting at 9:29 P.M.

Respectfully Submitted,

Nadya Yuskaev

Nadya Yuskaev
Recording Secretary