

TOWN OF NEWINGTON CONSERVATION COMMISSION  
NEWINGTON TOWN HALL  
131 EAST CEDAR STREET  
NEWINGTON, CONNECTICUT  
CONFERENCE ROOM L-101  
LOWER LEVEL, TOWN HALL  
7:01 P.M. August 19, 2014

#### I. MEMBERS PRESENT

Chairman Philip Block  
Commissioner John Igielski  
Commissioner Kathleen-Marie Clark  
Commissioner John Cassasanta  
Commissioner Andreas Sadil  
Commissioner Benjamin Ancona  
Commissioner Alan Paskewich  
Commissioner Deborah Anne Krawiec  
Commissioner Timothy Manke and Comm. Jeffrey Zelek

PRESENT: Chris Greenlaw, Town Engineer

#### III. PUBLIC PARTICIPATION

Bob Vujs, 14 Hawley Street-I have two requests from the residents who live around the retention pond on plot #100 on the corner of Cedar Street and Hawley Street. This pond was cleared three three years ago by the Town of Newington. They did a very fine job. Since then reeds and bushes and sapling trees have mushroomed. They cut off the sun light from drying the area and it is now a breeding ground for mosquitoes. We would like to have it cleared up again. It is our understanding that a retention pond should be free of foreign object.

Request No. 2 is that the grass and weeds on the shoulder of Cedar Street in the area of Newington's Welcome Sign be mowed frequently.

Chairman Block: Sir, excuse me, I appreciate you bringing this to our attention; and I am sure this will be submitted to Public Works but those maintenance things could go more expediently directly to Public Works.

Bob Vujs: ...and they don't get done.

Chairman Block; Well, that's a different complaint.

Bob Vujs: They were promised to be done in November of last year but it didn't get done. I think they should have done this. It is a state area and they just cleaned everything up and I just brought these pictures to show you; they did a very nice job. It looks very nice now coming down the hill from Wethersfield and they took a big machine and they cleaned up right to the gate - I mean the fence there. It's a beautiful picture; everything looks nice now. I live in the house right there. There is no paper on that property because someone like myself picks it up every day.

Chairman Paskevich: We appreciate that.

Bob Vujs: Don't worry about that, because I think this other side is important because of mosquitoes and it gets worse and worse to manage. Thank you.

Commissioner Sadil: Mr. Greenlaw, isn't there a formal form that was created on the web site, I think we have a formal complaint form.

Town Engineer Chris Greenlaw: I believe you are referring to the Town Planner's Zoning Complaint form; it's not new, it is just new to you as far as we have made it available electronically.

Commissioner Sadil: I know it is just for zoning purposes and I was wondering if that was the formal way to go to the proper agency to look at this.

Chairman Block: If I recall correctly I think there's a check mark to what agency or department it should be directed to, so he could utilize that effectively.

Commissioner Sadil: Thank you.

Chairman Block: Anyone else?

Good evening: Gary Bolles - At your last meeting on the 15th of July, 2014 I presented some historical information regarding early Newington and Mill Pond Park in reference to the proposed Community Center. Chairman Block asked me to provide back up material regarding this historical information regarding early Newington and Mill Pond Park in reference to the proposed Community Center. Chairman Block asked me to provide back up material regarding this historical information so that you could all relate to it when and if the application comes before you. (passed out information) This information is quite compelling especially the fact that as early as 1677 some 337 years ago this area of Mill Pond Park was a swamp. A Newington reference guide dated April, 1949 and I am very thankful that my parents held onto it and passed it on to me, article refers to this land in its statement - "oak trees which are bounded in the low, swampy ground ;in that vicinity". I have included and reprinted a large article on page 24 and page 26 in this handout so that you can all read it for yourselves, please refer to the highlighted areas. Now just so you know I didn't make this up, there is page 24 and here is page 26 and if you would like it I will pass it around to you as long as I get it back. As stated previously, I want to be very proactive on the possible application regarding the proposed community center that could come before you. With much courtesy I want you all to have this historical information so no one can lead you to believe otherwise. Thank you for your undivided attention to this information. It was a huge undertaking. Now it does state in that booklet that it was as early as 1677, but if I could talk to the cave men and women I'm sure they would tell me that was there thousands of years so let's not just say 1677, so I thank you very much. I hope you will read it over and really pay attention to the great information in there.

Chairman Block: Mr. Bolles, just for your information, we still do not have anything on our agenda regarding this project and therefore, this submission today is technically premature. If and when it comes up on the agenda, please have one copy made available to put it in the record at that time.

Mr. Bolles: I want everybody to hold onto this otherwise I will take them back and pass them out later on.

Chairman Block: That's your choice but it is the decision of the commissioners whether or not they can hold onto it themselves. Okay, thank you again.

Mr. Bolles: Thank you.

Town Engineer Chris Greenlaw: For the commission's benefit I do keep a public participation file in our hard copy files in the office so I will be adding this and all materials just for public information for future reference as needed.

Rose Lyons, 46 Elton Drive: I have been coming to these meetings for a while now and two things I have asked and maybe you discussed it when I have not been here is more of an explanation of what the agenda items are and the applications. The other thing is the agenda itself. At the last meeting Mr. Bolles spoke to the same subject that he spoke to tonight and in my opinion was kind of cut short because it wasn't on the agenda. The thing that bothers me is that unless there is a public hearing on the application, you can't speak to the agenda because public participation is on non-agenda items so you are damned if you do and you are damned if you don't. As to Mr. Vujs' concerns, I think with all due respect Mr. Chairman, that you cut a man short that seemed to be frustrated and I, too, have sensed his frustrations in trying to get things done, especially at the end of my street, my favorite little subject, the pathway between Elton Drive, Farmstead up to the Newington Senior Center and up to the Newington High School. It's round and round and round you go and it's not my job, it's not my job, it's not my job. I think that the man took the time to come here to speak to you regarding these issues, that he should have been left to speak, let you know what his problem was and then maybe you could have given him some advice. I just sense the frustration in a lot of people in this town with where to go to get answers these days. Thank you.

Chairman Block: Ma'm, I just want you to know the reason why to the extent you considered him to be cut short is because this is a very important item and I do not want any of this commission to be thwarted in giving it a full, appropriate review when the time comes and any discussion that occurs prior to it being formally presented to us might color the record as to whether or not there is a pre judgment on our decisions.

Rose Lyons: Are you speaking to Mr. Bolles or to Mr. Vujs?

Chairman Block: I am speaking to Mr. Bolles' comments last session. This project, which is nebulous to us, is something that we want to make sure we have the ability to attack fully and properly at the proper time.

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Rose Lyons: Then would it be improper to assume that there will be a public hearing on this application, should it come forward?

Chairman Block: I should think that it would be appropriate.

Rose Lyons: I hope so, thank you.

Town Engineer, Chris Greenlaw: Mr. Chairman I also want to add for the members of the public here is not only just the Town Planner Zoning Complaint form but additionally, there is available on line through the web site, I believe there is a Citizen's Action Complaint form and it gets funneled in and they try to get it to the appropriate departments in response to whatever it may be, so please look for that on line as well.

Chairman Block: Also, ma'm, unless I'm mistaken and I am doing this off the top of my head, please read the regulations carefully, but I believe that there is a method of petition for an item to put on the agenda as well, so if there is an item of general concern that you wish to have put on the agenda, please check the regulations and follow that procedure.

Comm. J. Zelek: Mr. Chairman, in response to the public's comments regarding public participation on non-agenda items, could we add to the next agenda a discussion item so that commissioners can understand why we limit public participation to non-agenda items,

Chairman Block: Sure.

Town Engineer, Chris Greenlaw: And also that will benefit the public once we understand why we have this particular wording on our agenda.

Chairman Block: Yes.

Commissioner Clark: I just have a question and we may end up discussing it when we speak about it - but I do have a question is that if the public only has two minutes, I think that interrupting him at all during their two minutes and trying to correct them and I am speaking about Mr. Vujs' two minutes - that I think we would all get more information if the person is allowed to speak in their two minute entirety until they said that they were done before we directed them because I think there is some valuable information that we might get from them even if we are not the right forum, just being alerted that there is such a thing going on since we have learned so much about retention ponds along the way, their retention pond in town may not be being maintained as necessary, so I for one would like to see them speak in their entirety and then move on to discuss in which direction to go.

Chairman Block: In every instance they have had more than two minutes, but your point is taken and we certainly try to accommodate them.

John 56 Maple Hill: Not to keep more on you about Mr. Vujs but the first sentence out of his mouth involved a wetland feature so I don't know why he wasn't allowed to finish either.

Anyway, I understood your point that it's not your department to clean up the side of road. The last meeting I was here, and again I am totally aware that you do not want to color the record regarding Churchill Park but I was here to ask about a specific feature about the wetland maps that are on file, the referendum and everything that the Town Manager has been saying about that project and it never referred to the fact that it was pretty obvious that they were being placed in wetlands and there was never a map that was produced that showed how they related together and I asked you if the maps were up to date and you directed me to the Engineering Department and I went to the Engineering Department the next day, they confirmed that the maps are in fact, up to date, so whatever the lines are, the delineation lines in the park are accurate. They referred me to the GIS department to try and get an overlay to place this project in the park and the overlay started on an aerial view; very simple for the GIS and the gentleman seemed to be interested in helping and I got an e-mail from him that it was going to be delayed and I got an e-mail from him that he could not do it for me. I sent him a reply and asked him "why" and he referred it to the Town Manager and the Town Manager told me it couldn't be done - again there were reasons for it and he gave me reasons why, legally, it couldn't be done and it didn't seem practical - it seemed like they were trying to block me from getting at some information so I am frustrated about that and I hope when the time it ever does come here you will get that exact rendering, I was looking forward to it because it would be pretty clear. Also, it's very clear by talking to the Mayor and some of the other people involved directly that they fully are aware that it is in wetlands and they simply are prepared to come before you and ask for the map amendment or a waiver or whatever permit to build in actual wetlands, not just a uplifted view, but in actual wetlands, the way the maps are today, that's exactly where the parking lot would be in actual wetlands, so that's their point and they never said this at the referendum but they are fully aware of it and that is what they plan to do - I just wanted to give you a heads up on that. Also at the last Town Council meeting this project came up down at the end of the street over here with the impound thing and one of the town councilors asked the Town Manager if there was a wetland issue, if it was in wetlands? He said "No" - I believe he said 'not to his knowledge' or just flat out "no". - I went home and looked on the map and sure enough the thing is in part of that fenced in yard. I sent in my version of an overlay and showed the way that I could prove that I could prove that it was in the area and he never heard that one so I don't know if they were required or not since that was a previously a site that was used by CL&P and its use changed obviously and it was never paved before and now it's paved and so again, not a big issue, but it reflects a pattern, I think, in this town - it seems that I am getting out of this is develop first and ask questions later, plan development first and ask permission later and ask questions later, let approval later and I am really frustrated with that and this also goes back to the field that I would be very suspicious of what direction this Town Manager is leading our legal team in defending your decision that you made - I am very concerned about that because the pattern that they are showing like I said, is just all develop, develop, develop, build and develop and no attention whatsoever to that 20/20 Conservation Plan or whatever, so again, I would be highly suspect of whatever they bring back to you from that legal meeting because look at who is directing them, and again this is a pattern that they are showing and that is all that I wanted to say and thank you for your time.

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Commissioner Ancona: Sir, you said Churchill Park?

John I am sorry, Mill Pond, I am sorry about that.

Comm. J. Zelek: Mr. Chairman, in light of the information that the public has provided us regarding the Garfield paving, I think this is an in town area they are calling it, could you instruct our Engineering staff to review and tell us whether or not this particular paving took place within upland review area and secondly, I would like to know if when they did this paving if they applied the new low impact development regulations that the TPZ adopted.

Chairman Block: Let's finish with the public.

Town Engineer Chris Greenlaw: Do we have something in Communications and Reports regarding this?

Chairman Block: No.

Comm. J. Zelek: Then can we please add it as an agenda for the next regular meeting with the followup provided here. Thank you.

Chairman Block: Anybody else from the public? No. The minutes of July 15, 2014 any corrections.

Commissioner Clark: On page 6, right in the middle, with Commissioner Krawiec speaking, the word "litter" is used several times and it is spelled LITER and it needs to be spelled LiTTER. It appears several times in that paragraph and also a third of the way down, it says "I'm going to be old out state". I'm sure that's not what you said, so, perhaps you can correct it.

Chairman Block: I guess "I'm going to be OUT OF STATE". Anybody else?

Commissioner Sadil made a motion to accept the July 15, 2014 minutes, as corrected. Commissioner Igielski seconded the motion. The motion passed unanimously.

From there we go to the minutes of the Special Meeting of July 29, 2014 and any additions or corrections?

Commissioner Sadil made a motion to accept the minutes of July 29, 2014 as written and this was seconded by Commissioner Clark. The motion passed unanimously.

## V. PUBLIC HEARING

### A. Inland Wetlands Regulation Changes - L.I.D. LOW IMPACT DEVELOPMENT

Chairman Block: Anything new?

Town Engineer Chris Greenlaw: Mr. Chairman, at this time I have nothing new to add. I just have a question of whether or not we are time-bound with this and if so, can we request an extension.

Chairman Block: A motion to table, please.

Commissioner Igielski: I make a motion to table the Inlands Wetlands Regulation Changes - LID Low Impact Development.

Commissioner Sadil I second the motion.

Chairman Block: All in favor? Aye unanimously.

## VI. NEW BUSINESS

### A. APPLICATION 2014-10, 16 Birch Street

Mr. Bongiovanni: Good evening Mr. Chairman and members of the commission and staff, my name is Alan Bongiovanni licensed in the State of Connecticut and my office is at 170 Pane Road and I am representing David Lenares and his application before you, it is a residential lot known as 16 Birch Street which is just east of Maple Hill Avenue. We are here this evening to ask permission for a different type of application, I am going to say to conduct regulated activity but that is purely because the town map says it's wetlands. We are referring to the piece immediately north of the driving range for the Indian Hill Country Club. When I first was retained by Mr. Lenares we looked at the available information of the existing map from the town and the inlands wetland map and haven't had experience in that area over the years, I questioned whether there was actually any wetlands to the north of us. The town map shows the north boundary being a limit of wetlands so that the 100 foot parallel basically cutting through the house could be a regulated area. I had soil scientists visit the town property and spoke with town staff for information to go onto the site and investigate the soils. There is a report that was filed with the application. The wetlands are basically some 500 feet away from this property, again, we are here because it has been incorrectly mapped by the town mapping that was done in the early 70's and no real investigation was done. Again, I submitted several copies of the report with the application and I am not sure if the commission has those.

Town Engineer, Chris Greenlaw: They would have been forwarded to the commissioners if we had those. I want to state for the record that you are clearly here on a site plan application. You are not here as part of a map amendment process or soliciting for a map amendment process.

Mr. Bongiovanni Correct, in fact I will get into that on my presentation...

Town Engineer, Chris Greenlaw: We are agreeing that we're..

Mr. Bongiovanni: ...we are here just purely for a site plan. I want to basically set the stage to explain that, although technically we are within a regulated area, it is not a wetland, physically it is not a wetland. We are not asking to amend the map and that is basically because it is not our property. In order to amend the map, we would need permission from the Town but we would have a significant expense to identify the wetlands on the Town of Newington's property and a part of that is also a survey - an A-2 survey of the Town of Newington property, you are talking thousands and thousands of dollars of expense that Mr. Lenares would have to incur in order to do a map amendment. That we don't feel is necessary, 2, would be justified, or fair to Mr. Lenares. So, although we investigated the soils we are very comfortable that they are not wetland

soils. We have a site plan before you that shows the proposed house, site grading well intact of design to attenuate the increase of water leaving the site because of the impervious area of the house and that is the plot plan we have before you. I hope I did not make this too confusing and if I have, please stop me.

Commissioner Sadil: I have a question; relative to the existing "now" where is the (inaudible).....

Mr. Bongiovanni: Points to and says right in that area here, right behind the front door.

Commissioner Sadil: There you go, I see it now.

Mr. Bongiovanni: That property line is considered the official map of the inland wetlands. Again, there is a house immediately to the east, there is an existing house immediately to the west of the property and we propose to construct this home in-between the two of them and for that matter if you look at the contouring from the actual field survey there is actually a berm in this area on the north of the property on the town of Newington property and that is to protect the houses from the golf balls that are driving in that general direction. We have no impact to the wetlands and we have no impact to the actual upland review area from the actual wetlands. Again, I am not here for a map amendment, we feel that again, it is at least unfair to the applicant to incur that type of expense.

Commissioner Ancona: Mr. Chairman, I have a question more appropriate to staff. If you are saying now that the Town map is wrong, wouldn't it be incumbent upon the town to amend it. I do not understand that.

Chairman Block: I think the property owner has the right as to whether or not he wants to change the designation of his own property. I think again there would be a petition process by which the majority of property owners are affected and it seems that everyone on Birch Street might raise the issue to the Town, but whether or not this property owner would care to enlist that mechanism and get the support of everybody involved and to apply the pressure to do it.

Commissioner Ancona: Why is there any pressure? If an applicant comes in with some substantial evidence that the wetlands are 500 feet away, why wouldn't the town act.

Town Engineer, Chris Greenlaw: Mr. Chairman, if I will, this by no means is a unique situation at all. This has happened over time many, many times and just a brief history, you probably heard myself speak, you probably heard the professionals before you, when they come in and they talk about the genesis of the wetland map and these wetland maps back in the day when they were created, they were created from aerial photography where the scales by which they drew the soils was such a magnitude that the thickness of a pen could be 40ft or 50ft. These soil maps were originally created by a soil conservation service to help farmers to give an indication of wetlands that they have on their parcels, what type of soil types they had in a general sense. This was a tool that was utilized, aerial photography, photogrammetry. soil mapping, to come up with their soil maps.

Through time, there has been a benefit. We have a mechanism and this has been discussed. Commissioner Ancona is aware of this. The consultant, Mr. Bongiovanni and I have had discussions with this and we have a provision in our regulations such that an individual, any individual who wants to contest this map which is not exacting by any means - and is going to have errors - no matter whose property it is on, the individual who is applying the onus is on them. So certainly the Town could incur the cost of thousands and thousands and thousands of dollars to re-map this, but, at the end of the day it could be a good thing, it could be a bad thing because of money. What are we in receivership. So we have regulations that allows people to contend it. Mr. Bongiovanni has stood in front of us for years with soil scientist & he has displayed that the map is 'as such' differently and has gone through that map amendment process. We've had a legal counsel review the regulations and we have had extensive conversations and as we did with this site. This site just up the street (r. Bongiovanni represented 107 Golf) and it was the same situation. We did have a conversation with a consultant to try to bring both individuals to the table and I was willing to bring this to the Town Manager's attention to say "could we give them access to the land" Because it can get quite convoluted when you don't know the land and that land in which you don't own as in this case, has a wetland but unfortunately Newington has adopted the one hundred fill up land review which remains as a restrictive covenant on this property, so we have an extensive conversation, we reviewed the regs. we had consultation with the Town Attorney and at the end of the day, the consultant before us made a decision with his client to go forward with a site plan application for acceptance of the 100 foot upland review, that was the decision made

Chairman Block: Chris, how many properties along Birch Street would be affected by trying to remap the wetlands on the golf course property.

Mr. Bongiovanni: If I may, Mr. Chairman, it is bigger than that, the driving range if you are familiar with it is on Maple Hill Avenue, Birch Street is to the south, there are probably 5 or 6 lots between Birch street all the way to Golf but then you have on the north side of the driving range you have Spruce Street and all those are in the same situation. You have at least another 6 or 8 homes or properties along Spruce Street that abut just the driving range, that is according to our professional, improperly mapped. So you are looking to at least a dozen home owners.

Commissioner Zelek: Mr. Chairman, I am not really familiar with the areas that Mr. Bongiovanni is describing, do we have the town wetland map so that I could see this in perspective where this particular lot falls and the other lots that are being discussed.

Town Engineer, Chris Greenlaw: Mr. Chairman, I want to state for the record that the information that Mr. Bongiovanni has with him is exclusively within the area of just the one lot. I believe he wants to use the word it is "presumed" that the rest of the lots on the street are in similar form and fashion if they were allowed to investigate those soils, correct?

Mr. Bongiovanni: Actually one of the attachments to the soil scientists report was an aerial map where he sketched in the location of the wetlands so you can see from the numerous properties around, so there is a little more information I have just for the lot - I have a site plan for the lot but the report that we submitted has that information as well as a copy of a portion of the town wetland map.

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Mr. Bongiovanni continues - and what you have here is - this is the driving range portion and the wetland line follows the property line - they declared at the time they created the map in the 70's that the entire driving range property was all wetland and that was without field investigation but that's how they did it - they went right up to the street - and went right along this property here all the way out to Golf Street.

Chairman Block: I think part of the issue is that - and I see two issues, the first one is a row of dominoes, if we do something with this line affecting the upper end review line we create reoccurring adjustments throughout the entire surroundings, as you said at least a dozen homes probably.

Mr. Bongiovanni: Before I may, Mr. Chairman, before I came in here the applicant and I talked and I knew this was going to get a little convoluted. We're here just to ask for permission to construct a home in a convoluted area and as part of my argument that we should be allowed to do this I went overboard to explain to you why my client cannot afford to do a map amendment on the town's property.

Chairman Block: Yeah, but the second thing is and correct me if I am wrong, this is substantially one of the greater intrusions into the upland review line that I have known of and I think I would be hesitant to go alone without checking with the Town Attorney and the DEEP as to whether or not it's without no substantial issues. I don't have that soil review.

Town Engineer, Chris Greenlaw: Mr. Chair, we are derailed from this application. The consultant is trying to make a point in favor of his client. He is here for a site plan application. We can discuss the soils, but really as part of this application you're going to make a finding of fact at the end of the day. You are going to look to see what the process they have selected is for you to review the site plan activities, the "proposal" and what have they done to mitigate the runoff that goes towards the golf course. To bolster support for his client the consultant has referred to some evidence of wetlands that they may be farther back than they appear to offset some of the erosion that may come off the site. He is trying to utilize that as a mitigating factor. We are not here for a map amendment, so he wants you to consider that, that he is going to display his best management practice to intercept erosion, sediment controls, for the activity he has on site. He also wants to offer, 'I really think the wetlands are maybe much farther away', so as to lessen the degree of impact, I believe that is your intent.

Comm. Ancona: I would like to apologize to the commission because I think I played a role in derailing the application and I didn't intend to do that, the irony is propounded to me that the town is talking about putting a building in Mill Pond and the town property is probably not wetlands and I didn't mean to derail the application in that manner and I am sorry for doing that.

Chairman Block: I am trying to separate the two issues and if we accept the information as given then the greater concern to me is merely that we are putting substantially this proposed house in the upland review area and I question if that is stretching the license a bit too far and for that reason that is why I suggested that perhaps we need to table this and to check with the Town Attorney or DEEP as to whether or not we are abusing our prerogatives in the updated review.

Mr. Bongiovanni: If I may, Mr. Chairman. I am asking to work in an area that is outside of the wetlands. It is a regulated area that provides this commission the purview to review and requires certain things to be done to allow that work to happen. It is not in a no build area, it is not a restricted area, that says you can't work in it. It is adjacent a wetland.

Town Engineer, Chris Greenlaw: Mr. Chairman if I will, perhaps you should start over, and what I mean by that, your last comment Mr. Chairman. We have had Mr. Bongiovanni just come before us twice for a lot on Clifford Street that was within the upland review, so this does follow suit within your purview and authority to review this application, so I think we had confusion over which path this application was going to be and I would suggest that maybe at this time to answer your question they are within their purview absolutely, to review this and perhaps uninterrupted will allow you to start over with your site plan application. Thank you.

Commissioner Zelek: You made reference to Clifford Street.

Town Engineer, Chris Greenlaw: As an example.

Commissioner Zelek: Was there a map amendment to that location prior to the application coming before us?

Mr. Bongiovanni: If I may, there was but that was on their own property, they did not amend anybody else's property, just on their own property. Mr. Greenlaw: Correct me if I am not wrong just to show the similarity, that site plan application did not have wetlands on the property, it was actually on a neighboring property, the parent parcel. They had to come before the commission because again, they had the restrictive covenant of the upland review area, Mr. Ancona: Correct? Town Engineer, Chris Greenlaw: Maybe for the benefit of all the commissioners we can reiterate what the upland review areas is as far as the soils and what they demonstrate they themselves are NOT wetland soils, but a regulated area for activities.

Mr. Bongiovanni: It is a buffered area, if the center of this table here was a light, everything alongside it would be regulated. It may be paved, it could be buildings it could be all kinds of things but if you do anything within that 100 feet, it is subject to review by this commission, so we make an application and that is what we are looking for, we are asking permission on behalf of my client to construct a home within the regulated area. Having said that, the property - there's a high point around the mid point of the house where the property drains to the south toward Birch Street and the remainder of the house and about half of the roof goes to the north. There is an existing berm there, so that there is actually only one point at which water runs off from this lot and that is at the northeast corner and what we have done, we have designed a rain garden to create a pervious berm so that the water - increase in water will be allowed to build up as it hits the house and runs off and then filters through the sand berm in this area here and slows the water down to its original developed condition. That is what we are asking for - to construct a home within the regulated area.

Commissioner Clark: We do not have copies of the soil report but my other question is where did you test the soil, if this is just the upland review area and we know it is not a low land because where is the soil test?

Town Engineer Chris Greenlaw: Again, they are here by submittal; of this site plan application; they are not contesting the soils. We know they are wetlands, they are agreeing that it is wetlands adjacent to us. They are before you just to discuss these activities they are proposing for a residence and whatever related appurtenances on the lot, They are in acceptance of our wetland map, They can offer this soil's data, but it shouldn't have a bearing on your decision there than the fact of you making a decision that they are going to mitigate and use best management practices as it relates to their activities and how it could affect the wetlands. That's the question before you. If they want to forfeit this application and come back with a map amendment and give you that soil data and present that to you, that is a whole another process but they are not arguing that. They are utilizing that data in support of the fact that they think the wetlands are really farther away and I think they confuse you and everyone.

Comm. Zelek:..something just occurred to me, Mr. Bongiovanni do you have that map?

Mr. Bongiovanni: I would like to submit this to the Chairman, a copy of this report.

Commissioner Zelek: So what I find unusual and it just occurred to me is that there is a right angle here and a very straight line of the wetlands and you don't see straight lines like that in nature. You need a professional opinion as to why that was created here.

Chairman Block: That was created arbitrarily and you will find that the town took the golf course property and was designating the wetlands. They did it, I presume, for their convenience.

Town Engineer, Chris Greenlaw: Mr. Chair, my experience is that there are many reasons why that line could be there. The fact that you are suspect to that line, I agree with you, whether it was a water shed map or an inland wetland map, engineers our antenna go up when we see lines follow property lines, but possibly a couple of the attorneys here could explain to us. My speculation is that the delineation was performed as part of the Birch Lane subdivision.

Chairman Block: If you start looking at the boundary at this lot you had a cavalading effect that goes entirely around the golf property to more than a dozen lots.

Commissioner Zelek: I am not asking for a philosophical dissertation, I just want to know the costs.

Mr. Bongiovanni: In talking with the soil scientist to do the job, it is probably I am going to say in the neighborhood of 6-10 acres to do a complete delineation of that entire property for the sum of \$1500 to \$2000 dollars. You would have to survey twice and we would also have to prepare class A-2 surveys that are not currently available. On at least that much land that is owned by the golf course you are probably talking another \$2,000 to \$3000 including locating the and now you are \$2500-\$5000 plus the application fee, plus the testimony and all the other things, it needs to be \$7,000, \$8,000. or \$9,000. easy, in order to do that, and it is the whole issue of whenever you send out an application - you send out a notice of a public hearing - even though you may be doing technically to benefit the neighbors most people look at you, 'why are you touching my property'.

And I think you could cause a lot of hardship on the applicant and why is one person changing the town's mapping - I think you run a real risk of having a good thing for everybody - backfiring on you!

Mr. Lenares: My name is David Lenares , I live at 41 New Britain Avenue, I am the property owner. Thank you for your time. I was sitting there and thought about making a map application amendment to go into the whole process and I also didn't want to be a bad neighbor, I didn't want to come and raise flags for everybody on Birch, Maple and I didn't want to come up and ask everyone to come to these meetings and interrupt their homes after they have been there for 40 years or something like that, all I wanted to do when I bought this approved lot was just to do what everybody else, as Alan said there is a house to my left, to my right that had been there for years and the only thing I wanted to do was stake my claim and say, do it, it is a nice piece of property, it doesn't back up to the golf course, the driving lane and there is really - I don't want to do anything special, different, I don't want to interrupt anybody's property, homes that are there, I do not want to offend anybody, I just want to be able to do what everybody else did in that area. As the commissioner here to my left said earlier that line actually I was thinking the same thing, it actually does run because that Birch Street kind of kicks to the left as you go down it - that line actually is in front of some of the homes or the majority of the homes on that street so my application is before you, I thought it was kind of simple, I really didn't want to ask for anything special, I just wanted to be able to do what everybody else did. There are some nice homes in the area and I have the opportunity to stay in town, I have a business in town and that is what I am looking to do. If I can answer any questions or Alan, please I don't want to try and make it seem like I am doing something that is pulling off line, because it is just that I want to build in Newington, I want to stay in Newington, I just want to be able go do what everybody else has done that has built there. Comm. Ancona: I know you have said this might be not time sensitive. I have spoken to my builder, he is ready to go - I cannot have him activate a list unless this is obviously approved and the only thing I am not going to rush to get there but I am in a rush with the weather. Now if I start digging in a month and a half I am getting towards winter months and unfortunately I have to have it done obviously prior to that, so it is time sensitive. I think it is pretty clear what I am trying to do and just do as everybody else did, to my left and right down the street and surrounding area.

Chairman Block: Thank you. As Chris said, I normally would table this to the next meeting for a vote.

Mr. Lenares: Mr. Chairman, is there any opportunity to act on this - this evening due to my sensitivity in terms of time. If it has been done before in any of your other meetings...

Town Engineer Chris Greenlaw: ...it is actually governed by the statutes and regulations and unfortunately there is a requirement that we wait until the next regularly scheduled meeting: we cannot vote on new business items.

Mr. Lenares: You don't move things on new business at the same meeting?

Commissioner Igielski: Mr. Chairman, if I may - Mr. Greenlaw was referring to the legal requirement that we cannot act on tonight - we have to wait at least two weeks to allow residents to petition for a public hearing.

Mr. Greenlaw: Correct.

Mr. Lenares: Okay, I didn't know.

Commissioner Igielski: It goes to the next regularly scheduled meeting and there is still no definitive requirement that the applicant at that meeting would be...the time table allows for a third meeting within the limits of time and further...

Mr. Lenares: What would prevent those things from having to happen for a second or third meeting to be necessary.

Town Engineer Chris Greenlaw: It's statutory - really - it is 15 days and what customarily happens is allowing the public up to 15 days so that a petition for a public hearing usually constitutes that they act at the next meeting, now by statute the commission also has up to 65 days and that is where the 3 meetings come in and that could be for various reasons, if it was a much more complex large type of application there might be information that the commissioners ask for, etc., etc. but I want to be very clear, I really think there was some confusion with the soil data and we don't want to lose sight of the fact of why you are here tonight, quite simply, you said it the best - you're seeking a residence in accordance with what has been approved, now that is not to say that at the end of the day I want or the charge of the commission should be to look at those improvements as it relates to what everyone is agreeing on as to wetlands and what have you done to mitigate through your consultant who has invested a lot of time.

Mr. Lenares: I was very concerned when I bought it and I didn't want to interfere in anybody else's home, lives, property values, I don't want to infringe on them; I don't want any problems I just want to build a house in town, I found an opportunity and was hoping to act on it as quickly as possible and if any of the commissioners have any gray area questions that either Alan or myself can clear for you, please I would love to answer any questions.

Chairman Block: Let's entertain a motion to table this to the next meeting.

Commissioner Zelek: Chris, I know that every piece of material you get has the type stamped the day you receive it, are the commissioners going to be getting a copy of the reports that we can view that prior to the next meeting.

Town Engineer Chris Greenlaw: Absolutely, if the commissioner wants it and I am sitting here looking at this report.

I don't want to add to the confusion but I am looking at the date of this report of January 9, 2014 and I believe when I did receive this it was actually for another application but there was a discussion. There were lengthy discussions because we were trying to coordinate to the benefit of many people perhaps getting multiple applicants together.

Mr. Lenares: Yes, unfortunately at the time Mr. Bongiovanni did call me and to be honest I was so appreciative of it, I just wasn't really ready at that particular point.

Town Engineer Chris Greenlaw: And I believe when this was submitted it was actually with another application and looking at this date and remembering the conversations.

Mr. Bongiovanni: We knew Mr. Lenares' purchase was just about to close on his lot.

Mr. Lenares: I closed it I think in October/November.

Mr. Bongiovanni: He had just closed on the lot, the Golf Street lot became an issue and I knew in the back of my mind David had already retained me to do the services on his lot and when we looked at the wetlands map, it showed parallel to the property line, or on the property line the wetlands so that is why we had both done in January.

Town Engineer, Chris Greenlaw: And not to confuse the issue but again a business decision was made by that applicant not to pursue a map amendment, correct?  
But certainly, if the commissioners want this report, and the applicant's offering it...

Mr. Lenares: ...as you stated earlier, I don't know how relative it is in terms of my application, in terms of the site plan, I just don't want to confuse anybody - if they would like it, by all means, I just don't want it to be relevant in terms of having it, I mean, in all honesty hurt my application because it has nothing really to do with it in terms of my site plan.

Town Engineer, Chris Greenlaw: I think it is very important to reiterate what the charge of this commission is with regard to this application before us. It really boils down to those improvements as it relates to the agreed upon wetlands.

Mr. Lenares: What do you mean by improvements - are you saying it is a better piece of property because it's improved?

Town Engineer Chris Greenlaw: When we say "improvements" you are investing - you are making an economic decision to invest in your property but what is regulated here is the alteration of that soil with any possible effects to be mitigated to the wetlands adjoining you. Those improvements, I should say soil alternations as it relates to down gradient it wetlands.

Commissioner Zelek: So, Chris, I think you said January 9th was the date you received the soil report, when was the actual testing done?

Town Engineer Chris Greenlaw: I don't even want to say I received it because we had very lengthy conversations over regulations, over possible applications joining applications, getting permissions to do soil testing, so this report before me says January and it triggers those discussions on another application. I don't even know if this was formally submitted as part of the applicant's.

Mr. Bongiovanni: There was a discussion but it was never formally submitted.

Town Engineer Chris Greenlaw: Oh, we discussed the findings, okay.

Commissioner Clark: In what year was it two recent homes were built?

Mr. Bongiovanni: The one on Maple Hill Avenue was probably the early 1900's, that's the one to the west, the one to the east was built some time in the 80's - I believe it was constructed early 80's, maybe '82, '83, that would be house number 20 - 26 - 30.

Commissioner Clark: Thank you.

Commissioner Zelek:: So I don't know if we got an answer to the question as far as, when was the testing done?

Mr. Bongiovanni: It was done around the first of the year, it was done before frost was in the ground, we had - I am trying to remember - we had a small snow cover which acts as a blanket to insulate the ground, it was done early January.

Commissioner Zelek: So I do have follow up questions for the soil scientists regarding testing during winter months. Chris, you had said something about another application, was it for the same parcel? So the soil science report was not for this parcel.

Mr. Bongiovanni: If I may, there were two reports, we retained them because it was in the same neighborhood to do #107 Dowd Street and this lot known as #16 Birch Street - there are two separate reports done. The Dowd Street was an existing home that was being renovated and it so happened that even with where the town mapping is in their 100 foot review area, all the work could be accomplished outside the regulated area, that is why that was not before you but there are several reports.

Chairman Block: But again, I am curious, if the applicant is accepting the wetland line as it is basically delineated on his property line, and the project is within the upland review area which is by no means defined to require as to a soil type, what is the intended information by having a soil scientist report on his findings on excavations done on the golf course property which, as far as we are concerned, this just clearly wetlands - again I don't want to limit you, but, I would like clarification as to what it is you are looking for that information becoming?

Mr. Bongiovanni: In our opinion, we thought it would be fruitful to inform the commission that we looked at the town's property, we looked at soil types and although it is called "wetlands" - identified as wetlands on the official map, it really isn't, according to a professional.

Chairman Block: I can understand that, but this commission, unfortunately, in the absence of the testimony, proof and whatever, has to accept the map line as it exists and yet it's agreeable to you, so consider it swamp, consider it an open lake, it doesn't change the situation. The property line to the north - beyond that is wetlands. That is our given.

Mr. Bongiovanni: We are very comfortable however you classify your properties, especially on the town map as wetlands - if the safeguards are to be put in place, it will not have any negative effect on that land.

Chairman Block: That, I think, is the key point.

Mr. Lenares: Alan and I apologize for that soil scientist test (Dist) which I thought would be as Alan told you, said he though it would be helpful, but actually it's not, but again I apologize, I am just trying to give you as much information as possible to help my application.

Chairman Block: If, in fact - the abutting property owners all away around the property had joined forces and had the town do the investigation and determine an actual wetlands line that is different, it might have been helpful all the way around, but those are the property owners and now you accept what is on paper.

CONSERVATION COMMISSION 17 AUGUST 19, 2014

Commissioner Paskewich: Alan, can I just ask for a visual perception of this delineated areas where the wetland is - if I were in the backyard of this proposed house and looked out towards that wetland...

Mr. Bongiovanni: ...across the berm.

Commissioner Paskewich: ...across the berm, what would I see?

Mr. Bongiovanni: You can see grass, you are going to see some trees but you are going to see mostly grass and driveways, you are going to see some berms and some hills that are created for some terrain relief, if you will, on the driving range.

Commissioner Paskewich: So there's no intermittent streams, no ducts?  
I just want to get a perception because we are going around about this and I am thinking...all right thank you.

Chairman Block: So a motion to table till the next meeting would be appropriate, please.

Commissioner Cassasanta: I make a motion that we table application 2014-10, 16 Birch Street until our next meeting.

Commissioner Clark: I second.

Chairman Block: All in favor? Aye unanimously.

Chairman Block: Commissioners, would you entertain moving item 7 down to number 9 so that we can have our audience go home. So #7 is old business? Okay, then they did it. Okay, reports on inland wetlands regulation changes - so a motion to table that please. Oh, that's been done. Community Litter Pick-Up, Debbie, anything on that?

Commissioner Krawiec: Yes. I have been approached by the Chairman of the Environmental Quality Commission and asked Commissioner Clark to put together another litter pickup event some time in October.

Chairman Block: What's your pleasure?

Commissioner Clark: I think the point is that we have ongoing interaction of meetings with our two compatriots and we will brainstorm for future events, one of which will be held in October

Chairman Block: And then C. Vernal Pools.

Commissioner Zelek Nothing new to report at this time.

Chairman Block: D. Invasive Plants.

CONSERVATION COMMISSION 18 AUGUST 19, 2014

Commissioner Clark: There is a day long invasive plants symposium at UConn - I attended it last year. I can't attend it this year because I can't get out of work and I wondered if anybody is interested to get out of work for a day. It's chaired by D. Ellis and I thought it was chaired by Donna Ellis and I can give the information to anybody. It is on a Wednesday in October, if anybody is interested I would be happy to pass the information on to anybody who would be interested at all to attend.

Chairman Block: We will leave it as members to call you.

Commissioner Clark: I will just send out the e-mails.

VIII. Public Participation on non-agenda items

Seeing no one, we go on to:

IX. COMMUNICATIONS AND REPORTS

Application 2014 O8AA 30 West Hartford Road

Town Engineer, Chris Greenlaw: Mr. Chair, as you are aware, we have had two approvals the first being in 2014, O8AA 30 West Hartford Road. That is a homeowner association and that is the reconstruction of their drives and related grading; that work is within the upland review area and they demonstrated B&P's on a plan as far as very minor grading they had adjacent verbally was to stay in the same, exact location and there was no additional parking - just a reconstruction of probably, I guess, a 30+ year old road. The second application, 97 Brookside Road was for a deck and the soil alteration was four sonatubes to support the deck and just a little grading, possible stones being up under the deck.

Commissioner Zelek: Mr. Chair, I had gone out and tried to do a search on line for public notices and I came up empty handed and I asked the secretary from the Engineering department to ask the New Britain Herald as to why the on search does not reveal those were posted. Do we have an update on that?

Town Engineer Chris Greenlaw: The update was Mr. Chair, we did consult with the commissioner and we are required by regulation to post in the paper on certain dates the decisions by the agent and those were done and the proof was sent to the commissioner who requested that and that was demonstrated to you. Additionally, I want to extend to the commissioner if you're looking for any additional confirmations through another web source, you can do that on your time, because we are fulfilling the regulation by filing it in the paper and that proof was sent to you. Thirdly, I would like to mention that when commissioners want to approach staff, they do so through the Chairman, through the Department head and we will get back to you. So we acted in accordance with the regulations to the fullest and that proof was sent to the commission.

Commissioner Zelek: So my question was, why did it not appear on line?

Chairman Block: I think that would be your question to the newspaper.

Chairman Block: I think that would be your question to the newspaper.

Comm. Zelek: Then I asked the Engineering Department to follow up with that to find out why.

Chairman Block: Then again, the staff has recorded it. If they have proof of the receipt and the publisher...

Comm. Zelek: ...I asked that it be investigated.

Chairman Block: Again, the result of the investigation would be their receipt. If it goes beyond that the question is with the newspaper. If the newspaper is sending us a false receipt then our further inquiry is only going to use the copy of the receipt they have.

Town Engineer Chris Greenlaw: And the receipt is by means of a proof.

Chairman Block: So, if you are saying that the paper is not publishing something, I think why didn't they publish.

Comm. Zelek: I didn't say that. I said the online search for the public notice is not found and I wanted to know why that would be when other town notices are there.

Chairman Block: Okay, a search for what?

Comm. Zelek: The public notice for these two applications having been approved.

Chairman Block: So you are saying the town website doesn't provide proof that it was published.

Comm. Zelek: No, that's not what I said. I said, the online search for public notices should list these publications. However, it does return for other applications from other towns. Chris Greenlaw,: I would ask the commissioner, any commissioner that when you do online searches, is it the search engine you are utilizing because we have from the newspaper, their proof, which we request a copy so that we know it was published, so it asks for you to verify any commissioner, to identify the sources by which they are trying to verify information. We are going directly to the source that we have always utilized and we have received their proof of publication. Comm. Zelek: My inquiry here is for the benefit of the public because not everyone receives a hard copy; most people nowadays are on searches for this type of information.

Town Engineer, Chris Greenlaw: Again, we are required, fulfilling the regulation to publish in accordance with certain terms and we have satisfied them.

Chairman Block: I think if the town sites has the record of the publication of a certain newspaper of a certain date and they have proof of that happening, I don't understand why..I can't second guess whether or not it was actually published.

Comm. Zelek: Then what I am hearing is that the Engineering Department of the Town of Newington - does not care whether the public can find these notices on line..

Chairman Block: No, they are finding the notice when they look at the town site that that's the publication date. Whether that is misinformation provided by whoever we are relying on...

Town Engineer, Chris Greenlaw:...Mr. Chairman, that public notice does not go on the town web site. It is published in the newspaper.

Chairman Block: I am saying the records where the publication occurred is on the Town's site.  
Comm. Clark: I agree with Jeff if it's on there and the public is trying to find it and if they cannot find it, there is a problem. It's who tries to solve the problem, I think we rightly consider are overburdened staff to have to track that down.

Chairman Block: If somebody is claiming that the publication was not actually published as reported on the town web site, and they provide proof that the town paid the money for the advertisement and did not get the benefit of it, yeah, I think that proof would be well received by the town. Do you agree with that?

Commissioner Ancona: I think we are talking about two different things. Staff is obviously meeting Saturday reqs. The next question is, who goes the next step to determine whether or not the search engine is finding the publication. I don't know what the answer to that is. Sometimes an engineering internet explorer will find something for me and when I am on Google Chrome it won't come up, so it may be a spurious search engine that is incompatible with the actual wording of the publication,

Chairman Block: That I think is an intermediary step and the question is whether or not the newspaper has the proof that it was published as stated. With that they would go on to...

Town Engineer, Chris Greenlaw: ...Mr. Chairman, (coughing interrupts whoever is speaking on a regular basis and is the cause for inability to hear meeting with clarity) I want the statement that the commissioner made; it's not a fact of caring, it's a fact of fulfilling our obligations to the regulation.

Chairman Block: The legal obligation.

Town Engineer, Chris Greenlaw: I don't appreciate that comment; and I don't appreciate staff being contacted directly when they answer to many people and have many items under the direction of their department heads and those who have priorities and if there is a special request by anybody I would expect that th is manager invest the time to particularly determine why that is. That's important. That's a statement.

Comm. Clark: I have a question. If a commissioner contacted the New Britain Herald, for example, if I as a commissioner, not as a private citizen, had this happen would someone at the Herald speak to me or only speak to the person who was a town employee who paid the bill.

Town Engineer, Chris Greenlaw: I can only speculate, Commissioner but I would imagine if they are in the business of selling things through advertisement, they want to reach out with that advertisement to as many people as they can, through the marketing department. So I would imagine that would be important to them, but I am not in the paper business. I am in the engineering business and the wetland business and I am trying to fulfill all the requirements and regulations I have - which, we are doing.

Chairman Block: But then again the newspaper would probably say to you, 'come in, we have the library, we will publish a copy' and if you cannot find it on line, that's the person's search engine or whatever. I do not think the paper has any obligation to have it on line.

Comm. Clark: Are we specifically talking about the two applications that were on today's agenda. Okay. Then I will attempt to find it myself, being at the lowest rung of considered savvy.

#### C. Town Charter C-607 Conservation/Inland Wetlands Commission

Town Engineer, Chris Greenlaw: Mr. Commissioner, through you we were asked to put this item on for discussion.

Comm. Zelek: , Mr. Chairman, a copy of the Town charter, Section C-607, Conservation and Inland wetland commissions and I will read this into the record: "There shall be a Conservation/Wetlands commission consisting of 7 or 8 members and 3 alternate members appointed by council and have a term of 4 years. This commission shall have the powers and duties conferred upon it by the state of Ct., general statues and the council. The commission shall advise and make recommendations to the Manager, the Council and other boards and commissions of the town regarding conservation and inland wetland issues. The commission shall have such professional, technical assistance as the council may determine and be appointed by the Manager in accordance of Article 9 of this charter." So in particular the section in here where the commission shall advise and make recommendations to the Manager and the Council and other boards and commissions of the town regarding conservation, I think this commission should become a little more proactive in engaging in those conversations and making the recommendations to the town. We do have a town plan of conservation and development which has kind of been the focus much public discussion lately and I think it would probably behoove this commission as the Conservation Commission to reach out to the other boards and commissions and remind the Manager, the Council and those other boards and commissions that we are here to help, advise regarding matters of conservation. There may be some misunderstanding within some of the different ranges of our government and with some of the other boards and commissions that we only address inland wetland issues but since we are an advisory board, under the Town Charter, I think that we should probably be reaching out to these other branches and offer the service of advising regarding conservation issues.

Comm. Paskevich: Can you be a little more specific of what we would work on as a mission to meet these goals to walk with and communicate with other commissions. I am not quite clear on that.

Comm. Zelek: Thank you, Allen. Part of this was I was hoping it would initiate some discussion among the commissioners based on what I just stated, you know our role as an advisory board; I would like to get some feedback from the commissions as to where they would like to see that. My initial thought in this was drafting some type of communications to the other boards and commissions, possibly including the section of the Town Charter, interest, you know, inviting them to attend our meetings, vice-a-versa.

Comm. Paskevich: Is that the policy right now.

Chairman Block: It's really not because what has happened in the past - I don't believe that this commission has ever gone beyond the initial steps of dealing with a conservation commission advisory situation. As I understand the request, it is getting a little bit more active in that regard and as such in my discussions with other commissions and out of state, if you are wearing two hats, the first imperative is that you do not confuse which hat you wear and since under the statutory powers of the wetlands commissioners which we have as you have all experienced a very strict boundaries. As a conservation commission being advisory, it is quite a bit elusive, so if you are interested in becoming more active in that advisory capacity to other commissions in town with other activities, I roughed out a thought that what we would want is to develop some procedures by which when we sit initially as the wetlands agency, we would have an agenda item to close the meeting and sit thereafter as the conservation commission and to hear proposals and to decide by motion whether or not we would be advancing those proposals by any program, communication or whatever, so that the two activities would be clearly separate.

Comm. Paskewich: Give me an example of a sequential proposal.

Chairman Block: Yeah, the Conservation Commission is appropriate to the development of the Town's golf course property - that entire wetlands area should be remapped in order to develop whether or not their land is suitable for other recreational functions..

Comm. Clark: I am just hearing what Mr. Zelek is proposing and again coming off of that, the other conservation commissioners from other towns that it is just a whole different ball game in those towns, there is a lot more give and take and their conservation commissions are looked upon with respect, they are consulted when certain things happen, I will use the in town lot as an example which as it comes before us, I believe it is all right to talk about that. It was all news to many of that maybe that is an issue, maybe that is near wetlands. In some towns that never would happen and it all depends, respectfully, with people on conservation commissions and discuss it, so obviously that to require 'give and take' from other commissions could create such an environment where that kind of dialogue would be the order of the day.

Comm. Paskewich: So I guess what you are saying is how we would move towards setting up guidelines for someone to come to us regarding conservation.

Chairman Block: Again, talking about the public as we had some people tonight, they would simply address their petition for the Conservation Commission to issue an advisory opinion as to whether they want it, it's simple as that, then again, the simple and most germane point is whether or not we are at the meeting asked to act under the statutory body of the wetland statutes or are we being as under the statutory body of the Conservation Commission.

Somebody either outside in directing something to us has to say which 'hat', or, we do in deciding how we wish to proceed, are we exercising the police powers of the community under the wetlands or are we being an advisory - where we are trying to persuade somebody.

Comm. Ancona: Well that would be a simple answer. If there is no application...

Comm. Block: ...right, there has to be a request from the public or it has to be something that we ourselves are bringing up.

Comm. Paskewich: So that request would have to go full circle then, TPZ, Zoning, Conservation, Wetlands...

Chairman Block: ...it would go to whatever agency we wish to address it to, for example, there have been instances with litter - I remember a better one from a couple of years ago where we talked to public works of about how they were clear cutting along the streams and we said that was a bit abusive to just go in and hack everything out without rhyme or reason as to the functionality of the stream and retaining habitats and other such things.

Comm. Paskewich: Typically from my past experience with town municipal government handles complaints regarding land and use, is the civilian public typically goes to the department first and not to the commission.

Chairman Block: Again, we take our business from where we get it, again, if we develop the reputation of being cooperative and forward thinking and for example, public works is coming up with something and they know there is a degree of expertise here, they might very well ask for us to contribute as to how they should accomplish something.

Town Engineer, Chris Greenlaw: A couple of different things - both you and Commissioner Ancona brought up a couple of things - Comm. Ancona mentioned the fact that these might be items that do not fit the mold of an inland/wetland application and you bring up the fact that we need to have some procedures because I don't want to say conversely of .what you are speaking is - we don't have procedures to clearly know what hat we are wearing, they can become blurred - example - what this would do would open up the opportunity - maybe a better example would be some of these conservation easements that we had where we have not had 'finite' topics of discussion for 'inland/wetland' concerns but you could entertain this as a true conservation commission, but it is important to have those procedures so you don't accidentally implement or impose, restrict, advise incorrectly as a Conservation Commission on an inland/wetland application, vice-versa.

Chairman Block: Again, I think that is raising a very interesting and important function that we can assume two things, first of all, I said before if you are interested I and whoever else would like try and put together some procedures and secondly I do think we need to understand that if we go in that direction, it is going to be from the get go that this commission is going to have develop within them an increase in its policies or programs it wants to with I am going to say a minimum if not no staff assistance because Chris is buried, his department is buried with the wetlands functionality so at least in the beginning you know if we want to develop something under that hat I want it, then again, it is something you guys have to decide, it should be a self-help situation where we develop through our research and come up with whatever opinions and background information and whatever else is necessary to come to a consensus.

CONSERVATION COMMISSION 24 AUGUST 19, 2014

Commissioner Paskewich: Would this prompt a subcommittee?

Chairman Block: I would imagine so, whatever the topic of interest is - they would report back to the Conservation Commission as a whole.

Commissioner Paskewich: Comm. Clark brought up a point where she has seen how being active in other town functions were exchanging communications between parties and I am just throwing this out saying it is smart to find some models of language that you encounter in using these provisions.

Commissioner Clark: Yeah, I can check, I think specifically I sent some who have been a conservation commissioner, I believe it was Guilford for 15 years and that was when my eyes were very much opened and how things could be different, I think I can probably track her down. That was one specific person and also people we had interacted with during our training recently I ran into other commissioners from other towns.

Chairman Block: I am going to send you, I did a brief outline on my first (tape ends).

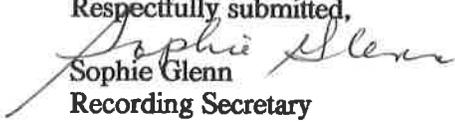
#### X. EXECUTIVE SESSION

##### A. Pending Litigation

#### XI. ADJOURNMENT

Commissioner Sadil made a motion to adjourn the meeting. Commissioner Cassasanta seconded the motion. The motion passed unanimously. The regular meeting adjourned at 9:10 P.M.

Respectfully submitted,

  
Sophie Glenn  
Recording Secretary