

**GLASTONBURY CONSERVATION COMMISSION
(INLAND WETLANDS & WATERCOURSES AGENCY)
MEETING OF MINUTES THURSDAY, MARCH 24, 2022**

The Glastonbury Conservation Commission (Inlands Wetlands & Watercourses Agency), along with Ms. Suzanne Simone, Environmental Planner, in attendance held a Meeting via ZOOM video conferencing.

ROLL CALL

Commission Members-Present

Frank Kaputa, Chairman
Mark Temple, Vice-Chairman
Kim McClain, Secretary
Brian Davis
William Shea

Commission Members- Excused

Kelsey Hawkins
James Parry

Chairman Kaputa called the meeting to order at 6:31 P.M. and explained the public meeting process to the applicants and members of the public. The Chairman explained that, procedurally, the Commission must wait 14 days before voting on wetlands permit applications. He noted that the two formal applications scheduled for the current meeting had informal reviews already. The Commission will vote on the applications at a future meeting. The Commission will hear the presentations on the applications tonight.

I. FORMAL APPLICATIONS

- 1. Application of New England Traffic Solutions (Claudio Vecchiarino) for: an inland wetlands and watercourses permit; and recommendations to the Town Plan & Zoning Commission for a Section 12 Special Permit with Design Review ~~and a Section 4.11 Flood Zone Special Permit~~ concerning a 3,000 square foot addition to the existing building, with parking modifications and water quality enhancements at 52 National Drive – Planned Employment and Flood Zones – Dutton Associates, LLC**

Mr. Jim Dutton of Dutton Associates, LLC informed the Commission that the agenda is not correct. Mr. Dutton stated that they are not applying for a Section 4.11 Flood Zone permit. He noted that there is no activity in the flood zone and they are applying for a wetlands permit and a permit for a building addition. Ms. Simone stated that she will look into this. Mr. Dutton stated that the development was built in the early 1980s. Mr. Dutton noted that the property has been through different owners and there were different businesses on the site. New England Traffic Solutions, the current owners of the property, assemble and ship out traffic signal lights. The applicants plan to add a 3,000 square-foot warehouse. Mr. Dutton stated that the wetlands were

delineated by Ms. Cynthia Rabinowitz and added that they suspect that the whole site was wetlands at one point. Mr. Dutton noted that they will match the finished floor elevation with the proposed addition and existing building. Mr. Dutton explained that the refuse area will be upgraded with a concrete slab and will be fenced in. He noted that some of the parking will be eliminated. Mr. Dutton explained that they have met the parking requirements.

Mr. Dutton noted that, when the site was constructed in the early 1980s, there were no laws in place regulating the water quality. The site currently discharges about 15 feet away from the wetlands. Mr. Dutton explained that the proposed stormwater quality treatment consists of a stone infiltration area with a level spreader for flows exceeding the water quality volume. The system is located along the edge of the existing parking area. The existing curb along the edge of the parking area will be removed to allow sheet flow into the stone infiltration area. Mr. Dutton noted that the level spreader is at elevation 63. He explained that any water above that will spill out into the wetlands. Mr. Dutton explained that the roof drains from the existing building will be piped into a concrete leaching chamber located within the infiltration area. He noted that the plans have been upgraded to include a total of 3 concrete leaching chambers. Mr. Dutton pointed out the concrete leaching gallery system. He noted that this upgrade will allow for extra water storage. Mr. Dutton explained that the system can be monitored through the inspection port. He explained that they will add a layer of filter fabric below the surface which will filter out sediment. Mr. Dutton stated that maintenance notes are included in the plans. He explained that the plans include replacing the filter fabric instead of excavating the entire volume of stone. Work to be done according to the maintenance schedule entails cleaning the parking lot of leaves and debris, inspecting the system for contamination, and other such disposal as required. Mr. Dutton pointed out that he added a special note that clearly states that nothing will be deposited into the wetlands.

Mr. Dutton noted that there will be no catch basins on-site because they do not have the elevation for that. He stated that they are not needed and noted that the runoff from the entire parking lot will flow into the water quality system. Mr. Dutton stated that the current impervious coverage is 18,637 square feet and will increase by 1,153 square feet, which is mostly from the building addition. Mr. Dutton reiterated that there is currently no water quality system on-site. He noted that the system they came up with is a retrofit and they are required to treat 50 percent of the water quality volume. He explained that all but approximately 1,000 square feet will run through the water quality system. Mr. Dutton noted that the drainage calculations were not a higher number because that would require activity closer to the wetlands. He noted the proposed bollards, which will prevent cars from driving into the storm water management system. Mr. Dutton noted that the site is served by sanitary sewer, pointing out the manhole. Mr. Dutton moved on to the landscaping plan. They plan to put deciduous trees in the front and will add arborvitaes to screen the transformer. The parking area will also have plantings to shield the view. Mr. Dutton noted that there will be handicap parking spots. He stated that there will be no additional tree removal and no direct wetlands impact. Mr. Dutton noted that the area was already disturbed and some work will be in the upland review area. Mr. Dutton stated that there will be no hazardous material on-site. He reiterated that the equipment will be assembled on-site and sent out. Mr. Dutton stated that sales and warehouse function will continue.

Commissioner Shea asked Mr. Dutton to point out the conservation easement area, which he did. He noted that the property line is located beyond the boundary of the conservation easement. Commissioner Shea asked the Commission if it makes sense to increase the easement. Chairman Kaputa asked if the power lines were behind the property. Mr. Dutton explained that the power lines are further down the road and not behind the property. He noted that the easement is hard to access. Mr. Dutton stated that they can discuss increasing the easement. Chairman Kaputa stated that he is fine with no changes made to the easement. The Chairman noted that there is currently no stormwater management plan on-site and the proposed plans are an improvement. Mr. Dutton stated that the site is not in the flood zone. He noted that the site is very close to the wetlands and reiterated that the site was probably all wetlands at some point. Mr. Dutton stated that the parking lot has cracks and ruts in the pavement. They plan to mill and overlay the parking lot, which will have better durability and longevity.

Commissioner Davis asked if there were any changes to the lighting plan. Mr. Dutton stated that there are no changes, except for a better light over the front door and a light near the ramp area. Commissioner Davis remarked that the plans seem pretty straightforward. Secretary McClain asked Mr. Dutton if it was possible to include pollinator plants in the design plans. Mr. Dutton asked where the plants would be placed. Secretary McClain asked for the pollinator plants to be placed near the entrance to enhance the look of the site. Mr. Dutton stated that he will pass that request on. Chairman Kaputa noted that the black tupelo tree is a pollinator. Secretary McClain remarked that she was thinking about low level plants that would add some color. She noted that if it is not a practical choice it does not have to be included in the design plans. Mr. Dutton stated that he will pass the information along.

Vice-Chairman Temple asked Mr. Dutton to make sure that the wetlands are clearly marked and the filter fabric is in place. The Vice-Chairman remarked that the construction will be very close to the wetlands. Mr. Dutton responded that all of the work can be easily done from the parking lot trench. Vice-Chairman Temple asked about the erosion and sedimentation control measures. Mr. Dutton replied that the erosion and sedimentation controls will be put in prior to construction, as specified in the erosion control notes on the plans. Vice-Chairman Temple remarked that the proposal is an improvement. Commissioner Davis asked about the maintenance of the stormwater management system. Mr. Dutton responded that this system has visibility, which is an advantage over below-ground systems. He stated that it will be obvious if the system is not working. Mr. Dutton mentioned that landscapers use pure salt in their spreaders instead of a sand mix. He noted that it is an effective way to melt the snow without any accumulating sediment. Mr. Dutton stated that mostly leaves will clog the system and that is why the filter fabric is there.

Ms. Simone asked Vice-Chairman Temple if his suggestion regarding the wetlands flagging was a temporary measure for the installation of erosion controls or permanent markings. Vice-Chairman Temple noted that the flagging is to prevent encroachment during construction. The Vice-Chairman remarked that the erosion and sedimentation control plans outlined by Mr. Dutton are acceptable. He added that cars and construction vehicles would not drive past the

wetlands if the area was flagged and the barrier was put up. Chairman Kaputa noted that there were comments from the Town Engineer that need to be addressed. Ms. Simone asked Mr. Dutton about moving the silt fence away from the wetlands area. Mr. Dutton replied that it was corrected. He noted that there was some incorrect information in the maintenance plan and he will replace the sheets this week.

2. Application of TCWC Holdings Glastonbury LLC for: an inland wetlands and watercourses permit; and recommendations to the Town Plan & Zoning Commission for a Section 12 Special Permit with Design Review and a Section 4.11 Flood Zone Special Permit concerning re- construction of the carwash at 2756 Main Street - Flood Zone – Alter & Pearson, LLC – Dutton Associates, LLC

Attorney Peter Alter of Alter & Pearson, LLC began the presentation with two photos of the carwash. One photo was taken in 1979 and the other photo was taken in 2020. Attorney Alter stated that the carwash was built in the early 1960s. The carwash was built before there were any laws regulating the water quality. Attorney Alter reminded commissioners that the action will be deferred until the next meeting. He stated that their team appeared before the Commission at the February 24, 2022 meeting. He noted that they have addressed the issues that were raised. Attorney Alter stated that they are requesting an Inlands Wetlands Permit. They will conduct activity within the upland review area. There will also be minor activity in the wetlands area, which is limited to putting in plants. Attorney Alter stated that they are applying for a Section 12 Special Permit with Design Review, a Section 4.11 Flood Zone Special Permit and Section 4.11 Flood Zone Waiver.

Attorney Alter stated that they provided comprehensive flood zone plans at the last meeting. They are in compliance with the all of the flood zone regulations. Attorney Alter noted that the proposed plans improve the site conditions, modernize the facility, and benefit the customers and the condo association. He explained that there was a great deal of activity and noise, and the proposed plans will relocate the vacuums further away. Attorney Alter noted that the proposed plans will provide a better aesthetic to Main Street. He stated that they have been to the Beautification Committee twice, and added that Mr. LaForge will speak on that in detail. Attorney Alter said the site encompasses 1.51 acres and is bounded by Salmon Brook to the north. Attorney Alter noted that the property is a legally existing non-conforming use since the 1960s. A great deal of the property is in the Flood Zone and a small portion of the property is in the Planned Business and Development Zone. Attorney Alter stated that a carwash is permitted in the Planned Business and Development Zone. He added that the narrative written by Attorney Hope documents the communication with FEMA and CT DEEP; neither had objections to the plans.

Attorney Alter stated that the existing building will be reduced in size. The impervious coverage will also be reduced. The building will be moved further away from the property line, which will reduce the noise. Attorney Alter reiterated that the vacuums will be moved further away as well. He noted that the sewer easement runs parallel to Salmon Brook and pointed out the manhole. He remarked that the site has been disturbed. Attorney Alter said that the brook

channel is extremely well channelized. He noted that accumulated sediment upstream ends up on the site. Attorney Alter stated that there are no concerns from CT DEEP National Diversity Database as outlined in a March 4, 2022 letter. Attorney Alter stated that they have a lighting plan that has been updated and finalized. He noted that the fixtures will be dark sky compliant. Attorney Alter stated that they looked into the PFAS issue that Vice-Chairman Temple raised and noted that there will be no PFAS used. This statement was included in the submitted materials.

Mr. Guy Hesketh, Licensed Professional Engineer of F.A. Hesketh & Associates, Inc. began his presentation. He explained that the flow of the site was designed to prevent the stacking of vehicles on Main Street. The carwash tunnel was pointed out on the screen. Mr. Hesketh noted that they will expand the existing tunnel. He explained that their design plan objectives included not increasing the impervious coverage. The existing impervious area is 25,982 square feet. The total impervious area will be reduced to 25,444 square feet. Mr. Hesketh stated that there is no method of stormwater treatment on-site. He explained that they are proposing low impact design measures that will treat the stormwater and explained that they created a grading plan with incremental quarter-foot contours.

Mr. Hesketh stated that the stormwater management system will consist of conventional storm drain systems comprised of catch basin inlets, manholes, culverts, and roof leaders. The paved leak-offs will discharge to rain gardens and underground stormwater storage systems. The rain gardens and underground infiltration systems are designed to capture and treat 50 percent of the water quality volume generated by the development in conformance with the MS4 requirements. Runoff from the site will continue to be discharged into the town storm drain system on Main Street, which will ultimately drain into Salmon Brook. He noted that the water will drain out of the underdrain in 24 to 72 hours. Mr. Hesketh stated that the drainage analysis was submitted and the proposal is in compliance with the Town requirements. Mr. Hesketh stated that they will be working with Eversource regarding the utility plan. The site will be serviced by MDC water. There is an existing gas line on the property. The sewage will be discharged into the existing lateral.

Mr. Hesketh stated that the proposal will utilize a reclamation system that will recycle 50 percent of the water on the site. Mr. Hesketh noted that the newest plan includes a manhole that is 20 feet from the property line. Mr. Hesketh reiterated that the current site does not have any water treatment and the proposal meets the MS4 requirements. Mr. Hesketh stated that they have provided a thorough flood compensatory analysis. He explained that the grading was done at a quarter-foot intervals. Mr. Hesketh noted that they put together a complex spreadsheet showing the compensatory flood storage. They have demonstrated that there is no reduction in flood storage at each interval. Mr. Hesketh stated that the plans include the erosion and sedimentation controls. He noted that they have included a construction exit. Mr. Hesketh listed some of the erosion measures which include anti-tracking pad, silt fencing, sediment logs, erosion control blanket, riprap and hay bales. He noted that they are proposing 3 retaining walls, explaining that this is needed to meet the flood compensatory requirements and has allowed them to save trees. They propose a reinforced concrete retaining wall, a modular block retaining wall, and a gravity

block retaining wall. Mr. Hesketh noted that these walls will save trees and preserve the existing slope. Mr. Hesketh stated that the proposal will have no adverse impact on the wetlands.

Mr. Ken LaForge, Senior Landscape Architect, began his presentation. He asked the Commission if they would like the complete overview or just the changes that were made to the plans. Commissioner Davis asked Mr. LaForge to outline the changes. Mr. LaForge noted that they have been to the Beautification Committee twice. The Beautification Committee was not happy with the daylilies because of their difficult maintenance. Mr. LaForge stated that they were asked to simplify the design, making it easier to maintain. Commissioner Davis inquired about the snow storage area, to which Mr. LaForge replied by pointing it out on the plans. Mr. LaForge noted that another change to the plans was replacing the willow trees with sweetgum trees. He explained that the specific willow variety is difficult to find and they did not want to risk getting an invasive variety. Mr. LaForge stated that they plan to add pollinator plants in the front of the rain garden. The perennial plants will be moved near the brook. Mr. LaForge explained that they did not want a weedy look and will put in foundation plantings in the front as well. Mr. LaForge noted that the Beautification Committee requested witch hazel trees. The trees provide color throughout the four seasons and add interest to the site. Mr. LaForge noted that they plan to move the plants away from the wall to allow more room for growth. The knotweed will be removed by hand. Mr. LaForge stated that erosion and sedimentation control measures will be in place and the area will be stabilized. Mr. LaForge asked the Commission if they received the scaled plans. Vice-Chairman Temple replied yes. Mr. LaForge noted that the landscape plan will add visual appeal and will be a vast improvement to the site.

Mr. James Sipperly, Soil Scientist and Environmental Planner, began his presentation. He noted that Ms. Cynthia Rabinowitz delineated the wetlands in 2019. Mr. Sipperly explained that Ms. Rabinowitz had retired and added that he agrees with the report. Mr. Sipperly stated that he has verified the flagged areas 1-14. He noted that the soils are poorly drained and disturbed. Mr. Sipperly noted that he has worked with Mr. LaForge in creating the landscape plan and added that it will provide food and a habitat for small animals. Mr. Sipperly stated that large shade trees will be planted along the brook. He noted that DEEP recommends this for fisheries. Mr. Sipperly stated that there will be no large plantings of trees along the sewer line. He noted that they will utilize a New England wild flower and native seed mix. Mr. Sipperly stated that there is no water quality treatment system in place. He stated that the plans include two rain gardens. Mr. Sipperly stated that there will be no grading or disturbance along the brook. He noted that erosion and sedimentation controls will be in place. Mr. Sipperly stated that the proposed plans improve the overall site conditions and the surrounding area.

Attorney Alter noted that they will utilize dark sky compliant fixtures with a maximum pole height of 14 feet. He explained that the submitted materials detail that there will be no light spillage beyond the site. Attorney Alter summed up that there will be no adverse impact on the wetlands. He noted that the proposal will have a stormwater management system, which is a great improvement. Attorney Alter remarked that this is the kind of redevelopment that should be encouraged along the Main Street corridor. He added that it is time to bring the carwash into modern times. Attorney Alter stated that they are happy to answer any questions.

Chairman Kaputa remarked that it is a nice redevelopment. He noted that it was good to see a decrease in the impervious numbers. Vice-Chairman Temple thanked the applicants for looking into the PFAS issue. The Vice-Chairman noted that Simoniz is a local company located in Bolton and they have eliminated PFAS from their products two years ago. Vice-Chairman Temple asked about the construction of the concrete wall. Mr. Hesketh replied that they will construct the wall from the carwash side of the site. They will put in the footing first and pour the concrete. They will put in a silt fence and implement the erosion control measures that are specified in the plan. Mr. Hesketh noted that the construction will take less than a week. Vice-Chairman Temple asked how the check valves work for large storms. Mr. Hesketh responded that the check valves are routinely used by MDC. He noted that it is installed on the outlet of the pipe and has a flapper valve design. Mr. Hesketh noted that, if the pressure is higher, the valve will close until the water recedes. Mr. Hesketh noted that the Water Pollution Control Authority will look at it as part of the building permit process.

Commissioner Davis asked the applicants to detail their snow storage plans. He remarked that pushing the snow into the brook is problematic. Attorney Alter explained that some of the vacuum spots will be designated for snow storage. He noted that, if the snow is too much, they will have it removed and trucked off-site. Attorney Alter explained that every commercial property faces this possibility and off-site snow removal is the contingency plan. Chairman Kaputa noted that the plans he received do not include sweetgum and witch hazel. The Chairman asked the applicants to provide an updated list. Mr. LaForge stated that they will send updated plans. Chairman Kaputa asked Mr. LaForge if they are able to select the tupelo tree instead of the sweetgum. The Chairman explained that the tupelo is a native plant, and it is native to the wetlands. The sweetgum is outside the native range. Mr. LaForge stated that they can make the change. Commissioner Shea thanked the applicants for the thorough presentation. He noted that they addressed all of his questions.

Mr. LaForge noted that they conducted a site walk with the neighboring condo residents. Mr. LaForge remarked that he hopes the neighbors have listened to the presentation. Attorney Alter asked if the entire team would be needed for the next meeting. Chairman Kaputa stated that it is not necessary unless changes are made. He asked the applicants to focus on the changes in the next meeting. The applicants thanked the Commission.

II. INFORMAL DISCUSSION

Discussion of current conditions and proposed activities within the Conservation Easement at the East Carriage Drive PAD concerning 431 East Carriage Drive, 7, 11, 17, 23, 27 & 33 Montauk Way

Ms. Laura Cahill and Mr. Paul Reddington, East Carriage Condo Association President (ECCA), began their presentation. Ms. Cahill explained that the East Carriage Drive PAD is a 55+ community. She noted that there are 30 condos in the community with shared common areas, private road and a conservation easement. Ms. Cahill informed the Commission that, in the past, the residents have contacted former Town Environmental Planner Tom Mocko and he approved

the removal of dangerous trees. The large and dangerous trees were replaced with smaller shrubs. Ms. Cahill noted that an arborist comes to the condos and has noted an increased number of dead trees and insect infestation. The arborist agreed with the residents that the trees are hazardous and very close to the homes. Ms. Cahill informed the Commission that the arborist recommended the replacement of trees that are within 20 feet of residential properties. Ms. Cahill noted that all 17 trees are less than 25 feet away from residential properties. Ms. Cahill explained that the environmental conditions are changing. There is an increase in severe weather, pests, disease, and more branches fall and break. Ms. Cahill stated that a resident reported a tree scraping the siding of their property and there were reports of trees falling between the condo units. Ms. Cahill summed up that the East Carriage Condo Association would like to remove the 17 dangerous trees. She noted that the trees increase the insurance liability. Ms. Cahill stated that they have provided a detailed memo with the proposed shrubs that will replace the large dangerous trees. Ms. Cahill stated that the trees will not be stumped. They will be left to decay naturally.

Chairman Kaputa noted that, in the past, the Commission had approved cutting trees, as long as they are replaced with native shrubs or smaller native trees. He remarked that it is not an unreasonable request. The Chairman went through the proposed planting list. He informed the condo representatives that the first suggestion, wild hydrangea is not native to Central Connecticut, but is native to the Eastern United States. The Chairman remarked that it is a fine plant for landscaping, but not a suitable choice for the conservation easement. The second selection, *Cephalanthus Occidentalis* Buttonbush, is acceptable. The third selection, *Densa Inkberry*, is a cultivated variety. The Chairman explained that it looks like a garden plant and it would look out of place in a conservation easement. Chairman Kaputa moved on to the 4th and 7th items on the list, which both suggest *Dasiphora Fruticosa*/Shrubby Cinquefold. The Chairman noted that he has researched the varieties and they are native to Connecticut and are acceptable. Chairman Kaputa moved on to the 5th item on the list, which includes Blue Princess Holly, Winterberry Holly, Mountain Laurel *Kalmia* and *Rhododendron Taurus*. The Blue Princess Holly is a hybrid and not native. Winterberry Holly is native, as long the cultivated variety is not used. Mountain Laurel *Kalmia* is native, as long the cultivated variety is not used. The *Rhododendron* is a hybrid and not a native. The Chairman explained that there are native varieties of *rhododendron* and *azalea*. The 6th item on the list, honeysuckle shrub, is not native and is invasive, adding that it is the worst thing that can be put in. The Chairman noted that native honeysuckle is a vine. Ms. Cahill stated that they will choose acceptable plantings.

Chairman Kaputa noted that he and Ms. Simone visited the condos and noticed a series of violations in the conservation easement. He explained that, from east to west, the violations get more serious. The east side has a little bit of encroachment. Further, there is a garden in the easement. In the area of the condo #33, there is a stone patio that is located in the conservation easement. The Chairman remarked that resolving these violations will not be easy. Ms. Cahill explained that Ms. Simone provided the address to the UConn website to review native shrubs to use in their planting plan. Ms. Cahill said that they are more than willing to choose acceptable native shrubs. Ms. Cahill explained that she removed 33 plantings that were in the conservation easement when she first moved to the condo. Ms. Cahill emphasized the community's

willingness to comply. Chairman Kaputa asked when that happened. Ms. Cahill replied 2015 and added that many residents did not know about the terms of the conservation easement. She noted that the Commission can work with the homeowners and added that they want to be in full compliance.

Secretary McClain noted that the Commissioners should all visit the site. Commissioner Shea was in agreement. Commissioner Davis informed the Commission that he walked through the area several times. He noted that the cleared areas within the conservation easement appear to have been done naturally and organically. Commissioner Davis remarked that his guess is that the residents might not have realized that they were encroaching into the conservation easement. He noted that the area is not clearly marked out and what was done looks nice. Commissioner Davis noted that he does not want to make someone rip out something that was already done. He remarked that it is a difficult situation. Commissioner Davis explained that taking out all trees within 25 feet would make the area barren. He remarked that there are many homes that have large healthy trees within 25 feet and they are just fine.

Commissioner Shea noted that he is concerned about the removal of all 17 trees. He asked if the arborist had written a report detailing that all 17 trees are a threat. Mr. Reddington explained that several trees fell on the houses. He noted that many of the trees are 70 feet tall. Mr. Reddington stated that some trees have fallen into the open area and he knows that, recently, 3 trees fell on the houses. He explained that the residents are worried because the trees are not the healthiest. Mr. Reddington also noted that there are frequent broken branches. He explained that Ms. Cahill suggested all of the residents see the Conservation Commission collectively, instead of multiple individual requests, from each of the condo residents.

Ms. Cahill explained that part of the confusion stems back from when the condominiums were built. She said that she feels a conservation easement should not be eight feet behind a residential property, remarking that it is too close. Chairman Kaputa noted that this conservation easement is closer than others. He explained that there are violations that have happened over the years, including the large patio. Mr. Reddington explained that the patio was put together with red stones found in the condo area. Commissioner Davis remarked that he could tell the patio looked homemade. Ms. Cahill informed the Commission that the developer, Mr. Rejean Jacques, approved the patio area. Ms. Cahill also noted that there are no clear markings. Chairman Kaputa noted that many people remove the survey stakes. Ms. Cahill stated that the residents remove the stakes because they look unsightly. She explained that she has sent out emails with specific information regarding the conservation easement, specifying that planting is not permitted in that area. Ms. Cahill suggested to defer a decision and asked the Commission to schedule a site visit. The Commissioners were in agreement about scheduling a site visit.

The Commissioners further discussed the violations. Vice-Chairman Temple noted that the residents do not need permission to trim tree branches that encroach on their property.

The Commissioners discussed the issue of consistency and precedent in dealing with violations to the conservation easement. They also discussed whether an arborist should attend the site

visit. Chairman Kaputa asked Ms. Simone to set up a site visit after work hours. He asked Ms. Simone to coordinate the times with Ms. Cahill and Mr. Reddington. Commissioner Davis thanked Ms. Cahill for the thorough materials and presentation. Ms. Cahill reiterated that the residents are willing to work with the Commission and will select appropriate shrubs. Chairman Kaputa moved on to public comment.

Mr. Jim Shea of 33 Montauk Way stated that he is a resident at the condos. He explained that his wife is scared to death of a huge tree falling on their house. Mr. Shea stated that a tree branch is touching their deck. The upper branches of the tree are over the deck. Mr. Shea explained that the tree is huge and lightning has already knocked several trees down in the area. Mr. Shea stated that the trees are a hazard and a liability. Mr. Shea remarked that the Commission has now been put on notice and added that it is on them if something happens. Mr. Shea explained that, when he purchased his home in 2007, he was not told about any conservation easement. He explained that 14 years ago he carried rocks and put them in a wheel barrow and arranged them into a natural patio area. Mr. Shea noted that it was a lot of work and, as a 74-year old, he does not have the means to take it down. Mr. Shea stated that he considers that space to be his backyard, noting that it is just steps away from his house. Mr. Shea stated that he insists to be present when the Commission visits the site. Mr. Shea explained that, when he put in the stones in 2007-2008, he was given permission by Mr. Jacques. He stated that Mr. Jacques hired Megson, Heagle & Friend, C.E. & L.S, LLC to stake the property. Mr. Shea stated that there were no objections at the time because the material is natural. The rocks came from the immediate area. Mr. Shea stated that Mr. Tom Mocko approved the patio area about 14 years ago, and noted that it is natural and fits with the environment. Mr. Shea reiterated that all of the rocks came from the immediate area, the patio is natural and there is no wood or plastic. He noted that it looks good and is natural. Mr. Shea stated that there will be a problem if any of the Commissioners try to force him to take down the patio.

Chairman Kaputa said that he appreciates Mr. Shea's concerns. He explained that the Commission will discuss possible solutions. Mr. Shea stated that he has gotten approval from Mr. Mocko 14 years ago. He stated that Mr. Mocko did not involve the Commission in his decision to approve the patio. Chairman Kaputa noted that the conservation easement is the legally binding document of the Commission. Commissioner Davis remarked that he would like to put Mr. Shea's mind at ease. He noted that the Commission is very far away from deciding to remove the stones. Commissioner Davis explained that the Commission must come up with a solution without setting precedent for future action. He noted that he understands the nervousness about the large trees. Commissioner Davis explained that, if they see any hazardous trees, they will agree with their removal. Chairman Kaputa noted Mr. Shea's request to be present for the site visit. Ms. Cahill thanked the Commission for their consideration.

III. APPROVAL OF MINUTES - Regular Meeting of March 10, 2022

Several Commissioners stated that they have not received the minutes. The Commissioners were in agreement to postpone the approval until the next meeting.

IV. COMMENTS BY CITIZENS ON NON-AGENDA ITEMS – none

V. OTHER BUSINESS

1. Chairman’s Report

Chairman Kaputa informed the Commission that Ms. Hawkins is temporarily residing in West Hartford. This disqualifies her from serving on the Commission. Ms. Hawkins sent a letter of resignation to the Town Manager. The Chairman read out a letter from Ms. Hawkins. In the letter, Ms. Hawkins thanked the Commission for all the wonderful work they do.

2. Environmental Planner’s Report

Ms. Simone explained the 14-day waiting period on wetlands permit applications. She noted this is a requirement for inland wetland applications, not TPZ referrals. Ms. Simone informed the Commission that she is working with the Town Manager’s Office on a project regarding the Town Open space and its uses. She explained that they are looking for qualified individuals or firms with experience with open space management plans. Ms. Simone noted that some places have active recreation areas mixed with forest areas. She noted that the request for qualification is on the Town website. The Commissioners discussed the upcoming site visit to the condos. Ms. Simone stated that the meeting will be noticed. Vice-Chairman Temple remarked that someone will need to take notes.

With no other business to discuss, Chairman Kaputa adjourned the meeting at 9:40 P.M.

Respectfully Submitted,

Nadya Yuskaev

Nadya Yuskaev

Recording Secretary