

**GLASTONBURY CONSERVATION COMMISSION
(INLAND WETLANDS & WATERCOURSES AGENCY)
MEETING OF MINUTES THURSDAY, APRIL 14, 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 (logged in at approximately 7:00pm)
James Parry
William Shea
vacancy

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

I. FORMAL ACTIONS & RECOMMENDATIONS

- 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 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 explained that a maintenance schedule for the stone infiltration area was included in the plans. Mr. Dutton noted that the landscape architect added some pollinator plants. Mr. Dutton remarked that no other changes were made. Ms. Simone reminded Mr. Dutton that the silt fence was moved outside of the wetlands area. The silt fence will be in the upland review area. Mr. Dutton replied correct. Mr. Dutton stated that there are notes regarding staking as well as instructions for a sediment barrier to be put up prior to construction. Chairman Kaputa noted that the filter fabric was addressed. The Chairman stated that he looked over the planting list and there are no issues. Secretary McClain thanked Mr. Dutton for putting in the pollinator plants.

Motion by: Secretary McClain

Seconded by: Commissioner Shea

MOVED, that the Inland Wetlands and Watercourses Agency grants an inland wetlands and watercourses permit to New England Traffic Solutions for a 3,000 square foot addition to existing building with parking modifications and water quality enhancement at 52 National

Drive, in accordance with plans entitled “Proposed Building Addition, 52 National Drive, Dated April 7, 2022” 10 Sheets and 1 color landscape plan, and in compliance with the following stipulations:

1. Permittee is responsible for the proper installation and consistent monitoring of the sediment and erosion controls and stabilization measures. Permittee shall inspect the sediment and erosion controls and stabilization measures a minimum of once a week and within 24 hours prior to a forecasted rain event, and within 24 hours of the end of a weather event producing a rainfall amount of 0.5 inch or greater, to be conducted throughout the construction phase and until the site is vegetatively stabilized.
2. Erosion controls shall be maintained in proper working condition and shall be replaced as needed until the site is vegetatively stabilized. Hay bales shall be replaced after 60 days. The Environmental Planner is hereby authorized to require increased inspections and additional soil erosion and sediment controls and stabilization measures as warranted by field conditions.
3. The wetland boundary shall be field located and flagged prior to the site work for the installation of the water quality stone trench and excavation for the concrete galleries.
4. The Construction Sequence and Erosion Control Notes (Sheet #7) shall be stringently adhered to.
5. Material shall not be stockpiled nor deposited within wetland areas.
6. Trees identified to remain in the landscape, as detailed in the above referenced plans, 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. The permit is valid for 5 years from date of issuance, and shall expire on April 14, 2027.

Chairman Kaputa opened the floor for discussion. Vice-Chairman Temple brought up an issue with conditions 1 and 2. He explained that it can be interpreted as inspections must take place indefinitely. Vice-Chairman Temple suggested changing the wording to inspections can stop once receiving approval from the Environmental Planner or something to that effect. After further discussion, the Commission agreed with adding the wording Mr. Dutton suggested: “throughout the construction period and until all upstream areas are stabilized”. Ms. Simone asked the Commissioners if the wording should include “vegetatively stabilized.” The Commissioners agreed to the wording, which will be included in the first sentence of the first condition: “throughout the construction period and until the site is vegetatively stabilized.” Chairman Kaputa asked the Secretary and Secunder if they agreed to the change. Secretary McClain and Mr. Shea agreed to the change.

Result: Motion passes. (4-0-1)

(Commissioner Parry abstained from the vote because he was not at the last meeting.)

Motion by: Secretary McClain

Seconded by: Commissioner Shea

MOVED, that the Conservation Commission recommends to the Town Plan & Zoning Commission approval of a Special Permit for New England Traffic Solutions for a 3,000 square foot addition to existing building with parking modifications and water quality enhancement at 52 National Drive, in accordance with plans entitled “Proposed Building Addition, 52 National Drive, Dated April 7, 2022” 10 Sheets and 1 color landscape plan, and in compliance with the Inland Wetlands and Watercourses Agency permit issued on April 14, 2022, and valid through April 14, 2027.

Result: Motion passes. (5-0)

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 Meghan Hope of Alter & Pearson, LLC and Landscape Architect, Mr. Ken LaForge presented the changes on behalf of their client. Attorney Hope explained that they have swapped 2 of the willow trees for 2 tupelo trees (*Nyssa sylvatica*). Mr. LaForge confirmed the change. Chairman Kaputa asked Secretary McClain to include the wording from the previous application for the first condition.

Motion by: Secretary McClain

Seconded by: Vice-Chairman Temple

MOVED, that the Inland Wetlands and Watercourses Agency grants an inland wetlands and watercourses permit to TCWC Holdings Glastonbury LLC for reconstruction of the carwash at 2756 Main Street, in accordance with plans entitled “The Car Wash Center Glastonbury, 2756 Main Street, Dated March 9, 2022”, 25 Sheets, and in compliance with the following stipulations:

1. Permittee is responsible for the proper installation and consistent monitoring of the sediment and erosion controls and stabilization measures. Permittee shall inspect the sediment and erosion controls and stabilization measures a minimum of once a week and within 24 hours prior to a forecasted rain event, and within 24 hours of the end of a weather event producing a rainfall amount of 0.5 inch or greater, to be conducted throughout the construction phase and until the site is vegetatively stabilized.
2. Erosion controls shall be maintained in proper working condition and shall be replaced as needed until the site is vegetatively stabilized. Hay bales shall be replaced after 60 days. The Environmental Planner is hereby authorized to require increased inspections and additional soil erosion and sediment controls and stabilization measures as warranted by field conditions.

3. The Construction Sequence shall be stringently adhered to, with the south bank of Salmon Brook to be secured during and after the construction of the retaining wall and approved planting plan.
4. Material shall not be stockpiled nor deposited within wetland areas.
5. Tree stumps shall not be buried on the site.
6. Trees identified to remain in the landscape, as detailed in the above referenced plans, 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. The permit is valid for 5 years from date of issuance, and shall expire on April 14, 2027.

Result: Motion passes (4-0-1)

(Commissioner Parry abstained from the vote because he was not at the last meeting.)

Motion by: Secretary McClain

Seconded by: Vice-Chairman Temple

MOVED, that the Conservation Commission recommends to the Town Plan & Zoning Commission approval of a Section 4.11 (Flood Zone) Special Permit for TCWC Holdings Glastonbury LLC for reconstruction of carwash at 2756 Main Street, in accordance with plans entitled “The Car Wash Center Glastonbury, 2756 Main Street, Dated March 9, 2022”, 25 Sheets, and in compliance with the Inland Wetlands and Watercourses Agency permit issued on April 14, 2022, and valid through April 14, 2027

Result: Motion passes (5-0)

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 Condominium Association President (ECCA), presented on behalf of the residents. Chairman Kaputa noted that most of the Commission was at the site visit yesterday. The Chairman informed the Commission that he received an updated plant list from Ms. Cahill. The list contains native plants and is acceptable.

Chairman Kaputa remarked that there are three components to consider: The Condo Association is requesting to remove trees from the conservation easement; there are violations on-site, which include the stone wall and stone patio area; and a rain garden that had been in the plans but was

not built. The Chairman noted that they will start in reverse order, beginning with discussions on the rain garden that was part of the plans.

Chairman Kaputa remarked that the rain garden might be a staff issue and asked the Commission their thoughts on this. The Commission discussed that an engineer signs off when a project is complete. After discussion, the Commission agreed with Secretary McClain's suggestion to have staff communicate with the Developer.

Ms. Cahill noted that the area is wet behind her house. She stated that there have been no serious issues. Vice-Chairman Temple explained that a rain garden treats pollutants. Ms. Cahill stated that she understands this and added that the Condo Association is not responsible for the missing rain garden. Mr. Shea noted that the issue seems to be an oversight. Vice-Chairman Temple stated that it is not clear what the purpose of the rain garden would have been. He explained that he was on-site and noticed that the discharge was only coming from the gutters. The Vice-Chairman explained that the roof leaders go underground and the runoff exits to 4-inch PVC pipes. Mr. Parry explained that the surface water runoff and runoff from the roof drain was probably the intended purpose of the rain garden. He remarked that runoff in the road would be a more significant oversight. Chairman Kaputa noted that the function of this rain garden may be limited to managing water from a few houses. Mr. Davis explained that the Commission must be reasonable and not just follow the letter of the law. He brought up the point about the implications of doing more work inside of the conservation easement. Several Commissioners agreed with Mr. Davis. Ms. Simone asked if the Commission would find it acceptable for the Developer to request the requirement be waived. Ms. Simone explained that the Town Manager would have to sign off on this because the property is a PAD. The Commissioners agreed.

Chairman Kaputa moved on to the violations in the conservation easement. He recapped that the violations include plantings, mulched garden beds, the stone wall and the stone patio. Chairman Kaputa informed the Commission that he spoke with Tom Mocko. The Chairman stated that Mr. Mocko explained that he would not approve hardscaping in a conservation easement. The Chairman noted that he has been on the Conservation Commission for over 10 years, and the explanation that Mr. Mocko provided is consistent with the approach the Commission takes. Ms. Simone discussed the two approaches in dealing with the encroachments in the conservation easement. One approach is for the Commission to take enforcement action as detailed in the conservation easement agreement. The second approach is for the Commission to request a cooperative solution which entails a comprehensive restoration plan. The Commission agreed to pursue the cooperative solution with restoration plan. Ms. Simone suggested the restoration plan include a survey identifying the conservation easement boundaries, a robust native planting plan in areas that are already cleared and a written report from an arborist regarding the trees proposed to be cut.

Mr. Davis asked if the Commission is dealing with individual homeowners or the Association. Ms. Simone replied the Association. Chairman Kaputa asked the Commission their thoughts on coming up with mitigation measures for the hardscaped area. Vice-Chairman Temple remarked that he noticed that the area looked very well maintained. He explained that there were no weeds and asked the homeowner, Mr. Jim Shea, how the area was maintained. The Vice-Chairman

asked if the weeds were pulled by hand or if pesticides were used. Chairman Kaputa noted that there could be fabric under the stone. The Chairman explained that a developer cannot give a resident permission to encroach in any way into the conservation easement. He further explained that, if a developer did give permission, it is wrong.

Mr. Jim Shea of 33 Montauk Way explained that he pulls the weeds by hand. He noted that he does not use any pesticides. Mr. Shea explained that he does the best that he can to take care of his yard. He stated that no one can see the yard or the stone and added that the elevation is lower in the back. Mr. Shea stated that the stone is not bothering anyone and reiterated that the backyard is not visible. Mr. Shea remarked that nothing is more New England and Glastonbury than a stone wall. He stated that the stone wall has been there for about 15 years and reiterated that there have been no complaints or disagreements. Mr. Shea stated that he was not aware of any regulations and today, he would not have built the stone wall. He explained that he does not want to engage in back and forth arguments. Mr. Shea stated that Mr. Mocko gave permission for the stone because it was all natural materials. Mr. Shea stated that the Developer, Mr. Rejean Jacques, was there when Mr. Mocko okayed the stone. Mr. Shea explained that he cannot remove the rocks. He stated that, even if the wall was to be toppled over, there will still be tons of rocks. Mr. Shea stated that, before he put in the stone patio, there had been wood chips on the ground. He explained that he put the stones in as an effort to control the water and disperse it. Mr. Shea stated the rocks on the ground help keep the water from gushing out into the backyard. He explained that the wood chips are not sufficient to control the water. Mr. Shea stated that wood chips deteriorate, rot and erode. He stated that the wall and stone patio look good and help with the runoff. Mr. Shea stated that he has been operating based on receiving approval 15 years ago. He noted that he does not think that it is proper, 15 years later, to be told that he did a bad thing. Mr. Shea reiterated that he was given permission.

Chairman Kaputa noted that he did not see the discharge pipe. Mr. Davis stated that it was a few feet from the crushed stone. Vice-Chairman Temple stated that he saw the pipe leader and the discharge point. Mr. Jim Shea stated that the drains are unsightly. He explained that he put rocks over them to conceal the appearance. Mr. Shea remarked that, unless you look for the pipes, they are not easily visible because of the stone. Mr. Davis remarked that he has full appreciation for Mr. Shea's explanation. He explained that the Conservation Commission must conserve the area as it was before a development was put in. Mr. Davis explained that the encroachment is non-conforming with the easement. He noted that the Association is responsible for the mitigation. Mr. Davis stated that no one will ask Mr. Shea to go into the area with a wheel barrow to remove the rocks. Chairman Kaputa asked the Commission to come up with a solution to address the stone patio. Vice-Chairman Temple explained that, in his perspective, it makes sense for the stone wall to stay. He remarked that it is a New England stone wall. The Vice-Chairman remarked that he is struggling with what to do with the crushed stone. Vice-Chairman Temple stated that the crushed stone is in the conservation easement. He noted that a worst-case option would be to remove the crushed stone from the easement and replace it with leaf litter to match the easement. Vice-Chairman Temple explained that the drainage outlets need to be looked at and suggested for some riprap to be put in and other measures that would prevent erosion. The Vice-Chairman suggested for the Association to utilize the services of an engineer to look at the drainage and possibly reshape the outlets as well.

Mr. Shea asked whether the homeowner would be allowed to continue weeding and maintaining the conservation easement area if the crushed stone remains in the patio. Vice-Chairman Temple suggested that, once the area is mitigated, it cannot be maintained. Secretary McClain and Mr. Shea were in agreement with Vice-Chairman Temple's suggestion. Mr. Parry suggested for the crushed stone to be used at the other end of the discharge pipe.

Mr. Davis asked the Commission whether it would be possible to hold off removing the stones and put in a condition of sale stating that the Association must remove the crushed stone. Mr. Davis explained that the homeowner put in a lot of work and this option might work best for the homeowner. Chairman Kaputa asked Ms. Cahill for her thoughts on the possible restoration solutions. Ms. Cahill explained that they will contact Sullivan Tree Removal, put in restorative plantings and ask Ms. Simone to review the plans. Chairman Kaputa asked Ms. Cahill her thoughts on the restoration solution regarding the crushed stone. Ms. Cahill stated that she prefers that everything is addressed at the same time. Vice-Chairman Temple suggested for the Association to come up with detailed plans. The Vice-Chairman stated that he is not in favor of taking down all of the trees. He noted that the majority of trees can come down and smaller trees that are 30 feet away should remain.

Mr. Shea agreed with the Vice-Chairman and added that he was on-site on Sunday and saw that some of the trees were far enough away. He suggested selective cutting and pruning to keep the trees maintained. Vice-Chairman Temple asked the Association representatives to come up with a plan that shows which trees are dangerous. He asked the Association representatives to include erosion mitigation on the plans. The Vice-Chairman agreed with Mr. Parry's suggestion, which proposed to move the crushed stone to the other drain. Secretary McClain agreed with the suggestions made by the Vice-Chairman and Mr. Parry. She added that a licensed arborist should review the plans. The Commission asked the Association representatives to utilize the services of a certified arborist. The Commission discussed the credentials needed for an arborist to certify tree hazards. Chairman Kaputa asked the Association to provide a list of trees that are marked on the plans which include the species and the trunk size. Mr. Davis asked the Association to tag the trees. The Commission further discussed the drainage issues, mitigation plans, and the need for a certified arborist to provide an assessment. Ms. Cahill informed the Commission that, financially, it is better for the cut trees to remain in the conservation easement. Ms. Simone explained that leaving diseased trees in the conservation easement is problematic. She explained that they will need an assessment from the arborist before they can proceed.

Chairman Kaputa noted that he did not see any ash trees on-site. The Commissioners discussed that the area would be unsightly with the downed trees. Vice-Chairman Temple suggested cutting the limbs off the downed trees to reduce the bulk. Chairman Kaputa stated that the Commission does not want machines going into the conservation easement. Vice-Chairman Temple suggested the use of chainsaws to cut up the downed tree limbs and placement for habitat creation. The Vice-Chairman suggested coming up with a plan from a monetary perspective. Ms. Cahill thanked the Commission and noted that they will come back with detailed plans.

Mr. Shea asked about Mr. Davis' proposed solution regarding putting off removing the crushed stone until a new owner takes over. Mr. Davis explained that the current owner put a lot of work in and his proposed solution would be amicable. Mr. Jim Shea stated that he considers the area to be his backyard. He explained that the stone was put in 15 years ago and he was not aware of the rules and regulations. Mr. Shea stated that that he was operating on common sense and explained that the stone is functional. He noted that it looks nice and fits in with the Glastonbury and New England landscape. Mr. Shea explained that the drains on-site are a problem. The water does not trickle; it gushes. Mr. Shea explained that the stone holds the water for a time and it then disperses. He noted that the stone was there for 15 years and there were no problems or objections to it. Mr. Shea stated that he bought the crushed stone and used a wheel barrow to bring in rocks. Some of the rocks came from several streets away. Mr. Shea stated that he does not want a backyard full of weeds. Mr. Shea stated that it is not acceptable for the Commission to take his crushed stone and leave him with weeds. He reiterated that he received permission from Mr. Mocko 15 years ago. Mr. Shea stated that the Developer, Rejean Jacques, can confirm that Mr. Mocko okayed the stone 15 years ago. Mr. Shea stated that he sees no value in removing the stone.

Mr. Davis asked Mr. Jim Shea if there is anything new he would like to present to the Commission. Mr. Jim Shea stated that there is nothing new with the crushed stone and rock. He stated that it has been there for 15 years. Mr. Shea stated that he was relying on the approval from Mr. Mocko 15 years ago. He stated that he does not see how the Commission can withdraw that approval and added that it is not right. Mr. Davis thanked Mr. Jim Shea for his thoughts and added that he made a very compelling argument. Mr. Shea thanked the Commission for listening.

The Commission asked the Association to complete the following:

- Tree assessment from a certified arborist
- Engineer to calculate the flow from the roof leader drains
- Crushed stone removal or other compromise solution
- Detailed planting list
- Complete comprehensive plans including trees, drainage, and restoration plans

Secretary McClain asked if there is a mitigation formula. Chairman Kaputa explained that in the Mott Hill Road area, three large trees were taken out and the restoration was 2 to 1. Ms. Cahill stated that she gave packets to each homeowner explaining that there can be no encroachment or plantings in the conservation easement. Chairman Kaputa explained that the proximity of the condos to the conservation easement was the result of the developer's plans. The Chairman noted that the conservation easement was there before the houses were built. Ms. Cahill stated that they can only move forward and she appreciates the Commission's time and added that she will proceed with the next steps.

Mr. Davis noted that the Commission discussed the possibility of the crushed stone getting removed with the next owner. Mr. Parry remarked that there should be some consideration taken because Mr. Jim Shea stated that he remembers getting the approval from Mr. Mocko. Mr. Davis agreed with Mr. Parry. Secretary McClain noted that there is no record of the approval.

Mr. Parry remarked that it is something the Commission should factor in when making the decision. Ms. Cahill thanked the Commission again. She stated that it was a good discussion and she appreciates their understanding.

III. APPROVAL OF MINUTES

1. Regular Meeting of March 10, 2022

The Minutes were accepted as presented.

2. Regular Meeting of March 24, 2022

Chairman Kaputa found a typo on page 2, second line from the bottom. The word “on0site” should be corrected to “onsite”. Vice-Chairman Temple directed the Commission to page 9 second to the last paragraph. The sentence reads “Vice-Chairman Temple noted that the residents do not need permission to trim tree branches that encroach on their property.” The Vice-Chairman explained that he said that “residents do not need permission to trim tree branches outside of the conservation easement that encroach on their property.” The Commissioners agreed with the change.

The minutes were accepted as corrected.

Result: Motion passes. (4-0-1.)

Commissioner Parry abstained because he was not at the last meeting.

IV. COMMENTS BY CITIZENS ON NON-AGENDA ITEMS None

V. OTHER BUSINESS

1. Chairman’s Report None

2. Environmental Planner’s Report

Ms. Simone stated that the wetland agent approvals were emailed out to the Commissioners. Chairman Kaputa remarked that it is straightforward, with multiple requests for generators.

With no other business to discuss, Chairman Kaputa adjourned the meeting at 8:24 P.M.

Respectfully Submitted,

Nadya Yuskaev

Nadya Yuskaev

Recording Secretary