TOWN OF NEWINGTON

CONSERVATION COMMISSION

June 21, 2022 - 7:00 P.M.
Town Council Chambers, Room 103 - Town Hall, 200 Garfield Street
This meeting will be presented as a Zoom Webinar/Hybrid Meeting
Information on how to attend will be posted on the Town website at:
https://www.newingtonct.gov/virtualmeetingschedule

AGENDA

I. CALL TO ORDER

II. ROLL CALL

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

IV. ACCEPTANCE OF MINUTES
    A. Acceptance Of Minutes: May 17, 2022 Regular Meeting

        Documents:

        NEWINGTON CONSERVATION COMMISSION MEETING MINUTES (5-17-22).PDF

V. NEW BUSINESS
    A. Application #2022-14: Modification To Application 2017-06 To Relocate An Inground Pool At 98 Carriage Hill Drive. Applicant/Owner/Contact: Joanna Breault

        Documents:

        2022-14 STAFF REPORT.PDF
        2022-14 PLOT PLAN.PDF
        SOIL SCIENTIST REPORT.PDF

VI. OLD BUSINESS
    A. Application #2022-05: For Construction Of Single Family Homes In The Upland Review Area At 359 Church Street And 321 Tremont Street (Rear), Applicant/Owner: AA Denorfla Bldg. & Dev., LLC Contact Alan Bongiovanni

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

VIII. COMMUNICATIONS AND REPORTS
    A. Agent Communications
    B. Town Council Liaisons Communications
    C. Pond Life Research And Education

IX. ADJOURNMENT
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ADJOURNMENT

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IX.
I. CALL TO ORDER

Chairman Sadil: Welcome to the town of Newington Conservation Commission meeting for May 17, 2022. I’m calling the meeting to order at 7:01 p.m. At this time, before we begin, it is with heavy heart that I announce the death of a good friend and fellow commissioner John Casasanta. His bipartisanship and his levelheadedness will be missed, as well as our mutual fondness for 80s heavy metal music. I’ll miss our discussions and I just want to pay my respects at this time and I welcome other commissioners to do so if they have something to add at the moment they're welcome to do so. Commissioner Bachand.

Commissioner Bachand: Yeah everyone I actually went to the service and even though I told the family, the mother, his mother and sister Diana, that, you know I wasn't there an official representation of the Conservation Commission but I thought that we probably all were in agreement that we offered our condolences and she seemed to appreciate that.

Chairman Sadil: Thank you. Anyone else wish to add at this time

Mr. Hinckley: I think Gail has her hand up

Chairman Sadil: Please go ahead.

Councilor Budrejko: Even though, I'm not a commissioner, I've been the liaison for the commission since I started on the town council. Bus I also…so I’ve been able to observe John's demeanor and his contributions and his level headedness and his value to this Commission and even before the Commission and before I was the liaison, I attended a lot of Conservation Commission meetings and I agree with you Chairman Sadil, he was bipartisan, he was conscientious, he did his homework, he really took the job seriously and he had a passion for conservation wetlands and inland wetlands and doing the job that he was appointed to do and I do truly think his presence will be will be missed on his Commission and his service was a blessing to this town.

Chairman Sadil: Thank you Councilor Budrejko. Commissioner Paskewich.

Mr. Hinckley: Go ahead Alan and unmute yourself.

Commissioner Paskewich: Sorry I can't speak too much more than what Council woman Budrejko just spoke to, but I found John to be fair, eloquent and his speaking and humble but enough power with his knowledge and conversing what he thought generally about which way we should head on applications and discussions and he became a friend as well as many other commissioners have over the years that I've been on and it’s a great loss but nonetheless speak to him in memorial. That's all, thank you

Chairman Sadil: Thank you Commissioner Paskewich. Is there anyone else at this time? OK. Ms. Gibbon, please call the roll

II. ROLL CALL

Ben Ancona III
John Bachand
Bernadette Conway
Alan Paskewich
Andreas Sadil
Jeff Wagner
Also present:
Erik Hinckley, Inland Wetland Agent
Susan Gibbon, Recording Secretary
Councilor Budrejko, Town Council Liaison
Councilor Radda, Town Council Liaison

Mr. Hinckley: Mr. Chairman just pointing out, where you probably need to seat Commissioner Conway.

Chairman Sadil: OK, yes, I will seat Commissioner Conway. Shall we proceed? OK moving on to Public Participation on Non-Agenda Items, each speaker limited to two minutes.

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

Chairman Sadil: Do we have anyone on the line?

Mr. Hinckley: There's one person in the room and they don't have their hand raised.

Chairman Sadil: Ok, on to item four, Acceptance of Minutes from the April 19, 2022 Regular Meeting.

IV. ACCEPTANCE OF MINUTES

A. Acceptance Of Minutes: April 19, 2022 Regular Meeting

Chairman Sadil: Any additions or corrections from the commissioners? I'm seeing none, so may I have a motion to accept the minutes of April 19th 2020 meeting of the Conservation Commission.

Commissioner Bachand: It's John Bachand, I'll make a motion to accept the minutes

Chairman Sadil: So moved by Commissioner Bachand. May I have a second?

Commissioner Wagner: Commissioner Wagner, I’ll second it.

Chairman Sadil: Commissioner Wagner seconded. All in favor? Opposed? Abstentions? The minutes pass unanimously. Moving on to Item 5, the public hearing for Application #2022-05: For Construction Of Single Family Homes In The Upland Review Area At Church Street And 321 Tremont Street (Rear), Applicant/Owner: AA Denorfia Bldg. & Dev., LLC Contact Alan Bongiovanni (Continued From April 19, 2022).

V. PUBLIC HEARING

A. Application #2022-05: For Construction Of Single Family Homes In The Upland Review Area At 359 Church Street And 321 Tremont Street (Rear), Applicant/Owner: AA Denorfia Bldg. & Dev., LLC Contact Alan Bongiovanni (Continued From April 19, 2022)

Mr. Hinckley: Mr. Chairman, one thing real quick for the public hearing I, left out the address for Church Street that should be 359 Church Street as well.

Chairman Sadil: OK, so noted.

Mr. Hinckley: Thank you.

Chairman Sadil: Is the applicant present?

Alan Bongiovanni: I am Mr. Chairman, thank you, good evening members of Commission, staff. For the record my name is Alan Bongiovanni, I’m a licensed planner for the state of Connecticut and my office address is at 170 Pane Road in Newington. I’m representing AA Denorfia Building and Development LLC in the application before you. As you said this is a continuation of public hearing. I wane do a quick recap on what had transpired at the last meeting and then we'll go on from there with the
new information. At the last meeting I presented a 32 lot residential subdivision I'm going to share the screen, so we've got a graphic …

Mr. Hinckley: Wasn't it 23 lots Alan, not 32?

Mr. Bongiovanni: I'm sorry, 23 lot subdivision, thank you Erik. I explained the grading, the topography, the configuration of the roadway about 1100 foot of roadway terminating in a cul-de-sac. Twenty two of the lots would be off of Rock Hole Lane with one lot fronting on Church Street. It is to be served by MDC sewer and water is provided by the MDC. We had David Lord, our soil scientist, talk about the wetlands. We applied for wetland map amendment and this commission approved it. Then Joe Perugini, our professional engineer, presented the storm drains design and water quality designs which the town engineer and the planning and zoning Commission approved. Joe Perugini also presented the erosion and sediment control plan and that also was approved by the planning and zoning Commission and the town engineer. Joe did state that the drainage water quality and erosion settlement control had been designed with accordance with the town of Newington drainage manual, DOT guidelines and the 2002 erosion and sediment control guidelines and best management practices. We presented with temporary wetlands disturbance which is the crossing of this narrow area of wetlands here to access the sewer which currently runs east to West as the trump line across the site. This is the only feasible and prudent way to service this with sanitary sewer service. This…when the sewer main was brought in here in the 60s, there's two main sections there's gravity main and a force main that run parallel in that right away. It was contemplated at that time and the designs, the conceptual designs to provide sewer service to this parcel of property. We presented the fact that as an open space subdivision we're preserving 5.85 acres of environmentally sensitive land to be deeded to the town when you factor in the area of open source conservation easement the rear of lots three, four and five, over 6 acres will be protected which is about 36.6% of the site. We’ve stated that although we are proposing disturbance in the upland review area approximately 1½ acres, these disturbances will have no negative effect on the wetlands or water course because of the measures designed into this project; those steps that Mr. Perugini outlined in his presentation and documented in our plans, our reports. All this has been done to minimize any impact of the wetlands or water course on this site. We are proposing durable cedar fencing along the open space area which is along this area here and this area and then along the rear of lots three, four and five. The remainder of the boundaries of the open space, because it's wooded, will be done with posts and placards every 50 feet so that the neighboring properties are well aware that it is a public open space and dumping and things like that are not allowed. It was required, it was requested by the Commission that the applicant have a wetland assessment prepared by a qualified professional and we have submitted the requested report is prepared by Soil Science Environmental Services Inc., specifically Jen Benno, biologist and wetland scientists. She'll be talking with you in a few minutes. I've also submitted a letter written by attorney Brian Zacconino about the authority of Wetlands Commission, the authority that the Wetlands Commission has and that I requested this to inform the public as to what is to be regulated. I know the Commission is well aware of your charge and the statutes, but you know I think sometimes it gets lost with the public as to what the charge of the Wetlands Commission is, and if I could just take a minute to read this letter, it's relatively brief. It's dated May 15th 2022. "Dear Mr. Bongiovanni per your request Pease find the following information regarding the state of Connecticut statutory authority for the Newington Conservation Commission related to inland wetlands activity on the above or referenced property. Connecticut general statutes section 22a-36 through 22a-45 will provide both the statutory authority for the Commission to regulate inland wetlands as well as the standards the Commission shall take into account in making its decision. In regards to the regulation of activities that occur in the upland review area, pursuant to section 22a-42(c)(f), municipal wetland authorities may require active…may regulate activities that occur outside the boundaries of wetlands or watercourse if those activities will likely impact wetlands or watercourses. There's a case cited I won't get into that, it’s the case of Prestige Builders LLC v. Inland Wetlands Commission supra 720. It's noted that however although the statute provides authority to regulate activities within the upland review area, these regulations adopted may only apply to activities which likely impact wetlands and water courses. And it goes on to say and he cites a couple other cases, but furthermore Connecticut general statutes statute section 22a-41(5)(d) states that a
municipal inland wetlands agency shall not deny or condition an application for regulated activity in an area outside the wetlands or watercourse on the basis of an impact or effect on aquatic plant or animal life unless such activity will likely impact or affect the physical characteristics of such wetlands or water courses.” I think it's important for the public to know that. But having said that before I get to Jen Benno, David Lord has another commitment tonight so if the Commission has any questions for David and I think he made a complete presentation last time if we could indulge Mr. Lord, Mr. Chairman. Does anyone have any questions?

Chairman Sadil: Absolutely. It’s fine. So I do have one question for him if I may.

Mr. Lord: Please

Chairman Sadil: Mr. Lord please state your name and address for the record.

David Lord: For the record, David Lord, I’m a professional soil scientist and environmental consultant. My company is Soil Resource Consultants and I have an office in Meriden, Connecticut.

Chairman Sadil: So, one final question I have for you is that portion of this property is on a floodplain right it's considered a floodplain but that doesn't necessarily mean that it is a wetland soil, is that the distinction I think we were trying to make at the last meeting, you agree with that

Mr. Lord: Yes that's correct. The fine point to that is the floodplain extends to what is generally referred to as the 1% chance a storm event, 100 year storm event which is not exactly accurate or current technology terminology I should say. Wetland soils which are alluvial or floodplain soils generally are inside that line and do not extend out to the 1% storm limits because of the infrequent inundation of those areas there's no buildup of alluvial or floodplain soils in some areas within the 100 foot with 100 year storm limits. Does that answer the question?

Chairman Sadil: Yes. Thank you. The other question that I had was did you submit the soil borings in that area with that, which you said, has that been done, basically just for the record so we have that for documentation please.

Mr. Lord: The soil borings? I’m not sure what you're referring to.

Chairman Sadil: Right, in the areas where you did the delineation with the borings OK, I think we asked Mr. Bongiovanni we were at last month's meeting said are there any photographs of those borings that we can take as reference for the record that we can show as evidence because there was a drastic reduction in wetland soil, which I…you know, I agree with you, with your conclusion, it’s just that it would be nice to have that for the record within your report, it didn't have any photos and it was basically a narrative, I'm not doubting that conclusion in any way, shape or form, but I was just interested in having some photographing of the borings that you took so we have this evidence for posterity and I think Mr. Bongiovanni promised that from the last meeting; that he even though he closed for the map amendment, he would provide some documentation to that just for the record.

Mr. Bongiovanni: That is correct Mr. Chairman. Alan Bongiovanni for the record. David if you recall, we asked you if you could look through your file if maybe you had some photographs from the days that you did the work on the site.

Mr. Lord: Uh, in answer to that, no I did not have any photographs of soil borings that show you know soil features, colors of the like. I don't generally do that for wetland delineation work. The identification of the soils are in conjunction with the National Cooperative Soil Survey program and the delineation of wetlands on this site meet those criteria which are listed in federal statutes, but that's the only documentation per se. Additional onsite documentation were some pink and black striped flags which denoted the location of soil borings outside the limit of wetland delineation where the flags were set. Those pink and black striped flags document the absence of wetlands soil characteristics at that particular point on the site. Those are generally not survey located or put on a property map, but they visible to anyone walking the property.
Mr. Bongiovanni: Mr. Chairman, if I may and with all due respect, I’ve been locating wetland flags for over 40 years, doing wetland map amendments and wetland presentations and never had a requested for this type of photograph. So people understand, the boring you're referring to are the samples that David takes with a hand spade and auger; it's probably a inch and a half, two inch in diameter that he goes down several feet as he twisted by hand and pulls it out and pulls different horizons of soil. Even if there were photographs, I don’t know that they would actually show you anything of any value.

Chairman Sadil: Well, again, I'm not questioning the conclusion. It’s just that since we did have a drastic reduction in wetland soil, I just want to do it for documentation purposes. I don't know how the commissioners feel, that’s the only other thing I asked Mr. Lord and we did discuss this at the last meeting, just that we have documented this for posterity. That’s all and we have evidence. Ok. I will go to John Bachand first.

Mr. Hinckley: Mr. Chairman, if I may, before…as you pointed out as well, the public hearing for the map amendment is closed. So, even taking that in now, if you want to do this as part of the other application, but I'm just gonna leave it at that.

Chairman Sadil: Right, but again, we asked Mr…. I'll go to Commissioner Bachand first.

Commissioner Bachand: Well to Erik’s point I guess, why would Mr. Lord even be here if he can't offer anything more to the wetland delineation.

Mr. Lord: So I was asked to attend, this is David Lord. I was asked to attend in the instance where any commissioners may have questions regarding the wetland versus the proposed development activities. That's the reason for my purpose, not to talk about the delineation per se, because as you've already said that application was closed.

Commissioner Bachand: I guess I just had one question and if it's not allowed, just remind me. You had mentioned Mr. Lord, you hadn't been to the site since you your initial work and but you had intended that to go, so have you been since?

Mr. Lord: I went to the site for a brief period. I don't have the note here what day it was. Just to look at the area above the point of the wetlands that seemed to be the area of question. It would be north of lots six and seven. That area, there was, evidently on the day of the last meeting, there was a question because there was some surface water sitting on the surface in that area. I did look at that did not see water sitting on the surface this was about a week, 10 days after the meeting. I did a couple of additional borings just again to familiarize myself with that and document in my own mind that yes this was not a wetland by soil type. And again, as we mentioned, the presence of water in that area on any given point in time is not indicative of the wetland.

Commissioner Bachand: So, you are saying that nothing has changed your mind about when you went.

Mr. Lord: Nothing has changed my mind as to the extent of wetlands relative to the proposed subdivision.

Commissioner Bachand: OK, thank you.

Chairman Sadil: Commissioner Paskewich.

Commissioner Paskewich: Yes, Chairman Sadil. I concur with your request for the horizon samplings taken by Dr. Lord and I find it’s the loss that we’re not…it’s not being exhibited after you requested it and it was acknowledged to be here. I also have worked in this field, in wetland delineation with soil scientists taking the same types of sampling, with the same type of spade tool and taking photographs and submitting them with the applications for quite some time. So it is a method of which documentation is provided for areas that are flagged upon taking the sample and I feel that it's necessary to fully determine what the soils are there and without that it’s not a full supporting report. That’s what I
have to say.

Chairman Sadil: Anyone else? Thank you Commissioner Paskewich.

Mr. Bongiovanni: Mr. Chairman, my recollection is that it was requested, that if there were photos available Mr. Lord could provide them. We requested that of Mr. Lord if they were available. I don’t believe David represented that he actually had photos, but he was would look through his photos to see if he had something. I apologize, the result is that there were no photos available of the soil samples. Again, it has been my experience that over 40 years that photographs are not typically submitted. I've never had the request, I've never had a Commission asked me if there were photographs before this request. I have never seen a regulation that requires photographs to accompany a soil scientists report. Having said that I’d like to move on if we could.

Chairman Sadil: All right, I have no other further questions here. I’m a little disappointed though that was in the minutes and I did on, you know that was in the record, in the minutes from the April meeting, so I took that on a good faith. Like I said, I’m not doubting the conclusion, I like documentation and that's where I'm at with that so there’s no question, it’s for the record, it’s there forever, and we have substantiation, visual. You know my daughter goes to a party I mean the photos on Instagram before she even gets home, I mean this is a digital age, it's not a lot to ask, very simple things. I have seen other applications very recently that they show some samples, they show the soil and they substantiate their conclusion and that's the only one thing. I respect Mr. Lord’s experience, but, that is the digital age right now and that’s, you know, not a big thing to ask and I guess with your…

Mr. Bongiovanni: Mr. Chairman, if I may. David, do you think over the next week or two you could maybe visit the site again, with your spade and auger and take some photographs.

Mr. Lord: Certainly, if that’s appropriate application process, I’d be happy to go back out and take some borings both in the wetland area and in the area where the question was at the last meeting and I'll take photographs and documentation of the soil sample boring that they make. I can certainly provide. I would agree that it’s in my experience with 44 years in doing this, I've never been asked to provide photos, because a lot of time the photos do not show exactly what the human eye can see in the field, bit I would be glad to do that, to provide some soil sampling itself, the physical of the soil sample and also some photographic documentation.

Mr. Bongiovanni: Thank you David and again Mr. Chairman it wasn't our intent to disrespect the commission by not providing those. They weren't provided because they weren't available, but we will work to remedy that situation.

Mr. Hinckley: Again if I can speak Mr. Chairman. Again as you know, this is after the public hearing, it really can't be added into evidence as part of the map amendment.

Chairman Sadil: I got it on…he said, me made a promise to me. I'm not doubting the conclusion…

Mr. Hinckley: I understand that Mr. Chairman that this is, this is…

Chairman Sadil: I fully support that…

Mr. Hinckley: I mean this…these are the kind legalities that we want to try and avoid, that's it

Chairman Sadil: Mr. Donorfia wishes to speak. Please name and record for the record please

Anthony Donorfia: Yes Mr. Chairman, Anthony Donorfia, 133 Main Street, Southington. In addition to being a developer for 40 plus years, I was also for about 30 years a land use attorney substantially doing work on these types of projects and again this is something that I haven't heard in all that time I also have quite a bit of experience in Newington built the total of probably 120 units but that was in the in the 90s. As far as this, what I have seen in the past from some commissions and I'm not quite sure why this Commission doesn’t have that is that the Commission would schedule, because we have nothing to hide, that the commission would schedule a site walk of it the presence of the soil
scientists would explain his delineation because by seeing it by visual evidence is the best way to see it. By photos, I have to agree, is next to useless. I don't recall that conversation that you had with Alan at the last meeting.

Chairman Sadil: Well, I do.

Mr. Donorfia: Ok, you do, I don't. Mr. Chairman, I said I don't recall the conversation, OK or else we would have complied. We have tried to comply with every single item that the town has requested from planning and zoning, to staff, to this Commission as far as putting up not only this fencing that we're proposing and the plantings and everything like that, but we've tried to make a very reasonable and efficient project that has no impact on your, permanent impact on the wetlands, which so far all of that evidence has provided. You know I think if you go through and you hear from our next expert, she will have some comments on this wetlands and this impact also. But again, I would offer that if you would really like to see that, again David could take his photographs, but if you would like to have a site walk, a Commission site walk, which you can schedule an on-site meeting we would be happy more than happy to do that also.

Chairman Sadil: Ok, thank you.

Mr. Bongiovanni: So, with that I'd like to introduce Jenn Beno and I have Jenn talk about her report and her findings, her conclusions and her recommendations. I did submit to the Commission last week a draft report and then followed up today with the final report the only difference between the two is Jenn did a little proofreading and created, corrected a couple typos, there is no substantial changes or changes in any substance in the final report from what was admitted to you last week and with that Jenn it's your show

Jenn Benno: Thank you very much. For the record I'm Jenn Beno, Biologist with Soil Science and Environmental Services and I've been with the company since 1994, I'm also one of the owners. Our office is located in Rocky Hill, CT. So after the last public hearing, Alan called me up and said, hey we need an environmental assessment report, can you do it in a month and I said ok, I’ll try. On April 28th I went out and I inspected the property I looked at the uplands and I also looked at the wetland corridor that was delineated by David Lord and then I reviewed the plans developed by Bongiovanni Group. There's one thing I just want to…I guess follow up on even though it was in the last meeting it was a statement from the last public hearing regarding a potential, somebody observed a Swamp Cottonwood, which is a threatened species in Connecticut. I just want to give you a little background, swamp cottonwoods are considered to be obligate wetland species which means they occur in wetlands 99% of the time and they're at the northern edge of their range which is why there's very few populations left in New England. I did observe a few Eastern cottonwoods within the upland areas of the site, and they are considered like a facultative plant, so they can either grow in wetlands or non-wetland area. The eastern cottonwoods were primarily identified by the leaf characteristics and I have a couple of examples here, I don’t know if you can see them, and that’s characteristic of eastern cotton wood. So no swamp cottonwoods were observed and particularly I was looking in the temporary wetland impact area and we didn’t observe any cottonwoods near that area. So now I’ll briefly go over the wetlands assessment report which you have draft of and supposedly was updated but the final copy is dated May 12, 2022. So, as you know, the project site is located in a residential area, it's surrounded by a residential development, the upland property consists of open woodland and some woodland with really, really dense shrub and herbaceous understory growth and then there's also a mowed area up by Church Street, there’s also a sidewalk along the edge of Church Street there. The upland on the property, a lot of them especially on the eastern and central portion of the site, appear to have been, they appeared to have been disturbed maybe by some excavation, maybe by some filling, definitely by some dumping. I did observe some fill piles in the eastern portion of the site and then also some discarded debris in the central portion of the sites and your typical yard clippings along the southern property boundary. There's also a sewer line that passes through the wetland corridor, enters onto the northern portion of the property. There's, there's the crossing, can you just go back to the crossing, yeah so it crosses the Rock Hole Brooke wetland corridor off-site then it enters onto the property through the wetland areas and then it goes through the non-wetland areas. So, as
you heard, the wetland corridor associated with Rock Hole Brook was delineated by David Lord and that is present in the northern portion of the property primarily and then there's a little finger that extends off of the main corridor into the central portion of the site and I was informed that that was remnant of the Rock Hole Brook bypass for when they installed the sewer through the brook and wetland area. So that narrow wetland area there had proximately 3 inches of water when I inspected it during the April inspection. I did a follow inspection on May 13th and that area had dried up there was no standing water in that area any longer; the surface was still saturated, but there is no standing water. There is a, well, the wetland is primarily dominated by what we would call a pedestrian forested wetland or a wooded swamp except on the eastern portion of the site where Rock Hole Brook enters on to the property from under Church Street and that area there is dominated by a pedestrian emergent wetland, which is just an emergent wetland shallow marsh and a pedestrian scrub shrub or shrub swamp community. There’s also a small area that is being maintained as mowed lawn. Let's see, the small area of emergent shrub swamp in the northeast corner of the wetland is dominated by red maple saplings, alders, silky dogwood, spice bush, multiflora rose, skunk cabbage, jewel weed hedges, Japanese knotweed and bittersweet. The remainder of the wetland, as I mentioned, is forested wetland and it provides dense trees coverage and moderate understory growth of herbaceous and shrub vegetation. and the vegetation is dominated by red Maple, elm, pin oak spicebush, alder, multiflora rose, there's some shrub honeysuckle in there, Japanese barberry, there's some arrow wood, burning bush, skunk cabbage dog tooth or dog tooth Violet are also known as trout Lily, that little yellow flower that comes up this time of the year. There's jack in the pulpit, soft such sedges, sensitive fern, manna grass, jewel weed, false hellebore and as I mentioned that narrowband or the finger of one that extends into the central portion of the site that's also dominated by cluster or forested wetland, but the central portion of that wetland contain very few trees or shrubs, it's fairly open. Also is that area is did not observe any amphibians, egg masses or tadpoles. So Rock Hole brook enters the site from the east as I mentioned, close to the site, off the site and back onto the site in the western portion of the property. I did observe Mallard ducks, Canada goose and a great blue heron within the watercourse channel closest to Church Street. There's likely fin fish habitat, I didn't see any fish during my inspections. So the primary functions provided by the wetland include groundwater discharge, sediment nutrient retention and removal, shoreline stabilization, wildlife habitat and uniqueness and uniqueness is because it provides so many functions and it's located in a residential area so it's a developed area. There is a highway methodology form with supporting documentation included at the end of the report so you can look at the factors and characteristics which led to the conclusions of the dominant functions. I did observe some species, wildlife species common to Connecticut on the site, including deer tracks and scat, Robin, Goldfinch, mallard duck, Canada goose, great blue heron, mourning dove, downy woodpecker, cardinal and towhee. I also reviewed the Connecticut DEEP natural diversity database division map dated December 20, 2021, just to see if there were any known listed species on or near the property and the map indicates no listed species that are known in the property or in the area. Now I'll just go over the impacts which you've already heard about. I reviewed the March 18th 2020 plan sheets prepared by the Bongiovanni Group, the applicants proposing to impact approximately 448 square feet, temporarily impact 448 square feet, of the wetland, I have that little wetland finger in the central portion of the site and that is to connect to the existing sewer line. They are proposing to stockpile the wetland soils and then to replace them onto the disturbed wetland area after the sewer pipe has been installed. Let's see, the applicant is proposing to remove the point discharge from the southern boundary and that's the discharge of stormwater from Rock Hole Lane, and also to remove approximately 35 feet of pipe from the upland review area and I believe Joe Perugini, the professional engineer from Weston and Sampson described that work at the last meeting. The work will result in improved water quality and also reduce potential for erosion. So then we get to the proposed upland review area impact and according to Bongiovanni approximately 1.6 acres over the upland review area will be disturbed in association with construction of the project and that’s for the basic activities. So there could be potential impacts caused by that clearing and grating activity close to the wetlands and typically those potential impacts could include human intrusion into wetland areas, and also increase sunlight to the edge of the wetland and also increase invasive species growth and that generally occurs when you have an increase in sunlight to the edge of a wetland. So to reduce those potential impacts we recommend that native, noninvasive tree and or shrub
plantings be installed along the edge of the clearing closest to the wetlands yeah they're there and the plantings will supplement the remaining vegetation and provide wildlife habitat and also a natural screen. After inspecting the project site and reviewing the plan sheets, it's our professional opinion that the proposed temporary wetland impact and activities within the upland review area will have not have a significant impact or significant adverse impact on the functions provided by the wetlands as long as the project is developed in accordance with the reviewed plans, the temporary wetland disturbance is restored successfully, buffer plantings are installed and the stormwater treatment and erosion and sedimentation control measures approved by the town of Newington are properly installed and maintained. So I do have a few recommendations like I usually do. The first one I already discussed and that’s the installation of native, non-invasive shrub and or tree plantings along the upland review area edge of clearing near wetlands and the Bongiovanni Group has submitted a plan sheet with proposed plantings, I quick took a look at it and all the species are native to the area and are noninvasive and do provide wildlife habitat. the next recommendation was to install a visual demarcation, it's about human intrusion element, so we recommend a visual demarcation be installed along the edge of the wetland where development is close to the wetland boundary and where lots continue through the wetland; and what are those lots three, four and five or six, something like that. So though the Bongiovanni Group has added a split-rail fence in that area and as you heard they're proposing placards on posts. The next recommendation sedimentation control measures approved by the town be installed and maintained properly until the project has been stabilized. The next recommendation is that invasive species be removed from the temporary wetland disturbance area that is being restored and also from the buffer planting areas. Finally we recommend biologist just do an inspection immediately following installation of the buffer plantings just to document that they have been installed correctly and then we do recommend follow-up inspections could be for five years it could be until the Commission is satisfied that everything is established properly and successfully and that would just be to document the success in their survival rate of the shrub plantings, the tree plantings and also to document any problems with invasive species and or erosion, potential erosion issues. So I think that about covers the wetland assessment report. So do you have any questions, I'll try to answer.

Mr. Bongiovanni: So, Mr. Chairman, Jenn had mentioned that we prepared and upland review planting plant, that was submitted to you, I believe distributed to you from Erik, we submitted that to him this morning, a paper copy as well as electronic, and I’ve got a copy is up on the screen. We're proposing about a 500 foot stretch of area along the clearing area where we're close to the wetland that Jenn recommend so that we provide the buffering, habitat and such and screening of light as Jenn recommends.

Chairman Sadil: So let me ask you Mr. Bongiovanni, so you are installing fencing based on her recommendations, you mentioned that last time, but it's not been expanded, added to, based on her recommendations or is that part of the plans still in place, no changes.

Mr. Bongiovanni: That part of the plan is still in place, there are no changes. So when we decided where to put the fencing, we did that, we had conversation with the town staff a few months back as to the appropriate places to put it and we selected the areas where there was gonna be clearing and then along the rear of the lots or into the lots, lots three, four and five where we have upland review area on a good portion of a lot. In the actual wooded areas, it doesn't make sense to really clear a line and put a fence in and it was agreed by town staff, town engineer and myself and I think Erik was part of that conversation that we would put 4 by 4 wood posts every 50 foot on center with placards denoting that it’s open, do not dump, warning signs so that its very evident to anybody that’s out in the woods that here is something there, it will be , they would be put along the property line and again, the areas that are appropriate for fencing where there would be clearing we would install the fence.

Chairman Sadil: A question relative to lots three, four and five. Is the fencing going to be in front of your plantings or behind? I'm concerned that you know, is that area protected with an easement, that somebody goes in there with the clippers and start, you know what I’m saying, is that going to be whoever, is that homeowner is going to be aware of that, that that’s where for, not just, for multiple reasons.

Mr. Bongiovanni: Right, so as we showed it originally the fence was going to be basically one
foot inside the easement area, our proposal is to do the plantings up against the fence as a condition of those lots and in their deeds that this is a conservation easement, that language will be added, that there is a planted buffer along the fence line that has to be left in its natural state and can’t be removed.

Chairman Sadil: Um, I guess Commissioner Bachand, you’ve been waiting for a while so I’ll let you ask a questions. If there’s anything else Mr. Bongiovanni you wanted to say.

Mr. Bongiovanni: I think that’s it as far as presentation and I know there’s gonna be questions so we’ll be happy to answer them.

Chairman Sadil: Commissioner Bachand.

Commissioner Bachand: Um, the first obvious one, is um, we have a copy of a draft in our hands, and how much has it changed or did you read all the changes or is there very minimal changes.

Mr. Bongiovanni: So I'll let Jenn answer that

Ms. Benno: Yeah the changes are extremely minimal, I think I might have taken out of punctuation like a coma here or added a comma or something very minimal, nothing substantial.

Commissioner Bachand: But it wasn't obvious first question I had.

Ms. Benno: Yeah, oh yeah because when I saw draft on there I said oh, wait a minute.

Mr. Hinckley: If I may, so real quick and I did email you the final draft.

Commissioner Bachand: I didn’t see it, I must have missed it, sorry.

Mr. Hinckley: Yes it did go out today with the planting plan as well.

Commissioner Bachand: Your assessment that the impact will be minimal, I agree you know the work in the wetlands is minimal, that's never been my concern, my concern from the beginning and from the first time I saw this plan and I hope that you could maybe comment on that is the overall impact from the amount of encroachment on this project. In other words is that open space does it offset the amount of encroachment, the road is, part of the road is you know the regulated area goes right across the street to the other side and how many lots are impacted with regulated area and those lots three and four especially, lot five maybe not so much but lots three and four are very problematic and so if you could just if you have an opinion on that that, you believe that the open spaces is a fair offset. Because I have no concern about the temporary work for the sewer going in I'm not worried about that at all I'm worried about the overall potential impact of the future.

Ms. Benno: Yeah there has, in the past, been a lot of activity on this property already so I have to take that into consideration. There are a lot of invasive species on the property as I stated in my conclusion after doing my inspection and reviewing the proposed plans, it's our professional opinion that there will not be a significant adverse effect on the wetlands or the functions provided by the wetlands. I don't know if that helps you or anything. I did have concerns with lots 3, 4 yeah and like you say not so much 5 and that's why I did make the recommendation that there should be a visual barrier and the applicant is willing to do that and I did recommend plantings and they did provide a planting plan so yeah that follows with my recommendations.

Commissioner Bachand: OK and then regarding the fencings. I'm a little unclear on what that's supposed to…is that supposed to stop the homeowners from entering the wetlands or the public is it going to open to the public and open space or…

Mr. Bongiovanni: So the intention of the fencing is to be along the conservation easement on lots three four and five with placards on the posts so that they know not to dump you know if you look at every house, almost every house if not every house, along the South of our property, it is their dumping, their ground grass clippings, their branch, their broken toys, there's a there's a swing set that’s been put back there, I mean there's no fence, there's nothing there and they use it was their own teams are on vegetation dump. This is too eliminate that potential problem from happening. There's gonna be a
physical fence from the lot the corner of lot 6 through lot 5, lot four, lot three the along the property line 
to the street line and then about a 20 foot return so that it frames what is the town open space. It'll be the 
same thing along the other side, we have a 20 foot fence along the street line and then along this first 
straight leg, complete fencing in that area so that it doesn't preclude anyone from entering the property I 
think there's some nice, educational value to this wetland. It’s a nice, open, mostly open understory that’s 
quite park-like and that's what we're looking to preserve and we don't want to preclude from using this as 
public open space and to you know enjoy it for what it is. But our, the work we've done around it, where 
the houses are going to be, is to preclude them from disturbing it, dumping things they shouldn't dump in 
there and protecting it.

Commissioner Bachand: We all know that, I mean that's a that's a good effort I think because we 
all know that if someone has an embankment on property and oftentimes it does go into a wetland that it 
becomes a private landfill. So again on lots three and four the fence is going to be through the private 
property correct? Just north…just north of the of the conservation line, not just South of the property 
line.

Mr. Bongiovanni: No, so it’s going to go again, it's gonna start at the street it's gonna go along 
the West side of lot 3 and then follow the conservation easement through lot 4, lot 5 and terminate at the 
corner of lot 6.

Commissioner Bachand: So it'll physically block someone with a wheelbarrow or a lawn tractor 
from driving down there and dumping.

Mr. Bongiovanni: Correct.

Commissioner Bachand: Well I think that's a that's good, I still have concerns about those two 
lots I think I said use the term at the other meeting that we're setting people up some of these lots up 
possibly for a collision course with this Commission so…only because of, we know the tendency of 
people to want to utilize their own land as a landfill especially when the topography allows for it like that.

Mr. Bongiovanni: One of the things that in working for developments, working on developments 
doing literally thousands of lots and plot plans over my career; not everybody wants a big yard; not 
everybody wants a half acre or quarter of an acre to mow. Many people are very satisfied with that and 
this would be known to the homebuyer. There’s a conservation easement across the back of that lot and 
the plantings have to be maintained and that you can't have your entire yard being cleared and a lot of 
people really enjoy that and a lot of people look for that, it's less to maintain and it provides them some 
nice privacy as well.

Commissioner Bachand: That's all for me right now thank you

Chairman Sadil: Commissioner Paskewich you had your hand up.

Commissioner Paskewich: Yes, Chairman Sadil thank you. Jenn Benno, welcome back, nice to 
see you again.

Ms. Benno: Thank you.

Commissioner Paskewich: There’s quite a bit of documentation you provided here with a lot of 
specifications and I’ve gone through it several time. Question for you. On page seven you make a 
statement that “a narrow band of wetland extends off the main wetland and watercourse corridor into the 
central portion of the site up to three inches of standing water was observed within the narrow wetland 
area, no amphibians or egg masses or lava were observed within the standing water during the inspection” 
this was done your April 29th inspection.

Ms. Benno: Yes. The first inspection and then I followed it up on May 13th.

Commissioner Paskewich: Oh, you did?

Ms. Benno: Yeah and there was no standing water there.
Commissioner Paskewich: Ok. You mentioned that there was no observance though of egg masses or any other things regarding habitat within water bodies on the property, including vernal pools. What time are the year typically do these frogs and salamanders breed in our area if you know.

Ms. Benno: Well, I can speak from a project I'm working on right now which is I can't say because it's a confidential project, but it's fairly in your area. And I was out there in March and I heard wood frogs; I was out there early April or mid-April and I saw some spotted salamander egg masses and wood frog egg masses, so they start breeding. It depends on the year it's gonna be March, April or it could be even early as the late February depending on the weather and they need to have maintained water supply or certain water depth through June typically, or into June to support development of tadpoles into adults. So typically this is the time of year you want to look for them, we should be right smack in the middle of it, getting toward the development stage now.

Commissioner Paskewich: With the temperature that we’ve had as you know it’s been colder than usual during days and nights in the past month be relative to the breeding not occurring or slowing down?

Ms. Benno: Well, there is nothing on this site because you don't have any areas of standing water. So there’s no vernal pool or amphibian breeding habitat on this site but other sites, yes. The cold weather that we had, like I heard spring peepers our real early and then we had freezing nights, they had to go back into hibernation and ten they came out when it warmed up again. Sometimes that’s what happens during certain years.

Commissioner Paskewich: Oh, so they will go back into hibernation, I see, I didn’t know that. Thank you.

Ms. Benno: Yeah.

Commissioner Paskewich: I see in your credentials here that you have a zoology bachelor’s degree. During the course of you education and after, or after that, have you been involved research studies or work studies in the field regarding habitat that may move over the course of days at different hours to be observed by field cameras set out to see what kind of habitat may be moving around at night when no one is out looking at property.

Ms. Benno: No.

Commissioner Paskewich: I’m sorry.

Ms. Benno: No.

Commissioner Paskewich: You’ve never been involved in that or research or no…

Ms. Benno: Nope.

Commissioner Paskewich: I thought of that through the day because I was out there during the day, not even close to night time, it was like mid-afternoon and I saw deer and hawks and such and the I heard, you know people has seen fox and other species there. I saw a large hole dug here and there by an animal, I don't know what they were because I don’t identify dug holes for animals, but they were fairly large in different areas. I just find know thinking about this project and other projects in the past it would probably be more helpful to me if an evaluation was done on a property for habitat that may not see during the day, but may come out at night and travel which I've seen in camera displays from evaluations in different states; it's interesting what goes on at night, more than I expected. If I had thought of this before, I would have made a recommendation for it on this site. Maybe a first thing in Connecticut for anybody who spent 40 years in any part of the state to see things. You know, I look for new things in current science, reports and exploration. I’m not a static type of person, I've never been and I just feel more following or habitat is more important today, because fragmentation of land and wetlands has chased them onto other properties, including my own, I have more rabbits, squirrels and deer are on my road now on Cambria Ave near town hall. They're crossing the road, I have fox here in my neighborhood; this is right near town hall. We have coyote so and I'm not on a wetland and I’m not on a wooded lot.
anymore, there's all houses around 10 feet apart, 15 feet apart and they’re coming here. So I have concerns about fragmentation of land, especially wetlands and it where are these animals going go. You know they’re going to cross the street and get run over by a car you know o they’re going to go on to another property, it’s already a neighborhood of their own species and become more of an impact on the neighbor and their homes and the roads. You know I’m concerned about these things. I follow these documents that everybody is supporting here you know and you’ve done a fine job on things but I think more exploration needs to be done these properties now and not specific just to this property but an all properties that are being fragmented with subdivisions, especially. And is see this subdivision and there is a very significant percentage of this what I call an ecosystem. I don’t have a lot more you know you can only spend so much time in the field doing this and obviously you’re not going to be out there in tent at night waiting for the wildlife unless somebody would pay you it and then I’d be there to join you to see what we could see. But there's another hearing here you had a star on the page and it had to do with uniqueness, remember that portion of it.

Ms. Benno:  Yes.

Commissioner Paskewich:  Could you speak to that in a little bit more detail so I can comprehend it.

Ms. Benno: So yeah uniqueness is one of the potential functions provided by the wetland and that's part of the highway methodology form that we fill out now and that’s just a function and value evaluation form and all of the criteria and qualifiers are included at the end of the report. So in this case the wetland has uniqueness because it does provide several wetland functions: it provides a groundwater discharge; it provides actually some I’m assuming fish habitat, although I didn’t see any; there’s sediment nutrient retention and removal; production or nutrient export shoreline stabilization, wildlife habitat. Really right now it doesn't provide any recreation or education because it's private property, but once that goes into a conservation easement and public access it then, as Alan mentioned, have potential for educational value in there and also it's unique because it's in a residential area, so part of protecting that uniqueness is putting as protecting approximately 6 acres of the site and most of that is along the Rock Hole Brook and wetland and watercourse corridor. So I think that's really important they're protecting the wetlands by putting a conservation easement on there so they're protecting the functions and also it’s uniqueness.

Commissioner Paskewich: I want to not leave you, but I want to jump to Alan Bongiovanni for his historical background in Newington regarding the property. Can I please do that?

Mr. Bongiovanni: Sure.

Commissioner Paskewich: Alan, are you there?

Ms. Bongiovanni: Yes.

Commissioner Paskewich: Ok, thanks. There's two development of properties, buildings and properties on both sides of this wetland and land area. So the question to you is this and you would know this I’m sure more than even myself: why wasn't that land developed before, right down to the sewer line, it’s there, why did they stop at the Rock Hole brook area and why did they stop at the upland area and leave that remaining piece of property and not completely develop it.

Mr. Bongiovanni: So there were different properties and different ownerships. The property to the south, Winslow Drive, that subdivision was developed in the mid-80s and was part of the Edmond farm, a dairy farm. The property that is the application before you was owned since the early 60s by Frank and Esther Eddy. Frank Eddy always had a plan to develop this in his retirement years and for whatever reason that didn’t happen, his wife chose to sell it over the last year and a half or so prior to her death. So it was different ownerships, it wasn’t the same developer that owned both pieces of property and just didn’t develop it. The Eddy’s decided they were not read to develop it for whatever reason, whatever personal reasons they had and it sat vacant until Esther decided to sell the property.
Commissioner Paskewich: Is this the same Eddy that owned Eddy Farm over there on Willard Avenue.

Mr. Bongiovanni: No, it’s not. They lived on the east side of Church Street, farther to the north. Frank Eddy owned Century 21 Eddy Real Estate.

Commissioner Paskewich: Um, I know you can answer this because you’re very diligent in land use and you have been for quite a few years, and the people you hire or bring in with you are of the same caliber. The sewer line that’s there I’m thinking that’s being utilized for the homes on both sides of the property.

Mr. Bongiovanni: It is, it's actually, so you have two things you have a gravity line and you have a force main. I believe that this work was put in in the red rock development when Jack Scelza developed the red rock properties, Tremont Street and that area. That’s when the sewer main was brought to that area so it gravity’s down to a point and it gets pumped out of that area. .

Commissioner Paskewich: Does that sewer line cross the Church Street bridge and then pass through? Where does it stop and end?

Mr. Bongiovanni: It crosses over this area here, like mid property. Basically the sewer line come from the northwest into the property crossing the brook goes in an easterly direction veers South you've got one line that goes to the northeast and then another line that goes to the southwest. One’s a gravity and one is a force main.

Commissioner Paskewich: So these homes that are proposed to be constructed, are they going to be completely utilizing this sewer line.

Mr. Bongiovanni: The sewer for the proposed development will terminate at this point where we’re proposing to put a new manhole over the gravity. You know some of the history of this property like the diversion swale that was created by the MDC or the contractor when they actually constructed this main line, altered the natural state of the property. When the MDC put this line in, there’s actually sewer laterals for every one of these lots are already stubbed off that main and the developer has the right to utilize those.

Commissioner Paskewich: Can you repeat that? Did you say that the lateral lines are already…

Mr. Bongiovanni: There’s Y’s and laterals, lateral stubs, are all along this sewer line to service these potential lots whether it's…

Commissioner Paskewich: Is that how these lots were tallowed into place based on those lateral lines.

Mr. Bongiovanni: That's how it was contemplated that there would be sewer directly to that line because we're working because that was in the 60s because there we’re more environmental conscious these days, we're proposing to construct the main in the street and have those laterals for the houses on the north side of the road come into the new main so that we only have one minimal disturbance to cross for the sewer main as opposed to all the disruption of the trees and everything else, just to put the sewer line connections in….

Commissioner Paskewich: Thanks for clarifying that history, I’m sure there’s not many people in town that could give me such a thorough explanation of, you know, prior.

Mr. Bongiovanni: Thank you Commissioner. One of the other things I need to mention and in Jenn’s presentation she talked about you know in the eastern part of the property there’s concrete and dumpling and things like that. This is the work of our town when Church Street bridge was reconstructed some 15-20 years ago, a lot of those concrete slabs that were pulled out and replaced sit here in a pile. There’s a pile of rock and construction debris and pavement that the contractor dumped on this property without permission and you know it's something that this developer will have to clean up.
Commissioner Paskewich: In my time in walking in the woods and forest through New England, I’ve seen dump sites in places where there are trees that there weren’t before, there were fields and farms but the dumps still remain and that's been a constant in history of land, not just in Connecticut but it everywhere you know the closer we come into the margin of underdeveloped land goes and I used to look for vintage bottles in these dump sites across the state of Connecticut as a hobby as well so I'm well aware many of these places that are in the woods that unless you know where they are or you come upon them they’re there. But nonetheless thank you for your thorough explanation.

Mr. Bongiovanni: You’re welcome.

Commissioner Paskewich: I don’t have anything else. Ms. Benno, thank you Ms. Benno, I appreciate going through my discussion with you. Thank you.

Chairman Sadil: Um, I do have a few questions for Ms. Benno before we to go the public Mr. Hinckley, I know they’re waiting on line, it’s already been over an hour and 15 minutes, so just a few questions for Ms. Benno.

Ms. Benno: OK

Chairman Sadil: You mentioned the national diversity database. Tell me the history of that is that something that DEEP goes in and looks at the property or is this one of these bulk assessments that they do and check the boxes kind of thing. Can you tell me more about that database and why it’s important and what I don’t how that’s constructed, how it’s put up to date, how it’s taken.

Ms. Benno: Sure, I think it's a variety of resources because it could be from old college, you know, information, because the records go way back to the 1800s for certain populations and then some other is just from like from you and me, typical residents going out and maybe you see a box turtle crossing a site or maybe you, I don’t know if you have any nesting in town, a bald eagle. You could report those incidents to the national diversity database. They actually have forms that you can fill our and they could add that into their database. So they take all of this information that's been contributed from all different sources in the state and actually update their lists and their maps twice a year, so a new map should be coming out in June. So June and December.

Chairman Sadil: So it’s up to citizens to be conscientious enough to report it basically.

Ms. Benno: It’s up to the citizens, it’s up to people like me consultants, and it’s up to research people with different universities or any kind of different project. Anybody can report anything that is a listed species and they actually have an updated list, let me check here, Hartford County has a report of Connecticut’s endangered or threatened special concern species which was updated December 14th of 2021 so they periodically update the list and that's available on the DEEP website.

Mr. Hinckley: I was going to bring that up Mr. Chairman, it is available on the DEEP web site and you can get lots of information on the NDDB on there. You can look up they have certain publications on different species of concern et cetera. And just as an aside, it is a requirement, it was already that note was already placed on the plans, every wetland plan that comes in. I haven't placed that note on, but it’s also a requirement of TPZ as well.

Chairman Sadil: OK thank you. Next question. I took a very great inventory of the species, the plant species but I'm interested in impacts, ok. The delta, what's going to happen, what’s this wetland going to look like after the fact, ok. I know that this is a known deer migration path, right, they come from Church Street, they traverse this property they go westerly. Have you've seen evidence of that that's going to continue, how is that going to be impacted number one it's gonna sort of squeeze up you know the amount of area they can move through and is there a potential that all these plantings, deer basically eat everything ok, could we put these planting in there and they could eat them right up and move along the trail, so to speak, and we lose the purpose of putting those plantings in there. You see that could happen.

Ms. Benno: Well there is always a potential because you like you say, deer will eat anything, but
that is part of, it's built into the inspection process so the follow up inspections that we do for a few years after installation. So if we find that there's a survivability issue and it could be you know maybe they just got a bad batch, maybe there were diseased when they were put in, maybe they didn't get enough water, maybe the deer coming through and eating them. We can make an assessment at that time and if there is a lot of brows we can adjust the species if we need to. But we would still use native and noninvasive species and that would be something that we would bring through staff or Commission or something like that, but that that's kind of a reason that we have the follow-up inspections, it's sort of to kind and check that.

Chairman Sadil: I have a question for you regarding the wildlife inventory, this is on page 18. In your report, I’m surprised that that the hawk was not put in there on the list because I did see, there’s three hawks nests, I just do may site work, which I’m thankful for doing, but I did see the hawks, I saw Mr. and Mrs. I saw three of them the third nest was empty by Church Street, they were there as you go down Rock Hole Lane, I don’t know where they were on the map because I had no orientation, I was just walking around, I didn't know but I did surprise, I realize they're not in danger, ok, but are they going to be impacted, are they going to be in property nine, or property eight I would guess, seven, eight there, they were the tallest trees and they were sitting there. I’m surprise it’s not there, but again it's a food source, they’re going to eat anything, they will eat anything on this list, they don’t call them raptors for nothing. What’s the impact to them? Are they going to be able to survivability or are they just going to have to find somewhere else to go.

Ms. Benno: Yeah, they will have to find somewhere else to go if the tree that they want to next in or are nesting in is removed, unfortunately. I didn’t hear any, when I was out there and so it's kind of hit or miss it really depends on the day you’re out there, the time you’re out there, they’re out there that I'm are out there and I was only out there for you know twice so I didn't see anything.

Chairman Sadil: Alright, that’s unfortunate. Could we finish really quick, I want to go the public real quick, so I’m going to go to Mr. Allen and then John and then we're gonna go to the public ok.

Commissioner Paskewich please

Commissioner Paskewich: I believe I spoke to hawks the being observed by myself as well when I was out there I saw two branch, probably telephone pole height in the air with nests, there were red tailed hawks and as I was proceeding the wetland and different parts they were following me in the air low and high above the canopy watching me say what are you doing here and so they were there as well as the two deer that I observed on the way out towards Church Street, whitetails, both of them male and female. My concern of manmade development where we have habitat for wildlife, aquatic life, birds nesting and such maybe those animals aren't rare and endangered right now but it’s only a matter of time and they will be on the list. There are many animals on this list now that weren’t on the list 10 years ago in the world, never mind Connecticut as well. It’s going to continue because they don't have anywhere else to go, they’re going to die off, or they're gonna get killed by roads and such. So rare endangered is coming more and more often by the day; the list will continue. That’s my take on these lists that we have today for natural diversity, that is gonna grow as I see it, that's my take on it. So I did see the Hawks as well. Thank you.

Chairman Sadil: Commissioner Bachand.

Commissioner Bachand: So the plantings on lots three and four, they're gonna be owned by the by the property owners including the fence, eventually that's gonna be in their possession, I am assuming correct? The town has no jurisdiction over it.

Ms. Bongiovanni: Yes.

Commissioner Bachand: And the easement itself it's a conservation easement and it's named in in the town's favor, is that correct as well?

Mr. Bongiovanni: That is correct.
Commissioner Bachand: So the town can enforce, in other words, if the owner took the fence down or cut the plants down, the town could enforce something there and force them to replace it.

Mr. Bongiovanni: Yes.

Commissioner Bachand: So who would be responsible for the cost of the replacement of that fence in the future?

Mr. Bongiovanni: It's gonna be an amenity to the lot, so if the homework chose to take the fence down and the town wanted to them to replace it, they have to replace it. As a cedar fence, it should probably last….

Commissioner Bachand: It's going to be there a long time.

Mr. Bongiovanni: 75 years

Commissioner Bachand: Well, I don't know if it be that long, but yeah it'll last a long time. Obviously.

Chairman Sadil: All right, what about the rest of the commissioners. Ms. Conway, I'll go to you first, you have any questions at this point before we go to the public.

Commissioner Conway: No. I've been listening intently and getting a lot of information. I appreciate all the questions that the other commissioners have been asking. They've been going…they've addressed a lot of the concerns that I've had throughout the presentation and hearings, so I don't have any further questions right now. Thank you.

Chairman Sadil: Commissioner Wagner.

Commissioner Wagner: No, I have no further questions at this point.

Chairman Sadil: Commissioner Ancona.

Commissioner Ancona: No, I've been listening carefully. Thank you.

Chairman Sadil: All right Mr. Hinckley, let's go, who's waiting online from the public.

Mr. Hinckley: There is one individual in the room who does not have his hand raised. I do have an email that I received that I wanted to read into the record as far as public testimony. This is from Marie Riccio at 333 Church Street, here statement is “I am very concerned about the proposed building on wetlands abutting my family's property. My parents bought this property to enjoy many different species of wildlife, from waterfowl that hatch their eggs year after year. A large herd of deer, many generations even to watch the birth year after year on these wetlands. The area that is proposed is the path the deer used to move around. What is going to be done to protect the wildlife as they become displaced? This is a unique area, one of a kind, it is designated wetlands and should not be built on as is the only home left for wildlife.” That’s it.

Chairman Sadil: There’s no one else online?

Mr. Hinckley: They do not have their hand raised.

Chairman Sadil: Ok.

Mr. Bongiovanni: Mr. Chairman, if I may.

Chairman Sadil: Go ahead Mr. Bongiovanni.

Mr. Bongiovanni: In response to Ms. Riccio.

Mr. Hinckley: Marie Riccio.

Mr. Bongiovanni: Marie…so the statement to houses in the wetlands, we’re not proposing to put some houses in the wetlands, we do have some houses cited in the upland review area. This an application for inland wetlands and watercourse that permit to work in the inland wetlands and water
Although the Commission is labeled the Conservation Commission, to my knowledge there's no conservation regulations in the town of Newington, nor is there an application for the conservation commissioner other than the inland wetlands and water course application that we filed, and that's the public hearing that we're going through. The Commission, although we, and as a resident of Newington, I feel for the people with the wildlife, I live in an area, I have every species that people talked about through this hearing at my property on a regular basis. I live here in Newington. The wildlife will adapt. This Commission does not have the authority to deny an application based on the displacement of wildlife. As valuable as the deer are, as cute as the deer area, there's a lot of areas where they become an absolute nuisance. For instance, the state has organized hunts to eliminate populations along the coastline because of the incidence of Lyme disease and this is noted to be a very bad year for ticks. On the other side of the coin, as I want this site over the last couple of weeks, one of the tree stands from the deer hunters is still there; I pushed it over because I felt like it was unsafe and I didn’t want some kids to climb on it and fall. This is a nice area, it’s not a pristine area; it has been a dumping ground for many of the neighbors, it has been a hunting ground for many of the neighbors. We believe that the open space that we are creating provides a nice buffer along this wetland corridor, a green space along the corridor and the wildlife will be able to traverse the area, live in the area and go to and from whatever locations they travel to through that area that we’re leaving undisturbed. Thank you.

Chairman Sadil: Ok. So if there’s any further questions from the commissioners, do we feel we want to close the public hearing? What is the feeling from the commissioners? I'm comfortable closing the public hearing this evening. You want more time to digest the report that just came out? What is the feeling from the commissioners?

Commissioner Bachand: If I may Mr. Chairman.

Chairman Sadil: Go ahead Commissioner Bachand.

Commissioner Bachand: I’m comfortable closing the public hearing, obviously we haven’t had a lot of public interest tonight. I'm not ready to act upon it tonight, I don't know how others feel, but I am comfortable closing the hearing; and Erik, we have…there's no… we're not rushed to act on it tonight. Is that correct?

Mr. Hinckley: So here's the situation, with the public hearing is you have 35 days to close the public hearing. So that date, since it opened in April, is next week, next Tuesday.

Commissioner Bachand: No, but I’m saying act upon the application. So then the clock starts ticking...

Mr. Hinckley: Again, and yeah, then you have 35 days to render a decision after the close of the public hearing. So oif you intend on keeping the public hearing open, you will have to…the applicant will have to grant you an extension.

Commissioner Bachand: I’m ok with closing the public hearing.

Chairman Sadil: Anyone else?

Commissioner Wagner: Commissioner Wagner, I’m ok with closing the public hearing since we didn’t have any public participation tonight except for one email.

Chairman Sadil: Commissioner Paskewich.

Commissioner Paskewich: Yes, I’m comfortable with closing the public hearing also based on and concurring Commissioner Wagner and what he just spoke to.

Chairman Sadil: Commissioner Conway.

Commissioner Conway: Yes, I'm comfortable closing the public hearing.

Chairman Sadil: Commissioner Ancona.
Commissioner Ancona: Yep, I'm comfortable

Chairman Sadil: I guess then we have to have a motion, Mr. Hinckley, as closing the public hearing, do we need a motion to do that.

Mr. Hinckley: Yeah you can just make a motion to close the public hearing and we can discuss it under old business if that’s what you want. You choose to do.

Commissioner Bachand: Ok, so, I’ll make the motion to close the public hearing.

Chairman Sadil: I’ll make the motion, I’ll just say, I’d like to have motion for the public hearing, to close the public hearing, you know just say Application #2022-05: For Construction Of Single Family Homes In The Upland Review Area At 359 Church Street And 321 Tremont Street (rear) (Rear), Applicant/Owner: AA Denorfia Bldg. & Dev., LLC Contact Alan Bongiovanni. So may I have a motion?

Commissioner Bachand: A second? What do you need? A second or a motion now?

Chairman Sadil: I need a motion and a second.

Commissioner Bachand: Ok. I’ll make the motion.

Commissioner Wagner: I’ll second it.

Chairman Sadil: Moved by Commissioner Bachand. Second by Commissioner Wagner. Should we take a voice vote or say…we’ll call the roll.

Mr. Hinckley: Your choice to do a roll call, that’s fine.

Chairman Sadil: Let’s do a roll call. Go ahead Ms. Gibbon.

Ms. Gibbon: Commissioner Ancona.

Commissioner Ancona: Yes.

Ms. Gibbon: Commissioner Bachand.

Commissioner Bachand: Yes.

Ms. Gibbon: Commissioner Conway.

Commissioner Conway: Yes.

Ms. Gibbon: Commissioner Paskewich.

Commissioner Paskewich: Yes.

Ms. Gibbon: Chairman Sadil.

Chairman Sadil: Yes.

Ms. Gibbon: Commissioner Wagner.

Commissioner Wagner: Yes.

Chairman Sadil: The vote is unanimous. Thank you.

Mr. Bongiovanni: Thank you Mr. Chairman, just for my team, I assume, based on comments from Commissioners, that you won’t be discussing this under old business tonight and taking any action.

Mr. Hinckley: It is on the agenda Alan. If they choose to discuss it, I don’t know what their position is going to be.

Mr. Bongiovanni: Thank you.

Commissioner Bachand: Uh, Mr. Chairman, may I ask Erik a question.

Chairman Sadil: Go ahead.
Commissioner Bachand: Erik, now, if we do discuss it is, that we can’t bring up anything new now, is that what it is, once the public hearing is…

Mr. Hinckley: Yeah, you can’t introduce anymore…

Chairman Sadil: We’re deliberating. We are deliberating.

Mr. Hinckley: So it’s just deliberations.

Commissioner Bachand: So we can’t ask questions to the applicant or Mr. Bongiovanni?

Mr. Hinckley: Nope.

Chairman Sadil: It’s closed.

Mr. Hinckley: You guys have closed it. Just so we’re all clear.

Chairman Sadil: No more. That’s the rule.

Mr. Hinckley: Now the 35 days to render the decision is actually the date of the next meeting of June 21. So you will have to…if you choose not to act tonight, or render decision this evening, you will have to act by that date.

Commissioner Bachand: Then I guess there's not much to discuss. I mean I don’t have much to discuss.

Chairman Sadil: Only between us. All right, moving on to section 6, new business

VI. NEW BUSINESS

Chairman Sadil: No new business. Moving on to section seven, Application #2022-05: For Construction Of Single Family Homes In The Upland Review Area At 359 Church Street And 321 Tremont Street (Rear), Applicant/Owner: AA Denorfia Bldg. & Dev., LLC Contact Alan Bongiovanni

VII. OLD BUSINESS

A. Application #2022-05: For Construction Of Single Family Homes In The Upland Review Area At 359 Church Street And 321 Tremont Street (Rear), Applicant/Owner: AA Denorfia Bldg. & Dev., LLC Contact Alan Bongiovanni

Mr. Hinckley: Now, not knowing how the commission is going to act this evening, I did create two separate motions. One is just table this until the next meeting and the another one I did create suggested conditions, which are the 10 standard conditions, and I extrapolated the information from the soil science report and added three additional condition. So, I leave that to you guys.

Chairman Sadil: I’m not… I don’t think I’m ready to vote this evening. That’s just my opinion. I think we want to sleep on it, the report is just hot off the press. In my opinion, I just feel like, I just want to sleep on it a few weeks more. That’s my opinion, I open it up to the commissioners what they feel.

Mr. Hinckley: As an aside, if the Commission would like, I can mail out hard copies of the planting plan and the final report tomorrow.

Chairman Sadil: And the conditions as well.

Mr. Hinckley: And the conditions as well, right.

Chairman Sadil: We’re allowed to add to those conditions Mr. Hinckley. If we have another one that we think…

Mr. Hinckley: Yes, yes, they’re just proposed, suggested conditions. Obviously, I wouldn't talk about them outside of the meeting, so you have to bring it up at the next meeting, we could have a discussion about them and whatnot.

Chairman Sadil: Commissioner Paskewich you have your hand up.
Commissioner Paskewich: Mr. Chairman it's quite a bit of dialogue this evening and I brought up quite a few things and they were addressed. But I want to find a balance here for myself, to think about it, I don't want if you rush into making a decision now after this evening and quite a lengthy discussion. It's you know, it's a project that is something that I need to think about further, that's all. I’d like to wait till the next meeting.

Chairman Sadil: Commissioner Bachand how do you feel?

Commissioner Bachand: Well I’m just, I don’t want to go over the line or anything, but I’m just what, what can we discuss. Can we discuss our feelings, our leanings, compare it to other applications.

Mr. Hinckley: As the chairman pointed out, you guys are deliberations.

Chairman Sadil: That's right, just between us.

Mr. Hinckley: Just right now there's just no give and take with the public, with the applicant, you're not taking in something that somebody emails you tomorrow or anything, this is all the evidence that you have received in the last two public hearings, the documents that you have and the testimony you've heard; this is what you're going to base your decision on and you can deliberate about those.

Chairman Sadil: The record is closed. The record is closed. Whatever's in the minutes, what have you, that's where make our decision.

Commissioner Bachand: But I could share with the Commission my own personal feelings or my concerns.

Chairman Sadil: Sure, that's fair.

Commissioner Bachand: So it’s obvious, we talked about those, uh those two lots that are in question there and that’s what’s kind of a stumbling point for me. So, I don't know, you know we've had other applications where there was no encroachment into the regulated areas, as a matter of fact a very big one we just did over on another street over by Lowe’s and um there was essentially zero encroachment into the regulated area and this one, I don’t know how many lots there are, it’s what we said there are, but several of the lots are significantly encroaching. So, it's just those two lots are really a sticking point for me. That’s all I’ll say.

Chairman Wagner: Commissioner Wagner what is your feeling.

Commissioner Wagner: I just want to read the final, I didn’t get time today to read the…what Mr. Hinckley sent, the final draft, I only have the draft and I’d like to make sure there wasn't any major changes in it. Which I believe are there isn't, but I’d like to read it and give myself some time to go over it.

Mr. Hinckley: Yeah, I did not see any discrepancies other than she said, some punctuations and some spacing kind of thing.

Commissioner Wagner: Year, I'm sure, I just feel comfortable and…

Mr. Hinckley: Understood, you know and hopefully I will get that out tomorrow.

Commissioner Wagner: I appreciate that. Thank you sir.

Chairman Sadil: Commissioner Conway.

Commissioner Conway: Yes thank you. I agree with Commissioner Bachand, lots 3 and 4 hae always been a really big concern for me through the whole hearing and presentations and I can't say that I feel any better about those two lots, especially. I know it’s only a fraction of the whole plan that they have, but it's a real concern of mine, the encroachment into the wetlands. That's my biggest concern and I'm not sure I can absolutely say that nothing was, has allayed my concerns for it throughout anything that they presented tonight; having fences installed or are, or the shrubs, whatever you know, that has not allayed my fears for that, that’s just my feeling on the whole situation at this point.

Chairman Sadil: Thank you. Commissioner Ancona.
Commissioner Ancona: Yeah I think those two lots are the ones in question here and those homeowners need to be notified where they are. I think Commissioner Bachand had a good point, we don't want people using their back yard as a landfill, you know, so they needs to be notified, but besides that, I’m good. I’m good with this project.

Chairman Sadil: I think I got everybody, I don’t think I missed anybody, I’ve already spoken so the general consensus is that we’re gonna table this for this evening. I guess we’re gonna sleep on the details and we will render a decision at our next meeting. Does that sound fair?

Commissioner Conway: I’m in agreement.

Commissioner Bachand: Yes.

Mr. Hinckley: You probably just want to make the motion, to have a vote to table it, just so we’re all good.

Chairman Sadil: We’d like to have a vote. Ok, so I’d like to have a motion that we will table our decision on Application #2022-05: For Construction Of Single Family Homes In The Upland Review Area At 359 Church Street And 321 Tremont Street (Rear), Applicant/Owner: AA Denorfia Bldg. & Dev., LLC Contact Alan Bongiovanni. May I have a motion?

Commissioner Conway: So moved, this is Commissioner Conway.

Chairman Sadil: Moved by Commissioner Conway. Do I have a second?


Chairman Sadil: Second by John Bachand. Shall we take a roll call vote Ms. Gibbon?

Ms. Gibbon: Commissioner Ancona.

Commissioner Ancona: Yes.

Ms. Gibbon: Commissioner Bachand.

Commissioner Bachand: Yes.

Ms. Gibbon: Commissioner Conway.

Commissioner Conway: Yes.

Ms. Gibbon: Commissioner Paskewich.

Commissioner Paskewich: Yes.

Ms. Gibbon: Chairman Sadil.

Chairman Sadil: Yes.

Ms. Gibbon: Commissioner Wagner.

Commissioner Wagner: Yes.

Chairman Sadil: The vote is unanimous. All right, moving on to Application #2022-06: For Construction Activities In The Upland Review Area (URA) At 165 Stamm Road, Applicant/Contact: Mike Demaio, Owner: MRD Property Holdings, LLC.

B. Application #2022-06: For Construction Activities In The Upland Review Area (URA) At 165 Stamm Road, Applicant/Contact: Mike Demaio, Owner: MRD Property Holdings, LLC

Chairman Sadil: Is the applicant present with any last minute statement or…

Mr. Hinckley: I don’t know if Alan is still in the room. No Alan has left the room it looks like and the applicant is not here.
Chairman Sadil: Ok. Give me one moment. I did not have any further questions relative to the to the plantings that are…

Mr. Hinckley: My sense that I got from your deliberations last meeting where there were no large concerns, that the forebay system was actually going to help improve water flow and treat it as it goes off site and there was not additional conditions suggested or discussed at that time so I just made a motion for the 10 standard conditions.

Chairman Sadil: I just want to pull up that map real quick.

Mr. Hinckley: Sure.

Chairman Sadil: There were some plantings along the Webster Brook I've got the right motion here, the map here. I just when, I like that standard condition about the five years, the stabilization, you know the one that I always like…

Mr. Hinckley: Um…ok. Let me see if I can find some language for that.

Chairman Sadil: “Additional inspections of the planting area should be conducted during the growing season for five subsequent years to ascertain survival rates, soil stabilization, and invasive species maintenance. Copies of the reports documenting the findings from the inspection should be provided to the town of Newington inland wetlands commission. If mortality rates of planting is greater than 15%, plantings should be replaced.” Something to that effect. There’s some planting along that, along the Webster Brook there, they’re going to put some, a base in there if I recall.

Mr. Hinckley: Hold on, let me just see if…so you're looking at like #12, that’s the kind of…

Chairman Sadil: Yes. Right. Exactly.

Mr. Hinckley: So if you’d like to add that I think that we can certainly add it, we can call it, you know, Condition A.

Chairman Sadil: I don’t want to be unreasonable there Erik, it's just that, it was like what they, what they call the grass swale, are there even any plantings to inspect. Want to look at the map? They call this pre-treatment sediment forebay. Again if there’s no plantings in there, what’s the point right so.

Mr. Hinckley: What page are you looking at? Sorry Andreas.

Chairman Sadil: Um, page three of five and over on the left hand side by the Webster Brook there, it’s what they call the sediment forebay.

Mr. Hinckley: Right, that’s just a forebay, they’re not really putting in any plantings in there.

Chairman Sadil: And the ones that immediately right up against Webster Brook is existing, exiting trees there.

Mr. Hinckley: Yes. All it is, you know, they're putting a grass swale for the overflow to flow and it has grass matting down there.

Chairman Sadil: All right, no point in doing that, I'm fine.

Mr. Hinckley: Ok.

Chairman Sadil: So going back, are there any further questions from commissioners. I'm satisfied. Is there any other questions from commissioners at this time, please raise your hand; otherwise I would assume that's a no. All right, I don’t see anyone with their hand up. So, Mr. Hinckley, is the application complete?

Mr. Hinckley: Yes it is.

Chairman Sadil: All right, so Mr. Acting Secretary Wagner, may I have a motion for Application #2022-06: For Construction Activities In The Upland Review Area (URA) At 165 Stamm Road, Applicant/Contact: Mike Demaio, Owner: MRD Property Holdings, LLC.
Commissioner Wagner: So I’m going to read the B application, right?
Mr. Hinckley: The one that’s on the screen now.
Commissioner Wagner: MOTION TO APPROVE.

**Move to approve application 2022-06 with the ten (10) standard conditions.**

Commissioner Bachand: I’ll second it.
Chairman Sadil: So moved, second by Commissioner Bachand. Final discussion. Ms. Gibbon please call the roll.

Ms. Gibbon: Commissioner Ancona.
Commissioner Ancona: Yes.
Ms. Gibbon: Commissioner Bachand.
Commissioner Bachand: Yes.
Ms. Gibbon: Commissioner Conway.
Commissioner Conway: Yes.
Ms. Gibbon: Commissioner Paskewich.
Commissioner Paskewich: Yes.
Ms. Gibbon: Chairman Sadil.
Chairman Sadil: Yes.
Ms. Gibbon: Commissioner Wagner.
Commissioner Wagner: Yes.

Chairman Sadil: Great, motion passes unanimously. Moving onto Section 8 public participation on non-agenda items, each speaker limited to two minutes.

VIII. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS (each speaker limited to 2 minutes)
Chairman Sadil: Mr. Hinckley is there anyone on the line?
Mr. Hinckley: No one in the room.

Chairman Sadil: All right, moving on to Communications and Report, Section 9, Item A. Agent Communications.

IX. COMMUNICATIONS AND REPORTS
A. Agent Communications
Chairman Sadil: Mr. Hinckley, do you anything to report?

Mr. Hinckley: I approved a couple of things for agent approval. I approved an application at 113 Ellsworth Street for a shed in the URA; the second item of interest is the Culver Street wetland permit 2021-23. The applicant has sent in notice to satisfy condition one of the original permit, that they are transferring the permit to a construction subsidiary known as Culver Street Apartments LLC. All conditions are the permit remain in full force and effect there's no change to the application, it’s just a notification of the transfer of the permit. This has been done in the past, it’s just usually done under communication like I’m doing right now and we will send the applicant a notification you acknowledged the transfer of the permit. And that’s really all I have.

Chairman Sadil: Thank you Mr. Hinckley, moving on to Section B…
Commissioner Bachand: Uh, Mr. Chairman.
Chairman Sadil: Go ahead.
Commissioner Bachand: Um, yeah, Erik do you have anything from Mr. Fuerstenberg?
Mr. Hinckley: Gary has been extremely busy, I’m assuming your referring to Alumni Road.
Commissioner Bachand: Yeah, because I was just looking at the minutes on page 40 we discussed uh, we discussed…
Mr. Hinckley: We did. I did ask for a report and he actually apologized to me as I was leaving today. He says he didn't think he was going to get to it. When he gets me something, I will forward it to you guys via email.
Commissioner Bachand: Thank him for us, for me anyway.
Mr. Hinckley: Yeah I'll send it to the whole commission.
Commissioner Bachand: All right, sorry Mr. Chairman.
Chairman Sadil: No problem. Item B town council liaison communications.
B. Town Council Liaisons Communications
Chairman Sadil: I see Councilor Budrejko and Councilor Radda on the line. Do you have anything to report?
Councilor Radda: Councilor Budrejko would you like to start and then I can fill in if
Councilor Budrejko: Sure, thank you. I think the most interesting thing possibly to this Commission is on April 26th the town manager gave a very thorough and detailed presentation to the town council on all the development that's going on in town. Approved and in process and a lot of you know some of it is commercial, but an awful lot of it is residential and so, in total, there's approximately 1,026 new units that are coming into town and this includes stuff that you know you guys have been involved in, Pane Road, Culver Street, 3333 Berlin Turnpike. There's hotels on Fenn Road and Church Street and the estimates, like I said it was somewhat detailed, and the town manager did contact the police and for estimated on impact. They said like, if all of this come to fruition, I believe he said 850 additional police calls, 40-45 additional fire calls, 810 feet of new sidewalks and pavements; 220 more students and several comments were made, that they felt it was possibly underestimated and personally, I believe it is too. And 1,500 additional automobiles in town, quite frankly I think that's kind of underestimated as well, if we're talking over 1,000 new units, it seems like everybody in the household now has a car so I'm just wondering whether that's underestimated as well, but if you want further details on it the presentation I believe is on the town website and that's all I have. Councilor Radda.
Councilor Radda: Thank you Councilor Budrejko. I just want to reiterate what Councilor Budrejko just said. This report from town manager Chapman was really, I think, it was eye opening for some of some of us or some of the Councilors who don't sit on, for example this Commission or planning and zoning and you know we were even thinking that to be able to this quarterly will be a real service. It keeps us up to date, we know what's going on in terms of how things are moving ahead and what the impact that the development may have on our community. So I appreciated that Councilor Budrejko and I requested this, we were very interested in having this take place and I think it was very well received. The only other thing that might be of interest if you haven't already heard, is that the vote was taken to establish a Permanent Municipal Building Commission; that was done and it was it was I think with the April 26th meeting, Gail?
Councilor Budrejko: Yes, I believe, yeah.
Councilor Radda: So that that would really be interesting…
Councilor Budrejko: Yeah, it was a chock full meeting.
Councilor Radda: Yes, so that would be the only other a bit of news that I think we can report. Thank you.

Councilor Budrejko: Um, you know, kind of back cycling again. Listening to this in-depth discussion tonight and particularly terminology and information by Commissioner Paskewich on fragmentation of wildlife, and you know seeing all this development in town, it just gave me some things to think about.

Councilor Radda: Likewise and thank you, thank you all for this lengthy discussion I think it was well worth our time to hear the discussion and gather this information. So thank you all.

Commissioner Bachand: I have a question for one of the Councilors.

Chairman Sadil: Commissioner Bachand.

Commissioner Bachand: Thank you. That is pretty sobering what the town manager, the report, I don’t know if was intended to be or not. But did he offer a net, is there a net gain here after all of that or you know… was there any agreement on that, that all the development is still worth it.

Councilor Budrejko: Well one of the reasons that Councilor Radda and I wanted this presentation is not to be anti-development or to stop anything, but to kind of put this all out there and ask the questions are we prepared, as a town, to handle this amount of development and if not what do we need to do to prepare for it. So, again it wasn’t intended to be oh my God, you know, what's happening, whatever. Because you know given the financials, given the, you know, what we need to do is to community, but also we are going to be able from an infrastructure perspective to handle this development in an appropriate way that still maintains, you know, the services and the quality of life. The town manager in my opinion, I don't know about your Councilor Radda, seemed to, you know, it wasn't problematic, but he there were no details well, that I mean, you know the financial impact is going to be positive in terms of grand list growth. But again, you know, balanced against ok what type of infrastructure changes will we need to invest in to balance that appropriately, I don't think really came out clearly in the discussion. What about you, do you think that it did think so Kim?

Councilor Radda: I think it did beg some questions, um, you know, hearing what the impact in terms of police calls, fire calls, EMS call, I think there were also questions that were asked regarding impact to our school system and, of course, as Gail said the roadways. It give us pause and I think one of the things that we are also thinking about also, and I’m sure that you do on this commission, is what is our identity as a community. Who do we want to be and what do we need, as Gail said, what infrastructure do we need to have in place and what are we looking at in terms of development and again I am certainly not anti-development. It was a question and what I think stimulated the request was that we were coming to these various boards and commissions and thought it was very important that we had an updated and a comprehensive overview about what's happening in the community in terms of economic development and what impact that's going to have moving forward from this point on. This is what stimulated, I think it was it was a worthwhile conversation, I don’t think the conversation is over, as I said. I would be very happy to see this done quarterly so that we are kept abreast, and all the councilors and the mayor are kept abreast of what's going on.

Councilor Budrejko: And one thing, in fact, listing to hearings and developer presentations at this commission is, you know, people keep referring to the POCD, in your POCD it says we need diverse housing, in your POCD is says you need more housing types, but also what nobody seems to be acknowledging, in my humble opinion, is also in the POCD we have a vision that says we are a primarily medium density single family owner occupied community and that just needs to be considered I think as we move forward. And one other thing, it’s not town council related, you guys, you all might be interested in the next TPZ meeting. There’s a public hearing, and they kept it open regarding state mandated accessory dwelling units that’s changed significantly. We have ADUs, we have some zoning regulations allowing ADUs but the new state regulations that have come out have, are somewhat different from what we have, for example, if we went by, if we followed the state directives, they’re allowing
detached dwelling units, there doesn’t require that people be related to, you know, to be living in those units. It’s pretty substantial changes, but communities do, and you know Erik, you can, you know, expand on this or correct when I'm wrong, communities will have the option to opt out of this state regulation, so the public hearing and what they're. What our town planner is trying to do is perhaps modify our current ADUs to come more into compliance with what we want to do as a community. Still allow accessory dwelling units, but perhaps not be as um, not follow the state regulations to the extent because we are, we’re a small community, we don’t have…our lots are small, we don’t have, you know we’re dense so perhaps the state directives aren’t really suited for Newington, but yet, you know, we do want to be compliant and be cognizant of the need for ADUs and we want to do it our way, you know, so the public hearing has been continued until next, the next meeting which is next week. Yeah so you might want to, I mean Erik can probably give you the draft for the information or you can go online and look at it if you're interested.

Mr. Hinckley: Yeah, the links are available. So what Gail said correct, we’re trying to opt out and if we opt out at the TPZ level there's a public hearing held and then at the town council level and then we opt out from the state and then we create our own regulations which the town is more comfortable with going forward. So, that’s what I have.

Commissioner Bachand: That’s interesting. Thank you Councilors.

Councilor Radda: You’re welcome.

Chairman Sadil: All right. Shall we move on to Item 9C – Pond Life Research and Education.

C. Pond Life Research And Education

Chairman Sadil: Commissioner Paskewich do you have anything to update this month.

Commissioner Paskewich: Yes, just want to reiterate my probably more recent concern over the last few months as I’ve been following fragmentation and lack of corridor due to development of roads due to the development or more development of housing and commercial buildings being developed which is being addressed throughout countries, I’m not sure where we lie with that within the United States or Connecticut, but there are overpass land bridges being built where land is being fragmented through development and they do acknowledge is wildlife and aquatic life that need to continue to move, the place where they’ve been because that is what they do. And I’m starting to look at this closer, hopefully for Newington, that we might find a possible means of regulation or recommendation through DEEP or some other agency, including ourselves, collaborating to have this looked at for land use planning and have developers look at this so that if a road is built and there is indeed wildlife there, that the continue to pass over roads and not killed, it’s that simple or lose their way coming back because of an incident. And myself, I worked in a town of Somers about eight years ago I was coming home on Thursday night my late from a later day evening time through suburb with houses like on my street and it was getting dark, and the side of my car got slammed, I thought I got hit by a truck, it was two dear, one hit my front fender and one hit my door. I couldn't get out of the car. Fortunately, the car, you know didn't catch on fire or I didn't have a problem I didn’t get hit through the window by a horn, it could have happened. So I called the state police because that they had their resident troopers and they came with a reasonable amount of time and was hanging out and their duty is, if you didn’t know this, if a deer is hit by a car and it isn't dead on the road, they have the authority to shoot the deer within a reasonable amount of time, at the site and as I was out of the car from the other side, I was able to get out. The state trooper was there and we were talking and my car had you know significant damage, not enough to not be able to drive home, the headlights work and such and a woman came out of one of the homes and one of the deer had already escaped and ran off in a direction it had come from and the other one which is fairly large, I would say 250 pounds, was kneeling down on the on the road next to my car and this woman came out of the house and she was coming over and she was petting the deer and talking to it and after that I would say 15 minutes, the deer got up and walked away. But that was my experience of fragmentation of development and deer trying to cross in a path that they've been doing. So you know I come from seeing it in real life and that's when I'm looking forward to trying to apply to corridors the wildlife need to
continue moving about. So that's my research for this evening. Thank you.

Chairman Sadil: Commissioner Paskewich, you are fortunate that you were not injured.
Commissioner Paskewich: I was.
Chairman Sadil: You were.
Commissioner Paskewich: I certainly was
Chairman Sadil: Physically.
Commissioner Paskewich: Yes
Chairman Sadil: OK you don't have to go into that if you don't want to, it's personal
Commissioner Paskewich: I'm fine I just feel sorry for these animals that's all

X. ADJOURNMENT
Chairman Sadil: All right, if there’s nothing else may I have motion to adjourn.
Commissioner Conway: So moved.
Chairman Sadil: So moved by Commissioner Conway, may I have a second.
Commissioner Paskewich: Second
Chairman Sadil: Second by Commissioner Paskewich. All in favor
Commissioners: Aye.
Chairman Sadil: Motion passed. All right everybody, thank you, goodnight
The meeting adjourned at 9:12 p.m.

Respectfully submitted,

Susan Gibbon
Recording Clerk
Memorandum

To: Conservation Commission
From: Erik S. Hinckley, Asst. Town Planner / Inland Wetland Agent
Date: June 14, 2022
Re: 98 Carriage Hill Drive – Wetland Application 2022-14 (Modification to permit 2017-06)

Staff Report:

The applicant is applying for a modification to wetland permit 2017-06. The applicant is proposing to relocate the approved location of the pool within the upland review area.

The parcel is 1.53 acres of land of which 1.12 acres are wetlands and 0.41 acres is upland review area (URA). This is an existing residential lot with a single-family home. The applicant retained a soil scientist to flag the wetland limits in the area of the proposed pool. The flagged wetlands deviate 15 to 20 feet from the town mapping (see the plan). The newly flagged limits are actually farther away from the proposed pool location. The applicant is not proposing a map amendment. They are demonstrating the proposed pool is now farther away from the wetland line. As proposed 0.02 acres of URA will be disturbed during the construction activities. No wetlands will be disturbed during construction. This is the same amount of disturbance that was approved on the original permit. The requested modification is minor in nature and moves the proposed project farther away from the flagged wetlands.

Commission:

In reviewing this application, the commission should consider the criteria for Considerations for Decision in section 10.2 of the regulations (attached for your review).

10.2 In carrying out the purposes and policies of sections 22a-36 through 22a-45, inclusive, of the Connecticut General Statutes, including matters relating to regulating, licensing and enforcing of the provisions thereof, the Agency shall take into consideration all relevant facts and circumstances, including but not limited to:

a. .......... the environmental impact of the proposed regulated activity on wetlands or watercourses;

b. .......... the applicant’s purpose for, and any feasible and prudent alternatives to, the proposed regulated activity which alternatives would cause less or no environmental impact to wetlands or watercourses (such alternatives may include low impact development techniques);

c. .......... the relationship between the short term and long term impacts of the proposed regulated activity on wetlands or watercourses and the maintenance and enhancement of long-term productivity of such wetlands or watercourses;
d. irreversible and irretrievable loss of wetland or watercourse resources which would be caused by the proposed regulated activity, including the extent to which such activity would foreclose a future ability to protect, enhance or restore such resources, and any mitigation measures, including low impact development techniques, which may be considered as a condition of issuing a permit for such activity including, but not limited to, measures to (1) prevent or minimize pollution or other environmental damage, (2) maintain or enhance existing environmental quality, or (3) in the following order of priority: restore, enhance and create productive wetland or watercourse resources;

e. the character and degree of injury to, or interference with, safety, health or the reasonable use of property which is caused or threatened by the proposed regulated activity; and

f. impacts of the proposed regulated activity on wetlands or watercourses outside the area for which the activity is proposed and future activities associated with or reasonably related to, the proposed regulated activity which are made inevitable by the proposed regulated activity and which may have an impact on wetlands or watercourses.
WETLANDS/WATERCOURSES AND SOIL REPORT

Joanna Breault ____________________________ SSES Job No: 2022-30-CT-NEW
98 Carriage Hill Drive
Newington, CT 06111

Client Job No: ____________________________ Site Inspection Date: June 6, 2022

PROJECT TITLE AND LOCATION: 98 Carriage Hill Drive, Newington, CT
(inspected backyard portion of property for a proposed pool)

IDENTIFICATION OF WETLANDS AND WATERCOURSES RESOURCES

WETLANDS AND WATERCOURSES PRESENT ON PROPERTY: Yes _____ No _____

Wetlands: Inland Wetlands _______ Watercourses: Streams _______
Tidal Wetlands _______ Waterbodies _______

Remarks: ____________________________

VEGETATION COMMUNITIES PRESENT IN WETLANDS

Forest ______ Sapling/Shrub ______ Wet Meadow ______ Marsh _______ Field/Lawn ______

SOIL MOISTURE CONDITION

Dry ______

Moist ______

Wet ______

WINTER CONDITIONS

Frost Depth: ______ inches

Snow Depth: ______ inches

The classification system of the National Cooperative Soil Survey, USDA, Natural Resources Conservation Service and the State Soil Legend were used in this investigation. The investigation was conducted by the undersigned Registered Soil Scientist. A sketch map showing wetland boundaries and the numbering sequence of wetland markers, watercourses and soil types in both wetland and non-wetland areas are included with this report. After the wetland boundary and/or watercourse flags have been located/plotted by the surveyor, it is recommended that a copy of the survey map be sent to our firm for review. All wetland boundary lines established by the undersigned Registered Soil Scientist are subject to change until officially adopted by local, state or federal regulatory agencies.

Respectfully Submitted by

SOIL SCIENCE AND ENVIRONMENTAL SERVICES, INC.

Scott D. Stevens
Registered Professional Soil Scientist

See attached pages
SOIL SCIENCE AND ENVIRONMENTAL SERVICES, INC.
95 Silo Drive * Rocky Hill * Connecticut * 06067 * (203) 272-7837 * ssesinc@yahoo.com

WETLANDS/WATERCOURSES AND SOIL REPORT

PROJECT TITLE AND LOCATION: 98 Carriage Hill Drive, Newington, CT

NUMBERING SEQUENCE OF WETLAND BOUNDARY LINE MARKERS:
WF# 1 thru 7

Plot and locate watercourses as shown on sketch map.

SOILS SECTION:
Soil Legend: State Soil Number/County Soil Symbol, Soil Series Name, Taxonomic Class & Brief Description.

WETLAND SOILS

Aq   Aquents - This is a poorly to very poorly drained, disturbed soil where two or more feet of the original soil surface has been altered by filling, excavation and/or grading. Aquents are characterized by a seasonal to prolonged high groundwater table at or near the ground surface. Aquents are capable of supporting a prevalence of hydrophytic plants.

10   Raynham silt loam (Aeric Epiaquepts) – This is a deep, poorly drained, loamy textured soil that formed in windblown or water deposited silts that are located on glacial lake plains and terraces, drainage ways and in depressional landforms.

NON-WETLAND SOILS

27   Belgrade silt loam (Aquic Dystric Eutudepts) – This is a deep, moderately well drained, friable, loamy soil that developed over water-deposited layers of fine sands and silts.

306  Udorthents-Urban land complex  This map unit consists of extensive areas where soils have been disturbed from land development along with large areas of impervious surfaces associated with streets, parking lots, buildings and other structures.

308  Udorthents, smoothed  This is a well drained to moderately well drained soil area that has had two or more feet of the original soil surface altered by filling, excavation or grading activities. Udorthents, smoothed soils commonly occur on leveled land and fill landforms.
DEFINITIONS AND METHODOLOGY FOR IDENTIFICATION OF STATE REGULATED WETLANDS & WATERCOURSES

Wetlands and watercourses are regulated in the State of Connecticut by the Connecticut General Statutes, Chapter 440, sections 22a-28 to 22a-45. The Statutes are divided into the Inland Wetlands and Watercourses Act (sections 22a-36 to 22a-45) and the Tidal Wetlands Act (sections 22a-28 to 22a-35). Inland Wetlands "means land, including submerged land, not regulated pursuant to sections 22a-28 to 22a-35, inclusive, which consists of any of the soil types designated as poorly drained, very poorly drained, alluvial, and floodplain by the National Cooperative Soils Survey, as may be amended from time to time, of the Natural Resources Conservation Service (NRCS) of the United States Department of Agriculture" section 22a-38(15).

Watercourses "means rivers, streams, brooks, waterways, lakes, ponds, marshes, swamps, bogs and all other bodies of water, natural or artificial, vernal or intermittent, public or private which are contained within, flow through or border upon this state or any portion thereof, not regulated pursuant to sections 22a-28 to 22a-35, inclusive. Intermittent watercourses shall be delineated by a defined permanent channel and bank and the occurrence of two or more of the following characteristics: (A) Evidence of scour or deposits of recent alluvium or detritus, (B) the presence of standing or flowing water for a duration longer than a particular storm incident, and (C) the presence of hydrophytic vegetation" section 22a-38(16).

Tidal Wetlands are defined as "those areas which border on or lie beneath tidal waters, such as, but not limited to banks, bogs, salt marsh, swamps, meadows, flats, or other low lands subject to tidal action, including those areas now or formerly connected to tidal waters, and whose surface is at or below an elevation of one foot above local extreme high water; and upon which may grow or be capable of growing some, but not necessarily all of the following:" (includes plant list) section 22a-29(2).

METHODOLOGY FOR IDENTIFICATION OF SOILS, WETLANDS & WATERCOURSES

1) SOILS IDENTIFICATION: Soils are investigated by digging test holes with a spade and auger. Test holes are typically dug to depths of between 15 and 40 inches. Based on soil features, including coloration patterns, texture and depths to restrictive layers, the soils are identified by soil series name utilizing the classification system of the National Cooperative Soil Survey. Soil series map numbers correspond with the State Soil Map Legend established by USDA, NRCS in the State of Connecticut Soil Survey. For further soils information, refer to the NRCS website for CT: www.ct.nrcs.usda.gov

2) INLAND WETLAND DELINEATION: Soil test holes and borings are made in selected areas in order to determine the lateral extent of Inland Wetlands. The boundaries of the Inland Wetlands are identified in the field and delineated with consecutively numbered survey tapes, unless instructed by the client to only map wetland boundaries for planning purposes. The approximate locations of the wetland boundaries are hand drawn onto a map and are included with the wetlands report.

3) IDENTIFICATION OF WATERCOURSES: Very often the locations of ponds, streams and rivers are already shown on a survey map. If a watercourse is absent from a survey map, then survey tapes, labeled "watercourse" or "intermittent watercourse" are placed along the channel and the approximate location of the watercourse is also sketched onto the map.

4) TIDAL WETLANDS DELINEATION: Tidal Wetlands are identified based on a predominance of tidal wetland plants and observation of physical markings or water laid deposits resulting from tidal action. Tidal Wetland boundaries are delineated by locating the upland limits of those plants listed in section 22a-29(2) to the extent that these plants reflect inundation by tides.