

CONSERVATION COMMISSION

REGULAR MEETING MAY 15, 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.

Chairman Block called the roll call at 7:00 p.m. and noted Commissioners Andreas, Clark, Igielski, Shapiro and Zelek were present. Also present was Alternate Paskewich..

NOTE: Chairman Block designated that Alternate Paskewich would vote for the vacant position.

ITEM III

ACCEPTANCE OF MINUTES

Regular Meeting of March 20, 2012

Commissioner Igielski noted the following corrections:

- A. Middle of Page 1---Remark by Recording Secretary Arburr should read “Recording (Recoding) Secretary Arburr....be added to the motion.”
- B. Middle of Page 5---Remark by Mr. Michael Mancini should read “Mr. Michael Mancini, Director of Engineering....noted the presence of (and) Mr. Dwight R. Dunk....to answer any questions.”

Chairman Block noted on the Top of Page 3---Remark by Chairman Block should read “Chairman Block (Blocked)....in the (Commission)? Mr. Greenlaw responded that it would be done.”

Commissioner Shapiro noted on the Top of Page 3---Remark by Chairman Block should read “Chairman Block (Blocked)....in the (Commission)(?). Mr. Greenlaw responded that it would be done.”

Motion made by Commissioner Igielski to accept the minutes as amended and was seconded by Commissioner Shapiro. There was no discussion. Vote was 6 yes, 0 no, (1) abstention (Shapiro) and the motion was carried.

Note: Mr. Chris Greenlaw, Town Engineer, arrived at 7: 05 p.m.

ITEM IV
PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

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

- A. The May 1st presentation on “Invasive Plants” by Ms. Donna Ellis was very informative in nature. She would have liked to have seen representatives from the Town of Newington’s Departments of “Buildings and Grounds and Parks and Recreation” at the workshop.
- B. New applications appearing on the “Commission’s Agenda” are vague on what is being heard. An application should be more descriptive (on what is being proposed).
- C. “Town of Newington’s “Blight Ordinance” exempts its self and the State of Connecticut from the requirements of the ordinance. The Town is not doing its share to keep its properties clean.
- D. Recording Secretary Arburr is allowed to ask questions; whereas, the public can not.

Mr. Greenlaw noted that he was late because a family member was in the hospital today. He requested that the Commission take a break upon completion of new business so that he can secure information required for the remainder of the meeting.

ITEM VA
Application 2012-08, 60 Ivy Lane

Mr. Joseph Caracciolo, the applicant, entered the following remarks into the record:

- A. A request is being made to construct an above ground pool and 16 foot by 20 foot shed on stilts in the upland review area.
- B. The area where a 24 foot diameter by 52 inch in depth above ground pool would be installed on ground that would have been leveled off (cut and fill operation).
- C. A silt fence would be installed across the back of the property.
- D. Planking would be laid over the ground to protect the ground from rutting.
- E. Twelve (12) eight (8) inch sonotubes would be installed for the proposed shed.

Chairman Block noted that no new decking is being shown around the pool.

Mr. Caracciolo responded that the existing deck would touch the pool.

Chairman block noted that most people construct a new section of decking conforming to the shape of the pool in the entrance area to the pool.

Alternate Paskewich asked where the entrance to the pool would be? Mr. Caracciolo responded where the ladder would be placed.

Mr. Greenlaw suggested that the applicant show on the plan a possible future deck expansion around a portion of the pool.

Chairman Block asked if fencing would be installed around the pool? Mr. Caracciolo responded yes and would meet all Town codes.

Mr. Greenlaw suggested that any additions be made to the plan between now and next month's meeting.

Commissioner Igielski said that this would be the right approach to follow.

Commissioner Igielski noted that that the pool and shed should be shown on the plan and to scale.

Mr. Caracciolo said the changes would be made.

Mr. Greenlaw said the dimensions shown on the plan are correct.

Motion made by Commissioner Igielski to table the item over to the June meeting and was seconded by Alternate Paskewich. There was no discussion. Vote was 7 yes, 0 no and the motion was carried.

ITEM VB

Application 2012-09, 14 Francis Avenue

Ms. Adrienne Brown, the applicant, noted the presence of Mr. David Heckman, a tree expert who would assist her during her presentation.

Ms. Brown handed out the third page to the narrative that had been submitted with the application.

Mr. Greenlaw entered the following remarks into the record:

- A. The Conservation Commission relies on its staff, other Town agencies and the public to monitor activities within wetlands, watercourses and upland review areas.
- B. The applicant did work within a wetland to include soil alteration without a permit.
- C. The activity was brought to the attention of staff which issued a notice of violation to the property owner.

- D. He met with the property owner to review the violation and also took pictures of the impacted area.
- E. The whole property is in a wetland (per the Town Map).
- F. The primary activity (violation) was the cutting of trees in the vicinity of Piper Brook.

Mr. Greenlaw passed out photographs of the impacted areas.

Ms. Brown, the applicant, entered the following remarks into the record:

- A. She has been cleaning up the property since she purchased it in 1984.
- B. Work being addressed under the application includes getting rid of seven (7) species of invasive plants (listen to audio tape for the name of the removed plant species).

Mr. Heckman entered the following remarks into the record:

- A. The October (snow) storm was the culprit that initiated the work under discussion tonight.
- B. Two thirds (2/3) of the trees cut down were within the area shown on the plan in the vicinity of the brook. The sub-contractor who cut down the trees used equipment that did minimum damage (to the land).
- C. He noted that that many people walk their animals along the edge of the brook.
- D. He did not think the area (under discussion) was a wetland.
- E. He considered the existing conditions (at the time) to represent a safety and hazardous situation. In addition, he thought there was a potential for liability exposure.
- F. He said the Town was responsible for the maintenance of the area years ago.
- G. The damage to the trees from the storm required the work to be done in the field.

Chairman Block entered the following remarks into the record:

- A. The electric company has a right of way. The Town has no right of way.
- B. The laws of trespass, signs posted, govern.
- C. The applicant indicated that she wanted to do the work at the right time of the year.

Chairman Block asked the following questions:

- A. What was done with the cut down material? Mr. Heckman responded that it was chipped.
- B. What was done with the limbs and trunk? Mr. Heckman responded the wood that could be sold would be removed from the property.
- C. What is the plan for the area of the brook? Mr. Heckman responded none.

Chairman Block noted that it appears that work would come within ten (10) feet of the brook.

Mr. Greenlaw noted that it would be difficult to draw a plan dimensionally to reflect field conditions.

Mr. Greenlaw asked if any plantings would be installed? Ms. Brown responded yes, some esthetically pleasing plants.

Chairman Block noted that invasive plants come back faster than normal species.

Chairman Block requested that the applicant come back with a plan when the area is prepared.

Commissioner Clark suggested that the applicant consider contacting Ms. Donna Ellis for assistance.

Ms. Brown said she would.

Chairman Block asked if all of the trees have been cut down? Mr. Heckman responded no. There are some additional that need to be cut done.

Chairman Block noted that a narrative is needed because there is no plan for disposal of materials.

There was a general discussion on options and/or resources (on Town and State level) that may be available to the applicant in development of a plan for the work the applicant would like to do on the property. This plan would then be presented to the Conservation Commission for review (listen to audio tape for the details of the discussion).

Mr. Heckman said that he would be willing to meet with the Town Tree Warden, Chairman Block or other expert.

Mr. Greenlaw suggested that Ms. Donna Ellis could be a resource dealing with ground cover and seeding, The Commission could then review and comment on the recommendation(s) that have been included on a plan prepared by the applicant as part of the application. The plan should include Best Management Practices (BMP's) to keep any impacts to a minimum.

Commissioner Igielski asked Mr. Heckman if the sub-contractor doing the work had arborist on staff? Mr. Heckman responded yes

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

ITEM VC

Application 2012-09, 55 Shepard Drive

Mr. Peter Saxon, representing the applicant, Shepard Steel, entered the following remarks into the record:

- A. The proposal is to install a gate (on the east side of the watercourse) at the end of the parking lot at the location shown on the plan (opposite Shepard Drive). The purpose of the gate would be to limit unauthorized vehicles access into the property.
- B. The gate would be placed within the edge of the existing processed stone parking lot which lies within a regulated area.
- C. The gate construction would include the installation of two (2) bollards and gate. The work is estimated to take two (2) days to complete.
- D. Sediment and erosion control would be installed per plan.

Mr. Greenlaw noted that the regulated area is a watercourse that traverses the property (from north to south direction). The work would be done within a low grade wetland.

Commissioner Igielski asked when was the processed stone parking area installed? Mr. Saxon responded the material was there in 1988. The building was constructed between 1950 and 1960.

Commissioner Igielski noted that it appears the stone parking lot was installed prior to the regulations.

Commissioner Igielski asked if the applicant had contacted the MDC about the location of the bollards and possible conflict with its sewer right of way? Mr. Saxon responded no.

Mr. Greenlaw suggested that an alternate plan be available in the event the proposed location of the installation is found to be in conflict with an MDC installation or permission is not granted from the MDC to work within its right of way.

Chairman Block noted the existence of a 72 inch culvert crossing south of the proposed installation and a possible alternate means of access into the parking lot.

Mr. Saxon noted that Lot 4 is vacant and wooded. There would be no means of access for a vehicle from the lot into the parking lot.

Commissioner Igielski noted the proposed activity may be within 500 feet of the West Hartford Town Line. If this is true, the applicant and the Town of Newington would have to notify the Town of West Hartford.

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

Commission went into recess at 8:15 p.m.

Commission came out of recess at 8:35 p.m.

ITEM VI A

Application 1012-03, 167 Brookside Road

Mr. Greenlaw noted that the applicant retained a consulting engineering firm to develop a plan. The plan that will be presented tonight includes input from three (3) professionals (land surveyor, engineer and landscape architect). The Town also provided input in the development of the plan that will be presented tonight.

Mr. Corey Garrow, Close, Jensen & Miller Consulting Engineers, Wethersfield, CT and representing the applicant entered the following remarks into the record:

- A. The issue before the Commission is the placement of fill material within a regulated (wetland) area.
- B. He noted the property slopes from west to east and reviewed the characteristics of the lot (topography and plants). Listen to audio tape for details of his remarks.
- C. He noted that per the Town (Wetland) Map, the wetland limit line runs through the center of the property. The map has not been changed.
- D. He visited the site to review the existing field conditions to include the filling operation, the pool and associated improvements.
- E. A survey crew took elevations of existing field conditions which were then compared to a MDC topographic map which reflected condition before the placement of fill material was done.
- F. The survey crew took a section (line "AA") through the middle of the property. The line shows the existing grade, the pool and new fill limits.
- G. It was determined that fill material had been placed within the FEMA Flood Plain.

- H. It was determined that the Town wetland line is on the west side of the pool.
- I. The available options would be to leave the existing field conditions in place or remove the fill material. The filling operation affected some of the existing trees.
- J. The proposal is to remove the fill material and re-establish the old slope line.
- K. Thirty (30) native plants (listen to audio tape for a description of the five [5] type of plants). The plants would grow to four (4) to six (6) feet in height and breadth.
- L. It is a better as well as a functional plan.

Commissioner Igielski noted that the proposed shed is not shown on the plan.

Mr. Greenlaw entered the following remarks into the record:

- A. The consultant's plan reflects a review and recommendations relative to the filling operation.
- B. The consultant was not tasked to show other activities.
- C. The Consultant has produced a remediation plan with long term benefits.

Chairman Block asked the applicant if it was his intention to include the shed as part of a permit? Mr. Travis Lucas, the applicant, responded yes unless it would hold up the approval (of a permit).

Chairman Block suggested that it be added to the other plan (plan submitted with application). Mr. Lucas responded yes.

Commissioner Igielski noted that no plan shows the shed outside of the wetland boundary limit. The applicant agreed to the location at a previous meeting. The final plan would have to show the (proposed) shed outside of the wetland boundary limit.

Commissioner Zelek complemented the consultant on the plan presented tonight.

Chairman Block asked if the application was complete? Mr. Greenlaw responded yes.

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 2012-03 because the proposed activities would not have a major impact or significant effect on the regulated areas. Motion seconded by Commissioner Shapiro. There was no discussion. Vote was 7 yes, 0 no and the motion was carried.

Mr. Greenlaw handed out a list of suggested conditions for review and comment by Commission members.

There was a general discussion and review of the conditions among Commission members. The discussion resulted in several additions and modifications (listen to audio tape for details of the discussion).

Motion made by Commissioner Igielski to grant a permit by Summary Ruling for Application 2012-03 and subject to conditions noted in the record (audio tape) or “Official Notification of Action”. Motion was seconded by Alternate Paskewich. There was no discussion. Vote was 7 yes, 0 no and the motion was carried.

ITEM VI B

Application 2012-07, 215 Lowery Place-Northwood Apartments

Mr. Greenlaw noted that the applicant is not present. He entered into the record a letter from the applicant requesting an extension.

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

ITEM VI C

Chairman Block-New Initiative (Invasive Plants)

Chairman Block noted for the record the good turn out at the workshop on May 1st on “Invasive Plants” that was moderated by Ms. Donna Ellis.

Commissioner Clark suggested that the Commission consider the continuation of a public education program in the fall. She would come up with a recommendation for the fall and would contact Ms. Donna Ellis.

Chairman Block suggested that Commissioner Clark chair a future program. He also recommended that Commission members contact Mr. Greenlaw on any future feed back on the matter.

ITEM VII

PUBLIC PARTICIPATION ON NON-AGENDA ITEM

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

- A. It seems that many new applications are the result of complaints to the Town. Maybe, the Town should give consideration to holding a program for residents to make them aware of their responsibility on wetland and zoning issues.
- B. Should invasive plants be allowed to be dumped at the Town land fill?
- C. People and Town are trying to keep up the areas where work was done on the (Mill and Piper Brooks) flood control projects.

ITEM VIII

COMMUNICATIONS AND REPORTS

Mr. Greenlaw noted that it is time for the two (2) Commission members to sign up for the second session of DEEP's annual training program for Commission members.

Mr. Greenlaw noted that clear cutting of trees was taking place along State roads to include Willard Avenue in Newington over the past few weeks. The purpose of the work was to reduce the state's potential exposure of a law suit emanating from a fallen tree. However, due to complaints from the public, the State has stopped work on the project.

Chairman Block expressed his concern on the number of contractors performing work in Town within a wetland, watercourse and upland review area (regulated areas) without a permit. He was of the opinion that the Town should be able to penalize a contractor doing work within a regulated area without a permit. He asked Mr. Greenlaw to check the Town Ordinances and if needed meet with the Town Attorney to see if there was anything on the books that might address this matter. In addition, there was a discussion on the need to educate the public (property owner) on its responsibilities in this matter. Commissioner Clark said that she would check with local newspapers to see if there was any interest in writing an article on the responsibility of the property owner to check for a possible wetland and/or zoning violation before initiation work on a project. There was an extensive discussion among Commission members (Listen to audio tape for the full discussion among Commission members). It was the consensus of Commission members to add the item to the June meeting agenda.

Motion made by Commissioner Igielski to adjourn meeting at 9:50 p.m. and was seconded by Commissioner Andreas. There was no discussion. Vote was 7 yes, 0 no and motion was carried.

Peter M. Arburr, Recording Secretary

Commission Members
Tayna Lane, Town Clerk
Town Manager, John Salamone
Town Planner
Councilor Myra Cohen
Councilor David Nagel

Chairperson, Town Plan and Zoning Commission.
Peter Borman, Esquire, Town Attorney
Chris Greenlaw, Town Engineer
Lucy Robbins Wells Library (2)