

CONSERVATION COMMISSION

REGULAR MEETING FEBRUARY 18, 2014

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 7:00 p.m. and noted Commissioners Casasanta, Clark, Igielski, and Zelek were present. Also present were Alternates Krawiec and Paskewich and Chris Greenlaw, Town Engineer.

NOTE: Chairman Block noted that Alternate Krawiec would vote for Commissioner Ancona and Alternate Paskewich would vote for Commissioner Sadil.

ITEM III

PUBLIC PARTICIPATION ON NON-AGENDA ITEMS: NONE

ITEM IV

ACCEPTANCE OF MINUTES

Regular Meeting of December 17, 2013

Commissioner Igielski noted on page 7, bottom of page, paragraph should read "ITEM VE Application 2013-22 (2012-22), Milk Lane (Town Highway garage)"

Motion made by Commissioner Igielski to approve the minutes as amended and was seconded by Alternate Paskewich. There was no discussion. Vote was 7 yes, 0 no and the motion was carried.

Special Meeting of February 4, 2014

- A. Commissioner Clark noted on Page 10, paragraph 1, line 1 should read "Mr. John Bachand (Marchand), 56 Maple Hill Avenue.....on its continuing"
- B. Commissioner Zelek noted that he had requested that names of Commission members/staff who had experience in the use of the stereoscope mirror instrument be entered into the record. Chairman Block recollected that the persons were himself, Alternate Paskewich and Mr. Chris Greenlaw, Town Engineer.
- C. Commissioner Zelek noted that he had requested that the positive feedback by Mr. Edward Pawlak, quest speaker, relative to the initiative on vernal pools be put into the record. It was

the consensus of Commission members to put a statement into the record. A review of the record manifested that Mr. Pawlak applauded the Commission in its endeavor in stepping outside of the basics and moving to the next level in expanding its knowledge and regulation of vernal pools. In addition, he did welcome the exchange that occurred during question answer forum following his presentation. NOTE: Mr. Roy Zartarian and Mr. John Bachand under public participation also entered positive feedback into the record.

Motion made by Commissioner Igielski to accept the minutes as amended and was seconded by Commissioner Casasanta. There was no discussion. Vote was 7 yes, 0 no and the motion was carried.

NOTE: Commissioner Sadil arrived at 7:10 p.m. and assumed his seat. Alternate Paskewich assumed the position of a non-voting member.

ITEM V
PUBLIC HEARING

Inland Wetland Regulations—L.I.D. (Low Impact Development)

Mr. Greenlaw noted that the legal notice appeared in the Hartford Courant on February 5th and read it into the record,

Mr. Greenlaw noted that Mr. Erik Mas, P.E., Fuss & O'Neill and Mr. Glen Chalder, AICP, Planimetrics were present to make to make the presentation.

Mr. Mas noted that his firm is the lead agency in introducing L.I.D. (Low Impact Development {techniques}) and incorporating them into the Commission's Regulations and entered the following remarks into the record:

- A. L.I.D. is a new approach for site development and management of storm water runoff.
- B. L.I.D. is a new approach to the traditional way of handling surface water runoff at the end of an outlet pipe of a storm water system.
- C. The L.I.D. approach controls surface runoff where it falls on the ground using landscaping, vegetation and infiltration into the ground.

Mr. Mas noted that L.I.D. manifests the following benefits over traditional methods for managing storm water runoff:

- A. It is a more flexible approach due to the variety of tools available to the designer.
- B. Reduces the volume of runoff at the point of origin and therefore the peak flow.
- C. Incorporates storm water practices into the development of a site.

Mr. Chalder noted that he will summarize the proposed changes to the Commission's "Inland Wetland and Watercourses Regulations". The goal of L.I.D. (Low Impact Development) is to treat storm water runoff close to the point where runoff occurs. The zoning regulations changes deals with parking, roads and structures where runoff ends up in a wetland and/or watercourse.

Mr. Chalder noted that the proposed changes to the Regulations can be broken down into the following categories:

- A. New definition for how Low Impact Development (L.I.D.); namely, techniques that can control runoff at the source.
- B. Section 7 of the Regulations---Submission requirements that an applicant would have to comply with in the submission of an application.
- C. Section 10 of the Regulations---Considerations that the Commission would take into account in rendering a decision; namely, L.I.D. techniques and mitigation measures that would be reviewed during the review process.
- D. Section 12 of the Regulations---Action taken by Duly Authorized Agent. where L.I.D. techniques such as a rain garden and other accepted practices could be evaluated and approved for use in rendering a decision for an activity being proposed in the upland review area.

Chairman Block noted that in Section 12.1.d of the proposed changes, the word "shall" has been removed throughout the section. He would like to have consideration be given to inserting "which" on line 2 which would read "Agency an which contain the informationunder subsection 7.5"

Commissioner Sadil asked if he was an applicant, what is really going to change in the Regulations and how would it affect him? Chairman Block responded that it is his impression that each property owner would be encouraged and guided to control runoff on the property and not off site.

Mr. Chalder noted that drainage would now be taken care of upstream at the source and not at the wetland. The applicant should explain what techniques were used to address L.I.D. goals.

Commissioner Clark asked if a home owner should hire an engineer, should he/she have had education in the field (of L.I.D.)? Mr. Chalder responded that the person should engage a professional who has knowledge and experience in this area. It would be up to the consultant to convince the property owner of the benefits emanating from these new practices and techniques and that they are now part of the Town regulations.

Mr. Greenlaw noted that the Town received a \$100,000 L.I.D grant from DEEP that was broken down as follows:

- A. Fifty (50) percent of the grant went for the development of a manual "Low Impact Development and Stormwater Manual for the Town of Newington". We now have a manual for review.

- B. Fifty (50) percent of the grant for the implementation of a "Demonstration Project at the Clem Lemire Complex". The project was a permanent parking area that incorporated several L.I.D. techniques. The Town now has something to show the public or a potential developer in the field.

Commissioner Clark asked about a person who hires an inexperienced person? Mr. Greenlaw responded that a prime example for this question is the "Clifford Street Lot". He noted that the lot under discussion was originally cut out of a larger land parcel by agent approval. The lot was subsequently sold to second party. When the new property owner came in for a building permit, the plat plan showed a house that covered 75 percent of the upland review area. The property owner was required to go through the permit process. A condition of the permit approval called for roof runoff to be directed from roof down spouts on to a splash pad and then by sheet flow over land to a rain garden located on the abutting property through an easement that had been granted by the owner of the property from which the lot had been cut out.

Mr. Chalder noted that the situation just reviewed by Mr. Greenlaw manifests how the proposed changes would give the Commission more oversight in a given situation. He noted that the proposed changes would not stop the violators. However, the proposed changes would give the Commission more options to address this type of situations.

Motion made by Commissioner Sadil to table the item over to the next meeting.

Commissioner Zelek asked why are we tabling the item? Mr. Greenlaw responded that at a previous meeting, he wanted to look at this item separately and use it as a dry run prior to action on the total package of proposed changes.

Mr. Greenlaw noted that he has not received any comments from the Town Council, Town Planning & Zoning Commission and DEEP.

Commissioner Igielski noted that Commission members received a hard copy of the proposed changes in correspondence dated 01/09/14.

Chairman Block noted at the last meeting that he requested that Commission members have their items of interest ready in writing on L.I.D, legislative changes and the Regulation in general for discussion tonight. He requested that Commission members comments be ready with their comments for the next meeting.

There was a general discussion among Commission members relative to language changes (listen to audio tape for the details of the discussion)

Motion seconded by Commissioner Casasanta. There was no discussion. Vote was 7 yes, 0 no and the motion was carried.

ITEM VI-A

Application 2014-03, Cedar Street (MDC)

Mr. Adam Thompson, Project Engineer with the MDC (The Metropolitan District Commission) noted that he is present here to present and discuss the MDC proposal to install a new sanitary sewer line in Cedar Street, Connecticut Route 175. He also noted that also present is Mr. Dwight D. Dunk, Environmental Scientist with CDM Smith.

Mr. Thompson entered the following remarks into the record:

- A. The project is being done under a consent decree with the federal government to eliminate combined sewer flow (sanitary sewer and natural water infiltration) and back up flow into existing homes.
- B. The proposal is to install a new 18 inch PVC sanitary sewer line from an existing 30inch sanitary sewer trunk line located on the north side of Cedar Street in Mill Brook and extending northerly along the north side of Cedar Street to the easterly street entrance of Old Farms Drive a distance of approximately 2,500 linear feet. A portion of the new sewer line would be located outside of the Cedar Street right of way west of Willard Avenue (refer to project design plans for location). Completion of the project would resolve the objectives of the federal government consent decree.
- C. The existing 8 inch sanitary sewer pipe will remain in place on the south side of Cedar Street.

Mr. Greenlaw noted that this project is similar in scope to the project recently done on Church Street.

Commissioner Zelek asked why is this application before the Commission tonight? Mr. Thompson responded because the new 18 inch pipe connection into the existing 30 inch sanitary sewer trunk line sewer on the north side of Mill Brook. The new line would have to traverse a regulated area under Mill Brook to make the connection. In addition, the connection work in the Old Farms Road/Cedar Street intersection would occur within an upland review area.

Mr. Dunk entered the following remarks into the record:

- A. Referring to the project location map, he noted that work at the Mill Brook crossing would be done within the flood plain area and the connection work at the westerly end (Old Farms Road/Cedar Street intersection) would be done within an upland review area adjacent to a wetland area on the south side of Cedar Street (Cinnamon Road area).
- B. The physical impacts would occur within the Mill Brook area and would involve 2,500 square feet within the brook bed and 4,200 square feet of vegetative wetland.

Mr. Dunk noted the following factors were taken into account in the development of the contract plans:

- A. Keep the new line entirely within the Cedar Street right of way. Field conditions were too tight for this option.

- B. Abandon existing 8 inch sanitary sewer line on the south on the south side of (Cedar) street and replace it with the larger pipe. There were numerous problems that included more physical impacts, maintaining service to all existing homes and a poor angle of connection into trunk line.
- C. Locate connection at St. Mary's Church driveway on Cedar Street. This option would result in more impacts to the wetlands.
- D. Carry new pipe over the top of the existing concrete box culverts. There would be inadequate separation between the top of the box culvert and bottom of pipe and inadequate cover between the top of pipe and bottom of road sub base material.
- E. Strap pipe to side of existing box culvert. New pipe would be subject to weather extremes and vandalism.
- F. The section of new sewer line under the Mill Brook stream bed would be placed within a concrete encasement.

Alternate Krawiec asked if the wetland would be altered under the proposed scope of work? Mr. Dunk responded yes.

Mr. Dunk noted that at the west end of the project even though all work would be done in road pavement; said area lies within the upland review area.

Mr. Dunk noted that the following Best Management Practices would be in effect:

- A. Inlet protection measures would be used at all catch basin tops.
- B. Sediment control barriers would be installed where required.
- C. A silt curtain will be installed in Mill Brook.
- D. Invasive species control plan would be in place.

The following guideline options would be available in the bid documents for onsite water control of Mill Brook during construction work related to installation of the new sewer line under the brook bed:

- A. Install dams across the upstream openings of the existing concrete box culverts and on the downstream side at the northerly limits of the work site and pump the flow of water around the work site.
- B. Install a temporary culvert pipe through one of the culvert boxes along with dams as noted in "A." above.

- C. Build a coffer dam down the middle of the brook and work ½ of the brook at a time along with dams as noted in "A." The MDC supports this option.
- D. The method(s) for seeding of the work area and installation of plantings would be left to the contractor with the approval of the MDC.

Commissioner Clark asked if an ecologist has been involved in the process? Mr. Dunk responded yes, he is a certified ecologist.

Commissioner Clark asked if the flows of Mill Brook would remain the same? Mr. Dunk responded yes.

Mr. Dunk entered the following additional remarks into the record in reference to Commissioner Clark's questions:

- A. He sees no problem in meeting the water budget for the installation of new wetland plantings. The plan is to try and do the construction activities in the dry (late summer).
- B. He does not see any indirect impact to the forested wetland downstream under this proposal.
- C. If a major storm should occur, the work site would be broken down to allow for the free flow of water.
- D. Most invasive plants are located up on the sides of the banks. The areas would be inspected and an approved herbicide would be used. The plants would then be cut and removed.

Commissioner Igielski noted that since the MDC would be using the Town's limits for the upland review area, these limits should be added to the plans.

Mr. Dunk responded that it would be done.

Mr. Greenlaw asked for a cross section description for the stream bed crossing? Mr. Dunk responded one foot thickness of 1 inch stone bedding under concrete encased pipe. One inch stone would be placed around the encased pipe to a height of one foot over the top of the encased pipe. Natural material would be placed to the bottom of the rip rap. Rip rap would be placed along the bottom of the stream bed and up the embankment slope.

Mr. Thompson noted that that the contract would be awarded to the lowest qualified bidder as determined by the MDC because federal and state monies are involved.

Chairman Block asked if there was a need for a public hearing? Commissioner Zelek recommended that the Commission not act on the public hearing tonight because the public should be allowed the opportunity to review and comment on the application.

Mr. Thompson noted that the MDC would like to have a permit in hand at the time of bidding.

Chairman Block suggested that the Commission move to have a public hearing on the application tonight to move it along.

There was a general discussion among Commission members (listen to audio tape for the details of the discussion) and resulted in the Commission going into recess at 8:55 p.m.

Commission came out of recess at 9:05 p.m.

Chairman Block suggested that Commission members look at the seven (7) activities to be considered in determining if there would be a significant activity.

It was the consensus of Commission members to wait until next month to make a determination on the need for a public hearing.

Motion made by Commissioner Igielski to carry the item over the March meeting and was seconded by Commissioner Zelek.

Commissioner Sadil asked if this item could spill over to the April meeting? Commissioner Igielski responded yes, if action is not taken when the application goes through the process next month.

There was a general discussion among Commission members (listen to audio tape for the details of the discussion).

Chairman Block asked Mr. Thompson if the MDC would want the Commission to vote on holding a public hearing at the March meeting tonight? Mr. Thompson responded no.

Vote was 7 yes, 0 no and the motion was carried.

ITEM VII-A

Inland Wetland Regulations Changes—L.I.D. (Low Impact Development)

Motion made by Commissioner Sadil to table the item over to the March meeting and was seconded by Commissioner Casasanta. There was no discussion. Vote was 7 yes, 0 no and the motion was carried.

ITEM VII B

Inland Wetland Regulation Changes—Legislative Changes

Mr. Greenlaw noted that his staff is currently working on this matter. Upon completing its work, the document would be sent to the Town Attorney for review and comment.

There was a general discussion among Commission members (listen to audio tape for the details of the discussion).

Mr. Greenlaw noted that it would be his intention that after incorporating the Town Attorney's comments into the document, a copy would be sent out to Commission members for review and comment.

Motion made by Commissioner Sadil to table the item and was seconded by Commissioner Clark. There was no discussion. Vote was 7 yes, 0 no and the motion was carried.

ITEM VII-C

Inland Wetland Official Map Changes

Mr. Greenlaw suggested that the Commission give consideration to holding a separate public hearing outside of the public hearing that would be held for the proposed changes to the Regulations.

Commissioner Zelek raised the question that if a map amendments have been has been approved on an individual basis, then why is the Commission now being required to hold a public hearing for the entire (Inland Wetland Official) Map? Chairman Block noted that he had reviewed the matter with the Town Attorney and was advised that a public hearing should be held.

Recording Secretary Peter M. Arburr suggested that the Commission have staff inquire through the Town's GIS Department to see if an approved map amendment could be put into an electronic format that could immediately incorporated onto the "Inland Wetland Official Map".

Commissioner Zelek inquired if there might be a peer group that might review the Town Charter/Ordinances.

Motion made by Commissioner Sadil to table the item and was seconded by Commissioner Clark. There was no discussion. Vote was 7 yes, 0 no and the motion was carried.

ITEM VII-D

Agenda-Format and Outline

Mr. Greenlaw noted that he is working on something (creation of a second page to the existing Commission Application Form) for the Commission to review.

Motion made by Commissioner Sadil to table the item and was seconded by Commissioner Clark. There was no discussion. Vote was 7 yes, 0 no and the motion was carried.

ITEM VII-E

Sub-Committee and Initiatives

Alternate Krawiec noted that she had two (2) meetings with Mr. Fox, Chairman of the Environmental Quality Commission, following the last Commission meeting. Commissioner Clark was present at one of the meetings.

Alternate Krawiec noted that it has been agreed by the sub-committee that a three (3) tier approach would be used in reaching the goals of the sub-committee, which would be initiated on Earth Day and are noted below:

- A. Students and public through awareness and ongoing education programs.
- B. Approach super markets in Town to have a no plastic bag day on Earth Day.
- C. Remove litter from wetland areas and public parks.

Commissioner Clark expressed a concern on potential liability exposure during activities being sponsored by the sub-committee.

Chairman Block noted that the Town Attorney should be consulted for guidance.

Chairman Block noted that the Environmental Quality Commission is the lead agency in this program. When a proposal has been developed, then come back to the Commission for an endorsement. Then go to the Town Manger and Town Council for endorsement/approval.

Alternate Krawiec noted that that she would have a complete proposal ready for the next meeting.

Motion made by Commissioner Zelek to table the item and was seconded by Commissioner Casasanta. There was no discussion. Vote was 7 yes, 0 no and the motion was carried.

ITEM VII-F

New Initiative—Vernal Pools

Commissioner Zelek noted that he has a proposal and recommendation ready for tonight and passed it out to Commission members.

Commissioner Zelek then proceeded to read the proposal into the record (listen to audio tape for the proposal in its entirety). The main points of the proposal Included:

- A. The Town would acquire 41 B/W 9" x9" contact prints of the Town of Newington boundaries in stereo, which are available from Richard Wohler of Quantum Spatial at a cost of \$204.00.
- B. Connecticut Ecosystems LLC would provide the mapping service for \$100.00. The expert would circle any potential vernal pool locations on the photos.
- C. The total cost (\$304.00) for the above noted services would come from unsolicited donations.
- D. A brief report on the findings would accompany the mapping.

There was an extensive discussion among Commission member that included:

- A. Language changes, additions and modifications in language to the proposal.
- B. Who would finally be responsible for adding the Town of Newington boundary limits to the photo/maps (Town staff or one the consultants {and would there be an extra cost}).
- C. Would it be possible to see if Quantum Spatial has the capability to locate on a map the dot location (of a vernal pool) by latitude and longitude? If yes, would there be an additional cost?

Commission Zelek noted that he thinks that the donors would be willing to absorb any additional cost.

Commissioner Zelek noted the donors wish to remain anonymous.

NOTE: Listen to audio tape for the full detail of the discussion related to each of the above items.

Commissioner Zelek noted that he would read the final document into the record at next month's meeting.

Motion made by Commissioner Sadil to accept the proposal as amended tonight.

Chairman Block asked Commissioner Igielski (as Commission Secretary) if he had any thoughts on how the Commission should proceed on the motion? Commissioner Igielski responded that he cannot recall the Commission ever being involved in this kind of process. He noted that the Commission recommends.

Chairman Block suggested that the sub-committee come up with a final document for consideration at next month's meeting.

Mr. Greenlaw noted that there were two (2) items that remained to be addressed.

Commissioner Zelek noted that he would work with Mr. Greenlaw to resolve them.

Commissioner Sadil withdrew his motion.

Commissioner Igielski noted that there were too many changes being made and proposed and that no action should be taken tonight.

Mr. Greenlaw noted that it might be prudent for the Commission to consider having a "Special Meeting" that would be limited to "legislative changes, vernal pool initiative and map amendments".

Motion made by Commissioner Sadil that the Commission hold a "Special Meeting" on March 4, 2014 and the agenda would be limited to three (3) items: namely, Legislative Changes, Inland Wetlands Official Map Changes and New Initiative-Vernal Pools and was seconded by Commissioner Zelek. There was no discussion. Vote was 7 yes, 0 no and the motion was carried.

ITEM VII-G

Invasive Plants

Motion made by Commissioner Clark to carry the item over to the March 18th meeting and was seconded by Commissioner Casasanta. There was no discussion. Vote was 7 yes, 0 no and the motion was carried.

ITEM VII-H

Application 2013-22, Milk Lane (Town Highway Garage)

Motion made by Commissioner Igielski to add Application 2013-22, Milk Lane (Town Highway Garage) to the agenda and was seconded by Commissioner Casasanta. There was no discussion. Vote was 7 yes, 0 no and the motion was carried. NOTE: The motion met the required 2/3 (5) votes per the Regulations.

Mr Greenlaw noted that he was in possession of a memorandum from the Town Manager requesting the maximum time extension allowed under the Regulations. The vote of the Commission acknowledges receipt of the request by the Town.

ITEM VIII

PUBLIC PARTICIPATION ON NON-AGENDA ITEMS: NONE

ITEM IX

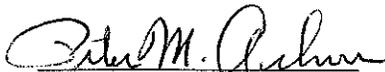
COMMUNICATIONS AND REPORTS

Application 2014-01AA, 365-375 Willard Avenue

Mr. Greenlaw noted that the subject parcel of land was recently subdivided from one parcel of land into two separate land parcel. Since there are regulated areas (wetland and upland review area) on the property, the law requires that even though only a paper transaction would occur, a permit would be required from the Commission. Since only an administrative action is occurring, an Administrative Permit issued by the Duly Authorized Agent would be the proper course of action.

Motion made by Commissioner Sidal to adjourn the meeting at 11:10 p.m. and was seconded by Alternate Krawiec. There was no discussion. Vote was 7 yes, 0 no and the motion was carried.

Sincerely;



Peter M. Arburr
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)

