

TOWN OF NEWINGTON
CONSERVATION COMMISSION

MEETING MINUTES
JANUARY 20, 2015

I. CALL TO ORDER

Chairman Zelek called this meeting to order at 7:01 p.m. in Room L-101 of the Newington Town Hall.

II. ROLL CALL

Commissioners Present

Jeffrey Zelek (Chairman)
Philip Block (Vice-Chairman)
John Igielski (Secretary)
Kathleen-Marie Clark
John Casasanta
Andreas Sadil
Tim Manke (Alternate)
Alan Paskewich (Alternate)
Deborah Anne Krawiec (Alternate)

Also Present

Chris Greenlaw, Town Engineer
Susan Gibbon, Recording Secretary

*(*These minutes, with the exception of VI - B, are a brief overview of the meeting held on January 20, 2015. Please refer to tapes for full transcript.)*

III PUBLIC PARTICIPATION

1. John Bachand, 56 Maple Hill Avenue, do want to speak about something on agenda.
2. Roy Zartarian, 25 Stewart Street. At the last meeting Commission Paskewich asked couple of questions about rare and endangered bird species and their dependence on wetlands. Emailed information to Town Engineer. Six species are on the CT DEEPs endangered species list with varying degrees of endangerment. There is special concern, threatened and endangered and that all depends on their potential for excavation within the state. I should note as well that the endangered species list is revised every 5 years and it should be review and revised this year, 2015. We have had sixteen species noted as being uncommon.

On another note, I have already spoken to Mr. Becker seated next to me. I want to go on the record as saying I don't, as a former town staff person myself, that it is appropriate to allow a staff person to make public comments in the press. Thank you.

3. Representative Gary Byron, 426 Connecticut Avenue. New elected State Representative representing 85-90% of this Town. The purpose of me being here this evening is not to impede on your business, but only to introduce myself. I also sit on the [State] Environmental Committee. It's not normal for a freshman lawmaker, or legislator excuse me, to choose his committee, but I know that this Committee here is Town is very important. If you need to reach out to me at the Legislature, please feel free to.

Chairman Zelek: Thank you Representative Byron, we look forward to partnering with you any time a reference that may improve our open space and our environmental quality.

Representative Byron: Of the three committees that I am on, this is certainly most important to me. It was the number one committee that I asked for. I will try to make as many of these meeting as possible.

Representative Bryon's contact information is as follows:

Representative Gary Byron
Legislative Office Building, Room 4026
Hartford, CT 06106
Capitol: 860-240-700
Toll Free: 800-842-1423
Fax: 860-240-0207
Email: Gary.Bryon@housegop.ct.gov

4. Andy Bracker, Economic Development Director, 120 Stagecoach Lane. I am appearing before you tonight because Chairman Zelek asked me to attend meeting. Need to balance development and the environment. Contrary to what many believe in fact, these two items are not always diametrically opposed. Part of my job as Economic Development Director is to help ensure that this Town remains a desirous, vital and vibrant community. Not only for today, but in the future so that people want to live here, people want to work here, people want to have their businesses here. Especially our young people who more and more express less and less interest in staying in Newington as they get older. An important aspect of a vibrant community is open space. That means green spaces but also spaces for recreation. In a nutshell we need places that are green and we need spaces that you can enjoy the outdoors. When you have those things it absolutely helps to have vital to community. I am coming here because I think this Commission are ideally suited to help me with two important initiatives. The first is establishing a Land Trust and the second is creating a Friends of Mill Pond Park organization. The ideals are simple, I asking to come back at a future meeting when there can be an agenda item where I can get into these topics at greater depth and you can tell me what

you think about them. I am generally available on the third Tuesday of each month, so you let me know when you would like me to be here and I will do my best to attend. Thank you.

1. John Bachand, 56 Maple Hill Avenue, I would like to clarify what I was talking about without trying to beat around the bush. I would like to discuss VI-B (Cedar Mountain project).

Chairman Zelek: I am going to stop you right there, we are not going to entertain any comments from the public at this time.

IV ACCEPTANCE OF MINUTES

A. Regular Meeting of November 18, 2014

Move to table minutes by Commissioner Block, second by Commissioner Clark.
Unanimous vote.

B. Special Meeting of December 16, 2014

Commissioner Paskewich: Page 22, 8th paragraph: the word “swill” should be “soil”.

Commissioner Block: Page 26, 3rd paragraph from the bottom, third line “grains” should be “drains”

Commissioner Krawiec: Page 3, under Commissioner Krawiec, second sentence “did” should be “didn’t”; question mark after “copies” (not semi colon) then capital D[id].

Page 3, under Commission Krawiec, second sentence, insert the then [is there a concern].

Page 5, under Commissioner Krawiec, 8th paragraph, so be “do” not “so”, that is a question not a statement.

Page 9, under Commissioner Krawiec, 2nd sentence, change to “would be important for us to consider”; 3rd sentence, replace coma after it. Capitalize “although”; second to last sentence add a this.

Page 13, third sentence “made to” as to where it should be held; third sentence “minds too can be applied” end sentence. Replace “I know that I bring to my” with “May I bring to my commissioners’ attention”. Full sentence “continues to be a chief purpose for wetlands alteration and is reflected in the Trends report”.

Commissioner Clark: On the top of page 22, first line “swell” should read “soil”.

Commissioner Casasanta: For the recording secretary, at the risk of sounding vain, correct the spelling of my name again. It keeps on reverting to the old spelling; it should be Casasanta.

Chairman Zelek: One minor correction on page 9, 4th paragraph, while I'm speaking there is a misspelling "tit" should be changed to "this".

Commissioner Block: On page 53, at the comments of Mr. Michnevitz, "foot panels" should be "foot candles" and add a "d" to stipulate and again on the third line it should read "3 or 4 foot candles". He's agreed to stipulate to those minutes so I think it's important that the paragraph read correctly.

Chairman Zelek: One other thing I wanted to note, and I did not see in the minutes and I don't know why it's not there, I did ask during the presentation I did ask a question if the facilities was going to have an age restriction and I believe the answer is no. I don't see that in here, so I just wanted it to be noted.

Commissioner Block: I don't know if this is applicable to the minutes, but on the new members list that we were just handed out, that the Chairmanship has acknowledged it's dated as of December 17, 2014. Two versions, correct version dated January 20, 2015.

Commissioner Paskewich: One more, page 11, first paragraph, 3rd line, "web MR" should read "webinar"; "one line" should be "online".

Move to accept minutes, as amended, by Commissioner Sadil, second by Commissioner Igielski. Unanimous vote.

V PUBLIC HEARING

A. Inland Wetlands Regulation Changes - L.I.D. (Low Impact Development)

Chris Greenlaw: No formal updates at this time, I believe what we are waiting for is TPZ and additionally I believe this is subcommittee here is going to prepare a consensus to report to the TPZ.

Chairperson Zelek: Since this is a public hearing, is there any public comments regarding the Low Impact Development initiative? See none, Commissioner Iglieski.

Commissioner Iglieski: Commissioner Chairman as far as the topic that was just mentioned, it might be better to have it as part of a public hearing, rather than a item on the agenda because it does pertain to our regulations and how LID impact them.

Chairperson Zelek: How about we handle it this way, we just let the public know that we are entertaining some advisement to the TPZ regarding LID. They have proposed a moratorium, the Commission directing that they not have a moratorium on LID and if any of

the public wishes to stick around and listen to us during the reports and communications is welcome to do so.

Commissioner Igielski: Motion to table public hearing for the Inland Wetlands regulation changes LID full impact of government to next meeting [February 3, 2015]. Second Commissioner Block. Unanimous approval.

VI NEW BUSINESS

A. Application 2015-01A, Main Street (Landfill), wetland map amendments for Town landfill property.

Chris Greenlaw: I would like to introduce Rob Hellman, he is our Assistant Highway Superintendent, he is going to talk very briefly and is going to introduce a map agenda and ultimately is he going to ask this commission to schedule public hearing [February 2015].

Rob Hellman: The CT DEEP has mandated that the Town close its landfill as it has reached its critical limit, there is no more room. Prior to starting any closing maintenance we thought it would be in the best interest of the Town to delineate the wetlands to get a clear and accurate picture of the location of the wetlands.

Chris Greenlaw: Under the stewardship of Loura Engineering, we will be developing a landfill closure plan. That plan will come before you. There will be two applications, the first will be the map amendment and the second will be the application for landfill closure.

Commissioner Igielski proposes motion to hold a Public hearing on application 2015-01A on February 17, 2015; second Commissioner Clark. Unanimous vote.

(The following minutes regarding Application 2006-26 are verbatim.)

B. Application 2006-26, 751 Russell Road, request for modification of original Inland Wetland permit approved at the meeting of February 20, 2007.

Chairman Zelek: I would like to state to the commissioners that this is a preapproved application and we hearing a request for a modification. We will hear from the applicants and there will one motion and one vote regardless to the application. Chris do you have anything to add to that before we hear their presentation?

Chris Greenlaw: I think you defined it quite well as far as this, I would just like to reiterate, it is very important that the Commissioners understand in the last 3 years I can count on one hand, one finger. We've only had one modification and it's something we can defer maybe some of the question to our recording secretary. What that means is that we have a live, active, approved plan and the folks before you are going to explain who they are and why they are here before you and what modifications they are seeking as it pertains to this application.

Chairperson Zelek: All right, if this applicant has an attorney present, if you could please guide us along with any questions regarding the application process when it comes to modification. So we ask that applicant here please introduce themselves.

Yes, my name is Nicholas Harding, I am attorney with Reid and Riege in Hartford, CT. I am here with my colleague tonight to represent Amara Community Living, LLC and they are here tonight seeking a modification, as the Chairman said, the application 2006-26, 751 Russell Road, Newington, CT. We will offer testimony and exhibits through a wetlands consultant, Clinton Brown [Webb] with C.W. Webb & Associates, who is here to speak to you about modifications to the existing proposal, the lack on any impact to the wetlands and the reduction work in the wetland review area. Others from the project are here and are available to respond to any questions you may have Mr. Chairman. I think that after the presentation by Mr. Webb, you and your Commission can conclude that the application should be modified as proposed. With that, Mr. Webb if you would.

Good evening. My name is Clinton Webb, C. Webb & Associates. If you excuse me one moment here, I just to get this thing running. Last month, at your last meeting, we were privy to an informal presentation to what was planned for this, as an alternative for the development that is ongoing right now. The architects who are working on the design have worked up some conceptual plans which they presented you last month and I am just going to go over those to kind of remind you what was happening. [Mr. Webb speaking about presentation on screen.] Just to bring you up to speed, blue on this site is the wetland, the red is the buffer from 0-50 feet and the white is the buffer from 50-100 feet and the large gray block is the proposed building and the position would be outside the 100 foot buffer. You also saw this in another perspective, kind of a 3-D, the wetland on site and the remaining 50 foot buffer is all forced in [?].

Commissioner: Mr. Webb, are these just the changes or the buildings on the previous application that were approved, I was a little confused by the paperwork.

Mr. Webb: That's that architects concept what they wanted.

Commissioner: In its entirety.

Mr. Webb: In its entirety.

Mr. Harding: If you will Commissioner, this use replaces a hotel, a gas station, a restaurant and shopping, which were going to be on the site. And so, this, the usage depicted here is a different foot print.

Mr. Webb: I'm just going to set it up and briefly go over what is proposed and then who you existing conditions as they exist to day and how that relates to the current application and then I have another way to show you the difference between the two so you can better understand.

Commissioner Krawiec: So this is an alternative to the application that was proposed to the Commission which had a gas station, a hotel, and a...

Mr. Harding: The modification that is sought here is to less activity in the upper review area in the in approved plan. With respect to the land use question, it will come before the P&Z, this will be a change, it will still be a commercial use, the property will become an assisted living facility and instead of being a hotel, it will not have a gas station, the gas station will go away and the environmental threat presented by a gas station will go away. The shops, will, the exterior shops and the exterior restaurant will be removed from the plan, but that's a matter that is going to go before the Planning and Zoning Commission as to use of the property.

Mr. Webb: In a nutshell, there is currently, the proposal to build six buildings of various sizes with lots of parking and lots of pavement and so forth. The alternative that we want to detail for you tonight, drops into the existing foot print on the site.

Commissioner Block: If I may, the amendment that you are going to be asking us to approve tonight is to substitute that footprint for the previously approved gas stations, shopping mall, whatever. Correct? It's just a substitute of the foot print.

Chairman Zelek: We are not voting on anything this evening [Commissioner Block: right], we are just hear to let them present. I also want to point out to the Commission that our regulations allow us to look at anything outside the 100 buffer that may impact these wetlands. If you see anything during this presentation that you feel may cause an impact to those wetlands, please be astute and look for that. Thank you. [audible impacted by phone ringing] Let this be the last question.

Mr. Webb: The presentation is going to be brief and then we can get into the questions. [speaking of presentation on screen] Generally what you see in the highlighted area is one of the two modifications that we are proposing toward the existing application and that area represents the cross hatch area represents the cross hatch area between 50 fee and 100 feet and I will get into more detail of what's going on in here. I would like to get the existing conditions just to orient you. The white building at the top, let's see if I can get this to work right, this is very sensitive at this distance. The white building at the top is Jensen Machine, in the lower hand corner is just is what is left of the floor where that commercial building, that floor, that concrete is gone now and the site is just opened up as you see here. Just north of the white building to orient you is where the CT Humane Society is. So in the upper left hand corner, that square forested area is the wetlands and 50 foot buffer that remains untouched on the site. Now that part of the site is the highest part of the site and where you see the old foundation in the lower right-hand corner is the lowest part of the site. So basically, it flows, the top of the picture is north, bottom of the picture south, so everything flows to the south. Now on our property is the southern most tip of a larger wetland system that fed by a 20 acre watershed that actually goes up over Mountain Road and onto what is commonly known as the Toll Brothers site right now. So actually par of that Toll Brothers actually drains this way and that wetland drains out onto site.

Commissioner Zelek: So are you saying this wetland adjoins the wetlands on the Toll property?

Mr. Webb: No, no, no the watershed.

Commissioner Zelek: The watershed.

Mr. Webb: The watershed. It adjoins wetlands basically the property to the north is bordered in part by the Human Society property and then in the NW corner that's known as the Marcap property which is now the Town of Newington property. So work construction has started, the site has been further excavated from this point and in December we had a survey done as to the existing conditions as they exist today and you have this pleading in your map set. The three areas in the center of the site are stock pile, you can see in the center. This is stock pile, this is stock pile and this is a stock pile of material. All the vegetation, all the top soil and a good amount of subgrade have been removed and stock piled. There is, these dark lines are steep cuts. In order to get up there, they have built a temporary little ramp. This area is the edge of the 50 foot buffer as it exists today and that is where the forest ends and basically this area is about a 5 foot vertical cut and you've got another 5-8 feet over here of vertical cut. On the site you have temporary detention basins which will become permanent ones.

Commissioner Paskewich: I have a question.

Mr. Webb: Sure

Commissioner Paskewich: Regarding the 5 foot vertical cut, I had an opportunity to walk the on the Marcap property and is that going to be filled? How is that going to be addressed?

Mr. Webb: I am going to that on the next slide. While I am here, the reason the site was prepped this way is because the current plan calls for approximately a 5 foot high concrete retaining wall all along and the parking lot just goes up to the base of the wall. I'll show you shortly, a better way to describe it. So basically we have these two photos. This one is to the left of that driveway and the 50 foot buffer is maybe 2 or 3 feet in from that top of that bank. Basically in the current proposal, that approved proposal we put a retaining wall there. These are kind of reversed, but on this side, this is the other side of that temporary access driveway that went up and this cut is even steeper a little further back. So basically this is our current existing conditions, so we were coming to you today what's the site look like now, this is what it looks like. All this activity was approved and is being undertaken. So this site is now ready for the foundations and the utilities of the currently approved plan.

Commissioner Paskewich: I have a question regarding that area. Can you point out or tell us where the existing drainage ditch is? In respect to this area.

Mr. Webb: Actually, let me show you that because it is on the survey. It is actually on the current survey, it was on the previous survey from 2009. Well actually, I can start right here, you can see, can you see this, I think I can blow it up a little. There you go. That ditch, I referenced in my report, I went back and did historic air photo research every 5 years and in [19]65 that ditch didn't exist. This was all field and unhumaned forest. It was agricultural field, both for haying and it looked liked also grazing. Then in the 1970 photo all of a sudden that ditch is there and it was farmland and they were probably trying to redirect that. That ditch actually goes into the woods and naturally into the wetlands. So in 50 years that that ditch has been there it hasn't drained the lot because it is in the middle of the lot, there is wetland below it upstream of it and downstream of it. And obviously as you saw in the cut, these are perched wetlands because if you did that cut then the ground water would be threatened a little bit.

Commissioner Block: The cuts that you were showing us are 4 or 5 feet deep aren't they?

Mr. Webb: You mean the ones up close right next to that, yes.

Commissioner Block: And those are within 50 feet of the wetlands. Why, what are the construction configurations that are going to keep the wetlands fluids from draining through the retaining wall and drying it out?

Mr. Webb: It's a perched wetland. It doesn't, it's not ground water fed it's surface water fed from a watershed. It is at the bottom of the watershed.

Commissioner Block: Right I understand that....

Mr. Webb: It only has so much capacities and its really flat in the so in like in a spring rain or heavy rain you know in the spring time that water just flows off the surface. There is no ground water, surface water interaction.

Commissioner Block: But it's a question of permeability.

Mr. Webb: I know that, but a the fact that is has survived that way from the 1934 photos that I looked at and its been draining.

Commissioner Block: You have now imposed a cut. A vertical cut and if there is any permeable strata in there, the water is going to be leaking out though that wall. The point of least resistance I am concerned about.

Mr. Webb: Yeah, well it is cut and it's not leaking. It's been cut for over a year and the abutment isn't dried out. There is no evidence you would see seepage somewhere in the layers.

Chairman Zelek: Well, has it been studied to understand that. Is there a measured study to understand whether or not that cut is causing any leakage of the wetlands?

Mr. Harrington: I think the issue is that's what's permitted right now.

Chairman Zelek: There was retaining wall that was supposed to be sealed with some type of water barrier.

Mr. Harrington: I think what you will see this evening Mr. Chairman is a better alternative.

Commissioner Block: The question is the permeability and the cut. I want to make sure that your plan also deals with those issues.

Mr. Webb: OK

Commissioner Zelek: Move on then.

Mr. Webb: So anyway, does that kind of answer your question about the ditch?

Commissioner Paskewich: Well..

Mr. Webb: And it still exists today.

Commissioner Paskewich: I think I did read part of your report when I had time and I think the motivation towards the existing ditch is to turn it into a piped conduit.

Mr. Webb: A little bit earlier, but I am going to get to that.

Commissioner Paskewich: OK

Mr. Webb: So, let me, the engineers overlaid the new proposal over the existing permitted proposal, and slow it up and kind of just go over it a little of a time so you can see what's going on. So the current approved application is in shaded areas and the new proposal is in red and blue and whatever you see in color the new proposal. So you and kind of see, you can see the old proposed buildings within the red outline of a single proposed building. We are proposing to get rid of the retaining wall, which is this line right here and it comes around this way and turns and replace that with a vegetated slop. The current plan, that ditch is right about in this are coming across this way. The current plan intercepted that ditch and took it due south along the back of the retaining wall to this point and into a pipe and into the rest of the projects storm water system. In order for us to get rid of the retaining wall, and add more vegetation because what you here is all vegetation proposed in crosshatch, as opposed to all pavement and retaining wall under the current plan is to intercept that ditch here and let it flow down into a catch basin and then take a pipe down to about the same point where in the current plan would call for going into the overall storm water storage system. So

we are replacing in order to get rid of the wall we can't use an open ditch on the side of the slope, so that is why are putting in a pipe a little sooner than the current approved plan proposal.

Commissioner Paskewich: So, am I to assume that your are going to intercept that pipe where it meets the existing vertical cut.

Mr. Webb: Year, well no, the vertical cut goes away. We are going to fill in that vertical cut and slot it and vegetate it. It will come right down to the curb. It will be a vegetated slope.

Commissioner Paskewich: So will this be hydrolic movement? Are you going to have a 90 degree change in that pipe? From the stream?

Mr. Webb: Part, yeah.

Commissioner Paskewich: The drainage ditch, was toing to be intercepted in the open trench, we are just going to intercept it at kind of a 90 degree in a plan.

Commissioner: Intercept at the location of the catch basin.

Mr. Webb: That water will flow out of that ditch down through a grass swale that surrounds a catch basin and then go into the storm water storage system.

Commissioner Paskewich: SO there will be some sort of sedimentation control device tin that pipe where the change of direction.

Mr. Webb: A little farther down.

Commissioner Paskewich: Farther down.

Mr. Webb: Yeah, actually it is on the last sheet of the plan sheet. I don't have a picture of it up on the screen. But it's on the last plan sheet. There is a detail as to how that catch basin.

Commissioner: So instead of using a retaining wall, your proposal is now using a slope hill area. I presume that the hill area will be better soils, more permeable soils. So the question I am still concerned about, it you are going add the soils to a 90 degree cuts and you have permeable soils creating a slope there after, you are still going to create a situation in which the perched ground water has a better area to escape and you are going to drain the wetlands. I would really like to see some information by which you are going to, I presume, assert that the 50 foot barrier is going to create and impermeable barrier to retain the wetlands in the perched conditions. Between piping out that ditch and putting permeable soils up against that cut, I am concerned that you are going to drain the wetlands.

Mr. Webb: If I could clarify, it is a perched wetlands, so there is no ground water. There is not ground water input from these wetlands.

Commissioner Block: It's a perched wetland because there was, something lets say a 75 or 80 foot permeable soil which you cut into. Whether or not the remaining soils are adequate to retain that perch is my concern.

Mr. Webb: I don't have access to the soil scientists reports for this delineation, but I have to tell you that in preparing to get a feel for area and all of Cedar Mountain I did review the Toll Brothers testimony and this same question came up in there and the information that was presented by the applicants professional and by the Town's professional was inaccurate even though they actually had the data in their hands. There is a picture of the soil core that shows the impermeable clay that created wetland 2, the famous wetland vernal pool, and that was the answer, it was right there in the picture. But it was sent out to UConn for analysis, and it didn't get back in time, or whatever, and that basically those wetlands are developed the same way and when you look at them in 1934 and 1960, 1965 and 70 all wetlands on this end of the mountain are all the same. They are all surface water driven, they are ground water. You are just not going to get ground water percolating out of though bed rock in that area.

Commissioner Block: Sir, I am not concerned about ground water percolating through, I am concerned about perched water leaching out laterally through that cut. I agree with you, there is not going to be any natural springs at that location, but whether or not you have now reduced the impermeable barrier, the width of it, to a point where water is going to leach out and drain that wetlands. I haven't gotten an answer.

Mr. Webb: In my professional opinion that is just not going to occur. The engineer tells me that we can put an impervious layer in that fill that will solve the problem.

Chairman Zelek: What type of material of material is that that has been cut. Is that rock or is that soil?

Mr. Webb: That's rock.

Chairman Zelek: It is rock that has been cut.

Mr. Webb: Yeah, the soils are very thin on this mountain.

Chairman: The photo shows the soils.

Chairman Zelek: Can you go back to the photo please.

Commissioner Clark: I would like to say was that rock just excavated with heavy equipment or was any blasting done.

Mr. Webb: No blasting.

Commissioner Clark: Any further blasting?

Mr. Webb: No, in fact this site is already lower in elevation than the new proposal actually needs, so that why the need to bring back in, well not bring back it, but reuse that fill for sloping and the foundation.

Chairman Zelek: So these photos actually show a rock face, not a soil face.

Mr. Webb: Yeah, the soil, let me blow it up, the picture on the right can be the best example. So you are looking at here's your soil layer right here. This is a sandstone based rock that's why its, it lays on top of the salted bedrock so that's why its all fractured and we didn't have to blast anything. So this is not soil. It looks like red, you know, red soils that are pretty dominant in this part of the state, but that is not soil.

Commissioner: So you are talking about that dark brown area the foot of the soil. Did you observe any leakage?

Mr. Webb: No, nothing. I've only been looking at the site since mid-November, it has been excavated for, how long? [speaker] 11 months. I have covered the whole grounds and even though we had a wet spring in the beginning of 2014, we were pretty much in dry spell, except for a couple of big storms. Those wetlands would have dried out, but there is just, it is at the bottom of the hill of this watershed, so it's constantly fed by surface water any time it rains.

Chairperson Zelek: So , I am sure some of us would like to do a site visit just to see for ourselves what is taking place up there and we do observe any leach or *[inaudible]* your statements.

Mr. Harrington: Let's complete the presentation so that Commission understand completely what is being proposed here.

Mr. Webb: In an informal presentation that you had last month there were a number of comments that the commissioners made or suggested or ideas that they threw out on to the table and one was that the patio was much bigger and it had a path that went deep into the 50 foot buffer. So we took that under consideration and reduced the size of the patio, and now not only does it not intrude on the 50 foot buffer, but is has been reconfigured to allow a general slope that comes down from there. We also took the trails out that you saw, the trail system for the time being. We think the trails will be better served on the perimeter of the site and just if you want to walk in the natural woods you can do that. It's walkable, its very flat. Somewhere down the line, perhaps a trail system could be hooked into the Town's property, when that gets developed as an open space park area. Then also, this would be a great opportunity to put a trail from this facility up to the Humane Society, who I'm sure they can use assistance with volunteers and retired people. It seems a like a good synergy. The properties touch each other. Anyways we didn't feel there was a need to include formal trails

within that 50 foot buffer. We also moved the potting shed out of there and that got integrated in area where raised beds will be located along the side and elsewhere on the property. If you look here you can see that where the gas station is and convenience store, it was all pavement all the way up to the retaining wall up here you now have a driveway entrance and basically this is all green area that you see here that says proposed gas station. There was some discussion last month about possibly relocating the entrance and sliding the driveway around and moving the patio to the east side then face the highway and all the noise, plus that is where the employees and deliveries will be made. After that meeting when the engineer, got ahold because that wasn't in the engineer's plan at the time, it was a conceptual design to see if this project would fit the site. Then the engineers and I got involved and decided in looking at it in a harder more design driven. It turns out that this design, except for a bunch of little nuances, is basically the same plan that they showed you. It just works, it just works so well for this facility that we didn't end up changing anything with gravel as far as driveways and walkways and the entrance go.

Chris Greenlaw: Mr. Webb, if I may, not to take away from the commission. But there are a lot of lines on this map. But the takeaway on this, currently today, the gray lines demonstrate that you have a structural wall with a change in grade pinned right up against the 50 foot wetland. Seeing as slope is rise over run you are taking away that wall, what happens when you put a slope in? You're running away, so you have demonstrated and I refer to your report on of the changes and modifications, the take away as I see, is that you are getting rid of a structural component, you're reducing your impervious, how do you do this, I am leading you to an answer, but I think it is important for these commissioners to see. They are looking at a modification to this upland review, this foot print, so if you want to discuss right now, today, currently under this application they are looking that this drastic cuts, they are looking at a structural wall because they are pushing that impervious. It is very hard to see under the current application. Your proposal, as far as your team, is to remove that wall. Now how do you achieve that if you're removing the wall and you are going to slope that would lend itself to the fact that you are pushing your foot print of impervious farther out at that wetland and I think it's also important to try to point out the slope as it relates and the improvements in relation to the wetlands. It is difficult to see with that map.

Mr. Webb: Yeah, well, I mean I will give you the hard numbers now which is the next step. The bottom line here is, just in this snapshot, just in the 50 foot - 100 foot area reducing impervious surface from 19,000 square feet to 9,000 square feet. So it's over a 50% reduction in hard pavement and that reduction is then being converted to vegetation. It's not being converted to a different kind of impervious.

Chairman Zelek: What's the conversion on the hard surfaces from the building? Significant is the pavement.

Mr. Webb: Well, I mean if you, I can go back and I will but I mean overall, I will go back to the first line, when the whole site is engineered, condition engineered if the applicant decides to go forward with this, is, I mean you can just look at it, and I would say the impervious over the entire site will be 20,000 plus square feet, less. Because this current is

just all impervious, what isn't buildings is pavement and sidewalks. There is little to none in the way of grass islands or anything of that sort. This, even though this building looks so much huger than the other ones, it is surrounded by these huge areas that twill be basically vegetated with plantings and, just this section. That 19,000 reduction to 9,000 is just within the 50-100 feet we are talking about. I mean, it is going to be, it will probably be somewhere between 20,000 and 30,000 square feet less impervious than the entire site. It is so hugely better, that whole thing won't be engineered unless this process moves forward.

Chairman Zelek: So, I just want you to state for the record your credentials, and what your area of expertise is, because I want to be sure that the things that your are speaking to, that you are giving expert opinion on, please.

Mr. Webb: Well, I am also giving estimates of square footage. My credentials are I am an environment scientist, a couple of months ago I actually submitted my resume to the this Commission, I have 35 years of experience as an environmental planner, looking at the planning aspects of development as well as a wetland ecologist looking at wetland protection, wetland litigation, wetland construction, wetland restoration, but I also have strong planning background having served for a dozen different communities within Connecticut as a Town Planner and the environmental planner, as a consultant basis. My undergraduate degrees is in planning, urban regional planning, my masters degree is in environmental science.

Commissioner Block: The numbers you were just throwing out for the reduction in the impervious surface, that I presume included the parking spaces for the hotel and the retail spaces and so on and also their foot prints, correct?

Mr. Webb: Well, I, just what you see within, the only hard numbers we have are for the 50-100 foot area now. The rest of the site hasn't been calculated, so I am just estimating based on based on when you look at this plan.

Commissioner Block: So the question that we were really looking for, the answer we were looking for is, if you took the prior approved plan, the foot prints of the building and the impervious surfaces, totaled them up against the whole site and then compared that to the foot print that you are proposing and your impervious surfaces, the question, the answer we would like is, is there a reduction benefiting your plan?

Mr. Webb: Yes, I ..

Mr. Harding: Yes, Mr. Commissioner, there is in the regulated area, there is absolutely a very significant reduction.

Chairman Zelek: We are asking total site.

Mr. Harding: Yeah, I understand you are asking total site, your jurisdiction is however, is over regulated.

Chairman Zelek: And if we believe that there is something outside the regulated area that may impact those wetlands that is why we are asking.

Mr. Webb: I don't think it is based solely on belief.

Commissioner Block: But the point is the reason why I think again, it is important, because of this cut and the wall and your other, the other gentleman gave you notes, really gave you the answer and I am looking for it to be incorporated into your design.

Mr. Harding: We will incorporate it into a filing design, an impervious layer, we are more than happy to do that.

[I have an additional comment], Nick Michnevitz from MBH Architecture. I presented to you at the last informal, the project architect for this project. We do know for a fact, we don't have the exact numbers but the proposed design has a significant reduction in impervious, total impervious between pavement and building mass and the current site plan that is currently approved. There is much less parking, there is a little bit more building area, but overall there could be an amount of 15,000 - 20,000 square feet less in the new application that we have in front of you here, but the exact numbers haven't been worked out yet because we are trying to work in the configuration of the building with the client.

Commissioner Block: Well that is appreciated and we will be happy to them when they are ready.

Chairman Zelek: I think it is important that we have a complete application before we can make any approval on it.

Commissioner Paskewich: I believe the gentlemen that was just here, I believe he is part of the Green Council, he spoke to that last time and they are working towards practicing that lead to possibly pervious pavement, here is what I am asking to the Town Engineer right now, in respect to his gentlemen being on the Green Council and us talking about impervious and pervious pavement. Has the Town of Newington adopted any LID for commercial construction in those woodlands that could allow for pervious payment to take place....for commercial.

Chris Greenlaw: Certainly, industrial and commercial sites have the latitude per the zoning regulations to incorporate that as a methodology.

Commissioner Paskewich: So, I comment was to the question, could we lessen even more areas to be pervious and not impervious.

Mr. Harding: That may present a safety issue for some for the residents at this point.

Commissioner Paskewich: Looks just like, speak to the engineer, I'm not the engineer.

Chris Greenspan: That is certainly something for the applicant, pursuant to revisiting the site if that is one methodology of LID that you like to incorporate, we can revisit that along with the other considerations they have with revising the plan. There is other alternatives to that other than pervious pavements.

Mr. Webb: Just to continue, besides the huge reduction in impervious area within the 50-100 foot buffer, we also are reducing actual development in that area.

Commissioner Paskewich: I want to review my question. You mentioned safety factors. I would like you to come back with that information, why it's a safety factor with that type of pavement versus the other. Maybe look at that permit to see if it could be placed in this area. That is what we are trying to do with this Town, is work towards low impact development and the gentlemen in his short presentation mentioned that he is working towards that himself as the architect.

Mr. Harding: Right, and that is certainly a goal. But it has to be balanced, it has to be balanced with threats of fall for people who are going to residents at this facility.

Commissioner Paskewich: That is why I'm asking you to address what the threats would be with that type of pavement. How it may be a threat?

Chairman Zelek: How about if just in general what is your response to low impact development. What do you plan to do to bring into this site along the lines of low impact development? Is that something you guys have? Does that satisfy you Alan?

Commissioner Paskewich: Yes.

Commissioner Clark: My question is, at the time of the first application there is repeat mention of within 50 foot, are we dealing with a 50 foot buffer inlands? In that consideration tell me why we are talking 50 not 100?

Chris Greenlaw: So, as Mr. Webb noted in his report, the disturbances from this approved project are right up to the 50 foot buffer, to they have already in from the 100 foot and the 50 foot, and that has all been excavated. That is where we see those cuts, they are right up to the 50 foot buffer.

Commissioner Clark: That I understand, my question was that was approved there permitting in the original application and the 100 foot buffer was in effect at the time and yet that was approved at the time.

Mr. Harding: The proposal is to move away from that 50 foot, as much as we possibly can and get back to the 100 foot as much as we possibly can.

Mr. Webb: That is why I put the cross section up there, maybe that will help you understand a little bit, but basically this is represents the property line in the northwest corner.

The cross-section as shown goes from northwest to southeast on the approved plan and you can see the grades up here is 295 and when you get down to the wetlands, and the wetlands area is between 290 and 288, and then here is our 50 foot buffer line as it exists today and here it the 100 foot. So under the current proposal there would be a retaining wall right here, vertical retaining wall, up to about here, 5 feet. Under our proposal we will grade that down and then here is our proposed driveway and proposed grade. See, right now this dash-line is where, its cut to right now, this is where it exists today. Sorry. This has been all excavated out. You know it runs up here, generally up at the 286 elevation, now it is down to 275. So that will be filled back up but you can see we cut off from the retaining at the 50 foot about, I mean this is just one spot whether we've done that. But it ranges between 30 and 40 feet to be replaced with a grass slope and vegetative slope.

Commissioner Sadil: So Mr. Webb, so getting rid of the retaining wall, based on your grading and increased pervious soil in your new proposal that retaining wall is not necessary for. Why is that better? Basically, what I leaning towards what Mr. Greenlaw mentioned earlier. Better because needed?

Mr. Webb: Yeah, well we don't need it and so it allows us to add some vegetation back into that cut. It's just better than pavement and a concrete retaining wall. And that's one of the two modifications that causes us to put the need to go from that short run of open channel where we intercepted the drainage ditch, and have to put a pipe now instead. So that is one minor modification for the foot print and the other is pulling the drive and pulling the impervious out. Those are the two modifications and they are both plusses. Those are when you boil it right down to what we are talking about here, just two minor modifications within the regulated area and they are both very positive. They are both a better situation from a green space point of view. Now with the development scenario if this was starting out today you would look to have as much as that 50 - 100 foot preserved.

Chairman Zelek: So let's look outside the regulated are now, I want to see an overlay of the existing buildings and then an overly of what the new building is going to be and where what its' height is going to be. So I want to see the hotel which was close to the wetlands before, besides that hotel I want to see an overly of what this new structure is going to be looking like. Do you have that?

Mr. Webb: No, all we have is that rendering.

Chairman Zelek: Ok, how far away from the wetlands is the hotel?

Commissioner Block: I thought your first drawing showed that.

Mr. Webb: Not it's the overlay.

Mr. Harding: Mr. Chairman, that engineering question is pending, lets have the engineer answer that question.

Engineer [cannot understand name] Glastonbury, CT. This is the parking lot retaining wall edge it is 50 feet from wetlands right here, the closed one. So the parking lot previously was 50 feet and that is where a lot of this impervious surface within the 100 foot buffer occurs. The hotel itself, and I am going to scale my drawing here, the hotel building is about 160 feet.

Chairman Zelek: 160 feet, and the current proposed building is how far from the wetland?

Engineer: 100 feet.

Chairman Zelek: 60 feet closing to the wetlands.

Engineer; But it is not surrounded by a parking lot, so actually because the retaining wall which is a structure and the parking lot, they are all being removed we've taken and all that and converted it to green space. But yes, the building itself is closer.

Chairman Zelek: Ok you've given me part of the information I need. I understand 160 feet previously, 100 feet currently is what is being proposed. What is the height of the proposed or improved hotel, what is the height in stories?

Engineer: The hotel is was 3 stories, 4 story hotel and the proposed building in 5 stories.

Commissioner Paskewich: We need the architect.

Nick Michnevitz from MBH Architecture: So the new building is 4 ½ stories. The reason I am saying that is 4 stories, have the location near the outside the 100 foot buffer and it becomes 5 stories on the southeastern side because it is following the topography of the site.

Chairman Zelek: Let me explain the concern I have. Your hotel is here, we're moving it closer to the wetlands and it is taller. The structure that you are going to propose to build is five stories, correct?

Nick: No, it is the same height. 4 stories, it's the same height, now it's closer to the wetlands.

Chairman Zelek: Ok, the sun is coming up in the east, right. You are now shadowing the wetlands, what is the impact of the wetlands with this shadowing. I would like to have that modeled out for me and I would like to understand of depriving the wetlands of daylight.

Commissioner Clark: May I also state to the gentleman who spoke earlier who I believe might be under the mistaken impression that activity that occur outside the 100 foot buffer, it is up for review if they do affect the wetlands.

Chairman Zelek: That is why I am concerned about, it is still outside the wetland review area, however, the shadow from it may impact the wetlands, the habitat, whatever species are in there. We would like an inventory of a particular species. We are concerned about Swamp Cottonwood which was discovered up on Cedar Mountain during previous application. It is apparently rare and Newington has one of the largest stands of it. So I don't know else is in that wetlands, I don't have an inventory, so I would like to know what the impact would be if you build a four story building in that approximate location whereby shadowing will occur. What is the impact to the habitat?

Commissioner Clark; Wind as well. Wind can be affected.

Chairman Zelek: Expand on that please.

Commissioner Clark: Well, I'm just saying its not just height and sun, that air flow, blocked by some buildings can affect some micro communities.

Chairman Zelek: OK

Commissioner Casasanta: It hasn't been touched upon tonight, but in conjunction with that, the nighttime light pollution from the building on the wetlands because that much closer to the wetlands which is in conjunction with what you are saying, with a that deprivation of sunlight during the day and the added light pollution at night.

Chairman Zelek: Ok, so we would like an answer on that.

Mr. Webb: Let me finish my presentation.

Commissioner Paskewich: The only think I am thinking of is, you are not touching the forested wetland as far as the forest.

Mr. Webb: Right and we are not touching the forested buffer either.

Commissioner Paskewich: Ok.

Mr. Webb: not one blade of grass is getting affected by the ..

Commissioner Paskewich: I'm trying to think, we have four seasons. So one season the leaves are gone, I don't know how much deciduous versus pine, to sun there is both in there and if its fall we're going to loose all the leaves during the deciduous loss, pine trees of course won't be lost. So I am reflecting on the Chairman's looking at the sun and the impidation of light. It may only be seasonal, but if it is seasonal, it still may impact other things.

Mr. Harding: You don't have jurisdiction over other things occurring to the wetlands. Avalon Bay, our Supreme Court has told the Wilton Inlands Water Commission very strongly that they didn't have jurisdiction over that.

Chairman Zelek: We have been advised that is there an impact to the habitat, if there are species in the area that help maintain the health of that wetland, and if those species are impacted then that inversely, conversely it impacts the health of the wetland, than yes we do. So we went through this with another applicant and our expert testimony that is what we have been told. Now let us also ask the commissioners if they have any concerns regarding the possibility that this wetlands is a vernal pool and some of this activity that has already taken place may have impacted some the of the critical habitat. Do we have any evidence regarding the possibility that this is a vernal pool and what has the impact of the current situation been on it?

Mr. Harding: Again, I would point you to the Supreme Court decision Avalon Bay versus the Inland Wetlands Commission for the Town of Wilton, and it very clearly says that if the legislature did imply to give jurisdiction over that question to an inland wetlands commission it would have done, but it did not do so when promulgated the inland wetlands water course act.

Commissioner Paskewich: I don't feel we should get into a legal discussion right now.

Mr. Harding: I will be more than happy to take it up with your [Town] counsel.

Commissioner Paskewich: But, it's 2015 and there are changes going on towards proposals to stimulate what we are talking right now as we speak. In this case, I don't know how long ago this was taken to court. But I don't want to speak any more towards that.

Commissioner Clark: Yes, I just have questions about your data, on the application for permit, I just wonder when you soil scientist took their sample was this in 2007? Or more recently?

Mr. Webb: No, this wetland was done by scientist by the name of Ron Petris, he did this site and them Marcap site in 1997?

Chris Greenlaw: 1995.

Mr. Webb: 1995 and then that was the year when this map was amended to reflect that.

Commissioner Clark: Ok, mostly I just was confused by all of the places where it says not applicable (NA). Wetlands: Total area by Town that equals not applicable (NA) at acres.

Mr. Webb: Yeah, because the Town had a wetland map amendment done do you don't consider the GIS if its any more.

Commissioner Clark: OK

Mr. Webb: A lot of applications have both, but when you first come with a map amendment if it occurred on your first agenda item, you would get both numbers. Both those numbers would be filled out.

Commissioner Clark: So all this is 30 year old data? 30 year old?

Mr. Webb: No, 20.

Commissioner Clark: My other question is, I guess it would be a legal one, there seem to be so many changes going on here, that to me the word modification is just interesting and I wonder if there is any other precedence that within this town or another town in which there were so many changes to an application that it would still be called a modification rather than re-filing a new application. I don't know who I am addressing that to, I am just throwing it out.

Mr. Webb: Well, I work in the most number of towns probably than most people in the room and I sit on my own commission and currently we have a modification where the applicant came back and changed the plan and his changes are actually in the regulated area. So we validated that, through a public hearing as a matter of fact, even though it's a modification but he is actually going to change the physical work in the wetland itself. So that level of modification, a modification can warrant, could be simply in a subdivision changing some houses and realigning if a developer comes backs and says you know I'm only going to put up one house and I am combining these two lots but I need to do that and that has to be an applicant modification for that. Well that generally is handled the administrative away or both. It can vary, it can vary depending on what the impact is to the regulated area.

Chairman Zelek: So I heard the term public hearing mentioned. This, we know where we search on this application 2006-26 and when that application came before this commission, a public hearing was opened up on January 19, 2007 because official determined there was significant impact, and we took it back to the public and held a public hearing. Since this was originally a public hearing, and I am going to ask this Commission to consider that we vote this evening that we wish to continue this public hearing. I have a couple of other reasons to support the need for a public hearing there. As we saw, earlier there was a gentleman he came up and he wanted to talk to something in the agenda, but we did not allow him to comment. I believe the public has come out this evening because they are very interested in the switch for partial. I do see a number of the public here; many of them have attended our meetings during the prior applications that took place on Cedar Mountain. Our Economic Development Director did go on the record and spoke publicly to the, I think that stirred some interest in the public, I see people out there should be addressed. So I think that in our production of public interest in their speaking about this application. Also, since the time of the 2006-26 application, as Mr. Webb mentioned, the Town has made a significant investment in the purchase of the Marcap property. Now that this public property I think that we should treat is

as we would treat any other park such as Mill Pond or any public asset and as stewards of the environment, I think this Commission should do its level best to act in the interested of the public and allow them to speak regarding how they feel about this particular project being directed next to public open space and as being stewards I think that we should do the best of our ability to protect that parcel. Any other comments from the Commissioners regarding the need for a public hearing

Commissioner Casasanta: I agree with you. Not only the public hearing, but I do have comments more than questions. I just want to say how pleased I am though, you know there has been some questions that you know, some pointed questions in my opinion. The last thing you want is people actually walking into the wetlands, they can do damage to the wetlands. The best thing to do is route them around the hiking trails. I think it was really fully inappropriate to the have people go in there to begin with. So people that might have Alzheimer's there is a lot of hazard in that. It's just mucky, it's just not a place where people should be walking. So I just want to commend you on removing those trails. I think that was a very good, very prudent decision.

Commissioner Paskewich: I am not sure how far we were supposed to get tonight with questions and if I mention something anything outside the purview of this discussion, I will apologize, because I'm not sure what were are going to do at this meeting tonight, in finalizing it, that's what I don't understand.

Chairman Zelek: We I think we are really going to determine if a public hearing is necessary and if we need to determine that this evening, then we will schedule one to give the public the opportunity to come forward.

Commissioner Paskewich: Alright.

Commissioner Block: Before we go to that point, I would like to make sure that the applicants have concluded all the information they want to present to us tonight as well.

Mr. Harding: Yes.

Commissioner Block: You have covered? Then I would like to move that we have a public hearing because I believe the modifications are significant enough to warrant that.

Chairman Zelek: Ok, are you making a motion?

Mr. Harding: Mr. Commissioner, Mr. Chairman, before you take that up, I would like to point out to you, on behalf of the applicant, that you did spend a lot of time on this last time and you did have a public hearing and what's before you tonight is a significant reduction in the impact and the possible impact, because there are really no impacts to the wetland area. There are impacts in the regulated area that have been backed off and there are improvements that have been made, so I think that you should consider the modifications as proposed tonight and you should approved them as proposed tonight because you have spent considerable time

on this in the past and approved the work that has been done so far to date and we are here before you to take away many of those impacts and make a much softer and a much more gentle use of this property in the vicinity of the wetlands.

Chairman Zelek: I can see your point, but I would say that what you are showing us with all of the site changes if you look at them in its entirety, we are looking at, like I said earlier and the other Commissioners have pointed out, looking beyond the public area what could possibly impact those wetlands, as they pointed out to I do believe, I would like to get some information, some research gathered on the shadowing. I think what you are proposing is a major revision and not a minor revision.

Commissioner Block; Again, I appreciate your moving an impermeable retaining wall and replacing it with a sloped permeable fill, but the point is our charge is to protect that wetland, perched as it is and without having more information about the suggestion from our staff to put in an impermeable barrier behind the filling. It still leaves a substantial risk to the wetlands, in my mind. The present contouring, even in your diagram, did not show the cut, so I believe that is an important detail that needs to be presented to us.

Chairman Zelek: Kathleen.

Commissioner Clark: Since we have been citing cases, I want to remind people of the Riversound Development which was the case in which the court also pointed out the substantial evidence indicated that amphibian life in the upland forested area, specifically wood product if they effected because of impact to the vernal pool, the frogs would be effected which in turn would affect the physical quality of the water in the vernal pool, which is our purview. So, case law exists to uphold the concern that a building, changing the condition in the vernal pools could affect frogs which could affect the vernal pool.

Chairman Zelek: Thank you Kathleen. So Phil, you made a motion?

Commissioner Block: Yes I did.

Chairman Zelek: Can you please repeat the motion and then I will ask for a second?

Commissioner Block: I asked a public hearing be scheduled to hear the, to provide the public an opportunity to speak the changes proposed under permit.

Chairman Zelek: John, do we need to include in the motion a date fro the public hearing?

Commissioner Igielski: To get a vote, yes the date is, you put it in the motion and it often that we get it at the next regularly scheduled meeting which in this case would be February 17, 2015.

Chairman Zelek: Ok, please state the date.

Commissioner Block: Ok, motion to be amended to include a specific date of the next meeting.

Chairman Zelek: Thank you. Can I get a second on the motion?

Commissioner Casasanta: I'll second that.

Chairman Zelek: Thank you Commissioner Casasanta. Any further discussion Seeing none, all in favor? Motion passes unanimously.

Commissioner: Request for a recess.

VII. OLD BUSINESS

A. Application 2014-13, 100 Milk Lane. Modification and installation of infrastructure for treatment of waste water (by-product) per DEEP permit.

Follow-up presentation by Joe Williams (Shipman & Goodwin LLP); Greg Hunt and Michael Kline. Existing systems approved by Sate DEEP and this Commission in 1996. Need to install a dissolved air floatable system or DAF system per the CT DEEP. The CT DEEP has approved the proposed DAF system. The DAF system is to be built primarily over an existing paved driveway. The proposed changes will result in the protection of the waters of the state so that is reason for installing DAF system. Discussed memo presented to Commission by Brad Demarest regarding existing building and proposed building; life span of equalization tanks (per request from Commission at last meeting); overflow protection of tanks with safeguards, and new computerized communications system. Saputo has already put this type of system into their facility in Kentucky. Mr. Hunt will discuss the existing facility, the construction project and the need for the sewer line extension. Note on that, as Mr. Hunt pointed out in his memo, sewer line itself moved further away from the property line per recommendation of Town engineer and by doing so, reduces the amount of vegetation that needs to be removed by about 90% to just 400 sf. Michel Kline, hired at the request of the request of the Commission to evaluate potential for wetlands impact.

Greg Hunt from Mark & Mark LLC, Broadview Street, Hartford, CT. Project is broken into two parts where the existing sewer system that is on site right now to separate sanitary waste from the processed water, which involves installing a new sewer line around the building, the second is a new building (approx. 47' x 26') which will house the DAF equipment. At the request of the [Town] Engineering Department changed a filter fabric graft cash basin drain to silt sacks, a more robust capturing technique for silt.

Michael Kline, biologist and soil scientist with an office in West Hartford. Marked wetland boundary. The facility is located within 100 feet of the wetland boundary. The wetland is tributary to Piper Brook, a portion of the wetland is a wooded wetland commonly called a swamp. Principal function of these wetlands system is flood flow alteration. It is

located on the urbanized watershed. Very small area to be disturbed. Only wetland impact is from loss of native vegetation and loss of wildlife habitat. Immediately adjacent to developed portion of site. Very small, only 400 sf., not any significant impact on wildlife. Proposed to plant shade tolerant species of a variety of different species, 4-6 feet in height, container grown plants from a nursery in Amherst, MA. Installation would be someone from staff, and locate them in naturalized groups with precise locations varied. Deer fencing will be installed.

Concern by the owner is that deer do not distribute plants until established. Will monitor for 3 growing seasons with an 86% survival rate. Criteria for successful restoration.

Chairman Zelek: Any further questions by Commissioners? Seeing none, I would like to ask at this this time, is the application complete? Do you have any conditions?

Chris Greenlaw: Yes sir we do.

Commissioner Clark: Commend applicants for their presentation, the clearness of it. I would like to applaud. Thank you very much.

Chairman Zelek: Thank you for a clear and concise presentation.

Commissioner Igielski: Motion to issue a permit by summary rule for Application 2014-13 and subject to [standard] conditions (1-12) and subject to A and B. Second by Commissioner Block: Application unanimously approved with conditions.

Commissioner Zelek. Chris Greenlaw to provide communication to TPZ stating that the Commission has no concerns whatsoever with this application.

B. Inland Wetlands Regulation Changes - L.I.D. (Low Impact Development)

Commissioner Block: Provided Commission with an Advisory Opinion to be presented to the Newington Town Plan and Zoning Commission. A lengthy discussion was held, and presentation was to be made to the Newington Town Planning and Zoning Commission on January 28, 2015.

C. Community Litter Pick-Up

Commissioner Clark, would like to speak to other committees to try to get a larger contingent of core people.

Commissioner Krawiec: Not sure what other committees would like to be involved but have real momentum on subcommittee.

D. Vernal Pools

Commissioner Paskewich looked around regarding environmental scientists, Michael Clemons. Will send information to Chris Greenlaw; keep information on file.

E. Invasive Plants

Commissioner Clark mentioned an article in the Hartford Courant (1/19/15).

Commissioner Block suggested formally contacting them.

Commissioner Krawiec discussed "tour" to areas of invasive plants.

Commissioner Block Motion for Chairman to send a letter to group stating that we have a joint concern and to open a dialogue with them. Second by Commissioner Casasanta. Motion passes.

VIII. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

1. John Bachand, 56 Maple Hill Avenue. I would like to office my support and show support, but I thought I was going to get a little reward out of it. I thought that the LID talk was going to be open to the public and I was going to participate. I might have totally misunderstood that. At any time is it ever open, is it going to be open at TPZ when they discuss it? Not that familiar with it, would probably have more questions than answers. Thank you for unanimously in favor of asking for a public hearing. Complaint for Town Engineer about the approved plan.

IX. COMMUNICATIONS AND REPORTS

A. Application 2014-14 (withdrawn), 281 Milk Lane, firing range wall for police department, involves augured holes in upland review are for support of the noise/sight barrier wall.

Chris Greenberg states that the Police department, through no fault of its own, was unable to provide necessary documentation. Application withdrawn at this time, it will be reinstated at a later date.

B. Internal Rules and Procedures

Commissioner Zelek: Supposed to have an annual review of the internal rules and procedures and make any updates that are long over due. Subcommittee formed to be made up of Commissioner Clark, Commissioner _____ and Chairman Zelek. Per recommendation from Chris Greenlaw, give Subcommittee time to work on the Internal Rules and Procedures, table to special meeting to be held on Tuesday, March 3, 2015 at 6:30 p.m.

Commissioner Clark: I didn't bring this up because I didn't know when to bring this up. I just have a question and I wonder that if anything that has to do with the application tonight, the Amara application. Especially in light of the statement made by their ecology expert, if any of this can impact the ongoing court case in any kid of way and I wonder if wee

need an executive session with legal to see if any thing that we do or say having to with Amara, there are so many things in common, could affect that case.

Chris Greenlaw: I had an informal discussion with the Town Attorney and his response was no at this time, because that this is a modification and that other site was a brand new application. So the way the question was presented it was no. If this was a brand new application, not on its way, not approved, not active it would be reviewed possibly differently. So his response was no. I had the Chairman email the Town Attorney. That was one of the questions brought up by the Chairman, we had an informal discussion on that and that was a concern.

Commissioner Casasanta: Has Town Engineer been able to find anything out about piles on various town properties.

Chris Greenlaw: The Wallace School material we believe is the responsibility of Park and Rec. We went out and took photos and brought it up at the public works meeting and invited Board of Ed because we had to find out whose material is it? Pursuant to the inspection, there is quite a bit of material under leaves that could be historical as far has the whole re-grading effort, but the fresh stuff, the one pile is something that I want tot report back to the Chair to entertain this as far as we believe that it is activities associated with the maintenance in that area, as what we know as the upland review. So that material pile and there is another material pile over at Mill Pond Park. The pile at Mill Pond Park is a gravel pile and no one has taken ownership of it. It has growth; it has grass and moss at the bottom and has rambles growing out of the top. How would the Commission like to proceed and have a brief discussion with Chair and bring back more formally and address at February's meeting.

XI. ADJOURNMENT

Commissioner Zelek moved to adjourn the meeting at 10:58 p.m., motion by Commissioner Block, seconded by Commissioner Clark; it was unanimously voted to adjourn.

Respectfully Submitted,



Mrs. Susan Gibbon

Recording Secretary – Conservation Commission