

CONSERVATION COMMISSION

REGULAR MEETING JUNE 21, 2011

TOWN COUNCIL CHAMBERS

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

Chairman Pappa called the roll call at 7:02 p.m. and noted Commissioners Block, Byer, Forte, Igielski and Shapiro were present. Also present were Alternates Harlow, Turgeon and Zelek, Mr. Anthony Ferraro, Town Engineer and Mr. Chris Greenlaw, Assistant Town Engineer.

NOTE: Chairman Pappa designated that Alternate Zelek would vote for Commissioner Longo. He asked Commissioners Block and Shapiro if they had familiarized themselves with the available application information and therefore able to vote on the application. They both responded yes.

ITEM III

ACCEPTANCE OF MINUTES

Regular Meeting of May 16, 2011

Commissioner Igielski noted the following corrections:

- A. Top of Page 1---He noted that the meeting was held in the TOWN COUNCIL CHAMBERS (E. CURTIS AMBLER ROOM).
- B. Bottom of Page 4---Remark by Mr. Mancini should read "Mr. Mancini introduced Mr. Ray Gradwell (Bradwell), Project Manager for the Project." He also noted that the change would also apply to other locations in the minutes where the name does appear.
- C. Top of Page 5---Remark "C" should read "Fifty (50) percent....as it exists (exits) today."

Motion made by Commissioner Igielski to accept the minutes as corrected and was seconded by Commissioner Forte. There was no discussion. Vote was 5 yes, 0 no, 2 abstentions (Block and Shapiro) and the motion was carried.

ITEM IV

PUBLIC PARTICIPATION ON NON-AGENDA ITEMS: NONE

Motion made by Commissioner Block to move ITEM VII C to the top of the Agenda and was seconded by Commissioner Byer. There was no discussion. Vote was 7 yes, 0 no and the motion was carried.

ITEM VI A

Application 2011-06, 117 Forest Drive

Chairman Pappa asked if the application was complete? Mr. Ferraro responded yes.

Motion made by Commissioner Igielski that based on the information before it, the Commission make a finding of fact that a public hearing is not necessary for Application 2011-06 because the proposed activities would not have a major impact or significant effect on the regulated areas. Motion seconded by Commissioner Shapiro. There was no discussion. Vote was 6 yes, 0 no, 1 abstention (Block) and the motion was carried.

Mr. Ferraro passed out a list of suggested conditions for consideration by Commission members. There was a general review by Commission members.

Motion made by Commissioner Igielski to grant a permit by Summary Ruling for Application 2011-06 and subject to conditions. Motion was seconded by Commissioner Forte. There was no discussion. Vote was 6 yes, 0 no, 1 abstention (Block) and the motion was carried.

NOTE: Refer to audio tape or "Official Notification of Action" for conditions of the permit.

ITEM VA (Continuation of Public Hearing)

Application 2011-03, Russell Road, North of Old Highway, Map Amendment

Attorney Tom Regan, representing the applicant (Toll Brothers) entered the following remarks into the record:

- A. The request for the Map Amendment is to bring the Town Map into line with our findings found in the field by a soil scientist.
- B. The Town retained a third party soil scientist, Mr. George Logan of REMA Associates, to review the applicant's soil scientist flagged findings in the field.
- C. Mr. Logan and Ms. Cynthia Rabinowitz, the applicant's soil scientist, reviewed the flagging in the field together.
- D. A report has been submitted of his findings in the field to Mr. Ferraro, Town Engineer.
- E. Mr. Logan's report noted that he found several minor discrepancies. He submitted his findings to the applicant, whose engineer placed the information onto a map.

F. He (Mr. Regan) noted that Mr. Hogan and Ms. Rabinowitz during their field investigation found that a number of flags had been moved in the field.

Commissioner Igielski asked when was the report submitted to the Town? Mr. Anthony Ferraro, Town Engineer, responded the report was received last Friday. There was no time to mail the report (to Commission members).

Attorney Regan introduced a letter from Ms. Rabinowitz and a revised map into the record.

Ms. Jodi Chase, wetland ecologist noted that the wetland flags were found missing on June 10th and the wetland lines were re-established by June 15th.

Chairman Pappa asked when were the wetland flags moved? Attorney Regan responded that he did not know. Flag locations were changed.

Commissioner Block asked if there was any change in size or location of the wetland? Attorney Regan said there was no change in size but there was some change in location.

Chairman Pappa asked how much change (in location) if flags were not moved? Attorney Regan responded two (2) to four (4) feet.

PUBLIC COMMENT

Ms. Holly Harlow, 11 Edmund Street did not enter any remarks into the record.

Mr. David Tatum, 29 Camp Avenue said that he hoped that the public hearing would be kept open to allow the public to review the new findings.

Ms. Judy Igielski, 23 old Musket Drive suggested that people using the microphone be asked to speak slowly and that Channel 14 be asked to tape the hearing.

Ms. Allison Clark, 20 Cypress Road, thanked the Commission for hiring the third party soil scientist (to verify the applicant's findings in the field). It was the right thing to do.

Ms. Hazel Liebmeguth, 43 Beverly Road, Wethersfield entered several remarks into the record that did not apply to application for a request for a Map Amendment.

Mr. Bernard Cohen, 98 Whitewood Road, entered several remarks into the record that did not apply to application for a request for a Map Amendment.

Mr. Ferraro noted that per Section 11.2 of the Regulations the Commission can keep the public hearing open for 35 days following the opening of said hearing unless the applicant agrees in writing to a time extension.

Chairman Pappa said that he does not see the need to request a time extension.

Attorney Regan noted for the record that once the hearing is closed, no new evidence can come in (in the future).

Commissioner Block after looking at the report and two (2) letters said he does not see a statement that this (the wetlands) is all that is there.

Attorney Regan said that field conditions were compared with the Town Map.

Ms. Chase said that it was Ms. Rabinowitz's responsibility to find all of the wetlands that are on the property. She has seen the entire site.

Commissioner Block asked if Mr. Logan verified only the three (3) sites (shown on the applicant's plan)? Mr. Ferraro responded that Mr. Logan looked at the entire site.

Ms. Tracy Lawlor, 37 Sunset Road asked if the Drew Report had been submitted and was it relevant to this application? Mr. Ferraro responded that the Drew Report is not relevant to this application. He has not yet received the (Drew) Report.

Motion made by Commissioner Block to close the public hearing (for application 2011-03 and was seconded by Commissioner Shapiro.

Commissioner Block asked what relevance does the Drew Report have to this application? Chairman Pappa responded none.

Alternate Zelek asked about Mr. Tatum's request to review the documents. Mr. Ferraro responded the documents can be reviewed at his office.

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

ITEM VB (Continuation of Public Hearing)
Application 2011-02, Russell Road, North of Old Highway

Attorney Tom Regan, representing the applicant (Toll Brothers), noted that following a meeting with Town staff, a revised plan was developed for the project which will be presented tonight. He noted the new plan would be presented by Mr. Stanley Novak.

Mr. Stanley Novak P.E., BL Companies said the revised plan to be presented tonight is in response to input and comments emanating from the meeting with Town staff and entered the following remarks into the record:

- A. Seven (7) lots have been removed from the original plan where existing slopes are greater than fifteen (15) percent. This change reduced the number of proposed lot from 71 lots to 64 lots.

- B. The removal of the seven (7) lots and other changes resulted in an increase of 6.74 acres of additional open space. The total acreage of open space would now be 44.18 acres.
- C. Road “A” was shortened by 90 feet and moved easterly to align with a future road to the south.
- D. Road “C” was shortened by 40 feet in an easterly direction and the lots were reconfigured.
- E. The new plan resulted in a major reduction in rock excavation in the affected area and elimination of a deep sanitary sewer.
- F. The (public) water booster (pump) station has been relocated to the northeast portion of the property resulting in a minor shift in the proposed retention basin.
- G. This plan represents a reduction in the amount of impervious surface. The two (2) southerly detention basins would be reduced in size and reconfigured (to conform to size and field conditions).
- H. The revised plan would also attenuate storm water flow from the development to pre-development conditions.
- I. The development of the storm water management plan included guidelines from the 2004 Storm Water Quality Manual, 2000 Town of Newington Storm Water Drainage Manual, ConnDOT Drainage Manual and 2002 Connecticut Guide Lines for Soil and Erosion Manual.
- J. A water quality measure would include the installation of a hydro dynamic separator on the conveyance pipe to each detention basin. Each structure would remove 80% of suspended solids.
- K. The plan still shows the removal of the 1720 square foot wetland. Mitigation for the removal of the wetland calls for the creation of a new wetland adjacent to the central wetland. The new wetland would be about two (2) to three (3) times the size of the existing wetland and conform to existing field conditions.
- L. By shifting Road “A” away from the central wetland, we are able to maintain a 100 foot buffer from the wetland to the building lots along the shifted portion of the road.

Commissioner Block said as a Conservation Commissioner, he would like to see a sight line sketches looking from the central area of Town up through area of the proposed development to show that the roof line of homes would be below the top of the ridge line.

Commissioner Block asked how would the recharge of the wetlands be accommodated by the proposed road layout and storm water systems? Mr. Novak responded the surface run off

would flow into central wetlands detention basins where it would be stored as a water supply and slowly released through a small diameter pipe into the existing wetland as it does today. The central wetland is between two (2) to three (3) feet deep. There is a weir located on the westerly side of the wetland and meters the flow out to the corridor wetland to the west. He also noted the bottom of the detention basins would allow for some percolation into the ground.

Alternate Zelek asked for the location of each separator? Mr. Novak referring to the plan showed the location of each separator.

Alternate Zelek asked how would the effects of the use of fertilizers, herbicides and pesticides be controlled (in an area that would drain into the wetland)? Mr. Novak responded there would be a Home Owners Association that would place restrictions on what can be used as well as quantities to be used on lots that abut a wetland. The association set up would be similar to the one Toll Brothers set up in the Town of Berlin.

Chairman Pappa asked how would an association prevent people abutting a wetland from abusing the use and quantities of regulated material(s)? Mr. Novak responded that the Berlin project abut a major land reserve with a stream that runs through it. The association has very restrictive guide lines on what can be used. In addition, it is going to be a home owner association piece of property as opposed to a regular fee simple subdivision, we would be able to place restrictions on the use of these materials.

Chairman Pappa asked what would be the potential impacts from blasting emanating from the project? Mr. Novak responded there would be some blasting (associated with the project). The level of blasting would be less than what would have been required under the original plan. There would be no mass blasting. Controlled charges would be used to accomplish the requirements of the project such as utility and drainage trenches and road construction.

Attorney Regan noted that a 65 extension of the application has already been given to Mr. Ferraro and the blasting person would be made available at next month's meeting.

A Commission member asked if there would be a geotechnical survey? Attorney Regan responded yes.

Alternate Harlow asked if the 1700 square foot wetland would be filled in? Attorney Regan replied yes.

Commissioner Block expressed a concern about backyards shedding run off and debris into the wetland. He said when more detailed plans are presented next month, he would want a detailed explanation where lots drain into the wetland.

Commissioner Byer asked for an explanation on how mitigation would be provided for the wetland that is proposed to be filled in. Mr. Novak responded a new larger wetland would be constructed in the north portion of the central wetland. The shape and scope of work would be determined by field conditions.

Ms. Jodi Chase, wetland ecologist with CHASE Ecologies, said she prepared the Wetland Assessment Report dated April 21, 2011 for the site. She used the Army Corps of Engineers methodology in preparing the report and entered the following remarks into the record:

- A. Western Wetland Corridor---This wetland is basically a stream corridor. There is a small amount of physical wetland present. The main function of this wetland is the conveyance of surface water. There would be no direct or indirect impact from the site (proposed subdivision).
- B. Central Wetland---This wetland is a broad level shrub swamp that contains water through out. Wetland functions include wild life habitat, water quality renovation, traps surface run off and some run off retention. There would be an indirect impact from storm water flow from the detention basins. Otherwise, there would be no direct impact from the subdivision.
- C. Northeast Wetland---This 1720 square foot wetland is an isolated shallow basin that holds water with virtually no vegetation and would be dry by June. The wetland function value of the wetland is low. The mitigation being proposed in the northern part of the Central Wetland would be a newly created shrub swamp approximately 6000 square feet in size. This mitigation would more than off set the loss of the existing wetland.

Chairman Pappa asked in what situation would the wetland not be filled in? Ms. Chase responded on the functional values of the wetland. The Northeast Wetland has no functional value per the Army Corps of Engineers methodology.

Commissioner Block asked if an inventory was done of plants and wild life? Ms. Chase responded the Northeast Wetland (No.3) was rated low and the Western Wetland Corridor (No.1) and the Central Wetland (No. 2) were each rated high.

Commissioner Block asked when was the survey done? Ms. Chase responded primarily the fall of 2010 through the winter of 2011 and April 2011.

Alternate Harlow asked Ms. Chase if she was saying that the separators and rip rap going in would result in the removal of 100% of pollutants? Ms. Chase responded no. The separator would remove 80 % and the detention basins and over flow would additionally reduce the pollutants. There would still remain some pollutants. Any development would have some residual pollution.

Ms. Sylvia Mer-Karas, a biologist with Drew Associates said the report would be finished in two (2) weeks. She noted that the company is small and based in New Haven. She reviewed her experience and that of the head person who was presently out of the country. She proceeded to enter the following remarks into the record:

- A. The company is still collecting data due to the lateness of the season and rain.

- B. A visit was made to the site in early March (2011). The ground was frozen and traps could not be set to trap reptiles and amphibians.
- C. Traps were set in all wetlands when there was evidence of the first snow melt. No amphibians or egg masses were found in April or May.
- D. The large wetland area is still currently holding water. We may have to go into July to collect data.
- E. Some one removed a gauge that was being used to measure the flow of water in the 1700 square foot wetland.

Alternate Harlow asked if there were any indications found in early spring? Ms. Mer-Karas responded data is being collected and conclusions would be in the report.

Alternate Harlow asked if a vernal pool is a valuable wetland? Ms. Mer-Karas responded yes.

Attorney Regan said that he wanted to make it clear on the record that the question referred to a vernal in general and not this vernal pool.

Alternate Harlow responded yes.

Attorney Regan said this concluded the presentation for tonight. A presentation of the revised plan would be made to the Town Plan and Zoning Commission tomorrow night. I have already given Mr. Ferraro a letter granting a 65 day extension. This would give you time to review the revised plan and bring in Dr. Abrams in to present the Drew Report in July as well as the CERT findings that is still in the works.

Chairman Pappa noted the public hearing remains open and the applicant has granted the Commission a 65 day extension. The revised plans would be available for review tomorrow.

Mr. Ferraro noted that the Commission has the preview to review activities within wetlands, (watercourses) and 100 foot upland review area.

REMARKS FROM THE PUBLIC

NOTE: Remarks in this section represent a summary of comments related to the Inland Wetland and Watercourses Regulations of the Town under which the application will be evaluated by the Commission (listen to audio tape for complete details of each individual response).

Ms. Mady Kenny, 53 Crestview Drive noted that a previous request (last month's meeting) was made for a power point presentation for a project of this concern (and public interest). The old plan should be super imposed over the revised plan to clearly see the changes. Reference has been made that a scope of work would be determined by field conditions. Who would make a decision and the rational and fall out from a change. The developer is working

hard to make something work on the land that is not for what they want it to be. It has been said that the home owners association would include restrictions. What are the restrictions and who is going to regulate them? Reference was made to draft being submitted. A draft is not binding.

Mr. Ed Horan, 35 Crestview Drive noted that the separators would be in need of maintenance. Their efficiency would be reduced over time.

Ms. Myra, 42 Jeffrey Lane suggested that for a project of this size, a handout should be made available to each member of the public. It was hard to understand what was being presented. The Blasting operation was not presented in any detail. For example, how much earth and rock would be removed to include road construction, utilities (sewer, water, gas, electricity, telephone and depth of utilities). The presentation was not fair to the public because new information was presented (during the presentation). The public did not have a chance to analyze and ask questions. More information should have been presented on the 1700square foot wetland. She noted that the minutes were not very helpful. The decision has been left to one person to decide and summarize remarks on what (physically) goes into the minutes. For a project of this size and detail and come across (listen to audio tape for detail of his/her remarks). If a discussion follows, people should not have to listen to tape to find out what was said.

Ms. Mary Ann Kelley, 41 School Housexing, Wethersfield noted using a 3' by 5' board (with the revised plan on it) resulted in a poor presentation. A blasting person would be present at next month's meeting. Hopefully, there would be a blasting report that includes the effects from any blasting operation. The applicant implies that any enforcement would be left to the home owners association. Who (specifically) would be responsible to enforce any restrictions and how would they be enforced?

Ms. Holly Harlow, 11 Edmund Street noted the EPA web site states the importance of maintenance relative to the effectiveness and functional (capability) of the detention basins. The home owners association would be responsible to maintain and keep pollution out of the wetland. No even a little bit of pollution would be acceptable to her. Connecticut State Statute 8-41 states that "if there a significant impact to a wetland, the applicant should look at feasible and prudent alternatives". Cost effectiveness should not a concern.

Ms. Bernadette Conway, 177 Hartford Avenue thanked the Commission for bringing in CERT to submit a report. She noted that the applicant wants to fill in one of the wetlands. Under no circumstances should this be done. She stated the use pesticides and fertilizers would have a negative impact on the wetlands. She would also like to see a new topographic map like original topographic map that was available at last month's meeting. This would allow someone to see where the steep slopes are and the location of possible impacts.

Mr. Roy Zartarian, 25 Stewart Street a member of the Hartford Audubon, Connecticut Audubon Society noted that in the wetland assessment report, there is no mention of bird life on the mountain. My sightings and those of others on the mountain have shown more than

100 species of birds that use the mountain for nesting or resting and feeding during migration. That 100 species is out of a total of 427 species on the State of Connecticut list.

Commissioner Block noted that the Commission has received a report from the applicant's expert. We have to review their findings carefully. They have studied the mountain for biology for nine (9) months. Some of you have known the mountain for decades. We have just heard there are species of birds (on the mountain). You have come to tell us of need to protect them. The Commission is here to balance the facts. The Commission needs factual evidence. Are these protected species as well as other life that has proven to be of concern. We need factual information such dates of sighting, photos, etc.

Ms. Allison Clark, 420 Cypress Road said she understands the Commission is doing everything it can in getting the information. She was disappointed the Commission was not getting the results of the studies. I am not in a position to ask question because I do not have this information. When are you (Commission) going to say get your act together and get the information in so that we and the public can review it.

Mr. Tristan Mason, 165 Pheasant Run said he was an English major. He presented general remarks on how to make a presentation in a public meeting.

Mr. Alan Paskewich, 100 Cambria Avenue asked Commissioner Block if he (Block) could give us some help, such as a person or agency beyond our expertise to secure the type of information he (Block) made reference to in his remarks.

Commissioner Block responded that as a Commissioner, he must remain neutral, and can not provide assistance. In response to a question from Mr. Paskewich, Commissioner Block noted the public during the 65 day extension period can submit new information.

Mr. Mike Aparo, 82 School Housexing, Wethersfield said people have seen wild life on the mountain. What will happen to it (wild life) after construction (of the development).

Ms. Tracy Lawlor, 37 Sunset Road asked several questions to include what is the difference between a Rock cut versus blasting? How would a home owners association control the use of pesticides and chemicals? A hydro-dynamic separator removes 80% of pollutants. Where would the remaining 20 % end up?

Ms. Valerie Leon, 78 Connecticut Avenue noted that the map used for the presentation was too small for people to see. She expressed a concern of the use of pesticides in wetland areas as well as the filling in of a wetland.

Mr. Jeff Downs, 27 Sawmillxing, Wethersfield noted a recent blast occurred in the area from an unknown source, and how blasting at Balf (quarry) had been monitored in the past. He also entered into the record his perspective of construction activities associated with the project and the resulting impact on the mountain.

Mr. David Tatum, 29 Camp Avenue said that he has no faith in a home owners association. If an association is used, (the Commission should) see a binding document at some point in time before approval. He expressed a concern of home owners pushing leaves, debris and grass down the slopes (into a regulated area). The central wetland has standing water and may generate bugs and mosquitoes. The 100 foot buffer barrier does not apply to the detention basins. If the (1700 square foot) wetland is found to contain a vernal pool with very critical habitat, then it is worth more than two (2) houses. There may be no protected species. However, we should look at other species. The Commission is here to protect the wetland and not help the developer. The system is highly rigged in favor of the developer, so do what is right for the citizens.

Mr. Rick Spring, 47 Deepwood Road noted that the engineer at last meeting said if the small (1700 square foot) was not filled in, the project might not be economically feasible (to build). Is this a good reason not to remove it? A study should be on blasting activities and their potential impact(s) on the wetlands. He was happy to hear that CERT is being brought on board. Falcons and ravens have been seen nesting in areas abutting the property. A biological report should be done on nesting. A report should be done on pollutants and their effects. The Jodi (Chase) Report was over all a good report. However, phrases such as “likely” and “maybe” are subjective in nature and should be refined. The P.A. system should be fixed.

Ms. Rose Lyons, 46 Elton Drive suggested that when a vote is taken each member share his/her feeling why one voted the way he/she did voted. Fix the P.A. system.

Mr. Bruce Winchell, 48 Tinsmithxing, Wethersfield said that he hoped that five (5) detention basins being proposed would not end up like the (ConnDOT) basin on the Berlin Turnpike. If Tool Brothers submits a geotechnical report, the Town should retain a third party to prepare its own report. He hopes that the applicant will be better prepared and professional at next month’s meeting.

Mr. Ettore Namias, 1723 Main Street asked what safe guards would be put in place to protect the wetlands during construction on the site? He also asked what provisions would be put in place to control (surface) run off during construction on the site?

Attorney Regan noted that a 65 day has been granted in writing. Taking the initial 35 days allowed following the opening of the public hearing, there is now a total of 100 days for conducting the hearing. He noted that CERT has been granted permission to go onto the property.

Attorney Regan noted that the Drew Report has been delayed due to the late winter and wet weather. As a result, time is needed to collect the required data and we want to do it right.

Attorney Regan noted that the changes to the plan are primarily for the TP&Z. The changes relative to this application were high lighted tonight.

Commissioner Block said that he would want a presentation of the sediment and erosion control plan at next month’s meeting.

Motion made by Commissioner Igielski to carry over the public hearing to the July meeting and was seconded by Commissioner Byer. There was no discussion. Vote was 7 yes, 0 no and the motion was carried.

Commission went into recess at 9:30 p.m.

Commission came out of recess at 9:38 p.m.

ITEM VI A

Application 2011-07, Fenn Road, Willard Avenue, Dacosta Drive

Mr. James Quigley, Property Agent for ConnDOT noted the State is seeking through a friendly acquisition process a permanent easement with a property owner in Town. The State would be seeking the following easements:

- A. A permanent easement for construction purposes.
- B. A slope easement for roadway, multi-purpose trail and drainage purposes.
- C. Two (2) temporary easements that would terminate upon conclusion of construction activities.

The property is owned by Fennwick Estates, a condominium development which is located between Willard Avenue and Fenn Road. These easements are being secured in conjunction with the New Britain to Hartford Bus Way Project (ConnDOT Project No. 171-305).

The Town currently holds a conservation easement in the area of the proposed easements. With the permission of the property owner, ConnDOT is seeking the Town's execution of an easement in order to obtain a clear title to the land.

Mr. Brian Cunningham, Project Manager for the Bus Way Project noted the project would extend from down town New Britain to down town Hartford, a distance of 9.5 miles. The purpose of the project is to take vehicles off of Interstate Route I-84 and local roads. A multi-use trail would be constructed between the New Britain Station and Newington Junction (Willard Avenue Station). Permit applications have been sent to the Connecticut Department of Environmental Protection and the Army Corps of Engineers. Due to the narrow width of the Bus Way right of way, it is very difficult to find a mitigation area in the vicinity of each activity. Therefore, an 8.6 acre mitigation area has been set aside in the City of Hartford adjacent to the Park River.

Mr. Antonio Margiotta, P.E., Michael Baker Engineering, Inc., Project Manager, reviewed the plan in the vicinity of the area under discussion. He reviewed the location of the bus travel way, multi-purpose trail, rail road maintenance road and a twin 78 inch concrete culvert system. He noted that conservation easement is located on the east and west sides of

the Bus Way right of way. In order to not disrupt rail road traffic, the 78 inch pipes would be jacked under the tracks (listen to audio tape for details of his remarks).

Mr. Margiotta noted there would be .18 acre impact on the east and west sides of the tracks associated with up stream erosion protection and down stream splash pad for the 78 inch pipes. He also noted that there would be a .27 acre of temporary impact related to the installation of the jacking pit (east side). This area would be restored with wetland soil and grass and 800 shrubs.

Chairman Pappa asked if any of the mitigation would occur in Newington? Mr. Cunningham responded no. All mitigation would be done in Hartford.

Commissioner Block asked why not put the mitigation in Newington? Mr. Cunningham responded there is nothing (land) in the area to mitigate.

Mr. Cunningham noted that at the National Welding site where a station would be built. A detention basin would be installed. There was adequate area between the basin and rail road tracks for mitigation. However, along the remainder of the right of way, there is little useable land available. Therefore, the conclusion was made to do the mitigation in one area. It would be a better ecological solution.

Commissioner Block said that his interest is parochial in nature.

Mr. Cunningham said that his agency as part of the project, his Agency at the Newington Junction site would move the old station to the site and create a park like site along with storm water renovation. We probably could have taken credit for this work but we did not.

Commissioner Block said that he would still like to see something done in Newington. He suggested renovating ConnDOT detention basin on the Berlin Turnpike as an example.

Alternate Harlow said that he never heard the term "Friendly Acquisition". He asked for an explanation between a "Friendly and Unfriendly Acquisition"? Mr. Cunningham responded in our situation, the property owner has agreed to the State's proposal to acquire an easement. The Town has an interest in the property through the "Conservation Easement". This is the process that we follow when another party has an encumbering interest in the property. Securing property through "Eminent Domain" was given as an example of an "Unfriendly Acquisition".

Chairman Pappa asked if the only reason ConnDOT is here tonight is because of the "Conservation Easement"? Mr. Cunningham responded yes. There was a follow up discussion (listen to audio tape for details of the remarks).

Commissioner Igielski noted the agenda package contained an easement document for Fennwick Estates and an easement to be signed off by the Town? Mr. Cunningham responded yes.

Commissioner Igielski said the easement should be sent to the Town Attorney for review.

Commissioner Block said the easement should be sent to the Town Council for review and advise. (not at this time)

Chairman Pappa asked if this easement was a take? Mr. Cunningham responded no.

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

ITEM VII B

Application 2011-02, Russell Road North of Old Highway

The Public Hearing was closed

ITEM VII A

Application 2011-03, Russell Road North of Old Highway, Map Amendment

The Public Hearing remained open.

ITEM VIII

PUBLIC PARTICIPATION ON NON-AGENDA ITEMS: NONE

ITEM IX

COMMUNICATIONS AND REPORTS

Mr. Ferraro passed out a letter from the Department of Environmental Protection that states the intention of Agency to waive the requirement for a Public Hearing for the proposed Busway Project relative to its determination that the “application will not have an adverse impact on flood heights, flood storage capacity or hazards to life and property” unless the Department receives a petition requesting a public hearing signed by 25 persons by the dead line for submitting comments. A hearing will be held on the inland wetlands application.

Motion made by Commissioner Shapiro to adjourn meeting at 10:15 p.m. and was seconded by Alternate Harlow. There was no discussion. Vote was 7 yes, 0 no and motion was carried.

Peter M. Arburr, Recording Secretary

Commission Members

Tayna Lane, Town Clerk

Town Manager John Salamone

Edmund Meehan, Town Planner

Councilor Myra Cohen

Chairperson, Town Plan and Zoning

Ben Ancona Jr., Town Attorney

Anthony Ferraro, Town Engineer

Lucy Robbins Wells Library (2)

