

**GLASTONBURY CONSERVATION COMMISSION
(INLAND WETLANDS & WATERCOURSES AGENCY)
MEETING MINUTES OF THURSDAY, MAY 25, 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

Jim Thompson

Commission Members – Excused

Anna Gault Galjan

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. Draft Motion: 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. Pennington recapped the plans and noted that the overall aim of the project is to provide non-motorized access to the Town Center. He noted that there were discussions on the culvert extension and the construction of a retaining wall to support the construction. Mr. Pennington explained that the retaining wall is needed due to the steep grades. Mr. Pennington concluded the overview and noted that he can elaborate if there are any additional questions.

Mr. Kaputa noted that there are no outstanding items. He asked the Commission if there were any questions; they did not.

Motion by: Secretary McClain

Seconded by: Commissioner Davis

MOVED, that the Inland Wetlands and Watercourses Agency grants an inland wetlands and watercourses permit to the Town of Glastonbury for construction of sidewalks on Bell Street, in accordance with plans entitled “Site Plan Depicting Proposed Sidewalk Improvement Located on Bell Street, Dated May 11, 2023” 17 Sheets, and in compliance with the following stipulations:

1. Site work shall be conducted in low water flow conditions to reduce erosion and sedimentation.
2. The proposed retaining wall to be located within feet of the delineated wetland boundary requires the removal of spruce tree stumps, this work is limited to hand excavation to access the root flares, with cutting of roots to be conducted by chainsaw or by hand only. Roots contained within the wetland area are to remain, and only the area required for stump removal shall be disturbed. Exposed wetland soil shall be seeded with “Wetland Seed Mix”, prepared by New England Wetland Plants, Inc., Amherst, MA. This stipulation is supported by Richard Snarski’s soil scientist report dated April 10, 2023.
3. Site work conducted within the wetland area, once started shall continue uninterrupted until completed.
4. A “New England Conservation/Wildlife Seed Mix”, prepared by New England Wetland Plants, Inc., Amherst, MA, shall be applied to final grade of slope established for the culvert extension and endwall construction.
5. The permit is valid for 5 years from date of issuance, and shall expire on May 25, 2028.

Mr. Kaputa said that this application encloses about 500 feet of watercourse. He remarked that he would have preferred that the Commission did not have to consider the application. Mr. Kaputa noted that the Commission asked Mr. Pennington to look into alternatives. The Chairman noted that there are improvements to the stormwater management plan, erosion controls and added that, all in all, it is a good project. He said that the Commission supports sidewalks and added that it is unfortunate that they will lose a section of open watercourse. Mr. Kaputa stated that he is not opposed to the application and just wanted to comment.

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

2. Draft Motion: 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. Kaputa said that the Commission will discuss the permit and added that the violations will be discussed later.

Mr. Clint Webb, Principle Environmental Scientist at Clint Webb & Associates, LLC explained that the proposed project is for the installation of a 30-inch diameter drainage pipe under the riprap spillway located in the existing orchard irrigation pond. The inlet of the drainage pipe will be set at elevation 430, which is one foot above the spillway. Mr. Webb stated that measures will be put in place to ensure the protection and stabilization of the area. He stated that they propose the installation of a concrete-reinforced, anti-seep collar around the pipe, and soil compaction in 10-inch thick lifts during the backfilling of the pipe trench. The elevation of the pipe will be lowered to elevation 424 range and the work will be conducted with dewatering of

the pond. Mr. Webb said that the pond will not be completely drained. He noted that the 30-inch diameter pipe was selected to allow for more flow and added that the culvert on Matson Hill Road is 24 inches wide. Mr. Webb stated that they are committed to doing the project non-stop until it is completed and noted that all materials will be brought to the site before construction takes place. He said that they will make sure that there are no delays and will give the Town staff advance notice before the work begins. The work will be conducted during dry conditions and should take 3 days. Mr. Webb will be available on -site to inspect the work.

There was a brief discussion regarding condition #6 in the motion. Mr. Webb was asked about his plans for monitoring the site work. Mr. Webb explained that he trusts the contractor to dewater the pond and added that he will make sure the elevation of the water has been correctly achieved before breaking ground. He reiterated that he will be there until the site work is completed. Condition #5 was edited to include the sentence, "Pond elevation will be verified by the applicant's environmental scientist and information shared with the environmental planner". There was a suggestion to modify condition #6 to include the phrase "at ground breaking". Vice-Chairman Temple noted that he agrees with Mr. Webb's assertion that he should be there to verify the correct elevation and suggested adding a condition to stop work in cases of problematic weather conditions. There was a brief discussion regarding condition #3. The Commission agreed to add "unless stoppage is authorized by the Glastonbury Environmental Planner" to the end of condition #3. Mr. Kaputa asked Mr. Webb if he agrees with the change. Mr. Webb replied that he has no issues with it.

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 the Paul Gondek for installation of an outlet pipe at 150 Chatham Hill Road, in accordance with plans entitled "Irrigation Pond, 150 Chatham Hill Road, Prepared for James Jusko, Revised Date: May 19, 2023" 1 Sheet, and in compliance with the following stipulations:

1. Notice shall be provided to the Glastonbury Environmental Planner a minimum of 48 hours in advance of commencement of activities within the pond and watercourse covered under this permit, and provide confirmation that the materials necessary for the work are located on site.
2. Before commencing site work, including lower the pond elevation, the weather forecast for the scheduled work days must be monitored to ensure no rain events are anticipated.
3. Site work conducted within the pond, once started shall continue uninterrupted until completed, unless stoppage is authorized by the Glastonbury Environmental Planner.
4. Site work shall not begin until all required materials, including a contingency stockpile of clay-based soil, shall be located on site and accessible for use.
5. Groundbreaking shall not take place until the pond water level has been reduced to measure mark 424. Pond elevation will be verified by the applicant's environmental scientist and information shared with the environmental planner.

6. The applicant's environmental consultant, Clint Webb, shall be on-site to monitor and inspect the work as it is being conducted. Mr. Webb shall provide written verification when the work is completed that it was conducted in accordance with the approved plan.
7. The permit is valid for 5 years from date of issuance, and shall expire on May 25, 2028.

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

3. 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

4. Pre-Application Discussion on construction of a single-family house – 108 Chamberlain Lane - Rural Residence Zone – Denise P. Lord, P.E. & Kevin Grindle, ASLA, PLA, Barton & Loguidice – Seth Rosenblit, Rosenblit Enterprises, LLC, applicant

Mr. Kevin Grindle, Project Manager at Barton & Loguidice, explained that for the past two years they have been in the process of getting a lot approved for the construction of a single-family home. He said that the lot is approximately 5 acres in size, and explained that the majority of the land is taken up by a drainage easement, a sewer easement, and a gas easement that also bisects the property. Mr. Grindle explained that, out of the 5 acres, they have about 6/10th of an acre that is suitable for construction. He pointed out the two gas lines on-site and noted that the gas easement was a previously disturbed area. Mr. Grindle said that they are present for feedback on their proposal. He stated that the disturbance to the area is approximately 38,800 square feet and is within the 150-foot upland review area. Mr. Grindle stated that they will do their best to mitigate the disturbances and will put in native plantings. He noted that a comment they received during the administrative review was to install a split rail fence and boulders to limit the disturbances. Mr. Grindle noted that this is something they can do. He explained that the majority of the fill would be placed in the basement and driveway areas. Mr. Grindle said that they are proposing a reasonably sized 28 by 52-foot, 4-bedroom house. A stormwater discharge basin is proposed, along with a roof drain to collect and discharge the roof water coming in. Mr. Grindle reiterated that they are here to receive feedback and will incorporate comments in the design plans.

Mr. Kaputa clarified that the Commission cannot make a legal determination on this lot. He noted that the Commission can address the wetlands issues. Mr. Grindle stated that he understands and noted that they are here to receive feedback on the wetlands and added that the determination of legality is done by other commissions and Town staff. Commissioner Davis asked about the slope of the driveway. Mr. Grindle stated that it is an 11 percent slope and noted that it will meet the Town standards. Mr. Temple asked if they considered flipping the house, and moving it away from the wetlands and changing the location of the leaching field. Mr. Grindle replied that they looked into this and explained that they have done soil testing and the only feasible area for the septic is the one they are proposing. He noted that the health code requirements are driving the setbacks. Mr. Temple asked for more information about test pit 4.

Mr. Kaputa noted that the Grindle Brook watershed is a significant watercourse and added that it flows into Great Pond. He asked Ms. Simone to provide more information on the Grindle Brook watershed. Ms. Simone explained that the Town evaluated watersheds and designated Grindle Brook as a high-quality watershed with added protections. She explained that this designation limits staff ability to sign off on projects that are within the 150-foot upland review area and added that applications are required to go before the Commission. Ms. Simone noted that thorough reviews, as well as more scrutiny to plans is expected when projects are close to a protected watershed. Mr. Kaputa asked how far the leaching field is from the wetlands. Mr. Grindle responded that the septic tank is about 75 feet from the wetlands and the leaching trenches are about 112 feet from the wetlands. Mr. Kaputa asked Ms. Simone if there were regulations that specified how far a septic system must be from the wetlands. Ms. Simone noted that she did not see any regulations relating to septic system distance from the wetlands. Ms. Simone noted that she saw a comment from Mr. Mocko which stated that it is unprecedented to approve a house and septic system within the upland review area. Mr. Grindle stated that it is his understanding that septic system is placed at least 50 feet away and added that there are no stipulated setbacks relating to septic systems and wetlands. Mr. Temple asked if the comment from Mr. Mocko was specific to the proposed site. Ms. Simone replied that the comment from Mr. Mocko was an email that is specific to this property and added that there were no other details. Mr. Temple asked when the email was dated. Ms. Simone replied 2021.

Mr. Temple said that they have allowed septic systems within some distance of the wetlands, depending on the soil types and the groundwater table. He noted that the applicant mentioned the placement at 112 feet away and added that there is a lot of capacity before the nitrates reach the wetlands. Mr. Temple said that he is not sure if calculations were ever done and added that the numbers might be acceptable. He noted that the State regulates septic systems that are greater than 5,000 gallons. Mr. Temple explained that a condo community located on New London Turnpike by the landfill has a system in place that is monitored by the State. There was a brief discussion on whether the regulations can apply to a single-family residence. There was no agreement. He noted that he found a letter dated from December 2021 on the nitrogen levels. Mr. Grindle explained that he was not the project manager at the time and added that the comment was provided by Director of Health Wendy Mis or former Environmental Planner Tom Mocko. He stated that he will provide this letter to Ms. Simone.

Mr. Davis asked if the house could not be shifted further due to easements. Mr. Grindle replied yes. Secretary McClain noted that, given the importance of the watershed, she feels that not every lot is meant to be developed. She explained that the overarching concern is about future development and protecting the watershed. Mr. Kaputa remarked that it is a fair point. Mr. Davis noted that the lot is in excess of 5 acres and explained that the easements create a hardship. There was a discussion on the lot and surrounding easements. Mr. Kaputa asked the applicant to provide more information on how the stormwater basin is sized and asked about the overflow. Mr. Grindle said that the basin is sized for the first inch/first flush of rainfall coming off the impervious areas and is consistent with the drainage manual, CT DEEP and E&S standards. He noted that there is a low spot on the turnaround in the driveway area and explained that the swale directs flow into the water quality basin. He pointed out the existing stone wall and noted that the plans will provide a high level of overflow. He explained that it is not an engineered outlet

structure, because they wanted a system that is easily maintained. Mr. Davis asked about the height of the wall on the north side. Mr. Grindle responded that he does not have that answer.

Mr. Temple asked Mr. Grindle if he has stormwater calculations. Mr. Grindle replied that he does not. Mr. Temple explained that it is likely that a lot more water could be flowing across the lawn and driveway and ultimately into the stormwater basin and asked Mr. Grindle to provide calculations of the much larger pervious area. Mr. Temple noted that these calculations would be required if the development was commercial. Mr. Grindle noted that there is room to increase the basin and added that they can do this. Mr. Temple explained that he would like to see more robustness in the basin, something of an outlet structure to ensure the runoff will not erode. He said that he is concerned about erosion and remarked that a little more protection will go a long way. Mr. Grindle agreed and noted that they can also provide calculations, as they have done for commercial developments.

There was a discussion on the proposed house location and Mr. Grindle was asked if it is possible to move the house closer to the north, near the gas line right-of-way. Mr. Grindle explained that all retaining walls and structures must be kept out of the right-of-way and added that they have to adhere to the health code setback. He explained that shifting the house is difficult because of the slope and would risk additional disturbance near the wetlands; it is a balance of minimizing disturbances. Mr. Davis suggested the applicants look into a more organic approach to the driveway area so that it is not all parallel lines; Mr. Grindle will look into that. Mr. Kaputa asked Mr. Grindle to clarify how moving the house towards the gas pipelines would result in more disturbance to the wetlands. Mr. Grindle responded that, if the house is moved to the north, the house would need to be picked up to match the grade, and possibly extending the contours of the walkout portion of the house. He said that an 8-foot or 9-foot foundation wall would be needed and added that they can look into making the driveway more organic. Mr. Davis asked if a turnaround can be put within the easement. Mr. Grindle explained that they would need to look into this and added that the agreement specifies no structures or retaining walls. He noted that he will have to review the agreement language. Mr. Davis remarked that the applicants are trying to find a delicate balance. Mr. Grindle said that he appreciates the comment and added that they have spent an exhaustive amount of time on the plans.

Mr. Kaputa asked why the clearing is on the east. Mr. Grindle explained that the clearing location is necessitated by the grading and the water quality basin. Mr. Kaputa clarified that he meant the area southwest of the proposed house. Mr. Grindle stated that the clearing for the lawn can be reduced at the Commission's discretion. The Commissioners discussed including a motion that would prevent the use of pesticides and herbicides in protected areas if the application progresses. Mr. Kaputa said that something might be applied to the lawn. Mr. Davis suggested reducing the manicured area near the wetlands; Mr. Grindle agreed that it can be reduced. The Commission discussed Mr. Mocko's email which stated that it is unprecedented to approve a house and septic system within the upland review area. Ms. McClain asked if there was a way to research septic systems and upland review proximity. Ms. Simone replied that she does not think there is a way to search this. Mr. Grindle stated that he can try to find that comment, track down the nitrogen calculations, and include detailed information on mitigating

the concerns of developing a house within the upland review area. Ms. Simone said that the site is within the 150-foot upland review area and Groundwater Protection Zone 2 and added that the nitrogen calculations were provided to Town Plan and Zoning Commission for a previous review. She noted that the Commission cannot make a determination on the legality of the lot.

Mr. Grindle thanked the Commission for the very helpful conversation. He will submit detailed information on the stormwater basin sizing, stormwater and runoff, look into the feasibility of shifting the house north and increasing the distance from the wetlands. Mr. Grindle also will look into the driveway configuration, making it more organic and offset the slope. Mr. Kaputa noted that the list matches his and reiterated that the lot is close to valuable wetlands. Mr. Grindle said that he recognizes that there is work to do on their end and agreed that the site is sensitive.

II. CONSERVATION COMMISSION

Recommendation to the Town Plan and Zoning Commission for subdivision approval – 152 Dug Road - subdivide one lot into two – Rural Residence Zone – Jonathan Sczurek, PE for Megson, Heagle & Friend C.E. & L.S., LLC – Skip Kamis, applicant

Mr. Jonathan Sczurek, Project Engineer for Megson, Heagle & Friend C.E. & L.S., LLC explained that the homeowner built a house for one of his daughters and would like to subdivide the lot and build a house for another daughter. Soil testing was performed with the Health Department in February 2023. Mr. Sczurek noted that the soils are very good. An on-site well is proposed. There are no wetland soils. The water quality basin is proposed in the front of the lot. The roof drains into drywells. Three street trees will be required as part of the subdivision plans. Mr. Sczurek said that they submitted the nitrogen loading numbers and the calculations for the water quality basin.

Mr. Temple wanted to confirm that all of the drainage on Dug Road, except the last 20 feet, would be directed to the stormwater basin. Mr. Sczurek replied yes and noted that he will speak to the Town Engineer about the topography of the site and picking up the runoff that is not directed into the basin. Mr. Temple asked about the calculations of the basin in terms of volume. Mr. Sczurek responded that the basin is slightly oversized and is designed to capture the first inch of runoff. Mr. Temple asked about the infiltration. Mr. Sczurek reiterated that the site has good soils with good infiltration and added that he can speak to the Town Engineer about including a level spreader or long linear basin to direct the runoff back onto the driveway.

Motion by: Secretary McClain

Seconded by: Commissioner Thompson

MOVED, that the Conservation Commission recommends to the Town Plan & Zoning Commission approval of a subdivision, in accordance with plans entitled “Subdivision Plan, #152 Dug Road Resubdivision, Prepared for Skip Kamis, Glastonbury, CT. Dated March 27, 2023”. 6 Sheets, with the following recommendations:

1. Erosion controls shall be installed and maintained in proper working condition and shall be repaired and replaced as needed until the site is vegetatively stabilized.

2. Erosion controls shall be inspected a minimum of once per 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.
3. The Erosion Control Sequence (Sheet #4) shall be adhered to.
4. Trees identified to remain in the landscape shall be preserved and protected with the use of high visibility construction fence during construction or otherwise protected as required by staff.

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

I. SHOW CAUSE HEARING

Violation of conservation easement agreement at 150 Chatham Hill Road – Rural Residence Zone – Paul Gondek, contractor - James D. Jusko, owner

Ms. Simone recapped the timeline from the previous meetings and noted that she was informed that Mr. Gondek would not be able to attend this meeting. She explained that buyers are required to adhere to the easement agreements and added that, if the Commission determines that a violation has been committed, a restoration plan, removal of materials, erosion controls, and putting up easement markers can be implemented. Ms. Simone explained that the easement is a private agreement and added that the show cause hearing can remain on the agenda until the Commission has agreed on the plans to remedy the violations. Ms. Simone provided a history of the conservation easement. She explained that, looking at the records from 1998, 500 trees and shrubs were supposed to be planted in 1999. Ms. Simone said that there is no information indicating that this was done and added that they looked into aerial photography. Mr. Webb noted that Mr. Clark is present. Mr. Kaputa asked the applicants to go through the violations. Ms. Simone noted that it is good to get this on the record. Mr. Webb stated that he will begin with the stone pad drainage and explained that it was previously directed to the wetlands. He noted that the drainage has been redirected and added that the hay bales keep the site from eroding. Mr. Webb stated that the drainage flows to the small pond to the east. He explained that, when the wall was being reestablished, there were plans to put lighting on top of the wall. He noted that the irrigation valve is not connected and explained that Mr. Bussa thought it was outside of the easement. Mr. Webb stated that the 25 apple trees encroach one foot into the easement and explained that six feet of clearance would be needed to run a tractor. He suggested leaving the apple trees in the area.

Mr. Webb explained that the contractor, Mr. Gondek, made the mistake of assuming the area of the conservation easement is a straight line and added that it is the reason for the encroachment. He explained that there is a gravel base under the wall that is a standard part of the rebuilding process and added that in terms of violations it is a gray area. Mr. Webb said the easement agreement was never submitted into the records and stated that both easements have been mowed. Mr. Webb stated that he received input from Mr. Bussa and explained that the irrigation valve box can be moved. Mr. Webb stated that the 25 apple trees are more of an issue and

explained that they would have to be moved late this fall or early spring. He noted that he will work with the property owner to find a location further away. Mr. Webb explained that they did not come up with a better place to direct the water and noted that it is a benefit to keep the stone pad and drainage where it is to protect the trees and shrubs. He said that they discussed putting in blueberries if the Commission approves. Mr. Webb stated that he will work with a lawyer to get the easement agreement recorded in the land records and added that markers, closer than normal, will be put in along the perimeter to prevent unauthorized mowing.

Mr. Kaputa noted that violations in conservation easements are usually resolved quickly. He explained that often the owners do not know, and the Commission gives the benefit of the doubt. Mr. Kaputa noted that this is not the first violation and added that the Commission is tasked with how to mitigate the situation. Commissioner Thompson explained that 25 apple trees can be problematic if they are sprayed periodically. He remarked that he appreciates Mr. Webb letting the Commission know that the apple trees require a 6-foot access. Mr. Thompson noted that the easement agreement prohibits the use of herbicides. Mr. Webb explained that the trees can be moved in the fall or early spring. There was a discussion on the violations and whether a bond should be considered.

Mr. Jusko, the landowner, explained that, when he bought the property, the conservation easement was just dead grass and a rock wall. He said that the wall is a stacked wall with rocks from the property. Mr. Jusko stated that the condition of planting 500 trees and bushes has nothing to do with him. He noted that the roads are temporary roads and explained that grass will be put in. Mr. Kaputa remarked that it is his understanding that the road is a farm road and not temporary. Mr. Jusko said that he has never attended any of these meetings and received brief updates of a couple of sentences from Mr. Gondek. Mr. Jusko added that he will not pay anyone to remove the apple trees and will chop them down. Ms. Simone explained that they are currently discussing the history of the recorded documents with no directives being given at this point. Mr. Jusko said that talking about bonds and planting 500 trees is not something he agrees to. Ms. Simone explained that the mention of 500 trees was in the permit that was issued in 1998 and added that it is part of the discussion of the history of the property and the Commission has not made a determination at this point. Ms. Simone suggested the landowner contact her directly with any questions about the process or the history. Mr. Jusko agreed.

Ms. McClain noted that it is the Commission's goal to work with the property owner and explained that it is their job to be stewards of the environment. Mr. Kaputa asked the landowner about the new stone wall. Mr. Jusko replied that a stone row runs through the whole property and explained that he wanted to clean it up because it looked terrible. Mr. Jusko wanted a dry stacked wall and explained that when he visited the site to see the work a mortared wall was completed at 25% and the decision was made to continue and finish the wall with mortar. Mr. Kaputa asked who directed the people to build the stone wall, to which Mr. Jusko replied Paul Gondek. Mr. Kaputa said that the excavation was done with truckloads of new stone hauled in. Mr. Jusko stated that they needed boulders for the stone wall and that the rocks came from the property. Mr. Temple remarked that the stone wall is totally different from the original wall and, while it is a very beautiful wall, the construction is a violation. Mr. Jusko reiterated that they used stone from the site. Mr. Temple suggested hearing from the contractor. Mr. Davis agreed.

There was continued discussion on the stone wall and the Commission agreed to speak with the contractor.

Mr. Temple asked if the matter can be discussed outside of meetings. Ms. Simone replied no and explained that the matter has to be discussed on the record. Mr. Davis noted that the first issue is that the builder did not take the easement seriously enough to stake it out. He said that the second issue relates to the impact on what the Commission is trying to conserve. Mr. Davis noted that a regular versus rubble stone wall and manicured grass are aesthetic issues and added that he does not know whether it is a conservation issue. He remarked that looking at the apple trees makes him think about what a conservation easement would look like if it included the apple trees and stone wall in place. He asked the Commission if they would have moved the easement line to allow for the apple trees or allowed the apple trees to stay. Ms. McClain remarked that she understands the argument that was made and pointed out that they have to work within the boundary of the agreement. Mr. Davis reiterated his earlier point on the two issues and asked the Commission to consider the actual impact on what they are trying to conserve. Mr. Kaputa noted that the area of the conservation easement and farm pond was fully wooded, then clear cut and stumped and added that they are not even discussing this previous violation; Ms. McClain agreed. There was further discussion on the stone wall and the Commissioners reiterated that they will need to hear from Mr. Gondek. The Commission discussed process of getting the easement recorded into the land records. Ms. Simone explained that the property owner would fill out and sign the form, which is then signed by the Town Manager and recorded into the land records by the property owner. Mr. Temple asked if there was a time frame. Ms. Simone replied no and explained that, moving forward, time frames will be included. Mr. Temple remarked that it is a big miss on their part. Ms. Simone explained that the property owner was unaware of the expectations because the time frame was not listed. Mr. Thompson suggested the property owner notify the Environmental Planner when the easement has been recorded on the land records.

The Commission discussed the violations and potential remedies. Mr. Temple remarked that he does not know what the remedy would be for the wall and explained that, if the landowner keeps the wall, they would have to allow mowing. Mr. Davis suggested extending the conservation easement and getting rid of the road. The Commission discussed asking for an additional easement to make up for the violations. The Commission asked Mr. Jusko for his plans regarding the road. Mr. Jusko replied that they would put in grass. Mr. Davis suggested leaving the apple trees and the wall, and suggested for the landowner to give an additional conservation easement that has value. Mr. Temple noted that he agrees with Mr. Thompson's point about removing that apple trees and added that they can stay if the easement boundary is moved. Mr. Temple remarked that he would like to see Mr. Jusko enjoy the property and added that the Commission cannot approve lights in the conservation easement. He noted that the construction of the wall must have cost thousands of dollars. Ms. McClain brought up the issue of precedent and asked what happens with another application. Mr. Thompson agreed with Ms. McClain's point and suggested coming up with a solution that makes the property owner comfortable and one that preserves the intent and principle of the easement. Mr. Davis noted that he agrees with the intent and principle and not the confines. Mr. Kaputa said that he is open to moving the easement boundary. Mr. Davis noted that the solution can end with a net gain.

Mr. Temple commented that trees were probably removed to enhance the view and added that the 500 seedlings do not have to be put in and suggested for the applicant to plant some trees around the pond. He remarked that, in his 13 years on the Commission, this is the worst he has seen in terms of violations. There was a discussion on allowing an in-Town contribution to invasive control. Ms. Simone noted that this is a question for the Town Attorney. Mr. Thompson noted that he is reluctant to go there and explained that this supplemental agreement goes beyond the scope. He offered discussing the matter further with Ms. Simone. Mr. Clark explained that they can look into wetlands areas to conserve and agreed to plant some trees in the area around the existing pond. He noted that Mr. Webb can provide a report on the planting of trees around the pond. Mr. Kaputa noted that the wetlands area to the north was discussed and added that easement agreements can be modified if both sides are agreeable. He noted that he is not in favor of off-site remediation and does not want to set the precedent that violators can buy their way out. Ms. McClain asked if there are any neighboring conservation easements. Ms. Simone explained that the easement to the east has an immediate connection to an existing conservation easement.

The Commissioners agreed to think about restoration and mitigation plans and asked if Mr. Gondek should be present for the next meeting. Mr. Webb explained that Mr. Gondek is out of state and in a remote location. Ms. Simone noted that the permit on the application was issued to Mr. Gondek and not Mr. Jusko. Mr. Kaputa explained that the Commission is willing to work with the applicants in finding a solution. He encouraged Mr. Jusko to come up with solutions that work and added that they will not take a hardline approach and will be good neighbors. Vice-Chairman Temple asked the applicants to provide Ms. Simone with the information. Mr. Webb noted that Ms. Simone is the perfect person to send ideas to and explained that this will eliminate redundancy and allow for a clear explanation on the plans. Ms. Simone encouraged the applicants to contact her and noted that the next meeting is continued for June 15th.

II. APPROVAL OF MINUTES

1. Meeting of April 13, 2023

Mr. Kaputa directed the Commission to page 2, the first paragraph in the middle, which reads: “Ms. Simone replied that both appear to be correct. She explained that the area highlighted in orange is the removed easement area and the area highlighted in blue is the newly created conservation easement area.” Mr. Kaputa said that there are 2 different drawings with 2 different easements and he asked which was correct. He stated that he does not think this portion of the minutes are correct. Ms. Simone noted that she does not have the drawings in front of her and would have to look at the video. She suggested removing the passage or tabling the minutes. Other Commissioners did not remember and suggested tabling the minutes. Mr. Kaputa noted that he does not want to add more work on Ms. Simone and suggested removing the passage. Ms. Simone noted that the applicants will be back before the Commission. Mr. Kaputa remarked that they have a recording of the meeting. The Commission agreed to delete the following: “Ms. Simone replied that both appear to be correct. She explained that the area highlighted in orange is the removed easement area and the area highlighted in blue is the newly created conservation easement area. The Commission discussed the violations discovered in 2012, and there were long discussions regarding swapping of easements and creating a drainage easement.”

The Commission agreed to change the sentence in the middle of page 2 to the following:
“Approximately 2,050 square feet of lawn area encroaches into the conservation easement”.

The minutes were accepted as modified.

Result: (4-0-1) (Mr. Davis abstained because he did not want to vote as he was not at the meeting.)

1. Meeting of April 27, 2023

Mr. Kaputa directed the Commission to the top of page 3 and noted that there are no trees and suggested removing “tag the trees”.

The minutes were accepted as modified.

Result: (4-0-1) (Mr. Thompson abstained because he did not want to vote as he was not at the meeting.)

2. Meeting of May 11, 2023 TABLED

III. COMMENTS BY CITIZENS ON NON-AGENDA ITEMS - NONE

IV. OTHER BUSINESS

1. Chairman’s Report NONE

2. Environmental Planner’s Report

Ms. Simone updated the Commission on the open space management plan for the JB Williams Park and the MDC property. She said that the consultants are working on the survey for the public to provide feedback on the site and trail conditions. Ms. Simone continues, saying that the survey is expected to go out in July and the open space management plan will be on the agenda in the fall. Mr. Kaputa asked who is in charge. Ms. Simone noted that she is the primary contact and added that she is working with Park Superintendent Greg Foran and consultants. Ms. McClain suggested including QR codes in the park kiosks.

Ms. Simone noted that the EPA hired a consultant from Maine to identify sensitive areas along the river and points of access in the event of an emergency response. EPA staff was shown the boat launch at the Boat House and used the town boat to access the Connecticut River.

With no other business to discuss, Chairman Kaputa adjourned the meeting at 9:48 P.M.

Respectfully Submitted,

Nadya Yuskaev

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Recording Secretary