



NEWINGTON CONSERVATION COMMISSION

Tuesday, June 21, 2016

Meeting Minutes

I. CALL TO ORDER

Chairman Zelek called this meeting to order at 7:03 p.m. in Room 101 of the Town Hall.

II. ROLL CALL

Jeffrey Zelek
John Igielski
Kathleen-Marie Clark
John Casasanta
John Bachand
Peter Manke
Alan Paskewich
Peter Arbur
John Bachand

Also present

Chris Greenlaw, Town Engineer
Susan Gibbon, Recording Secretary

*(*These minutes are a brief overview of the meeting held on June 21, 2016. Please refer to tapes for full transcript.)*

Chairman Zelek seated Commissioner Bachand for Commissioner Block and Commissioner Paskewich for Vice-Chairman Sadil.

III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS (each speaker limited to 2 minutes)

None

IV. ACCEPTANCE OF MINUTES

A. Regular Meeting of May 17, 2016

Commissioner Paskewich: Not at meeting, but on page 11, I believe call should be collect.

Commissioner Clark: I agree, call should be collect. Also on page 11, his should be is and under roll call my name is spelled with a C, it should be a K.

Commissioner Igielski: On page 22, second line, the word have should be replaced with the word make; next line add the word "a"; on page 23, top of page, permit should be permits.

Commissioner Bachand: Page 6, it should read Commissioner Block, not Bachand.

Motion by Commissioner Igielski to accept the meeting minutes as amended, seconded by Commissioner Casasanta. Motion passes.

V. PUBLIC HEARING

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

Chris Greenlaw: No updates at this time.

Commissioner Zelek: Do you wish to keep the hearing open?

Chris Greenlaw: Yes.

Commissioner Zelek: No public participation; table to next meeting.

VI. NEW BUSINESS

None

VII. OLD BUSINESS

A. Application 2016-09, 593 Cedar Street – Utility Building in the Upland Review Area (URA)

Commissioner Zelek: For public record, I was not in attendance at this meeting; Commissioner Paskewich I believe you were also absent. I have read the minutes. I ask that the applicant give a brief recap.

Richard Walsh: Richard Walsh of iHeart Media, Hartford. iHeart media owns and operates radio station WPOP whose transmitter facilities are at 593 Cedar. We had the opportunity to make initial presentation at the last meeting. I also have with me P.E. Herb May with Macchi Engineers.

Herbert S. May: Good evening, Herb May with Macchi Engineers. I will briefly go over this. This is on the south side of Route 175 Cedar Street, between Route 9 and 173. We are planning on removing an existing concrete foundation and satellite foundation. We are looking to add a 10' x 20' precast concrete utility building to the site. The approximate location of the utility shelter will be on the west side of the existing shelter. The previous plan we submitted had a lot of lines and was confusing to the commissioners, so we updated the plans with their specifications. The overall site is 16 acres in size with the majority of it being wetlands except for the developed areas which is about .73 acres of URA. We established this line from taking the wetland line and offsetting it 100', there is an additional wetland line that is per the town mapping which is on the northern side of Cedar Street and that is how we delineated this northern upland review line.

Disturbances in the URA are approx. .08 acres which include a foundation for the 10' x 20' utility building and a temporary trenching from the utility pool to the precast concrete as well as the removal of the concrete pads and reestablishing that with topsoil and seed. This site is within the 100' year flood plain which is not under your jurisdiction but the mitigation for the URA is under your purview. The proposed structure is elevated above the flood plain and the wires will be underneath the utility building. Filling in flood and to offset, we are removing this pad. More in excess than needed, but felt it would be beneficial to restore to topsoil and seed. That covers everything. The soil erosion control measures are per the 2002 CT Guidelines for Soil Erosion Control measure.

Commissioner Paskewich: In the minutes I remember there was some discussion as to whether or not it was a 100 year or 25 year flood plain.

Mr. May: There is a flood way associated with this project and there is a 100 year flood plain associated with Piper Brook. Based on the FEMA study that is where the 100 year flood line ends.

Commissioner Paskewich: Based on 2008?

Mr. May: That is based off of FEMA Study of 2008.

Commissioner Paskewich: [question directed to Town Engineer]. Is that an accurate, up to date base line?

Chris Greenlaw: The plain mapping facility end of that is FEMA; 2008 is the latest mapping. The flood plain falls under the purview of zoning, but I believe you will be getting a special permit for flood zone from zoning, is that correct?

Mr. May: That is correct.

Chris Greenlaw: I will be working with the zoning officer on this as well. 2008 is latest mapping.

Commissioner Paskewich: Are there any amendments from 2008? Things change.

Chris Greenlaw: Anytime there are changes to a land, FEMA documents changes and periodically updates the map. Just as we do with wetland map here in town.

Commissioner Paskewich: How do they come back to a town?

Chris Greenlaw: Not aware of their protocol

Mr. May: The flood insurance rate study we got the elevation from was revised in September 2011.

Chairman Zelek: While we are talking about the lines on the maps, I believe I read in the minutes that some of the commissioners were looking for the delineation of the wetlands; are the commissioners satisfied with the map as revised? Let the record show that the majority of commissioners are nodding their heads. Chris, is this application is complete?

Commissioner Bachand: I just have one question. You only need to make up 386 cubic feet but you are taking out 4,300 extra cubic feet. Why, that is a lot of disturbance?

Mr. May: In our opinion, restoring the upland review area from an impervious surface back to top soil and seed we felt would be more beneficial to the URA.

Mr. Walsh: The volume of the proposed shelter is occupying is offset by the more than ten fold.

Commissioner Bachand: Considerably more than what you need to do. What was that slab used for?

Mr. Walsh: Prior to 1978 there was a 40' x 70' building that was the offices and studios for the broadcast facility. The State of CT widened the road and that time required that the radio station relocate and the building was dismantled. It is cracked and it won't be that difficult to remove. It will also create and improved appearance to the property.

Commissioner Manke: You are going to intercept some radio cables and run conduits into this new area; is there going to be a junction box?

Mr. May: We anticipate meeting the old conduits, it may be direct burial which is most likely. We will be relocating the existing cables.

Commissioner Manke: Not in conduit now?

Mr. May: We don't believe it is, we think it is direct buried.

Chairman Zelek: Chris, in your opinion is the application complete?

Chris Greenlaw: Yes, Mr. Chair, the application is complete. No formal inquiries from the public.

Chairman Zelek: Do the commissioner feel as though a public hearing is necessary for this application? Let the record show that the commissioners are shaking their heads. With that said John, can I get a motion stating a public hearing is not necessary for this application?

Secretary Igielski: At this time, I'll make a motion that based on the evidence before it, the commission make a finding of fact that a public hearing is not necessary for Application 2016-09 because the proposed activities will not have major impact or significant effect on the regulated area.

Chairman Zelek: Can I have a second.

Commissioner Paskewich: Second.

Chairman Zelek: Second by Commissioner Paskewich. All in favor?

Commissioners: Aye.

Chairman Zelek: Opposed? Abstentions? Motion passes unanimously. Chris do you have conditions prepared for this application?

Chris Greenlaw: Yes, Mr. Chair.

Chairman Zelek: Can you please hand them out to the commissioners. You do have one nonstandard condition here Chris, can you just explain that to us.

Chris Greenlaw: Condition A is in additional to our 12 standard conditions. I would hope that when we update these regulations, that condition A becomes a standard condition no. 13. I think is something that is very apparent with all our conditions, but technically until the application is approved it has to stand as condition A until accepted by the commission.

Chairman Zelek: Very good. John can you read the motion to approve the application.

Secretary Igielski: At this time I'll make a motion that the commission issue a permit by summary ruling for Application 2016-09, and subject to the following conditions: numbers 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 and subject to the following additional condition:

- A. This permit is valid for wetlands only; additional approvals/permits may be required from other Town departments, State or Federal agencies. It is the responsibility of the applicant to verify what other approvals/permits may be required for this project.

Chairman Zelek: Thank you. Can I get a second?

Commissioner Manke: Second.

Chairman Zelek: Second by Commissioner Manke. All in favor?

Commissioners: Aye.

Chairman Zelek: Opposed? Abstentions? Motion is approved unanimously. Thank you gentlemen?

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

Chairman Zelek: Chris, anything to add to this?

Chris Greenlaw: Just quickly, the only thing I want to add is that we are still waiting for the TP&Z to act, that is why this commission has been very patient and that is why this agenda item has

been on for over 18 months. It is my understanding that the TP&Z may take action as early as tomorrow night and there should be more discussion on this item at our next meeting.

C. New Initiative – Vernal Pools

Commissioner Paskewich: No updates at this time.

D. Invasive Plants

Commissioner Clark: No updates.

VIII. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS (each speaker limited to 2 minutes)

None

IX. COMMUNICATIONS AND REPORTS

A. Official Town Wetland Map

Chairman Zelek: Chris you have an update for us on this?

Chris Greenlaw: The official town map has been, or is in the process, of being updated as far as illustratively. What was sent to you is a compilation of years of mapping that we have kept track of. Staff laboriously went through applications for, since we updated the map last time. The task at hand was to review all map amendments to see if they met the requirements of the statute and what we received was a varying degree of mapping. Pursuant to our evaluation, there was a meeting with the former town attorney, we presented to him all the documentation tiered in various categorization and it was only those applications that fully met the requirements of the statute that were allowed to be updated on this map. So what you have before you were those map amendment applications that met the requirements. That map is here before you. If it is the consensus of the commission to acknowledge this map at this time, what we will do at this time is we will stamp the map, place it on our wall and we will place it online. From this point forward any map amendments that we get we will compile them and if we get six in the next 6 months we might update the map in 6 months; if we only get six in the next 2 years maybe it will be 2 years, but at least from this point on one thing we will know is that we have an updated map and we will work from that so any changes we have that is number 1. The other thing is, what about all those other applications we received that showed wetland mapping but didn't follow the process. That is a task for the commission. Many of you are out in the field and you observe wetlands or think there are wetlands or there might have been a change. What we will do is you and staff, those sites that we know we have information on file when people come it to apply we will be bringing forward this other data that we are aware of. If we feel as though it would be in their best interest of performing a map amendment in addition to their application for their site activities; that is how we will differentiate from this point forward. We will have map updated for all those map amendments that followed the process and all the other data we have in applications. To put it into perspective, what we have is a lot of data so let compile and categorize. This map before you reflects all map amendments that have followed the rules and requirements and we have memorialized that, now what we have over here,

this commission received a lot of data and as part of the subdivision regulations people have come forth and have simultaneously had applications for a subdivision and for wetlands. In the subdivision regs, they may have been required at a certain time in the past to say we want a soil delineation and wetland delineation, just as part of their regs. You have received that as part of the application in wetlands. What we have is many applications that although we have received information, soil data and have received testimony from soil scientist, we have a requirement in order to amend the map you have to have a map amendment application and some applications in the past didn't formally follow that process. We are going to stay aware of that and as applications come that have a lot of this data that is contrary to our maps we are going to bring it up with the applicant and their consultant.

Commissioner Paskewich: Is the light green delineating the wetland areas.

Chris Greenlaw: Correct, wetland, watercourse.

Commissioner Paskewich: That large section to the left to the map, where is that?

Chris Greenlaw: This area here right in the middle is very close to the busway. This little island here is WPOP. Also, right up here is the National Welding site, it changed the map. Our last map amendment is what memorialized the final change. We had three different applications from here; Hayes had applications, the DEEP on behalf of DOT they had a permit, and there was a permit applied to the town to memorialize the changes as it related to the activities associated with Hayes and the State of CT, because neither Hayes or the State of CT came in to have a final map amendment from their approved application. We took that upon ourselves knowing that there would be confusion in the future, we wanted to make sure that we are all reading off the same map and that was the goal for Mr. Brecher's applications.

Commissioner Arburr: This is the official town map that now has a number of changes that have been physically incorporated onto the map, is that correct?

Chris Greenlaw: Correct.

Commissioner Arburr: Will that not require going through a public hearing?

Chris Greenlaw: No, each one of those individual map amendment applications followed the statute and the statute required that they hold a public hearing.

Chairman Zelek: And presenting this new map to the public will help the public how.

Chris Greenlaw; It will help the public because we will also publish this map online, so 24/7 whether is it real estate agents or engineers or anyone, they will have the best available, up to date information online to prepare applications.

Chairman Zelek: When was the last time the map was updated?

Chris Greenlaw: 2010 perhaps, I'm not positive. I can get you that date.

Chairman Zelek: So you are looking for a consensus from the commission to go ahead and release this to the public and post it on the wall outside engineering.

Chris Greenlaw: Exactly. I wanted the commission to understand, we wanted to memorialize the date, and this process actually took a few years to get us to this date. Memorialize and get a consensus. Every change you see is from applications that fully satisfied all the check boxes. So that from this date on we know that this map is correct.

Commissioner Igielski: Since the last time the map was officially posted for use by the public, as amendments came in modifying that map and then future applications came in, were the applications looked at with respect to the map, plus any involved amendments that have taken place to insure that the pending application dealt with the most up to date information. Basically from a map that is on file for everyone's use and a subsequent map amendment, what the next applicant has to work with is not just that map, but the map plus the amendment.

Chris Greenlaw; Correct.

Commissioner Igielski: So what is being proposed here is that from the benefit of all people that have to use the wetlands map and information, both the public and the staff makes things much easier for people to understand.

Chris Greenlaw: Correct.

Commissioner Bachand: Just a couple of things; regarding private property owners and their proximity to wetlands and upland review areas, is it an obligation of the town to notify them, should it actually be on their deeds. Is there some sort of database where we notify them where it is permanently on record that they are informed that they have upland review or wetlands on their property.

Chairman Zelek: That may be a topic for another night.

Commissioner Bachand; One more thing regarding map amendments. You were talking about people with private properties making an amendment. What about if it is on town property and two see something that we think should be added to the map, what is the process for that?

Chris Greenlaw: Let me clarify that statement, when I said the commission, I mean that in a reactive status, meaning when an application comes forward for review to us that is when we should be engaged with that permit. You don't want to approach this yourself, like you are targeting someone, because we all know that we want to make sure the discovery of wetlands are done in accordance with what the law is. We have proper access, we have garnered their permission, and we are not wetland vigilantes. We react to applications that come in before. That is why we are very careful about how we accept information, when we accept information, how we garner that information, but certainly the point I want to make is when an application comes in and historically we know that we have had another soil scientist that has presented data and it is different from our map, then we are going to request if the variability in those lines a significant, this commission at that point is going to say we have public knowledge of.

Chairman Zelek; A perfect example is the National Welding site where the commissioners traveled to the field and did a site visit and made observations to something they thought were wetland characteristics, so that is where this map will come into play and how the commission will use it.

Commissioner Bachand: I was referring to actually adding to the inventory of wetlands on town property. I don't think that would be discriminatory to anyone.

Chairman Zelek; I think Chris explained it best when he said we are not the wetland police. We are not out there looking for these, when we have an application in front of us is when we will bring it to the attention to the commission. '

Commissioner Bachand: I was thinking about a piece of property on Cedar Mountain. The topographical divide where water flows basically it runs approximately New Britain Avenue. The culverts under each side of the tracks flow in two different directions.

Commissioner Clark: Speaking to Commissioner Backhand's comment. Are you saying there are wetlands on town property that are not recorded on the map?

Commissioner Bachand: In my opinion, yes.

Chairman Zelek: Chris is looking for a consensus from the commission to move forward with publishing this map. Let the record show that it is the consensus of the commission to move forward with wetland map.

B. Inland Wetland Regulations – Legal and Administrative updates

Chairman Zelek: Chris I you want to update us on this one. We did have a subcommittee that was formed, I asked Chris to put this under communications and reports. We did have a subcommittee of Commissioner Block and Commissioner Igielski, formed over a year and a half ago. Commissioner Block stated he is willing to continue to serve on the subcommittee, John are you willing to serve on the subcommittee again?

Commission Igielski: I can still help out.

Chairman Zelek: Very good, so we have two members that will handle this. Go ahead Chris and brief us on the legislative updates.

Chris Greenlaw: This is another task that we have been trying to tackle. If you look at the regs and the number of tabs I have in my book, there have been questions. There was a question this evening by a commissioner asking why are there standard conditions and why are we always adding a condition A. If there is a condition that we are putting on almost every application because we feel it is important for the applicant and this commission to have this condition, one of those things we proposed is when we review our regs we make standard conditions 1-13 for example. These regulations haven't been updated since 2010. What we wanted to do is take it in small bites. LID is its own initiative, it is new and we have been monitoring LID, have been watching how the land use commissions have been dealing with it. LID will have it added at its own site, by itself.

Periodically the State of CT legislature comes up with new acts that become laws. When they act on them they become valid, there is no discussion on. What we did was take all the legal and administrative updates for the last 5 years; there is not discussion on this but do you have questions. What I wanted to do was discuss the changes and move forward with additional changes such as LID. I want to map out and navigate these regs in a methodic way that is organized. Tonight is legal and administrative updates. Next time you look at the regs, all the updates will in black so we know they have been accepted. Next we will tackle LID which will probably take more time. Finally, when we get through that, the last segment of the changes will take quite a bit of time. I have a lot of notes and tabs. There are various things that have come up. I think the regs use at least three different terms for an application. They call it a form, they call it a license, they call it an application, they call it a permit and it is interchangeable all through the regs. Now you take that one example of a definition and you combine it with other definitions that might be vague and confusing and it translates to a vague and confusing manger by which we are reviewing it. So what we would like to do is go though the definitions, we are going to go though the various sections, the fee structure is something we need to talk about. Additionally waivers, modifications, the General Permit, what the agent can do, we have discussed that at length many time. So all these items and that is something I want to do last, I want to take the ones that are straight forward from the legislature and incorporate those. Then tackle LID, that has been in out frontal lobe for a while, we have been paying attention to that, we are immersed in that and the last thing I want to try to achieve are the rest of the regs. I expect this to take months, maybe a year going forward. We have requirements. Pursuant to our changes being memorialized, what we need to do at that point is it has to go Council, it has to go to DEEP, and I believe TP&Z as well for input and we will hold a public hearing on it, al the changes at once. Pursuant to DEEP and the Council approving those, then we can update those changes, memorialize them and then move forward. Hopefully, we are at some point where there is a better understanding of the vague definitions and sections that are in the regs.

Chairman Zelek: So, after we are done wit the legal and administrative updates, you don't want to send them to Council to get at least that part of them approved?

Chris Greenlaw: I don't think so because it is straight forward. The council by default has to accept those changes because it is from our legislature, to me the council want to see changes that have been sworn from this commission. They rule in town but something that comes from the state is going to trump their authority. I think that is good course to follow.

Commissioner Igielski: Just a point of information, and that being currently there is a public hearing regarding changing our regulations to include the LID and until that pubic hearing is closed and the changes that come out of that public hearing are approved it is would be that approved version of the procedures that would then have to be looked at for any and all changes regarding legislative matters. You cannot run two different versions in parallel; they have to be in succession, one after the other because they both require a public hearing and the second has to be based on the outcome of the first one.

Chris Greenlaw: So my question is, there was a public hearing process. Now I am talking about the legislative updates, so the legislature has a process by which you can weigh in on their acts before they become law. So those are going to be incorporated into the regs.

Commissioner Igielski: Right, by default. They have to be acted on by this commission.

Chris Greenlaw: Correct, you have to acknowledge them.

Commissioner Igielski: But before we can include them into our written documentation, we have to go through our process and to change our rules and regulations to include all the requirements that came out of the legislature, we cannot start on that until after the current public hearing has been closed and the changes to the regulations have been acted upon by this commission because it would be that version of the regulations that would go into the public hearing regarding legislative changes.

Chairman Zelek: So would it be best to close the public hearing that we currently have open on LID and begin working on the legislative and then reopen the LID one when we need to?

Commissioner Igielski: I don't know if it will be quite that simple. If the public hearing on the LID is closed then what might be appropriate is that a motion be made and voted on regarding what was being proposed and perhaps the action the commission should take is to vote down the motion to accept the LID changes because of not knowing exactly how we want them in the regulations because we are waiting on TPZ.

Chris Greenlaw: My recommendation is we follow the course with the LID because it is the 11:30 hour and if we need to, we have waited years to formally incorporate the legislative changes, and there is no rush, because when they act it is law.

Commissioner Igielski: And we have been abiding by those legislative changes once the legislation is passed.

Chris Greenlaw: Correct. It is probably prudent to follow through with the LID, close the hearing and then go to the legislative changes.

Commissioner Igielski: Based upon the outcome to the LID actions that have been approved by the commission.

Chris Greenlaw: And what I suggest is maybe what we do is when we close the LID public hearing, we advertise a new public hearing for the regulation changes.

Commissioner Igielski: I suggest we be very cautious about trying to lump things to close because there is still all the necessary actions that have to take place after the public hearing is closed and we shouldn't perhaps be advising the public of a public hearing or even setting a public hearing for the legislative changes to the procedures until the revised regulations based in the LID public hearing has gone through the process through the Council, this commission voting on those changes and it being brought to the Council as in the past and ending up with a final adopted version, because it would be that adopted version that would get brought to the public hearing regarding legislative matters.

Chairman Zelek: So, should the public hearing not be specific to LID, should it be all of the updates to the regulations?

Commissioner Igielski: I believe two years ago, maybe even longer, when we first talked about this it was decided to keep them separate because of the magnitude of the number of changes that would be involved for people to review and understand. It was decided the LID was a group in and of itself and those should go forward.

Chairman Zelek: Would those two separate public hearings then be two separate sets of regulations going to Council? How do you incorporate one into the other when you have two?

Commissioner Igielski: You don't run the public hearings at the same time. The second public hearing doesn't start until the process involving the first public hearing goes through to completion and this commission ends up with a new adopted version of the regulations.

Chairman Zelek: So are you suggesting we don't open another public hearing on the legislative updates, we wait until the LID is completed?

Commissioner Igielski: In it's entirety, yes.

Commissioner Arbur: Wouldn't the prudent thing to do is take what we are talking about and put it before the town attorney for guidance? Because this is really in his area as far as the proper procedure to follow instead of making judgments.

Chairman Zelek: Chris, you want to contact him?

Chris Greenlaw: Yes, Mr. Chair, I will contact the town attorney to get some clarity on the subject.

Commissioner Bachand; I am confused on who has the final say on LID? It is before TPZ now, they have closed their public hearing. Are we bound by what they say?

Chairman Zelek: We are not bound by what they say it is the same set of regulations or manual, it will be the same guidelines.

Chris Greenlaw: Ultimately, my perspective, I am an agent to this land use commission and the planner is to another land use commission. My opinion is that you have one set of rules as it relates to LID because LID is now intertwined with the storm water manual. So if someone comes in with an application and they apply in one commission and they have to apply in another, to try to separate that out and have them do different things would cause an undue burden for both the staff and the consultant, because you would have two different regulations, it would be chaos. Interestingly, TP&Z has been the commission by which half the regulations that LID infused into their regulations, although they have been the lightning rod for LID, this commission has asked very nicely many applicants to infuse LID into their applications and the consultants have acquiesced because they know they had to do it for TP&Z and we have been the beneficiary of that going all the way back to Toll Brothers. We have been mirroring the requirements of TP&Z, just by asking through staff as far as applications. Now we are at a point where TP&Z having those regs written, had a moratorium, they were reviewing them, we were seeing how much time and effort we were spending and they are at a point now where they want to refine those regs and see what is the amount of benefit. Now, they want to filter it down to what they believe the regs should be. It is my

professional opinion that the town have one LID regulation that both commissions follow. The biggest change to the regs, it has been realized that it is tremendous burden to the residents, both economically and from resource allocation of staff to get them through the process. That is why they are looking to relinquish requirements at the residential level. That is something I have talked about here numerous times. We have been watching TP&Z and at the same time we have been requesting LID efforts at this commission. They are at a point where they are looking to solidify their regs and pursuant to that this commission needs to look at the regulation and see if we are going to assimilate to what their regulation is.

Chairman Zelek: We will wait until the next meeting to hear back from the town attorney.

Chris Greenlaw: The next three applications before you were applications that I was authorized as agent to administer the application.

C. Application 2016-10AA, 281 Milk Lane – Paving, drainage installation and grading in the URA

Chris Greenlaw: At Milk Lane, that is the highway garage. There was a large endeavor a year and a half ago by which there was an application to change the swale and all the work within that swale within the wetland watercourse and the upland review is complete. One thing they never completed was the driveway because of all their other projects and everything going on. This their there were monies that were put into the CIP that would allow us to pay another portion adjacent to the watercourse and what we wanted to do was dovetail those projects. Because this additional paving was adjacent to a wetland, with no work in the wetland, just in the upland review area; what we want to do is pave in accordance with the first permit we had to take out a second permit. The plans were drawn by engineering; the applicant, after being authorized to fill out the application, there was a field visit by the chairman and myself and my team and that was approved. We are looking to pave Milk Lane all the way around from the main entrance to the front offices and dovetail those two projects together.

D. Application 2016-11AA, 1 John H. Stewart Drive – Sign installation and removal in the URA

Chris Greenlaw: Very simple application of again, much like on Lewis Street. Upgrade to a sign with basically within the footprint of where the existing sign was, it was in the upland review and very straightforward.

E. Application 2016-12AA, 1000 Willard Avenue – Deck in the URA

Chris Greenlaw: This is a deck in the upland review area. This was, years ago there was an addition to the house, possibly another deck there pursuant to the inspection by the chairman and myself. Quite a dramatic change in grade was far as where the deck is, it's straight forward being against the house and sonatubes support for the deck. A very small amount of material to be excavated for the sonatube application.

Chairman Zelek: Any additional comments by the commissioners?

Commissioner Arburr: I have just two questions. One is, was there site plans attached for each of these applications?

Chris Greenlaw: You mean a map?

Commissioner Arburr: No a plan, a sketch or something so you can physically see what is being proposed. When I went through the pdf's online I couldn't find a site plan indicating the location and what is going to be done. There was nothing hard in the agenda package, all online.

Chairman Zelek: It was just an oversight that you didn't get the complete package. We will be sure to get it to you in the future.

Commissioner Arburr: The second comment, for just a point of information, on 112 Willard Avenue, if you read it, the applicant stated in the record in his application that the work is being done in the wetland. I think you should look at them a little bit closer.

Chris Greenlaw: 112?

Commissioner Arburr: 112. If you read what was submitted by the applicant it states that the work is going to be done in the wetland.

Chairman Zelek: What application is that?

Commissioner Arburr: The one for the porch on Willard Avenue.

Commissioner Bachand: A deck or a porch?

Commissioner Arburr; Whatever the application is, in the application it indicates no impact, but when you read the blub explaining, the written blurb, it says the work is going to be done in the wetland. That is all I am saying, it should have said upland review area.

Chris Greenlaw: The point of record is the illustration that would verify that it is upland review and the way to verify that, you have to remember you have a laymen writing a narrative to the best of their ability and there is a lot of handholding and the terminology, the difference between upland review, regulated area, inland wetland is very easy for them, but the fact of the matter is, the actual application itself, our standard application has on the front, as you very well know that is where we state and we verify the impact of wetlands, the impact of watercourse, and the impact of the upland review. That is the fact of the matter and that is where we actually calculate that and put it within the permit. The narrative by, especially a resident, they could get their terms confused, we are a little bit more forgiving, but on the face of the permit, where we actually put in the amount to be disturbed on the site is where it is verified. Additionally, I want to remind you that the recording form that the resident pays \$60 for, there is a recording from to DEEP and on the back of that it talks about the activity, the type of application, and there are codes and on there is where you have to indicate whether it is watercourse, wetland or upland review.

Chairman Zelek: Any other comments before we adjourn?

Commission Arburr: No, it is an item I would like to put before the commission. This past week is drove over the subdivision on the west side of Deming Street, a single family development.

Chairman Zelek: That was one approved, it was a property transfer to develop the property.

Commissioner Arburr: Immediately to the south is the development of the old driving range property. The development is moving forward very rapidly, as of this week there are three empty lots. This project can very well be completed by the end of construction season, but not one step has been taken to do anything with the mitigation area outside of taking the house down and it is not a small thing. The question I have, I just like to ask the administrative officer to give us a report on the schedule, what is the bonding or guarantees the work is going to be done.

Commissioner Paskewich: Is there a bond attached to this mitigation?

Chris Greenlaw: Mr. Chair, if I may, allow me the opportunity to report to the commission next month where we are.

X. ADJOURNMENT

Motion by Commissioner Casasanta, seconded by Commissioner Paskewich; it was unanimously voted to adjourn the meeting at 8:20 p.m.

Respectfully Submitted,



Mrs. Susan Gibbon

Recording Secretary – Conservation Commission