

CONSERVATION COMMISSION

REGULAR MEETING MAY 19, 2009

E. CURTIS AMBLER ROOM

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

Chairman Block called the roll call at 7:00 p.m. and noted Commissioners Igielski, Pappa and Shapiro were present. Also present were Alternates Turgeon (7:04 p.m.) and Zelek (7:06 p.m.) and Mr. Anthony Ferraro, Town Engineer.

NOTE: Chairman Block designated that Alternate Turgeon would vote for Commissioner Byer and Alternate Zelek would vote for Commissioner DiMartino.

ITEM III

ACCEPTANCE OF MINUTES

Regular Meeting of April 21, 2009

Commissioner Igielski noted the following corrections:

- A. Page 3---Bottom of the page Question A. by Chairman Block should read “Does the applicant...from the property? Mr. (M) Susaya ...a contracting business.”
- B. Page 4--- Bottom of the page (ITEM) should read ITEM V D.

Motion made by Commissioner Igielski to accept the minutes as corrected and was seconded by Commissioner Shapiro. There was no discussion. Vote was 4 yes, 0 no and the motion was carried.

ITEM IV

PUBLIC PARTICIPATION ON NON-AGENDA ITEMS: NONE

ITEM VA

Public Hearing-APPLICATION 2009-02 for a Map Amendment for 3066 Berlin Turnpike.

Alternate Turgeon arrived at 7:04 p.m. Chairman Block designated him to vote for Commissioner Byer.

Alternate Zelek arrived at 7:06 p.m. Chairman Block designated him to vote for Commissioner DiMartino.

Mr. Alan Bongiovanni, President of BGI, 170 Pane Road, the applicant, entered the following remarks onto the record:

- A. The Town hired REMA (Ecological Services) to verify the findings of the applicant's soil scientist wetland boundary limits in the field. The Firm's review found no differences with the applicant's soil scientist's findings.
- B. The hatched area on the plan depicts the wetland boundary limits as shown on the Town Map.
- C. The applicant's soil scientist found no wetlands on the property, which was consistent with the findings of two (2) previously approved Map Amendments for abutting properties.
- D. The findings (of the applicant's soil scientist) represent a factual delineation of the (wetland boundary) limits.

Commissioner Pappa asked if the property is the old driving range? Mr. Bongiovanni responded yes.

Chairman Block asked if the area was a wetland that had been filled in? Mr. Bongiovanni responded that the 1950 MDC Topographical Map shows that the northwest corner of the property was low and had been filled in over time.

Chairman Block asked if the applicant had submitted a letter from the property owner authorizing him to submit the application? Mr. Ferraro responded that he has received the letter.

Mr. Ferraro said that he called REMA and had sent the Firm a copy of the map submitted for it to verify.

Commissioner Igielski asked that the "Legal Notice" and dates it appeared in the Hartford Courant be entered into the record? Mr. Ferraro read the "Legal Notice" and May 6, 2009 and May 13, 2009 into the record.

PUBLIC IN FAVOR: NONE

PUBLIC AGAINST: NONE

Motion made by Commissioner Igielski to close the public hearing on Application 2009-02 on May 19, 2009 and was seconded by Commissioner Shapiro. There was no discussion. Vote was 6 yes, 0 no and the motion was carried.

ITEM VB

APPLICATION 2009-05 for 111 Golf Street

Mr. Stanley Dynia, GZA GeoEnironmental and representing the applicant (Indian Hill Country Club) entered the following remarks into the record:

- A. The application was signed by the Town of Newington, who owns the land.
- B. The proposal is to remove sediment from two (2) ponds and maintenance on one watercourse involving course Holes 2 and 14. A report submitted with the application contains a narrative describing the scope of work to be done on each hole.
- C. The regulated area on Hole 2 would include the intermittent watercourse from the outlet of the Town drainage system to the pond and the pond it self. The scope of work would involve replacement of the rip rap at the out let of the storm water drainage system, placement of core log check dams in watercourse where maintenance is done and the removal of sediment from the pond.
- D. The regulated area on Hole 14 would involve the southerly pond of a two (2) pond system. The scope of work would include the removal of sediment and evasive plants.
- E. The banks of both ponds, where required, would be stabilized (listen to audio tape for detail of scope of work). Sediment material removed from both ponds would be temporally stored in piles at locations shown on the plan sheets. Each pile would be surrounded with sediment control material.
- F. The work would when under dry conditions.

Commissioner Igielski asked if the work would be done in house or by a private contractor? Mr. Dynia responded the work would probably be done utilizing both options.

Commissioner Igielski asked if the proposed scope of work would mitigate a mosquito problem? Mr. Dynia responded that a turbidity curtain would be installed at the outlet end of the pond on Hole 2.

Recording Secretary Arburr asked how many cubic yards of material would be removed from the pond on Hole 2? Mr. Dynia could not provide an answer to the question.

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

ITEM VC

APPLICATION 2009-06 for 35 Budney Road

Mr. Ronald Bomengen, P.E., Fuss & O'Neill and representing the applicant entered the following remarks into the record:

- A. The proposal is to add 17 new parking spaces bringing the total number of available parking spaces on site to 37.
- B. The wetland boundary limit per the Town Map is at the bottom of the (embankment) slope.
- C. The boundary limit of the 100 foot upland review area passes through the middle of the building.
- D. The area of expansion for the new parking area would be the existing lawn area (westerly of the existing parking lot).
- E. The proposed activity would add about 7,000 square feet of impervious surface and disturb .28 acre (of upland review area) of which .12 acre would permanent.
- F. The drainage plan does not call for adding any new (drainage) structures. Surface run off would flow over land westerly into a rip rap structure that would pick up sediment and lower the velocity of flow.

Chairman Block asked why is 17 (spaces) the magic number? Mr. Bomengen responded because that is the maximum number that could be fitted into the area.

Chairman Block suggested that the end of the pavement be pulled back to increase the area between the wetland and edge of pavement.

Commissioner Igielski asked if there was a requirement to maintain a (minimum) buffer between the wetland and the edge of pavement? Mr. Ferraro responded he was not aware of such a requirement.

Mr. Ferraro said the site plan included in the agenda package does not match (in information) the site plan on the wall.

Mr. Bomengen said that he would provide an updated plan for next month's meeting along with a detail for the rip rap structure to include the width.

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

ITEM VI A

APPLICATION 2009-01 for 25 Stonewall Court

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

Motion made by Commissioner Igielski that based on the information before it, the Commission make a finding of fact that a public hearing is not necessary for Application 2009-01 because the proposed activities would not have a major impact or significant effect

on the regulated areas. Motion seconded by Alternate Turgeon. There was no discussion. Vote was 6 yes, 0 no and the motion was carried.

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

Chairman Block recommended that Special Condition "B" be added that states "The applicant shall submit a plan for back water and drainage water handling to the Town Engineer for approval".

Motion made by Commissioner Shapiro to add Special Condition "B" to the list of conditions and was seconded by Alternate Zelek. There was no discussion. Vote was 6 yes, 0 no and the motion was carried

Motion made by Commissioner Pappa to grant a permit by Summary Ruling for Application 2009-01 and subject to conditions. Motion was seconded by Commissioner Igielski. There was no discussion. Vote was 6 yes, 0 no and motion was carried.

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

ITEM VI B

APPLICATION 2009-02 for 3066 Berlin Turnpike

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

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

Motion made by Commissioner Igielski to grant a permit by Plenary Ruling for Application 2009-02 (Map Amendment for 3066 Berlin Turnpike) for reasons noted. Public Hearing was opened on May 19, 2009 and was closed on May 19, 2009. Motion was seconded by Commissioner Shapiro. There was no discussion. Vote was 6 yes, 0 no and motion was carried.

NOTE: Refer to audio tape or "Official Notification of Action" for noted reasons.

ITEM VI C

APPLICATION 2009-03 for 766 North Mountain Road

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

Mr. Ferraro noted that he missed the fact that the property (766 North Mountain Road) is located within 500 feet of the Hartford and West Hartford boundary lines. The required notices were not sent out within the time frame outlined in the Regulations.

Commissioner Igielski noted that per a letter from the Town Attorney the item should be carried over to the June meeting.

Mr. Ferro noted that the applicant is not present tonight and no contact was made with him prior to tonight's meeting.

Mr. Ferraro noted that if the item is postponed to next month's (June meeting), then the Commission would be outside of the time line for acting on the application.

Chairman Block noted that if the Commission does not act tonight, the application would automatically be approved.

There was a general discussion among Commission members to see if there was any other option available to carry the item over to the June meeting (listen to audio tape for details of the discussion).

Motion made by Commissioner Pappa to deny Application 2009-03 without prejudice because the municipalities of West Hartford and City of Hartford were not notified of the application per the requirement of Section 7.7a of the Regulations. Motion seconded by Commissioner Pappa.

Chairman Block asked when was the notification sent to the abutting municipalities? Mr. Ferraro responded April 30, 2009.

There was a discussion on whether twenty (20) days was an adequate time frame for a response (listen to audio tape for details of the discussion).

Vote was 1 yes (Igielski), 5 no (Block, Pappa, Shapiro, Turgeon and Zelek) and motioned failed to pass.

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

Motion made by Commissioner Shapiro that based on the information before it, the Commission make a finding of fact that a public hearing is not necessary for Application 2009-03 because the proposed activities would not have a major impact or significant effect on the regulated areas. Motion seconded by Alternate Turgeon. There was no discussion. Vote was 5 yes, 0 no, 1 abstention (Igielski) and the motion was carried.

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

Chairman Block recommended that Special Condition "B" be added that applicant pull back a portion of the stocked piled material (east side) adjacent to the wetland.

There was a discussion among Commission members whether to remove pavement or not (listen to audio tape for details of the discussion).

Motion made by Commissioner Shapiro that Special Condition "B" be added that states "The applicant to remove forty (40) feet of stored material (not pavement) on east side of property

adjacent to wetland” to the list of conditions and was seconded by Alternate Turgeon. There was no discussion. Vote was 5 yes, 0 no, 1 abstention (Igielski) and the motion was carried

Motion made by Commissioner Pappa to grant a permit by Summary Ruling for Application 2009-03 and subject to conditions. Motion was seconded by Alternate Zelek. There was no discussion. Vote was 5 yes, 0 no, 1 abstention (Igielski) and motion was carried.

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

ITEM VI D

Application 2009-04 for 90 Wells Drive North

Alternate Zelek said he would not participate on this item because he lives in the area where the residents are opposed to the project.

Mr. Ferraro noted that since the last meeting plans have been revised (per comments from residents to the TP&C) and the Commission should be updated on the changes.

Mr. Paul Selnu, architect with Henry Schader Associates, Farmington CT and representing the applicant entered the following remarks into the record:

- A. The generator and chiller have been relocated to the rear of the westerly wing of the building.
- B. An earth berm, approximately three (3) feet in height with plantings on top has been placed along the easterly side of the north wing.
- C. Sidewalk along easterly property line has been removed and replaced with plantings.
- D. The transformer has been relocated from the southeast corner of the property to the rear of the south side of the west wing.

Commissioner Igielski asked if all new activity would be outside of the 100 foot upland review area? Mr. Selnu responded yes.

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

Motion made by Commissioner Igielski that based on the information before it, the Commission make a finding of fact that a public hearing is not necessary for Application 2009-04 because the proposed activities would not have a major impact or significant effect on the regulated areas. Motion seconded by Commissioner Pappa. There was no discussion. Vote was 5 yes, 0 no and the motion was carried.

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

Chairman Block recommended that Special Condition “A” be amended to reflect that applicant shall prepare the maintenance program.

It was the consensus of Commission member to accept the amendment.

Motion made by Commissioner Igielski to grant a permit by Summary Ruling for Application 2009-04 and subject to conditions. Motion was seconded by Commissioner Igielski. There was no discussion. Vote was 5 yes, 0 no and motion was carried.

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

Alternate Zelek returned as a participating member.

ITEM VI E

Permit 2006-26 Update by Mr. Michael Frisbie (Permittee)

Mr. Ferraro reported that Mr. Frisbie, due to a conflict, would be unable to attend tonight’s meeting. It would be his intention to attend next month’s meeting.

ITEM VI F

Revisions to Rules and Procedures

Mr. Ferraro said the changes he received from the April meeting were incorporated into an updated copy of the Internal Rules and Procedures. A copy was passed out to each Commission member.

Commissioner Igielski proceeded to review page by page the proposed changes to the existing Internal Rules and Procedures (listen to audio tape for the details of his presentation).

Commissioner Igielski suggested that remarks discussed tonight to be incorporated into an updated “Draft Copy” and said copy would be sent to the Town Attorney for review and comment.

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

Motion made by Commissioner Igielski to incorporate remarks discussed tonight into updated “Draft Copy of the Internal Rules and Procedures dated May 5, 2009” and then send a clean copy to the Town Attorney for review and comment. Motion seconded by Commissioner Pappa. There was no discussion. Vote was 6 yes, 0 no and motion was carried.

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

ITEM VII

PUBLIC PARTICIPATION ON NON-AGENDA ITEMS: NONE

ITEM VIII

COMMUNICATIONS AND REPORTS

- A. Mr. Ferraro said that he had received a letter from Glen Oaks Association noting that the liner within the (wet) detention pond warrants maintenance. He noted that the level of work would call for the removal of fish from the pond, drain down the water level between four (4) and five (5) feet, review condition of liner and make any required repairs. There was a general discussion among Commission members on whether the outlined scope might be a permitted use (maintenance activity associated with an approved permit) per the Regulations or there may be a requirement for the submission of a new application. Commissioner Igielski suggested that the property owner come forth with the paper work if it is a permitted use or submit a new application. It was the consensus of Commission members that the Commission will send a letter to Glen Oaks addressing the matter.
- B. Mr. Ferraro reported that no new work has been done by the property owner where a “Cease and Desist Order” had been issued for 1164 Willard Avenue. He (Mr. Ferraro) is waiting for the property owner to come in with an application to either finish the work or return the area back to its original condition. Chairman Block said if there is no response; then a letter should be sent out to the property owner stating the Commission would consider looking into a possible financial penalty per Town Ordinance.

Motion made by Commissioner Shapiro to adjourn meeting at 9:30 p.m. and was seconded by Alternate Turgeon. There was no discussion. Vote was 6 yes, 0 no and motion was carried.

Peter M. Arburr, Recording Secretary

Commission Members
Tayna Lane, Town Clerk
Town Manager John Salamone
Edmund Meehan, Town Planner
Councilor Myra Cohen
Chairperson, Town Plan and Zoning Commission
Anthony Ferraro, Town Engineer
Ben Ancona Jr., Esquire, Town Attorney
Lucy Robbins Wells Library (2)