

CONSERVATION COMMISSION
REGULAR MEETING AUGUST 20, 2013
CONFERENCE ROOM L 101

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

Chairman Block called the roll call at 7:03 p.m. and noted Commissioners Ancona, Igielski, Sadil, Shapiro and Zelek were present. Also present were Alternate Krawiec and Chris Greenlaw, Town Engineer.

NOTE: Chairman Block noted that Alternate Krawiec would vote for Commissioner Clark.

ITEM III
ACCEPTANCE OF MINUTES

Motion made by Commissioner Zelek that ITEM III (ACCEPTANCE OF MINUTES) be amended to include the minutes for the Regular Meeting of June 18, 2013 and was seconded by Commissioner Shapiro. There was no discussion. Vote was 6 yes, 0 no, 1 abstention (Block) and the motion was carried. NOTE: Five (5) votes were required to pass the motion.

Regular Meeting of June 18, 2013.

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

Regular Meeting of July 16, 2013

Alternate Krawiec noted the following corrections to the addendum section of the minutes:

Page 1---4th paragraph from the bottom of the page should read "Alternate (Commissioner) Krawiec: I'm glad that you are sharing that, because I thought a lot about that vote.(.) Reading (reading) your e-mail, and certainly being here in that moment, I (don't think I) can speak for myself that I did not know that there was another option on the table. I mean...."

Page 2---2nd paragraph from the top of page should read "Alternate (Commissioner) Krawiec: And again, having said that, when I think about the vote that I set forth, to me, it seemed that only fair way to go, was to abstain (with two abstaining,) as opposed to denying something. It seemed, of course knowing that abstaining means the majority vote rules, I guess I learned something here

(there.). This is kind of dangerous actually, (but it seems,) not having that piece of information. I kind of really thought about it, means saying an abstention was fair”.

Page 2--- 4th paragraph from the top of the page should read “Alternate (Commissioner) Krawiec: May I say, there was also an assumption made (too) by the attorney that she almost felt that we came here with an abstention in mind, and that’s not fair to the Commissioners because I can speak for myself, I didn’t come here with the intention to abstain, I came (come) here, when I’m given the right to vote to say yea or nay (but). So I think that was inappropriate on her part, and certainly doesn’t put the Commissioners in the best light, because I think we are all trying to do the best we could in a situation that was very unfamiliar”.

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

ITEM IV

PUBLIC PARTICIPATION ON NON-AGENDA ITEMS: NONE

ITEM V

NEW BUSINESS: NONE

ITEM VI A

Application 2013-04, 40 Commerce Court

Mr. Alan Bongiovanni, 170 Pane Road and representing the applicant, noted that a letter was given to Mr. Chris Greenlaw indicating that the application was being withdrawn because his client was not able to provide the information that had been requested by the Commission.

ITEM VI B

Application 2013-10, 15 Clifford Street

Mr. Alan Bongiovanni, 170 Pane Road and representing the applicant, noted that a presentation was made at last month’s meeting for a modification of the previously approved permit for 15 Clifford Street. During the presentation and discussion of the application a number of questions were raised by Commission members.

Mr. Bongiovanni noted that in response to questions raised last month, the following items have been submitted to the Commission for tonight’s meeting:

- A. A subdivision plan for the entire parcel of land to include the lot (known as 15 Clifford Street) that is currently under discussion) that had been cut out along with the shape of a house that could be built on the front part of the lot. Under this proposal, a major portion of the upland review area would have been left intact. Also shown on the (subdivision) lot is the actual house that is being proposed for the lot and its impacts upon the upland review area.
- B. Copy of the soil scientist report that was done as part of the subdivision plan.

- C. The boundary amendment for the (new lot) property was submitted to Mr. Chris Greenlaw electronically for submission to Commission members.

Mr. Bongiovanni noted that he was in receipt of a letter from Mr. Greenwall that included new requirements to be added to the plan (for the proposed house). These items have been added to the plan.

Mr. Bongiovanni passed out a copy of the latest plan for the lot under discussion that includes all revisions requested by Mr. Greenwall in his letter (for the lot under discussion) to Commission members.

Mr. Bongiovanni proceeded to enter the following remarks into the record:

- A. An infiltration water quality basin would be constructed on the abutting property of the applicant (Mr. Rainville) to the west of the lot under discussion.
- B. The applicant (Mr. Rainville) has granted to the lot owner an easement in perpetuity to install and maintain the infiltration water quality basin to be constructed on his property.
- C. The ideal situation would be for the applicant (Mr. Rainville) to deed the property for the infiltration water quality basin to the Condons, who are the owners of the lot. However, because there is a mortgage on the applicant's (M. Rainville) property, this option is not feasible. Therefore, the easement option is being used.
- D. The infiltration water quality basin would filter out the sediments and nutrients through its pervious base composed of sand and gravel that would flow into a four (4) inch underdrain pipe that would outlet the treated water into the abutting wetland.
- E. Habitat quality plants would be placed around the perimeter of the basin.

Mr. Bongiovanni noted that the following items in Mr. Greenlaw's letter have been incorporated onto the plan:

- A. Consent letter from the applicant (Mr. Rainville) to allow work to be done on his property (installation and maintenance of infiltration water quality basin).
- B. A 35 foot by 80 foot easement area abutting the westerly property line of the lot under discussion for the construction and maintenance of infiltration water quality basin.
- C. Roof leaders would be piped to a point as indicated on the plan so as to direct the flow to the basin.
- D. The 50 foot zoning buffer line has been added to the plan.
- E. Conservation seed mixture and detail for under drain line have been added to the plan.

- F. Plan shows that although the house is larger than originally proposed, it will work out even though there would be some small increase in surface runoff.
- G. Due to the reduced time for the construction season for the new house, we request that the easement document for the infiltration water quality basin be recorded (in the land records) prior to the issuance of the "Certificate of Occupancy" and not prior to the issuance of the building permit.

Mr. Greenlaw noted that since last month's meeting an extraordinary amount work was done in a short period of time to prepare the plan before the Commission tonight.

Mr. Greenlaw noted that as of last Friday a number of revisions had not been received by him. Therefore the outstanding items had been incorporated into the proposed conditions that would be presented tonight. However the applicant's consultant responded with the plan that was passed out tonight.

Mr. Bongiovanni entered the following closing remarks into the record:

- A. The lot is 12,000 square feet, which is considered to be small in size, would contain the house and a small back yard.
- B. The applicant (Mr. Rainville) has agreed to grant the Condons, the owners of the lot under discussion an easement (35 feet by 80 feet) that abuts the westerly property line of the lot to construct and maintain an infiltration water quality water basin.

Mr. Greenlaw noted that the easement is not available tonight.

Mr. Bongiovanni noted that the easement is not ready tonight because it is not known if the Commission would approve the plan tonight. If approval is granted tonight, work would be started on the document to be filed in the land records.

Commissioner Zelek recommended that the Commission consider a condition that the infiltration water quality basin be constructed and inspected prior to the issuance of the "Certificate of Occupancy" for the new house. A consensus of Commission members concurred with the suggestion.

Chairman Block expressed a concern of a reliance to a long term easement. He suggested that at the end the 15 year mortgage period, a provision be made for a transfer of the easement area to the lot owner.

Mr. Bongiovanni noted that it is hard to say what might happen in 15 years.

Commissioner Ancona noted that the original plan did not show the basin. The installation of the basin represented a significant improvement to the wetland

Mr. Bongiovanni responded yes.

Commissioner Zelek requested a copy of the soil scientist report.

The Commission went into recess at 7:35 p.m.

The Commission came out of recess at 7:40 p.m.

Mr. Greenlaw passed out a copy of the soil scientist report to Commission members.

Alternate Krawiec noted that Mr. Bongiovanni made reference that the wetland was not the most pristine. Could he explain this remark? Mr. Bongiovanni responded that it was a tongue and cheek remark. The primary function of the wetland and watercourse is storm water runoff and flood storage along Willard Avenue.

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

Commissioner Sadil asked if the conditions available tonight could be acted upon by the Commission? Mr. Greenlaw responded a condition has been incorporated to address the easement for your consideration. There are some additional conditions that have been included for your consideration.

Commissioner Ancona noted that he has been involved with activities in the area and that he is familiar with the area. The applicant, in his opinion, has gone above and beyond in his presentation tonight.

Commissioner Zelek asked Commissioner Ancona if his remarks are being made are based on his knowledge as an attorney, not as a Commissioner? Commissioner Ancona responded yes as an attorney.

Commissioner Igielski asked if the application required action tonight? Mr. Greenlaw responded the application could be put off to the September meeting and still would be within the 65 day period.

Mr. Greenlaw noted that he has prepared a list of suggested conditions for consideration by Commission members.

Commissioner Zelek asked if the public has had adequate time to review the plan due to accelerating the application by waiving the 14 day filing period? Mr. Greenwall responded the public still had the 14 day period to submit a petition.

Chairman Block noted that it would be ideal to have the easement in hand. He expressed a concern that if something goes wrong at a later date (he gave two {2} examples-listen to audio tape for details). He further noted that the easement has legal standing and it is important on how it is written.

Commissioner Ancona noted that he does not see a problem. This is a routine matter. His review of the record notes that time is of the essence. This can be done as an administrative matter because the easement is very basic.

Alternate Krawiec noted that the Commission should take the time (required) to do it right.

Chairman Block noted that we have a complicated situation and it cannot be guaranteed if everything could be accomplished in 30 days.

Commissioner Zelek noted that as it being a condition for approval, he thinks that it covers our responsibility.

Chairman Block concurred with the assessment.

Commissioner Zelek noted the applicant is responsible for complying with the condition.

Chairman Block raised a question on the time needed to prepare such an easement.

Commissioner Ancona noted it would be a very basic easement and could be done in a short period of time.

Commissioner Igielski made 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 21013-10 because the proposed activities will not have a major impact or significant effect on the regulated area. Motion was seconded by Commissioner Zelek. There was no discussion. Vote was 7 yes, 0 no and the motion was carried.

Mr. Greenlaw passed out a list of suggested conditions to Commission members.

There was a general discussion among Commission members on the enhancement of some conditions. A focus of discussion was with the conditions dealing with the proposed drainage easement and infiltration water quality basin (listen to audio tape for the details of the discussion).

At the conclusion of the discussion, it was the consensus of Commission members to go into recess to allow Mr. Greenlaw and Commissioner Igielski to develop language for the conditions under discussion.

Commission went into recess at 8:08 p.m.

Commission came out of recess at 8:19 p.m.

Commissioner Igielski made a motion to issue permit by Summary Ruling for Application 2013-10 and subject to conditions (listen to audio tape or read the certificate of action for conditions). Motion was seconded by Commissioner Shapiro.

Commissioner Zelek noted that he wanted to recognize the effort that was put forth by the consultant (Mr. Bongiovanni) in providing an excellent plan addressing the Commission's concern.

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

ITEM VI C

New Initiative – Vernal Pools

Commissioner Zelek noted that there was nothing new to report on the subject matter.

Commissioner Zelek in a related matter, noted that a representative from the "Trust for Public Land" would be available to make a presentation on what the "Trust for Public Land" can do for towns or members of the public looking for funding or assistance in securing open space.

There was a discussion among Commission members (listen to audio tape for the details of the discussion) concluding in a consensus that the subject matter would appear as a separate item on the agenda of the September meeting.

ITEM VII

PUBLIC PARTICIPATION ON NON-AGENDA ITEMS: NONE

ITEM VIII

COMMUNICATIONS AND REPORTS

ITEM A

Internal Rules and Procedures

Mr. Greenlaw passed out a revised "Section 7 – DULY AUTHORIZED AGENT APPROVAL POLICY" to Commission members which now makes reference to a "primary" and "alternate" agent. He proceeded to review other changes and modifications (listen to audio tape for the details of his remarks).

Commissioner Igielski suggested that if everyone is in agreement with the changes, the revised "Section 7" could be incorporated into the document and presented at next month's meeting. If approved, the change would become affective at the October meeting.

Commission went into recess at 8:40 p.m.

Commission came out of recess at 8:42 p.m.

Chairman Block noted that per the latest "Charter Revision" process, the name of the Conservation Commission was changed to "The Conservation/Inland Wetland and Watercourses Commission". The change should be made throughout the document.

Mr. Greenlaw suggested that the Commission address the "Agent" matter now and look down the road to a complete review of the Commission's "Rules and Procedures".

There was a general discussion among Commission members (listen to audio tape for details of the discussion).

Commission Zelek compared each of the five (5) conditions that have to be met for "Duly Authorized Agent Approval" to the permit issued for 15 Clifford Street and noted it looks likely that tonight's application could have been acted upon by "Agent Approval" (listen to audio tape for his comparison of the five (5) conditions to the application).

Mr. Greenlaw proceeded to explain the difference between the Clifford Street application and "Duly Authorized Agent Approval" process (listen to audio tape for the details of his remarks).

ITEM B

Agent Approval for 106 Maple Hill Avenue

Mr. Greenlaw noted that a permit was granted to install a shed and fence in the in the northeast corner of the property.

Motion made by Commissioner Sidal to adjourn the meeting at 9:05 p.m. and was seconded by Commissioner Shapiro. There was no discussion. Vote was 7 yes, 0 no and the motion was carried.

Sincerely;



Peter M. Arburr
Recording Secretary

Commission members
Tanya Lane, Town Clerk
John Salamone, Town Manager
Town Planner
Councilor Myra Cohen
Councilor David Nagel
Chairperson, Town Plan and Zoning Commission
Peter M. Boorman, esquire, Town attorney
Chris Greenlaw, Town Engineer
Lucy Robbins Wells Library (2)