

**GLASTONBURY CONSERVATION COMMISSION
(INLAND WETLANDS & WATERCOURSES AGENCY)
MEETING MINUTES OF THURSDAY, MAY 11, 2023**

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
Brian Davis
Anna Gault Galjan
Jim Thompson

Commission Members – Excused

Mark Temple, Vice-Chairman
Kim McClain, Secretary
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. INLAND WETLANDS & WATERCOURSES AGENCY

- 1. Application of Amer & Carrie Skopic for an inland wetlands and watercourses permit to allow for single-family house construction within the upland review area at 119 Ledgewood Drive – Residence AA Zone TABLED**
- 2. Application of Paul Gondek for an inland wetlands and watercourses permit to change the outlet structure of the farm pond at 150 Chatham Hill Road – Rural Residence Zone – Clint Webb & Associates, LLC, Environmental Consulting - James D. Jusko, owner**

Mr. Clint Webb, Principal Environmental Scientist at Clint Webb & Associates, LLC stated that Mr. Todd Clark, Land Surveyor, is also present for the meeting. Mr. Webb said that they will come up with a planting plan, put medallions to mark the conservation easement, and have a lawyer prepare the legal documents associated with the conservation easement. Ms. Simone had noted that the conservation easement has not been recorded on the land records. Mr. Webb agreed and explained that he will begin by revisiting the original application. He said that they will submit a planting plan and added that the conservation easement will be recorded with the Town Clerk's office. He said that the encroachments were discussed during the site walk and added that they will come up with a remediation plan. Mr. Webb stated that there are violations and noted that the work has not been completed. Mr. Webb pointed out the row of apple trees that were planted in the conservation easement; the encroachment is approximately 1,965 square feet. Mr. Webb suggested that they create a different conservation easement measuring

approximately 4,087 square feet, which is double the size to make up for this violation. Mr. Webb noted that the apple trees can be moved or kept where they are. Ms. Simone wanted to confirm the size of the proposed conservation easement. Mr. Webb reiterated that it was 4,087 square feet. He said that they will add high bush blueberries in the conservation easement to naturalize the area. Mr. Webb stated that it will not be a blueberry picking area, but a habitat for birds and other animals. He added that other shrubs will be put in as well.

Mr. Webb said that it is up to the Commission if they want the gravel driveway removed. The area is small and added that the square footage will be compensated with the swap. Mr. Webb pointed out the area on the plans that will be used as a ground chamber for pipes and hoses. He explained that Mr. Bussa installed the irrigation and was looking to extend the stub and pipes underground which will be connected to the pond. Mr. Webb said that it is unacceptable to drag a hose through conservation easement and added that they will avoid trampling there as well. He said that the drain pipes are existing pipes and noted that the basin and hay bales are part of the plans.

Mr. Webb said that the second-generation wall is not the existing stone wall. Commissioner Gault Galjan asked Mr. Webb if he was discussing the permit or the violation. Mr. Webb replied that he is addressing the remediation. Mr. Webb said that the conduit was discussed at the site visit and stated that the contractor is confident that the whole thing will be done in three days. Ms. Gault Galjan asked what will be completed. Mr. Webb replied the pipe installation. Ms. Simone asked Mr. Webb to provide a brief overview of the pipe installation. Mr. Webb responded that he was discussing the first application and the violations and added that he will discuss the installation of the stand pipe. Ms. Gault Galjan asked for clarification on the practice of violations in the easement with more land offered in exchange. Ms. Simone explained that there would need to be a modification to the existing easement, if the Commission approved of utilities in the area, and if the Commission agreed to keep the apple trees. She noted that a new agreement would be needed for the new land. Mr. Kaputa said that it is his understanding that both parties can agree to changes. He asked Commissioner Thompson if this was correct, to which Mr. Thompson replied yes. Mr. Kaputa asked Ms. Simone why there is no motion for tonight. Ms. Simone responded that a site visit was planned and noted that the findings would impact the draft motion. She said that there are questions about the location of stockpiling and added that there is also the question of enforcing the violations in the conservation easement area. Mr. Kaputa noted that the conservation easement is a mess and added that there will be a longer discussion on that. He suggested for Mr. Webb to address the wetlands issue and asked the Commission to go through the questions to help Ms. Simone draft a motion. Mr. Gault Galjan is in favor of this. Mr. Webb agreed and sees the conservation easement issue as a longer process and not related to the wetlands issue.

Ms. Simone asked Mr. Webb to discuss the plans for the soil. Mr. Webb replied that the soil will be stored by the house and added that they will put in erosion control measures. He stated that the extra soil would be folded into landscape and added that it is not much material. Mr. Webb explained that the extra soil is there just as a contingency. He noted that the area is quite gravelly and thinks it will compact. Ms. Simone asked Mr. Webb to detail what will happen to the extra soil. Mr. Webb replied that it can be removed or it can be incorporated around the house and

added that it is not much material. Ms. Simone asked Mr. Kaputa his thoughts on the soil. Mr. Kaputa responded that it is a large construction site and added that the soil can be placed by the house and not the conservation easement area. He said that there will be a discussion on the violations. Mr. Kaputa asked for a timeline of the construction process. Mr. Webb replied that, weather permitting, the work will occur immediately after approval. Mr. Kaputa clarified that he asked for a schedule and a timeline for each stage of the work process. Mr. Webb responded that he can get that information on Monday. Ms. Simone said there was discussion of lowering the pond to elevation 424. Mr. Webb commented that it is at elevation 428 right now. Ms. Simone asked how much of the pond would need to be dewatered, depending on the conditions. She remarked that if the conditions are dry, the pond level will evaporate. Mr. Webb responded that they will work in dry conditions which will shorten the pump time. Mr. Kaputa asked Ms. Simone to include in the draft motion, that there shall be no stopping work once construction begins. He also suggested adding a condition that would notify the environmental planner when work begins. Ms. Simone said that she will add this to the draft motion and will also include a condition that prevents work to begin in rainy conditions. The Commission discussed the question of bond that was brought up at the last meeting. Ms. Simone stated that she has forwarded that question to the Town Attorney and will share the response when she receives it. Mr. Kaputa asked Mr. Webb to submit updated plans as well as providing a construction and work schedule. He also asked Mr. Webb to submit a plan for soil storing.

Mr. Kaputa asked the Commission if there were any questions regarding the outlet pipe and the wetlands. Mr. Thompson remarked that he was not available to attend the site visit and asked if the channel is adequate to handle the flow coming out of the pipe. Mr. Webb replied yes and said that an engineer designed the plans. He explained that the channel is armored and configured like a spillway, with the 24-inch pipe running underneath Matson Hill Road. He stated that the system will function as a spillway during large storm events. Mr. Webb explained that downhill properties will be protected and added that the system functions like a detention and retention basin combination. Mr. Webb noted that the pipe would ensure that Matson Hill Road is not overwhelmed and added that it is designed to handle 100-year storms. Mr. Thompson asked if the same channel would be used for dewatering the pond. Mr. Webb replied yes and that the water will only be released into the channel. Mr. Kaputa asked Ms. Simone if she has the information for a draft motion. Ms. Simone replied yes and added that the draft motion will be available for the next meeting. Ms. Gault Galjan said that the phrase '100-year storm' is not accurate and explained that, due to climate change, the storm intensity has changed. Mr. Webb agreed and remarked that he should have said the term 'storm of record' instead of saying 100- year storm.

Mr. Kaputa said that the Commission will move on to the conservation easement violations. He said that Mr. Webb came before the Commission in 2021. The Chairman asked Mr. Webb if the owner knows the terms and requirements of the conservation easement. Mr. Webb replied that he cannot answer that because he never met the owner. Mr. Webb spoke to Mr. Gondek earlier this evening and will be charged with marking the easements, hiring a lawyer and working with Mr. Clark. He noted that, back in 2021, Mr. Mocko laid out the steps for creating an easement agreement. Mr. Kaputa said that this application started with a wetlands violation and added that there are new violations. He stated that the road to the north of the stone wall encroaches into

the easement. Mr. Kaputa remarked that the area near the existing stone pad was extended a few feet and was excavated to put in a pipe. He stated that the whole stone wall is a violation and that excavation was done and new stone was brought in and stacked. He moved on to the lights and stated that lights do not have a place in the conservation easement. Mr. Kaputa remarked that there are a series of violations and stated that this needs to be communicated to the owner to prevent more work from being done in the easement area. Commissioner Davis agreed and added that he would like to reinforce the last comment. He explained that contractors need to be aware of easements and the requirements and added that he is surprised by their lack of judgement. Mr. Davis remarked that contractors are essentially ignoring the easement requirements. Mr. Webb explained that he works on a lot of projects and currently is checking on seven different projects. He said that the applicant's record is bad and explained that he was not hired to oversee the construction work. Mr. Kaputa understands that Mr. Webb is not the on-site guy. Mr. Webb stated that the damage is done and remarked that, going forward, they can put in a fence to ensure success.

Mr. Davis explained that the contractor is responsible for all types of issues including building code, safety and other things related to the project. Mr. Kaputa spoke with Mr. Gondek and added that the contractor takes orders from the owner. Mr. Kaputa asked the Commission for their thoughts on what to do about the existing violations, the easement swap, and the new stone wall. Mr. Thompson stated that he was an enforcement officer for the EPA and explained that the approach is to avoid any negative impacts to defined easement areas. He explained that apple trees placed in the conservation easement area are concerning because sprayed material will get into the protected area. Mr. Thompson stated that he is in favor of protecting the easement instead of a swap and said that the contractor must conduct the work in a way that protects the easement. Mr. Kaputa noted that he does not think pesticides were mentioned in the original easement agreement. Ms. Gault Galjan remarked that she is less interested in the swap idea and added that the original easement has value. She remarked that the Commission does not have information on the function and value of the new land and added that the applicant can always add more easement land. Mr. Kaputa read the easement agreement and added that the easement was created to limit development. Mr. Webb agreed and said that four more houses could have been built in the area. Mr. Kaputa understands that the easement needs to be protected and added that the Commission has done swaps before. Ms. Gault Galjan commented that it is fine to add land and reiterated that information is lacking on the conservation value of the new easement area. Mr. Davis explained that, in addition to preventing development, the easement was created to prevent a vehicular road traversing north to south. He said that the new stone wall is more attractive. Mr. Kaputa remarked that he would choose the old stone wall. Mr. Davis said that he is torn. Mr. Kaputa cannot support lights in the conservation easement; Mr. Davis agreed. Mr. Kaputa noted that there are wetlands nearby and asked if any planting will be put in that area. Mr. Webb responded that fruit trees will not be planted there. Mr. Kaputa said that he is in favor of an additional conservation easement near the wetlands. Mr. Webb remarked that it is a good idea and reiterated that planting will not be done in that area and added that it can be a compensation for the violations. Mr. Webb said that the conservation easement boundary will be marked and added that everything that was requested is reasonable. He reminded Commissioners that he is not the decision maker. Mr. Kaputa said that no decisions have been made and added that three commission members are not at the meeting.

Mr. Kaputa asked the Commission for their thoughts on the gravel road that encroaches into the easement. He noted that the violations could have been avoided if the area was properly staked. Mr. Clark said that the area will be staked. Mr. Kaputa stated that the expectation is that no one will go into the conservation easement with machines. Mr. Clark said he will inform Mr. Gondek. Mr. Thompson remarked that he has heard the contractor defense many times. He explained that contractors are accountable and have an obligation to honor the easement requirements set by the Town. Several Commissioners agreed. Ms. Simone will send a letter to the property owner that outlines the issues that were raised, and will ask them to come to the next meeting; Commissioners agreed. Mr. Davis suggested including the contractor as well. Ms. Simone explained that the letter will follow the easement language and will list the violations and need for a restoration plan. She asked the Commission if the letter should be an informal invitation or a formal order. The Commissioners agreed to go with the formal approach. Ms. Simone will send a cease and desist letter to the owner.

Ms. Gault Galjan remarked that the more Commissioners that attend the meeting the better and asked Ms. Simone if she can send a reminder about the next meeting. Ms. Simone replied that she will send a reminder and added that it will show up on the agenda as a show-cause hearing for enforcement. She asked the Commission if they wanted to include a plant list review at the next meeting. Mr. Kaputa said that Mr. Webb would submit updated plans detailing the violations and mitigation plans. He remarked that there are a lot of open items and no consensus. Mr. Webb stated that he will highlight the different violations and encroachments. He noted that Mr. Clark will go to the site and take note of the violations. Ms. Simone agreed that a map showing the violations is helpful. Mr. Kaputa remarked that there is an area of mowed lawn in the conservation easement. He stated that, according to GIS, the house is owned by Mr. Jusko. Mr. Webb said that he will share the information. Mr. Kaputa recapped that the Commission will have a show-cause hearing and asked Mr. Webb to provide updated drawings with the violations. Mr. Clark stated that the proposed easement area makes sense. Mr. Webb remarked that the conservation easement was never recorded and the new land can be added. Ms. Simone stated that the standard easement language agreement is on the website. She also offered to email a copy to the applicants. Ms. Simone confirmed that there will be a motion for the next meeting scheduled for May 25, 2023.

3. Application of the Town of Glastonbury for an inland wetlands and watercourses permit for the Bell Street Sidewalk project - proposed 3,550 linear feet of 4-foot wide concrete sidewalks on Bell Street, from Gideon Lane to Bellridge Road, traversing two wetland areas – Rural Residence Zone - Daniel A. Pennington, Town Engineer

Mr. Daniel Pennington, Town Engineer, recapped the Bell Street Sidewalk project plans. He said that very good suggestions were raised and added that there was a question regarding the value of the pond and if it was a vernal pool. Mr. Pennington said that Mr. Richard Snarski, Wetland Scientist, went out to the site. Mr. Snarski's wetland values report states that the pond is not a vernal pool; the report detailing the best management practices and erosion control measures will be included as a condition of approval. Mr. Pennington noted that he has looked into the question regarding the outlet condition. He explained that the outlet is stable and not a

source of erosion. Mr. Pennington said that the changes in the plans include seeding the slope and treatment of the trees and tree roots.

Mr. Kaputa asked if there were any changes to the stormwater management system. Mr. Pennington responded that new basins will be put in with deeper sumps and that the existing discharge pipe is stable. Mr. Pennington pointed out the two wetland areas and explained that they will extend the culvert by 25 feet and remove the existing headwall and construct a new headwall. Mr. Pennington noted that they will close off both leak-offs, install catch basins with deep sumps and added that the water quality will be improved. He stated that there are no other changes.

Ms. Gault Galjan thanked Mr. Pennington for the soil scientist report. Mr. Kaputa remarked that he considers the report on the vernal pool to be minimal and added that it is usually a multi-day visit. He said that the project is an improvement and added that he is okay with the application. Mr. Pennington explained that the overarching objective of this project is to improve pedestrian connectivity to the Town center. He stated that bike trails, walkways and sidewalks improve pedestrian safety and allow people to get to the Town Center without using cars. Mr. Kaputa agrees with the proposal and added that it is one of the Commission's objectives. He remarked that he just wanted to comment on the vernal pool study. Mr. Thompson thanked Mr. Pennington and noted that the proposal looks great.

There were questions regarding the leak-offs and water quality. Mr. Pennington said that currently, the water flows directly into the wetlands. He explained that they will close the leak-offs, add curbing, and install catch basins with deep sumps to allow the sediment to accumulate into the basin instead of discharging into the wetlands. Mr. Pennington stated that the catch basin would need to be cleaned and maintained. Mr. Kaputa asked Mr. Pennington about the junction box. Mr. Pennington replied that it is a strange-looking structure, a structure that is difficult to identify why it was put in. He said that the junction box is in line with the pipe under the roadway, which receives water from the intermittent watercourse. Mr. Pennington said that they will rebuild it and added that they do not see a need for the top and will leave it open air, which will serve as the access point to clean the pipes as necessary. Mr. Kaputa remarked that it is like a manhole; Mr. Pennington agreed. Mr. Kaputa remarked that the existing headwall looks like it is 10 feet from the curb; again, Mr. Pennington agreed. Mr. Kaputa asked why 25 feet is needed. Mr. Pennington responded that 25 feet is needed because it provides protection from people falling in. Mr. Kaputa said that he went to the site and understands that some can argue that the watercourse is of low value. He explained that, as an agency, they try to avoid the loss of a watercourse. Mr. Kaputa asked the Commissioners for their thoughts. Mr. Pennington said that it is a fair point and added that the alternative would be a retaining wall on both sides. Mr. Kaputa asked for the pros and cons of putting in the two retaining walls. Mr. Pennington replied that they would need to be replaced and added that they are a greater expense than grading the area out. He said that they received public funding for this project and need to be cost-efficient. Mr. Pennington remarked that cost should not factor into environmental decisions. Mr. Davis noted that it is a tradeoff and thinks it is worthwhile. Ms. Simone asked if the retaining walls would be directly within the wetland area. Mr. Pennington replied that the retaining walls would still impact the wetland areas. Ms. Gault Galjan said that, in this case, because of the fall

protection, she is ok with the proposal. Mr. Kaputa remarked that the safety issue was a good point and asked about the total area of wetlands that would be lost. Mr. Pennington replied that it would be in the 500-square foot range.

Mr. Kaputa stated that as an agency, they must be consistent. He said that the proposal for sidewalks is something the Commission is in line with and supports. Mr. Kaputa asked the Commissioners for their thoughts on the proposal. Ms. Gault Galjan replied that there is a difference between a commercial benefit and one that has a public safety benefit. Ms. Simone asked if the area is eroded. Mr. Pennington replied yes and added that it is fairly significant because of the leak-offs and no mitigation. He said that, going forward, there will be less erosion due to drainage discharges. Mr. Kaputa asked Ms. Simone about the draft motion. Ms. Simone responded that the draft motion will be set for the May 25th meeting. She explained that this meeting counts as the first formal meeting. Mr. Kaputa asked about a planting plan for the regraded area. Mr. Pennington responded that there is no plan beyond the usual seed mix. Mr. Kaputa wanted to confirm that Mr. Snarski's suggestions will be incorporated into the motion; Ms. Simone confirmed that it will be added to the draft motion. Mr. Kaputa noted that something will need to be added to the sloped area to keep out invasives. Ms. Gault Galjan suggested native grasses and added that they are currently an underrepresented habitat in Connecticut. Mr. Pennington said that he is amendable to the suggestions and that certain varieties of native bushes can be included; he is happy to talk with Ms. Simone about the specifics.

II. CONSERVATION COMMISSION

Update on Town's Pickleball Court Lighting – 300 Welles Street – Reserved Land - Daniel A. Pennington, Town Engineer

Dan Pennington recapped the plans. He said that drainage will be put around the perimeter, which will discharge to the basin and added that the underdrain slab has a long life. Mr. Pennington went over the lighting plan and recapped that 12 fixtures will be put in. He said that the interior fixtures are double-headed. Mr. Pennington stated that the lights will be strictly down lighting. He said that they obtained grant funding for the lighting installation. Mr. Pennington said that court construction has started and should be done in 4 to 5 weeks. He noted that he has looked into solar fixtures that are dual-powered and could not find any fixtures that were dual-powered, that is solar and backed up by hardwiring, remarking that he hopes the technology improves. He explained that the hardwired lights will have the same schedule as the basketball courts, with a shut-off time at 10:00 pm. Mr. Pennington explained that a portion of the lights will stay on for an additional 10 minutes to allow people to get to the parking lot safely. He stated that Lisa Zerio, Director of Parks and Recreation, is present and can answer questions regarding the timing of the courts and operational issues. Mr. Pennington explained that the Town needs to have fixtures that are reliably powered with consistency in standards and added that the Town does not want to incur liability.

Mr. Kaputa noted that he appreciates Mr. Pennington looking into the dual lighting. There were no questions or comments by the Commission.

III. APPROVAL OF MINUTES

1. Meeting of April 13, 2023- TABLED

2. Meeting of April 27, 2023- TABLED

(The minutes were tabled because the four Commissioners chose not to vote with three Commissioners not in attendance.)

IV. COMMENTS BY CITIZENS ON NON-AGENDA ITEMS - None

V. OTHER BUSINESS

1. Chairman's Report

Mr. Kaputa asked Ms. Simone if she received a list of contractors from Mr. Allyn after his presentation at the last meeting. Ms. Simone said that she sent a thank-you note but did not receive the contractor list. Mr. Kaputa noted that the Commission will need to update the standard conservation easement language. He asked the Commissioners to give it some thought and added that pesticides were already mentioned. Ms. Simone said that she will send a copy of the conservation easement language to the Commissioners. Ms. Gault Galjan asked what led to this. Ms. Simone responded that the phrase 'left in its natural state' is open-ended. Mr. Kaputa said that it is something he and Mr. Mocko often disagreed about. Ms. Simone explained that it will be updated to ensure that the expectations are clear. Mr. Kaputa said that pesticide use with permission from the Commission is something to add. Ms. Simone explained that specifics will be added regarding the field markers placed at certain distances, when an easement will be recorded on the land records, and other issues. She noted that, in the case of the Chatham Hill application, there was no required date to put in the easement markers. Mr. Thompson said that important points were raised and added that this allows for the responsible parties to acknowledge the requirements regarding the conservation easement.

2. Environmental Planner's Report

Ms. Simone commented that they have discussed updating the conservation easement agreement. There were no other updates or suggestions.

With no other business to discuss, Chairman Kaputa adjourned the meeting at 8:40 P.M.

Respectfully Submitted,

Nadya Yuskaev

Nadya Yuskaev

Recording Secretary