

CONSERVATION COMMISSION

REGULAR MEETING FEBRUARY 21, 2012

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.

Vice-Chairman Zelek called the roll call at 7:00 p.m. and noted Commissioners Clark and Igielski were present. Also present were Alternate Paskewich and Chris Greenlaw, Town Engineer.

NOTE: Vice-Chairman Zelek designated that Alternate Paskewich would vote for Commissioner Shapiro.

ITEM III

ACCEPTANCE OF MINUTES

Regular Meeting of October 18, 2011

Town Engineer Chris Greenlaw said that he met with the Town Attorney and reviewed the question of when a quorum (of Commission members present at the October 18th meeting is not attainable because the term of one of the four (4) required votes terminated on November 30, 2011). The Town Attorney advised the minutes could be acted upon provided there is a quorum of Commission members present at a duly authorized meeting.

Commissioner Igielski noted the following corrections:

- A. Top of Page 1---Date of meeting was 18 (19).
- B. Top of Page 2---Remark by Commissioner Igielski should read "Chairman Block (Commissioner Igielski) noted that it has been.....every five (5) years."
- C. Top of Page 6---Motion by Commissioner Igielski should read "Motion made by Commissioner Igielski that based on....and the motion was carried (failed)."

Motion made by Commissioner Igielski to accept the minutes as amended and was seconded by Alternate Paskewich. There was no discussion. Vote was 4 yes, 0 no and the motion was carried.

Regular meeting of January 17, 2012

Commissioner Clark noted the following corrections:

- A. Bottom of Page 9, ITEM VIII C---All references to “Evasive Plants” should read “Invasive Plants”.
- B. Top of Page 10---Remark by Commissioner Clark should read “Commissioner Clark noted that she reviewed...web site for the Connecticut Invasive (Evasive) Working (Work) Group) CIPWG...tape for mission statement).”
- C. Bottom of Page 12---Remark by Commissioner Clark should read “Commissioner Clark noted that she has a degree in Ecology (“Ecology”)....a substantial undertaking.”

Commissioner Igielski noted in the middle of Page 10 that motion by him should read “Motion made by Commissioner Igielski...Public Hearing held January 17, 2012 (2011) and closed on January 17, 2012 (2011)...and the motion was carried.”

Motion made by Commissioner Igielski to accept the minutes as amended and was seconded by Alternate Paskewich. There was no discussion. Vote was 4 yes, 0 no and the motion was carried.

ITEM IV PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

Ms. Rose Lyons, 46 Elton Drive entered the following remarks into the record
:

- A. Members of the public in the audience cannot hear what Commission members are saying. They should speak up or use a microphone.
- B. There is no dialogue between the Commission and the public. Why can't the public speak at a meeting on agenda items?
- C. She questioned why the shore area around Mill Pond was cleaned and was told to keep the geese out and to allow fishing. There should be a co-ordination of effort. Town has accountability just as residents.

ITEM VA Application 2012-03, 167 Brookside Road

Mr. Chris Greenlaw, Town Engineer after handing out a photograph entered the following remarks into the record:

- A. A complaint was received from the Zoning Enforcement Officer.
- B. It was determined that fill material placed in the rear yard area was in a regulated area.

- C. The 100 year flood zone limits have to be shown (in the area under discussion).
- D. There is an existing pool (in the area under review).
- E. The activities under review have occurred in the wetland and upland review area.
- F. Activities under review include replacement of the patio around the pool, removal of an existing wall outside of the house and the regarding of the rear yard following the placement of excavated (and trucked in fill) materials.
- G. The regarding operation took place within the wetland and upland review area (per the Town Map).
- H. E-mails were received from DEEP and NCRS alerting the Town of the work being done.

Mr. Robert Lucas, the property owner said he could not recall how much fill material was placed. He noted that pavers were installed, a new wall was installed and the area was regraded.

Mr. Lucas noted that a silt fence has been installed.

Alternate Paskewich asked what is the height of the fill material? Mr. Brian Fairclogh, Masterscape of Ct, LLC responded approximately eight (8) feet. He also noted that there is no evidence of (soil) erosion.

Vice-Chairman Zelek asked the following questions:

- A. Was material placed beyond the existing slope limits? Mr. Fairclogh responded some of the material was placed beyond the existing limits.
- B. Where are the limits of the wetlands? Mr. Greenlaw referring to a sketch depicted the limits of the wetland.
- C. Where did the limits of the wetlands come from? Mr. Greenlaw responded per the Town Map.
- D. Where did the fill material come from? Mr. Fairclogh responded most of the fill is site material emanating from the site work.
- E. What is the limit of the fill material from the existing top of slope? Mr. Fairclogh responded 3 to 5 feet from the top of the existing bank.
- F. What additional work is being proposed? Mr. Lucas responded clean up the area, put up a fence around the pool, landscape the area and install a shed.

G. Referring to the photograph, he asked if there was an existing pipe at the toe of slope?
Mr. Fairclogh responded yes.

Commissioner Igielski asked if the shed could be located in the upland review area? Mr. Fairclogh responded that he could make it work if needed.

Commissioner Igielski noted that the Commission has to weigh the disturbance (placement of fill material in a wetland) and whether the material should be removed and the wetland returned back to its natural state. He noted that the replacement of the existing patio was done because there was a safety concern and was a contributing cause of the disturbance.

Mr. Fairclogh noted that an access path would be provided from the yard down to the lower level. He also noted the access was previously available.

Commissioner Clark asked if fill material was brought in? Mr. Fairclogh responded yes.

Vice-Chairman Zelek asked how much material was brought in? Mr. Fairclogh responded 40% to 50%.

Vice-Chairman Zelek said that in his opinion, all material should be removed and the area returned back to its original condition.

Alternate Paskewich asked if there were invoices for the fill material brought in? Mr. Fairclogh responded yes and will provide a number.

Commissioner Igielski asked when was the house built and the pool put in? Mr. Lucas responded the house was built in 1962 and the pool was installed in 1985.

Commissioner Igielski noted that the Commission must weigh the responsibility to restore the wetland versus the improvements made to maintain the quality of life.

Commissioner Igielski noted it would help if all the information could be shown on one plan along with wetland limits and upland review area. There was a general discussion (listen to audio tape for details of the discussion).

Mr. Greenlaw noted the Commission can disapprove (the application) and restore the wetland or issue a permit with conditions. There was a general discussion (listen to audio tape for details of the discussion).

Alternate Paskewick suggested that the Commission should wait for the report from the Zoning Enforcement Officer.

Mr. Greenlaw said that he would forward the report as soon as it became available.

Motion made by Commissioner Igielski to carry the item over to the March meeting and was seconded by Alternate Paskewich. There was no discussion. Vote was 4 yes, 0 no and the motion was carried.

ITEM VB

Application 2012-04, 105 Day Street

Mr. Greenlaw noted a complaint was received that construction work had been done in a regulated area. He passed out a photograph and reviewed the activity for which an application has been submitted.

Mr. Robert Hurd, Architect, 56 Arbor Street, Hartford and representing the applicant, Hartford Printing Company, entered the following remarks into the record:

- A. The proposal is to relocate the business from Hartford to the subject property in Newington
- B. A compactor pad has been installed as shown in the photograph.
- C. He is presently doing a building code study.
- D. Construction of a new exit door from the building and stairway at the northeast corner of the building (recommended in building code study).
- E. Remove existing pavement surface in the area shown in the photograph and replace it with a new bituminous concrete surface.
- F. The property is two (2) acres in size of which 1.3 acres is wetland and upland review (per the Town Map)
- G. Most of the existing pavement lies within the regulated areas (per the Town Map).
- H. The construction of the concrete pad resulted in an impact of 60 square feet of regulated area.
- I. The construction of the proposed stair way would result in an impact of 30 square feet of regulated area.

Alternate Paskewich asked if the new pavement would be at the same grade as the existing pavement? Mr. Hurd responded yes.

Commissioner Igielski said the recycling of an existing building is in the best interest of the Town. He sees no problem with the proposed scope of work. It is compatible with the Regulations and would result in minimal impact.

Vice-Chairman Zelek said that he agreed with Commissioner Igielski's assessment.

Motion made by Commissioner Igielski to carry the item over to the March meeting and was seconded by Alternate Paskewich. There was no discussion. Vote was 4 yes, 0 no and the motion was carried.

ITEM VC

Application 2012-05, Colonial Manor Condos, 1457-1473 Willard Avenue

Mr. Greenlaw entered the following remarks into the record:

- A. The site is encompassed by wetlands and upland review areas.
- B. A number of complaints were received by letter and telephone after the October snow storm. A contractor had removed a tree and debris from a watercourse.
- C. Once the contractor was made aware of the situation, he took steps to remediate the areas and came in to see what had to be done.

Mr. Michael Voisine, MV and Sons (landscaping contractor) entered the following remarks into the record:

- A. A tree, 2 to 3 feet in diameter, had fallen across the watercourse and was causing a back up of water. The tree has been removed along with brush. A silt fence has been installed. Remaining work would be done in the Spring of (2012).
- B. Three (3) additional large oak trees still have to be removed (listen to audio tape for location).
- C. Operation 2---Weed area along drive way marked by “xxx” as shown on the plan. Weeds would be removed and replaced with mulch.
- D. Operation 3---Clean remaining 360 feet of watercourse. Scope of work would include the removal of sticks and other debris. This work could have a positive effect in reducing basement flooding (high water table in area).

Mr. Greenlaw said that he sat down with Chairman Block, who noted twenty (20) years ago, he had made a request to have the watercourse cleaned.

Mr. Voisine noted that all work in the watercourse would be done by hand. All trees would be taken down in pieces using a man lift.

Commissioner Igielski asked Mr. Voisine if his company had a Connecticut Licensed Arborist on staff? Mr. Voisine responded no.

Motion made by Commissioner Igielski to carry the item over to the March meeting and was seconded by Alternate Paskewich. There was no discussion. Vote was 4 yes, 0 no and the motion was carried.

ITEM VI A

Application 2012-01, 4 Mountain View Drive

Mr. Greenlaw noted that the application was for the replacement of a short section of sanitary sewer lateral line to correct a health hazard at 4 Mountain View Drive.

Vice-Chairman Zelek asked if the application was complete? Mr. Greenlaw responded yes.

Commissioner Igielski noted that 4 votes are required to issue a permit. It means that all members present would have would vote in the Affirmative to approve a permit. The applicant does have the option to seek an extension to the March meeting when more Commission members might be present. The applicant requested that the Commission vote tonight.

Motion made by Commissioner Igielski that based on the information before it, the Commission make a finding of fact that a public hearing is not necessary for Application 2012-01 because the proposed activities would not have a major impact or significant effect on the regulated areas. Motion seconded by Commissioner Clark. There was no discussion. Vote was 4 yes, 0 no and the motion was carried.

Mr. Greenlaw noted a copy of the suggested conditions was included in the agenda package.

There was a general discussion and review of the conditions among Commission members.

Motion made by Commissioner Igielski to grant a permit by Summary Ruling for Application 2012-01 and subject to conditions noted in the record (audio tape) or "Official Notification of Action". Motion was seconded by Commissioner Clark. There was no discussion. Vote was 4 yes, 0 no and the motion was carried.

ITEM VI B

Application 2012-02, CDM-MDC, Various Town Wide Locations

Vice-Chairman Zelek asked if the application was complete? Mr. Greenlaw responded yes.

Commissioner Igielski noted that 4 votes are required to issue a permit. It means that all members present would have would vote in the Affirmative to approve a permit. The applicant does have the option to seek an extension to the March meeting when more Commission members might be present. The applicant requested that the Commission vote tonight.

Motion made by Commissioner Igielski that based on the information before it, the Commission make a finding of fact that a public hearing is not necessary for Application 2012-02 because the proposed activities would not have a major impact or significant effect on the regulated areas. Motion seconded by Alternate Paskewich. There was no discussion. Vote was 4 yes, 0 no and the motion was carried.

Mr. Greenlaw noted a copy of the suggested conditions was included in the agenda package.

There was a general discussion and review of the conditions among Commission members.

Mr. Michael Mancini, Director of Engineering, for the MDC and co-applicant requested that in the Special Condition the term “temporary easement” be replaced by the terminology “rights of temporary access”

Commission members agreed to the request.

Motion made by Commissioner Igielski to grant a permit by Summary Ruling for Application 2012-02 and subject to conditions noted in the record (audio tape) or “Official Notification of Action”. Motion was seconded by Commissioner Clark. There was no discussion. Vote was 4 yes, 0 no and the motion was carried.

ITEM VI C

Chairman Block-New Initiative (Invasive Plants)

Commissioner Clark noted that she was in contact with Ms. Donna Ellis, Chair-person of the Connecticut Invasive Plant Working Group (CIPWG). Ms. Ellis said that she would be available as a speaker to discuss invasive plants.

Alternate Paskewich said it would be a good idea to bring in a speaker for a presentation on the subject matter.

Vice- Chairman Zelek asked if the presentation would be made at a regular or special meeting.

Recording Secretary Peter Arbur suggested that the Commission consider utilizing a first Tuesday of the month that is currently reserved for a special meeting or workshop

Commissioner Igielski suggested that the Commission consider the months of April, May and June for the presentation.

It was the consensus of Commission members to move forward with Commissioner Igielski’s suggestion.

Alternate Paskewich noted that he was in contact with Mr. Greg Bugbee, Department of Environmental Services of the Connecticut Agricultural Experimental Station. Mr. Bugbee indicated that his Agency is available to do an evaluation of individual aquatic sites within the municipality. He commented an application for an individual site.

There was a discussion among Commission members on why the Town was not in the Agency’s data base.

Mr. Greenlaw noted that Mr. Paskewich's contact would address aquatic sites and Ms. Clark's contact would address land sites.

There was a general discussion by Commission members on working with landscapers and/or nurseries in developing a list of non-desirable plant for general use and/or part of the application process (listen to audio tape for details of the discussion).

There was a general discussion among Commission members relative to the jurisdiction of the Commission on Best Management Practices (BMP) where a tree is cut down within a regulated area and how does a property owner know when to review a situation with a Town Official (listen to audio tape for details of the discussion).

It was the consensus of Commission members to carry the item over to the March meeting.

ITEM VII
PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

Ms. Rose Lyons, 46 Elton Drive noted that she has attended a number of Commission meetings and expressed the following concerns:

- A. Who follows up to see that the conditions and/or stipulations (contained in an approved permit) are implemented in the field?
- B. (On occasion), areas have been disturbed and/or work is done in regulated area and the party is not aware of the need for a permit. How can this matter be addressed?

ITEM VIII
COMMUNICATIONS AND REPORTS

There was a general discussion among Commission members on how to raise the awareness on the existence of regulated areas on how to address the need for the property owner (or its agent) to check with (the appropriate) Town Official(s) (listen to audio tape for details of discussion).

Motion made by Commissioner Igielski to adjourn meeting at 9:45 p.m. and was seconded by Alternate Paskewich. There was no discussion. Vote was 4 yes, 0 no and motion was carried.

Peter M. Arburr, Recording Secretary

Commission Members
Tayna Lane, Town Clerk
Town Manager John Salamone
Edmund Meehan, Town Planner
Councilor Myra Cohen
Chairperson, Town Plan and Zoning

Peter Borman, Esquire, Town Attorney
Chris Greenlaw, Town Engineer
Lucy Robbins Wells Library (2)

