

CONSERVATION COMMISSION  
REGULAR MEETING AUGUST 21, 2012  
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.

Commissioner Igielski called the roll call at 7:15 p.m. and noted Commissioners Clark, Shapiro and Sidal were present. Also present were Alternate Paskewich and Town Planner Craig Minor.

NOTE: Chairman Block designated that Alternate Paskewich would vote for Chairman Block.

ITEM III  
Appointment of Chairman Pro-Tem

Motion made by Commissioner Clark to designate Commissioner Igielski Chairman Pro-Tem for tonight's meeting and was seconded by Commissioner Shapiro.

No other name was placed in nomination. Vote was 4 yes, 0 no and the motion was carried.

Commissioner Igielski assumed the position of the Chair.

ITEM VI  
ACCEPTANCE OF MINUTES

Regular Meeting of July 17, 2012

Commissioner Igielski noted the following corrections:

- A. Bottom of Page 1---Regular Meeting of June 19 (10), 2012.
- B. Top of Page 6---Remark by Chairman Block should read "Chairman Block asked what would happen...responded that since (that since) a raised ranch...the house foundation."
- C. Bottom of Page 6---Motion by Commissioner Igielski should read "Motion by Commissioner Igielski that the Commission...make a finding of fact to approve proposed map amendment in Application 2012-12A and issue a permit...and motion was carried."

Commissioner Shapiro noted the following corrections:

- A. Top of Page 5---Remark by Commissioner Igielski should read “Commissioner Igielski asked why is the proposed conduit...being used for the duct (duck) work.”
- B. Bottom of Page 5---Remark C should read “A manmade (man made) drainage ditch...(westerly property line).”

Motion made by Commissioner Sadil to accept the minutes as amended and was seconded by Alternate Paskewich. There was no discussion. Vote was 5 yes, 0 no, and the motion was carried.

ITEM VA

PUBLIC PARTICIPATION ON NON-AGENDA ITEMS: NONE

ITEM VIA (Public Hearing)

Application 2012-11A, 181 Robbins Avenue, Map Amendment

Mr. Craig Minor, Town Planner, noted that the notice of the public hearing appeared in the Hartford Courant on August 9<sup>th</sup> and August 16, 2012. He proceeded to read the notice into the record.

Mr. Alan Bongiovanni, President of BGI and representing the applicant (Norman Rainville), noted the applicant is seeking a map amendment for the subject property. The wetland limits (southwest corner of the property) were flagged in the field under a previous application by Mr. Thomas Pietras of Soil Science and Engineering Services. Soil samples were secured by the spade and auger method. The Town Map only shows a watercourse along east side of Willard Avenue (westerly property line of property).

PUBLIC IN FAVOR: NONE.

PUBLIC AGAINST: NONE

Motion made by Commissioner Clark to close the public hearing on Application 2012-11A and was seconded by Commissioner Shapiro. There was no discussion. Vote was 5 yes, 0 no and the motion was carried.

ITEM VII A

Application 2012-15A, MDC Meadow Street, Map Amendment

Mr. Eric Pizzoferrato, Project Manager MDC noted a presentation was made on the application last month. (During the presentation, it was noted that a soil scientist retained by the MDC noted the existence of wetlands within the project limits that were not shown on the Town Map.) A request is being made tonight for a map amendment.

Motion made by Commissioner Cark that per Section 15.7 of the Town of Newington Inland Wetlands and Watercourses Regulations a public hearing be held on Application 2012-15A (Request for a Map Amendment) on September 18, 2012 at 7:00 p.m. in Conference Room L 101, Town Hall, Newington CT. Motion seconded by Alternate Paskewich. There was no discussion. Vote was 5 yes, 0 no and the motion was carried.

ITEM VII B

Application 2012-17, MDC Meadow Street

Mr. Eric Pizzoferrato, Project Manager MDC noted a presentation was made on the application last month.

Motion made by Commissioner Clark to table the item over to the September meeting and was seconded by Commissioner Sadil. There was no discussion. Vote was 5 yes, 0 no and the motion was carried.

ITEM VII C

Application 2012-20A, 106 Maple Street, Map Amendment

Mr. Glenn Payanis the owner of the property and applicant entered the following remarks into the record:

- A. The property was purchased a year ago.
- B. When he came in for a permit to construct a shed, he was advised that the manmade pond on the property was a regulated area under the Town of Newington Inland Wetland and Watercourses Regulations.
- C. The manmade pond was constructed approximately 15 to 20 years ago.
- D. Over the years, no permit was required for work done in the area under discussion.
- E. If he was aware of this restriction, he would not have purchased the property.

Commissioner Igielski asked for the location of the proposed shed? Mr. Payanis responded at the northeast corner of the property. It was at this time that he was advised by the Town of the wetland area on the property.

Commissioner Igielski noted that the location of the proposed shed is not shown on the plan.

Mr. Payanis noted that Mr. Chris Greenlaw, Town Engineer said the matter was in a preliminary stage and therefore, it was not necessary to show the shed. He noted that the shed would be 28 feet by 14 feet in size and the pond is 8 feet deep. He asked where do we go from here?

Mr. Payanis noted that pond started out as an ice skating pond. An (private rear yard) outlet (pipe) system was installed across (private) properties to the south and east out to Vincent Drive. He stated the system was approved by the Town.

Alternate Paskewich asked when was the drainage installed? Mr. Payanis responded within the past five (5) years and was paid for by private parties.

Commissioner Igielski said the Commission must determine if the area under discussion is a regulated area. He noted that the definition of a “Watercourse” in the Regulations includes a manmade pond.

Mr. Payanis noted that the pond had been dug to a depth that penetrated the water table (water in pond year round). There are turtles and frogs in the pond.

Commissioner Igielski noted that there may be the need for a soil scientist.

Commissioner Clark noted that the matter under discussion is a watercourse. Why would there be the need for a soil scientist to determine the limits? Commissioner Igielski responded because a soil scientist is the qualified person to define the boundary limits.

Recording Secretary Arburr noted that the boundary limits of the pond were established by the limits of excavation related to the pond.

Mr. Payanis noted that the 100 foot buffer would encompass other properties. Who is responsible to determine the effects? There was a general discussion among Commission members with no consensus.

Commissioner Igielski said the Commission would have to determine if a soil scientist should be retained or accept what physically exists in the field.

Mr. Payanis passed out photographs of the area for review by Commission members.

Commissioner Igielski noted that Section 15.6 of the Regulations states that “Watercourses shall be delineated by a soil scientist, geologist, ecologist or other qualified individual”.

Mr. Minor noted the question before the Commission is whether a land surveyor would be considered to be “or other qualified individual”. It is your decision.

There was a general discussion among Commission members on who could do the work (Listen to audio tape for details of the discussion).

Mr. Minor noted that if the Commission wants more (data) than the limits of the pond, the Town would be responsible (for the cost). The applicant is requesting a hearing on the pond and a surveyor is capable of doing the work.

Commissioner Clark said that she wants to keep the pond as an asset and look at it as an existing watercourse. Commissioner Igielski asked Commissioner Clark if the use of a land surveyor would be acceptable to her? Commissioner Clark responded yes.

Commissioner Igielski noted that he could not recall any case involving a watercourse and extending the scope of work to require a soil scientist.

Commissioner Sadil asked how would the limits of the watercourse be determined? Commissioner Igielski responded the land surveyor would define the limits of the pond on the plan.

Commissioner Shapiro noted that the Commission could start with what we have now and determine if more may be needed at a later date.

Commissioner Igielski noted that the Commission could be working with time limits.

Commissioner Sadil said the use of a land surveyor would be acceptable to him provided there are ties to the property line at three (3) locations.

Alternate Paskewich said the use of a land surveyor would be acceptable to him.

Motion made by Commissioner Clark that per Section 15.7 of the Town of Newington Inland Wetlands and Watercourses Regulations a public hearing be held on Application 2012-20A (Request for a Map Amendment) on September 18, 2012 at 7:00 p.m. in Conference Room L 101, Town Hall, Newington CT. Motion seconded by Alternate Paskewich. There was no discussion. Vote was 5 yes, 0 no and the motion was carried.

#### ITEM VIII A

Application 2012-15, MDC Meadow Street, Refer to Item VII A above

#### ITEM VIII B

Application 2012-11A, 181 Robbins Avenue, Map Amendment

Mr. Minor passed out a list of suggested reasons for consideration by Commission members.

Motion made by Commissioner Clark that the Commission after a review of the application and supporting documentation, Public Hearing held on August 21, 2012 and closed on August 21, 2012, and subsequent discussion by Commission members, make a finding in Application 2012-11A (Map Amendment) and issue a permit by Plenary Ruling for reasons stated in the record (audio tape) or "Official Notification of Action". Motion was seconded by Alternate Paskewich. Vote was 5 yes, 0 no and the motion was carried.

#### ITEM VIII C

Application 2012-16, 181 Robbins Avenue

Commissioner Igielski asked if the application was complete? Mr. Minor responded yes.

Motion made by Commissioner Clark that based on the information before it, the Commission make a finding of fact that a public hearing is not necessary for Application 2012-16 because the proposed activities would not have a major impact or significant effect on the regulated areas. Motion seconded by Commissioner Shapiro. There was no discussion. Vote was 5 yes, 0 no and the motion was carried.

Commission went into recess at 8:20 p.m.

Commission came out of recess at 8:25 p.m.

Mr. Minor handed out a list of suggested conditions for review and comment by Commission members.

There was a general discussion and review of the conditions for this application among Commission members (Listen to audio tape for details of the discussion).

Motion made by Commissioner Clark to grant a permit by Summary Ruling for Application 2012-16 and subject to conditions noted in the record (audio tape) or "Official Notification of Action". Motion was seconded by Commissioner Shapiro. There was no discussion. Vote was 5 yes, 0 no and the motion was carried.

#### ITEM VIII D

Chairman Block-New Initiative (Invasive Plants)

It was the consensus of Commission members to carry the item over to the September meeting.

#### ITEM IX

PUBLIC PARTICIPATION ON NON-AGENDA ITEMS: NONE

#### ITEM X

COMMUNICATIONS AND REPORTS

- A. Discussion of agent guideline, amend Internal Rules and Regulations. In the absence of the Chairman and Vice-Chairman, it was the consensus of Commission members to carry the item over to the September meeting.
- B. Application 2012-18AA, 74 Barnard Drive---Agent action to approve the installation of a shed on a residential property.
- C. Application 2012-19AA, 151 Windmill Lane---Agent action to construct a house addition on a residential property.

Motion made by Commissioner Sadil to adjourn meeting at 8:30 p.m. and was seconded by Alternate Paskewich. There was no discussion. Vote was 5 yes, 0 no and motion was carried.

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Peter M. Arburr, Recording Secretary

Commission Members

Tayna Lane, Town Clerk

Town Manager, John Salamone

Town Planner

Councilor Myra Cohen

Councilor David Nagel

Chairperson, Town Plan and Zoning Commission.

Peter Borman, Esquire, Town Attorney

Chris Greenlaw, Town Engineer

Lucy Robbins Wells Library (2)