

**GLASTONBURY CONSERVATION COMMISSION
(INLAND WETLANDS & WATERCOURSES AGENCY)
MEETING MINUTES OF THURSDAY, NOVEMBER 9, 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

Mark Temple, Vice-Chairman

Kim McClain, Secretary

Brian Davis

Jim Thompson

vacancy

Commission Members – Excused

Anna Gault Galjan

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. The Chairman explained that the public meeting will begin after Executive Session.

I. EXECUTIVE SESSION

Discussion of Conservation Easement Violation enforcement issue with Town Attorney

Exited Executive Session at: 7:58 P.M.

II. SHOW CAUSE HEARING

Wetlands Permit Violation at 150 Chatham Hill Road – Rural Residence Zone – Paul Gondek, permittee - James D. Jusko, owner

Mr. Clint Webb was present for the Zoom meeting as well as Mr. Ken Slater, Town Attorney, was present for the Zoom meeting.

Motion by: Secretary McClain

Seconded by: Commissioner Thompson

MOVED, that the Inland Wetlands and Watercourses Agency move the order of the agenda to have item number three, the Show Cause Hearing for the wetlands violation at 150 Chatham Hill Road, be moved to first item on the agenda this evening.

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

Ms. Simone provided an overview of the timeline regarding the violation of the May 25, 2023 IWWA permit for the installation of piping for a pond outlet at 150 Chatham Hill Road. She said that, based on the violations that are in exceedance of the permit issued, suspension or revocation is the recommended action. Ms. Simone reported that on October 31, 2023 Town staff was conducting a site inspection on Matson Hill Road (unrelated to 150 Chatham Hill Road) and observed heavy equipment near the pond at 150 Chatham Hill Road. Photographs taken on October 31, 2023 were presented, which show machine work, dewatering, and excavation conducted near the pond and watercourse as viewed from Matson Hill Road. Mr. Kaputa asked Mr. Webb if he has any evidence that would refute the findings.

Mr. Webb said that he is on board with what Ms. Simone has stated, except for the activity taking place on October 31, 2023. Mr. Webb explained that the project was completed on June 30, 2023 and there was no erosion and the site was stabilized. He explained that Mr. Gondek sent him photos of a defect in the plastic pipe and added that he was surprised an engineer did not oversee this stage of the project. Mr. Webb stated that he is not an engineer and the applicants investigated numerous alternatives to fix the pipe. He stated that he did not contribute to this. Mr. Webb explained that the pipe is in danger of snapping at the elbow, which would be a critical failure and would negatively impact the pond and drainage. He stated that an engineer worked with the applicants for a number of weeks to get the pipe to run into a siphon, discharging into the channel. Mr. Webb stated that he was told that no sedimentation would be going downhill or to Matson Hill Road. He said that it was his understanding that the engineer would have a plan and added that it sounded like a good solution. Mr. Webb stated that he is not an engineer, it is not his call, and it is the Town's call. He noted that the Town was not notified and explained that he hates bringing up an issue without having a solution and added that the applicants wanted to prevent the water level from rising to high levels. Mr. Webb stated that he was surprised to get an email and said that the plan was in place because a critical situation had to be remedied immediately. He explained that large storms and cold weather can overwhelm the pumps and added that the pumps can freeze. Mr. Webb apologized for not letting the Commission know about this sooner. He said that the engineer did not factor in the buoyancy of the pipes which was a failure of the plans. Mr. Webb stated that he was not aware of equipment coming into the site and added that he was not at the site.

Mr. Kaputa asked Mr. Webb if his perspective is that he was unaware and not denying that unauthorized activity took place. Mr. Webb replied that he received an email from Ms. Simone and was told by Mr. Gondek that they had to move due to an emergency. Mr. Kaputa noted that the applicants knew about the issue for weeks and are presenting the issue as an emergency. Vice-Chairman Temple asked for the specifics of what the applicants were doing. Mr. Webb responded that he does not know and does not have the plans and explained that there is no soil to remove, the pipe is surrounded by stone, removal of much of the stone will be needed to remedy the problem. There was discussion about the design defect of the plans and filing for a new permit. Attorney Slater said that the new plans fall outside of the scope of what is on the agenda. He noted that the Chair can rule it out of order because the discussion is about compliance and revoking the current permit. Mr. Kaputa remarked that the meeting is long enough and said that the Commission will stick to what is on the agenda, which is permit revocation. Mr. Webb stated that he would like to interject with an important point and

explained that the applicants cannot stop pumping the water. He said that the permit work was already completed and this current pumping is a permit modification to rectify a design flaw. Ms. Simone noted that ongoing pumping and dewatering of the pond is not in the permit and added that it was a temporary measure.

Mr. Temple said that there is no rationale for pumping after the work was completed and stated that the applicants should have contacted Ms. Simone about the issue. Mr. Webb replied that he totally agrees and added that he takes responsibility. Commissioner Davis asked when the pumping restarted. Mr. Webb replied sometime in September when the pipe became defective. Mr. Davis asked where the pipe discharges. Mr. Webb responded that the water is going where it is supposed to go but not in the manner it is supposed to go. The motions were read out. Mr. Temple said that in a case of an environmental emergency they should consider amending the motion. Several Commissioners noted that the dewatering went on for weeks and the applicants did not inform Town Staff nor the Commission. Several Commissioners agreed that the applicants can contact Ms. Simone about an emergency. Ms. Simone said that they need something in detail from an engineer who can verify that current situation as an emergency. She explained that the engineer will have to create a plan that remedies the emergency until the applicants receive the permit to do additional work. The Commission was in agreement. Secretary McClain said that there is no rain in the forecast. The Commission agreed to proceed with the motions without any amendments.

Motion by: Secretary McClain

Seconded by: Vice-Chairman Temple

The Agency finds that Paul Gondek, Permittee, has not complied with the terms, conditions and limitations of the May 25, 2023 Agency issued wetland permit. The excavation and dewatering of October 31, 2023 was not in conformance of the approved plans and permit stipulations.

The May 25, 2023 wetland permit is hereby revoked, effective November 9, 2023.

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

Motion by: Secretary McClain

Seconded by: Commissioner Davis

The Agency orders that the property owner, Mr. James Jusko, shall submit to the Agency an engineered survey showing the existing conditions of the pond, pond outlet and identification of any inconsistencies with the approved pond permit (2021) and pond outlet permit (2023). The survey shall also include a review and report to identify erosion and sedimentation within the watercourse. This survey shall bear a CT licensed engineer seal and be submitted to the Community Development office by 4:30pm on November 28, 2023.

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

Motion by: Vice-Chairman Temple

Seconded by: Secretary McClain

The Agency adds an agenda item to discuss augmentation of the conservation easement violations at 150 Chatham Hill Road.

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

Motion by: Vice-Chairman Temple

Seconded by: Commissioner Thompson

The Agency augments its prior findings of violations in the conservation easement on two bases:

1. The property owner retains a professional or professionals acceptable to the Town to provide a restoration plan.
2. The Agency levies a fine of \$1,000 per day beginning tomorrow, November 10, 2023 to go forth until full restoration is acceptable to the Commission.

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

Mr. Slater explained that the Commission should not publish any decision and advised them to follow the procedures of the conservation easement agreement. Ms. Simone said that she will write a letter summarizing the Commission's actions and added that it will not get published. Mr. Slater replied correct and explained that Ms. Simone is acting as the delegate of the Town. He said that he will work with Ms. Simone. The Commission thanked Mr. Slater.

III. INLAND WETLANDS & WATERCOURSES AGENCY

Application of the Housing Authority of the Town of Glastonbury for: an inland wetlands & watercourses permit; and a recommendation to the Town Plan & Zoning Commission for a Final Development Plan of the 55 Nye Road PAD, a 64-unit affordable housing community with 6 duplexes, 10 four-unit and 2 six-unit buildings and a community building

Mr. Ryan Scrittorale, Professional Engineer and Project Manager, introduced himself and the team. Mr. Scrittorale explained that they relocated the activity court to the bottom of the site near the retention basin area. The changes also include a reduction of retaining walls and re-orienting the community building. Mr. Scrittorale provided an update on the soil testing. He explained that the changes in the 2023 Stormwater Manual require more testing and added that the tests have been scheduled. Mr. Scrittorale stated that he will speak more on the infiltration basin later and moved on to the landscape changes.

Mr. Ryan Deane, PLA, stated that 361 trees are proposed; 81 shade trees, 220 evergreens and 60 ornamentals. He added that 180 shrubs are proposed. He noted that a wet meadow seed mix is proposed in the area near the retention basin. Mr. Deane stated that they can also mix in wild flowers. Mr. Deane displayed a diagram of the basin section and infiltration pond information and read out the calculations:

- Water Qual. Vol. Retained

- 3,350 cf = EL. 54.3
- 2 yr water elev. = EL. 54.45
- 10 yr water elev. = EL. 54.93
- 25 yr = EL. 55.33
- 100 yr = EL. 56.04
- High Lvl Overflow = EL. 56.25

Mr. Deane provided a recap of the comments from the last meeting. He noted that further details were provided on the water quality and plantings. Mr. Deane stated that they provided a rendering of the basin. A question about the bike racks came up. Mr. Deane pointed out the area of the proposed bike racks and stated that there will be no canopy and explained that residents will have storage units. Mr. Deane stated that he spoke with Mr. Griffin about composting and they are looking into putting it near one of the dumpster areas. He stated that they are still evaluating if they can fit in a community garden. Mr. Deane stated that the surveyor told them that the conservation easement area was not flagged because it is Town property. He explained that the site was surveyed and they are aware of the boundary.

Mr. Deane said that a question came up about invasive plant removal. He spoke with Mr. Brogie, soil scientist, and noted that there is no program to remove invasive plants. Mr. Brogie stated that there is knotweed along the brook and added that it is far from the site. He stated that it is not a big problem and explained that this invasive removal is usually done for mitigation and added that there is no recommendation for this. He stated that the project has no adverse impact to the wetlands. There was a brief discussion on the removal of debris. Mr. Deane stated that he can add that to his notes and they will make sure to remove debris. Mr. Brogie stated that he does not recall a debris issue with the wetlands and added that he walked the entire area and nothing stands out and there is nothing in the photographs.

Secretary McClain thanked the applicants for agreeing to put a compost area on the site. She encouraged the applicants to put in a community garden and asked for an update on solar energy. Mr. Scrittorale answered that solar canopies are not cost effective and asked Mr. Griffin to speak on this. Ms. McClain asked if the community building would have any solar panels. Mr. Griffin replied that he reached out to Blue Earth and had preliminary conversations with the Town. He said that they are looking into the pricing and cannot guarantee composting on-site due to participation. Mr. Griffin noted that interested residents can participate in composting and explained that behind Town Hall is a composting site. He added that they are trying to utilize 70 percent solar energy in the community building and community lighting. He stated that he is waiting for feedback on the cost. Mr. Temple wanted to confirm if the basin area would be mowed; Mr. Deane replied that was correct. Mr. Temple asked the applicants to put placards at the edge of the conservation easement area. Mr. Deane agreed. Mr. Temple wanted to confirm that the placards can be purchased from the Town. Mr. Kaputa noted that it was his understanding and added that he was going to suggest this as well. Ms. Simone stated that it is listed as one of the conditions of approval. Mr. Kaputa said that the plant list has a lot of nice natives and thanked the applicants. He asked the applicants to provide some information on the soil testing and asked if this would impact the stormwater plan. Mr. Scrittorale explained that

the reason for the testing is to confirm the infiltration rate. He said that they do not anticipate any drastic reduction. Mr. Scrittorale explained that the water quality volume is handled 100 percent by the permeable pavers and noted that the basin is an added bonus. He stated that they can modify the plans if needed. Mr. Kaputa asked for the results to be shared. Ms. Simone noted that this was listed in the conditions of approval.

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 Glastonbury Housing Authority for the construction of a 64-unit residential planned area development at 55 Nye Road, in accordance with plans entitled “Glastonbury Housing Authority, 55 Nye Road, Glastonbury CT.”, Dated October 13, 2023, Revised November 1, 2023” 25 Sheets and in compliance with the following stipulations:

1. Permittee is responsible for the proper installation, maintenance and consistent monitoring of the sediment and erosion controls and stabilization measures. Permittee shall inspect the sediment and erosion controls and stabilization measures a minimum of once a week and within 24 hours prior to a forecasted rain event, and within 24 hours of the end of a weather event producing a rainfall amount of 0.5 inch or greater, to be conducted throughout the construction phase and until the site is vegetatively stabilized. The Environmental Planner is hereby authorized to require increased inspections and additional soil erosion and sediment controls and stabilization measures as warranted by field conditions.
2. The conservation easement boundary shall be identified by flagging and protected with high visibility fencing. Easement boundary identification placards shall be installed a minimum of 100 feet apart.
3. The Construction Sequence shall be stringently adhered to.
4. The test pits results confirming the soil types and infiltration rates to support the stormwater basin as shown on the above referenced plans will be submitted to the town engineer and environmental planner for review before requesting a building permit.
5. The best management practices provided by the CT DEEP NDDDB in support of species protection shall be stringently adhered to.
6. Material shall not be temporarily or permanently stockpiled nor deposited within wetland area or conservation easement area.
7. Trees identified to remain in the landscape, as detailed in the above referenced plans, shall be preserved and saved when possible. Said trees shall be protected with the use of high visibility construction fence during construction or otherwise protected as required by staff.

8. Educational plaques/boards describing the value and importance of wetlands shall be placed in a visible and accessible location, the display and location to be approved by the Environmental Planner.
9. The permit is valid for 5 years from date of issuance, and shall expire on November 9, 2028.

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

Motion by: Secretary McClain

Seconded by: Commissioner Davis

MOVED, that the Conservation Commission recommends to the Town Plan & Zoning Commission approval of an application for the construction of a 64-unit residential planned area development at 55 Nye Road, in accordance with plans entitled “Glastonbury Housing Authority, 55 Nye Road, Glastonbury CT.”, Dated October 13, 2023, Revised November 1, 2023” 25 Sheets:

1. Permittee is responsible for the proper installation, maintenance and consistent monitoring of the sediment and erosion controls and stabilization measures. Permittee shall inspect the sediment and erosion controls and stabilization measures a minimum of once a week and within 24 hours prior to a forecasted rain event, and within 24 hours of the end of a weather event producing a rainfall amount of 0.5 inch or greater, to be conducted throughout the construction phase and until the site is vegetatively stabilized. The Environmental Planner is hereby authorized to require increased inspections and additional soil erosion and sediment controls and stabilization measures as warranted by field conditions.
2. The Construction Sequence shall be adhered to.
3. The test pits results confirming the soil types and infiltration rates to support the stormwater basin as shown on the above referenced plans will be submitted to the town engineer and environmental planner for review.
4. The best management practices provided by the CT DEEP NDDDB in support of species protection shall be stringently adhered to.
5. The conservation easement markers shall be installed a minimum of 100-feet apart along the boundary of the existing easement.
6. Prior to the issuance of a Certificate of Occupancy, certification from a landscape architect shall be required, confirming that the landscape plantings were installed in conformance with the approved landscape plan.
7. Prior to the issuance of a Certificate of Occupancy, certification from a professional engineer shall be required confirming that the stormwater management system was constructed in conformance with the approved design.

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

IV. CONSERVATION COMMISSION

Recommendation to the Town Plan & Zoning Commission for subdivision approval concerning the proposed 1-lot subdivision at 43 Gates Farm Road – Residence AA Zone – Jonathan Sczurek, Megson, Heagle & Friend C.E. & L.S., LLC – Bryan Feery Fine Homes, LLC, applicant

Mr. Jonathan Sczurek stated that he will represent the applicant. He said that the Flood Zone is associated with a tributary of Smith Brook and added that the existing lot area is 11.6 acres. An additional single-family residential lot is proposed. The existing single-family home and barn will remain on the site. The proposed lot is 1.58 acres. The site is serviced by public sanitary sewer and MDC water. Roof infiltration and driveway infiltration are proposed. Mr. Sczurek stated that the plans meet the MS4 requirements and the standards for Groundwater Protection Zone 1. He noted that erosion and sedimentation controls are downgradient of all activity. There will be limited lot clearing on-site. The Nitrogen Loading Calculations are 2.57 mg/L. Mr. Sczurek said that the site is in POCD Planning Area 1 – Suburban. He explained that the regulations encourage the development of vacant Residential A and AA Zone properties. He stated that the existing barn will be preserved. He reiterated that the proposal is in compliance with the MS4 stormwater standards and explained that the proposal includes roof and driveway infiltration practices. Mr. Sczurek stated that the wetlands are 200 feet away and construction is nowhere near the upland review area. He stated that a wetland permit is not required and that they are here for a recommendation to TPZ.

Mr. Kaputa asked for the additional impervious numbers for the proposed house and driveway. Mr. Sczurek responded that the increase is about 0.072 acres. Mr. Temple wondered that there might have been a well or two on-site. Mr. Sczurek explained that they surveyed the entire site and did not see any wells. There was a brief discussion on shallow wells and sand and gravel soils.

Motion by: Secretary McClain

Seconded by: Commission Davis

MOVED, that the Conservation Commission recommends to the Town Plan & Zoning Commission approval of a re-subdivision, in accordance with plans entitled “43 Gates Farm Road resubdivision Prepared for Bryan Feery, Glastonbury, CT. Dated October 26, 2023”. 7 Sheets, with the following recommendations:

1. Erosion controls shall be installed and maintained in proper working condition and shall be repaired and replaced and 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.

2. The revised plan set submitted for TPZ approval shall address the November 3, 2023 Engineering Department comments, to the satisfaction of the town engineer.
3. The plot plan submitted in support of a building permit shall be consistent with the details shown on the subdivision plan.

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

V. COMMENTS BY CITIZENS ON NON-AGENDA ITEMS

Ms. Lisa Eldridge of the Pollinator Pathways group in Glastonbury spoke about the importance and benefits of pollinator plants. Ms. Eldridge stated that more native plants have to be used and added that cultivars do not provide as much benefits for the environment. She said that she has a spreadsheet on pollinator plants that can be added to landscapes and offered to send it to the Commission.

Mr. Kaputa thanked Ms. Eldridge and asked her to send the spreadsheet to Ms. Simone. He explained that the Commission has been pushing for more native plants. There was a discussion on cultivar plants versus native varieties. Ms. McClain suggested bringing up the information at the upcoming Town Plan and Zoning Commission (TPZ) meeting. Ms. Eldridge noted that she will speak about this at the TPZ meeting. Mr. Davis noted that the merits of cultivars and native plants were discussed during the Architectural Site Design & Review Committee (ASDRC) meetings. He thanked Ms. Eldridge for bringing up this issue. Ms. Eldridge asked if she can speak about pollinator plants at the next ASDRC meeting. There was a brief discussion on the upcoming ASDRC meeting. Mr. Kaputa thanked Ms. Eldridge and said that this is a reminder for them to keep looking at the issue.

VI. APPROVAL OF MINUTES

1. **Minutes of the Regular Meeting of September 28, 2023 - Tabled**
2. **Minutes of the Regular Meeting of October 26, 2023**

The minutes were accepted as presented.

VII. OTHER BUSINESS

1. **Chairman's Report** - None
2. **Environmental Planner's Report** – None

With no other business to discuss, Chairman Kaputa adjourned the meeting at 9:25 P.M.

Respectfully Submitted,

Nadya Yuskaev

Nadya Yuskaev
Recording Secretary