

**MEMORANDUM**

**FORMAL ACTION: AGENDA ITEM#3  
MEETING OF March 16, 2023**

To: Conservation Commission/**Inland Wetlands and Watercourses Agency**

From: Suzanne Simone, Environmental Planner 

Date: March 7, 2023

Re: **Declaratory Ruling: Permitted Use, Forestry  
180 Dickinson Road**

**Review Documents:**

**Notification of Timber Harvest, Narrative and Map, March 7, 2023  
IWW Regulation: Section 4**

**Proposal**

The forester seeks a declaratory ruling that the proposed timber harvest at 180 Dickinson Road is permitted as a right/nonregulated and as such an application to the inland wetlands and watercourses commission for permit is not required. The private forestry project is described as selective cutting, not a clear cutting operation, harvesting approximately 150,000 board feet.

**Review**

The Agency reviewed a forestry project for the same property in 2011 to harvest 60,000 board feet of saw timber and fire wood. The minutes of that meeting indicated an additional harvest would take place 10 years from the 2011 harvest, which covers this forestry project.

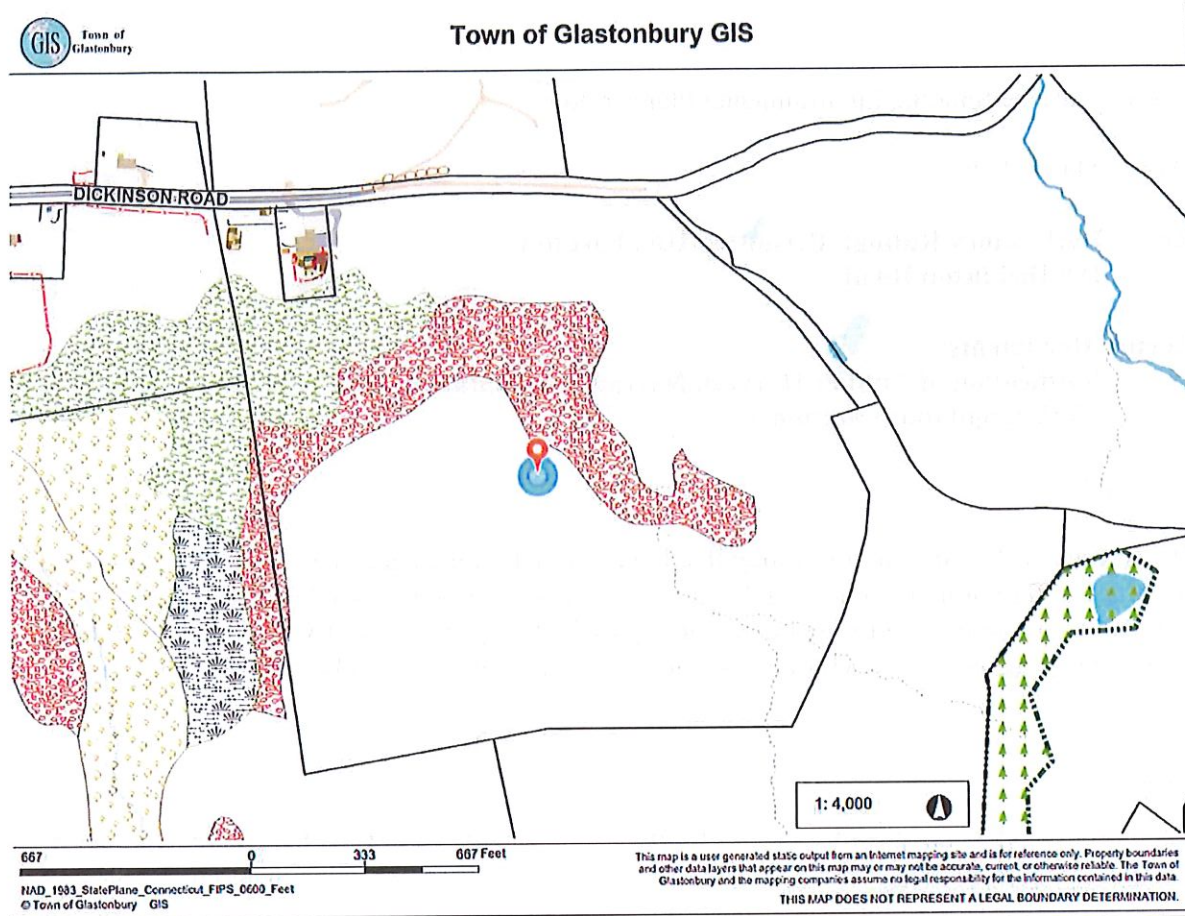
The property of 180 Dickinson Road is identified on the December 2022 map edition of the CT DEEP NDDB as being within the range of a known species of concern. The 2011 meeting minutes identify the property to be within timber rattlesnake range. The forester is recommended to contact CT DEEP NDDB for their review and suggested best management practices.

The property is located within the Cold Brook watershed.

No conservation easement agreements are recorded on the property.

The existing skid road connects to Dickinson Road in the northeastern corner of the property. The skid road crosses the watercourse in one area and a temporary crossing is proposed, which will be removed upon project completion and will be installed in the same location as the 2011 harvest.

The wetland soils and watercourse shown on the map provided by the forester is consistent with the town GIS wetland and watercourses layers:



The Connecticut General Statutes, Section 1-1 (q) defines forestry as “agriculture” and “farming”, excerpt of full definition: “*Except as otherwise specifically defined, the words “agriculture” and “farming” shall include cultivation of the soil, dairying, forestry, raising or harvesting any agricultural or horticultural commodity, etc.*”

Based on the forestry as “farming” definition, Section 4.1.a applies.

The Inland Wetlands and Watercourses Regulations Section 4.1.a states “grazing, farming, nurseries, gardening and harvesting of crops, etc.” are permitted as of right and are non-regulated. Section 4.4 of the Inland Wetlands and Watercourses Regulations authorizes the Agency to affirm forestry as farming in the regulations and is thereby allowed as a permitted use of right/nonregulated.

The regulations do not require the Agency evaluate the proposed activities for impacts and does not allow for the issuance of stipulations. Under state statute the Agency is permitted to make a declaratory ruling the same meeting the item is first listed on the agenda; a draft motion is provided for Agency consideration.

**AGENDA ITEM #3**

**DECLARATORY RULING  
PERMITTED USES AS OF RIGHT/NONREGULATED USES**

MOVED, that the Conservation Commission reviewed the forestry proposal for 180 Dickinson Road and finds the following:

1. The project will utilize existing skid roads.
2. The forest harvest will be conducted as described in the March 7, 2023 Notification of Timber Harvest, and March 7, 2023 narrative, and will include the incorporation of best management practices.
3. The area is located within a CT DEEP NDDDB area of concern, according to the December 2022 map edition, and request for review should be submitted to the CT DEEP NDDDB.

Based on these findings, the information provided, the assumed use of proper harvesting techniques and interpretation of Section 4.1 of the Glastonbury Inland Wetlands and Watercourses Regulations, the Conservation Commission/Inland Wetland and Watercourses Agency declares that the proposed timber harvest activity is a permitted use as of right/nonregulated and therefore does not require a permit.

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**NOTIFICATION OF TIMBER HARVEST**

Town: South Glastonbury, CT Date: 3/7/2023  
Property Location: 180 Dickenson Road, South Glastonbury, CT

MAR 07 2023

List all parcels:  
Assessor's Info:

Map	Block	Lot
K13	1860	S0002

OR:

Unique ID

Total acreage of property(s): 56.7 Total acreage of harvest area: 45

Landowner(s) of Record: A J R DICKINSON RD LIMITED PARTNERSHIP  
Mailing Address: 3388 BERLIN TPKE  
Town: NEWINGTON Zip: 06111  
Phone ( ) \_\_\_\_\_  
E-mail: \_\_\_\_\_

Primary Contact: GINA GALVIN  
Mailing Address: \_\_\_\_\_  
Town: \_\_\_\_\_ Zip \_\_\_\_\_  
Phone ( ) 860-432-4592  
E-mail: \_\_\_\_\_

**Note:** Timber harvesting is a *Permitted as of Right Activity* pursuant to the Inland Wetlands and Watercourses Act, except for those practices regulated under Section 22a-36 through 22a-45 of the Connecticut General Statutes.

Is there a current forest management/stewardship plan for this property?  Yes  No

**This timber harvest has been prepared by a State of Connecticut certified:**  
(Check one):  Forester OR  Supervising Forest Products Harvester  
Forest Practitioner Certificate #: SFPH001299  
Name: Logan Thompson  
Address: 240 North Sterling Road, Sterling, CT, 06377  
E-mail: Loganthompson.m@gmail.com  
Phone #: (Business) \_\_\_\_\_ (Cell) 401-207-3888

**Property Boundaries:**

Bounds are marked:  Yes  No

**Timber Harvest Boundaries:**

Have been marked or flagged:  Yes  No

Have owners of all lands within 100 feet of the harvest area been notified via first-class mail prior to filing this "Notification of Timber Harvest"?  Yes  No

Estimated starting date of timber harvesting operations: 4 / 1 / 2023

**Description of Timber Harvest:**

Objective: To promote natural regeneration of seed trees by managing the forest and creating opportunities for new growth.

Treatment: A selective harvest of trees above 14" D.B.H. Conn, 2012 field guild of Best Management Practices will be used as reference for the timber harvest.

**Amount of forest products to be harvested:**

Estimated 150,000 Board feet 100 Cords \_\_\_\_\_ Cubic feet \_\_\_\_\_ Tons

**How have the trees to be harvested been designated?**

They have been marked with paint at eye level and at ground level. Paint color(s): \_\_\_\_\_  
 They have not been marked

**SOIL, WATER AND INLAND WETLANDS RESOURCES**

**Actions Being Performed On This Land**

(Check all that apply and locate on attached Timber Harvest Area map -- see information below on maps.)

<p align="center"><u>Crossings / Clearing</u></p> <p><input checked="" type="checkbox"/> Temporary stream/drainage crossing  <input type="checkbox"/> Temporary wetlands crossing  <input type="checkbox"/> Removal of trees in wetlands  <input type="checkbox"/> Removal of trees in upland review area</p>	<p align="center"><u>Erosion and Sedimentation Control Measures:</u></p> <p><input type="checkbox"/> Installation of water bars  <input type="checkbox"/> Grading  <input type="checkbox"/> Seeding  <input type="checkbox"/> Other (describe below)</p>
<p align="center"><u>Log landing area:</u></p> <p><input type="checkbox"/> anti-tracking pad  <input type="checkbox"/> curb cut</p>	<p align="center"><u>Roads</u></p> <p>Are new roads, other than skid trails, to be constructed for transport of logs or other activities associated with this harvest?  <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>

**Describe in further detail as necessary:**

SEE ATTACHED HARVEST MAP

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**The following maps are attached to this "Notification" (Check all that apply)**

- Copy of USGS topographic map with property outlined
- Copy of Assessor's map with property outlined
- Timber Harvest Area map showing outline of harvest area, main skid road locations, log landing area, truck access roads, inland wetlands, watercourses and any crossings

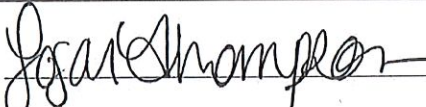
*The undersigned hereby swear that the information contained in this application is true, accurate and complete to the best of my (our) knowledge and belief and that the timber harvest will be conducted in accordance with the specifications outlined in this "Notification of Timber Harvest."*

Signature of Landowner(s):  Date: 3/7/23

Print/Type Name: Mira Malvin

Signature of Landowner(s): \_\_\_\_\_ Date: \_\_\_\_\_

Print/Type Name: \_\_\_\_\_

Signature of Certified Forest Practitioner:  Date: 3/7/2023

Print Name: Logan Thompson

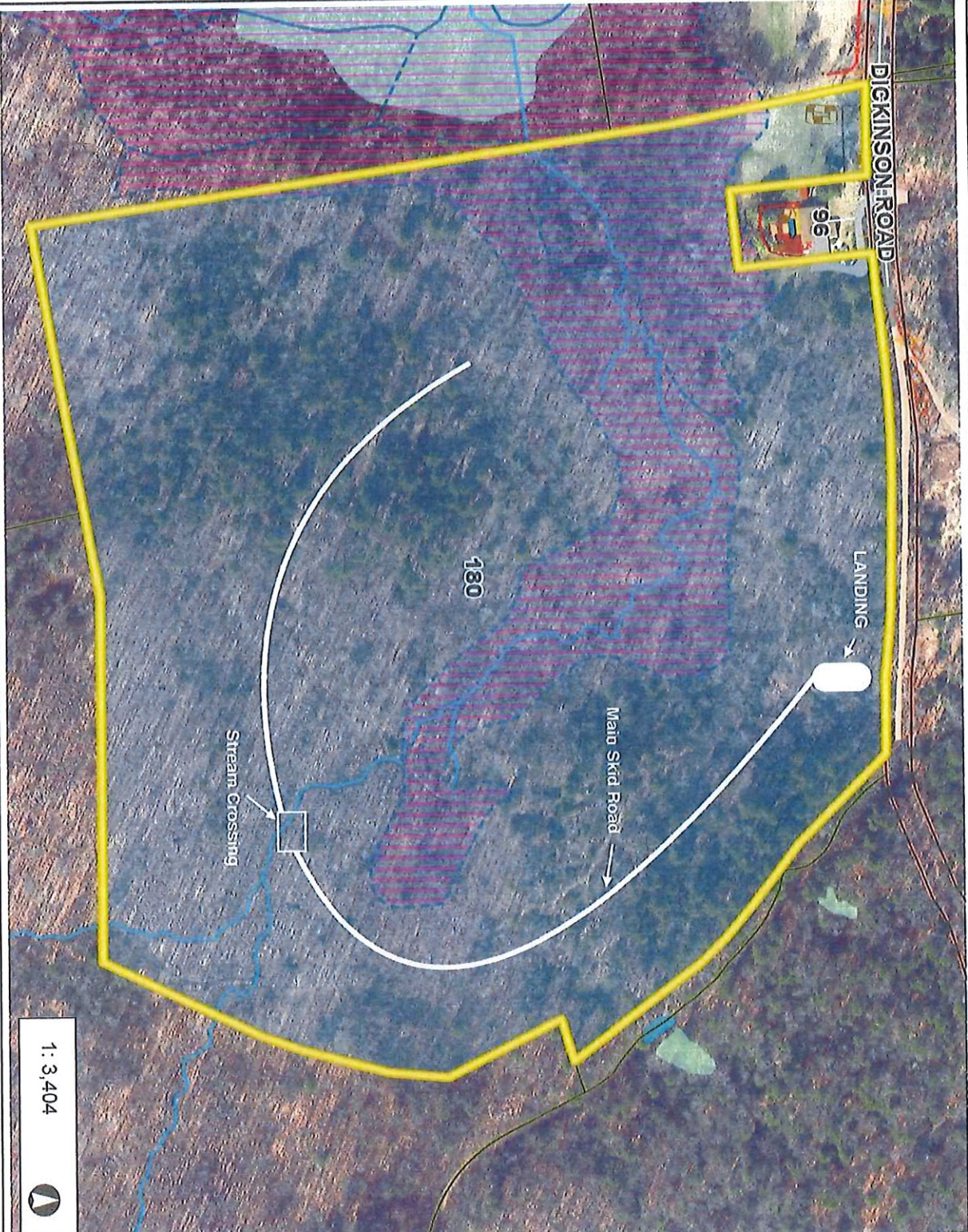
Certificate #: SFPH001299 Expiration Date: 8,1,25

**Complete and Submit to:**  
 - The Municipal Inland Wetlands Agency/ies in which the property is located, and  
 - A courtesy copy of this Notification Form should also be sent to The Department of Environmental Protection, Division of Forestry  
 79 Elm Street, Hartford, CT, Tel: (860) 424-3630

*This is not an official CT DEP form but it has been endorsed for town usage by: CT Farm Bureau Assoc., CT Forest & Park Assoc., CT Professional Timber Producers, Society of American Foresters - CT Chapter, and others.*



# 180 DICKENSON ROAD



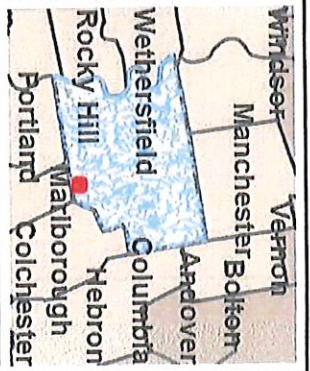
1 : 3,404



567  
0  
284  
567 Feet  
NAD\_1983\_StatePlane\_Connecticut\_FIPS\_0600\_Feet  
©Town of Glastonbury GIS

This map is a user generated static output from an Internet mapping site and is for reference only. Property boundaries and other data layers that appear on this map may or may not be accurate, current, or otherwise reliable. The Town of Glastonbury and the mapping companies assume no legal responsibility for the information contained in this data.

**THIS MAP DOES NOT REPRESENT A LEGAL BOUNDARY DETERMINATION.**



## Legend

- Property Line
- Address Points
- Wetland Type Soils
- Streams, Swales and Ditches
- Rivers, Lakes & Ponds
- River Trips
- Pond or Lake
- Reentrant Pond / Road Basin
- Freshwater Wetland
- Forest Wetland
- Road Outline
- Street Centerlines
- State Highway
- Secondary Roads
- Walls
  - Hatched
  - Retaining wall
  - Stone Wall (not hatched)
  - Wall
  - Wall in urban area for abutting
  - Weepwall
- Fences
  - Quadrant along road
  - Hedges
  - Jersey Barrier along roads
  - Utility Poles, Towers and Lights
  - Utility poles without street light
  - Light Pole
  - Transmission or Cellphone Tower
  - Electric Box for traffic signals
- Buildings
  - Buildings
  - Out building
  - Area under construction
  - Building foundation
  - Mobile home, trailer
  - Ruined building or structure
  - Ancillary Structures
  - Solar Panels on ground
  - Smokestack
  - Water storage tank
  - Dam Structure
  - Bus Shelter
  - Dock
  - Flight of Stairs
  - Fuel storage tank
  - Generator
  - Miscellaneous Structure

## Notes



March 7, 2023

Suzanne Simone  
Environmental Planner  
Community Development - Planning & Environmental  
860-652-7514

Dear Suzanne,

This is a timber harvest notification for the property of 180 Dickenson Road, South Glastonbury. This project will be a selective harvest to remove the diseased and rotted trees, as well as the trees that have reached their biological and economical maturity. This harvest will be a traditional harvest where all the trees designated for harvest will be felled by a chainsaw and a skidder will be used to transport the trees to the log landing area. The tops of the trees and residual branches will be slashed three feet from the forest floor or lower. This property was previously harvested in 2011, the existing skid trails and previous stream crossings will be used as a base for this harvest. The wetlands depicted on the towns wetlands maps seem to be accurate and will have no harvesting except on the edges. There will be one stream crossing. The stream crossing will be crossed with timber mats that are 5x18 feet long put into an arrangement to keep the equipment out of the wetland soils. Conn., 2012 field guide of Best Management Practices will be used as reference for the timber harvest. Our proposed date of start would be 4/1/2023 and the harvest will take two months to complete (weather dependent). We will ensure to complete the work as ground conditions allow as to not work if the conditions become too wet due to weather. A selective harvest such as this one is permitted as a Use of Right, please contact me if you would like any further information or if you would like to visit the site together.

Sincerely yours,

A handwritten signature in cursive script that reads "Logan Thompson".

Logan Thompson

## SECTION 4

### Permitted Uses as of Right & Nonregulated Uses

- 4.1 The following operations and uses shall be permitted in inland wetlands and watercourses, as of right:
- a. grazing, farming, nurseries, gardening and harvesting of crops, and farm ponds of three acres or less essential to the farming operation, and activities conducted by, or under the authority of, the Department of Environmental Protection for the purposes of wetland or watercourse restoration or enhancement or mosquito control. The provisions of this subdivision shall not be construed to include road construction or the erection of buildings not directly related to the farming operation, relocation of watercourses with continual flow, filling or reclamation of wetlands or watercourses with continual flow, the mining of



top soil, peat, sand, gravel or similar material from wetlands or watercourses for the purposes of sale; clear cutting of timber except for the expansion of agricultural crop land;

- b. a residential home 1.) for which a building permit has been issued or 2.) on a subdivision lot, provided the building permit has been issued or the subdivision has been approved by a municipal planning, zoning or planning and zoning commission as of the effective date of promulgation of the municipal regulations pursuant to subsection (b) of Section 22a-42a of the Connecticut General Statutes, or as of July 1, 1974, whichever is earlier, and further provided no residential home shall be permitted as of right pursuant to this subdivision unless the building permit was obtained on or before July 1, 1987;
  - c. boat anchorage or mooring not to include dredging or dock construction;
  - d. uses incidental to the enjoyment and maintenance of residential property, such property defined as equal to or smaller than the largest minimum residential lot site permitted anywhere in the municipality. Such incidental uses shall include maintenance of existing structures and landscaping, but shall not include removal or deposition of significant amounts of material from or onto a wetland or watercourse, or diversion or alteration of a watercourse;
  - e. construction and operation, by water companies as defined by Section 16-1 of the Connecticut General Statutes or by municipal water supply systems as provided for in Chapter 102 of the Connecticut General Statutes, of dams, reservoirs and other facilities necessary to the impounding, storage and withdrawal of water in connection with public water supplies except as provided in Sections 22a-401 and 22a-403 of the Connecticut General Statutes; and
  - f. maintenance relating to any drainage pipe which existed before the effective date of any municipal regulations adopted pursuant to Section 22a-42a of the Connecticut General Statutes or July 1, 1974, whichever is earlier, provided such pipe is on property which is zoned as residential but which does not contain hydrophytic vegetation. For purposes of this subsection, "maintenance" means the removal of accumulated leaves, soil, and other debris whether by hand or machine, while the pipe remains in place.
- 4.2 The following operations and uses shall be permitted, as nonregulated uses in regulated areas, provided they do not disturb the natural and indigenous character of the wetland or watercourse by removal or deposition of material, by alteration or obstruction of water flow, by pollution of the wetland or watercourse, or by adverse alteration of the indigenous plant community or wildlife habitat:
- a. conservation of soil, vegetation, water, fish, shellfish and wildlife; and
  - b. outdoor recreation including play and sporting areas, golf courses, field trials, nature study, hiking, horseback riding, swimming, skin diving, camping, boating, water skiing, cross-country skiing, trapping, hunting, fishing and shellfishing where otherwise legally permitted and regulated.
- 4.3 A license or permit shall be required from the Agency prior to all activities in wetlands or watercourses involving filling, excavating, dredging, clear cutting, clearing, grading or other earthen disturbance or any other alteration or use of a wetland or watercourse not specifically permitted by this section and otherwise defined as a regulated activity by these regulations in accordance with Section 6 of these regulations, or for certain regulated activities located outside of wetlands and watercourses from the duly authorized agent in accordance with Section 12 of these regulations.
- 4.4 To carry out the purposes of this section, any person proposing a permitted operation and use or a nonregulated operation and use shall, prior to commencement of such operation and use, notify the Agency on a form provided by it, and provide the Agency with sufficient information to enable it to properly determine that the proposed operation and use is a permitted or nonregulated use of a wetland or watercourse. The Agency shall affirm that the proposed operation and use is a permitted or a nonregulated operation and use or that a license or permit is required.