

TOWN OF NEWINGTON
CONSERVATION COMMISSION

Tuesday, May 19, 2015
Town Hall, Conference Room L-101
7:00 p.m.

*(*These minutes of the meeting held on May 19, 2015 are verbatim.)*

I. CALL TO ORDER

Vice-Chairman Block called this meeting to order at 7:01 p.m. in Room L-101 of the Newington Town Hall.

Good evening, my name is Phillip Block the Vice-Chairman, I am sitting in, Chairman Zelek is out of town today.

ROLL CALL

[roll call by Vice-Chairman Block] John Igielski, Secretary is here, as is Kathleen-Marie Clark, John Casasanta, Andreas Sadil, Ben Acona is absent, Alan Paskewich, will sit for Ben, Deborah Krawiec (Alternate) is here and Tim Manke (Alternate) is here. Our [recording] secretary is Susan Gibbon and Town Engineer, Chris Greenlaw is here.

Commissioner Clark: Does someone have to sit for Commissioner Zelek?

Vice-Chairman: Oh, that's right. Deborah.

Commissioner Krawiec: Thank you.

Commissioner Sadil: Does Commissioner Manke have voting power this evening?

Vice-Chairman Block: I don't think.

Commissioner Sadil: You said Commissioner Acona.

Vice-Chairman Block: No, I had Alan.

Commissioner Sadil: I'm just asking.

Commissioner Paskewich: Unless you want to split parties with the vote, it's up to you.

Commissioner Casasanta: [inaudible]

Vice-Chairman Block: If that is agreeable to the alternates.

Commissioner Manke: I have no problem, either way.

Commissioner Vice-Chairman Block: I can't tell from this.

Commissioner Krawiec: I think in all fairness it should be noted that Tim, Commissioner Manke should be seated at the next meeting so that we don't lose sight of it and make sure we alternate, you know so we don't, make sure that he has fair say at the next meeting.

Commissioner Clark: I agree. I also agree with Commissioner Sadil that if an opportunity presents itself to split amongst parties that would be, I would be good with that.

Vice-Chairman Block: Then I'll tell you what Deb, why don't you and Commissioner Manke flip a coin tonight.

Commissioner Manke: I yield to Commissioner Krawiec.

Vice-Chairman Block: Thank you. I apologize for not being more sensitive to that issue.

Commissioner Igielski: Mr. Chairman, could you please restate who is sitting in for which of the commissioners.

Vice Chairman Clark: Ok, Alan Paskewich is sitting in for Jeff Zelek and Deborah Krawiec is sitting in for Ben Ancona.

II. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

(EACH SPEAKER LIMITED TO 2 MINUTES)

Roy Zartarian, 25 Stewart Street. I will be very brief. I would like to invite Commission members to join me and Anita Schaefer, who is the wife of a former commissioner, when we lead the Newington Trails Day Walk on Cedar Mountain on Saturday, June 6 at, beginning at 7:00 am. It will be a bird and general nature type walk, with areas to which we have legitimate access. The description is in the Parks & Rec program brochure and in the state trails weekend pamphlet. There is no sign up, there is no cost. Just be there. 7:00 a.m., Saturday, June 6. We've gotten permission to park on Russell Road, so that won't be a problem. If you decide to come wear long pants and suitable footwear. Thank you.

Vice-Chairman Block: Thank you. Any one else? Seeing no one, we move on to the acceptance of minutes for the April 21 [meeting]. Any additions or corrections?

III. ACCEPTANCE OF MINUTES

A. Regular Meeting of April 21, 2015

Commissioner Clark: Let's see, I am trying to get to the minutes. I am trying to see which is Regular meeting of March 17, 2015, I am still trying to get Gail Budrejko's name spelled correctly. It is still not correct. At least under number 4, Acceptance of Minutes and the correct way to spell her last name is, at least its closer, "*Budrejko*", I can look that up and speak to the secretary after the meeting so that we totally, absolutely get it right this time. That is one on page 5, middle of the page, quote by Jessica Kruzcek Kruzcek, it says remediation water in general not just our site I suspect is correct instead of out site. On page 7, Commissioner Iglieski has a paragraph in the middle of the page and the very last word in that paragraph, I think the word should be "us" not "out". And several lines down under Chairman Zelek, it should probably say "our" not "out". And the last paragraph on that page, on page 7 again, there is a paragraph by Mr. Greenlaw, and I actually was not quite sure how to correct it because there are some not full sentences, "especially because of activities outside the regulated area would have an impact and ultimately wetlands", so I might need to bump that back to you see what you meant to say there. I don't know what, in other words, the sentence is pretty meaningless and I didn't know how to correct it. It just isn't right.

Green Greenlaw: I will tell you that with regard to that application, the Secretary is going to make a statement that reaffirms that as far as regulated activity and as the agency rules, I don't want to speak for the Commissioner, but I believe there is going to be a statement, Mr. Secretary?

Commissioner Clark: And then we can go back and correct the minutes? After the statement is made? Do you see which sentence I mean?

Chris Greenlaw: It's, it is, it will be mute.

Commissioner Clark: Ok, I am happy with that. The paragraph is going to be mute. I will accept that. I think that is all the things that seem to make a difference.

Commission Vice-Chairman Block: Any one else?

Commissioner Sadil: I have a question, on the very last page, the adjourning; it is seconded by Commissioner Block. I believe you were absent at that meeting.

Vice-Chairman Block: Son of a gun, I am glad somebody noticed that.

Commissioner Sadil: I don't remember who that was, it may have been me, I really don't know. [Sentence should read, seconded by Commissioner Clark]

Vice-Chairman Block: I was here in spirit. Any other corrections or additions?

Chris Greenlaw: Mr. Chair, just give me a second, I want to, I just want to make sure that the whole paragraph is not going to be mute. I believe the point that was trying to be made here. Right, it reads, it stands as it reads. You as a Commission have jurisdiction and authority within the wetlands and upland review. Under definition of regulated activity, the secretary is going to read a comment later and what it is that it states, that is a short way of saying that you as an agency can have far reaching authority if the agency rules that there is a consideration that may impact whether it's an activity, whether it's chemical, whether it's a pollutant and Commissioner Igielski is going to make a comment to that regard tonight. But that is stated in the record. There is no physical activity that is proposed within the site plan application that falls within the wetland or upland review and I said it in a very abbreviated manner in the context of this paragraph. Because, third line, "because of the activities outside the regulated area would have an impact and ultimately the wetlands", that is a very abbreviated way of saying that this agency is going to rule that these proposed activities outside, you believe they may have an impact and that is why you have asked the applicant come in, so that does make sense.

Vice-Chairman Block: So in that line then, after impact you need impact upon ultimately the wetlands.

Commissioner Clark: Again, it is not really a sentence, so I think it needs, if it's that important, even if it's going to be mute.

Chris Greenlaw: It's not going to be mute.

Commissioner Clark: Ok, then I think it should be turned into a sentence with a subject, a verb and an object, or whatever those things are. How about, because, I know "because activities outside the regulated, loose "of", because activities outside the regulated area would have...

Vice-Chairman Block: An impact on the, cross out ultimately, the wetlands.

Commissioner Clark: Chris is the person who said it, so he should ultimately be the one to rewrite the sentence, but, because of activities outside the regulated area would have an impact...

Chris Greenlaw: It might be missing a word, upland review, and ultimately the wetlands.

Commissioner Clark: Ok.

Commissioner Paskewich: I have a question, would the minutes be more reflective than what is written here, what is on tape? If somebody went to the tape could they find exactly what you said?

Chris Greenlaw: Certainly, but I believe for all intent and purposes, the underlying point remains and if we want to expound on this, I am pointing directly to the reason the applicant is here, and it is page 4, it is regulated activity, they don't directly have an impact to the regulated area or the wetlands, so that was a very abbreviated way of stating for the record that the agency, you the commission, may rule that any other activity located within such upland review area or in any other non wetland or non watercourse area is likely to have an impact or effect on the wetlands or watercourse and is a regulated activity. You have made that determination, that is why there are here before our tonight. So I tried to say that is a very abbreviated fashion, but that is exactly what I am stating for the record.

Vice-Chairman Block: Can we resolve this by putting in parenthesis. See minutes of the meeting because the explanation he just gave is right on point. Is that agreeable?

Commissioner Sadil: Motion to accept the minutes form April 21, 2015 as amended.

Vice-Chairman Block: With the addition of a footnote.

Commissioner Sadil: With footnotes from the previous meeting.

Vice-Chairman Block; The subsequent meeting.

Commissioner Sadil: The subsequent meeting as to page 7 last paragraph.

Commissioner Bock: Second please.

Commissioner Paskewich: Second.

Vice-Chairman Block: All in favor. Unanimous vote.

IV. PUBLIC HEARING

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

Chris Greenlaw: Mr. Chairman, I have one thing to offer with regard to the Wetland Regulation Changes, with respect to L.I.D. The Town Planner and I have had discussions during the moratorium, again I just want to reiterate that we are looking to infuse our manual with more examples, methods, techniques and we are exploring how to infuse these better examples and whether we are going to reach out to a consultant, get funding, so on and so forth because we feel that is important, such that people that come in to develop plans for this Commission and TPZ we believe that they need better direction. Because this is a newer technology that was rolled out we believe that the manual needs, for a lack of a better say, more examples, better examples of what the intent and that is the long way of saying we are working on getting some better examples into our manual. That is all I have.

Vice-Chairman Block: So is the public hearing expired or carried over?

Chris Greenlaw: Carried over.

Vice-Chairman Block: Motion to carry over?

Commission Clark: I make a motion to carry over the public hearing on low impact development.

Vice-Chairman Block: Second please,

Commissioner Casasanta: Second.

Vice-Chairman Block: All in favor. Unanimous vote.

V. NEW BUSINESS

A. None

VI. OLD BUSINESS

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

Chris Greenlaw: I have nothing to add Mr. Chair.

Vice-Chairman Block: So we are going to pass on that and leave it as old business again. Yes? John [Igielski] do we need a motion?

Commissioner Igielski: In my opinion no.

B. Application 2015-07, 475 Willard Avenue – Water treatment system discharge into Piper Brook.

Vice-Chairman Block: So the applicant is here, please give your name and address for the record.

Zoe Beltcher: Beltcher, our corporate address?

Vice-Chairman Block: That will do.

Zoe Beltcher: I am with HRP Associates, our corporate address is 197 Scott Swamp Road, in Farmington, CT.

I am Jessica Kruzcek with HRP Associates, same address.

Chris Greenlaw: Mr. Chair, if I may for the benefit of the commissioners. The Chairman recognizing he was not going to be able to attend, we had a conference call with the Vice Chair in anticipation of you presiding for the meeting. During that meeting we had a discussion and the Chairman asked me to send you an email, I believe last night, and he wanted me to preface the 3 questions that we had asked, two of them are general considerations and if you were to answer them, which you did today, you expedited the answers, at least two of the questions aren't exactly germane to this topic, to the inland wetland purview, but they wanted to entertain your answers as advisory perhaps for TP&Z because we have a concurrent application for I believe a children's type of event or instillation on the property and there was a third question as well. For the benefit of all commissioners and the public, I have this that I can handout, or if you would like to read the questions and the answers and again I appreciate you getting back to us in very short order.

Zoe Beltcher: Well I have to admit that I didn't realize I needed to discuss those tonight so I didn't print that out so I can't read them. Can you just clarify one thing for me which was not clear in that email, this is a temporary event, they are not planning on doing a bouncy house recreational facility within the building, correct?

Vice-Chairman Block: Well, that is for you to tell us.

Zoe Beltcher: No, we don't have the application that was put in front of Planning & Zoning, this is not part of our application, this has nothing to do with our verge to the inland wetlands. This application that planning and zoning received, what, this temporary bouncy house they are talking about for children's event. Is this temporary as in they are just having a party and they are going to put the bouncy house outside or are they planning on doing something where they are building a bouncy house facility within the building? Those bouncy houses are temporary, they can be moved out, but I just need clarification on where this bouncy house is going.

Vice-Chairman Block: Excuse me, before he answers. I admit I was not party to last month's presentation, but do you own or have control of the property?

Zoe Beltcher: No, our client's do not own the property, we are former owners of the property and we are getting a letter for the commission giving us permission to approach you regarding this is. Our client owns the responsibility for any impasse or contamination that is on the site previous.

Vice-Chairman Block: So the owner is asking for us to resolve the issue so they can transfer the property to a new owner?

Zoe Beltcher: No, let me step back. So let me step back. This is a separate issue. So let's just, let me give you a quick summary of what we had come in with originally. So our client is the previous owner of the site.

Commissioner Casasanta: Not the current owner.

Zoe Beltcher: Not the current owner. Under the CT Transfer Act, when the property was transferred to the current owner, our client retained the responsibility for the contamination that was detected at the site. In this case it's a contaminant, it's a product called varsal which is a kerosene like solvent that was used at the site. They identified this product at the site and we constructed recovery wells and we have been recovering this product for a while. Now MDC, originally all of our oil water separators, so the oils, the solvent, are separated from the water that's pumped out of the ground. That is put in a holding tank and actually we have a company that comes and collects that material and takes it off for recycling or disposal. The water that was withdrawn from the site has been discharged to the sanitary sewer up until now. MDC has had some issues with all of this clean water going to their facility. They no longer want this water at their facility, so what they did was they implemented a charge to all parties that are discharging remediation waste water. So we contacted the DEC, sorry the DEEP to discuss what our options were and the DEEP is well aware of this charge from MDC and they have been directing most parties to switch their discharge from the sanitary sewer to the surface water body. So that is what we came in here with, just to explain the discharge and that we have put in an application for a permit, it is the general permit to discharge remediation waste water to the surface water body. Ultimately, the DEEP has authority to approve that permit, however, they would like the Town to concur that we what we can do this discharge. We are not doing any impact in terms of construction, in the wetland, we are going to reroute our discharge to an onsite catch basin that is currently receiving storm water runoff from the roof leaders on the building and discharge to a riprap channel that is already constructed. Part of the municipal water goes to that as well as the roof leaders from the site. So there is no transfer of the property currently, there is no, we are not going to be doing any construction within the wetland, we just need to reroute our discharge due to MDC's requirement.

Commissioner Paskewich: At which point in the streamline of this discharge is it monitored to be cleaned going to the catch basin.

Zoe Beltcher: Beltcher; So, we have it set up to monitor the water that comes in to our discharge system, we have several ports within the system to monitor it, and then we monitor what is coming out of the system. So we monitor all along the path and we will be monitoring before it even enters that channel that it's clean.

Commissioner Paskewich: What is the physical monitor, what is it?

Vice-Chairman Block: What this the schedule?

Zoe Beltcher: The physical monitoring we collect is a sample. And that sample goes to the lab analysis, we will be monitoring it, the frequency initially per the permit, we have to monitor upon discharge within the first 24 hours I believe. Do we have that written down?

Jessica Kruzcek : I don't remember.

Zoe Beltcher: I think it is the first 24 hours, the first day of discharge, every other day for the first two weeks, weekly for the next month and monthly thereafter. And we can go into, we did go into at the time the construction of the system and all the treatments that we have in place if you would like us to reiterate that we can.

Commissioner Paskewich: Is that a prescribed schedule set by DEEP?

Zoe Beltcher: Yes. It is within the permit.

Vice-Chairman Vice-Chairman Block: Any other questions?

Commissioner Sadil: How long is that monitoring? Is it eventually going to dissipate over time? The varsal level?

Zoe Beltcher: We are recovering it, but think of it like a straw. When you have a straw in a cup you are going to drink out of it and you are going to get a large amount initially, but then in the end you are sucking up to the last bit and that takes time. So I don't have a calculation on how long we think it will take us to recover all of the product that is in the ground, but it will be some time.

Commissioner Paskewich: I thought that I had read on the minutes, and tell me if it is accurate or not, I can't put my finger on it right now. 20 years, is that a figure that was in the minutes? With respect to this question.

Jessica Kruzcek: Well it is a pump and treat system and historically it is, as Zoe Beltcher: was explaining, you.....

Commissioner Paskewich: Here, here.

Vice-Chairman Block: Page 8, bottom of the page.

Commissioner Paskewich: Eight.

Vice-Chairman Block: Page 8.

Jessica Kruzcek: It is not unusual for that type of a system to run a long duration like that. Part of its use is not only just for recovery, but it is to maintain hydraulic control and just make sure that everything stays in a localized area, and so everything meets standards. Typically you can get concentration off that product of the ground just the separate phase oil and then over time it becomes just what ever residual in the ground water with a very low concentration. But if the concentrations are so low they can't continue to recover. It could be conceivably be 20 years, it could be less.

Vice-Chairman Block: Any other questions? Ok, obviously I, Chris. Ok, refresh again, the Chairman's instruction on all this.

Chris Greenlaw: Have we covered the

Zoe Beltcher: This item I haven't covered. This seems to be.

Chris Greenlaw: Before we go on to those questions, what I recommend is that we exhaust all of the questions of the commissioner as it pertains tot this site. You did have the plan with you, there was quite a bit of discussion, possible confusion from one of the commissioners as it pertains to the location of your improvement of the wetlands. When you point, if you would point to the the map and if you could also use direction, north, east, and south to describe your improvements, at they are and also generally described where the wetlands are and if you can

just walk us through some direction some well, orientate everyone to the receiving water body, the building, your improvements as well.

Jessica Kruzcek: Alright. So, this is the building that is in place on the site, currently a warehouse, the facility, they already had in place a system, we already have in place, you can see a series of monitoring wells and some recovery wells. There is two slightly off the map. But, these recovery wells, extract about upwards of 5 gallons per minute at any given time. They are on a float switch, so as the ground water table comes down it will turn off, when it comes back up it will turn back on. Right now, project and water, well product comes to this little shed here, water goes out to the sanitary sewer. What we propose to do, is to reroute the water that comes from the sanity sewer and bring it over to a treatment facility, to the north side of this parking lot, run it west along the edge of the parking lot, this is a grassy area, to the west and then go south and tie into an existing catch basin that currently receives storm water runoff from the roof leaders of the facility. This line here, to the left of the whole construction is the wetlands setback, this dashed line with the dots is the wetland boundary and this is Piper Brook here farthest to the west. So ultimately what would happen is the water would enter this catch basin, tie in and ultimately discharge to a headwall out to the existing riprap channel which is already within this wetland boundary and out to Piper Brook.

Commissioner Paskewich: I'm thinking that this is piping.

Jessica Kruzcek: This is just piping, this is a four inch, four inch pipe, pvc pipe it is going to tie in with the storm drain.

Commissioner Paskewich: Is it above ground?

Jessica Kruzcek & Zoe Beltcher: No.

Jessica Kruzcek: It will be below ground.

Commissioner Paskewich: Below ground

Zoe Beltcher: Below the frost line.

Commissioner Paskewich: Ok, so it is going to be dug down and protected.

Commissioner Sadil: Is the line though here, that comes up here.

Jessica Kruzcek: There? This is just a storm basin. We would monitor, well Zoe Beltcher: touched on it a little bit, but basically what's happened is when the water comes into the treatment facility we would have the ability to monitor the concentrations of the water coming in and there is separate phases of treatment as we go. There is sedimentation removal though a filter we could monitor after the filter, it would go through an air stripper which would run air through the water it would partition the contaminants out of the water and into the air phase. We have the ability tot test at that point. We can test between two carbons, we would have in a series before, mid and after and at any of those points we can check to see that we are in compliance. So there is a lot of redundancy within the system to make sure we are meeting out criteria. So ultimately, where we would need to be responsible for the permit right here. So, as it leaves the building we know that we are meeting our permit criteria.

Zoe Beltcher: We want to catch it long before it gets way down there, and just so that you understand we have a dual carbon system, so we have two. This is something that is very similar to other systems that we have, it is kind of the industry standard. You would sample in between and after, if we were to see any issues we typically see it in between. There is one carbon, the first carbon that the water goes through will have more impact than the second one will. The first one will do all the cleaning, the second one is kind of a polisher. So when we

detect something in between, then we call for our carbon change out. Long before it ever makes it though that second carbon. So that is our fail safe on that.

Vice-Chairman Block: Excuse me, when you were giving this presentation just now, I heard a lot of we could, we choose. What are you having in that treatment chain at the moment?

Jessica Kruzcek : No, those are just possibilities that we can check things at any point.

Vice-Chairman Block: Yeah, but what is the treatment train itself at this point.

Jessica Kruzcek : That is the treatment train.

Zoe Beltcher: The sampling by permit, we are required to sample the well water and the discharge water.

Vice-Chairman Block: I understand that, but the point is..

Zoe Beltcher: We will be sampling in between carbon, before carbon, in between and after.

Vice-Chairman Block: The sampling means to test the discharge water to make sure that it is not contaminated before a certain level. Before that, you have a process which I presume you are intending is going to separate out the polluted factor from the water.

Jessica Kruzcek /Zoe Beltcher: Yes

Vice-Chairman Block: What is the treatment that have gotten permit to do? Is it merely putting it through activated carbon?

Jessica Kruzcek /Zoe Beltcher: Yes.

Jessica Kruzcek : That was the whole system chain that I was describing. It is one complete system. So the water instead of going to sanitary sewer, is going to be diverted to this treatment building. It comes into the treatment building, it runs through filtration, it runs through...

Vice-Chairman Block: Activated carbon.

Jessica Kruzcek /Zoe Beltcher: No.

Zoe Beltcher: No, air stripper first.

Jessica Kruzcek : An air stripper, and honestly at that point it would probably meet standards for discharge. But to be protective, we are also putting it through two phases of carbon to make sure that there is absolutely no question.

Vice-Chairman Block: OK.

Jessica Kruzcek : When I said we could sample, we are only required by the permit to sample before and after because we are trying to show percent removal.

Vice-Chairman Block: Of course.

Jessica Kruzcek : But, we have all this little ports built in between because we want to check and see in between how well our system is running for our own efficiency sake, to see if we need to tweak it at this point.

Vice-Chairman Block: So at this point and time what are the sampling points that you have agreed to use? Is it merely the wait of the activated carbon before and after? Or is there a resistance caused by the accumulation of organics? What is the actual test data that is going to indicate that your system is overloaded?

Jessica Kruzcek ;: Oh, I see. I understand.

Zoe Beltcher: [in audible]

Jessica Kruzcek : Zoe Beltcher: mentioned the point between the two carbon would be the main check. So as it enters the first carbon it is treated, in between if there is a detection of any kind, we can switch it out and put a new carbon in.

Vice-Chairman Vice-Chairman Block: What is the detection technique?

Zoe Beltcher: We will collect a ground water sample, the ground water sample will go to the laboratory...

Vice-Chairman Block: Ok, so that's tested.

Jessica Kruzcek : It's a grab sample.

Zoe Beltcher: And then it will. It is an individual grab sample.

Vice-Chairman Block: OK, how often is that done?

Jessica Kruzcek ; It's just turning a valve and filling the bottle and sending it to the lab.

Vice-Chairman Block: Right, OK, how often is that going to be done initially?

Zoe Beltcher: That is the list that I mentioned to you. It is going to be sampled upon discharged, it's weekly. I'm sorry; hold on let me just get back to that page. And this is, again it is all prescribed in the permit. It is the first day of discharge, every other day for the first two weeks, weekly for the next month, monthly thereafter and that is all required by the DEEP.

Vice-Chairman Block: OK, and if and when you have an indication that the system is not separating what is the protocol? Please excuse me..

Zoe Beltcher: No, no that's fine.

Vice-Chairman Block: I wasn't there last time, and I haven't found this in the minutes. What happens that second day if you find that the treated material is passing through?

Zoe Beltcher: If there is, if, so the first step is if it is only passing through the first carbon but not the second, we are going to immediately call for a carbon change. These are large carbon units, not little small drums. If for some reason it were to pass through the second carbon the system would be shut down immediately. We would be notifying all the authorities that are a part of that process.

Vice-Chairman Block: At this point that is manual.

Zoe Beltcher: We have a, we have a control unit where we can actually shut that system down right from our site.

Vice-Chairman Block: Automatically or does it require manual intervention?

Zoe Beltcher: We would have to manually do it on the computer, we don't have to be physically at the site to do that. But no, there is no meter within system that will just trigger a shut down.

Vice-Chairman Block: Ok, Alan you have a questions.

Commissioner Paskewich: The carbon filters, if that is the correct definition, are they in that treatment facility there in the corner are they located inside of that?

Jessica Kruzcek /Zoe Beltcher: [inaudible discussion]

Commissioner Paskewich: And is that treatment facility a mobile facility on wheels?

Zoe Beltcher: No, it is, these are large. This is a larger system so we will have a building constructed to house the system.

Jessica Kruzcek : It will have secondary containment to address leakage, it will have alarms if there is a leak and it shuts down automatically to prevent a spill.

Commissioner Paskewich: Is that building very secure from vandalism?

Jessica Kruzcek : Yes.

Zoe Beltcher: There will be locks on it.

Jessica Kruzcek : It's a locked steel building.

Commissioner Paskewich: Because it's labeled, it says...

Zoe Beltcher: It typically won't because we don't to draw attention to it, so the current building onsite is not labeled as a treatment shed. It will be locked, but..

Jessica Kruzcek : It will look like a storage shed.

Zoe Beltcher: Yeah, it's a storage shed. You are not going to see pipes coming out of it. All the stuff that is going in will be under ground.

Jessica Kruzcek : It will just be on a concrete pad. It is either going to be cinderblock or steel depending on the type of [inaudible, papers moving]

Commissioner Krawiec: What is the distance exactly in that corner there? Can you see that? It looks very tight.

Jessica Kruzcek : Which one?

Commissioner Krawiec: That one there.

Jessica Kruzcek : Here?

Commissioner Krawiec: Yes.

Jessica Kruzcek : Um..

Commissioner Krawiec: What exactly?

Jessica Kruzcek : One inch equals 500 feet, so...

Commissioner Krawiec: It looks awfully tight.

Jessica Kruzcek : Probably about at least, I don't even know, but it ...

Zoe Beltcher: We will have those boundaries surveyed out before we ever do, we will not be doing any construction within the easement, not any encroachment. We won't go in it.

Jessica Kruzcek : This is draft designed in order to stream line down right to the catch basin. But if you prefer we stay further away, we could require.

Commissioner Krawiec: You have that much play within that corner to give room?

Zoe Beltcher: We can figure it out.

Jessica Kruzcek : Yes, I mean we could. The pipe has to get from here to here. We were trying to minimize how much within the parking lot, just because of all of the cuts and that sort of stuff.

Commissioner Krawiec: I know, but..

Zoe Beltcher: And disturbance to their process.

Commissioner Krawiec: Right.

Jessica Kruzcek : We don't want to interrupt their business.

Commissioner Krawiec: I know but that is awfully close.

Jessica Kruzcek : Well, I don't have physical, it is very large scale. It is one inch equals 500 feet, I don't have a ruler.

Commissioner Krawiec: But you do have some play with that.

Jessica Kruzcek : Yes.

Commissioner Krawiec: You can bring it in.

Jessica Kruzcek : Yes, oh yes, we can stop here and go down, but I can say that this as it is probably maybe 150 feet.

Commissioner Krawiec: I would like it if, personally, you moved it away from there as possible to protect...

Vice-Chairman Block: You are asking for two 45 degree angles instead of the 90 degree?

Chris Greenlaw: Mr. Chairman, if I may.

Commissioner Krawiec: Within reason.

Chris Greenlaw: Now, you are asking, you are requesting a pipe to be moved because of you are worried of the pipe failing or you believe the construction is too close to the upland review?

Commissioner Krawiec: I do.

Chris Greenlaw: Because currently the pipe is shown outside the upland review so there is no activity there and secondly if it did rupture, what they are demonstrating, I am not going to speak for them, is that if you did have a pipe failure that water at that point is treated and poses no hazard.

Commissioner Krawiec: Right, I understand that and they seem to very willing to and have some flexibility with that pipe, so ...

Zoe Beltcher: We do have some amount of flexibility, now when you are talking about changes angles of the pipe, we have to make sure that the flow is all...

Commissioner Krawiec: Right, I understand.

Zoe Beltcher: When you start adding 45's...

Commissioner Krawiec: I am not being specific, I am only asking for a little leeway.

Jessica Kruzcek : And if this, just so that we know.

Commissioner Paskewich: It seems very clustered.

Zoe Beltcher: You need to understand how far away from that boundary we need to be.

Commissioner Krawiec: Right.

Jessica Kruzcek : And just so you are aware, the reason, I believe, right now with the or not, but essentially it is brought out this far because there is a water line already here and we are trying to keep to their best design. It is as simple as that. But this dotted line is still silk vesting, that is not the trench on anything to that effect.

Commissioner Krawiec: OK.

Jessica Kruzcek : So really were are talking about 4 inch pipe.

Zoe Beltcher: It is just going to be.

Jessica Kruzcek : Is it not a big disturbance to dig in the dirt.

Commissioner Krawiec: I appreciate the possibility and any consideration you can give that.

Vice-Chairman Block: So are there any questions?

Chairman Sadil: We talked flow? How much flow are we talking, ok, if there wasn't a sanitary system there going to the brook, how much of a flow are we talking volume wise? Is it when it rains we get a little more? If it's dry we get nothing? Is it close to that?

Jessica Kruzcek : It is a little independent of the weather. It is just the ground water table. So you have four recovery wells that operate for the switch.

Commissioner Sadil: You mentioned that.

Zoe Beltcher: We have done hydraulic calculations and it is very negligible compared to your normal storm water system.

Jessica Kruzcek : It doesn't even model.

Chris Greenlaw: Mr. Chairman, if I may, page 8 top of the page, it was previously discussed and it is explicitly describes how much water they can get.

Commissioner Sadil: 24 to 28 cubic feet per second. That's a lot of water, 24 to 28 cubic feet per second.

Vice-Chairman Block: Not, that is what they are designing for.

Jessica Kruzcek : No.

Zoe Beltcher: No, it's what.

Jessica Kruzcek : It is .06 cubic feet, .06. It will be approximately 20 gallons per minute to maximum, if it operates on its own and the maximum flow potential is 5 gallons.

Commissioner Sadil: So you are very well overdesigned.

Jessica Kruzcek : Yes.

Commissioner Sadil: No question about it, but logically speaking, what is the real flow going to be?

Jessica Kruzcek : Anywhere from zero to 20 gallons per minute.

Commissioner Sadil: It could be that much?

Jessica Kruzcek : It could be that much, but it is intermittent because it just depends which pump is on and off at the time.

Zoe Beltcher: We have, so the way the system is designed, these pumps don't, they don't pump continuously. We had a certain level that we like to keep the ground water at to maintain the most contaminant removal, and so if the ground water level rises we turn the pumps on, if it lowers the pumps get turned off and they just, they try to maintain that level. So that is what she is talking about, that is kind of, it's hard to tell you other than a maximum of 20 gallons.

Vice-Chairman Block: Excuse [me] for having this the last question, I haven't been able find it in the minutes. The bores that these wells take, how deep are they?

Zoe Beltcher: They are not that deep, I don't know, I don't have the exact construction of [the wells].

Jessica Kruzcek : I believe the deepest one is 45, but it might be 20 to 45 depending on which one it is.

Vice-Chairman Block: 20 to 45 feet? Deep? And is it what a 12 inch well? 6 inch?

Zoe Beltcher: These are, I want to say they are probably 6 inch at maximum.

Vice-Chairman Block: OK.

Zoe Beltcher: Probably more like..

Vice-Chairman Block: OK, and the pollutant level is how deep?

Zoe Beltcher: It varies. We are talking about from some flow in the ground water. Do you remember? Some of the wells are dry rock...

Jessica Kruzcek : Bedrock.

Zoe Beltcher: They are all bedrock, sorry, it's been a long day.

Jessica Kruzcek : All of the wells are bedrock.

Zoe Beltcher: Bedrock. So when you are timing bedrock flow, I mean its, it can be a varying depth with the fracture system.

Vice-Chairman Block: OK, so the, so you are talking about an average of 30 foot depth of the bore that is 8 inches, that is not a huge amount of gallons.

Jessica Kruzcek : Right, it might

Vice-Chairman Block: Depending upon the velocity of the soils, and so on, so the question as to the pump rate is really going to be dependent really upon the flow switch and the, how frequently the bore fills.

Jessica Kruzcek : Exactly.

Commissioner Sadil: And the only question, again being my question, could be that much flow was impact to the brook, could we flood the brook? You know, what is happening doesn't seem ...

Zoe Beltcher: No.

Jessica Kruzcek : We actually are in design well below the discharge limit, well below the levels.

Commissioner Paskewich: What about the hole size?

Zoe Beltcher: No, they are so low that we actually have trouble modeling. The modeling software is really needed for a larger amount of flow and it's so negligible that you can't even really see it within the software.

Jessica Kruzcek : I know it sounds like a lot.

Vice-Chairman Block: Kathleen.

Commissioner Clark: I was at the TPZ meeting where the related application was brought forth, so I am going to speak to the, I just want to bring up the more lay persons view of this

and I think was the Chairman, Mr. Zelek, to get concerned was that the application involved a use that I think with us sitting here we just did not envision, we are thinking of it as an industrial site only which is mostly brought before us, but the actual business is again, the applicant's should make the clearer than me, but my impression is that bounce house activities within the building, but our concerns was where's the varsal out, are kids going to roll in the lawn? So I am just speaking as a parent shall I say, are kids going to roll in the lawn is there a risk to them. I think I am cutting to the chase here, please correct me if I a wrong.

Chris Greenlaw: It is a good question. We were going to exhaust all the other questions with the permit, but since you brought it up I think now we you can point to those questions that the Chairman had. I understand we do have the applicants for the bounce house and I was able to confirm that this is actually going to be an activity inside the building. That was confirmed. Number two, you then asked the question as far if there are children or any people that could be in, on the site, and I believe we asked the question quite specifically to varsal and whether or not varsal could migrate to the surface, and I believe that is what we are looking for. The interface between human activity and this varsal. So if you would like to entertain that I believe you have prepared answers for these.

Zoe Beltcher: Yes. So the first, do you want me to read the question that was in the email to us?

Commissioner Casasanta: Yes, please.

Zoe Beltcher: So the first question that was posed, "can varsal migrate to the surface and present a hazard to the public, i.e. employees, children, etc.?" We don't anticipate that the varsal could migrate upwards, typically this is going to migrate down without any disturbance to the soil. If construction were to occur and they dig in the ground, they may encounter varsal at 7 feet below the surface, but there is no direct exposure issues right at the surface that we are aware of. The second question that was posed, "are they any other pollutants on site that present a health hazard as it relates to the proposed children's event?" We can't speak to anything current at the site, we are only responsible for historic releases, so as it posses, if the activities are within the building we haven't done investigation within the entire building, only where the varsal pit was, so I would need to know where these activities are being proposed within the building. I really can't speak to that without an investigation being done within the building. There, this is volatile compound, if the activities are done within the area of the varsal pit, we would have to do an investigation to determine the hazards to children. Children's activities typical fall under residential standards, this is a commercial building. In the future we were under the assumption that we would be able to go in for an industrial/commercial standard, if we have to therefore like a residential standards, then I have to read the regulations on if this activity falls within that, we would have to do an investigation to determine that. I can't you know, originally we were all in my office thinking about this bouncy house outside, if the bouncy house were outside, the historic activities would not be in effect outside. I can't speak to anything that has happened on the site since we, the current owner has taken.

Chris Greenlaw: Mr. Chairman, if I may. That is why I want to reiterate that this is of advisory, because you could probably explain, you are here for a specific reason as it pertains to this application. Also, you can probably tell the commissioners that you were hired specifically, they currently have the DEEP permit, do they not to discharge to the sanitary sewer?

Zoe Beltcher: They do.

Chris Greenlaw: And that is an ongoing, existing condition.

Zoe Beltcher: It is.

Chris Greenlaw: So this site was evaluated by DEEP and this particulate leachate, is that the right word?

Zoe Beltcher: It's really a product.

Chris Greenlaw: A product.

Zoe Beltcher: It's a solvent in the ground.

Chris Greenlaw: Right and it was identified and you were hired specifically, if I understand this correctly, to evaluate the system that they have currently by treating this water discharging to the sanitary sewer and what they have asked of you is to come up with a system such that you can treat it and discharge it to the surface water. You concurrently have as part of the progressive method of moving forward, you need to have a sign off, ultimately, or an acknowledgement by the town and then you will move forward with the DEEP permit.

Zoe Beltcher: Correct.

Chris Greenlaw: There is a letter from the DEEP in the packet as it pertains to this application.

Zoe Beltcher: Right, yes, the DEEP is aware of our system. We sent in a preliminary permit, they have determined that we have overcompensated on our treatment, but our understanding that we are trying to be very protective of human health and the environment so therefore we were going to build a larger system than necessary and they agreed that they would approve this discharge.

Vice-Chairman Block: Ok.

Commissioner Krawiec: I have a question.

Vice-Chairman Block: [me] First, then you can. Varsal is an organic solvent, I believe.

Zoe Beltcher: It is a kerosene based, it is a kerosene like petroleum solvent.

Vice-Chairman Block: And you are telling me, because again I wasn't here for the last meeting, that this was among other things a spillage issue inside the building that was collected and pumped out.

Zoe Beltcher: They had a pit within the building where this product was used, so the release happened somewhere within that pit.

Vice-Chairman Block: I see. And you and your charge have not had anything to do with the conditions as they presently exist within the building.

Zoe Beltcher: No, we have just been.... we were hired just to deal with that release.

Vice-Chairman Block: Right, and your testimony was that the solvent baring layer is approximately 7 feet down?

Zoe Beltcher: Yes.

Vice-Chairman Block: Alright, do you have any other questions regarding the permit itself? The question as to advisory as to the use within the building, I believe we can continue on with if you like.

Commissioner Krawiec: I have none, no.

Commissioner Vice-Chairman Block: You?

Commissioner Krawiec: I withdraw my question, go ahead.

Vice-Chairman Block: OK. So is there anything else about the actual pollutant stripping operation and the permit that commission would like to have answered?

Commissioner Paskewich: I have one question. I am looking at sheet number C-1.1.

Jessica Kruzcek /Zoe Beltcher: Yes.

Commissioner Paskewich: Treatment system installation and on the drawing is shows existing versal recovery shed. Now what occurs with that? Do you remove that?

Zoe Beltcher: No, that is actually part of the building, so once we remove our equipment we will return this shed to the building occupant so they can use it. Are any of our components going to stay in that shed? I think everything..

Jessica Kruzcek : I think the product is still going to that shed.

Zoe Beltcher: It's still going to that shed. Ok, so for right now we will still maintain it.

Vice-Chairman Block: Is the product going to be removed bound to the activated carbon or is it distilled to a liquid or organic layer?

Zoe Beltcher: Not is it removed before the carbon, so the actual product itself.

Vice-Chairman Block: So you liquefy it again?

Jessica Kruzcek : With the product itself, there is, we've been talking about the system to treat just the water component because we are taking it from the existing system which already separates out the product. So the way the current system operates is the water pumps down to a level where they get maximum product recovery. The product is, there is two pumps actually. There is a skimmer pump at the top that collects the product and then a water pump at the bottom that drains the water. The skimmer pump pumps to this building over here, this little shed, there is a couple of above ground storage tanks where it is temporarily held until they can be removed from site.

Vice-Chairman Block: And how big are those tanks?

Jessica Kruzcek : 275? Basically like two little heating oil tanks.

Vice-Chairman Block: 275 gallons?

Jessica Kruzcek : Yes.

Vice-Chairman Vice-Chairman Block: Ok.

Jessica Kruzcek : Heating oil size.

[statement/question inaudible]

Zoe Beltcher: It's really kind of varies based on how much product we've recovered, so once we have gotten close to filling them, then we will call in a company to come and pump them out.

Jessica Kruzcek : And so that the water that's been recovered, so that's the product portion.

Vice-Chairman Vice-Chairman Block: Yes, that was the question.

Jessica Kruzcek : OK.

Vice-Chairman Block: So it is physically separated and then pumped to storage to be removed.

Jessica Kruzcek /Zoe Beltcher: Yes.

Vice-Chairman Block: OK, that's fine.

Zoe Beltcher: Eventually when the system is all shut down and everything is removed, that building gets returned to the facility and our shed out back will be removed.

Vice-Chairman Block: OK, any other questions? What is the commission's desire?

Commissioner Clark: May I just, I just want to understand our advisory position. In other words, are we coming away from this discussion with this information that we have gleaned that is outside our purview so to speak as far as what is going on inside the building and past history on a, I forgot the name of ...

Group response: Varsal.

Commissioner Clark: I know the varsal, I remember....

Vice-Chairman Block: It's a pollutant.

Commissioner Clark: No, it's a trap, what was inside the building that was draining? It was a?

Zoe Beltcher: It's a pit.

Commissioner Clark: A pit, a pit. Ok, so the existence of a varsal, a pit that drains varsal inside of a building, again not our purview, but would be come up with a report to bring to TPZ, passing this information on to TPZ that they don't currently have. Is that where we are?

Vice-Chairman Block: If I can, my conjecture at this point is that we have an industrial building which we have been told that had contamination inside of the nature that could be harmful that is being temporarily proposed for use to exposure they are not going to be exposed. As far I am aware, no one, the present owner, nor the people who wish to use it as for this recreational purpose have any information to provide to us as to whether or not the internal surfaces of that building are contaminated with this or any other material that would be harmful to children and if the TP&Z is going to be asked to authorize it as a temporary use, from what I have heard tonight, I have no problem in suggesting to the applicants and the TP&Z that they really ought to find out if the surfaces, that these kids are going to be on in their stocking feet, because that is what you do at a bounce house, is contaminated with anything that is detrimental to them.

Commissioner Clark: That's just what asked you. In other words, what do we do right now as a commission. You just restated my statement. Thank you. Just so you know we are on the same page, you restated what I was trying to say. The question is, how do we end this, we are meeting...

Vice-Chairman Block: Ok, here I, what I....

Commissioner Clark: What are we sending to TPZ? They are not going to look at our minutes.

Vice-Chairman Block: Ok, here is what I suggest. I would suggest that this application as far as reclaiming the ground water is concerned, seems to be very fairly complete to me at this moment. I would suggest we act on that and ask these kind ladies to hang around for about 5-10 minutes more to hear from the people who are proposing to use it for a bounce house as to what they know about the internal conditions of that building and whether or not they have knowledge that they can tell us is going to safeguard the children. If they can have answers for us, that is one thing, if they can't then certainly I would have no concern about advising them that they ought to find out these things and telling TP&Z that there obviously was some pollution inside the building, whether or not there is a residual in that building that might be

dangerous to children in stocking feet seems to be a hazard that ought to be addressed before the use is allowed.

Commissioner Clark: Commissioner, may I say I understand that I understand that as well, are we going to provide a written report that goes to TPZ instead of just calling someone up. That's my question.

Chris Greenlaw: Mr. Chair, if I may. My answer is we are statutory obliged to conduct business such that we entertain and act on the application before us and they provided you data, they explained why they were here, what their intentions are and if you have enough data you would then vote. Currently, we're required to the reporter, as we understand it, reaffirmed by the Town Attorney, is that fact that we have the results of the action and the vote and we have our conditions of approval. That being said, what I would offer to this commission is perhaps we could pick the brains of the professionals before us. I think what you are searching for is a TPZ issue, it falls within the TPZ silo and what I would recommend, and I would like to ask you if you don't mind, you don't have to answer this question, but what we are looking at right now, is this commission is kind of a residual effect of a study or a phase one, two, three in the eyes of DEEP that's been done. I am not very conversant in this, but perhaps TPZ, what they should be asking is that when they open up an industrial building that has a history of using chemicals and things as such that they should ask the owner of the building or the applicant of the activity to go to the owner and request historical information. Because, the fact that at some point this building had a use that was abandoned and shut down before it was opened up for other uses. I am sure that, I'm not sure but one would have to think that in this day and age, the fact that we are here with testing on varsal and it was identified, was that there was some sort of testing that was done to the whole building to look at all pollutants, not just varsal. That is a TPZ question. Perhaps you have something you could offer to the folks here, because maybe what this commission wants to do is say, we have resolved this application by action of a vote and entertained the data as it relates to varsal as it relates to this particular application. The folks at TPZ as an advisory, would benefit from the fact we'll look inside to where we had industrial complexes of this nature is there, I have seen some phase one reports that identifies the possibilities of you know, uses of a building and then phase two they go in and identify certain pollutants, then phase three remediation. Those types of reports I think would be a benefit to TPZ for any occupant of the building. Any insight to that?

Zoe Beltcher: I would agree that there are buildings with long historic manufacturing have a history. Sites that are either under order or within the Transfer Act, likely have some documents available via public record on what the history is within the building. Once they have entered into the Transfer Act there was some type of purchase and sales agreement that may or may not have discussed potential future uses of the property so those are all documents that need to be taken into consideration. When allowing activities or changing zoning for activities to occur, some remediation that are done at sites will be able to deter commercial uses if a residential use is being brought in. It may require a different type of remediation or meeting a much stricter standard.

Chris Greenlaw: And if I may Mr. Chair, do you know of, in your profession, if somebody wanted to investigate a building is there any cataloging of any environmental reports for a particular property if you know it had a certain use in the past? Would DEEP perhaps?

Zoe Beltcher: You would have to search the DEEP records and they are still working their way onto electronics at this point so you have to physically go in.

Vice-Chairman Block: Ok, let me ask some questions. Varsal, do you have any knowledge as to whether or not there is any residue within the surface structures within the building?

Zoe Beltcher: I don't.

Vice-Chairman Block: OK.

Zoe Beltcher: I don't have historic knowledge on the activities that were conducted within the building.

Vice-Chairman Block: Nor was any testing of those surfaces done.

Zoe Beltcher: I don't have any knowledge to that unfortunately. That was pre my activities on the site.

Vice-Chairman Block: But you did mention that there is varsal in the pit itself.

Zoe Beltcher: In that area yes, there was a varsal pit documented.

Vice-Chairman Block: OK, and that pit I presume, can you tell me, was designed to take surface waters off the floor.

Zoe Beltcher: I don't, I don't know the, that is outside of my knowledge of the property.

Vice-Chairman Block: And varsal is a toxic material?

Zoe Beltcher: It is a petroleum solvent. It does volatilize, it does have toxic properties.

Vice-Chairman Block: And I presume as a solvent it is absorbable through the skin.

Zoe Beltcher: I don't believe so.

Commissioner: To create a harmful effect of some sort?

Zoe Beltcher: The likelihood in this particular building would not necessarily be, we wouldn't believe that there would be direct exposure at this point. That area has been, I believe there is carpet in that area now. Depending on where, what portion of this building it's put in, it would be more likely a vapor migration issue as opposed to a direct exposure issue.

Commissioner: OK.

Chris Greenlaw: Mr. Chair if I may, also. Thinking about this, because not a direct experience, but knowing developers that have come in and just casual conversation, discussion of purchasing the property, let me ask the question a different way. I am looking for assistance to advise TPZ, which I believe the question ultimately lies, if there is a public hazard as it related to a building to the public for their particular use on a switch from industrial to residential, it is required, when you purchase a building, for the owner to, for an order to disclose any type of testing that's been conducted on the property such that then with that permit number you can go to DEEP and look for a report.

Zoe Beltcher: The way the Transfer Act, the regulations work within Connecticut, a lot of investigation is driven by the banks. Phase one is typically required by the bank. If the site falls within the definition of an establishment that had, they generated more than 100 kilograms of waste, hazardous waste in any one month, they were an auto body or furniture stripper prior to a certain year, then that would trigger the transfer act if this building were to be sold it would have to done on an regulatory program, if the site doesn't meet that definition, it doesn't have to, no investigation has to be done, it is not required by law. So are they catalogued? Not necessarily. If the transfer were to go through, then there would be some record of it at the DEEP if it falls within the regulatory program. If it doesn't then there is no requirement to send it in to the state. I am not a real estate agent, so I don't know what their requirements are for disclosure under the real estate law.

Vice-Chairman Block: OK, I for one, I think we have enough information as to your scope of knowledge as applicable to the proposed temporary use. At this point, I would like to try and close the agenda item as to our application and then hear from the people who are proposing the temporary use. And again, as I ask of these kind ladies, on behalf of the present applicant, would hang around for a while to help and lend their expertise. I think it might be productive for us to resolve this question as to our recommendation to planning zoning.

Chris Greenlaw: Mr. Chair, I, looking at our Secretary, and I just want to state for the record, I don't understand how the testimony of a particular use of a building how it applies to an application for an activity that may impact that wetlands.

Vice-Chairman Block: Well, I am being kind to you, that is why I am saying I would like to act on our agenda item and then if the applicant for the temporary use or person [] wants to address us and resolve the issues which remain as to that temporary use, we can entertain it and then if we come forward with the recommendation to those people and ought to communicate the findings only, then we would have the knowledge with which to do so. Is that the desire of the commission?

Vice-Chairman Block: Alan?

Commissioner Paskewich: I have a question on policy. Which commission, if any in the town, or the state, or the federal government is authorized to engage in discussion regarding, would this be a Brownfields type of issue? It seems to be lending to that.

Vice-Chairman Block: It's as that I think would be as close a parallel we could come with because it's really an internal building commission issue and if we have an advisory position on it, it really is just as a body of Newington citizens who are saying we are familiar with certain practices of pollution issues and we think planning and zoning should allow the applicant to look into this before they expose the town's children.

Chris Greenlaw: Can I? I just want to make another statement. If we erase for the moment that this applicant is before us, you have a building, this application would not be here.

Vice-Chairman Block: Exactly right.

Chris Greenlaw: This building would be existing today with a DEEP permit, currently existing to remove, pump, remediate and discharge to a sanitary sewer. It would not even be here before this commission and they could continue to existing that way. Simultaneously over here, so no activity over here in wetlands, no one is here before us because it is an existing condition. So what I am trying to demonstrate is now you have an application before TP&Z. The onus is on TP&Z to contact the owner or ask the question of the applicant to provide them with data of any pollutants, any possible pollutants, any use, historical data, phase one, all of the above, as it may propose be a danger to the public. Coincidentally, we have this engineering firm, this environmental engineering firm before us with, I don't want to say the approval of the DEEP, but a plausible solution in the eyes of the DEEP that is acceptable to take this water, this process, remediation and is giving them the nod to follow through with all local and otherwise permits to discharge this water to the surface and ultimately Piper Brook. So, I don't think that this commission should become confused with the fact that if we didn't have this application at all, the onus and responsibility of historical use and a potential Brownfield site, hot site, a site that had pollutants, would be the responsibility of the TPZ to ask those questions of any pollutants that had any use that was on that site.

Vice-Chairman Block: I agree entirely, the only difference is, we know what we know and God forbid if we didn't do anything and some kids got some health effect from letting them walk around in their stocking feet there. I agree by having kept my mouth shut.

Vice-Chairman Block: Kathleen?

Commissioner Clark: I may just restate what you just stated, but I would like to state it myself. I certainly agree that the application was understandable and made sense as far as our purview. So, setting that aside, as you said, what I would like to propose is, I think our communication to TPZ should be in some form that will be read by TPZ and not just a phone call or what not or hand them our minutes or that's my concern that we did again, whether we stumbled upon this information or not, I think it needs to be, even if it has nothing to do with conservation or anything, it's a being good citizens and I would like this commission to present this information, but nothing to do with our application, to TPZ in a form, whether it is a letter that we write or whether we just send them our minutes and say you need to read this.

Chris Greenlaw: Mr. Chair, if I may. I see where the commissioner is going with this and which I would recommend, you have to remember we, you wear two hats. You wear a hat as an inland wetland commission and you are wearing a hat as conservation commission. What I would recommend is that we move forward, if the commission has exhausted all their questions, they believe they have enough data to act on the application before them, certainly do that. What I would recommend is that as a conservation commission is you have a discussion and you would like to write an advisory maybe take a recess, maybe form a subcommittee of three members and we can take a recess and you can act, act on the wetlands, have a discussion as conservation commission, maybe take a recess, maybe form a subcommittee, get together, put your thoughts together, craft that language and then come back to the commission, get a consensus as an advisory and then designate an individual to then read that or send that to the planner to read into the TPZ at their next meeting. Two actions as two commissions.

Vice-Chairman Block: Yeah, again, that is why I said before, let us finish item VII.B, that is before us as far as disposing of the treatment proposal and then, and I agree with Chris' suggestion that we take, adjourn as far as wetlands conversation commission, but I also propose maybe that whatever action that we choose to take either as the conservation commission or merely as a group of Newington citizens would be to share what knowledge we gain from the applicants for the temporary use with planning and zoning. Again, I agree with Chris entirely, it should be in writing. Probably by motion if we want to do it that way.

Vice-Chairman Block: Alan?

Commissioner Paskewich: So are we able this evening to allow a vote to permit this activity?

Vice-Chairman Block: I don't see any reason why not.

Commissioner Paskewich: OK.

Vice-Chairman Block: It seems like the application is complete. Is there any other questions as far as their application is concerned? Chris, you said you had some proposed conditions. John?

Commissioner Igielski: Mr. Chairman, now that it has been deemed by the chair that we will proceed with acting upon the application, the first question that comes up is do we have the authority to act upon it because there is no activity within upland review area or the wetland. Now to continue, to perhaps provide an answer to that question, I will draw your attention to the definition of regulated activity wherein that definition it allows the agency to rule that other activities may be designated by this commission as a regulated activity. I would propose at this time is to make a motion and that motion being, I make a motion that this commission rules that the proposed activity associated with Application 2015-07 is a regulated activity.

Vice-Chairman Block: Can you give me a reason?

Commissioner Igielski: I would ask that you call for a second on the motion.

Commissioner Clark: I second the motion.

Commissioner Igielski: I make this motion, based again, on the definition of regulated activity since there is no work being planned within the upland review area or the wetlands, and also that this ground water that is extracted from the ground and being treated before its being allowed to flow into the upland review area, wetland and Piper Brook, that is the plan, that is what is the activity that is proposed that this ground water is allowed flow into the upland review area, wetland and Piper Brook untreated it would likely have a major impact or significant effect on the regulated area and therefore I am making the motion that the proposed activity is a regulated activity.

Vice-Chairman Block: As intended diversion from the material entering the wetlands.

Commissioner Igielski: Because it is being mitigated and not directly, not going from the storm water system directly to the wetlands, there needs to be some monitoring of the what is going on with this ground water and as it has been presented at these meetings, the applicant is treating it in such a fashion that it's ending up being basically pure water with the non-existence of the contaminant that they are here for to allow for it's removal and proper disposal.

Commissioner Vice-Chairman Block: OK, is there any further discussion on the motion as presented?

Commissioner Sadil: I am a little confused, what is the actual motion, so we are saying it was lengthy discussion that, I'm just saying, do we even have a right to vote that this something that we can rule on?

Vice-Chairman Block: John is asking, I am going to try to put it in my words to make sure I am on the same page. John is saying that according to the statute, if you have an activity that intended to divert or protect the wetlands that either, that this material is being mitigated or diverted away from the wetlands and therefore we have an ability to act on it. To endorse it.

Commissioner Sadil: I think this is a situation where some material outside the wetland is going into the wetland.

Vice-Chairman Block: Could go into the wetlands.

Commissioner Sadil: Some amount could go in, so that would be something that would be in our purview.

Vice-Chairman Block: Right, and this is diversion so that doesn't happen.

Commissioner Igielski: But only if we duly recognize that since there is no activity in the upland review or wetland.

Commissioner Sadil: Physical, but there is some. Mr. Greenlaw.

Chris Greenlaw: I don't want to put words in your mouth, but what you need to do as an agency, what you said is spot on. With the addition, you can rule as an agency that something outside the wetland is going in, something outside the regulated area, wetland, upland review but with the provision you are making a ruling that it is gonna, it is likely to impact or effect the wetlands or watercourse, therefore becomes a regulated activity. So the first motion, see you have this extra jurisdiction, as a bonus, only if you as a commission in this particular case make a motion to substantiate that these activities outside the regulated area you can rule on if there are likely to impact or effect the wetlands. So you are making the motion, you second the

motion and then there is the discussion amongst you whether or not you truly believe that there was this possibility to likely impact the wetlands. That is motion one and then you go on to entertain a motion to vote on the application. Correct?

Various speakers: Yes.

Commissioner Sadil: Thank you for the clarification.

Vice-Chairman Block: Alan?

Commissioner Paskewich: Has DEEP given you a permit?

Zoe Beltcher: We can't get the permit, part of the line in the permit says that we have gotten written approval by all authorities and..

Vice-Chairman Block: That's us.

Zoe Beltcher: So that is why we need you guys to concur and then yes, they are ready to give us the permit at this point.

Commissioner Paskewich: Alright.

Vice-Chairman Block: Again, imagine that there is stream and bringing it to the brook and what we are saying is that it is important that we divert the stream away from the brook and therefore we are approving this proposal. OK? So, we have a motion, it's been seconded. John, is that correct, are we all set to vote?

Commissioner Igeilski: Yes.

Vice-Chairman Vice-Chairman Block: All in favor of John's motion.

[All] Commissioners: Aye.

Vice-Chairman Block: OK, anybody opposed? Motion passes unanimously. And I abstain by the way because I wasn't present for the original posting. Ok and now we go on to, John is there a second part to this now?

Commissioner Igielski: Now, I ask the Town Engineer if the application is complete.

Chris Greenlaw: Yes.

Commissioner Igielski: At this time I make a motion that based on the evidence before it the commission in their finding of fact that a public hearing is not necessary for Application 2015-07 because the proposed activities will not have a major impact or significant effect on the regulated area.

Vice-Chairman Block: Is there a second to that?

Commissioner Casasanta: I second that.

Vice-Chairman Block: Ok. John Casasanta. Ok, any further discussion on that? Ok, I lost track, do we hear the commissioners first or vote on that?

Commissioner Igielski: Mr. Chairman, I believe it is appropriate to ask for a vote on the motion.

Vice-Chairman Block: OK, all in favor of the motion as the stated?

[All] Commissioners: Aye.

Vice-Chairman Block: Any opposed? Alright. Pass out the conditions.

Chris Greenlaw: Mr. Chairman, the conditions that the commissioners are going to receive are going to be incomplete, they are going to be missing one additional condition that I have given the secretary, that I was reminded by applicant and the emails that I received today of all the requirements and things that we had asked of them, so Mr. Igielski will read in that additional condition for your consideration.

Vice-Chairman Block: Ok, read the proposed conditions.

Commissioner Igielski: At this point, I make a motion, that the commission issue a permit by summary ruling for Application 2015-07, and subject to the following conditions: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 and subject to the following additional conditions: A. Pursuant to the applicants submittal of a final agreement letter from the site owner authorizing the submitted site plan and accepted conditions, the Town Engineer will notify the chairman that the agreement has been finalized and mylars are ready for signing; B. This 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.

Vice-Chairman Block: Ok, any comments or questions by commissioners?

Commissioner Igielski: Mr. Chairman.

Vice-Chairman Block: Yes.

Commissioner Igielski: I believe that it would be appropriate at this time to call for a second since the motion has been made.

Vice-Chairman Block: Ok, I'm sorry, yes. Second please.

Commissioner Clark: I second.

Vice-Chairman Block: Kathleen, ok. Any comments or questions? All in favor?

[All] Commissioners: Aye.

Vice-Chairman Block: Any opposed? Ok, thank you, you are all set. If you could just hold for one minute, the people who wanted the temporary permit, they are no longer present.

John Bachand [member of the public]: I believe they are in the hall, want me to go get them?

Multiple voices: Yes.

Vice-Chairman Block: Why don't you, thank you.

Chris Greenlaw: Mr. Chair, while we are waiting, two questions here. But one question is I would like for the commission to entertain, now I believe it would be appropriate for the commission to discuss amongst themselves as a conservation commission those items they feel of importance for advisory that they would like to share or report to TPZ. Ultimately perhaps some discussion and maybe a recess for a subcommittee to put together a comments and then when we reconvene to read back to the commission to see if we have a consensus and then what we would ultimately provide to TP&Z. One of the vehicles we have is statutorily we report the vote and the conditions and additionally, if it is a desire of the conservation commission, which I think it is, I could attach your advisory to the Town Planner, so it is directly your words with no interpretation.

Vice-Chairman Block: I think that is right, but also the question as to whether or not you want to ask for the addition of a non-agenda item under new business, so that we have a record, but again, delineating whether or not we are acting as a conservation commission or perhaps in

some third capacity, because certainly it doesn't fall under the purview in the wetlands. So, what is your pleasure ladies and gentlemen?

Commissioner Clark: I think we should take a break to discuss, let's start with that.

Commissioner Krawiec: Yes.

Chris Greenlaw: For the benefit of the public, and a written record, if you were to discuss in public and then what you could do is kind of get some generalization of what the concerns are and then during the recess if you had a subcommittee it could put those thoughts together, formulate them written and then come back for a consensus.

Commissioner Krawiec: I think we have our thoughts pretty much collected over the last hour we have been listening to what our concerns are. I feel confident that if we break into a little recess we could put together our thoughts.

Chris Greenlaw: You can only, you would have to designate three people, you couldn't have a quorum.

Vice-Chairman Block: Yeah, my concern is, again, as Chris just said, if we recess and then talk among ourselves and with the proponents for this bounce house, whether or not that constitutes an unregistered meeting, ok? And, since it is already subject to discussion on the agenda, I am almost thinking it is better to have a pure record from the beginning of this. Kathleen?

Commissioner Clark: I don't think we need to involve any discussion with the applicants.

Commissioner Casasanta: Yeah.

Commissioner Clark: We don't have that relationship with the applicants in any capacity that we exist. We have approved the application that's under our inland wetland purview, therefore we have no more.

Vice-Chairman Block: The question is, the question I advise if you want to communicate with planning and zoning, you should have as complete and factual understanding of the situation as you can before you put it down on paper to send the them.

Commissioner Clark: I think we would be here for hours because I think the questions that were raised by, that were very kindly answered by the engineers, talk about a can of worms, we can't find out the answers to what we need to know because we are talking about inside the building which is the health department or the state coming in. I think we just want to, in my opinion, is we come up with something very simple that we want to put back into the lap of TPZ and quite frankly, I don't there needs to be a whole lot more. I just don't see why the applicants need to be involved and think it needs to very simple.

Vice-Chairman Block: John.

Commissioner Casasanta: The application that we just approved, they gave us all the information that they know about the condition of that property. There is really nothing more we can add other than suggesting to TP&Z that there has been hazardous, toxic materials used at the site. This has been shown by the varsal pit. It would behoove them to press any applicant to use, who wants to use that property, that facility, to provide all the necessary safeguards and assurances that public health is not at risk.

Vice-Chairman Block: The people who are going to conduct their right are present. I don't know what they know, I don't know what they care to know, and before we agree to send a statement such as you just articulated to planning and zoning I think it is only appropriate and

proper and polite to ask them what they know about the situation, what they care about the situation and to let them know officially that we intend to add P&Z informed as to our concerns.

Commissioner Krawiec: [inaudible]

Vice-Chairman Block: But again, it is our concerns.

Commissioner Casasanta: If you would you like to address us...

Commissioner Krawiec: Absolutely.

Commissioner Casasanta: That is fine, I have no problem with that, I welcome that, all I am saying is whatever information they will be giving to us, we will not, it is not information that we will be using to make any additional advisory comments, it is more information that would be more appropriately given as testimony to TP&Z.

Vice-Chairman Block: I understand that...

Commissioner Casasanta: That is all I am saying.

Vice-Chairman Block: For example, if they have had indoor sampling done, you know that would be nice to know.

Commissioner Casasanta: For curiosity, yeah.

Vice-Chairman Block: Do you want to add a[n] agenda item on to new business to let these people discuss.

Commissioner Clark: I say no.

Chris Greenlaw: Mr. Secretary, perhaps a role call vote would be in order for that. I'm not even sure following Roberts' Rules, it's not a public hearing and it's not an application on the agenda. This is why I believe is a discussion of the conservation commission to facilitate an advisory.

Commissioner Krawiec: I think if the people are in the audience, kind enough to take their time to address the commission, it's two separate issues. We would listen to what they have to say and we move forward with any concerns that we have to the TPZ in regards to the varsal problems in the building. It is two separate issues, we stay after and create our language to the TPZ.

Commissioner Casasanta: I just don't feel that it would be appropriate to address it under Application 2015-07.

Vice-Chairman Block: No, we are not.

Commissioner Casasanta: Primarily, how are we going ...

Vice-Chairman Block: We will be adding a Item 6 new business.

Commissioner Clark: I think it should be another meeting.

Commissioner Sadil: How about [inaudible]. I'll say this, the application has passed, but can we have public participation? It's a non-agenda item, the agenda item was..

Vice-Chairman Block: Except with public participation you are not going to the extent, you are not supposed to get into a question and answer situation, so that would be, quote, an abuse of that I think. I think really

Commissioner: I think as a conservation commission hearing an issue that has been, is agile to some in this town.

Commissioner Paskewich: I'm feeling we have asked both, we asked this party to stay here to listen to participation from this party and I think that would help everyone participating here. I think we should hear that.

Vice-Chairman Block: That is one against, one for. Please ask for a vote.

Commissioner Casasanta: I am just a little bit concerned about mission creed. I really am, I think we are heading into an area that really isn't in our purview. We have established the fact that hazardous materials have been found in that building and we know that because of the versal pit. That has been verified. I don't know how much more we really should, because to me we are getting into TP&Z.

[jumbled, multiple comments]

Commissioner Casasanta: Let them do their, because I don't think we would be that happy with TP&Z if they in any way, shape of form, even in a positive way usurped our authority. I think we should just make the recommendation...

Vice-Chairman Block: We can't.

Commissioner Casasanta: How can we, how can you, with all due respect, Mr. Chairman, how can we set a, how can you say we can't make a finding that hazardous materials have been used at that premises. We can make that finding, it is a finding of fact.

Vice-Chairman Block: We certainly can.

Commissioner Casasanta: That is all I am saying.

Vice-Chairman Block: I am saying that in a matter of fairness, with the people sitting here, I just think it is appropriate, beneficial, polite to hear from them and to have them present on record whatever it is that they can, or maybe it simply a fact of, gee you are telling me something we didn't know, we will look into it, you know. But I do think that it is the more appropriate procedure at this point to have an item added to the agenda as new business and just to hear from them because they came.

Commissioner Casasanta: I, this is, I heard you wanted to say something, this will be my last thought on it. I would have no problem if they wanted to make a statement, but if it turns into something where we start questioning them about the issues at hand, which is actually TP&Z's, you know TP&Z's authority, I don't think that would be appropriate, but if they want to come here, make a statement to us saying this is what we know about the site as it is. I don't have a problem with that.

Vice-Chairman Block: Well the only caveat your statement creates is that if you don't want to hear from them officially, then how can we communicate to TP&Z officially?

Commissioner Casasanta: They are making an official statement, I'm just saying not getting into where we have a question and answer, then we start questioning what they are presenting to us. If they want to make a statement, about what has been you know, see that is my only concern. I feel that we're crossing a line and its not that it's necessarily bad that we are interested in this, and we want to do the right thing, but just we need to, there are bright lights that you don't want to cross is all I'm saying.

Vice-Chairman Block: I can fully understand and agree.

Chris Greenlaw: Mr. Chairman, there is a matter of order for new business in the rules and regulations, Section 1, Item F, New Business. Note the review of the administrative officer in each item to be presented as new business shall be presented to the commission prior to get item being taken up by the commission. So herein lies the conundrum, you had an item on the commission as inland wetlands, and now you have discussed it as a conservation commission prior to having a vote to add it to the record. So...

Commissioner Sadil: It is in the Chairman's purview to add a new agenda item, right here and now at this meeting, is what you are saying?

Chris Greenlaw: If we do add the item, herein lies the conundrum. They would be unable to speak tonight because there are rules designating you don't speak on agenda items. You have to follow the rules.

Commissioner Clark: Doesn't a new agenda item have to have appeared in the agenda that was published, that the public have an access to. I don't see how you can add something because people who would have wanted to come and hear about it don't have the opportunity.

Vice-Chairman Block: I would agree with you except for the fact that according to what I was told previously the issue of this temporary use within this building was initially incorporated into the prior application herein. You know, I separated it out to try and, you know to separate it. So it was combined to begin with and prior, you know because we are going to be giving an advisory opinion as a conservation commission. It's neither fish nor fowl, the question really is do you want to hear from Barry and under what procedure do you want to report back to planning and zoning, if at all.

Chris Greenlaw: Mr. Chair, I am going to make one last statement. I believe you can achieve everything you can set out to achieve this evening. You had the inland wetland application, and certainly as a conservation commission you can have a discussion, if you don't want to have a discussion as a subcommittee, you can appoint a subcommittee to take a recess, get a, not a consensus, you can organize your thoughts written up, reconvene, offer to the commission and then you can propose that to the TP&Z commission via email. In addition to the action of this commission and I would recommend against having an individual from the public getting up and speaking on a topic that was not on the agenda, not is it germane to the item of discussion. They have petition, they have paid for and are part of a process I believe as TP&Z 15-15, to be heard before that commission where their jurisdiction lies. But I believe you can still fulfill everything as you stated, as far as your intentions this evening. You acted on the permit and now you have an opportunity as a conservation commission to convene as a, or present an advisory to TP&Z, that is what I suggest you do.

Commissioner Clark: I have a suggestion about a subcommittee. And I would recommend the subcommittee, can subcommittees can only be three people?

Chris Greenlaw: Yes, I believe so because your discussion outside the meeting would be a quorum if were more than 4, if it were four or more.

Commissioner Clark: Since, Chairman Zelek is the person who was at the TPZ meeting and put two and two together that that application was the same as our application, I think that he would want, we can't organize a subcommittee without him volunteering, so I would recommend a subcommittee of two, leaving a space for him to be an advisor.

Vice-Chairman Block: You can put it on him, we have done that in the past.

Chris Greenlaw: The commissioner has a point, and that's why the Chairman, with you in conference call crafted those questions. So those were the questions, that he asked myself as

the agent, so I believe those were this issues that he perceived at the time that he wanted to investigate, hopefully with a little bit of insight and knowledge if they chose to entertain those questions so yes the chairman has at least on some level through me to the applicant conveyed some of his concerns and he was seeking information such that he could put that together and craft an advisory to TPZ. So I would suggest that if you get together as a subcommittee we utilize, we combine those questions as part of it.

Vice-Chairman Block: John, you.

Commissioner Igielski: As a point of information, in years past the protocol for the conservation commission to provide advisory to the Town Planning & Zoning Commission, that the advisory was done by a written letter from the chairman of the conservation commission to the chairman of the Town Planning & Zoning commission.

Vice-Chairman Block: I would also ask, and again I have no knowledge, as to the time table that's involved as to planning and zoning's ability to receive information and to act within that, I would hate for this commission or individuals to want to convey something and not yet not have time for it to be considered.

Vice-Chairman Block: Alan.

Commissioner Paskewich: Trying to close on this, there's been a lot of conflict, also discoveries, information given tonight, other people discussing the ways and the rules should be applied and I think, I am thinking, and I hoping to get some concurrence here, that staff agent continues to work with the chairman in discussion further and Chairman Zelek's drafting of a letter as he's been so initiative towards working with you. He's been talking with them in public which I was present at. I think it should be as stated, Chairman Zelek drafts a letter to the agent and it gets conveyed to TPZ. Make it simple.

Commissioner Clark: I think that is a great idea.

Vice-Chairman Block: That is fine as far as Chairman Zelek is concerned, but if the rest of you, us, want to be, have a consensus opinion out there you would miss the opportunity.

Commissioner Paskewich: Well I think the consensus is to give that to Chairman Zelek, since he has initiated it. He knows as much or more then we do and has been making discoveries on it.

Vice-Chairman Block: but he can't speak for us unless we acted to authorize it.

Commissioner Paskewich: Then we should email him promptly.

Commissioner Krawiec: do we need to vote on that? Do we need...

CAS: [inaudible, multiple people talking] why don't we make a motion and say..

Commissioner Krawiec: Put a motion...

Vice-Chairman Block: That whatever he was wants to say about this is fine by us.

Commissioner Clark: Yes.

Commissioner Krawiec: I think that is good, we could also make a motion that there are two other commissioners here, Commissioner Clark and the commissioner here to the right there. [inaudible, laughing]. Right, who spoke quite well on the issue and maybe that could be the subcommittee of three, I would be ok with that.

Vice-Chairman Block: The subcommittee should report back to the commissioner before they do something.

Commissioner Clark: I like Commissioner Paskewich's idea. I think it simplifies it, the TPZ is the 27th, its really hard to get anybody together and..

Commissioner Casasanta: If the commission liked my statement as much was indicated when I originally made it, if the Chairman would like he could get the language right off the tape and include that in the letter to TP&Z.

Commissioner Krawiec: Let me also remind chairman block this evening that this action we are taking mirrors an action we that we just recently revolved with the LID recommendation that we made, so it mirrors the same process that we took some time ago, we had a tight deadline, a subcommittee was designated, the language was written and circulated to all as it was presented. So we have already, we are familiar with this process, we have already utilized it for recommendation sake.

Chris Greenlaw: For the benefit of the commission, I also to note that the chairman in anticipation of this discussion had asked me previously, and I have already confirmed with the [recording] secretary to have these minutes verbatim, so all our discussion will conveyed written to the chairman.

Vice-Chairman Block: OK, so do I understand there is a consensus to rule for a formation of a subcommittee of three, one in which to be Commissioner Zelek.

Commissioners: No.

Commissioner Clark: No, we don't need a subcommittee. We would like to o o put I into the chairman's hand to take this and converse directly with the chair of TPZ.

Commissioner Krawiec: To move quickly.

Commissioner Paskewich: Yes, I concur.

Commissioner Krawiec: To move it forward, I agree.

Commissioner: Is there a motion?

Commissioner Clark: Should I make a motion?

Chris Greenlaw: yes, via, through the staff agent to the Town Planner, so it goes right too the chair. Just, just process

Commissioner Clark: I make a motion, that chairman Jeff Zelek work ..

Vice-Chairman Block: Be authorized

Commissioner Clark: Be authorized by the full commission to work with staff, Chris Greenlaw and..

Vice-Chairman Block: To convey information

Commissioner Clark: To convey information on this matter tot the Town Planner to communicate what transpired at this meeting with what we uncovered as far as risk factors on this property

Vice-Chairman Block: Of the internal use of 475 Willard avenue,

Commissioner Clark: at the location 475 Willard avenue, as concerns the existence of..

Vice-Chairman Block: environmental hazard

Commissioner Clark: environmental hazards, the chemical varsal having been found it have been collected in a pit tin this building and we want to pass that information on the TPZ through that process;

Vice-Chairman Block: For their action to protect the children of the community.

Commissioner Clark: To protect the children of our community.

Commissioner: So help me God.

Commissioner Clark: And adults, and adults was well.

Vice-Chairman Block: No, adults don't use the bounce house.

Commissioner Clark: They can though, I was at the meeting. Adults may use the bounce house.

Vice-Chairman Block: Oh wow, I haven't seen that before, I was chased out. OK, is there a second to that motion?

Commissioner Casasanta: Second.

Vice-Chairman Block: All in, any further discussion? All in favor?

Commissioners: Aye.

Vice-Chairman Block: OK.

Commissioner Krawiec: We still have guests here Mr. Chairman.

Commissioner Clark: Can we take a quick break?

Vice-Chairman Block: OK, 5 minute, 7 minute recess.

Recess; meeting resumed at 9:08 p.m.

Vice-Chairman Block: At eight minutes after nine we are going back into session. We are on old business. Item C, Community Litter Pick-Up.

Commissioner Krawiec: We had our community litter pick up, I think it was, the date was the 25th, correct me if I was, if I am wrong.

Commissioner Manke: You are correct.

Commissioner Krawiec: Thank you. We had a smaller turnout then last year, but we were able to pick up litter and made a small impact making the place a little cleaner. One thing I want to report in on that Chairman Fox has mentioned a bill that was proposed at the legislature that was introducing the elimination of the plastic bag and replacing it with reusable bag. That has now passed the judiciary at the state capital so it is moving, and so if you support that, call your representative and encourage them to pass that.

Vice-Chairman Block: OK, nothing further, then moving on to D, the new initiative on vernal pools.

Commissioner Clark: I missed the thrash pick-up I admit it, but that was because I was attending a vernal pool workshop at that the Aton Forest. It was excellent.

Commissioner Paskewich: What forest?

Commissioner Clark: It's A T O N, it is in Norfolk, They have a website. I would encourage anyone to look at their website. They have seminars on vernal pools, I went to one on invasive species in the past and we went out in the woods, looked at different kinds of vernal pools, we

were kind of quizzed on, is this a vernal pool, is that a vernal pool. We were shown egg masses of salamanders and bull frogs to show how you cannot identify obligate species. It was excellent, so I think we improve our knowledge base one little step at a time.

Commissioner Paskewich: Now who initiated this workshop?

Commissioner Clark: Aton Forest is an organization. The Aton Forest and they provide that. I initiated...

Commissioner Paskewich: Who are they affiliated with?

Commissioner Clark: They aren't, they are a non-profit organization, The Aton Forest.

Commissioner Paskewich: A non-profit, oh.

Commissioner Clark: They own the property, they run the seminars themselves. I don't believe they are associated with anybody else.

Commissioner Paskewich: Where in Norfolk?

Commissioner Clark: On some road, I almost got lost on.

Laughing.

Vice-Chairman Block: I am sure she will have some literature for you Alan later on.

Commissioner Paskewich: Thank you.

Vice-Chairman Block: E, invasive plants.

Commissioner Clark: Nothing further on invasive plants.

Commissioner Paskewich: Actually, I was gonna speak on the vernal pools as well.

Vice-Chairman Block: Oh, ok, I'm sorry to speed up.

Commissioner Paskewich: There have been some twilight visits to vernal pools, different agencies in different states have been giving the public opportunities to do exactly what Kathleen was doing at Aton Forest, only in a twilight setting. I don't know if anybody has heard of that, but there as been some opportunities coming about, I just though I pass that along. They are hard to finds, some of these venues, unless you are on certain bulletin boards.

Vice-Chairman Block: OK, well if you hear of any, bring them forward. OK, so back to invasive plants. Anything from anybody?

Commissioner Clark: nothing further from me.

Vice-Chairman Block: Well, OK, then going on to eight.

Commissioner Paskewich: Oh, actually, yeah I would like to speak on invasive plants. There were, in the minutes, Kathleen was in discussion in this regarding crown vetch and you spoke to it, and somebody else who was a consultant spoke to it, whether or not it was invasive versus using fescue in a seed mix. Has there been, was there any further, you were going to do some research on that.

Commissioner Clark: No, I left it up to the applicant to do research on that.

Commissioner Paskewich: Ok.

Commissioner Clark: That's out of our hands, but I am assuming we will get report from staff once that takes place. Because we approved the, we approved the application with a condition

that they would investigate seed mixes that did not contain invasive plants and see if that was a practical solution. Do you know where we are with that?

Chris Greenlaw: Yes.

Commissioner Paskewich: I wasn't here, that is why I am bringing it up. OK, thank you.

Vice-Chairman Block: OK, Public Participation Non-Agenda Items. Please limit to two minutes or less.

John Bachand, 56 Maple Hill. I would just like to say I love the environmental sciences, it is a really interesting field and I am sure that if I was, had an attention span larger than a flea, I would be in that field because I find it very fascinating and in kind of ties in with conservation commission stuff and you know, especially hydrology and geology, you hear all the same topics, kind of like. So just in general on that advisory idea, I think it is a good idea, Chris asked a question is there a requirement for disclosure. On industrial property there is no requirement at all for disclosure. It's amazing the stuff that could be in the ground and people sell their property and the term is due diligence or buyer beware, is kind of a loosely used term, but in legal term it is due diligence, you have to do your own due diligence. So and then the ladies up here discussed something about how industrial properties is a different classification than residential properties. It is ten times, ten times lower threshold for industrial property, so around here most of our ground water is considered industrial, so it has a ten times lower threshold, so you can go from 2,500 parts per million of the TPH in an industrial zone, if it is residential it would be 250, just to give you an example. So, I think it is a serious concern putting children in that building, it was, I am sure it was never considered that the responsibilities comes down to liability of the property owner. There is no state watch dog, there is not watch dog agency that's going to look over this. It is not in the purview of the people who are working on one specific part of that remediation, it is definitely not up to the applicant, so I would suggest that part of your advisory is that they get their, the owner of the building is going to have a phase one on the building, without a doubt, whether he wants to share that or not is up to him. He could loose a potential tenant if he doesn't share, I mean that is what they can hold over his head basically, but you know that material, that is in question is most likely under the floor of the building and that is considered remediated so that is why these women don't know anything at all on that part of it. When it is under a building it is considered encapsulated, most likely it seeped through that pit, and it was not used as a paint thinner, I am sure that it was used as a degreaser, because it is very highly volatile, and will flash off. You were referring to getting in on your socks, that wouldn't be likely, because if you poured it on concrete it will just disappear within a couple depending on how much your poured out and it evaporates, so that is the biggest threat is the vapor. If it was only the floor and potentially seeped through the floor, I think the overall likelihood of a vapors there is small, but I think it is a safe question to ask. That's all. And the other thing I would like to discuss, I know it's on the agenda, so I am going to side step around it in general terms, is the TPZ, someone mentioned here usurping each others authority and that was the ultimate usurping I heard the other night. I won't go any more into detail on that, but I think it just comes down to people who push agendas, these are agenda driven schemes that are going on. I just came from the town hall renovation committee and it is totally agenda driven there and I just became a distraction when I told them they should not tear this building down and they, all their plans, almost all of them laid out are just to tear this building down because they want a new gym, so there is a couple of people that want what they want and they are going to push as hard as they can to get it and use what ever means necessary. Thank you.

Vice-Chairman Block: OK, motion to adjourn?

Commissioner: No, no.

Vice-Chairman Block: Oh, sorry. OK, Communications and Reports. Internal rules.

Chris Greenlaw: As far as communications and reports, under invasive plants, it was brought up as to a condition as it relates the landfill and what I would like to do is speak on that topic with the chairman when he returns because the condition required that the consultant provide an alternative seed mix to the Town Engineer to recommend for approval and also in conjunction with the chair. I believe we have completed that but I would like, in all fairness for, since the approval involved the chair for us both to speak on that quickly to tell you about the process. That is all I have to report on that.

Vice-Chairman Block; OK. Update on the TPZ petition(s) for Amara.

Commissioner Clark: The last TPZ meeting, chairman Zelek, Commissioner Paskewich and I attended that meeting and that's the meeting at which the Amara application was approved. I think it is important to report to the commission that two of the commissioners, TPZ commissioners, Carol Anest and Bob Sara, both expressed lack of comfort with the fact that they wanted to read something from the conservation commission. I believe they were referring to the 2007 application at which point inland wetland did approve that and they were not offered it, were not given it in a timely manner, it was not made a part of any kind of package that they had and they expressed discomfort with the fact that they did not get educated to, in that, on that topic. Commissioner Zelek, Chairman Zelek and I discussed this between ourselves and he expressed an interest in investigating further the legality of what was going on there and this, there is a state statute, 8-3g that I would recommend and, along with his blessing I believe, that all commissioners familiarize themselves with this statute and I would like to suggest that we table further discussion of this TPZ petition to, so that we can educate ourselves as to what he is concerned about and discuss it at a future meeting.

Commissioner Sadil: What is the time table?

Commissioner Clark: I believe the time, you mean to actually look into this and make something happen.

Commissioner Sadil: What is going on at TPZ relative.

Commissioner Clark: I think that, they certainly approved it, the question is, again I am going to editorialize here and just say that we were left out of the loop in this and was that appropriate and I think there is some difference in opinion whether that was appropriate. My opinion is that it set up a dangerous precedent as to the future and for future applications and that is pretty much all I would like to say at this point. Again, I think a lively discussion might take place, but I don't think, I think we all need to read that particular statute and I think that would help us come to the table with the background that we need to discuss what happened there. Again it is 8-3(g).

Commissioner Krawiec: What I am hearing is that there is an expression of concern on the legalities on this particular passing of this application, is that what I am hearing?

Commissioner Clark: It is whether that particular statute was adhered to and we want to get very specific..

Commissioner Krawiec: Sure.

Commissioner Clark: And again, I am, I know that I am, that the chairman had concerns about that particular aspect of it.

Commissioner Krawiec: Are you asking our support? Is he asking our support by reading that document?

Commissioner Clark: I think that, personally I think it is not appropriate for me to solicit that kind of support. I think we should table and the we should have that discussion in the future. It meant a lot to him to have a discussion, but I think that we don't have that. I don't think we have the background that we need to really talk about it further because I went to look at the statue tonight and it is like this long. So I would like to learn more about it before we have a discussion. I don't think. This may have no impact on this currently, what just happened at TPZ but I do think it's something we need to be educated about and I believe that DEEP has had some other cases that involve this same statute, so I would like to pass that on that there have been other cases before that DEEP that involved whether that statute was adhered to. So I think it is an ongoing concern and I think I would like to encourage that we discuss it, but I think it should be tabled.

Vice-Chairman Block: I think what I could suggest is that you all look at it CGS 8-3(g) and communicate individually with the chairman if you would like to have a discussion added as an agenda item [at the] next meeting with or without the town attorney. Have a little bit of a seminar on what it means. Going on.

Commissioner Clark: Excuse me, I just need a point of order, I don't know what to say. Can we, can we table that particular topic or do we have to bring it up as a brand new topic?

Vice-Chairman Block: This is an update on reports.

Commissioner Clark: So it is just an update, so it can be an update next time we have, it's not formal.

Vice-Chairman: It stays on the agenda, if you want to do something further with it, it would be placed on the agenda as a specific item.

Commissioner Clark: That sounds good to me.

Vice-Chairman Block: So again, read it and discuss it with the chairman and he will make his decision. C - Update on TPZ discussion of HB 6851 re CT Transit Corridor Development Authority. Any one have any thing further.

Commissioner Clark; Again, this is coming from the chairman and again at the same TPZ meeting the TPZ passed a resolution I think is the best way to state it that they were opposed to HB 6851 which is the creation of the transit authority and so that was their position, just historically also the town council the same, a similar motion did not pass at the town council. Chairman Zelek would like us to consider discussing that bill and whether we want to make a statement coming out of this commission, yea or nay, supporting or not, and he wondered if we want to do that and he also suggested at having a special meeting to discuss that and some of these other issues.

Vice-Chairman Block; My background on that was that in the interim, when this was going on, there was some amendments proposed by the bill that changed some of the concerns of, I think it's a question that is well worth investing and discussing because the original bill had some bypassing through some wetland, conservation land issues that were disturbing.

Commissioner Clark: And if somebody doesn't like it.

Vice-Chairman Block: And if they still are being advocated some of the way, yeah, it would be nice to say something about it.

Commissioner Krawiec: Is it possible that we get these documents sent to us so this ensures that all of us come to the meeting educated on both these documents.

Vice-Chairman Block; They will be on file with the town manger and the library I believe and you know you can inquire of them for copies.

Commissioner Casasanta; I would agree with Commissioner Krawiec, that any of this information that we are being asked to review be sent to us via paper so that we can review it and [inaudible]

Vice-Chairman Block: If somebody wants [inaudible]. I don't want to run between the rain drops, so how about a motion to adjourn.

Commissioner Krawiec: Well wait a minute, who is going to do it, who is going to send it out?

Vice-Chairman Block: Anyone who is interested.

Commissioner Clark: No, we cant' leave it at that.

Commissioner Krawiec: No, no no no.

Commissioner Clark: Since I started it, I will try, even though I computer wise can't, like say ok, here, I will make sure that at least is direct you to the bill and the statute.

Commissioner Krawiec: Thank you, I'm sure everyone will appreciate that. Thank you.

Commissioner Clark: That being said, we have already come up with a away to have update on TPZ petition go on he agenda, do we do the same thing, request that a discussion of HB 6851 be on the agenda so I can talk to the chair and that he would have it on the agenda. We don't have to do anything.

Vice-Chairman Block: No. OK, a motion to adjourn. Say it please for the record.

Commissioner Krawiec: I accept the motion to adjourn.

Vice-Chairman Block: Second please.

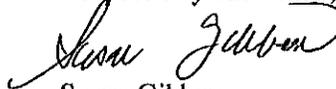
Commissioner Krawiec: I second.

Vice-Chairman Block: All in favor.

Commissioners: Aye.

The meeting was adjourned at 9:30 p.m.

Respectfully submitted,



Susan Gibbon

Recording Secretary -Conservation Commission.