

**GLASTONBURY CONSERVATION COMMISSION
(INLAND WETLANDS & WATERCOURSES AGENCY)
MEETING MINUTES OF THURSDAY, OCTOBER 24, 2024**

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

Justin Blain

Brian Davis

Anna Gault Galjan

Dustin Kach

Chairman Kaputa called the meeting to order at 6:30 P.M. and explained the public meeting process to the applicants and members of the public.

I. INLAND WETLANDS & WATERCOURSES AGENCY

- 1. Application of 2283-2289 MAIN STREET, LLC, MAIN STREET DEVELOPERS, LLC & MAIN STREET GLASTONBURY 2341 LLC for an inland wetlands and watercourses permit to allow redevelopment to include residential and retail with new parking – 2277-2289, 2327-2333, 2341-2345 & 2389 Main Street – Town Center Zone – Alter & Pearson, LLC – Peter J. Christian for HB Nitkin, representing the applicants**

Attorney Meghan Hope recapped that they had provided all of the information requested by the Inland Wetlands & Watercourses Agency. Ms. Hope said that they are going through the Planned Area Development (PAD) process and will come back to the Conservation Commission to present a review of the environmental impact.

Chairman Kaputa asked when the next meeting would take place. Ms. Hope replied that it would be December or January and explained that that the PAD application requires them to present at a joint, informal Town Plan and Zoning (TPZ) and Town Council meeting first. There were no additional questions or comments.

Motion by: Secretary McClain

Seconded by: Commissioner Davis

MOVED, that the Inland Wetlands and Watercourses Agency grants an inland wetlands and watercourses permit to 2283-2289 Main Street, LLC, Main Street Developers, LLC & Main Street Glastonbury 2341 LLC for redevelopment of existing buildings and storm water drainage system at 22-77-2289, 2327-2333, 2341-2345 & 2389 Main Street, in accordance with plans

entitled “Main Street Mixed Use Development, 2277-2389 Main Street, Glastonbury, CT, Dated July 26, 2024”, 25 Sheets (revised pages as noted), 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. Upon issuance of the building permit, weekly erosion control inspection reports are to be completed by a licensed engineer, cost shall be borne by the permittee, and submitted to the Community Development Office within three days of inspection. When the erosion controls are installed, the permittee’s engineer shall provide written confirmation of proper installation in conformance with the approved plan.

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. Prior to the issuance of the building permit and before commencement of site work, an erosion control bond is to be posted with the Community Development Office. The permittee may provide an estimate of cost of approved erosion controls and labor estimate, the Town has final approval of required bond amount.
3. The Construction Sequence shall be adhered to.
4. Material shall not be stockpiled nor deposited within wetland areas.
5. 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.
6. 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.
7. The permit is valid for 5 years from date of issuance, and shall expire on October 24, 2029.

Result: Motion passes unanimously. (7-0-0)

2. **Application of Rosenblit Enterprises, LLC for an inland wetlands and watercourses permit to allow creation of a residential building lot & site plan - 108 Chamberlain Lane – Rural Residence Zone – Denise P. Lord, P.E., Barton & Loguidice
CONTINUED TO 11-7 MEETING (TENTATIVE)**

- 3. Application of Morello Realty LLC for an inland wetlands and watercourses permit for a CGS 8-30g project; adding a 3.5 story, 42-unit, multi-family building to site with existing 6-unit multi-family, plus parking – 36 Hopewell Rd. - Village Residential Zone – Attorney Meghan Hope – Rose Tiso & Company – Landscape Architect Biff Schechinger CONTINUED TO 11-7 MEETING (TENTATIVE)**
- 4. Informal discussion – application requirements for pond restoration – 211 Country Club Road – Rural Residence Zone - Carla Harrod, owner**

Ms. Carla Harrod and Ms. Deborah Harrod of 211 Country Club Road stated their names and address for the record. Ms. Simone provided a brief summary of the application. She said that the property is encumbered by a conservation easement. Ms. Simone explained that the property owners contacted her about removing sediment from the pond area and added that there was discussion on the application process. The property owners submitted a narrative which includes an overview of the proposed activity. The property owners would like to discuss waiving some of the application requirements. Ms. Simone said that the Commission will determine if any of the requirements can be waived.

Ms. Carla Harrod and Ms. Deborah Harrod spoke about the history of the property. They were born in 1950 and 1951 and added that the Country Club was built in 1965. The property was purchased by their grandparents in 1910. Ms. Carla Harrod stated that the pond was created in the 1930s or 1940s by the State of Connecticut. She explained that the pond was a water supply for neighboring farms and used during emergencies and drought conditions. The Country Club had regularly taken water from the pond as needed, especially during the drought season. Ms. Carla Harrod said that her grandfather never had to clean the pond and added that there was never any problem with silt. She explained that, when the Country Club was built, trees were cut down and soil was moved around, which ended up in the nearby stream and the pond. Ms. Carla Harrod explained that her family complained about the issue and it was resolved by the Country Club, who sent someone to clean out the pond. Since 1965 there were no issues with silt in the pond. Ms. Carla Harrod noted that the situation changed in the late 1990s. She explained that the Town cut out a large piece of the curbing and built a spout into the pond; the Town did not inform them that the pond would be modified. She said that after the spout was put in, rain, sand and silt would wash up in the pond, creating an island. Ms. Carla Harrod said that their elderly aunt hired Northeast Laboratories to take samples.

She read out the letter from the lab which indicates that that the field tester observed rainy conditions with sand and dirt from the shoulder of the road entering the pond in large quantities. Ms. Carla Harrod offered to send the letter to Ms. Simone. Ms. Carla Harrod explained that they complained to the previous Town Manager about the pond and the negative impact on the wildlife. They were told that they could no longer touch the pond and would have to go through the Army Corps of Engineers and pay for the cost. Ms. Carla Harrod stated that the Town is at fault and added that all they want is to restore the pond to what it was. She explained that the pond used to be a habitat to all kinds of wildlife, including wild ducks and muskrats. Ms. Deborah Harrod said that they want to sit out at the terrace and look at the pond and not a swamp. She explained that the pond turned into swamp filled with cattails.

The property owners would like to send Ms. Simone pictures of the pond before the spout was installed. Ms. Deborah Harrod stated that they do not want to pay thousands of dollars in engineering work. The property owners are not trying to dredge the pond and want the silt island gone. The water can refill the pond once the island is removed. Ms. Deborah Harrod explained that the pond would be beneficial in cases of emergencies and fires and added that it would be good for the fire department. She reiterated that the plan is to move the soil. Ms. Deborah Harrod stated that the Country Club has no issues and would be willing to store the silt. The property owners are friendly with the Country Club and reiterated that this is not their fault. They believe that the Town is at fault and added that they are willing to pay someone to remove the silt island. Ms. Carla Harrod said that eventually the Town put in a catch basin. She believes that this should have been done first to avoid problems.

Mr. Kaputa asked if this application would require Army Corps of Engineers approval. Ms. Simone responded that, even though the property owners state that there is no dredging, a determination cannot be made because plans were not provided. Commissioner Kach said that he has experience with the Army Corps of Engineers and that this is an Inland Wetlands & Watercourses Agency matter. Mr. Kaputa asked for more information on the criteria. Mr. Kach answered that it is not in the jurisdictional zone of the Army Corps of Engineers and added that they do not regulate pond activity. Mr. Kaputa wanted to confirm that this is not a State of Connecticut issue. Mr. Kach confirmed this; this is in the Commission's jurisdiction. He explained that a plan is needed to address the temporary impact, how much material would be moved, and information on the vegetation in the area. Mr. Kach explained that a good starting point would be to hire a contractor to come up with a plan that addresses where the Bobcat machinery would enter the pond, provide information on the impact, and how much material would be moved. The Harrods are proposing a simple project and explained that the island formed by silt has to be removed. Nothing will be moved and they explained that the proposed work will not cause damage to the vegetation, which is mainly cattails. Ms. Carla Harrod added that Ms. Simone has been to the site.

There was continued discussion about the need for a specific plan. Ms. Carla Harrod said that there are invasives around the pond and added that the Country Club has allowed them to store the material on the other side of the bank. Mr. Kach explained that, in his experience with ponds and dredging, invasive plants are a different issue and not usually a required part of the dredging process. He suggested for the homeowners to have their contractor test the sediment to ensure that it is not contaminated. Mr. Kach also suggested that the upland review area should be identified and added that half the battle is securing a place to store the material. He remarked that it is great that the Country Club is allowing them to store the silt. Mr. Kach asked the property owners to work with the Country Club on the issue and added that pushing the sediment is a temporary solution. Ms. Carla Harrod asked why it would be temporary and added that the area consists of cattails, bushes, and shrubs. Mr. Kach explained that pushing the sediment will not change the makeup of the pond. Ms. Carla Harrod asked if it is better to just remove the silt from the pond. Mr. Kach replied yes and explained that they need a detailed plan.

Ms. Carla Harrod remarked that they do not want to wait and reiterated that they are 75 and 74 years old. Mr. Kach said that the process of testing is not an extensive process. He remarked

that half the battle is to secure a place to store the sediment. Mr. Kach spoke about his experience working with golf courses and explained that the sediment can be used to change the fairway elevation. Commissioner Davis asked for clarification about the past activity done by the Country Club. Ms. Deborah Harrod responded that when the Country Club, was built all of the dirt went into the pond. They came out with a Bobcat and removed the soil. The project took about a day and a half and the pond returned to looking like it always had. She reiterated that the current problem was caused by the Town when they cut the curbing to install a spout. Mr. Davis asked if there were any other changes that include more silt or a larger island that happened as the Town took corrective action. Ms. Deborah Harrod replied that the water almost took out the bank and added that they received estimates of \$100,000 and \$200,000 for repairs. The property owners reiterated that this damage was caused by the Town and added that it has caused their property to be devalued. They explained that the pond looks like a swamp and added that they should not have to pay hundreds of thousands of dollars to correct a mistake made by the Town. The property owners propose a simple solution and do not want to get into elaborate or expensive engineering plans that cost hundreds of thousands of dollars. Ms. Carla Harrod stated that they do not want this project going on for years and reiterated that they are both in their 70s. She asked the Commission to explain the simplest way to address the silt.

Mr. Kaputa thanked the property owners and added that the Commission is willing to work with them. Ms. Carla Harrod said that the Town has not worked with them and asked the Commission to understand where they are coming from. Mr. Kaputa recapped some of the points that Commissioner Kach spoke about it, which include dredging the pond and a more detailed plan. Mr. Kaputa remarked that a detailed plan does not mean a ton of engineering work and asked the property owners to address what the workers are going to do and which side they would be coming in with the machine. The Chairman reiterated the other points Commissioner Kach spoke about earlier. Ms. Carla Harrod stated that the person they have working for them is willing to do this and added that he will not give an exact plan. There was continued discussion on the need for a specific plan. Mr. Davis remarked that he would like the Commission to help move this process along as quickly as possible and suggested that they help the property owners without damage to the pond or the environment. He noted that Commissioner Kach brought up a soil assessment and asked what kind of test, who can perform it, ask the contractor or the Bobcat owner for plans, and an easy sketch of where the Bobcat will enter from. Mr. Davis said that it is a manmade pond influenced by human encroachment and suggested mapping out a pathway to get this done as quickly and efficiently as possible. Mr. Kach offered to put together a list and send it to Ms. Simone. Ms. Harrod said that she will provide Ms. Simone with the photos and the letter.

Ms. Simone said that Commissioner Kach's comments about the potential pitfalls of a project such as this highlight that the project has to be done right and explained the need to proceed with caution. She spoke about the 150-foot upland review area and explained that the pond is fed by a brook with continuous flow, and that even if the pond was manmade it still falls under wetland regulations. The project may affect upstream and downstream areas and she added that a species of concern has been identified by the Natural Diversity Database (NDBB). Best management practices have to be followed and added that whoever does the work needs to be aware. Ms. Simone reiterated some of the points brought up by Commissioner Kach and added that the

project has to be monitored. She explained that she gets directives from the Town Manager. Ms. Simone was not directed to design this project and added that she can assist the property owners and the Commission with obtaining the information. Secretary McClain thanked Ms. Simone for her explanation and added that it is not their role to design projects. She remarked that the work might make for a great student project and suggested the property owners reach out to local colleges and universities such as Wesleyan, UCONN, and Yale. Mr. Kach clarified that he was not offering to design the project and explained that there are standards that have to be complied with; the information would consist of steps and the property owners would have to find someone to design the project. The property owners said that they want the steps.

Mr. Kach spoke about his experience with pond dredging and speaking before boards and commissions about the process. The project would need to be delineated and spoke about some of the questions that he had to answer, such as whether the pond had been dredged before, would it be dewatered, where would the silt go, etc. The property owners asked for a recommendation for a contractor. Mr. Kach responded that if they start calling around someone will point them in the right direction. Mr. Kaputa asked what kind of contractor would be needed in this situation. Mr. Kach replied a marine contractor and explained that they can only dredge in the winter season. The property owners stated that they looked for people who dredge ponds and were met with estimates in the \$200,000 range. Mr. Kach suggested they go to a wetlands scientist who can guide them to a good contractor. He suggested they start with the Country Club and added that they have had their pond dredged. There was continued discussion on the need for a detailed plan.

Ms. Simone explained that wetlands soils are delineated by a soil scientist and suggested the possibility of waiving the requirement to delineate if an application comes forward, if the Commission was comfortable with assuming all work would be conducted within a wetland area. The property owners asked for more information. Ms. Simone replied that the requirement could be waived if the Commission assumes that all of the work is to be conducted within the wetland area. Ms. Simone explained that a clear direction on the scope of the work includes work with an engineer, design, how the equipment would access the area, grades of the bank, and best entrance; the owner could work with one person to create the design and another person to do the actual site work. Mr. Kach noted that the process would go smoother once there is a permit and design plans and explained that the bids would be too high without that information. Mr. Davis suggested the property owners find a contractor that can also do engineering. The property owners cannot find anyone and added that they have gone through this. Mr. Davis said that contractors are out there. The property owners are environmentalists and added that they do not spray pesticides. They just want to restore the pond. The property owners asked if the firm of Megson & Heagle would work. Ms. Simone replied that she cannot provide recommendations but will acknowledge that they know the regulations and have presented before boards and commissions. Mr. Kach said that a firm should do a site walk. The property owners asked what would happen if they just cleaned out their pond without a permit. Mr. Kaputa replied that it would become more expensive. The property owners stated that it is a frustrating situation and reiterated that the Town did this. They remarked that they are not going spend \$200,000 and asked for a list to simplify things. Mr. Kach responded that he could send an outline that would

including testing, a list of labs, hiring a consultant, and standards of how to sample. The property owners will wait for Ms. Simone to provide them with the information and thanked her.

The Commission briefly discussed a past application from the firehouse on Chestnut Hill Road that also had a pond. Ms. Simone explained that the provision in the State statute exempts fire ponds, and the firehouse application does not follow the same path as a private property application. The property owners asked if their pond can have the same consideration. There was continued discussion on the firehouse pond regulations. The property owners thanked the Commission for listening and added that they will wait for the outline. Mr. Davis thanked the property owners.

II. CONSERVATION COMMISSION - NO BUSINESS

III. APPLICATIONS FOR FUTURE MEETINGS – NO BUSINESS

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

V. APPROVAL OF MINUTES

1. Minutes of the Regular Meeting of October 10, 2024

The minutes were approved as presented (7-0-0).

VI. OTHER BUSINESS

1. Chairman's Report

Mr. Kaputa thanked Commissioner Gault Galjan for help in organizing the joint meeting with the ASDRC held on October 23, 2024. He also thanked Mr. Davis for being the facilitator and moderator. The Chairman thanked Ms. McClain and Ms. Gault Galjan for following up with the next steps.

2. Commissioner's Report - NONE

3. Environmental Planner's Report

Ms. Simone provided an update on the Bemer Petroleum violations. She recapped that that the business was ordered to come up with a restoration plan and added that the deadline kept changing. Ms. Simone explained that there are other violations with other agencies and added that she has attended the Environmental Protection Agency (EPA) meetings. She said that the wetlands issues have yet to be addressed and noted that she will update the Commission. Mr. Davis asked if the applicants are cooperating. Ms. Simone responded that there are some improvements on the site and added that she cannot speak to the other agency violations. She said that the violations are extensive and complicated. Ms. Simone explained that there are

physical obstacles that block off access to the wetland area and added that many tanks appear unstable, some of the contents are unknown, and there is some rusting and bulging of tanks. Some of the materials were removed and added that the area has been barricaded. Ms. McClain asked if there was a court order or a timeline to comply. Ms. Simone replied that there was a timeframe given and it was extended because of the other violations with other agencies. There are small improvements and added that she will update the Commission about the timeline to submit a restoration plan. The Commission continued to discuss the violations and the next steps.

Ms. Simone provided an update on the bamboo ordinance. She has started to work with the property owners and spoke about the positive results. Ms. Simone explained that dabbing herbicide on the exposed rhizome reduces the bamboo shoots; this method prevents the herbicide from seeping into the soil and explained that the best time for this application is the summer months and into the frost. Ms. Simone said that the best progress so far is from those people that are willing to be in compliance. Mr. Kaputa remarked that an issue with the bamboo is that it can get into a neighboring property. Ms. Simone stated that the bamboo regulations limit growth to within 40 feet from the property boundary and must be contained by a root barrier.

Ms. McClain thanked Mr. Kach for sharing his expertise on pond dredging. Mr. Kach spoke briefly about his experience with golf course ponds and residential ponds. He reiterated that half the battle and expense is to have some place to store the sediment. Mr. Kach will send the information to Ms. Simone tomorrow. Mr. Davis also thanked Mr. Kach.

Chairman Kaputa noted that the next meeting is in two weeks.

With no other business to discuss, Chairman Kaputa adjourned the meeting at 7:59 P.M.

Respectfully Submitted,

Nadya Yuskaev
Recording Secretary