



NEWINGTON CONSERVATION COMMISSION

Meeting Minutes Tuesday, October 20, 2015

I. CALL TO ORDER

Chairman Zelek called this meeting to order at 7:00 p.m. in Conference Room 101 of the Town Hall.

II. ROLL CALL

Commissioners Present

Jeffrey Zelek (Chairman)

John Igielski (Secretary)

Philip Block

Kathleen-Marie Clark

John Casasanta

Andreas Sadil

Deborah Ann Krawiec (Alternate)

Alan Paskewich (Alternate)

Also Present

Chris Greenlaw, Town Engineer

Susan Gibbon, Recording Secretary

[These minutes of this meeting are verbatim.]

Chairman Zelek: I am going to seat Commissioner Krawiec for the vacant position that we have open and I will seat Alan for Tim, actually Tim is alternate. I will seat Alan for Kathleen until she arrives. As a reminder, if everyone would still continue to use the microphones, please silence electronic devices, please wait for the Chair to recognize you before speaking.

III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS (EACH SPEAKER LIMITED TO 2 MINUTES)

None, no public in attendance.

IV. ACCEPTANCE OF MINUTES

A. Regular Meeting of September 15, 2015.

Chairman Zelek: The meeting minutes heading states September 18, 2015 it should read September 15, 2015.

Chairman Zelek: Page one, John Block should Philip Block.

Chairman Igielski: On page 16, about a third of the way down where I a make a motion it should reference Application 2015-17, and again on that page Application 2015-17, not 2015-07.

Motion to accept minutes, as amended, by Commissioner Igielski, second by Commissioner Casasanta. All in favor, unanimous vote. One abstention by Commissioner Block.

V. PUBLIC HEARING

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

Chris Greenlaw: Nothing new.

VI. NEW BUSINESS

A. Application 2015-23, 509 Main Street – Soil remediation and UST (underground storage tank) removal in a regulated area.

Chairman Zelek: If the applicant is here, would you please come forward. We do not have an applicant, present or a representative for this application.

VII. OLD BUSINESS

A. Application 2015-12, 256 New Britain Avenue – New parking layout and drainage improvements in the upland review area.

Chairman Zelek: Before we begin, I would like to point out that Commissioner Block was not here at the last meeting, but I believe you were here for the initial meeting when this application was heard.

Commissioner Block: Yes.

Chairman Zelek: Can you please state whether or not you are familiar with the minutes.

Commissioner Block: I have read the minutes, yes.

Chairman Zelek: You are familiar with the application. Also seated, Commissioner Paskewich, I believe the same for Commissioner Paskewich, you were not here at the last meeting.

Commissioner Paskewich: Correct.

Chairman Zelek: Have you familiarized yourself with this application and the minutes?

Commissioner Paskewich: Yes.

Chairman Zelek: Very good. If the applicant could continue the presentation for us, with one outstanding item regarding a sewer line.

Mr. Bongiovanni: Correct, Mr. Chairman and good evening. For the record my name is Alan Bongiovanni, licensed land surveyor by the State of Connecticut. At our last meeting, I think we kind of concluded the presentation of one outstanding issue and that was how this addition would be serviced by the sanitary sewer. We needed to do a little bit of exploration and engineering to determine whether the existing 6" lateral would handle this addition. Because there is such sketchy information available, and we don't have tested information on that, we decided to go a different way. The sewer line, basically here is the trump line, it runs along the east property line, crosses New Britain Avenue, goes in a northerly direction and then heads southerly. What we are proposing to do it, if in fact this existing lateral is undersized for the addition is to come right out of the front of the building, cross New Britain Avenue and tie into an existing sewer main in this location here, that in turn goes right to the 24" trump sewer so it is in the same location but is it all outside of the 100' regulated area so the questions that were outstanding at the last meeting with how much impact, were we going to have to go into the wetlands to upgrade the sanity later, the answer is no. We have secondary route, a primary location and that is beyond the upland review area in front of the building. So other than that, I am not sure that there are any other outstanding issues. I will point out one thing, you notice this is what we had presented, there is a lager island here. Through changes, from Planning & Zoning, that island was moved over, reduced a little bit because we had to move some parking to the front here. It is a net impact of about 750 sf of additional disturbance within upland review area. Again, nothing is within the wetland area, but it is within the 100' upland review area.

Chairman Zelek: With these sanitary lines, you bring that into the application.

Mr. Bongiovanni: I'm sorry sir?

Chairman Zelek: So the new sanitary line, you are including that in the application.

Mr. Bongiovanni: Actually, it doesn't have to be in the wetland application, it is not longer in the wetland or the upland review area, it is beyond that.

Chairman Zelek: Ok, so you won't have to come back to the Commission regarding that line.

Mr. Bongiovanni: Correct.

Chairman Zelek: Are you still leaving the door open to any disturbances with the existing line or is that totally being taken off the table now.

Mr. Bongiovanni: There is some internal building engineering that has to take place to the existing lateral and how it functions now. It may be low enough to stay in its place without us touching it. If the elevation during construction uncovered that the new

building may interfere with that, than that would be abandoned in place and everything would come to the new lateral.

Chairman Zelek: Ok.

Mr. Bongiovanni: Either way, we don't have to go into the wetland.

Chairman Zelek: You have no plans whatsoever to go into the wetlands?

Mr. Bongiovanni: That is correct.

Chairman Zelek: That was previously thought.

Commissioner Block: I hate to differ, but if there is a drawing showing the line into the wetlands, it needs to be replaced with a drawing with that removed.

Mr. Bongiovanni: We would not remove that line.

Commissioner Block: No, not the existing, I am talking about the new one where you are coming out the front. So there is no second line going into the...

Chairman Zelek: It is outside the upland review.

Commissioner Block: Yeah, I know the new one is..

Commissioner Sadil: Excuse me, Mr. Chair. Are you waiting for a drawing revision of the plan?

Commissioner Block: If the plan that is in our files now shows something new going into the wetlands...

Mr. Bongiovanni: It never did, it never did. No. The plans that were submitted made the assumption, and we show the existing sanitary lateral that we would tie into it, in this area, not in the regulated area, just piggy bank on top of it, if you will. We never showed a new lateral in that location.

Commissioner Block: Ok, that's good.

Mr. Bongiovanni: A question came up through the engineering staff, is there enough capacity. Without having enough detailed information about the pitch and things about the pipe, we decided to just reengineer a different location so it takes wetlands and upland review out of play.

Commissioner Block: Ok. Than I just offer, if the circumstances evolve where the existing pipe is going to be abandoned, I think there would be something in the conditions that is made of record, that it is going to be abandoned I presume.

Mr. Bongiovanni: It could, but if it was abandoned, they would put a plug at the uphill end of it and that would be the end.

Commissioner Block: That is what I am talking about, to show that in the record.

Mr. Bongiovanni: We can document that for engineering as that condition arises.

Chairman Zelek: Is this facility the only user of that existing line? I know there is a church at the top of the hill, do they...

Mr. Bongiovanni: They have their own separate sewer in some other location.

Chairman Zelek: Chris, any concerns or conditions?

Chris Greenlaw: One thing that I want to add is that per our wetland application process, there is a modification for a nominal fee. If something were to change on a live and active permit and they believe it was going to be in the regulated area, well that would be determined, if it is determined to that it is in a regulated area, upland or wetland, there is a mechanism by which the applicant can come back in for the Commission to review it. I believe we have seen a couple of modifications probably more in the past, so I will offer that to the commission. This is a snap shot view of what we have. If the commissioners don't have that plan, the final plan pursuant to an approval, that the mylar comes into our office and before it is signed by the Chairman, the chairman reviews that. First staff looks to see, hey did the consultant, per the testimony indicated that there was going to be an additional line to New Britain Avenue, we would check for that, the Chairman would check for that prior to his signature. Now if anything changes that warrants an activity in the wetland under a live permit, then we go back to our play book and we say they can approach us about a modification depending on that amount of change.

Chairman Zelek: So, to reiterate, even though we don't have a modified plan in front of us we will check for, before we sign a mylar. I believe the commission is ok with that if we don't have to request an updated set of plans from the architect.

Commissioner Sadil: Excuse me Mr. Chair. That existing line that was going towards the wetland will be inactive?

Mr. Bongiovanni: I don't know that.

Commissioner Sadil: Ok.

Mr. Bongiovanni: It is active today, it may very well stay. It may be below our foundation excavation and everything, so it may just stay in perpetuity and function as it does today. If there is a conflict between the existing line and a new construction, I going to take an educated guess that we will probably abandon it and have everything come out to New Britain Avenue.

Chairman Zelek: Thank you. I would like to reflect in the record that Commissioner Clark has arrived. I am going to continue to seat Commissioner Paskewich until this application is voted upon, since Commissioner Clark has missed some of the conversation earlier. Commissioners, any other questions for the applicant? Seeing none, Chris is the application complete?

Chris Greenlaw: Yes.

Chairman Zelek: Ok, do we have a permit with conditions available?

Chris Greenlaw: Yes.

Chairman Zelek: Ok, can you give that to the secretary to read into the record as a motion?

Chris Greenlaw: Yes Mr. Chair. If I may add, I have provided the standard twelve conditions and the one extra condition as it pertains to the validity of the permit. The reason for that is because, maybe the consultant can reiterate, given the minimal extent of impact to the upland review, the greatest amount of impact is for the LID effort, so it is kind of a dog chasing its tail. So, because your major impact is for LID efforts, I did a further condition because it is a benefit for seeing as though they are employing the highest standard of level of storm water management and that is the reason for the standard twelve unless the commissioners feel as though we would like to have something added.

Chairman Zelek: Just a follow up to a conversation you and I had; in the past these LID measures do not change in the wetland map at all.

Chris Greenlaw: Correct, these are storm water evasions that are designed to be "dry". Let's stop there.

Commissioner Igielski: Mr. Chairman?

Chairman Zelek: Yes Commissioner Igielski.

Commissioner Igielski: Are we going to be approaching approval of this application in a different manner than previous ones?

Chairman Zelek: How so?

Commissioner Igielski: In the past, regarding..

Chairman Zelek: Regarding whether or not there is need for public hearing?

Commissioner Igielski: Yes.

Chairman Zelek: Thank you.

Secretary Igielski: So, with your permission, I make a motion that based on the evidence before it the commission make a finding of fact that a public hearing is not necessary for Application 2015-12 because the proposed activities will not have a major impact or significant effect on the regulated area.

Chairman Zelek: Can we get a second to the motion please?

Commissioner Block: I will second it.

Chairman Zelek: Second from Commissioner Block. Any abstentions, seeing none, all in favor? Motion passes unanimously.

Chairman Zelek: Let me know when you are ready John.

Chairman Zelek: Chris, these are all our standard conditions, except for A?

Chris Greenlaw: Correct.

Secretary Igielski: At this time, I make a motion that the commission issue a permit by summary ruling for Application 2015-12, and subject to the following conditions: numbers 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 and subject to the following additional condition: A. The permit is valid for wetlands only, additional approvals/permits may be required from other Town departments. It is the responsibility of the applicant to verify what other approvals/permits may be required for this project.

Chairman Zelek: Can I have a second on the motion please?

Commissioner Paskewich: Second.

Chairman Zelek: Second from Commissioner Paskewich. Discussion? Seeing none, all in favor? Any opposed, any abstentions? Motion passes unanimously.

Commissioner Block: I would like to make a motion for a second condition.

Chairman Zelek: I'm sorry, but we have already voted.

Commissioner Block: A second condition, you voted on A, I am proposing a B.

Chairman Zelek: We have already voted on the application, we are beyond the motion. The motion has already passed unanimously. There is no further action that can be taken at this time.

Commissioner Block: I just ask succinctly, when would it have been possible to have made an offer to have a subsequent condition.

Chairman Zelek: During discussion.

Commissioner Block: Well, I did. If you remember correctly, I did call for a condition for the applicant to..

Chairman Zelek: Prior to taking the vote, I asked if there was any further discussion on the application and I got nothing so we are done with this application.

Mr. Bongiovanni: Thank you very much.

Chairman Zelek: Ok. I see that we have someone in the audience who I am guessing in our applicant. We have already called for you to come and present to us.

Public: There was a car fire on the way here on 84 coming into Hartford, so that was the reason why I was late. I did take a picture of it with my cell phone if anyone would like to see it.

Chairman Zelek: No. Just a moment. So, Chris I would ask you and the secretary to assist. Procedurally, can we go back to hearing this application?

Commissioner Igielski: I would say that it would take a motion being made, seconded and passed what it's for since the order of the agenda is being changed.

Chairman Zelek: Can I get motion that we place Application 2015-23 as the next item on the agenda as New Business to be heard.

Commissioner Clark: May I request to be seated?

Chairman Zelek: Yes, so I am going to seat Commissioner Clark now, so Commissioner Paskewich, thank you for serving as alternate while Commissioner Clark was absent.

Commissioner Paskewich: You're welcome.

Chairman Zelek: Can I get a motion to modify the agenda?

Commissioner Casasanta: I make a motion to modify the agenda to hear the application for New Business, item number 6A, Application 2015-23 at this time.

Chairman Zelek: Can I get a second?

Commissioner Sadil: I will second.

Chairman Zelek: Second from Commissioner Sadil. Discussion? Seeing none, all in favor? Opposed, abstentions? Motion passes unanimously. We will now hear the application sir. Please state your name, please use the microphone.

Kevin Martin from MPR.

Chairman Zelek: You are representing this applicant? Are you the applicant or a representative of the applicant?

Kevin Martin: I am the applicant, but it is for Brad who owns the building. I was the one that actually filled out the form, I did happen to sign it, so that is the applicant.

Chairman Zelek: Chris do you have some history on this for us?

Chris Greenlaw: Yes, I do and I will first suggest that we just take a moment and we put the plan on the easel for the benefit of the commission.

Chairman Zelek: Chris.

Chris Greenlaw: Thanks, Mr. Chair. For the benefit of the commission, I want to just kind of frame or outline the set of circumstances why this application is before us. This application is similar to a couple of other applications that have processed this year. We've had a situation where the DEEP has authorized certain, how shall I say, there is a permitting process I am going to ask the applicant to speak to the details on this, but the long and short of it is we observed excavation going on at this particular property 509 Main Street at the corner of Dowd and Main. As part of that, being in a regulated area, and in this case next to a watercourse Mill Brook to the west of the property and the whole property itself is considered a wetland type soil for our mapping. So with no permit on the records, we sent a notice to the property owner and we stopped on site to introduce ourselves and let them know that they are operating within Connecticut Statute that requires they have a permit as related to activities when they are in a regulated area. Now this isn't the first time this happened and I am going to let the applicant speak to, in detail as I have indicated, about the DEEP and they are going certain soil excavation, they have excavation grade for USTs, which is underground storage tanks, and we have seen this before. How this application is different from the others that we have seen is the others have been in the upland review. This is actually considered, this site, it's easy to get confused when surrounded by pavement on Dowd and Main Street and the site itself being predominately all asphalt. Our maps, updated or not, indicate that it is a wetland soil. If it's a wetland soil, it comes here to this commission. A conversation ensues, a bit of education in exchange between the applicant, they fully acquiesced, we let them know that there is, there are other regulations that pertain to wetlands that we require the individual to fill out an application, to illustrate with this plan that we have before you, because this commission is going to regulate the potential impasse of your excavation grade in relationship to Mill Pond or Mill Brook I should say. So the applicant put together a report that should have been sent out in your applications along with the plan. The report identifies specifically the applicant fully believed that fully complying with their DEEP permitting for the removal of the tanks, the testing of the soils, and he is going to tell you about her procedure, but he has another permit to fulfill and that is the application that is before your this evening, so I will turn that over to the applicant, Mr. Martin.

Chairman Zelek: So, before we continue, can you just clarify for me. Are the tanks, has any activity taken place yet on this this property?

Mr. Martin: Yes, the tanks were removed.

Chairman Zelek: The tanks were removed in an upland review area without an inland wetlands permit?

Mr. Martin: Well, it was a fully paved area and I was not aware due to the circumstances that...

Chris Greenlaw: Mr. Chairman if I may. I want to stipulate that it is actually considered a wetland soil area, not upland review.

Chairman Zelek: Ok. So is there more activity proposed at the site.

Mr. Martin: Yes, to remediate the contaminated soil. There is two locations on the exterior of the structure.

Chairman Zelek: Can you just use your mic, please.

Mr. Martin: There is two locations that are pointed with the arrow there, this proposed exaction. There is going to be two grades that are approximately 15 x 15 and a depth of approximately 10 to 15 feet. We have an onsite LED to monitor soils we think that we will need to do in order to achieve clean grade and the report when completed will be filed not only with the DEEP but with the Town.

Commissioner Block: Mr. Chairman.

Chairman Zelek: Commissioner Block.

Commissioner Block: Are you telling me that there was contamination found in the soils?

Mr. Martin: Yes, the tanks were leaking.

Commissioner Block: They were leaking.

Mr. Martin: Yes.

Commissioner Block: Has any work been done to determine whether or not the pollutants reached Mill Brook?

Mr. Martin: No, no we have not drilled over by the Brook. This is, we didn't notice that we are in the wetlands so we stopped.

Commissioner Block: So your remediation efforts, are those limited to the excavated soil?

Mr. Martin: Yes they are, providing that we can get, achieve our goals. If we can achieve all clean soil samples from the walls and base, then we don't see any reason to be drilling and putting in monitoring wells outside our scope of work.

Commissioner Block: So you are going to be sampling from the bottom of the pits.

Mr. Martin: Yes.

Commissioner Block: Have you done that already?

Mr. Martin: Yes, when we removed the oil tanks we did quite a bit of testing.

Commissioner Block: I would like to propose that those reports be added to the record for this, because need to know what we are talking about.

Chairman Zelek: Are those reports available?

Mr. Martin: They are. I might even have them on my cell phone.

Chairman Zelek: Ok. Could we please get a copy of those electronically sent to our staff and then distribute to us.

Chris Greenlaw: Mr. Chair if I may. Mr. Martin, can you provide a little in depth knowledge as it relates to the DEEP permitting, the type of permitting, what the requirements of the permitting are so we can define some lines between what falls underneath the DEEP Permit and what falls underneath the statute here as far as the activity and how it relates to Mill Pond. Maybe a little bit of background as far as who you are, how long you have been doing this, how many DEEP permits you have done. Explain as far as the DEEP requirements, because I want to make sure, if you have all this information for the commission that is great, but I also wanted to define what falls within the requirements of the DEEP, who the people are at DEEP as far as their monitoring and what the requirements are, where the results go, what their purview is. Just give, it's beneficial the education that this commission is going to receive because this is like the second or third one we have entertained here in the Town this year and we would appreciate that.

Mr. Martin: All right. We have an onsite LEP when we are performing the test. They were ordered by the DEEP to remove the tanks and they had a deadline and we were called in to do that and now I noticed that we are in the wetlands so it was brought to my attention that we were so we stopped with the remediation and we did file an extension with the DEEP. While our goal is to take out contaminated soils and remove fuel oils that was inside the structure, we excavated that and achieved a clean base and the wall that was towards the brook was clean. The only two dirty walls are under the

structure itself and the foundation. Right outside the foundation there is a fuel oil tank that also had a release. The samples that we take prior to remediation are more so that we know what we are dealing with and how far it is going to go into testing soils. There are samples that we have already taken that are probably 100 pages. We found traces of types of product that was in the tank, consistent with what was in the tank as far as the fuel oil and waste oil, so nothing out of the ordinary that we noticed that were in the samples so I don't see why we should do a grade for the two excavations we are talking about here today. There will be a full closure report. We will be doing it for 30 years. The engineering firm that we are using is IES, Kevin Taylor and they do a very nice job monitoring and making a full closure report. I suspect that this closure report will probably be 200 pages.

Chairman Zelek: Commissioner Paskewich.

Commissioner Paskewich: Yes, I would like to address the portion in which he spoke to regarding the laboratory analysis on the cover page of this report by IES dated October 9, 2015, first, second, third, fourth paragraph down; "The laboratory analysis of the sample collected in the tank grade indicated that several analytes were found exceeding the applicable State of Connecticut Department of Energy Environmental Protection criteria." Could you evaluate, or tell me what the exceeding factors were and how that was mitigated.

Mr. Martin: Yes, depending on the compounds in the soils, there are allowable amounts and they are very minute. Our soil samples came back extremely high, and they do not fall within acceptable limits so we are kind of under, it is pretty important that we remediate the soils to get that down to acceptable limits within DEEP standards. The compound that we test for, in these samples that we collect, there is probably close to 200 and 300 different ones, from benzene to chlorine, lead and I can go through a long list of basically toxins that shouldn't be in soils. They do get bridged, they are different from the used engine oil tank that we removed and the home heating oil tank that was removed. I did leave the folder in the car, I was rushed when I came here, there was an accident and I don't like being late, so I ran out of the car and my folder is there.

Commissioner Paskewich: Without going to look for the folder now, I want to refer back Vice Chair Phil Block's comment about the monitoring possibility closer to the brook to determine if there has been an influence of migration of any products. It is a question. I would like to know if maybe we should think about proceeding with that or somebody...

Commissioner Block: Well the first question, if I may, is has the DEEP indicated whether that there is a plume extending from the site down stream.

Mr. Martin: No, there is no plume down stream. We are fairly confident that we will get a clean grade in the westerly direction which is towards the brook. We did so on

the excavation inside the structure. We did achieve a clean wall towards the brook side, we also achieved a clean wall along the east side. Because of limitations in side the building, the other two directions, we weren't going to have the building falling on us when we were working because we were working much lower than the foundation. On the exterior remediation's we should not have any problem getting clean towards the brook because it is quite a distance to the brook from where we were working.

Commissioner Block: What is the soils types there?

Mr. Martin: They are like a compact till. They are not wet, there is no water.

Commissioner Block: The soil is not wet there?

Mr. Martin: No and I also noticed that there was a lot of garbage in the back fill that holds the structure, they back filled with everything they had available and it is not a natural back fill.

Commissioner Block: That would make it more porous though, wouldn't it?

Mr. Martin: Yes.

Commissioner Block: It sounds like it is two different things. If it's a tilled site...

Mr. Martin: It's not entirely...

Commissioner Block: It's just populace.

Mr. Martin: Well, we excavated that out. We found that and removed it all from our grade and I am sure we will be doing the same thing when we are on the exterior.

Commissioner Block: So DEEP has not asked for any investigation down stream?

Mr. Martin: No they are waiting for our report. When we are done doing what we do, then we submit it and they review our report and at that point if they have any recommendations or any further action that they see fit they will ask us to do it.

Commissioner Block: Ok.

Mr. Martin: That's what our LEP is the one that is in touch and the one who speaks to them.

Commissioner Sadil: Just a quick question, when you said compact till, that is a fairly porous soil is it not?

Mr. Martin: No, it is very tight.

Commissioner Sadil: It is a tighter soil?

Mr. Martin: Yes.

Commissioner Clark: Same question, I can't picture where is the compact till and where is the garbage?

Mr. Martin: Ok, I will have to step away from the microphone.

Chairman Zelek: You can take it with you sir.

Mr. Martin: We excavated right inside. There is a garage door right here and we got all the garbage out except for right around the foundation. When we removed this tank out here we did notice some garbage that is basically under the foundation of the building. We may not be able to get 100% clean under the foundation because we don't want to jeopardize the structure. But using safe practices, we go down as close where it is, and get out as much as we possibly can. But we didn't notice any in the other direction, so it's just in this corner of the building.

Commissioner Block: What about in the other excavation.

Mr. Martin: We didn't find any garbage.

Commissioner Block: Ok, so it's only right there.

Commissioner Clark: Thank you.

Chairman Zelek: Commissioner Paskewich.

Commissioner Paskewich: I would like to address the Chair. What I don't know and maybe somebody can give me the information is who has the first line of authority on the project as far as litigation, criminalization of it, the DEEP? Where do we fit in with that? That is my question.

Chairman Zelek: So there is two separate permits. One is the DEEP for remediation and then there is ours because this is activity within the wetlands. According to our map these are wetlands. From some of the testimony that you heard, this not being good soil types indicates that our maps are incorrect for this site.

Mr. Martin: The LEP doesn't have a....

Commissioner Paskewich: Could you, excuse me, could you tell me what an LEP is.

Mr. Martin: A licensed environmental professional.

Commissioner Paskewich: Thank you.

Chairman Zelek: Mr. Martin, can you state your credentials for our record.

Mr. Martin: Kevin Martin from MTR, an oil tank removal contractor working out of Tolland, Connecticut. I have been doing this for 30 plus years.

Chairman Zelek: Thank you, any other questions from the commissioners?

Chairman Sadil: My only other question would be Mr. Chairman, ok you get these out but how do you restore it? What type of soil would you put back into the grade as far as the test or retest, how does that soil type restore different leakage rate once the tanks are gone with respect to the wetlands.

Mr. Martin: We generally use a tank run fill to bring it within 8 or 10 inches of the top and then we use an inch and a quarter processed gravel and it is compacted in very well so as to eliminate an possibility of erosion.

Chairman Zelek: Commissioner Block.

Commissioner Block: Yes, if you are going to be using a spackle and gravel or other porous fill material, do you have any information on the future use of the building?

Mr. Marin: No, I don't.

Commissioner Block: The reason that is a concern is if you are replacing a tight solid with a porous soil and you are going to continue to use a polluting business you are just going to be increasing the probability of more extensive soil contamination it the future.

Chairman Zelek: Point is taken, but we don't have any information as to what the business will be in the future.

Commissioner Block: Well, I would like to suggest two things and one is that we contact the DEEP and ask them for information at to whether or not there is a record of down steam pollution from this site and if so, what remediation is being done proposed under their regulations and second of all that we inquire of the owner as to the future us because if in fact it is going to remain a gas station than I think the restoration efforts should be such as to make further pollution less likely rather than more likely.

Mr. Martin: If that were to happen, if they were to decide to make that a gas station, selling gas again, they wouldn't be able to put the tanks back in the ground.

Commissioner Block: Well that's a beginning, but again above ground storage is possible, but is it still usage. I would just like to get these matters defined.

Mr. Martin: It's that top ten inches or so will be a compactable material that would be pretty much impervious, there is nothing going to buried there again.

Commissioner Block: I would just like to have it as a matter of record.

Chairman Zelek: So when you restore the site, it's going to be repaved?

Mr. Martin: I was going to bring it up with the processed gravel, our impacted zone is relatively small and it is something I could possibly do if it would make you feel better.

Chairman Zelek: So what I am hearing is that the site will be left open and not repaved.

Mr. Martin: Right, it will be processed material on top.

Chairman Zelek: Commissioner Paskewich.

Commissioner Paskewich: I am reading on page 2, first paragraph, second sentence, well I'll read it; "representatives from IES and Market Tank Removal noted a petroleum order within the tank grade, a soil sample was collected from the tank grade", what I didn't hear is what I am reading here "a plastic liner was placed within the tank grade and the tank grade was then backfilled with clean fill" so it seems to me there is an additional barrier for migration given that it suddenly has this plastic liner.

Mr. Martin: That will be removed completely when we do our excavation.

Commissioner Paskewich: So, that will be removed?

Mr. Martin: Yes.

Chairman Zelek: Commissioner Clark.

Commissioner Clark: Thank you. Is a business operating there now? What is happening there now?

Mr. Martin: It is a repair place.

Commissioner Clark: It is still functioning as a repair place.

Mr. Martin: Right, he doesn't sell any products, no....

Commissioner Clark: It is grandfathered in, I mean again this is beyond our purview, but just so I can understand, it is still going to function as a repair shop and I guess that is what we are concerned about continued leaking of oil onto whatever surface we end up [with]. Am I correct there? I am trying to picture, it is still functioning.

Chairman Zelek: That is one of my concerns that is an open ground.

Commissioner Clark: Ok, so it's not and any future use of that would be subject to TPZ. Let's say they close, anything else used in that spot, not this particular business would be subject to TPZ. Am I, I'm just summarizing what I think is going on. So it is still a small repair shop that has cars parked that might be leaking oil.

Chairman Zelek: Commissioner Casasanta.

Commissioner Casasanta: I am just following up on what Commissioner Clark was saying but if there is a change of use in this property in the future, since it is in the wetland, I think it would naturally have to come before us. So I think if something else were to go in there, we would have to take look at it before they could start operating.

Chairman Zelek: I think that would only happen if there was a modification to this site.

Commissioner Casasanta: That is what I am saying.

Chairman Zelek: Change in use will come to us.

Chris Greenlaw: Mr. Chair if I may. I made a statement earlier and I went full circle, I should have probably started here. When the applicant came in, as this is kind of the tail wagging the dog, there was certain work was done under the auspices of the DEEP Permit creates confusion. So, when we approached the individual, the applicant, before us, the first thing I do is I educate them on the law and I introduce them to our permit application. Our permit application, when I look at it, you will see checks when you go through this and in explaining the project that I would like to elaborate on this, and this is what we talked about, again to define different statutes, different purviews of authority, what I am talking to is when we look at this there is frustration, there is almost a misunderstanding, you have someone that has been operating 30 years, so I think I am getting someone "working within the purview of law" and when you look at our application, it talks about the potential environmental impact short term and long term. So the first thing we can say about this application is that there is a long term benefit to the site for the fact that under the purview of the authority of the DEEP there is a plan, there is a permit, there is testing, there is excavation of the soil and we know that the removal of the these tanks is going to be long term benefit to the site. That being said, I would like you to expand upon something. Short terms, which falls under directly within the statute and this commission here, is that activity that you had to conduct I would like you to explain in your words, because these folks here are very interested in, were are talking about some heavy toxins, we have metals, we have chemicals, we have petroleum's and there is a process by which they are going to test the soils as far as your excavation and the underground storage tanks. As far as this commission, they are very concerned about when you excavate these soils, the short term, the BMP's, the best management practices, what have you done? We talked about closure of this site, there were commissioners that were concerned that it was an impervious soil unless you sealed it by means of perhaps bituminous, than water won't go through, mix with any remaining by products and create a leachate, so that is a good thing and perhaps it is the consensus of the commission, will look for that on the revised plan if the commission feels that way. They would like the site restored with bituminous such that its impermeable and water runs off. Can you speak more to your process of removing the soil that is in your narrative? You talk about how you remove the soil, you talk about _____, was any soil placed on the ground for any period to time? What are you doing with the site as far as what have you proposed as far as your

BMPs both during construction and after construction. I think it is important for this commission.

Mr. Martin: Ok. What we do is we will sock at the asphalt and prepare the excavation. Our BMPs and hay bales down gradient to prevent any runoff. The trucks are live loaded, no soil is put on the ground whatsoever. The existing soils are taken right from the ground and put right into the truck and hauled away. We do our soil sampling and then the trucks back fill, they basically dump right in the whole and we bring it up to grade and then compact it and the final top coat generally also put that in our excavation and compact is and sweep it all up. The hay bale is what we are doing to prevent down gradient. If it rains, we are not going to perform the activities. Also, if you wanted to have it paved, I suppose we could have that done too.

Chairman Zelek: I am a little cautious about us recommending that this be paved because we are not experts, we don't know that if paving will introduce more contamination than it would protect, so Chris as our engineer what would you recommend as is best practice to protect the soil from any contamination given that we are hearing that we have open gravel areas?

Chris Greenlaw: Mr. Chair, the other benefit to the site is that if I understand it to be an active site, meaning the business as it is today is going to continue, pavement would be a benefit for anybody coming on to the site, for instance, if you have bituminous that is what cars drive on because that its not that erodible and it is impermeable. If you had a gravel such that it is going to be an active business and cars were going to enter the site, they are going to start tracking that gravel, that gravel is going to get into basins, those basins are directly next to Mill Brook, so a preference to an engineer would say I think we should pave its reduces the potential tracking, the potential TSS from gravel just being in the excavation pit. There could be other benefits as we discussed with creating more of an impermeable base, so if it is an active business, bituminous would be the preference.

Chairman Zelek: Ok, thank you. So with that said, can we ask the applicant to modify their application to include a bituminous coat in these areas where the excavation has taken place.

Mr. Martin: Yes.

Chairman Zelek: The applicant is agreeable to that?

Mr. Martin: Yes.

Chairman Zelek: So, when we reconvene next month if you could bring us the modified application showing us that those areas will be paved.

Mr. Martin: Ok, so....

Chairman Zelek: I just want to be clear that we can't take any action on this this evening. Our regulations don't allow us to vote on an application that same night that we hear it. It allows the public the opportunity to weigh in and petition us for a public hearing if needed.

Mr. Martin: Ok.

Commissioner Sadil: Can I pose a question Mr. Chairman? You said you went down 10 feet?

Mr. Martin: Yes.

Commissioner Sadil: And this was compact till.

Mr. Martin: Yes.

Commissioner Sadil: Where would you say the water table got up to when you looked down in the pit, what did you say the limit was when you could see it was more like clear compact than high ____ adjacent to the brook.

Mr. Martin: They are not natural soils, so there is no mottling lines that we can decipher where the water tables would have risen. There is no water in our excavation, nor was there any mottling soils.

Commissioner Sadil: Would you say that is unnatural. Somebody put it there years ago.

Mr. Martin: Absolutely.

Commissioner Sadil: Buried it basically, the soil is compact.

Mr. Martin: I believe so, yeah, it is not natural soil that is there.

Chairman Zelek: Commissioner Block.

Commissioner Block: Yeah, again before we meet at next meeting, I would really like to see the DEEP reports on the pollution, because again all things being equal I want to be assured on record that there is no plume coming off this site.

Mr. Martin: That's what we addressed, that is what we are here to do to get the plume and preferably all three walls.

Commissioner Block: Right and well again I presume that you have to make a report of that to DEEP and I would just like to have a copy.

Mr. Martin: No problem.

Chairman Zelek: Thank you. Any other commissioners? Commissioner Paskewich.

Commissioner Paskewich: One final. Your process of completing this from where it is now. Roughly how many hours, days?

Mr. Martin: Each grade is one day, start to finish.

Commissioner Paskewich: Ok, thank you.

Chairman Zelek: Ok, thank you and we will see you next month.

Chairman Zelek: Moving on to Old Business, Inland Wetlands Regulations - L.I.D. (Low Impact Development).

Chris Greenlaw: Nothing to add.

Chairman Zelek: Moving on to the next items then is Community Litter Pick-Up. I believe this item is now an initiative with the environmental quality commission. Debra, anything to add?

Commissioner Krawiec: No updates.

Chairman Zelek: I would suggest we take this off our agenda since we can probably handle this under communications, since it is an initiative by the environmental quality commission.

Commissioner Krawiec: I would like to address what was brought up at the last meeting, if there was any follow up action, that our engineer had talked about with the retention basins and maybe for that reason it might stay a valid agenda item.

Chris Greenlaw: Mr. Chair I do have a report for follow up.

Commissioner Krawiec: Thank you.

Chris Greenlaw: What I would like to do is not only offer this but all the information I have to either the environmental quality commission through Commission Krawiec and what I have is, we met with, we were able to, as I reported, we started with Sam's and when I did this, the long and short of it is, I just introduced myself, almost as an ambassador of this town to them so that there is no prejudice to one company and there was education and a dialogue ensued, because as one would imagine, why is the town engineer knocking on my door telling me to pick up litter. So I can appreciate, I understand by listening to the commission we've had 15 months as an agenda item the litter, I think it's frustrating. We have a very fruitful discussion, I was able to track down the management company for the site, that has a portion of the site, they furnished me a map and I am going to share all this information with you and basically what happens is this site is broken up to various businesses, so we knock on some doors, we introduce ourselves, we follow up. So I have management company that is going to look at LA Fitness and it is going to look at the ponds as far as litter and I

have a correspondence to that, I have contacts for that. Additionally, I did a follow up with the manager of Sam's and I have correspondence and it says, "Chris, as per our conversation Tuesday regarding the trash accumulation in the ravine on Stew Leonard's property, he had, I had our landscaper clean the entire left side along Sam's Club per your request, any additions call me at this number." It is something that, again I am just giving you the overview. I talked to them as far as their plan, currently what they do. When I introduce myself, I let them know that this is important to the commission, it is important to the town, these are destination points. There is 38,000 cars on the highway, so it is a reflection of the town as well and they get that. I really don't have a purview of authority to do this, but I like to handle to talk to you, because we are having some success. They have little lease lines on the property and as far as the conversation, they don't understand why the fences are off the ground and I explain it to them, it is for flora fauna, ingress and egress all around the parking lot, so we have Sam's that's compliant, I have contacts, I definitely have the ear of the manager there, I have a management company that is going to work on LA Fitness and the ponds and I also had a dialogue with the operations and facilities people at Stews and I have in writing from them additionally confirmation that "again gentlemen on behalf" where are we here? "Thank you for speaking to us yesterday" this is from the operations personal and they thanked us for speaking with them and they will be more than happy to keep with the trash that blows into the fence, under the fence and into our wetlands. We walked the wetlands, I am adding that in, we do try to keep up with it throughout the year. They do have a program, I am adding that, but will try more diligently in the future. So we have invested quite a bit of time and I would like to say fruits of the labor we are going to see this out here. But at this point, what I would like to do is, I think you can attest to the fact that I have invested a lot of time with the ordinances, I have pointed to the ordinances, what purview of authority which department with the ordinances, there is fire, there is zoning, there is blight, we have even an ordinance that police can enforce and at this point it is not only these properties, this is an awareness throughout town. I have talked to the share and I have talked to you and I think best said is that perhaps the commission gets the ear of council and you express the importance of this to the town and there is a couple of different ways you can go and maybe the best is they have a retooling of the ordinances that we have so that the council, and it's not going to take one meeting it is going to take multiple meetings, a little bit of education, they realize the importance, they go back to the manager and the manager assesses the resources and says either we have a department or a person who can enforce or retool ordinance on litter or perhaps we get a litter officer. For instance the zoning enforcement officer has an appeals, because like anything else you can't just run out and find someone, there has to be an appeals process. So it is not going to happen with one meeting, but what I would like to do is demonstrate if we have somebody who can take this bull by the horns and dedicate the time we can get some results between ordinance that is retooled and communicating with the public. It is far outside the regions of engineering to continue this, but I want to demonstrate that it could happen.

Commissioner Krawiec: I want to thank you and to speak to our Chair's concern about how this is labeled on the agenda. Quite possibly we could give some thought to making this more an agenda item that states wetland and watercourse clean up since this is related to our purview, but separate from that I want to thank you for all your efforts and I think it is going to make a difference to the quality of our wetlands and watercourses in this town.

Chairman Zelek: Thanks Deb. New Initiative - Vernal Pools. Alan?

Commissioner Paskewich: I had an opportunity to be on site with landowners and foresters and loggers within the last couple of months in Connecticut. What is being performed out there now is better than what it used to be. The foresters are highly educated now in the sustainable methods of helping wildlife habitat, i.e. vernal pools and any water bodies connected with all and above where they are logging and also what is left behind after they finish logging, they are leaving appropriate hemlocks and pines for winter cover for certain wildlife and birds and they are being trained by the foresters on site. This is leading to better forest practices and will have the future development potential in land before it was scarified and just washed away. So that is ongoing in Connecticut.

Chairman Zelek: Thank you. Invasive Plants. Catherine?

Commissioner Clark: Yes, I received an email from Donna Ellis who apologized that she was just getting to her emails of February, but in it she did say that if we are looking for a speaker for invasive plants at future date she is one of many CIFWEIC members who are available to talk on this topic so based on the date and other details they can make arrangements for Newington. I would like to aim for a spring time date, and try to get another talk. It's been like 3 years, 3 ½ years since the last one and I just wondered how the rest of the commission feels, I am happy to take the ball and see. I don't see any reason why we can't have a similar topic to last time since it has been so long and I think with enough lead time and publicity we might be able to get a bigger crowd. Any thoughts?

Chairman Zelek: Refresh my memory, the discussion that occurred last time. I wasn't present for it.

Commissioner Clark: We called it, I asked her to do something that would be called "Invasive Plants 101" and she brought samples of invasive plants and it would be appropriate for someone who had never heard of an invasive plant or somebody who had some knowledge of invasive plants and wanted to be able to better identify what they were likely to find.

Chairman Zelek: Was that a presentation that was done during a regular commission meeting?

Commissioner Clark: No, it was a special evening, we put, we even made posters and it was held in the auditorium.

Chairman Zelek: Ok, then you would be willing to organize that and get it started.

Commissioner Clark: Yes, I will talk to her and see, I can't remember what night of the week.

Commissioner Block: I think it was a Wednesday.

Commissioner Clark: Yeah, I think a weeknight is better and we can get the schools,

Commissioner Block: If I can there also was, dealing with the school system, about having an invasive plant project, there were some posters put around in stores that were done by the high school kids and so on. It was pretty much a month or six week project all the way around to gather community awareness.

Commissioner Clark: There was some young lady who made a booklet as a project. I'm not sure if it's the same thing, but I think this was one specific student. I can't remember where we bumped into her, but whatever she was doing was really good. So maybe start as an outreach and contact. I will see where to go with this, but I think duplicating efforts is always a waste of time and maybe I will see if I can get some more specific information.

Chairman Zelek: Sure, and since there is still mention of the school system maybe contact the Board of Ed and put it through them.

Commissioner Clark: Yeah, so I think we should make that happen again. I think I am going to just speak to my next thing since it is sort of invasive plants. The CACIWC Conference is November 14th, which is before our next meeting and if anyone is interested it is on Saturday, November 14th, you can sign up for it online. You choose the topics you want to go to and all four sessions there is a legal update. You can choose from, one of them is invasive forests, insects, are some of the one I think I will, there is an invasive plant one. The topics are, its hard to say, oh I like this or I like that, so if anyone is interested it is an excellent, excellent day of information and there is also various groups, some are selling books that are interesting, some are nature groups or protective groups.

Chairman Zelek: I will also address CACIWC during communications. Moving on to public participation on non-agenda items. Seeing no public present we will move onto communication and reports.

VIII. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS
(EACH SPEAKER LIMITED TO 2 MINUTES)

None.

IX. COMMUNICATIONS AND REPORTS

Chairman Zelek: The first item is an Administrative Approval - Application 2015-21AA, 3191 Berlin Turnpike, UST (underground storage tank) removal in a regulated area. Chris do you want to brief us on this one?

A. Administrative Approval - Application 2015-21AA, 3191 Berlin Turnpike - UST (underground storage tank) removal in a regulated area.

Chris Greenlaw: This was an application that came before us that was in the upland review, very similar to what we saw, but again not a wetland soil as indicated by our official map or an upland review area. The individual again had started work working within the same DEEP permits for the long term benefit of removing USTs to the same requirements and thresholds and methodologies as the previous application had described. The difference with this is that, again if you are familiar with the site, this is 3191 Berlin Turnpike, and you will note that it is completely impervious type of pavement, I reviewed this, again we sent out letters, had a dialogue, told them they would be needing a permit and it was at that time when they acquiesced and became educated and filled out a permit. In the interim, I had discussion with the Chair and the Chair and I visited the site, we reviewed the permit with the understanding that what ever happens to this site, this is a long term benefit within the eyes of the State with their permitting understanding that if they can control, the Chairman believed that the short term impacts perceived could be controlled, the VMPs, at the agents level. So we processed this as an agent approval. Now there is the understanding that whatever happens to this site we are going to get a second bite of the apple and it is highly unlikely that anyone is going to utilize the framework and the foundations that are there, so any soil alteration that we have, that is going to be a full long application to this commission and that was the decision that was made and I think that being on the Berlin Turnpike we are going to see this turned over and we are going to see it come before this commission.

Commissioner Block: What business was this?

Chairman Zelek: This is the former Mobile Station, corner of Richard Street and Berlin Turnpike. As Chris mentioned we did visit the site, they had already taken the tanks out and the VMPs that were in place appeared to be significant to control the type of silt or any type of material getting into the drainage systems. This one was not in the wetlands, it was just a review area even though the back of the property touched a review area.

Chris Greenlaw: Correct and in addition the environmental consultant elected to leave the grave sites if you will, the excavation sites with a large open graded stone, but they still wrapped all the drains even to the east with fabric, they used hay bale, they used silt sacks and we didn't have a lot of rain events, but one that we did have I took pictures for the benefit of the Chair because the Chairman had gone on site with me to

view the silt sacks and the VMPs that they had put on site and I have documentation of them in place and working.

Chairman Zelek: Next item is internal rules and procedures.

B. Internal Rules and Procedures

Chairman Zelek: I have no updates on that and as Commissioner Clark mentioned, CACIWC is coming up November 14th, it is a Saturday and will be at the Villa Capri Banquet facility in Wallingford. We are members in good standing with CACIWC and we are eligible to send three members. The cost is \$40 per member and we are budgeted for that, so the cost of three members attending is covered. I would to open this up to first of all members that have not gone before, that would be interested in this. Before I offer those three vouchers to members who have not chance to go to this.

Commissioner Block: What is the date again?

Chairman Zelek: It is November 14, 2015.

Commissioner Paskewich: What are the hours?

Chairman Zelek: Let's see here, I do not see the hours listed. It is an all day event.

Commissioner: Where is it?

Chairman Zelek: At the Villa Capri in Wallingford. Typically they will put out some food for breakfast and there is a buffet lunch.

Commissioner Block: Mr. Chairman, I wanted to call attention to the fact that the keynote speaker, I think the keynote speaker is Clemens of Clemens and Calhoun, who is so important as far as vernal pools.

Chairman Zelek: So do I have any takers from members who have not gone before?

Commissioner Sadil: I am still tentative, I can't commit.

Commissioner Casasanta: I would imagine that I would be up next after Andreas in terms of seniority of people who haven't gone. I would like to go, but I can't commit to go, I have to get the day off.

Chairman Zelek: How about if we do this. I will give you until next Tuesday and if I can't get the commitment, then I will offer it up to the other commissioners.

Commissioner Igielski would you be interested in attending?

Commissioner Igielski: I would be interested, but I am not sure at this time.

Chairman Zelek: So, if you guys could get back to me by Tuesday of next week.

Commissioner Clark; I am happy, I bought my admission already, but I am happy to take a back seat to anybody who is a last minute applicant and get reimbursed if that is the way it goes it you don't get three people. Does that make sense? In other words, I am going anyway, it would be great to get reimbursed if we don't get three people, but if we get three people everyone should go ahead of me.

Chris Greenlaw: If you can send your information in. I can't promise anything but if I can work the accounting I will do everything I can. Right now we have three covered no problem.

Chairman Zelek: Next item is adjournment, and I get a motion to adjourn?

Commissioner Krawiec: May I bring up another item Chairman? There was notice to all of us from the Town of Wethersfield, I assume all commissioners received this that there is a, tomorrow at the Town of Wethersfield Inland Wetlands and Watercourse public hearing about Application 66415ES and it is about a development on Back Lane and it is a significant property, we don't have jurisdiction in Wethersfield but certainly this notification was appreciate and I am just reminding all about this for tomorrow.

X. ADJOURNMENT

Commissioner Zelek moved to adjourn the meeting at 8:17 p.m., motion by Commissioner Block, seconded by Commissioner Sadil; it was unanimously voted to adjourn.

Respectfully Submitted,



Mrs. Susan Gibbon

Recording Secretary – Conservation Commission