

CONSERVATION COMMISSION

REGULAR MEETING DECEMBER 17, 2013

CONFERENCE ROOM L 101

These minutes are not verbatim, but represent a summary of major statements and comments. For minutes verbatim, refer to audiotapes on file in the Office of the Town Clerk. Audiotapes are retained for the minimum period required under the retention schedule as provided under Connecticut Law.

Chairman Block called the roll call at 7:08 p.m. and noted Commissioners Ancona, Casasanta, Clark, Igielski and Zelek were present. Also present was Mr. Chris Greenlaw, Town Engineer.

ITEM III

PUBLIC PARTICIPATION ON NON-AGENDA ITEMS: NONE

ITEM IV

ACCEPTANCE OF MINUTES

Regular Meeting of November 19, 2013

Commissioner Clark noted the following corrections:

- A. Page 2--ITEM VA should read "PUBLIC HEARING for Application 2013-16A...New Britain (West of Route 9)
- B. Page 3--Paragraph 3, line 4 should read "Cody responded that the easement...will (be) convey (conveyed) the land to the City of"
- C. Page 5--Paragraph 1, lines 1 through 3 should read "Attorney Cody noted that the Commission could (be) keep the hearing open ...allowed under the statutes (statute) ((for the Commission to act on the map amendment))".
- D. Page 5--Paragraph 6, line 2 should read "should decide to pursue (per sue) this matter)".
- E. Page 5--4th Paragraph from the bottom of the page, line 2 should read "Commission. The property is encumbered...Easement. He met with the property owner on"
- F. Page 6--ITEM VA should read "PUBLIC HEARING for Application 2013-16A...New Britain (West of Route 9)
- G. Page 6--5th Paragraph from the bottom of the page should read "Vote was 3 yes...and the motion (motioned) failed".

H. The spelling of invasive (evasive) should be corrected throughout the minutes.

I. Page 10—4th Paragraph, line 2 should read “Starting (Staring) in your home and Home and Yard....Home Owners”

Chairman Block noted on page 3, 6th Paragraph should read “Chairman noted the act of the legislature (law) is in place, but....into the land records”.

Commissioner Zelek noted that that on Page I, under Public Participation, remark by Ms. Rose Lyons of her request for a “brief description of the proposed activity for a new application or major item” was omitted from the minutes. NOTE: A review of page 1 of the minutes, under ITEM III, second paragraph, end of line 3 through line 6 states” She still feel strongly that the Commission should add a brief description of the proposed activity for a new application and /or other major items. Has the Commission ever discussed the request? Chairman Block responded yes; but in the end decided to retain the existing practice that is in place”

Commissioner Zelek raised the issue that Attorney Cody had initially implied the existence of the conservation easement. He asserted that the minutes of the November 19, 2013 meeting did not reflect his change of position. There was a general discussion among Commission members (Listen to audio tape for the full details of the discussion),

Motion made by Commissioner Zelek to have the Recording Secretary review the tape of the minutes relative to the claim that Attorney Cody changed his testimony as to the existence of the conservation easement and was seconded by Commissioner Clark. Vote was (?) yes, 3 no and Chairman Block noted that the motion failed.

Motion made by Commissioner (Igielski) to accept the minutes as corrected and was seconded by Commissioner (?). Vote was 4 yes, 2 no and the minutes were accepted.

ITEM VA

Election of Officers

Office of Chairman

Motion made by Commissioner Clark to place in nomination the name of Jeffery Zelek.

Motion made by Commissioner Igielski to place in nomination the name of Philip Block.

There were no further nominations from the floor and Chairman Block asked for a motion to close the nominations.

Motion made by Commissioner (?) to close the nominations and was seconded by Commissioner (?). There was no discussion. Vote was 6 yes, 0 no and the motion was carried.

The vote on the nomination was Block (4), Zelek (2) and Mr. Block assumed the position of the Chair.

Office of Vice-Chairman

Motion made by Commissioner Zelek to place in nomination the name of Commissioner Kathleen Clark.

Motion made by Commissioner Clark to place in nomination the name of Jeffrey Zelek.

Commissioner Clark withdrew her name for consideration for the Office of Vice-Chairman.

Commissioner Igielski moved that the nominations be closed and the Secretary cast one ballot and Commissioner Zelek was elected Vice-Chairman.

Office of Secretary

Motion made by Chairman Block to place in nomination the name of John Igielski.

Chairman Block moved that the nominations be closed and the Secretary cast one ballot and Commissioner Igielski was elected Secretary.

NOTE: Commissioner Ancona left the meeting at 7:42 p.m.

ITEM VB

Meeting Dates for 2014

Motion made by Commissioner Igielski to accept the meeting dates (for regular scheduled meetings and possible special meetings) as proposed and was seconded by Commissioner Zelek. There was no discussion. Vote was 5 yes, 0 no and the motion was carried.

Mr. Chris Greenlaw, Town Engineer, noted last month that Application 2013-14 was closed and acted upon by the Commission. A condition of the permit states "The permit is not transferable without prior written consent of the Agency (Commission)". He noted that discussions are now underway between the current owner of the property and Town staff for the transfer of the property to a new owner. The developer who is planning to take over the ownership of the property is present here tonight. The closing is planned for this Friday (December 20, 2013). He is looking for your consent tonight.

Chairman Block said that he wanted the new owner to acknowledge that he was present during the discussion of the Commission and that he fully agrees and accepts all of the conditions that apply to the permit.

Motion made by Commissioner Igielski to add Application (Permit) 2013-14, 119 Deming Street to the agenda under NEW BUSINESS, ITEM VC and shift all remaining ITEMS down the agenda by one letter. Motion seconded by Commissioner Zelek. There was no discussion. Vote was 5 yes, 0 no and the motion was carries.

ITEM VC

Permit 2013-14, 119 Deming Street

Chairman Block asked Mr. Massimino (the future developer of the property) the following questions:

- A. Was he present at the meetings when this Permit (application at the time) was under discussion by the Commission? Mr. Massimino responded yes.
- B. When the property is taken over, do you agree to meet all of the conditions of the Permit and concerns that have been expressed by the Commission? Mr. Massimino responded yes.
- C. Has he established some sort of time table for the removal of the existing house? Mr. Massimino responded that all attention has been focused on the closing of the deal. No thought has been given to the logistics of the project.

Chairman Block noted that the Commission is being made aware of the fact that the property will be transferred to Mr. Massimino in the near future and that a request is being made to have the Permit transferred over to him.

Motion made by Commissioner Igielski that the Commission provide by written correspondence to the future new owner(s) of the subject property the transfer of Permit 2013-14, 119 Deming Street. Motion seconded by Commissioner (?). There was no discussion. Vote was 5 yes, 0 no and the motion was carried.

ITEM VD

LID (Low Impact Development) Presentation

Mr. Greenlaw noted that the Town of Newington has received a \$100,000 grant from DEEP to review proposed changes to the land use regulations of the Town of Newington as it relates to L.I.D. (Low Impact Development). The Town has retained the consultant team of Fuss & O'Neill and Planimetrics to assist in the effort of reviewing the regulations and integrating (proposed) L.I.D. concepts. L.I.D. concepts are methods and techniques to increase the interface of water and soil, therefore, increasing or recharging the ground water. A consultant from the team will provide a brief overview of L.I.D. and also discuss proposed changes to the Commission's Inland Wetland and Watercourses Regulations.

Mr. Greenlaw noted the presence of Mr. James Reardon, Fuss & O'Neill and Mr. Glen Chalder, Planametrics, consultants for the study.

Chairman Block requested that Commission members read or review the Regulations prior to next month's meeting to see where L.I.D. could be discussed or possibly be incorporated into our Regulations.

Chairman Block noted that since Commission members would have read or looked at the Regulations, he suggested that they look at making a separate list of items outside of L.I.D. consideration, that one may want Commission members to look at and possibly discuss.

Mr. James Reardon, Fuss & O'Neill, noted that the presentation would be broken down into the following segments:

- A. An overview of L.I.D. to include what L.I.D. is, how it works, why it is important to do and why it would be important to the Town of Newington. (Mr. Reardon).
- B. An overview of the proposed changes to the affected Town regulations with the focus here tonight on the Commission's Inland Wetland and Watercourses Regulations. (Mr. Chalder)
- C. A overview of a proposed "L.I.D. and Storm Water Manual for the Town of Newington". (Mr. Reardon)

Mr. Reardon proceeded with the overview of L.I.D.

Mr. Reardon noted that L.I.D. (Low Impact Development) is a flexible tool that includes a variety of tools and techniques such as infiltration, filtration and vegetative treatment. The basic idea of L.I.D. is to address the impacts emanating from the changes in land uses and the storm water that it generates. The increase in the amount of impervious surface increases water quantity and water quality problems and resulting pollution. He went on to compare the impact on surface run off when the character of the undeveloped landscape under goes a change in land use (development). For example, he noted a parcel of land in its natural state on average that 50 percent of the annual rainfall for an area would be absorbed by the ground and end up as ground water, 10 percent as surface run off and 40 percent would be taken up by plants and returned to the atmosphere through transpiration. The same parcel of land, fully developed would change the dynamics of the landscape. A fully developed area cuts off the amount of surface run off that can infiltrate into the ground. This condition would result in no more than 10 percent of infiltration into the ground, 55 percent or more as surface run off and the remaining 35 percent or more returns back into the atmosphere through plants and evaporation of the impervious surfaces. In the past when there was a problem from surface run off, retention basins were used to attenuate peak flows and reduce the amount of total suspended solids and settle out sediments resulting in better water quality.

Mr. Reardon noted that L.I.D, was first used by Prince Georges' Country, Maryland in 1993 and has been found today to be the preferred approach to control water quantity and water quality. In many cases it has replaced the old traditional practices. L.I.D. uses vegetation and soil to treat surface run off more efficiently and as if it is in the natural environment. These practices reduce unnecessary water pollution and environmental impacts and works more with nature where the run off is reintroduced back into the ground.

Mr. Reardon proceeded with outlining a standard approach on how a municipality could proceed in implementing L.I.D. practices on an area or municipal wide basis. He also noted there could be many situations where a plan could require a combination of traditional and L.I.D. practices (Listen to audio tape for the details of his remarks).

Mr. Reardon noted that there was also an incentive for developers to use the L.I.D. practices for new developments. It would be less expensive because one would need less catch basins, piping and impervious pavement.

Mr. Reardon noted development within the Town (over the years) have resulted in the significant increase in impervious surfaces. He noted that L.I.D. would be appropriate for Newington because the Town has drainage problems and could benefit from water quality and water quantity treatments. He also noted over the past ten (10) to twenty (20) years, we have seen a significant change in our weather conditions including the type and intensity of storms. The Town has some impaired bodies of water that would benefit from L.I.D. techniques and practices.

Mr. Reardon noted that the regulatory structures at the state and federal level are changing to reflect the use of L.I.D. The Town of Newington has been afforded the opportunity to step ahead of other communities because it has been given a grant to update its land use regulations and implement a L.I.D. project in Town. He also noted that DEEP updated its standards to include L.I.D. in 2011.

Mr. Chalder proceeded with an overview of proposed changes to the affected town regulations with the focus here tonight on the Commission's Inland Wetland and Watercourses Regulations

Mr. Chalder noted the L.I.D. strategy is to change the drainage pattern from the high run off/low infiltration approach to more infiltration and less run off. The heavy lifting (development in Town) goes through the Town Planning and Zoning Commission (TP & Z) which dictates how each site should be designed. He proceeded to review the following proposed changes to the regulations:

- A. The definition of L.I.D.
- B. Submission requirements for plans to be submitted to the agencies (to include L.I.D. measures as acceptable mitigation or alternatives).
- C. The use of best management practices.
- D. Decision considerations to include alternatives.
- E. Allow the Duly Authorizes Agent to authorize the implementation of an accepted L.I.D. measure within the upland review area unless the extent/scope of work would warrant a review by the Commission.

NOTE; Several members of the Commission raised questions. The question raised by Chairman Block (who asked that consideration be given to include an inquiry to abutting property owner(s) who may be impacted by a proposed activity) resulted in a prolong discussion (Listen to audio tape for the details of the question asked and its response).

Overview of a proposed "L.I.D. and Storm Water Manual for the Town of Newington

Mr. Reardon noted that the proposed "Low Impact Development and Storm Water Manual for the Town of Newington" would be broken down into the following components:

- A. The upfront part which contains between 50 and 70 pages is really the guts of what has to be said on Low Impact Development (L.I.D.).
- B. Appendix "A" is the existing Storm water Manual for the Town of Newington.
- C. Appendix "B" (not mentioned) is entitled "Storm Water Maintenance Declaration". This appendix contains a proposed legal document entitled "Storm Water Management Practices Maintenance Declaration".
- D. Appendix "C" which is entitled "UNHSC Design Specifications for Porous Asphalt Pavement and Infiltration Beds" is considered to be the bible for pervious pavement.

NOTE; Refer to the proposed "Manual" for the contents of each section.

Mr. Reardon noted that Mr. Greenlaw requested that one of the best management practices be selected for further explanation. He selected "Rain Gardens" and noted that this system is a small version of a bio-retention system on residential property. He proceeded to explain the composition and function of the system. He proceeded to discuss examples of where rain gardens could be used (Listen to audio tape for the details of his remarks).

Commissioner Zelek asked if there was an example of a L.I.D. project in the Town of Newington? Mr. Greenlaw responded the Town's demonstration project under the DEEP grant was an over flow pervious pavement parking area at the Clem Lemire Complex in the area that is visible from Willard Avenue. The project was designed in house and constructed by Town forces except for the installation of the porous pavement sections, which were install by an outside contractor that specialized in this type of work.

Mr. Reardon presented a number of additional examples of rain gardens (Listen to audio tape for the details of his remarks).

Commissioner Zelek noted that the Town of Newington has a lot of tight soils. How would these practices work in Town? Mr. Reardon responded not as good when compared to more porous soils. The normal process in tighter soils would be to install an underdrain type system and outlet it into a catch basin or a pervious type soil (Listen to audio tape for the details of his remarks).

Mr. Greenlaw noted that the "Victory Gardens Housing Development" on the Veterans Administration property (off of Willard Avenue) is a prime example of L.I.D. It is a gutter less development with seven (7) large rain gardens intergraded within the site. NOTE: Mr. Reardon noted that in areas where curbing is required; curb cuts at selected locations would be acceptable if field condition are found to be favorable.

ITEM VE

Application 2012-22, Milk Lane (Town Highway Garage)

Mr. Greenlaw noted when the Highway Department garage was constructed 40 plus/minus years ago, a twin low head metal pipe culvert system was installed under the access road into the site. A natural channel whose southern embankment slope was the limit of fill material along the northerly limit of site development as shown on the application plan. The alignment of the existing channel from the inlet of the culvert system westerly to the proposed limit of work is hydraulically poor and subject to erosion.

Mr. Greenlaw, referring to the application plan, noted that the proposed scope of work would be to replace the existing metal pipe culvert system and create a new natural channel that would extend from the inlet of the new culvert system westerly in a straight line to point B, which hydraulically would be a more efficient layout, as depicted on the application plan. This system accommodates the flow of surface runoff from Fenn Road by way of a 36 inch pipe that outlet onto the garage property. Also included in the project would be the paving of the existing area in front of the garage office area (not shown on site plan).

Mr. Greenlaw noted that the application would result in the following impacts:

- A. Replacement of the existing twin metal pipe culvert system, which is in very poor shape, with a dual 30 inch polyethylene pipe with a rip rap plunge pool on the outlet end.
- B. Construction of a new channel and the abandonment of the existing channel per plan. He noted that in his opinion, the conveyance vehicle (the channel), upstream of the pipe crossing is a storm water conveyance ditch.
- C. Two (2) wetland areas, as noted on the plan would be affected by the proposed plan. The first area located just downstream of the new pipe crossing would accommodate the new plunge pool. The second area, which is located north of the proposed new channel, would receive over flow (an in direct impact) from the channel during a period of high flow.
- D. All activities would occur within the upland review area except for the installation of the plunge pool.

Mr. Greenlaw noted that the new channel would have a four (4) foot base with either 2 on 1 or 3 on 1 side slopes covered with top soil, grass seed and jute mesh (permanent or bio-degrading).

Mr. Greenlaw noted that the new channel work would be done in the vicinity of a CL & P power transmission line. Verbal permission has been granted to be followed up with a letter.

There was a general discussion between Mr. Greenlaw and Commission members on the type of structures and their use in the area up stream of the garage property (Listen to audio tape for the details of the discussion).

Chairman Block suggested that the proposed scope of work could be handled under an Administrative Permit.

Mr. Greenlaw noted that he is still waiting for a sign off from the MDC because it has a sewer line in the area.

Commissioner Igiecki suggested that this application might be best served by an action by the full Commission, not the Duly Authorized Agent.

Chairman Block requested that Mr. Greenlaw as part of the application, come back with a specific proposal to naturalize the channel (cross section of channel along with proposed materials). Mr. Greenlaw responded in the affirmative.

NOTE: No action was taken on the application.

ITEM VF

Inland Wetland Regulation Changes (Discussion)

Motion made by Commissioner Clark to carry ITEM VF over to the January meeting and was seconded by Commissioner Casasanta. There was no discussion. Vote was 5 yes, 0 no and the motion was carried.

ITEM VG

Inland Wetlands Official Map Changes (Discussion)

Motion made by Commissioner Clark to carry the ITEM VG over to the January meeting and was seconded by Commissioner Casasanta. There was no discussion. Vote was 5 yes, 0 no and the motion was carried.

ITEM VIA

Internal rules and Procedures

Motion made by Commissioner Clark to table ITEM VIA over to the January meeting and was seconded by Commissioner Zelek. There was no discussion. Vote was 5 yes, 0 no and the motion was carried.

ITEM VIB

New Initiative -- Vernal Pools

Commissioner Zelek noted that he was in contact with the person who was going to make a presentation on how to perform a stereoscopic survey for vernal pools. However, it was not known what was going to be on the agenda or how many members of the Commission would be present tonight. He made a decision to advise the gentleman rather than come in tonight; we would advise him once we had our meeting schedule for 2014. Should we have him come back to make a presentation at our regularly scheduled meeting in January?

Chairman Block suggested with the L.I.D. business, that he, Mr. Zelek and Mr. Greenlaw get together later in the month to see how the agenda looks. He noted that he wanted to have a good opportunity to delve into L.I.D.

Commissioner Clark noted that the Commission should get going on this matter because of the March activity associated with vernal pools.

Chairman Block noted that it would be his intention to address the matter at the February meeting.

Commissioners Clark and Zelek noted the first Tuesday in February is already set aside if a meeting should be needed.

Chairman Block gave his concurrence to have a Special Meeting on the subject (how to conduct a stereoscopic survey for vernal pools) on February 4, 2014.

ITEM VII

PUBLIC PARTICIPATION ON NON-AGENDA ITEMS: NONE

ITEM VIII

COMMUNICATIONS AND REPORTS

Mr. Greenlaw noted that the overflow parking area previously discussed at the Clem Lemire Complex is representative of a green initiative project. The pavement consists of 2 by 2 concrete open face blocks filled with gravel which sits on 15 inches of stone base which stores and cools the water. The over flow parking area connects with a landscape area which also serves as a rain garden. He also noted that there are many sites in town that have excess parking that is rarely used and would be appropriate for this type of project (Listen to audio tape for the details of his remarks).

Commissioner Clark made a short presentation for a possible invasive plant project at Churchill Park. Referring to a slide projected onto the screen, she made reference to an area that once was a small pond near the concession stand. The area has a nature trail that has been taken over by phragmites. This area would be too large a project to be considered by this Commission. However in her travels around Town, she spotted a small area of phragmites on the Young Farm near Church Street, which she believes is a doable project. She is recommending that the Commission designate this area for a project because it is in an area used by the public. This project could be done by volunteers. However, before we move forward on this project, we should get some direction on how to properly remove these plants. Chairman Block noted that he supports Commissioner Clark's proposal. He would like her between now and January to investigate what needs to be done. He suggested that in her investigation she contact DEEP. There was a brief discussion of using volunteers versus a designated organization to do the work. Commissioner Zelek requested that staff make a determination if the area under discussion is on Town property? Mr. Greenlaw noted that he would follow up on the request.

Commissioner Zelek noted that the Commission is required to submit a report on any application that is approved by it. In reference to Permit 2013-14, 119 Deming Street, he feels a report should be included stating what was asked for by the Commission and the reason(s) for doing so.

Mr. Greenlaw noted that a new application is looked at by himself and the Town Planner that includes the engineering, wetland and site plan reviews. The report of action by the Commission

(issuance of a Permit) is in essence a report of issues and concerns of the Commission that is affix to the approved plan prior to the signing by the Chairperson, which is then bonded at a later date.

Motion made by Commissioner Clark to adjourn the meeting at (?) p.m. and was seconded by Commissioner Casasanta. There was no discussion. Vote was 5 yes, 0 no and the motion was carried.

Sincerely;



Peter M. Arbur
Recording Secretary

Commission members
Tanya Lane, Town Clerk
John Salamone, Town Manager
Town Planner
Councilor Myra Cohen
Councilor David Nagel
Chairperson, Town Plan and Zoning Commission
Peter M. Boorman, esquire, Town attorney
Chris Greenlaw, Town Engineer
Lucy Robbins Wells Library (2)

