

**GLASTONBURY CONSERVATION COMMISSION
(INLAND WETLANDS & WATERCOURSES AGENCY)
MEETING MINUTES OF THURSDAY, OCTOBER 26, 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

Chairman Kaputa called the meeting to order at 6:33 P.M. and explained the public meeting process to the applicants and members of the public.

I. 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, PE, of Alfred Benesch & Company, introduced himself for the record. The conservation easement, wetlands, and CL&P easement were pointed out on the site plan. Mr. Scrittorale provided a brief overview of the plans and said that the existing medical office building would be demolished. Mr. Scrittorale noted that 64 units are proposed with a mix of 1, 2 and 3 bedroom units. He explained that the project will have a residential look with angled parking and some parallel and perpendicular parking. Mr. Scrittorale stated that permeable pavers will be utilized in all the parking areas. He pointed out the area on the plans that looks like a pond and referred to it is a recharge basin. Mr. Scrittorale stated that there are no direct impacts to the wetlands and conservation easement area. All of the work would be done in the upland review area and added that it would be low impact work. Mr. Scrittorale stated that there will be no structures in the upland review area. The details of the erosion and sediment control measures were displayed. He said that the slope is 3:1.

Mr. Scrittorale discussed that the plan was devised in compliance of the 2002 CT E&S manual and the 2002 CT Stormwater Quality manual. During the project design process the state adopted the 2023 CT E&S manual and the 2023 Stormwater Quality manual, the proposed design plans will be revised to reflect the updated standards of the 2023 manuals.

Mr. Scrittorale pointed out the proposed drainage pattern and said that the discharge ends up in Salmon Brook. He said that the peak flow will meet the regulations and explained that they propose a water quality swale and catch basins that will allow the runoff to go through a separator. The runoff collected in the recharge basin will be treated and will end up in the wetlands. Mr. Scrittorale explained that the recharge basin is designed to contain the water quality for the site and the plan is progressing to the new 2023 Stormwater Quality standard. They are doing additional stormwater and soil testing and explained that the size of the water quality basin will increase. He remarked that they are confident that they will satisfy the new requirements.

Mr. Mark Brogie, Soil Scientist, said that he delineated the wetlands about five weeks ago and added that it was pretty straightforward. Mr. Brogie noted that the perennial watercourse flows southwest and then south across the eastern side of the property and joins Salmon Brook. He said that the site has steep slopes and added that the flood plain extends to deeply sloping areas. Mr. Brogie explained that the wetland acts like a flood plain and added that the area has typical wetland vegetation consisting of Eastern Cottonwoods, American Sycamore, and Red Maple in the overstory and spicebush, winterberry, hornbeam, and witch hazel in the shrub layer. He added that the area has invasive Japanese knotweed deposited along the streambank. Mr. Brogie stated that the perennial watercourse is about 2-3 feet deep and 8-10 feet wide and added that it will continue to function as it does now. Mr. Brogie said that he will need to sign off and go to his next meeting and asked if there were any questions for him.

Commissioner Gault Galjan asked if it was a functioning wetland, to which Mr. Brogie responded yes. Ms. Gault Galjan asked if the wetlands are high quality. Mr. Brogie replied that he did not do a function and values assessment and explained that the stream has perennial flow, with diverse habitat and plant species, and a nice structure, with a steeply sloping area to protect the wetlands. Ms. Gault Galjan asked if the adjacent property is owned by the Town to which Ms. Simone replied yes. There were no other questions for Mr. Brogie; he left the meeting.

Ms. Delaney Pilotte, Landscape Designer, introduced herself for the record and put up a plant list and photos of some of the proposed trees and shrubs. She said that approximately 80 percent of the plant list is native. Ms. Pilotte explained that the landscape palate is a mix of woody and herbaceous plants to enhance the site. She explained that they selected a variety of plantings for shading, screening and aesthetics purposes. Ms. Pilotte said that some of the plants will help with water absorption in the site. Landscape Architect Ryan Deane explained that they spoke with Architectural Site Design & Review Committee (ASDRC) about the plant list. He displayed the proposed light fixture, a Battery Park-style fixture that is dark sky-compliant. Displaying a photometric plan, Mr. Deane explained that the selected fixture is similar to ones on Main Street and complement the village setting. He noted that the sconces are not shown. Mr. Deane explained that there will be no light spilling into the wetlands or neighboring areas.

Mr. Rocco Petitto of QA+M Architecture detailed the sustainable design features. The listed features include photovoltaic, green roofing and insulation technology, fuel cell technology, geothermal systems, co-generational systems, materials with low-embodied energy, water saving systems, energy assessments and detailed analysis. Mr. Petitto said that they are a LEED

certified design team. He explained that the buildings will use electricity except for the generator for the community building. Mr. Petitto noted that the design meets the current energy code. He stated that the water saving system will include low flow toilets and faucets. Other sustainable features include high efficiency heating and a cooling system which has not been finalized yet. Mr. Petitto said that solar panels are also in the works. He stated that they plan to add 11 EV charging stations near the community building. Mr. Petitto stated that the location for the EV chargers was discussed by ASDRC and Town Plan and Zoning Commission (TPZ). He said that it is not possible to scatter the EV charging stations throughout the site. Mr. Petitto stated that he has received the comments from Assistant Town Engineer Stephen Braun and they are making suggested changes. He explained that they have shifted some of the units to enlarge the water quality basin and are on track to meet the new guidelines for 2023. Mr. Petitto noted that the next time they come before the Commission minor changes to the site plan will be presented, new stormwater calculations will be done, as well as addressing the comments from Mr. Braun.

Commissioner Davis said that at the last ASDRC meeting there was discussion on adding larger shade trees and other changes. He asked the applicants to go over the changes that were made to the site plans. Mr. Scrittorale responded that the two units at the bottom of the site were shifted north to the paved court area. Trees will also be added in the area. He added that a half basketball court will be put in. The dumpsters were relocated out of the upland review area. They have been incorporating the input from different commissions and added that the updated plans should come out in about two weeks. He stated that the comments from Mr. Braun will be incorporated. Mr. Davis asked if the community building was relocated further south. Mr. Scrittorale replied yes and explained that it will now face toward the upland review area. He noted that it was rotated to fit the site better. Mr. Davis remarked that it is a nice move.

Ms. Simone asked for elaboration on Ms. Pilotte's comment about plantings used for erosion control. She asked the applicants to provide more information on the location and asked if the area has an erosion problem. Ms. Pilotte responded that seed mixes for the basin area are proposed and added that they also propose grasses and different vegetation to prevent the soil from moving. Ms. Simone asked if the proposed seed mix is a specialized mix from New England Wetland Plants nursery. Mr. Deane replied that they will make sure it is the New England wetland plant mix. Ms. Simone asked the applicants if regular turf would be used in the area of the outlet, closer to the conservation easement. Mr. Deane responded that different seed mixes to prevent erosion will be used and offered to provide enlarged, detailed plans at the next meeting. He said that they will put in erosion control blankets at the bottom of the site near the wetlands.

Vice-Chairman Temple asked the applicants to provide more information on the water quality basin. Mr. Scrittorale replied that they will enlarge it to meet the full water quality standards at 1.3 inches. He explained that they are on track and will do a significant amount of testing and will provide the updates at the next meeting. Mr. Temple asked about the groundwater table. Mr. Scrittorale estimated it to be about 8 or 9 feet below the basin. Mr. Temple asked about the proposed plantings near the basin area. Mr. Scrittorale replied that they will provide a detailed planting list at the next meeting and that red maples will be included. He explained that they

plan to create a wildlife habitat with clusters of native shrubs, seed mixes, and will put in a split rail fence. Mr. Temple said that the area will be pretty dry most of the time and asked Ms. Simone if she agrees with what is being proposed. Mr. Scrittorale said that the plantings will not stick out and added that they will provide an updated detailed plan for the next meeting. Mr. Temple asked the applicants to vegetate the basin area with something that will grow in dry conditions. Mr. Scrittorale agreed and responded that the area will be framed out to protect the edges and will be filled in with plants. Mr. Temple asked if there would be grass in the basin area and if there were plans to mow the grass. Mr. Scrittorale replied that this is a maintenance question for Mr. Griffin, Director of the Housing Authority. He stated that the details will be worked out and presented at the next meeting. Mr. Temple would like to see how it would look on the plans. Mr. Scrittorale said that they will do a rendering of the area. Mr. Temple thanked the applicants.

Secretary McClain liked the sustainable features and added that the EV charging location makes sense. She asked about the location of bike racks. Mr. Deane responded that they were looking into putting two bike racks on the site: one near the trail head and another potentially near the community center. Ms. McClain asked if the bike racks would be covered. Mr. Petitto replied that they are proposing outdoor storage rooms for each unit where residents can store bikes and other outdoor equipment. Ms. McClain noted that the Commission has encouraged developers to have recycling and composting areas on-site and asked if there were plans for this. Mr. Griffin responded that they would have to speak with the waste provider. Ms. McClain added that Blue Earth Compost is an option and added that they work with schools. Ms. McClain asked the applicants about the solar plans and asked if solar canopies would be utilized. Mr. Griffin replied that they are looking into solar for the site lighting and common area lighting. He stated that they will meet with the energy consultant next Monday. Mr. Petitto stated that solar canopies were not discussed and explained that, once they get the solar analysis, they can look into what is possible. Ms. McClain suggested a space for a community garden and asked if it would be possible to place it near the community center. Mr. Petitto replied that they can look into it. Ms. McClain remarked that she would like to see a rendering of this on the next set of plans.

Ms. Gault Galjan asked the applicants if there was a plan for the removal of the invasive plants and debris in the area. She noted that this would ensure that the wetland remains functional. Mr. Deane responded that they will address this at the next meeting. Ms. Gault Galjan asked if the parking was two spots per unit. Mr. Deane replied that the parking formula comes out to 1.7 per unit. Mr. Kaputa said that he likes the application, particularly the use of mostly native plantings, the pavers, and keeping out of the upland review area. He was traveling this week and did not visit the site and asked if the conservation easement was marked with the traditional tags. Mr. Griffin remarked that he has walked through the area and added that he did not notice the tags. Mr. Deane stated that he will talk to the surveyors. Ms. Simone said that if there are tags they might be deeper in the woods. Mr. Griffin noted that he walked the property and noticed poison ivy. He stated that he will be out there with the survey team and will take a closer look.

Mr. Kaputa asked for the present impervious coverage numbers. Mr. Deane replied that he will look for the numbers. Mr. Kaputa asked the applicants to provide more information on the basin

re-sizing, planting details for the basin area and around the plunge pool, location of the bike racks, composting, solar details, community garden and removal of invasive plants and clean up in the wetlands area. Mr. Scrittorale said the current impervious area is 1.93 acres. The proposed impervious area is 2.91 acres and does not include the permeable pavers. The next meeting is scheduled for November 9, 2023. The applicants thanked the Commission and reiterated that they will come back with updated plans.

II. CONSERVATION COMMISSION

Discussion on the violation of conservation easement agreement at 150 Chatham Hill Road – Rural Residence Zone – Clint Webb & Associates, LLC, Environmental Consulting - James D. Jusko, owner

Ms. McClain asked about an Executive Session before the public meeting. Ms. Simone responded that Executive Sessions can only be used in certain circumstances, legal action being one of the reasons, however the town attorney has not initiated legal action and added that it is not recommended at this point. There was a discussion on reviewing the proposal that was presented and discussions on consulting with the Town Attorney.

Mr. Clint Webb introduced himself for the record and remarked that he lobbied quite hard for the proposal. He stated that Surveyor Todd Clark was not available to attend. Mr. Webb explained that it took time to convince the landowner. He went through the list of actions the landowner is proposing:

- Expand the proposed northern conservation easement to encompass the wetland area as shown on the submitted plan. Mr. Webb noted that this doubles the area of the conservation easement.
- Relocate the portion of gravel pathway that is within the conservation easement.
- Move the irrigation junction box out of the conservation easement.
- Remove the apple trees that were planted within the conservation easement.
- Plant several trees on the north side of the wall (as shown on the submitted plan) and cut down the one dead tree.
- Add tree plantings to the existing approved herbaceous and shrub planting plan proposed for the wetlands located at the northern portion of the property as shown on the submitted plan.
- Limit mowing of the existing lawn to the outside of the proposed northern conservation easement boundary.

Mr. Webb read out the list of actions requested by the landowner to complete the project:

- Maintain a grass walking path through the conservation easement aligned with the existing gap in the stone wall to be used as walking access to the agricultural barn and pond, and as an access way to install/ maintain a permanent underground irrigation pipe from the pond to the irrigation junction box for the southern apple orchard areas.

- Leave the stone splash pad and the drainage pipe, which drains to the small pond, as is currently configured.
- Maintain grass mowing in the conservation easement around the existing stone wall.
- Leave the electrical conduit pipe currently installed within the stone wall.
- Bring underground electrical service through the farm road access way to the agricultural barn.

Mr. Webb stated that the wall is a non-issue and explained that there was no agreement on how the wall would be rebuilt. He explained that, to restore a wall, excavation and gravel are necessary. Mr. Webb said that agricultural access is needed to install underground irrigation to ensure a hose is not dragged around and dropped in the pond. He stated that the landowner wants some type of nighttime lighting. Mr. Webb stated that they planted a number of white pine trees around the wetland area, which have died. Mr. Webb offered to replace them with wetland trees.

Mr. Kaputa suggested to keep the violations separate from what the applicant is proposing. He asked Ms. Simone if there were any other violations that were not included in the list. Ms. Simone went through the list and added that there was a discussion on trees that were cut down. Mr. Kaputa explained that the Commission decided not to include the cutting of trees because the applicants were not provided timely notice. There was discussion on what the 8th violation was. Ms. Simone said that there were discussions about mowing in the conservation area and the area was not flagged as a conservation easement. The Commission went through the list and discussed the proposal. Mr. Kaputa stated that he is not in favor of permanent light in the conservation easement. He noted that the removal of a dead tree was mentioned and asked where it was. Mr. Webb replied that it was just inside the conservation easement line and explained that it is dangerous with kids running around. Mr. Webb offered to replace it with other trees. Mr. Kaputa stated that the tree was the only one left in the conservation easement and was alive at the last site inspection. Mr. Kaputa said that conduit in the stone wall is problematic and reiterated that he is not in favor of lights in the conservation easement. He asked the Commission for their thoughts on the removal of the turrets on the wall because that is where the lights are likely to go. Mr. Webb offered to put it on his list to send back to the landowner. Mr. Temple agreed that there should be no lights in the conservation easement and explained that a wall does not have to be ripped out in the process and suggested putting in an injectable foam material to prevent conduit from going in. He also suggested that Town staff inspect this. Mr. Kaputa stated that he would like to see the turrets go. Mr. Temple asked where the buried irrigation pipe would go. Mr. Webb replied the farm road. Mr. Temple asked if the farm road was being relocated. Mr. Webb replied no and explained that it is moving 4 to 5 feet away to avoid the easement. Mr. Temple asked how the Commission would give permission to the applicant. Ms. Simone responded that the area on the plan shows utilities and identifies the area needed for maintenance access.

Mr. Kaputa asked if new language would be added to the existing conservation easement agreement. Ms. Simone replied that she would have to discuss this with the Town Attorney. Mr. Temple asked if trees would be replaced. Mr. Webb responded that Mr. Kaputa mentioned that an aerial photo showed that trees were removed and they are now proposing to put some trees to

restore the area. Mr. Temple asked what type of trees. Mr. Webb replied that he will work on a detailed plan and explained that wetland trees are needed to survive the wet conditions. He reiterated that all the white pines died. Ms. Simone wanted to confirm that the proposed trees in the north side would compensate for the trees cut down in 2021. Mr. Webb said yes. Ms. Gault Galjan does not see a need for a compensatory plan and added that it detracts from the violations. She noted that she does not see a need for tree planting and added that she is not a fan of the mowing. Mr. Webb stated that, without mowing, the area will revegetate naturally with a natural succession of trees. Commissioner Thompson said that the easement being mowed for twenty years does not make it right and suggested letting the area grow back to its natural state. He remarked that the landowner extended his lawn. Mr. Webb stated that the area was lawn before it became a conservation easement. Mr. Kaputa remarked that the area was part of the orchard and the mowing continued. He noted that some conservation easement agreements allow mowing or seasonal mowing. Ms. Simone stated that she does not remember seeing this in the conservation easement language and added that some agreements allow for cutting.

Ms. McClain said that she likes the idea of filling the conduit area with foam. She agreed with the removal of the stone turrets and remarked that it looks castle-like. She asked Mr. Webb to double up on the placards to make the easement line clear. There was continued discussion on the turrets and lights. Commission members were in agreement that they do not want lights in the conservation easement. Mr. Davis said that a manicured lawn near the stone wall looks unnatural. Mr. Webb suggested for the area to turn into a natural meadow, which will create a nesting habitat for birds. He explained that it can be mowed in the fall, after the birds leave. He explained that seasonal mowing will prevent invasive vines establishing. Mr. Webb remarked that a compromise would be to allow mowing from late fall to spring and a meadow the rest of the year. Several Commissioners agreed with this. There were no objections.

Mr. Kaputa noted that the proposed conservation easement does not include the nearby wetlands. Mr. Webb explained that they need access to the channel for maintenance. Ms. Simone asked if this was near the area of the proposed well. Mr. Webb replied that he was talking about the other side. He explained that the landowner may sell off a portion of land to the north and that was the reason they did not include more of the wetlands area. There was a brief discussion on adding language to the conservation easement and contacting the owner for inspections. Ms. Simone will need to consult with the Town Attorney. The Commission members went through the proposed list to see if there were any objections. Commission members reiterated that they do not agree with lights in the conservation easement. There was no consensus on the turrets. After further discussion, the Commission asked Mr. Webb if the landowner would agree to include the wetlands in the northern portion of the site and the wetlands that are near the proposed well into the new conservation easement area. Some Commissioners remarked that the turrets can be kept if the landowner agreed to expanding the conservation easement area. Mr. Temple asked Mr. Webb to find out what the landowner thinks of the turrets and added that he would like to hear his feedback. Several Commission members reiterated that they agree about the meadow. There was a discussion on the types of plants that would be suitable for wet conditions. Mr. Webb will get back to them with a full planting plan. Ms. Simone explained that the applicant currently has a 5-year permit and is set to expire in 2026. Mr. Webb said that they proposed putting in berry

bushes. Mr. Kaputa noted that the dead white pine will be removed and replaced with other trees. Mr. Webb suggested that shrubs can also be put in.

There were no objections regarding the electrical conduit to provide power to the barn and pump area. Mr. Kaputa reiterated the importance of enlarging the conservation area to include the nearby wetlands. Mr. Temple wanted to confirm that the electrical conduit would be buried under the existing farm road. Mr. Webb said yes. Mr. Temple asked Ms. Simone about the process of updating the language and conditions. Ms. Simone responded that the Commission would need to issue a restoration order. There was continued discussion about creating a new conservation easement agreement, consulting with the Town Attorney and the next steps. Ms. Simone said that she is waiting to hear back from the Town Attorney and stated that she will continue to discuss the history of the property and the violations with the Director of Community Development. She noted that she will get guidance from the town attorney about what to put in the restoration order and what the Commission comes up with. Ms. Simone would like to see an established process that will better address new violations in the future. She said that the proposed new conservation easement would need to be recorded in the land records. Ms. McClain remarked that they have spent a long time on this. Ms. Gault Galjan asked Ms. Simone to provide a list of the violations and added that she is losing track. Ms. Simone agreed. Mr. Kaputa asked Mr. Webb to get back to them about expanding the conservation easement to include the nearby wetlands, asked for details on the plantings, and asked him to get back to them about the turrets. Commission members agreed that lights should not be in the conservation easement. Mr. Webb remarked that he will do his best and added that he appreciates their time.

III. COMMENTS BY CITIZENS ON NON-AGENDA ITEMS

Ms. Simone informed the Commission that there was a written comment from Ms. Susan Dzialo thanking the Commission for their hard work and highlighting that conservation should remain a top concern.

IV. APPROVAL OF MINUTES

1. Minutes of the Regular Meeting of September 14, 2023

The minutes were approved as presented 5-0-1; Ms. Gault Galjan abstained.

2. Minutes of the Regular Meeting of September 28, 2023 - Tabled

V. OTHER BUSINESS

1. Administrative Approvals 2023 3rd Quarter Report

The Commission briefly discussed the administrative approvals.

2. Chairman's Report

Mr. Kaputa reported that Commissioner Parry has resigned. He asked Ms. Simone to recap the joint meeting with the Recreation Commission that took place on the 16th. Mr. Kaputa mentioned that the Town has a new bamboo ordinance. He informed the Commission that he received a call regarding a failing detention pond. The Chairman asked Ms. Simone if she has heard about this. Ms. Simone replied no. Mr. Kaputa advised the person to contact Town Engineer Dan Pennington. Mr. Kaputa said that the property owner is willing to fix the detention pond. Ms. Simone replied that she will check with Mr. Pennington.

3. Environmental Planner's Report

Ms. Simone updated the Commission members on the joint meeting with the Recreation Commission. She said that she will scan and share information with those who did not attend the meeting. Ms. Simone explained that the areas of focus were the JB Williams property and the MDC open space. She said that the Town hired consultants to look into the trail conditions, as well as the possibility of future trails, the condition of the wetlands, flora and fauna, forests, and invasive species. The next phase includes looking into funding sources. Ms. Simone informed the Commission that the Town has made the deadline for a grant opportunity from the State. She noted that she will keep them updated and inform them if they receive funding.

Ms. Simone discussed the Town's bamboo ordinance. She explained that Parks Superintendent Greg Foran will focus on Town-owned properties with invasive bamboo and she will focus on private properties. Ms. Simone said that she will consult with the Town Attorney on how this ordinance is enforced. She noted that an email was sent to Commission members regarding the upcoming November 11, 2023 Connecticut Association of Conservation and Inland Wetlands Commission (CACIWC) meeting. Ms. Simone asked Commission members to let her know if they plan on registering and added that there is an early registration fee reduction. Ms. McClain said that the meetings are well worth it and added that she always learns something.

There was discussion regarding the vacancy on the Commission. Ms. Gault Galjan said that she interviewed before a panel. Mr. Thompson noted that was his experience as well. Mr. Kaputa asked Ms. Simone if the Town Manager has appointed anyone yet and stated that the last appointment round involved reaching out to the public to find interested residents. He asked Ms. Simone to bring the new Town Manager up on this potential candidate selection process. Ms. Simone replied that she will speak with the Director of Community Development as a way to pass the information along and will update the Commission when she receives more information.

With no other business to discuss, Chairman Kaputa adjourned the meeting at 9:11 P.M.

Respectfully Submitted,

Nadya Yuskaev

Nadya Yuskaev
Recording Secretary