

**GLASTONBURY CONSERVATION COMMISSION  
(INLAND WETLANDS & WATERCOURSES AGENCY)  
MEETING MINUTES OF THURSDAY, MARCH 16, 2023**

The Glastonbury Conservation Commission (Inlands Wetlands & Watercourses Agency), 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

Anna Gault Galjan

Jim Thompson

**Commission Members – Excused**

James Parry

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

**I. FORMAL ACTIONS**

**1. Declaratory Ruling that Bradford Wainman’s proposed farm pond maintenance at 470 Chestnut Hill Road (former Carini Berry Farm) is nonregulated pursuant to Section 4.1.a of the Town’s wetlands regulations – Residence AA Zone**

Mr. Bradford Wainman stated that he has recently purchased the property known as Carini Berry Farm and that the property will still operate as a berry farm. Mr. Wainman noted that, after the renovations are done to the property, they will look into developing a portion of the site. He stated that they are proactively seeking to remove the contaminated soil off-site to a Connecticut Department of Energy and Environmental Protection (CT DEEP) approved site. Mr. Wainman explained that, once the contaminated soil has been removed, they would refill the site back to the existing elevation. He added that, at the same time, they would like to do some clean-up work to the farm pond which includes removing plant material and cleaning the overflow outlet. Mr. Wainman stated that the information and project details were provided in the packet.

Chairman Kaputa explained that there are 2 formal actions: farm pond maintenance and removal of contaminated soil. Mr. Kaputa opened up questions on agenda item # 1. Ms. Simone provided a summary of Section 4.1 of the Inland Wetlands & Watercourses Regulations which state that “farm ponds of three acres or less essential to the farming operation” are permitted as of right and are non-regulated. Ms. Simone said that the applicant’s farm is approximately 0.39

acres in size, well under 3 acres. She asked the Commission to evaluate the information and determine if the draft declaratory ruling is consistent with the regulations.

Commissioner Thompson said that it is pretty clear the application fits the provision of the regulations that were cited by Ms. Simone. Mr. Kaputa remarked that he expected to see a development proposal at this address and added that it is great that the property will continue as a farm. He questioned that the applicant mentioned development plans in the future and asked for more information on that. Mr. Wainman replied that they are working with Mike Draghi to get the farm operational; the previous owners left the farm in disrepair due to the death of a family member who was in charge of the farm operations. Mr. Wainman stated that they are looking to expand the berry portion of the farm with strawberries, blackberries and raspberries. He stated that they hope to plant the bushes in the fall and added that berry bushes are sold out right now. Mr. Wainman stated that there are no immediate plans for developing the back portion of the property. Mr. Kaputa thanked Mr. Wainman for the explanation. Mr. Wainman remarked that as stewards of the land, they did what they thought was right and added that they plan on being there for a long period of time. Mr. Kaputa remarked that easements are a way to preserve land as a farm. Secretary McClain agreed with the Chairman's point that it is wonderful that the property will remain a farm.

**Motion by:** Secretary McClain

**Seconded by:** Vice-Chairman Temple

MOVED, that the Conservation Commission reviewed the farm pond maintenance proposal for 470 Chestnut Hill Road and finds the following:

1. The pond is integral to farm operations, as irrigation for the berry shrubs.
2. The pond is under 3 acres in size.
3. The Inland Wetlands and Watercourses Regulation Section 4.1.a applies to this declaratory ruling.
4. The project will incorporate best management practices.

Based on these findings, the information provided, the assumed use of best management practices 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 pond as a farm pond less than 3 acres in size and is a permitted use as of right/nonregulated and therefore does not require a permit.

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

*(Commissioner Davis briefly left the meeting.)*

**2. Application of Bradford Wainman for an inland wetlands and watercourses permit for removal of pesticide-containing soil and replacement with clean fill within a wetlands area at 470 Chestnut Hill Road (former Carini Berry Farm) – Residence AA Zone**

Mr. Kaputa asked Ms. Simone to provide an application summary. Ms. Simone responded that this request requires an inland wetlands and watercourse permit, the application has been received. and the applicants have to wait 14 days for a decision. The applicants propose removing contaminated wetland soil and replacing it with clean fill. The proposal does not include changing the elevation or grade. Ms. Simone said that the applicants plan on removing contaminated soils in the upland review area, which is eligible for a staff-administered permit. She explained that, instead of issuing two permits, the IWWA permit would cover the removal of soil in the directly impacted wetland area and the upland review area, so a staff-administered permit would not be needed. Ms. Simone added that the applicant will remove approximately 100-125 cubic yards of contaminated soil. Vice-Chairman Temple thanked Ms. Simone for the explanation. Ms. Simone also informed the Commission that the applicants have requested the Town application fee of \$83 to be waived; she noted that the \$60 State fee cannot be waived.

Mr. Temple said that a Hazard Notification was filed in 2019. He asked the applicant to summarize the department response. Mr. Wainman replied that the notification was before he owned the property. He spoke to someone from the bureau of water protection and was told to fence off the area. Mr. Wainman explained that he wanted to remove and remediate the soil and was told that this is preferable. Mr. Temple thanked Mr. Wainman for the explanation and added that he is happy to hear that the contaminated soil will be removed. Commissioner Gault Galjan asked if there were any other contaminants on site. Mr. Temple replied that petroleum hydrocarbons, metals, and lead-based paint was found. He added that these findings are pretty typical. Mr. Wainman said that there are other pesticides at a lower level and stated that much of it will get captured. He stated that they will remove the majority of contaminants in areas that exceed the safe levels. Ms. Gault Galjan asked the applicant if they have selected the source for the clean fill. Mr. Wainman responded that they will utilize the same topsoil that is sold at Scott's Orchard & Nursery. They will buy it in bulk from a place in South Windsor.

Commissioner Davis asked where the contaminated soil would go. Mr. Wainman replied that it would end up at an approved CT DEEP site located in the Middletown/ Portland area. He said that the soil would either be mixed in or burned. There was a brief discussion on waiving the application fee. Mr. Temple asked if there were any applications that had the fee waived. Ms. Simone replied that community service projects proposed by Eagle Scouts were waived. Ms. McClain remarked that she would argue that farms are community service projects. Mr. Temple said that, if they waive the fee for this farm, they must consider doing it for other farms. Mr. Thompson explained that the applicant has chosen to remove the contaminants from the site and added that other farms may have decided to leave it and mix it. Mr. Thompson stated that this is a positive and a true benefit to the community; Ms. McClain agreed. Ms. Gault Galjan asked for clarification about waiving the fee and the circumstances that allow an agency member to make such a decision. Ms. Simone read out Section H of the Fee Schedule that lists the circumstances in which the fees can be waived. The Commissioners were in agreement to waive the fees

because the application would result in a substantial public benefit to the environment and/or to the public health and safety.

**Motion by:** Secretary McClain

**Seconded by:** Commissioner Thompson

MOVED, that the Glastonbury Inland Wetlands and Watercourses agency waive the Town of Glastonbury fees associated with the application to remove pesticide laden soil.

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

**3. Declaratory Ruling that Logan Thompson, Supervising Forest Products Harvester's request for a timber harvest at 180 Dickinson Road is nonregulated pursuant to Section 4.1.a of the Town's wetlands regulations – Rural Residence Zone – A J R Dickinson Rd Limited Partnership, owner**

Ms. Logan Thompson explained that the property at 180 Dickinson Road had been forested in 2011. The forester at the time indicated that the property would be due for an additional harvest in 10 years. Ms. Logan said that 10 years has passed and the property owners would like to harvest the land again. She stated that they will utilize the same skid roads and stream crossing that was used in 2011. Ms. Logan added that there will be one temporary stream crossing with timber mats to protect the wetlands during the operation.

Mr. Kaputa stated that there are rattlesnakes in the area. He asked when the harvest would occur. Ms. Thompson responded that they are proposing to start in early April and would work with the CT DEEP and utilize best management practices. She stated that, based on feedback from the DEEP, they might have to select an alternative start date. Mr. Kaputa mentioned that he would not be surprised if the schedule is changed. He added that the Commission has asked developers to have a soil scientist on-site. Mr. Temple noted that harvesting is usually done when the ground is frozen and the snakes are denned up. Several Commissioners agreed. Mr. Kaputa commented that he also recalls the Commission asking developers to have a herpetologist on-site.

Ms. McClain said that her understanding was that no work is to be done during the rattlesnake breeding season. She explained that an exception to the rule is to permit certain developments to conduct site work with the added condition of hiring a herpetologist on-site. There was a brief discussion on the rattlesnake season and permitting site work during that time. Ms. Simone reminded Commissioners that this proposal is for a declaratory ruling and not a wetlands permit. She asked the Commission to look at the regulations to determine if the work is a permitted non-regulated use. Ms. Simone said that November to March is the time period when land clearing is permitted. She stated that the CT Natural Diversity Data Base (NDDB) specifies the best management practices for development applications. Ms. Simone added that she does not know if the same requirements apply to forestry. Ms. Thompson stated that she had submitted the request to the NDDB and is waiting for feedback.

There was a brief discussion about adding language to the motion that would require the applicant to follow the NDDDB best management practices. Mr. Thompson asked the applicant to outline the measures that will be put in to prevent adverse impacts. Ms. Thompson explained that they will put in timber mats over the stream to protect the wetlands which will be removed once the harvest is complete. Ms. Thompson added that they will pause work if there is heavy rain and take steps to prevent soil erosion. Mr. Kaputa asked how many trees will be harvested. He also asked about the size and species. Ms. Thompson responded that they would harvest approximately 150,000 board feet and that there are dead and diseased oaks as well as mature pine trees. She added that these pines are large - some trees are 20 inches in diameter or larger. Mr. Kaputa asked if there was a reason for the harvesting to be scheduled for early spring. Ms. Thompson replied that the property owner is selling the property and added that she thinks the date might have to be changed because of the rattlesnakes. The Commission discussed the wording of the motion. Mr. Thompson said that the applicant's site work description is in line with best practices. After further discussion, the Commission agreed to the add language to the 3<sup>rd</sup> condition which specifies "best management practices adhered to."

**Motion by:** Secretary McClain

**Seconded by:** Commissioner Davis

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 and best management practices adhered to.

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.

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

## **II. APPROVAL OF MINUTES - Meeting of March 2, 2023**

**Motion by:** Secretary McClain

**Seconded by:** Vice-Chairman Temple

MOVED, that the Conservation Commission accepts the minutes of the March 2, 2023 meeting as presented.

**Result:** Motion passes. (5-0-1)

*(Secretary McClain chose to abstain from voting because she left the meeting early.)*

**III. COMMENTS BY CITIZENS ON NON-AGENDA ITEMS - None**

**IV. OTHER BUSINESS**

**1. Great Pond Preserve Stewardship Committee Appointment for April 11, 2023 Meeting**

Mr. Kaputa noted that he will be attending the meeting. There was a brief discussion on the meeting duration and expectations regarding the role. Ms. Gault Galjan offered to be the appointed Commission member. She remarked that she would like to walk through the site before attending the meeting. Several Commission members agreed that it is a great idea and thanked Ms. Gault Galjan. The Commission discussed the Great Pond Preserve site and discussed plans to meet up for a site walk before the April 11, 2023 meeting.

**2. Chairman's Report - None**

**3. Environmental Planner's Report**

Ms. Simone stated that the Army Corps of Engineers is in the process of a massive reorganization and added that she will pass on the information to the Commission. She informed the Commission that a property owner reached out to her regarding an NDDDB response. Ms. Simone said that the homeowner received an e-response instead of a signed letter from a biologist. She said that the endangered species information and status was listed, which was not done before. Ms. Simone noted that the species information has been well guarded. Mr. Davis asked about the significance of guarded and non-guarded. Mr. Temple responded that the department did not want to advertise where the species of concern are located in case someone decides to take a boxed turtle and keep it as a pet. Ms. Simone said that she will send in a request on a town-owned property for a NDDDB response, putting in a terrestrial site instead of an aquatic site. Several Commissioners remarked that it is a great idea and thanked Ms. Simone.

With no other business to discuss, Chairman Kaputa adjourned the meeting at 7:35 P.M.

Respectfully Submitted,

*Nadya Yuskaev*

Nadya Yuskaev  
Recording Secretary