

**GLASTONBURY CONSERVATION COMMISSION
(INLAND WETLANDS & WATERCOURSES AGENCY)
MEETING MINUTES OF THURSDAY, DECEMBER 7, 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

Anna Gault Galjan

Jim Thompson

Vacancy

Chairman Kaputa called the meeting to order at 6:31 P.M. and explained the public meeting process to the applicants and members of the public.

I. CONSERVATION COMMISSION

1. Recommendation to the Town Plan & Zoning Commission for subdivision approval concerning the proposed 1-lot subdivision at 470 Thompson Street – Residence AA Zone – Wilmer D. Bustamante & Aremi A Velarde, owners - Christopher Switalski, applicant

Mr. Christopher Switalski introduced himself for the record and provided a brief summary of the submitted plans. He said that slopes to the road and should have no water issues. Mr. Switalski stated that they are aware of the gas easement and are working around it. The lot is about 3 acres in size and explained that the previous owner did not use the area. Mr. Switalski stated that the Town will benefit from this project with the additional tax revenue. He directed the Commission to the grading plan. Mr. Switalski said that the biggest change in the plans is the required 25 feet radius needed for the well placement distance from other structures. He stated that the septic meets all of the requirements. Mr. Switalski noted that a water runoff filtration system is proposed in the driveway area. He stated that they received the memorandum from the Town Engineer and will address the issues. Mr. Switalski said that a large portion of the site will have to be cleared and directed the Commission to the green line on the plans which details the clearing limit. He stated that the septic and well plans meet the requirements.

Commissioner Davis asked the applicant to point out the driveway area. Chairman Kaputa asked for the impervious coverage numbers. Mr. Switalski responded that he does not have the numbers. Mr. Kaputa noted that he can take the calculations from the plans. Mr. Kaputa asked Ms. Simone if there are any issues with the distance of the proposed well and gas pipeline. Ms.

Simone responded that the Health Department is responsible for this issue. Vice-Chairman Temple explained that, in cases of a gas pipeline leak, it would escape to the atmosphere and not create groundwater conditions. There was continued discussion on the distance between the well and the gas pipeline. Mr. Kaputa said that the timber rattlesnake is the biggest issue and added that it is stated in the motion that ground work is to be conducted between November 1 and March 31. Mr. Switalski commented that he is aware of this and stated that he lives in a rural area with lots of animals.

Motion by: Secretary McClain

Seconded by: Commissioner Gault Galjan

MOVED, that the Conservation Commission recommends to the Town Plan & Zoning Commission approval of a subdivision, in accordance with plans entitled “470 Thompson Street subdivision, Prepared for Chris Switalski, Dated July 24, 2023, Revised August 31, 2023”. 8 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 best management practices provided in the January 3, 2022 letter, and future letters, from the CT DEEP NDDB in support of species protection shall be stringently adhered to. This review expires on January 3, 2024, therefore a new submission to the CT DEEP NDDB is required and shall be recorded on the land records and submitted with the application for a building permit.
3. In support of the protection of State-listed species, ground disturbance/earth work shall only be conducted between November 1 and March 31.
4. The revised plan set submitted for TPZ approval shall address the November 29, 2023 Engineering Department comments, to the satisfaction of the Town Engineer.
5. The plot plan submitted in support of a building permit shall be consistent with the details shown on the subdivision plan.
6. The plan shall locate the two required street trees.
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. (6-0-0)

2. Recommendation to the Town Plan & Zoning Commission regarding a Section 12.9 Minor Change concerning a strength and conditioning facility building for/at Glastonbury High School – 330 Hubbard Street - Reserved Land – Chris Nardi, Silver Petrucelli & Associates – Al Costa, Director of Operations/Maintenance for Glastonbury Public Schools, applicant

Mr. Chris Nardi of Silver Petrucelli & Associates introduced himself and said that Mr. Ryan Deane of Benesch is also present. Mr. Nardi stated that a 3,000-square foot single story structure is proposed. He added that a tree that will be removed will be replaced with new plantings. Mr. Nardi said that they propose a bituminous transition and added that heavy duty concrete is also proposed to withstand the loading and unloading of weight equipment. The primary entrance is to the east. There is a possibility of expansion in the future and explained that there will be few plantings in the western portion of the site. He stated that the utility connections are in the southeast corner of the site. Mr. Nardi said that the proposed drainage system was designed to address the flat site and added that roof leaders will be utilized. Mr. Nardi stated that the planting plan consists of mostly native species and added that the plan was accepted by Architectural and Site Design Review Committee (ASDRC). Mr. Nardi stated that evergreens will be used to conceal the utilities. Mr. Nardi added that the strength and conditioning facility will have a boys locker room, a girls locker room, restrooms, and a gender neutral private bathroom. Mr. Nardi said that solar tubes are proposed and explained that natural light is used during daylight hours and, in the evening hours, an LED function takes over. A gable roof is proposed and the building is designed to look like a field house with a concrete block wall and fiber cement siding. Mr. Nardi stated that the proposed structure will match the surrounding buildings.

Mr. Kaputa asked if the building would be used year-round. Mr. Nardi answered that it will be used during the school year and might be used in the summer. Mr. Kaputa asked if the building will be insulated. Mr. Nardi replied that the building will be fully insulated and added that it meets the code requirements for educational use. Mr. Kaputa wanted to confirm that there will be no windows. Mr. Nardi confirmed that the only windows are above the doors and explained that they wanted to maximize space for lockers and private areas. Mr. Nardi added that there are no additional windows on the exterior. Mr. Kaputa asked about the fuel for heating. Mr. Nardi responded that gas would be used and explained that a gas line runs through the parcel. Mr. Kaputa asked the applicants if they looked into heat pumps. Mr. Nardi replied that they did not look into this. Mr. Kaputa suggested looking into heat pumps. The Chairman asked for the impervious calculations. Mr. Deane answered that it should be in the stormwater report (no calculations were provided). The Chairman said that he can do the calculations based on the information in the plans. Secretary McClain thanked the Chairman for mentioning heat pumps and noted that it saves energy. She asked if there were any pollinators on the plant list or any flora proposed around the building. Mr. Deane replied that it is a maintenance issue. Ms. McClain explained that milkweed plants are low maintenance and suggested for the applicants to add some to the plans. She wanted to confirm that the proposed lighting is dark sky compliant. Mr. Deane replied correct. Secretary McClain asked about the pole lights. Mr. Deane responded that only one light pole is proposed and it is the Town standard Battery Park fixture. Ms. McClain remarked that she is glad that solar tubes are proposed and added that she highly

recommends it. Mr. Kaputa asked the applicants if they have done the calculations about the heat loss from solar tubes. Mr. Nardi answered that they have no data on that. The Commission agreed with Chairman Kaputa's suggestion of looking into utilizing heat pumps. Ms. Simone provided the wording for the 5th condition in the motion. The Commission agreed to add the 5th condition which states: "In order to promote future conservation and building operations economy, the applicant shall explore the potential to incorporate heat pumps and explore feasibility to include solar panels in the future."

Motion by: Secretary McClain

Seconded by: Vice-Chairman Temple

MOVED, that the Conservation Commission recommends to the Town Plan & Zoning Commission approval of construction of a strength and conditioning facility building in accordance with plans entitled "Glastonbury High School, Strength and Conditioning Facility, 330 Hubbard Street, Glastonbury CT, Dated November 22, 2023". 10 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 property is identified on the CT DEEP NDDDB recent map edition. A request for reviews shall be submitted to the CT DEEP NDDDB and the best management practices provided by the CT DEEP NDDDB in support of species protection shall be stringently adhered to.
3. 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.
4. The revised plan set submitted for TPZ approval shall address the November 29, 2023 Engineering Department comments, to the satisfaction of the Town Engineer.
5. In order to promote future conservation and building operations economy the applicant shall explore the potential to incorporate heat pumps and explore feasibility to include solar panels in the future.

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

3. Conservation Easement Violation at 150 Chatham Hill Road - James D. Jusko, owner

Ms. Simone updated the Commission on the recent communication with Mr. Wayne Zirolli, P.E., and the site inspection work that took place on November 23, 2023. Ms. Simone noted that Mr. Zirolli is a licensed engineer in the State of Connecticut. She directed the Board to the draft motion.

Mr. Wayne Zirolli, P.E., introduced himself for the record and stated that Mr. Todd Clark, Land Surveyor, is also here. Mr. Zirolli explained that Mr. Gondek reached out to him to repair the existing outlet structure. Mr. Temple asked if the Town has made the determination that Mr. Zirolli is qualified. Ms. Simone replied that the staff report she sent states that the State of CT Department of Consumer Protection verifies Mr. Zirolli's license as a professional engineer & land surveyor, valid as of November 28, 2023. Ms. Simone said that she received Mr. Zirolli's resume. There was a brief discussion on what was expected from Mr. Zirolli and Mr. Clark. Ms. Simone explained that the draft motion indicates that the Commission expects a conservation easement restoration plan be submitted by January 12, 2024 to the Office of Community Development. The Commission can review the submitted plans and the proposed time frame to remediate the violations. Mr. Zirolli commented that he will reach out to Ms. Simone about the violations in the easement. Mr. Davis explained that this project has had a long history of violations and asked Mr. Zirolli not to cut any corners in the remediation stage. Mr. Zirolli replied that he will work with Ms. Simone and added that he has only been involved for a couple of weeks. Mr. Davis remarked that the Commission has high expectations. Mr. Zirolli remarked that he completely understands. Mr. Temple said that there is not a lot of time. Mr. Kaputa noted that there is still an open item, the issue of the conservation easement that has not been recorded on the land records. Ms. Simone confirmed that the conservation easement has not been recorded and that she can speak with Mr. Zirolli about this. There was a brief discussion on the agenda order.

Motion by: Secretary McClain

Seconded by: Vice-Chairman Temple

A conservation easement restoration plan, addressing the conservation easement violations stated during the 2023 show cause hearings, shall be submitted to the Community Development office by January 12, 2024.

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

II. INLAND WETLANDS & WATERCOURSES AGENCY

1. Report on existing pond conditions concerning the Wetlands Violation Order at 150 Chatham Hill Road – Rural Residence Zone –James D. Jusko, owner

Mr. Zirolli said that he walked the site and the site is stable. He noted that the erosion control and sediment control measures have been implemented and the vegetated areas are established. Mr. Zirolli stated that the stream channel is in good condition and that the watercourse below the outlet is armored with large boulders for about 200 linear feet. The sediment is on the boulders and the channel looked virtually pristine. Mr. Zirolli stated that an existing earthen berm and wood chip berm are below the outlet area. The details of the concrete encasement of the HDPE pipe were included in the submitted plans. Mr. Zirolli stated that Mr. Gondek contacted him to remediate the HDPE pipe. He noted that he took photos of the site on November 23 and added that they would like to do the repair as soon as possible. Mr. Zirolli explained that winter and icing conditions can negatively impact the pumping.

Ms. Simone asked Mr. Clark for a survey of the existing conditions. Mr. Clark responded that he was not able to share his screen. Ms. Simone shared her screen and showed the survey. There was a discussion on the buoyancy of the pipe and its remediation. Mr. Zirolli said that the weight of the concrete encasement will stabilize the pipe and result in a consistent water elevation during rainy periods. Ms. Simone wanted to confirm that a new pipe placement is proposed. Mr. Zirolli replied yes. Mr. Kaputa asked Ms. Simone if the proposal is acceptable. Ms. Simone replied that the information and pond elevation is consistent with what the Commission has reviewed and approved. Mr. Davis said that photos were taken and asked if anyone on the Commission reviewed them. Ms. Simone remarked that she does not remember seeing any photos. Mr. Zirolli was on the call in his car and unable share his screen. There was further discussion on the buoyancy of the pipe and measures to keep the pipe submerged.

2. Application of James. D. Jusko for an inland wetlands and watercourses permit to modify the outlet structure of the farm pond at 150 Chatham Hill Road – Rural Residence Zone

Mr. Clark detailed the existing conditions of the pond outlet area on November 21, 2023. (Mr. Zirolli experienced technical difficulty and logged back in a few minutes later.)

Mr. Temple asked if the Principal Engineer and Land Surveyor, Gerald Hardisty, is licensed in the state as he practices out-of-state. Ms. Simone replied Mr. Hardisty retains a Connecticut license. Mr. Kaputa asked the applicants to explain how the proposed outlet structure works. Mr. Clark directed the Commission to the notes on the plans and explained that the drainage pipe will be set at elevation 430.0 feet, which will be one foot below the spillway and would accommodate larger storm flows. A concrete reinforced anti-seep collar is proposed around the pipe and soil compaction in 10-inch thick lifts during packing and filling of the pipe trench is proposed. Ms. Simone asked the applicants to detail the construction sequence. Mr. Clark replied that the site was already excavated and they would pour concrete into forms, allow it to set for a minimum of 24 hours. The riprap would be added as necessary and there would be a final inspection. Mr. Temple asked about the dewatering. Mr. Clark answered that the water will stay below elevation 426 and added that in mid-November it was around elevation 426. Mr. Zirolli rejoined the meeting and stated that he observed the elevation to be at 427. There was continued discussion on the buoyancy of the pipe and the plans to remedy it. Mr. Clark directed the Commission to the engineer notes on the plans.

Mr. Temple said that winter conditions are approaching and brought up the issue of pouring concrete. He asked for a timeline on this portion of the project. Mr. Zirolli responded that the forms are constructed and the excavation has been completed. He estimated that it could take two days, up to five days maximum. Mr. Davis asked how the concrete would be brought in. Mr. Clark answered that it would be brought through the existing gravel drive. The Commissioners discussed the work that was conducted on-site before a permit was issued. Ms. Simone noted that the permit had been revoked and added that the applicants are looking for a new permit. Mr. Zirolli stated that nothing has been done since the cease and desist letter was issued. The Commission discussed the permit request and the timeline. Ms. Simone explained that the soonest action is 14 days from tonight's meeting, and the next meeting is scheduled for

January 11, 2024 and that is the soonest the Commission can act. Mr. Kaputa asked if there are serious concerns with waiting. Ms. Simone responded that there was significant rainfall back in September and that she was not contacted from Mr. Gondek or neighboring properties about water issues. She explained that there is no provision for the Commission to move more quickly and added that, in an emergency situation, deemed an emergency by an engineer, the applicants can contact Town staff immediately and that Ms. Simone would then be in communication with the Chairman if there are any issues. Mr. Kaputa asked about the concern for the cold weather and the impact it would have on the project. Mr. Zirolli replied that freezing conditions can impact the function of the pump. He said that concrete can be poured in colder temperatures and added that it is best to conduct the work as soon as possible. Mr. Zirolli will monitor the pond and continue to be in contact with Ms. Simone. Mr. Kaputa asked the applicants to outline the failure scenarios. Mr. Zirolli answered that the pipe might crack and added that he does not think the water level in the pond is rising quickly. He stated that he does not think that the situation will progress into a catastrophic failure. Mr. Zirolli noted that the elbow of the pipe, or in cases of damage, more of the pipe, would have to be replaced resulting in extra construction. He said that it is best to proceed as quickly as possible.

Ms. Simone sent certified letters to Mr. Jusko and added that fines are imposed each day until full restoration is acceptable to the Commission. She said that the certified mail receipt from the letter to Mr. Jusko has not been received back yet and added that she has sent emails with a copy of the agenda as well as meeting reminders. Ms. Simone asked who would be monitoring the pond levels and noted that Mr. Clark is based in Bristol and Mr. Zirolli is based in Litchfield. Mr. Zirolli replied that the applicants responded to the certified letter. Ms. Simone said that she wants it on the record that Town staff were in communication with Mr. Gondek in preparation of the application being submitted and Mr. Gondek stated he would attend tonight's meeting. Ms. Simone noted that the lack of communication is a pattern with the applicants and reiterated her question of who will be responsible for the work on-site. Ms. McClain asked about the best practice for monitoring the site. Ms. Simone replied that the site has to be monitored after rain events and added that the water table can be an issue. She said that the site has to be inspected once a week and soon after a rain event. Ms. McClain asked if the Commission has the authority to hire someone to conduct a weekly inspection and bill the owner. Ms. Simone replied that she would have to ask the Town Attorney before taking that action. Mr. Zirolli stated that he was hired to be the engineer on-site and explained that it is not an issue for him to travel from Litchfield on a weekly basis. He reiterated that he can monitor the site weekly. Ms. Simone said that monitoring the site ensures that a problem is identified before it becomes an emergency. Mr. Zirolli noted that Mr. Gondek informed him of the situation and added that he was hired to correct and remediate the problem. Mr. Zirolli remarked that he understands the long-standing concerns and, to the extent possible, will work to remediate the problems. Ms. McClain asked if there was a way to get a weekly report. Ms. Simone asked Mr. Zirolli if he agrees to provide a weekly report on the conditions and added that it would be a good starting point. Mr. Zirolli agreed. Mr. Kaputa wanted to confirm that there are no issues with the application.

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

IV. APPROVAL OF MINUTES

1. Minutes of the Regular Meeting of September 28, 2023

The minutes were accepted as presented 4-0-2, with Mr. Temple and Mr. Davis abstaining.

2. Minutes of the Regular Meeting of November 9, 2023

The minutes were accepted as presented 5-0-1, with Commissioner Gault Galjan abstaining.

V. OTHER BUSINESS

1. 2024 Meeting Schedule

Motion by: Secretary McClain

Seconded by: Vice-Chairman Temple

MOVED, that the Conservation Commission/Inland Wetlands & Watercourses Agency accepts the 2024 Meeting schedule as presented.

There was a brief discussion on the meeting dates.

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

1. Chairman's Report – None

2. Environmental Planner's Report

Ms. Simone updated the Commission on the recently passed bamboo ordinance and she will work with the Town Attorney. She explained that she will address the bamboo concerns on private properties and Mr. Foran will address the bamboo issues on Town properties. Ms. Simone noted that she will update the Commission and added that she knows of three properties that have bamboo. There was a brief discussion on identifying the different types of bamboo and the invasive nature of certain varieties of bamboo.

Ms. Simone displayed the CC/IWWA year-end summary for 2023. There was a brief discussion on the past actions.

Mr. Temple asked about the ongoing conservation inventory project. Ms. Simone provided an update and explained that the last two months have been very busy. Ms. Simone noted that there are upcoming projects and added that she works on the inventory when she can.

With no other business to discuss, Chairman Kaputa adjourned the meeting at 8:34 P.M.

Respectfully Submitted,

Nadya Yuskaev

Nadya Yuskaev
Recording Secretary