

TOWN OF NEWINGTON  
CONSERVATION COMMISSION

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2026 JAN 15 AM 11:19

MEETING MINUTES

December 16, 2025

*John O. Krysiak*  
John O. Krysiak  
Town Clerk

*This meeting was presented as a Zoom Webinar/Hybrid Meeting*

I. CALL TO ORDER

Chairman Zelek called the meeting to order at 7:02 p.m.

II. ROLL CALL

Commissioner Anderson

Commissioner Bachand

Commissioner Morris (Alt)

Commissioner Sadil (*via Zoom*)

Commissioner Paskewich (*via Zoom*)

Chairman Zelek

Commissioner Wemett

Absent / Excused:

Commissioner Conway

Commissioner Ellis

Commissioner Ostrinski

Also present:

Chris Zibbideo, Town Engineer, Wetland Agent

Kim Radda, Deputy Mayor

Gail Budrejko, Town Councilor

Susan Gibbon, Recording Secretary (*via Zoom*)

Chairman Zelek: All right. I'm missing Commissioner Conway so I'm going to seat Commissioner Morris for Commissioner Conway. The other two, Ostrinski and Ellis are alternates, so we'll continue. It looks like we have a full commission. First item, Organizational Meeting, Election of Officers for 2026.

III. ORGANIZATIONAL MEETING

A. Election of Officers for 2026

Chairman Zelek: Do we have nominations for Chairman?

Commissioner Bachand: I nominate Chairman Zelek to be reappointed for Chairman.

Chairman Zelek: Ok, I'll accept the nomination. Any others?

Commissioner: I'll second.

Commissioner Paskewich. I'll second that. Commissioner Paskewich.

Chairman Zelek: Thank you Commissioner Paskewich. Any other nominations? All right, seeing none, I'll take it to a quick vote. All in favor?

Commissioners: Aye.

Chairman Zelek: Any opposed? Aay abstentions? All right. The next one is for vice chair. Nominations for vice chair?

Commissioner Bachand: I nominate for Chairman, I mean vice chair, Andreas.

Commissioner: I think he's vice chair now. Isn't he?.

Commissioner Wemett: I'll second that.

Chairman Zelek: All right. Commissioner Sadil, do you accept the nomination?

Commissioner Sadil: I accept.

Chairman Zelek: Any other nominations for vice chair? All right seeing none all in favor for Commissioner Sadil, say aye.

Commissioners: Aye.

Chairman Zelek: Any opposed? Any abstentions? All right. Moving on for secretary. Nominations please?

Commissioner Bachand: Commissioner Wemett. He's a good reader.

Chairman Zelek: I'll second that. Commissioner Wemett, do you accept?

Commissioner Wemett: Yes.

Chairman Zelek: All right. Any other nominations for secretary? Seeing none. All in favor?

Commissioners: Aye

Chairman Zelek: Opposed? Any abstentions? All right. Congratulations to all. Moving on, Setting of the Regular Meeting Dates for 2026.

#### B. Setting of Regular Meeting Dates for 2026

Chairman Zelek: We have a proposed Conservation Commission meeting schedule in PDF. Chris, you want to go over these dates for us? Anything that we need to know?

Mr. Zibbideo: I'm sorry?

Chairman Zelek: The proposed dates. I see an asterisk.

Mr. Zibbideo: Because the asterisk is for a holiday. So that day is Ramadan.

Chairman Zelek: Any concerns? Any concern with that?

Mr. Zibbideo: Town hall's open.

Chairman Zelek: Ok. We need a motion to accept the proposed dates.

Commissioner Wemett: So moved.

Chairman Zelek: Moved by Commissioner Wemett. Can I get a second?

Commissioner Anderson: Second.

Chairman Zelek: Second by Commissioner Anderson. All in favor of accepting the dates say aye.

Commissioners: Aye.

Chairman Zelek: Any opposed? Any abstentions? The dates are accepted as proposed. Moving on to Acceptance of Minutes. Approval of Minutes from the November 11, 2025 meeting.

#### IV. ACCEPTANCE OF MINUTES

##### A. Approval of Minutes from November 11, 2025

Chairman Zelek: Any modifications to the minutes?

Commissioner Paskewich: None here.

Chairman Zelek: Any other commissioners? All right, seeing none, a motion to accept the minutes.

Commissioner Wemett: So moved.

Commissioner Bachand; Second.

Chairman Zelek: Second from Commissioner Bachand. All in favor say aye.

Commissioners: Aye.

Chairman Zelek: Any opposed? Any abstentions? All right. Minutes are accepted. Moving on to Public Hearing.

## V. PUBLIC HEARING

A. Application IW-25-14: To amend the Town of Newington Inland Wetland and Watercourses map and to construct a single family residence within the Wetland/URA (Upland Review Area) at 33 Laurel Circle in the R-20 Zone. Applicant: Rossetti Development LLC, Owner: S.J. Fish & Sons, Inc., Contact: Robert Rossetti. (Application Rec'd 9/02/25. Public Hearing Opened 11/18/25.)

Chairman Zelek: This is Application IW-25-14: To amend the Town of Newington Inland Wetland and Watercourses map and to construct a single family residence within the Wetland/URA (Upland Review Area) at 33 Laurel Circle in the R-20 Zone. Applicant: Rossetti Development LLC, Owner: S.J. Fish & Sons, Inc., Contact: Robert Rossetti. (Application Rec'd 9/02/25. Public Hearing Opened 11/18/25.) Just for the record, I want to note. This public hearing, the way it has been submitted by the town includes the site plan. Normally when we do these public hearings for a water course map amendment, we do the map separately, but I do want to point out the commissioners that this public hearing also includes the site plan. So, at the last meeting in November, we only discussed the map amendment. We didn't really talk about the site plan, so I want you all to be aware of that and to be sure that you review that site plan this evening. So, I see the applicant is present. If you could just state your name for the record.

Alan Bongiovanni: Good evening Mr. chairman. For the record, my name is Alan Bongiovanni, I'm a licensed land surveyor in the state of Connecticut. My office is at 170 Pane Roda, Newington. I'm representing Robert Rossetti, Rossetti Development and the application before you this evening. The property is located at 33 Laurel Circle here in Newington. It's an existing lot of record. It was a lot that was created as part of a subdivision in 1968. It's been vacant all this time. We're here asking for an amendment to the map, wetland, the official wetlands map to reflect the actual conditions in the field. This is our third meeting on this project. Scott Stevens is our soil scientist, he was here for the two previous two meetings. He made a presentation to the Commission regarding what he found with the soil conditions there on the site, providing a little history at the first meeting about the how the town maps were created and how they're not 100% accurate. So based on his evaluation, and I think Chris, do you have the wetland amendment map?

Mr. Zibbideo: I'll see if I can get that for you.

Chairman Zelek: Is the soil scientist available this evening?

Mr. Bongiovanni: He's not. He was not available this evening. The map that the town engineer is trying to bring up on the screen was a map that we had revised since the last meeting based on some comments from the staff and I believe through the commission regarding the aesthetics of the map, how it looked, so that it could be a little clearer for what the actual intent is. I have a hard copy if we have somewhere to put it up, we can work with that?

Chairman Zelek: Chris?

Commissioner Bachand: I was the one that was most hung up on where the line should be.

Chairman Zelek: Just note for the record, Mr. Bongiovanni presented the map to Commissioner Bachand.

Mr. Bongiovanni: So, the grey shaded area, that is the area to be removed. This purple line represents the actual wetlands. Everything to the east of that is wetlands according to the map. Our blue line is actual flagged wetlands by the soil scientist. There's probably five or ten square foot of actual wetlands on the subject lot. Everything else would be in the upland review area. And we're requesting that everything shown in gray shade here be removed from the official map.

Commissioner Backhand: So this is existing and this is proposed?

Mr. Bongiovanni: Correct. So it will basically follow the lot line until this this little triangle and then go back to the property line.

Commissioner Bachand: Doesn't that seem logical?

Mr. Bongiovanni: Absolutely.

Commissioner Bachand: You weren't here for the meeting, but I thought you would agree.

Commissioner: And that's exactly what you said.

Commissioner Morris: Remember at that meeting, that was a practical solution.

Chairman Zelek: All right. So, Chris, there was an outstanding question for the town attorney regarding the mapping that the soil scientist presented. He gave us the actual delineation and the question was, can we leave that delineation hanging? Can you change the delineation on someone else's property?

Mr. Zibbideo: We did not get an opinion from the town attorney. Staff in discussion, including my self, and other commissions recognize that the town does in fact change maps on peoples property when there a map of this nature. So, we did not hear from the town attorney as far as tonight's meeting goes. It is something that we do.

Chairman Zelek: Ok. So, that kind of brings us back to square one. The question was if we couldn't change it on someone's property, we would move it up to the property line. However, that seems arbitrary. Since we have the actual line, the commission just can't decide on it's own where the line should be. I think we have to take the evidence that's presented, the factual evidence given to us by the soil scientist. The map it what it is. As we heard from staff, there's no impact to the abutters.

Commissioner Bachand: This is just a suggestion, but why don't we just wait until someday if those abutters came before us, than they can use that same data at that time.

Chairman Zelek; Well, that's the purpose of the map amendment. It's a public hearing. The abutters should have all been notified. Correct, Chris?

Mr. Zibbideo: The have been.

Chairman Zelek; So...

Commissioner Bachand: Well, then it would require more modifications, I guess, because he's got it following the property line. So, then it would have to kind of branch off and hit the end of wherever they left off and the other end where they left off. Follow the property line.

Chairman Zelek: We had, you know, open items. What to we do with the dangling line? The actual delineations versus the proposal of following the wetland or, excuse me, the property boundary. So, my opinion is, we use the facts, we don't make up your own line. I don't think we're are liberty to make up our own line when we have a factual line that exists and has not impact to any of the abutters.

Commissioner Bachand; I would say it's just supporting, you know, documentation. But I don't know if I completely agree because he would have to draw that line again. I guess we could still approve it with that condition that you're happy with the way the final map comes out. If we chose to vote on it.

Mr. Bongiovanni: If I may Mr. Chairman.

Chairman Zelek: Mr. Bongiovanni.

Mr. Bongiovanni: The application is for a map amendment. This application is for the subject property 33 Laurel Circle. It's not for the neighboring property. So, I think it's appropriate to change it for the lot we have mapped and for what I show there and I don't think it's necessarily appropriate to change it on the Churchill Bridge property or the NIL BHR LLC property. It's a line that goes into their property. It doesn't have a closure on it. And again, it's not a application that's before this commission.

Chairman Zelek: So, Mr. Bongiovanni makes a good argument.

Commissioner Bachand: I agree.

Chairman Zelek: What do the commissioners feel about this?

Commissioner Sadil: Mr. Chairman, if I may?

Chairman Zelek: Go ahead Commissioner Sadil.

Commissioner Sadil: So, see where it says Wetland Flag 1. From that point, that's where it fall off. But if we keep the wetland line with the green line, I think we're being conservative. Are we not? That would be a conservative assessment, event though we don't have the data in hand. I think that is a conservative delineation. What's...I throw it over to the commission. Mr. Bongiovanni as well.

Chairman Zelek: Well, I think if you pull the wetland delineation back to what the soil scientists flagged, it's less impactful to the site plan, because you've pulled the wetlands away further than the property line.

Commissioner Sadil: Yes. But....

Chairman Zelek: I think that's more conservative. You're giving the property owner more room.

Commissioner Sadil: Yeah, by the blue line. But since we don't have the data, if we switch over to the green line, you are, I don't think that's the property owner, they don't have an issue with that, that that line is being conservative. North of the wetland flag #1.

Chairman Zelek: I'm not really following you as far as like how is it conservative.

Commissioner Sadil: Because usually if you follow what wetland flag 2 up to wetland flag 1, it's heading off to the northeast. Right? It's heading in that direction, would it not? Would it not? If we had data, it's sort of leaning in that direction. However, we're pulling it...anything north of wetland flag one, we're sort of pulling it to the left. Which, based on the grade, is being conservative. That's my point. Am I not? Mr. Bongiovanni? Mr. Chris Zibbideo, what do you think?

Mr. Bongiovanni: I think we're talking apples and oranges here. I agree with you, that for the map amendment Commissioner Sadil, what you're stating is it would be less impactful to leave it at the property line as we've shown on the proposed map. What the chairman's saying is, if we look at where the wetlands line is as shown by the soil scientists on the neighboring property, there's more distance to the actual work that we're going to do, so that would be more conservative in that respect. At the end of the day our entire property, based on the new location, is all within the regulated area. So everything that happens on the lot is still regulated. By taking the soil scientist line beyond our property line, it does show that we have 28 feet to the corner of the garage, as opposed to 11 feet to the property line. But at the end of the day it's all in the upland review area.

Commissioner Sadil: Now question, one final question. In between the V see where we have S22 47 0 degrees W where you have the green line on the left and the wetland on the right with the blue line. Right?

Mr. Bongiovanni: Yes.

Commissioner Sadil: What does that sliver mean? What does that new sliver mean to the...to the map then? In between that sliver, that pie slice, what is that? That is consider wetland now?

Mr. Bongiovanni: It is considered wetland now and if we are approved to change the wetlands map to the lot line, to the property line, it will still make the wetlands, according to the official map, according to the soil types, it isn't.

Chairman Zelek: And Mr. Bongiovanni, could you just clarify for me, regardless, so if the wetland line is moved to the property line, or if the wetland line is moved to the flagged line, there's... there's no gain either way. You're still completely...

Mr. Bongiovanni: Still regulated.

Chairman Zelek: In the upland review area.

Mr. Bongiovanni: Correct.

Chairman Zelek: Ok. So with that said, they're completely in the upland review area regardless of where the line goes. I say that we go with the factual line just for clarity.

Commissioner Bachand: The only problem is, is that that was never completed. So, I mean, it's just that's arbitrary. That just ends. So then you're going to say well, what are you going do? Just draw a beeline straight to the property or straight up to the corner?

Chairman Zelek: Let's ask. Let's ask the experts who do the mapping. What's the solution? What do they do?

Mr. Zibbideo: So what Mr. Bongiovanni is showing here, in my opinion, short of having the soil scientist flag the neighbor's property, the best solution you're going to come up with for this particular application, where we're holding his property boundary line, that will allow him to build his project on his property. It'll still be regulated by, you know, flood zone and upland review and conditions the applications permit. So it's the best data we've got at the moment.

Chairman Zelek: I don't know if that that answers your question. What happens to that line that that is just dangling there at the end?

Mr. Zibbideo: Nothing really happens because the new boundary will be the property line. So, yes, in fact, the wetlands are a little further into the neighbor's property, but for the purposes of this map amendment it will be a boundary line.

Chairman Zelek: But for the purposes of this map amendment, it was the actual wetlands delineation.

Mr. Zibbideo: We would have had to have more data to show where the that line goes, which I think the point Commissioner Sadil was making, but we don't have that information, so the best we can do is hold the *[inaudible]*

Chairman Zelek: And we can legally do that? Just arbitrarily decide where the wetland line is, when we know what the factual wetland delineation is?

Mr. Zibbideo: Yes. We're not affecting any other applicants. In the future should the neighboring property owner want to come before the Commission to build something their property, they'll go through the same process that we're doing with this application.

Chairman Zelek: Ok.

Commissioner Bachand: But they can use that as a starting point. This map will be filled with those marks on it.

Mr. Zibbideo: Yes.

Commissioner Bachand: Ok. So then it's factual. Then they would use that as a starting point.

Mr. Zibbideo: But they would still have to have their own soil scientists do their own work on their own property.

Commissioner Bachand: Well, we...before accepting this, then it would start at that point. They wouldn't have to redo this work. I would think.

Mr. Zibbideo: Well, wetlands do change over time, you know. That's one of the things that we have this commission for is to evaluate soil scientists work and all that goes with it. We come back to this property, you know, 8 or 10 years, and let's say that water course between the hotel and the property has changed it may not be allowed.

Commissioner Paskewich: Chairman Zelek?

Chairman Zelek: Commissioner Paskewich.

Commissioner Paskewich: Why are we on discussing this purview of the line stopping where it is? And then trying to continue it into another envelope? I'm not quite sure why we're at this.

Chairman Zelek: Did you not hear the discussion that preceded this?

Commissioner Paskewich: Yes, I did. But I'm still not sure, you know, why we're continuing this interest, that it may not be of significant value.

Chairman Zelek: Well that's why we're having a discussion to disseminate whether there is a significant value, if there's any impact, and we just determined that there's no impact. They're still in the upland review area, regardless of where the line goes. And we also just heard from staff that we can make a map amendment along a property line, and we don't have to follow the actual delineation provided by the soil scientists. We need to have this discussion so that we cover all the bases and we don't make any mistakes. Does that answer your question?

Commissioner Paskewich: Not really.

Chairman Zelek: Well, I don't know how I can make it any clearer for you commissioner.

Commissioner Bachand: Can I?

Chairman Zelek: Commissioner Bachand.

Commissioner Bachand: So the problem I see with what you're getting at is like how would you extend it? Would you just bring it at a 90° line back, you know, from the end of the delineation lineation on the neighboring property, back to the property line, or would you go all the way up to the pin in the corner? That would, you know, that could be something that's imposing something on this neighboring property that they might not appreciate or they might not accept. So that's why I think that that becomes a problem. Because the work was never completed there, because the guy just basically just wandered off because he didn't know exactly, you know, where he was there. So that's why we have those flags. So, I think that could be a problem. Like how would you do it? Theoretically you'd go up to the corner pin from the end of the last, you know, marking but the property, the neighboring property owner might not have agreed with that. They might be opposed to that. I feel that that, you know, imposed something on them.

Chairman Zelek: Ok. All right. Any further discussion regarding the property line being the wetland delineation? Commissioners online, any other questions regarding the map?

Commissioner Paskewich: Yes, I'd like to know what the conclusion is going to be to this.

Chairman Zelek: I believe that the Commission is happy that you we're going to have the wetland delineation be the property boundary rather than the actual flag delineation. Does that answer your question?

Commissioner Paskewich: Well, if that's your answer, that's all I have to have to speak to. Yes.

Chairman Zelek: Ok. So, um...any other questions regarding the wetland map? Ok. Then let's move on to the site plan part of this public hearing.

Speaker: Do we have the site plan?

Mr. Bongiovanni: I'll start for site plan portion. So, as I said earlier in my presentation, this is an existing lot of record. This property was subdivided, Laurel Circle was created in 1968. These lots were created before wetlands were created and the town, it is a lot of record. The property owner does have the right to develop this property for the purpose it was intended when it was created. Uh...we're proposing to construct a single family home with a detached garage on it. It will actually be architecturally be some, probably some connection between the garage and the actual house structure, but that's the basic position that we're proposing. It would be a slab on grade construction, um...basically because there's not great soil conditions in the area, as well as there is floodplain to the....a 500 year floodplain in the lower southeast corner of the property. So to avoid any potential problems in the future, the developer is proposing the slab on grade. It's going to be serviced by MDC sewer and water, underground electric and telephone and cable. You know, on the plan we've shown standard details for erosion sediment control soil stock pile with the appropriate silk fence around it. Silt fence around the proposed construction area, site grading and drainage and an anti-tracking mat for access during construction.

Chairman Zelek: Commissioners any questions regarding the site plan?

Commissioner Bachand: I'd just ask the engineer, because I don't have the copy in front of me, and I can't see up there. Is it? Does it meet all those side yard and rear yard and front yard requirements?

Mr. Zibbideo: I believe it does. Those lines are shown on the plan. Now this is a cul de sac, so you can see the front yard is curved. So that looks a little misleading as far as where they're located, but they're behind the front yard set back.

Commissioner Bachand: And the front yard set back would follow that curve anyway. Correct?

Mr. Bongiovanni: It does.

Chairman Zelek: So, umm...I wish the soil scientist was here because I did want to ask him if he did any testing the yard area and on the site. Maybe you could answer those questions Mr. Bongiovanni.

Mr. Bongiovanni: So we actually had the Clarence Welty Associates do some borings on the site for the subsurface conditions. There is unsuitable material in there. He's going to be designing a foundation and structural systems to support that house for this lot. It may very well be piles or micro piles or some sort of...more elaborate than a conventional foundation.

Chairman Zelek: So, I'm curious as to what the soil scientist found when he did those borings and how far down he went. Um...because we did hear from the public at the last meeting. Um...one of the abutting property owners, his house, I guess it was built in the 70's, sunk, they estimate between six and eight inches. Um...and I've read the record again, the comments from the member of the public, that the light at one time was too wet to build on and I'm just kind of curious what happened over time so that that lot is now suitable for development.

Commissioner Wemett: I'm sorry did you just say unsuitable?

Mr. Bongiovanni: There is some unsuitable soil.

Commissioner Wemett: Structural.

Chairman Zelek: Structurally unsuitable soil.

Commissioner Wemett: I just want to make sure I hear that right.

Mr. Bongiovanni: I can't speak to the historical perspective of this lot. What's happened over time. I can tell you that since we've been involved in the last couple of years we did hire Clarence Welty Associates, a geotechnical engineer that did borings, I think 25 or 30 feet. We do have a soil report on the structural integrity of the soils and the conditions of the low grade. The house won't support a standard slab and spread footing foundation. The lot would not support that. It will require some more extraordinary foundation design and that will be done by Clarence Welty Associates to accommodate this house structure. I believe the neighboring houses in the area were construction with traditional spread footings and concrete foundations. That probably should have been done differently at the time that they were built. Those unsuitable conditions may have been farther below grade than what they excavated at the time. This isn't uncommon in this section of Newington to find areas of unsuitable material. The access drive just south of this to the backside of Churchill Bridge condominiums, for years that sunk, and they had to excavate and rebuild, and rebuild that a number of times over the years. If you go further down, as it was explained to me at one, time thousands of years ago the Connecticut River ran through this area and sections of Foxborough Condominiums are on piles. There was a peat bog in that area, as well as on the other side of Stanwell Road, a large manufacturing company there was built, they started construction on the building, and it was...the foundation was failing before they started building on it. They ended up removing it and putting piles in for that foundation.

Commissioner Paskewich: Chairman Zelek?

Chairman Zelek: Commissioner Paskewich.

Commissioner Paskewich: Was that Alan Bongiovanni that was speaking?

Mr. Bongiovanni: Yes.

Commissioner Paskewich: I'd like to ask him a question if I could and you as well. What is the soil type that's proposed for the building on that lot?

Mr. Bongiovanni: The soil types that we're proposing?

Commissioner Paskewich: Well, the soil type that's been delineated on that lot.

Mr. Bongiovanni: Let me see if I have the soil report with me.

Mr. Zibbideo: So on the plan, it shows 308, it I remember, the urban land complex known as udorthent. Matt, you can correct me if I'm wrong.

Mr. Bongiovanni: Yeah, that's actually...you're correct. It's labeled right here on the plan. 308 is udorthent which is, um...made land, disturbed land. Whether this was, again, when they built the subdivision, where they put pushed off spoils and the unsuitable to this lot. I don't know what happened, but it's not original soil for the most portion, uh...for the majority of this lot.

Commissioner Paskewich: Maybe I should rephrase my question. What is the soil series type that's listed on a map in Connecticut?

Mr. Bongiovanni: So the series are udorthents. That's the type of soils.

Commissioner Paskewich: *[inaudible]*. Is it clay?

Mr. Bongiovanni: Um...it's probably a mixture of...

Speaker: Whatever.

Mr. Bongiovanni: Yeah, whatever was there that wasn't natural. It could be clay, it could be silt, it could be a whole host of different things there.

Mr. Zibbideo: Leftover grave from the road construction.

Commissioner Paskewich: Who's speaking?

Chairman Zelek: Are you done Commissioner Paskowitz?

Commissioner Paskewich: No. I'd like to know the comment that was just been brought up by another commissioner.

Commissioner Bachand: That was Chris. His last comments. He was asking who that was.

Commissioner Paskewich: I didn't hear it.

Mr. Zibbideo: Oh, Alan, that was me, Chris.

Commissioner Paskewich: I didn't hear it, I'm sorry.

Commissioner Sadil: Chris, I don't think your microphone is not on.

Mr. Zibbideo: My apologies, I do that a lot. Yeah, Alan that was me at the end there. This this urban land complex, it's a mixture of all kinds of materials. Whatever they had leftover from the road, whatever they had leftover from anything. There's no real way, short of excavating it all out, and siving it to find out what it really is and that's not practical.

Commissioner Paskewich: So you're saying it's not virgin soil.

Mr. Zibbideo: It is not.

Commissioner Paskewich: Ok. But according to a map in Connecticut for surficial, what was the soil that was there in that area originally? Do you know what I'm saying?

Mr. Zibbideo: I think you're asking what...if I was to go back and look at the original soil conservation services maps from the 50s, or even the 60s, what was there before this area was developed. Unfortunately, I didn't do my homework. I didn't look that up before the meeting. I would imagine it's not that much different from a lot of the soils along the Berlin Turnpike. A lot of Newington clay, I don't remember exactly what it's specific designation is, but we run into that a lot here in town. It's really good for making bricks.

Mr. Bongiovanni: It it may...if it helps at all Alan, the areas of the site that aren't the udorthents are Ellington silt loam, non-wetland soils and Hartford sandy loam, and that's pretty typical of this area.

Commissioner Paskewich: So, we're not speaking to Berlin soil series of clay.

Speaker: We don't have that.

Mr. Bongiovanni: Not necessarily.

Commissioner Paskewich: I see. Thank you. That's all I have.

Commissioner Bachand: I just want to point out that we're talking about two different type of soil samples that...I think Alan's referring to the wetland soil samples, but when they're doing borings, correct me if I'm wrong, we're not talking about that, we're just talking about structural suitability in brick. We're talking about much deeper in the ground than a soil scientist test.

Commissioner Paskewich: Yes, John, you're right. I agree.

Chairman Zelek: So, Commissioner Wemett just asked me why we don't have this in our pocket or our packet. Is this the new modified map?

Mr. Zibbideo: No. This came out in October...

Mr. Bongiovanni: This is the original site plan.

Mr. Zibbideo: There was a packet in October.

Chairman Zelek: This is the original site plan.

Commissioner Bachand: But nothing changed except that moving of that line.

Mr. Bongiovanni: Correct. If I could refresh Commissioner Bachand's uh memory. At the first meeting when we're talking about, going back and forth about, the, um...having to change the wetlands map, whether it was required or not. And Commissioner Bachand was an advocate for doing a map amendment, I believe your words were "Well the site plan is a slam dunk. It's just a matter of the technicality here."

Commissioner Bachand: I still agree. I mean, we agreed with your soil scientist that that was no longer a wetland. That's why I said that. He's...he did his work for a map amendment.

Chairman Zelek: So, um..

Commissioner Bachand: So, may I just add one more thing?

Chairman Zelek: Go ahead.

Commissioner Bachand: So, I mean, as far as the structural stuff goes, we have to rely on engineering and building department. That's not really our purpose. So, you know, there was compelling anecdotal evidence from that neighbor. I...I wonder if that's possible that...that's why I asked if it was the garage floor that settled or the actual foundation that settled because that'd be pretty extraordinary for foundations to settle, because I think our foundations are usually so well overbuilt, but you seem to acknowledge that a conventional foundation wouldn't work here. So, again, we're not we're not claiming the suitability of the of the structure itself, just on the wetland issues.

Chairman Zelek: Yeah, so going back to the soil types and the wetlands and the history of this. My concern is...where I was kind of curious, is there, you know, perhaps when soils beneath that fill, you know, is there a water table there that could impact the wetlands if there was contamination on the site, could it potentially leach into the wetlands?

Mr. Bongiovanni: So, when Scott Stevens did his analysis of the soils and his inspection in the field and his spade and or borings, he took his samples up to 3 foot in depth and that is the standard requirement for their analysis. Beyond that is beyond the scope of soil science. If there's groundwater, as there is under most of us, including the town hall where we sit right now, uh, that's not considered a wetland. That's groundwater.

Chairman Zelek: Ok...

Mr. Bongiovanni: And we believe..

Chairman Zelek: That's the answer I wanted to hear.

Mr. Bongiovanni: Yeah. We believe there's ground water here, you know, and that's why we're not putting a basement in there. Why introduce potential problems.

Chairman Zelek: Right. So the Commission is aware of the suitability concerns, but it is out of our purview. So let's go back to focusing on impact to the wetlands. If this is like a standard yard, what's going to prevent, say herbicides and pesticides, from entering the wetlands?

Mr. Bongiovanni: Well, I don't know if you've, Mr. Chairman, had a chance to look at this? It looks like a park. The neighbors have maintained this as a law. Other than the tree area back there, it's probably been fertilized and pesticide since the first house was built there. We don't expect the occupants of this house to do anything different than the average homeowner does in the town of Newington. I know

on more sensitive projects, we've talked about how we're going to restrict pesticides, herbicides and nitrogen from entering the wetlands. I don't know that the town's ever come up with a regulation or a standard to do that. But, again, it's a single family residential lot. It's going to have less lawn area after it's done. So there's potentially the opportunity for less pesticides, herbicides.

Chairman Zelek: But, you know, to counter your point. Just because they've been doing that, doesn't mean it's the right thing to do, and if there's ways to prevent that from entering into the wetlands I'd like to have that put out. You know, I'd like to ask you to propose some type of solution that would prevent the pesticides and herbicides from entering the wetlands since they do border your property line. It looks like the entire east side of the property is encumbered by wetlands. I would like a proposal as to how you would prevent those chemicals from entering the wetlands.

Mr. Bongiovanni: So we can be happy to work with staff to establish a planting regimen along that area for plants that are naturally conducive to uptake of nutrients and help pretreat the runoff of surface runoff. It's typical to rain garden plantings, things like that. I wouldn't want to put a an excavation or create a depression in the ground there, because I think that could just create an issue for mosquitoes in the future. But I think we planted a row of some of the ornamental grasses and things along that property line to help filter that out, I think that would be a positive.

Mr. Zibbideo: Paul would be my resource for that.

Chairman Zelek: All right. Is that a condition that we could add?

Mr. Zibbideo: Sure.

Chairman Zelek: Could you, uh, draft something up real quick for us? Commissioners, any other concerns with this?

Commissioner: Well, just the concern that you had, I can't see the numbers in the contour lines. I'm sorry. My eyes aren't that good. Which way? Which way is the ground? Is it flowing the water? Is it going towards the road or towards the wetland?

Speaker: It's going from the west.

Commissioner: Ok. Thank you.

Commissioner: And also south, I think. Too.

Commissioner: Yeah, I haven't had a chance...

Mr. Bongiovanni: So the elevation here is...

Commissioner: Ok. Oh, I see it

Mr. Bongiovanni: 116, 14, 12, it goes this way down to the south.

Chairman Zelek: So, since the water does flow towards the wetlands, we are saying it is heading easterly across the property.

Mr. Bongiovanni: Yes.

Chairman Zelek: I think it would be prudent to try to come up with some type of measure to prevent any type of chemicals from entering the wetlands. Any other comments or questions from commissioners?

Commissioner Sadil: Chairman Zelek, if I may.

Chairman Zelek: Commissioner Sadil.

Commissioner Sadil: Thank you. On your map here, talk about the limit of flood zone over on the right here. How does that affect things or what is the concern there or how could that impact the wetlands?

Mr. Bongiovanni: Um, yeah, that's...so that's the limit of the 500 year flood. Uh, the 0.2% chance of flood reaching that level every 500 years. You could potentially have water rise to that level in this watershed. Um, it doesn't really affect the wetlands. That would be inundation from a storm. Not permanent or long term water sitting in that area.

Commissioner Sadil: Um...next question about the tree line, the proposed tree line versus the existing tree line. Can you go over an explanation for that? What's? How is that going to be altered, the before and the after?

Mr. Bongiovanni: So we're not proposing to change the tree line. All the work that we're proposing is going to be done in the current area that's lawn. Uh, the trees are going to remain as they are.

Commissioner Sadil: Ok. And the other plantings would be north of that, I see the squiggle line, it would be sort of northeast of that where those trees are, where the tree line is.

Mr. Bongiovanni: Correct.

Commissioner Sadil: Thank you.

Chairman Zelek: Any other questions, concerns from commissioners? All right, seeing none, we'll move to public comments, since this is a public hearing. Any member of the public wishing to comment on this application can come forward at this time. All right, seeing none in the room. Anybody online?

Mr. Zibbideo: We do have one attendee on online, but he does not have his hand raised.

Chairman Zelek: All right. If there's an attendee online that would like to comment on this application, they can raise their hand. Still nothing?

Mr. Zibbideo: I'm asking him to unmute. He apparently does not wish to speak.

Chairman Zelek: Ok, then we'll close public comments on the public hearing. Commissioners, anything else before we close the public hearing?

Mr. Zibbideo: Would you like to hear a proposed 11th condition?

Chairman Zelek: Certainly.

Mr. Zibbideo: Applicant to work with staff to design a planting schedule to mitigate chemical infiltration onto the property to the south and east of subject parcel.

Chairman Zelek: And can we add that such plantings will be maintained in perpetuity by property owner?

Mr. Zibbideo: Sure.

Chairman Zelek: Sure.

Chairman Zelek: All right. Anything else, commissioners?

Commissioner Paskewich: Not here.

Chairman Zelek: All right. Can I get a motion to close the public hearing?

Commissioner Wemett: So moved.

Chairman Zelek: So moved by Commissioner Wemett. Second by...?

Commissioner Paskewich: Yes, by Commissioner Paskewich.

Commissioner Morris: Second.

Chairman Zelek: Second by Commissioner Morris. All in favor of closing the public hearing say aye.

Commissioners: Aye.

Chairman Zelek: Any abstentions? Any opposed? All right. It passes unanimously. Then we'll go on to discussion. Commissioners, anything else you want to discuss before we talk about the motion?

Commissioner Bachand: Move that up to uh...

Chairman Zelek: Oh yeah. Should they actually do that under old business? Closing the public hearing.

Speaker: You want to move it up?

Chairman Zelek: Um, I don't want to change the agenda, it's too late for that. All right. So we'll continue discussion when we get down to old business during this meeting. All right uh, we'll move on to public participation on non-agenda items.

## VI. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

(each speaker limited to 2 minutes)

Chairman Zelek: Any member of the public wishing to speak, please come forward. Seeing none in the room. Anybody online wishing to speak Chris?

Mr. Zibbideo: I do not have anybody with their hand raised.

Chairman Zelek: All right. Moving on to new business. Application IW-25-18: To extend parking lot approximately 180 feet and add a retaining wall at the southern portion of the existing parking lot into the historical "pad site" at 2929 Berlin Turnpike in the PD (Planned Development) Zone. Applicant: BSC Group Inc., Contact: Frank Vacca, Owner: Berlin Turnpike 2929 LLC. (Application Rec'd 11/11/25)

## VII. NEW BUSINESS

A. Application IW-25-18: To extend parking lot approximately 180 feet and add a retaining wall at the southern portion of the existing parking lot into the historical "pad site" at 2929 Berlin Turnpike in the PD (Planned Development) Zone. Applicant: BSC Group Inc., Contact: Frank Vacca, Owner: Berlin Turnpike 2929 LLC. (Application Rec'd 11/11/25.)

Chairman Zelek: If the applicant is present, please come forward and state your name for the record

Frank Vacca: Good evening ladies and gentlemen. For the record, my name is Francis Vacca, from BSC Group in Glastonbury CT, located at 180 Glastonbury Blvd., Glastonbury. I also have representative, Matt Gustafson, from All Points Technology, he is a soil scientist located in a Waterbury. We are here on behalf of Doro Restaurant Group and State Point Properties for the parking lot extension at Casadore Newington. You have seen us here before, this essentially is the similar presentation that had been presented in previous meetings, but we have this evening additional information to try to answer the questions that had been left at the last meeting, at the meeting where we were denied. Again, we are here to respectfully request the approval, under Section 10 of the latest Newington Wetland Regulations, for the installation of parking lot extension, south of the current restaurant parking area. And this evening I'm again going to try to focus on those questions that were left, and in particular have Matt present as well, and assessment which was one of the main points of the request from the Commission in previous meetings. Again just to familiarize everyone, Casadore is the former Bertucci's located at 2929 Berlin Turnpike. The focus of this is the pad site that is located to the south, it is a grassed area right now, well right now, it is actually, a it is a temporary parking area and we are proposing a larger parking lot in this general vicinity. Again the red line identified here is essentially a berm that has been installed and this larger portion here is currently a gravel lot that is temporary parking. The lot size is 3.56 acres with an almost 7,000 square foot building and 109 existing parking spaces which meets the parking requirement

for the restaurant. Again what we are proposing, there has not been any substantial changes to the layout of the parking, the wall, or any of that, we've provided some additional information on the plans to answer some of those questions and again we have the assessment from Mr. Gustafson. Again parking lot we are proposing to replace 47 spaces, and we are adding 150 additional spaces for a total parking count of 211 spaces, utilizing some of the regulation requirements to allow for compact space sizes and so on in accordance with the Newington regulations. Everything is essentially what has been presented in the past for the site plan, but we're just providing, again, additional information as per the commission's request. At this point I'm going to turn the presentation over to Matt to go through the wetland assessment, one of the main components of the request from the Commission in previous meetings.

Commissioner Bachand: Nothing changed structurally.

Mr. Vacca: Nothing changed structurally. No.

Matt Gustafson: Thank you Mr. Vacca. Again, for the record, Matt Gustafson, registered soil scientist with All Points Technology. So, um, I want to present some of the summary of the wetland assessment that has been provided in the application package. I'll start with a discussion of the lone wetland that is located on and adjacent to the property, which consists of the perennial water course that drains north to south along the western edge of the subject property. It generally consists of a very well confined and incised historically, artificially channelized stream system about 5 feet wide with a sandy rocky bottom. The banks of the resource are entirely filled consisting of filled edges consistent with the channelized resource. There's portions of that bank that have been historically armored with rip rap material, those extents are primarily located along the southern and central portions of this resource. There is an existing retaining wall that is off property on one of the south western lots, that also provides direct... the direct bank to this resource as is condition of a resource like this. The perennial water course has been historically and routinely heavily impacted, there is large amounts of debris, litter, shopping carts, curbing, pretty much if you can think of it it's probably you could probably find it in here. The vegetation does...there's some complex vegetation um as the stream greens from north to south, northern stretches do you have some edge forest, primarily with an over story of Red Maple, American Elm, with a few scatterings of Cottonwood and your typical Norway Maple that you find in disturbed edges. As you move farther south where there has been more recent development in proximity to that retaining wall, you do have more of a scrub shrub emergent habitat composition that's heavily dominated by jewelweed, purple loose strife, and your common reeder, phragmites as it is commonly known. Multiflora is present throughout everywhere on the state, but also here. As part of our assessment of the wetland, we did perform a wetland function and value assessment that's consistent with the Army Corps of Engineers methodology. An assessment of this wetland one (1) found that this wetland really only supported the groundwater discharge function and because of the high levels of impact that really only supported this function at a secondary level. For those unfamiliar with the methodology and how it's done, it's based on several different parameters. There's a bunch of...many different functions and values that wetlands can provide, and depending on how many active, you know, how many items that that wetland can support within that function or value, it is given either a tier rating of principle, which is the highest, or secondary, or none at all. So in the case of this wetland, again the only function that this provides at any level is the groundwater discharge and recharge function, which in this case is at a secondary level. The other functions like flood flow alteration, nutrient retention, sediment transformation, production export, wildlife habitat; all those other functions are not supported by this wetland and it's primarily or it's entirely because of its anthropogenic nature, it being channelized perennial water course is being heavily influenced and impacted by the surrounding development. Really diminishes the potential for the wetland to support any of those other functions at any critical level. For those that can see the image on the screen, that is a picture of the watercourse in question, somewhat to the central, well to the southern half right before the bend of the wetland within the kind of the edge of the western property limits. There's...we've also provided a discussion of the upland buffer habitat. Those areas that are located along the interface between the existing gravel lot to the west, and to the south, and this wetland, primarily consists of transitional edge

forest and scrub shrub habitats. This is a very narrow feature, nearly a single wind row of trees, pretty consistent with areas like this, heavily dominated by things like Norway Maple, Box Elder with some Ash in there. That's typical of ash species in in this region, Ash does not do very well in this region so they're primarily dying out along those edges. All the trees are pretty heavily stressed between the dominance of Asiatic, or the,

Speaker: Emerald bore. Is that...

Mr. Gustafson: Yes, certainly, I mean because of the trees and the Nexus for pests and pathogens they're all routinely stressed. They're not offed protection by other trees, so you have things even like wind shear that you know as trees move around, they hit against each other. All those things provide stress poor soils, since these are all filled soils. Fairly zeric, they don't have a good hydro regime as well. So all the trees are fairly stressed, they're not doing terribly well. Norway Maple, being an invasive species, happens to be doing better than the other ones, they're more tolerant of these conditions, however, and again the bittersweet is climbing up over these trees, like they do everything else in the area, which is just compounding that stress. The understory is almost entirely dominated by invasive species, uh, things like honeysuckle, multiflora rose, there...autumn olives are pretty prevalent in the understory, there is almost complete lack of native species in the understory. Because of that you know this buffer is really not providing too much of a value as, you know, a wetland buffer to the resource. There's some shading potential, but because this is largely a warm water stream largely due to the number of stormwater inputs to the stream, the typical functions shaded buffer provide in cooling stream are really immaterial here. The water is already plenty warm from all the stormwater inputs from all the surrounding developments, so the shade value is pretty diminished. Any sort of your other kind of values provided by an upland buffer in the form of kind of nutrient removal, or sediment removal, or those things of that nature, it's pretty limited opportunity, again because the stream is so already impacted and routinely gets inputs from storm water from the surrounding landscape, the buffer is really not capable of providing any sort of significant function for those, for that capacity. So I'll briefly go over this, because I know you guys have already spoken about what the impacts to this resource are from a regulatory standpoint. The project is not proposing any direct wetland impacts, there are impacts to the upland review area, totaling about thirty thousand square feet. As far as it impacts to the function, the value of this wetland, we obviously are proposing a retaining wall in close proximity to the wetlands, however, considering the existing banks of this resource are largely filled material, it is my opinion that the introduction of a retaining wall over that, you know, that fill material, does not substantially change the function and value that this wetland will provide pre versus post development of the proposed project. Again, the sole function of this wetlands provides in a groundwater recharge is not going to be diminished by the addition of a retaining wall in these locations. We are, because of the sense of the proximity to the wetland, we have provided some additional, and this is probably the sole area of new changes to the site plan from what you guys have seen previously. We are proposing a wetland protection program, while the wetland is already degraded, and we've gone over that in detail, we certainly do not want to be adding to that degradation in a significant capacity during construction. So to mitigate for that, we are proposing a wetland protection plan which includes monitoring during construction by a wetland scientist to ensure that the plan is being met as it's proposed. That all the ENS controls that are proposed are being installed and maintained throughout during construction. That there will be a spill prevention plan, as well, to ensure that there is no accidental releases. There's contractor training portion of this as well, that happens prior to the start of construction to make sure that all the workers on site are aware of where the wetlands are, what the limits of the disturbances, and to ensure there's no, again, accidental impact to the wetland that's unintentional. We also are proposing some enhancement measures along that new interface at the bottom of the retaining wall. Previously there was, as already specified, some seed mixtures, some native seed mixtures, specked out by New England Wetland plants who provide seed mixtures that are not only natively sourced but genetically sourced, locally sourced as well. There is the restoration...a wetland restoration mix that is suitable for wet sites, as well as a showy wildflower mix for the higher sides that are not quite as wet. In

addition, we're proposing live staking on about 3 to 4 feet on center at the base of the retaining wall to enhance that interface with a combination of Woody Willows and Dogwoods likely a complex of Pussy Willow, Bend Willow and Silky Dogwood would be the likely species depending on time of year and availability of nursery stock. So I believe at this point I'll hand it back to you Mr. Vacca. Thank you.

Chairman Zelek: Don't go anywhere yet make Matt. You use the word perennial to describe the water course.

Mr. Gustafson: Yes.

Chairman Zelek: So, what does that mean?

Mr. Gustafson: So, in the state of Connecticut, streams are identified as two different, in two different classifications primarily, perennial or intermittent. Perennial means that most years, that has year round flow. Intermittent means most years it will dry up for periods of the year.

Chairman Zelek: And then the primary function again, um, did I hear groundwater discharge or was it stormwater discharge?

Ms. Gustafson: Ground. So the core, how they...the technical terminology groundwater recharge discharge which is two different capacities that are kind of lumped together. One being the ability for a wetland to provide water to the aquifer and the other being the opposite, the ability for an aquifer to recharge the wetland area. In this case this isn't really a seep wetland, this is a water course, so there's some capacity of, there's a lot of water here. It is eventually discharging. It is feeding another wetland on the other side of Berlin Turnpike, so it does have the ability to kind of recharge that wetland. But again, because of the diminished capacity of this wetland, that's why it's not being considered a principal function, but that is what that term means.

Speaker: So, it's not feeding that.

Chairman Zelek: That's right, it's coming from right. It's just the opposite of what you said.

Mr. Gustafson: So there's another wetland on the other side as well. So this continues to flow underneath Berlin Turnpike, as well. So it goes, comes in, and then discharges as well.

Chairman Zelek: So if we go to figure 2, your wetland resource map...

Mr. Gustafson: Yes.

Chairman Zelek: Well, no, I need this larger. This was in...

Mr. Gustafson: Yeah, there's an image here there's just a cut out of that but...

Chairman Zelek: There's figure 2, but there's also figure 1 which I'm going to reference, so if you want to have that ready.

Mr. Gustafson: Is that the map you're looking for?

Chairman Zelek: Yep that's it. All right. So to the east of the Berlin Turnpike there's a large viable wetlands of several acres...

Mr. Gustafson: Right.

Chairman Zelek: And that's where this water, I would say it's the headwaters, that's where that water is being discharged from and going along that water course now heading north and then it crosses, I believe that's Louis Street, and continues up to a second large wetland. So we have two large wetlands that are very viable in this town and this is the primary water course which connects those wetlands. So, as I expressed in the prior application, we're kind of taking a myopic view of this wetland, if we only look at it on this property, and don't pull back to the larger map where it is used to connect these two wetlands together. So, although the quality of it, you know, locally may not be high quality, um, it is an important

waterway that connects two viable wetlands. So my concern is that it has to be protected so that we don't get contamination etc. going into that water course, you know, as the water flows from one viable wetland to another viable wetland. So again, you know, when you show those photographs of the stream and I see all that vegetation, I hear you say, you know, it's invasive species, but they still are providing a function of protecting that water course. Are they not?

Mr. Gustafson: Yeah, yeah, and if I may. I would agree that assessment. You know, this is obviously an important conveyance, you know, is how I probably term it between those two wetlands. I would make the point, or in my professional opinion, that you're correct, the plants are providing some ability to attenuate the soils in that area, um, these plants being shrubs and trees are, you know, typically the types of plants and the type of habitat that are best at retaining pollutants, sediments are those that are densely planted, things like emergence, dense scrub shrub. This being a fill slope that is largely trees, the primary capacity of that vegetation is to retain those soils, to retain that slope. Your biggest potential impact to this resource is losing that slope. If it washed out sediment, the stuff that's in the sediment, all draining into the wetland and then eventually, as you made your point, going across Louis Street into another higher quality wetland. This application is proposing a retaining wall, which also, you know, kind of maintains the limit of where the fill is, does not, you know, it does not impact, directly impact the wetland, it mimics that function by retaining those soils. In addition, through, and Mr. Vacca can probably speak to this, you know, better than I can, the improvements to the drainage conditions on the site will actually, will likely, result in improvement in the ability for things like heavy metals, hydrocarbons associated with cars that are going to be parking on there, to be filtered out as part of that plan over the vegetation that's currently present. So, to your point, plants are important, but plants are not all made equal. The plants that we have out there currently don't really provide a significant function, in kind of filtering out the kind of pollutants that you typically would get in a in a system like this. and if I...if I may, one additional thought on that the proposed plantings that we are proposing at the bottom being willows and the conservation and wetland seed mixes, those are the types of species that are very good at filtering out those types of pollutants and sediments. There's going to be densely planted or those species, the willows and the dogwoods, they're pushy species, they're very tolerant of these sort of impacted areas, they're very good at retaining bank stabilization and establishing in these types of zones and the seed mixtures that are proposed in addition, that will create those kind of emergent densely planted areas that are better suited for filtering out these kind of contaminants.

Chairman Zelek: Ok. Commissioner Bachand.

Commissioner Bachand: Yeah, I mean, I'm disappointed that there's no structural changes, because my concerns are more with the degree of encroachment, which we're talking about 80% of the buffer. I would call that a Nexus, you're calling it a drainage ditch, it's kind of demeaning, I think. I know it's dirty, but it is an important Nexus between two viable water bodies or wetlands. So, I'm, you know, it's definitely a corridor for wildlife traveling between them and you're wiping out the majority of that buffer and I'm not comfortable with that at all. I'm telling you right now, I'm disappointed when you said there was no structural changes. My concern wasn't for the water quality so much as it was for that that extent of that encroachment into the buffer. And I was there today and looking at it, and I asked this question I don't know if you were able to get me an answer, I asked what's the amount of fill because this is basically a wetland filling permit is what you're asking for, because I was looking at it today, it's clearly hundreds of cubic yards, but potentially thousands of cubic yards that you're going to have to bring in there go to level. So did you get an answer on that? And then I would ask the engineers, there's some ...there's some degree or some level that I know mining is strictly regulated, it's for stripping material output, is there any regulation for the amount that you could bring into a site?

Mr. Zibbideo: Not that I'm aware of.

Commissioner Bachand: A trigger point or something like that. No?

Mr. Zibbideo: No. The only....

Commissioner Bachand: It's massive. It's a massive filling operation.

Mr. Zibbideo: Sure. The only concern we would have, is that this wall, when it's designed, have an adequate foundation to support that material it's retaining. As we discussed the last time this application came through. At this stage in their planned development, they won't have that level of engineering, that's something we will review through the building permit application that will come with this. You know, how they're going to make sure this foundation stays put.

Mr. Vacca: I can...and I can answer more of that question as I go through the remainder of the presentation and we can obviously continue this discussion.

Mr. Gustafson: If I may just answer the wildlife question since it was asked and before we move on. To your point on this being a wildlife corridor, you know, wildlife is obviously a very broad term, about which species that are potentially being talked about. In the case of the species that are potentially using the water course itself, those species would not likely be impacted...

Commissioner Bachand: I'm not talking about the water course, I'm talking about the two wetlands. So, traveling between the two wetlands.

Mr. Gustafson: Yeah, there are going to be species that are going to be using the aquatic portion of this corridor and there's going to be species using the terrestrial, portion of this corridor. So, where I was making the point before, those aquatic species that are using this corridor are not going to, you know, not be expected those would be impacted by the proposed project, those potentially using the terrestrial corridor, are pretty heavily developed to withstand, they're using a corridor that's already heavily developed, these species are adapted, they're used to dealing with an urbanized scenario, we're not talking about there's certainly no listed species that are recorded in this area, review of the natural diversity database, not determine there's any listed species that are here so we're not talking about sensitive species that are, we're talking about generalist species that are used to living and walking and utilizing these areas that's high levels of human interaction and influence nearby, and in that regard while we are removing some of that area, and maybe a large portion in this kind of localized area, though that kind of you know utilization of this corridor would largely go into uninterrupted. What you're really going to be using is, you know, the species expected to be using this area or using the aquatic portion of it which is not going to be directly impacted.

Commissioner Bachand: Well, we're going to be, you know, forcing them to walk across the parking lot at Price Chopper or whatever it is there.

Mr. Gustafson: Yeah. Frankly, so when I did this inspection originally, you know, there's, this area as you may, expect it's very small in nature already. It's already heavily fragmented. The species that you're seeing in here are things like raccoons, chipmunks, some heavily urbanized birds, starlings, things of that nature. Species that, you know, are not going to be heavily impacted by any sort of domain.

Commissioner Bachand: Beaver, which we don't really want to promote. Uh, bobcat, we have bears, deer, all kinds of...

Mr. Gustafson: Yeah, so again, so beaver, you know, again they're using that aquatic interface largely. Beavers that are moving, or juveniles that are looking for new areas to have a date they would still be able to use this uninterrupted, again where there's no direct impact to the wetlands, the water course is going to function the same before as it did after. Those other species frankly not using something like this. There's no ability for that, you know, the culverts on either side are not suitable wildlife crossings for any sort of large mammals or anything of that nature. Even something like a deer is not able to be using this. I mean we're talking about fill slopes that are really, you know, I had to come in at the top, I walked to the middle of the stream to do this delineation because there was no ability to walk on the edges of this resource there. This is fully a channelized in between two very steeply sloped fill soils, so yeah, those

species that, you know, we talked about. The large mammals, the sensitive or you know the furries in the floppies, as I call them, they're really not using these areas all that consistently, you know the smaller mammals will be using this area. You'll see squirrels in here probably, you'll see chipmunks, raccoons will wander in here after they've come, you know, probably dumpster diving at one of the various dumpsters and they may be using this for cover, but certainly those species are not terribly imperiled, not they're not important, but they're certainly a multitude of habitats that, you know, if there were some minor dislocation that they could, you know, they could very easily adjust to that.

Commissioner Paskowitz: Chairman Zelek.

Chairman Zelek: Uh, Commissioner Paskewich.

Commissioner Paskewich: Yes, I'm listening to these conversations about wildlife and movement and disruption that could occur, and there has been more disruption that's been occurring in our town of Newington, as I see bears in my neighborhood crossing the street in front of my car. So no one can tell me that there's not disruption in a stream bank or place of this concentration where animals move and thrive of habitat. They're being impacted, and they're moving in our neighborhoods now, because it impacts on these types of significant overreaching in wetlands and I have a concern with that now. I'm listening to both sides of the story, and I, you know, I feel we're going to look closely at everything we're looking at. Thank you.

Chairman Zelek: Thank you, Commissioner Paskowitz.

Mr. Gustafson: Yeah. I mean that that's a fair point. My response and my assessment of this area would be that those sort of impacts that that are being talked about there, have already happened to this wetland as the wetland has already been fragmented. There's already development up to the bank edge on a majority of the wetlands, so that that impact, that fragmentation, the habitat fragmentation that you're talking about, that is pushing wildlife out is really already happened as wetland, any additional, you know, and I'll say minor because of the amount of that's you know by comparison of what's already happened to this wetland of what's being proposed is fairly minor in the context of those wetlands landscape is not going to significantly degrade this wetlands habitat connectivity to other wetlands. Again the ability for the wetland to convey both aquatic wildlife or water between those wetlands is largely going to be uninterrupted.

Commissioner Paskewich: Well, that's fine for you to say, but, you know, wildlife don't think like you think. They try to you know, continue their habitat and breeding within the means of where they are and if they have to keep moving out it's not it's not conducive to the neighborhood of our humans and that's what I'm seeing here not just for this site or any site that you're speaking to, I'm not against the site or what you're trying to do, because we have to be trying to think beyond the package of what we're doing to reduce the habitat from dying off and not knowing where to go. Thank you.

Chairman Zelek: Thank you Commissioner Paskewich.

Commissioner Bachand: Can I just piggyback on what Alan said?

Chairman Zelek: Sure.

Commissioner Bachand: I would say that that's the last opportunity that they have for a corridor. It has been heavily impacted; I said that before. It's been degraded and impacted already, but we're talking about moving considerably, you know, within what 5 feet of it. Reducing it to, you know, to almost nothing so. And I would disagree, you said it's like a single row of trees, it's more than that, it's considerably more than that.

Chairman Zelek: So, I do want to agree with a comment that Commissioner Bachand made, um, that I'm also disappointed that the plan itself hasn't changed. That the retaining wall is still where it is. I was hopeful that I was going to get a new application, with the retaining wall moved back 10, 20, 30 feet

away from the wetland. Some kind of compromise is going to be reached and you know we could move forward but I'm seeing no changes at all to the site plan. So far, all I'm hearing is, you know, the soil scientists report and Matt I do have another question for you um regarding your inventory of the vegetation. Are you familiar with the difference between the Eastern Cottonwood and the Swamp Cottonwood?

Mr. Gustafson: I am not.

Chairman Zelek: In the town of Newington, we have discovered this Swamp Cottonwood and it's apparently a protected species, and I know cottonwoods are very common along these types of wetlands. I want to make sure that you go back and take a look and make sure that there are none of these swamp cottonwoods in this area. I keep hearing over and over that there are cottonwoods here, but I want to make sure that, you know, we're not destroying the protected species. And again, I am going to echo the concerns of Commissioner Paskewich and Commissioner Bachand regarding this terrestrial corridor that's being lost to wildlife. I do believe that they need that buffer area to transit between these wetlands. I'm sure that corridor is being used by wildlife.

Commissioner Morris: Just to...

Chairman Zelek: Commissioner Morris.

Commissioner Morris: In reviewing this new application, it struck me that on the last application, uh, I think the biggest concern was the encroachment on the buffer area, and I was just surprised that I didn't see anything to mitigate the encroachment on the buffer. I would think that a new application would have addressed that as a major point.

Chairman Zelek: Thank you Commissioner Morris. Commissioners online. Any questions, comments so far regarding...

Commissioner Sadil: I have a question.

Chairman Zelek: Go ahead Commissioner Sadil.

Commissioner Sadil: Yeah, and I echo some of the comments already made, but we can accentuate the negative here, Mr. Gustafson, I realize, but when you're showing your own photos there at the beginning of your presentation, look at the canopy, you know, that's what little I know of wetlands, canopy is good and there's going to be none of that here basically we're going to maybe a few feet of grass and some bushes and that's a dramatic change to what's there today. Would it not be? And that's what I greatly fear, there's a big, you've got to move a lot of material, you've been saying in your presentation heavily sloped, you have to go in there with the caterpillar, tractors and dig out that dirt to make a foundation for a wall. I don't know how high it is these days, it keeps changing, but I am concerned. Yes connectivity is the word here, but it's going to look radically different to what it is today. We're not going to have any height, or anything that shields, that's the one positive I see in that water course, that we've exceptional canopy of that of the water course there and that's going to be...and I look at your blueprint C1 and C 1.1, it's basically going to be wiped out. Is that not true, Mr. Gustafson?

Mr. Vacca: Commissioner if I may finish the presentation to kind of speak about a number of these things.

Chairman Zelek: Any anything else Commissioner Sadil. Mr. Vacca would like to respond.

Commissioner Sadil: I'm good.

Chairman Zelek: Go ahead.

Mr. Vacca: Very good so and there were some additional questions in previous meetings with regard to the impacts specifically with, you know, the height of the wall, fill associated with the wall and other items associated. So to provide some clarification to this, if you look at this current plan, there's a

section view in red that I've identified, so rather than a generic detail which was originally provided, we've provided an actual detail that is specific to this site, this is the worst condition associated with it meaning that this is the maximum height is 14 feet, this is an example of the a worst case scenario in this case. And some of the items I would like to point out on this, which are significant, are the types of walls that we are examining for this, have a very small foundation footprint, because the wall itself is self supporting. As the wall gets constructed, there's additional tiebacks that get installed to hold it up, so you do not need a mask.

Commissioner Sadil: Excuse me, Sir, I can't see if you're presenting. I can't see it. I'm sorry for the interruption, but...

Mr. Vacca: Oh, I'm sorry, I'm...hold on one second.

Commissioner Bachand: It's in red. It's on page C2.

Mr. Vacca: I'm presenting the wrong screen. Give me one moment. I apologize.

Commissioner Bachand: C2-2.

Mr. Vacca: Let me go back one. I'm going to start that minor part one more time, because I was unaware that I was not presenting the correct screen. Again, what is identified here on this plan the Red Arrows identify this section view at the worst case scenario for the height of the wall, we originally provided a generic detail, identifying how the wall would be installed, what is being proposed. So this is a view, right, yes and you can actually see the view. This is a view of the wall and what I'd like to focus on with regard to this is the small, the smaller foundation area. The way this wall is the way the walls we are examining to be installed here are self-supporting, so as the pieces of the wall get installed, there's supports that basically hold the wall in place. As a result of that, the foundation for this is actually rather small in relation to the wall size itself. The impacts at the front portion of the wall here are actually we have it identified on the plan as five feet. We actually, this is actually less, I believe this is about four feet here as far as impacts associated with the wall installation. So the wetland limit, which is not the water course, that is the wetland itself, still has this span associated with here and we're looking at about 25 to 28 feet or so, prior to disturbance where we will not be impacting any of the vegetation in this area. The tree that is identified here, is an approximate 20 foot high tree, which is a general mid-level size of a tree in this area, so the screening from the parking area from the Price Chopper will be, and again this is not fully screened, it's basically what is available as far as screening existing in the corridor which will be remain, which will remain. We are not removing any of the wetland or any of the corridor associated with the area that you traverse. Yes, we are filling portions of the upland review, and the amount of fill and again this is the worst case scenario here, this is a small portion from a height perspective of how much the wall is going to impact. The average height of the wall is approximately 8 to 10 feet tall, but it will go all the way down to zero on the edge of the wall. The highest point here identified, I go back in my plan, identified here is the 14 feet.

Chairman Zelek: Is that profile picture in the...

Mr. Vacca: Yes, it's provided in, yes it's provided on I know Sheet two or, I can't remember exactly. I provided additional...I provided additional clarification for the presentation with the trees and so on. I'm just...the section just identifies the wall in the wetland limit, and I can definitely provide additional information this, this, the image as identified here. I do not have an exact calculation on the amount of fill material Commissioner Bachand, however, this is not all, it looks like a lot. It is...the amount of slope that is being filled here is this tapers up and connects, and there is there is actually not a substantial amount of fill import for this area. It appears that it is, but it's not.

Commissioner Bachand: When you go to the site, it's a giant hole. You build the wall down there and you're going to see this giant hole there that you're going to have to fill. I'm just curious what the number, is but I'm sure it's in the hundreds of cubic yards, but I was thinking today it could be in the

thousands of cubic yards.

Mr. Vacca: I would not imagine it being the thousands of cubic yards.

Commissioner Bachand: Look at it. Look at your lines. You're trying to get up to the parking lot level now, you're not going to lower that parking lot. Correct?

Mr. Vacca: We are not lowering portions of the parking lot no.

Commissioner Paskewich: Chairman Zelek.

Chairman Zelek: Go ahead Commissioner Paskewich.

Commissioner Paskewich: I'd like to go back in history a little bit on this land and what was on that land prior.

Chairman Zelek: Can you hold that until Mr. Vacca is done with the retaining wall?

Commissioner Paskewich: Ok.

Chairman Zelek: Ok.

Mr. Vacca: I've provided, obviously these are not renderings of what this wall is going to ultimately look like, but I'm providing this as examples to highlight a couple of points. Those points being, this wall has been installed after the installed of the edge of the roadway and I'm highlighting the fact that there is, it is possible for us to install a wall such as this and not impact anything that it directly in front of that, which I know was a concern from commissioners in the past. The photo on the left is a stepped wall, but what I'm identifying here is that some of the plantings and some of the proposed modification that we have made in this application. We especially, we discussed the live staking, is to provide a way to essentially screen this. It's going to take a couple of years to finalize that end result with the amount of vegetation that is getting installed, but it is, we will, it is not going to wipe out the corridor, which is what I'm trying to clarify with this. As far as the edge of the wall that is the disturbance area, that is located along the edge of the wetland corridor. We will be installing erosion control seed mis. To this is a clarification of what, you know, a finished look of the seed mix. Now, I want to specify. This is for temporary erosion control measures to ensure that we are not discharging any sediments or anything into the wetland. In that case, this will germinate quickly following installation. And the nest step after that, is we are proposing what is called live staking. So rather than taking an actual plant from a pot and installing it specifically in any locations, there are various types of plants, willow, dogwood, that basically if you were to plant a stick in the ground, it will begin to grow. Not every plant does that, but there is a known and a very, um, efficient way in this case of reestablishing a habitat very quickly, very effectively by using this live staking method. So, essentially, rather than planting the plants, all of these multiple stakes and staked into the ground along the front of that wall and ultimately after, you know, a first germination period, after about a year or so, you're going to essentially take all of these stakes, which are identified here in little black dots, all of these will germinate herbaceous and woody material and the intent behind this is to take that which Matt identified earlier and the slopes and the large wood material with this corridor, which is not providing an adequate habitat and we will be supplementing it with this additional planting to increase the beneficial habitat of this corridor. It doesn't exist now. It is essentially predominantly invasive species that are taking over the area and are preventing the growth of beneficial, uh, beneficial habitat in this area. Yes, I recognize that we are building a wall, to install the parking area for this. However, we are also providing the benefit of this localized habitat by increasing the, or is I should say, decreasing the pressure from these invasives by adding additional materials such as these plants, the erosion and other items. Not to mention, when the project is completed, we will have, the storm water system we are proposing is going to substantially reduce discharges both water quality, heat and water quantity to areas of this water course which serves a vital role connecting those two wetlands that are the commissions main concern. So there is, we are winning on both sides, you know. Yes, we are trying to achieve this parking lot, but we have put a number of measures in place to substantially improve the habitat that's out there, as well as benefit

the larger macro ecosystem and habitat of the wetlands through the benefits of the water quality through the benefits of the live staking. And yes, I admit, our initial design did not have any of these measure in it, so we have made sure to incorporate this into our design to support the disturbances that we are creating as a result of this. Thank you. I appreciate you allowing me to finish, but yes, I...and by all means will try to answer as many questions as I can.

Chairman Zelek: Commissioner Paskewich, you had a comment.

Commissioner Paskewich: Yes. I'm curious as to why we're um, improving the structural stability of a parking lot that had already been and Maintained as Mortensen's restaurant and a Shell gas station on the same property. On the same soils that were there. Why are we trying to improve what was there when there was already weight on that area?

Mr. Vacca: I'm not sure I understand your question commissioner.

Commissioner Paskewich: Well, we had a Mortensen Dairy, a Mortensen's restaurant on that property and we had a Shell gas station.

Mr. Vacca: Yes.

Commissioner Paskewich: Which structurally impacts soils and stability of foundations for both facilities the same soils.

Mr. Vacca: right.

Commissioner Paskewich: So why is it that we're looking at improving what it there when it's already established?

Mr. Vacca: To clarify what I mean by what we're improving is we are improving the water quality and the treatment of the flows that are exiting the site right now.

Commissioner Paskewich: Let me stop you right there. Why are we concerned about that at all? When it has nothing to do with the parking lot? It's a parking lot to put cars on. I don't understand why we're going forward like this for stability beyond what's already there.

Commissioner Bachand: I might be able to answer.

Commissioner Paskewich: I'm sorry?

Commissioner Bachand: Uh, Alan, um maybe this will help. They're trying to utilize more of the footprint of the property but the topography doesn't allow for it now. And in the past, they worked with the...the coexisted with the topography that was there. Now they have to do a massive filling operation to push that footprint, level footprint out so they have an extra row of parking.

Commissioner Paskewich: That's a good question. So, is the topography of the land square footage larger than what is, what was typically used for the Mortensen property and the Shell gas station? That's my question.

Mr. Vacca: The size of what is being proposed...so at the age at which the gas station and Mortensnens, which I'm both familiar with, I'm familiar with both those properties. At the time there...my understanding based on the photos that I've seen and based on the research that I've done associated with this the planning and zoning submission for this is that there were very little, if any, trees or vegetation along this slope and this area and it is all, these are...all have grown in the last 70 years or so. The cottonwoods are rather large. I don't know what type of cottonwood they are. We were looking at some that were in the 15 to 20 caliber range.

Commissioner Paskewich: I don't want to jump in but I'm going to. So why do we have to impose anything further that was...that was already a fact of matter on that land? Are we building a parking lot beyond the means of the two facilities that were there? The Mortensen's and the Shell station?

Mr. Vacca: I don't know the exact size and space of the original Mortensen's. I do know that the majority of the entire area was paved. I don't know what the slopes of that area were. The requirements that we have, as far as the standards for accessibility, and the standards for parking associated with this lot, we cannot park on a 9% slope or whatever the...whatever the transition slope down towards the wetland area is. In addition to expanding the parking to prevent the need for any of the hazardous situations that occurred in the past associated with the parking, so, we are proposing the wall as a as a means to increase the parking to satisfy the parking requirements for the...for this successful restaurant, while at the same time, satisfying the requirements of the Commission, and satisfying the requirements of, you know, the localized habitat through water quality management and through the inclusion of the landscaping and habitat in improvements that we are proposing as a result of this design. I'm not sure I'm answering your question correctly commissioner but...

Commissioner Paskewich: You're doing your best trying to satisfy what I'm asking. I'm just interested to know if the structural capacity of the soils there, and in the parking lot being proposed are acceptable enough for what it is and not have to do anything beyond that.

I should not have to do anything beyond that.

Commissioner Paskewich: That's what I'm really looking at. I'm not engineer. I'm not looking there engineer behind the Conservation Commission it just seems that we're going so far forward, and making this more of an engineering project than just what it is, as it is, from what it was as a place where Martin sends Michelle issue wise, so that's my only interest. Thank you. That's what I'm looking for, I'm not an engineer. I'm not looking as an engineer beyond the conservation commission. It just seems that we're going so far forward and making this more of an engineering project than just what it is as it is from what it was as a place where Mortensen's and the Shell station was. So that's my only interest. Thank you.

Chairman Zelek: So I'm going to follow up on Commissioner Paskewich's comments. Um, this was kind of a concern that was raised with the prior application that the Commission doesn't have any problem with, you know, the proposed use of a parking lot. It's the expansion beyond the current edge of slope which creates the issue. It removes, it devegetizes everything, you're deforesting the entire slope. You're expanding into the wetlands. You're building a retaining wall, and you don't even know how much fill is going to be required. And again, if this stayed within the footprint of the current edges slope, I don't think there would be any issues here and as Commissioner Paskewich has pointed out, this becomes, you know, an engineering exercise, but with significant impact. So that that's the issue that we have.

Commissioner Paskewich: Thank you for expanding on my conversation Chairman Zelek.

Chairman Zelek: You're quite welcome.

Mr. Vacca: I threw the site the survey back up here. There isn't necessarily a defined edge of slope, there is a turn point approximately at this location here. We have only expanded beyond that existing turn point by, if I understand correctly, I believe it's at the most we've expanded beyond probably I'd say about 18 feet, but the total, when you're looking at the amount of fill for that 18 feet, again it's triangular, it's not a full rectangle, so the X and that edge of slope, this is kind of a misnomer because if you go back to look at the original survey, this slope is continuing down, so it starts essentially at the center of the existing parking area and continues to slope back, and in fact the existing parking area for Casadoro is that. That parking lot is substantially steeper then a standard parking lot layout typically would be. In this case we have increased some areas of the parking for the proposed area, but that's entirely to get this water, to basically slope to the center to utilize the water quality design we are proposing, which is the rain garden bioretention. The difference in elevation to keep the slope faced in one direction versus

pitching it is only a change in elevation of approximately 18 inches, so in that regard it was better for us to design and push everything to the center, to have one water treatment area, as opposed to splitting up into multiple water treatment areas.

Commissioner Bachand: What were you referring to is only 18 feet from a turn?

Mr. Vacca: So, that...so the additional...so if we're counting the top of...the top of slope, the turn point is where we have a transition here, from like a shallower slope to a steep slope that occurs approximately at this transition point where my cursor is identified. You see my cursor here? This...what I can do I can draw this line right here approximately in that in that area. In that regard the additional 18 feet is..so, if we were to identify this line as approximately as that that slope line, we are expanding beyond that in that regard. So essentially, if a parking space is 8 to actually, I'm sorry, I'm, this ...these are 16 foot spaces because of we're utilizing the regulations, so in this case with the 16 foot space, plus the distance for the wall, again that's approximately 16 to 18 feet of...if you took your angle point, going down your slope, you're extending that out about 16 to 18 feet, not 40 feet. And it looks much larger, but when you're accounting for the transition slope down, the major fill piece is only 16 to 18 feet, and I will also clarify that this approximate portion right here, that is the section of the wall that's about 14 feet high as you transition up in this direction, because the way the slope transitions the wall keeps getting smaller and smaller and smaller down to, you know, I believe we have...I lost my cursor,

Commissioner Bachand: Those topo lines look like they increase as you go further north.

Mr. Vacca: So the topo lines increase, but that's good, because the wall stays the same height. So as the topo lines increase, the wall gets smaller.

Commissioner Bachand: I don't follow that reasoning. It's the same slope, it's the same steepness there. The topo lines are the same.

Mr. Vacca: But, but the, yes, the topo lines are skewed out away from the wall. So as the topo lines increase, the wall gets smaller, because the topo lines go from, you know, if you're going to 1.15, 1.16, 1.17, well your wall is still...the finished elevation, so the wall itself gets smaller as you get closer, as you move east.

Commissioner Bachand: Well at the end it's still at least 10 feet tall. Correct? I'm looking right at it. It looks like it's going to be...

Mr. Vacca: Approximately, on average, the average height is approximately 10 feet on the backside of the wall. Yes.

Chairman Zelek: What's the highest point?

Mr. Vacca: The highest point of the wall is 14 feet and it's, oops excuse me, it's 14 feet and it's identified in the location where we have the...that's identified where we have the location of the cross section. So, again, disregard the foundation because that's not visible, so essentially when you measure from here to the top of your wall it's approximately 14 feet, and again, if you have a tree that's a standard height mid-level tree at 20 feet, that's a standard size mid-level tree in this case, and then...so all of this, I keep losing my cursor, all of this area, all of this area in that disturbed portion, is where we are first establishing with the erosion control mix and then subsequently, in addition to the erosion control mix, we're doing the live staking. So this will begin to grow, this will be, where over, you know, the first year or so, is when you're going to start getting that woody vegetation to reestablish in those disturbed areas at the front of the wall and that's essentially the area where we will be, you know, rehabilitating this area, maintaining the wetland corridor, which is over here. But we will be in that small pinch point area, well not just in the pinch point area, but in the entire length of the wall, we will be reestablishing the vegetation and the habitat associated with these more native plants for this type of wetland habitat that will be used by the wildlife and so on and the habitat in this area.

Commissioner Bachand: It's like so much drama, and I would even say trauma, for one row of parking. I mean, I was there today. I could see the snow tracks that have been there for four days and I could see that there was some use of the overflow, about 10 cars parked in there, I could see it clearly. They pulled in, parked, probably on Saturday night there was no overflow. Today a few employees are parking there on the West side and I was there on Sunday myself having lunch and same thing there was no need for any overflow parking, so the amount of parking that's there now is, you know, I don't see it being stressed out. So I don't know what happens on a Saturday night, but this is the time of year when they're having Christmas parties and office parties, and things like that, so it seems like so much sacrifice of that buffer for one row of parking, which this is essentially what it is.

Chairman Zelek: And again, I'm going to just reiterate, you, I mean, this looks to me almost exactly the same plan that we looked at previously, and we still have the same concerns. I don't feel as though any significant effort has been made to address those concerns.

Commissioner Sadil: Mr. Chairman, if I may.

Chairman Zelek: Go ahead Commissioner Sadil.

Commissioner Sadil: So getting back to one last time for the wall. It's got to be 14 feet where you have your red arrows. In order for the top of the wall to be level, is that a true statement? Is that going to be sloped down? When you look at it, it's going to be a monocot height with one end on the right being a little bit, not as tall, but we get to that curve it's going to be taller in order to maintain an even height on the top of the wall. Is that correct?

Mr. Vacca: Yes. Yes, that is correct. I understand your question now, Commissioner Sadil. Yes.

Commissioner Sadil: And how tall these live staking is...how tall do they, can they grow?

Mr. Vacca: They're trees...they're Willow trees. So ultimately it's what the Willow tree...so instead of planting an Oak tree, you're taking you know Willows, and dogwood happen to be the types of vegetation that when you plant a say a live stake, it will germinate on its own, so you are essentially planting a row, well not even a row, an array of Willow trees. So it will grow to be the same. It will be a Willow tree, you know, We're planting a number of them. Yes, there will be the likelihood of that some will not survive, but there will be a likelihood, a high likelihood, that some will survive and will ultimately grow into full Willow trees.

Commissioner Sadil: And what's that height of average Willow tree?

Mr. Gustafson: So, this is Matt Gustafson speaking now. Between the two species, you know, Willow has several different types. There are shrubby willows, and there are more, as Mr. Vacca mentioned, there are more tree size willows. Tree willows be more the Black Willow, which is our native Willow. You're also probably familiar with like the Weeping Willow, which would be less suitable for a location like this. We also shrub willows, again the Pussy Willow, Willow and things of that nature. Dogwoods, while they do have some tree variants that that are found in a wetland scenario, they're largely shrubby dogwoods. Things like silky Dogwood, your Gray Dogwood, things of that nature, the shrubs can grow anywhere from 10 to 15 feet, probably topping out closer to 16. The trees, as was already pointed out, will be, you know, they're full size trees. Willows can grow to the site conditions, you know, topping out at, you know, 90 plus feet. Though in this type of resource, you know, you've been expected to reach full maturity to that size, but they're still full size mature trees.

Commissioner Sadil: Ok. So would they? They would be that sketch that was there earlier, you're going to plant them at the base. Hopefully the roots don't upset the wall, but anyway, is that what's going to be...that pinch point going to look like when you had that. yeah, in that pinch point, we have your tree, it's something it's going to look like that? Between? You got your vertical line, between the wetland limit and then the wall. Is that what that typically will look like? Like the schematic?

Mr. Matt: This is just, you know, an illustration. You know, the intent is to revegetate this area. We understand the commission is kind of sensitive to shading. I would point out that there are many high value wetlands that have no trees, you know. All your emergent wet meadow wetlands, many of your highest quality wetland areas do not have any trees associated with them. So while shading is an important characteristic of some wetlands, we have to understand the function that, that this creating provides which is cooling largely. The same vegetation that we're proposing will provide the other functions that are that are highly sought after when you're talking about a buffer to wetlands, which is the ability for vegetation to retain soils, stabilize the soils, uptake nutrients, uptake pathogens, and filter out any of the storm water going through here. The vegetation we're proposing, is going to perform that same function at a much higher capacity than the existing vegetation will be able to do. Again that...the shading effect that is commonly, you know, it's...

Chairman Zelek: Can you mute Alan?

Commissioner Sadil: Please continue Mr. Gustafson.

Mr. Matt: Sorry. The shading effect largely is, you know, it's the...there's, two, you know, kind of key indicator, key components of shading and one being habitat structure and the other be cooling of the receiving wetland, or stream, this case. Again, while shading is important, this stream is already...the temperature of the stream, because of the stormwater inputs, is already a kind of a moot point. It's a warm water stream, the shading is not really providing significant cooling. To change that point, that fact, the habitat structure, and we've talked about...we are kind of reintroducing, we're reenhancing the habitat in this area. So while it is a different structure, and a more shrubby emergent vegetation, it is nonetheless still an important wildlife component, just a different strata. Instead of talking about trees, we're talking about shrubs and emerging vegetation that still provides the same function that species are going to be keying into for that would be using this area. Again, this area is already fragmented. I can understand that there is some connectivity between the wetlands in here, but the use of a wetland like this by wildlife and general wildlife discussion is what species are comfortable using this type of habitat and the type of species that are comfortable using this habitat are conditioned to impact, human influence. So the addition of a retaining wall in this area, while still, you know, close to the wetland, is not going to impede, in my personal opinion, but, you know, that's my job. That's what I went to school for. That's what I've done for the last 15 years, is assess habitat, you know, and certainly take into account how wildlife moves over a landscape. In my opinion, based on how this habitat has already been fragmented and impacted, this proposed application is not going to significantly alter that. Is there going to be some impact to it? Of course. Proposing a retaining wall, we're proposing impacts to the buffer, but through our mitigation, and through our enhancements that we're proposing, we are offsetting some of those impacts and retaining the ability for wildlife, those general species that are accustomed to these types of areas, to still use this corridor as they would prior to this application. And again, that's a highly limited function, because of the aforementioned impacts of this resource.

Commissioner Sadil: Question, two more questions. One, ok, I hear...I get it. But can invasive still penetrate the system that you're proposing, and you know, the invasives all over the place, couldn't invasive still penetrate this buffer you're trying to create?

Mr. Gustafson: Again, this is Matt Gustafson. Yeah. At the end of the day, the, you know, invasives have gained a foothold, in you know, worldwide, because they are not native to the system, so they always have the ability to reestablish, especially in a case like this where the Nexus for those species are readily present. You have parking areas, where you can come in, you have birds bringing in, there's always going to be a Nexus for those species to be able to reintroduce. The one benefit that we have with what we're proposing, is that these plantings are going to be densely stocked, meaning that they're going to take up most of the growing space. A lot of times when you disturb new areas, the biggest potential Nexus for reintroducing invasives is not occupying that growing space, essentially leaving bare soil or areas that aren't already being taken up by vegetation, for them to come in and take a foothold, and then

start out competing. But our proposed mitigation ,or the enhancement plan, they're proposing with the live staking and the seeding, we're giving those things the head start to hopefully outcompete the eventual introduction of invasives in this area.

Commissioner Sadil: All right, final question, how big is this choke point Mr. Vacca? We've got a set here, this, this on your X axis there, how wide is this choke point between the edge of the wetland and the wall? How wide is that going to be?

Mr. Vacca: That choke point identified here between the limit of the wall and the wetland limit here, is so we're probably at 16 and then my wall edge is about I'd say 28, so in this case you're looking at this pinch point probably 12 feet, but that is the narrowest point identified here. Everything else substantially pulls away from the wetland area, which is why I identified this as the section. So that 12 feet here, whereas your, for example, on the south portion of the wall here, you're probably looking at 40 to 50 feet, and on the east portion, you're looking at approximately, and in fact I think I have a measurement, that's 18 feet identified there.

Commissioner Sadil: OK and so wherever I see yellow, that's where this is going to be vegetated as you, Mr. Gustafson, has proposed.

Mr. Vacca: Yeah, so the yellow identifies the wall itself. In fact, I'll go back over to this plan which will identify that. So the wall is located here in Gray, and there's green, is going to be that area of vegetation, and again to add on to what Matt was saying, it's, you know, with that is the an area of disturbance that we're planting but, again, similar to the invasives encroaching into that area, the live staking also have the ability because of just how that germinates and so on and those areas and the seeding has the ability to encroach into the adjacent areas as well. In other words, we will expand that the hope is, once these areas germinate, we will reestablish this habitat as a much more beneficial habitat for this area through this reintroduction of these plants and it will continue as these plants continue to grow and to expand that this will continue to expand out to relieve the pressure from some of the adjacent invasives.

Commissioner Sadil: Thank you.

Chairman Zelek: Commissioner Anderson.

Commissioner Anderson: Can you go back to the detail with the stations please? Yes , so I mean this, just for my clarification, at which station point now would the current buffer start at. Just so we can kind of get a visual of by the station what how much of that buffer would be losing right now.

Mr. Vacca: Right now, it is essentially been cleared up to the essential edge of that drop off point. That drop off point on this plan essentially is probably this transition area right here where you can see that there's a slight change in that slope. So I'd say, in total, at the maximum, we'll be losing, so this is 45 down to 28...

Commissioner Anderson: About 17 feet.

Mr. Vacca: Approximately

Commissioner Anderson: Ok.

Chairman Zelek: What was that? 50% roughly? 50% loss

Mr. Vacca: in that in that particular location. That's the thing. It's changed, oops, I'm sorry, it changes throughout the entire area because, it's, you know, for example, the buffer along the south side is essentially, we are only probably expanding about I'd say two or three feet beyond that existing clearing limit at this point. The clearing limits that are identified on this original plan are historic based on the changes that happen as a result of the temporary parking, so that the clearing limit itself is pushed much farther back.

Commissioner Bachand: I'm sorry. What are you saying? That the existing cleared area now

you're saying you're only going 2 feet further than that.

Mr. Vacca: In the area...on the south portion. So the South side of that, not in all areas, no, not in all areas.

Commissioner Anderson: So my follow-up question, so we going to be, you know, losing that 17 feet of buffer and I'm going to your wetland scientist over here, since most of that steep slope, how much that would actually be truly used as a corridor versus what's going to be remaining of that buffer.

Mr. Gustafson: Yeah, that's, and I apologize, I may have convoluted discussion, but that's what I was getting at in my, our, original kind of the presentation. We had those mid presentation questions, you know, the species that are using this are really using the bottom, you know, they're not going to know certainly they can, you know, again, wildlife is such a general term. Are we talking about birds? Are we talking about deer? Are we talking about more specialized species? Certainly your terrestrial species are going to be using all of that, because the, you know, to Commissioner Bachands's point already, you know, these steps are...these slopes are so steep already, that it makes it challenging for majority of wildlife to really be using this as a corridor. That's when we were talking about some of the large mammals, and, you know, their, because of the fragmented nature of this resource, they're really, it's not really suitable as a wildlife corridor for those large mammals. They're going to have to be crossing roads, they're not making it under these box culverts or the traditional culverts on either side certainly things like you know your small mammals, while there is some loss of that habitat, doesn't really change the ability for those mammals to utilize this as a corridor. We're still maintaining enough of the corridor, enhancing enough of that bottom of the corridor for those small volume mammals, or those other generalist wildlife species, to still utilize the remaining corridor to get between the higher value wetlands that we've already talked about. We've already been we mentioned this in the context of a landscape, the wildlife species that are most sensitive and most heavily impacted by development, are not using this particular wetland. This particular small block of habitat, they are using those wetlands to either side and many of them, this wetland is not providing connectivity between them. The mere fact that it's already been isolated precludes them from being able to move through this area, be the substantial roads, whether it's Louis Street or the Berlin Turnpike, is enough of a detriment for them to turn around and not even consider this area. The aquatic species, like you said, you know, those species will, you know, depend on, you know, what they're doing. The juveniles may disperse through that area, again, we're not impacting the aquatic resource here, we are maintaining, you know, the wetland itself, so those species will be able to continue to use that largely uninterrupted. So hopefully that is a long winded answer to that question. While it's important, it's not, you know, it's not significant.

Mr. Vacca: If I may just add one point to that is that some of the steepest areas, I should say the tallest areas of the wall, are associated with these steepest areas of the slope, as therefore those areas are, I want to use the term, unusable, but it is impractical for them for use of anything already, and the inclusion of the wall is not changing the current use of those specific sections.

Mr. Gustafson: Talk about shading and loss of shading to this resource. The species that are using this, again, are adapted to not having the significant coverage shading is usually in context of the size of the buffer and when we're talking about the loss of 17 feet in here when the entire buffer is maybe three times that. While it may seem, in perspective of losing like you said 50% of that buffer, because the species that are using it don't, you know, as long as the buffer still occurs at all, they're still able to use it and highly specialized, not even highly, you know, non generalist species, would be sensitive to this type of encroachment, but this, because of this the fragment, the nature of this habitat species that are utilizing this are largely not going to care about losing 17 feet now. Maybe the squirrel that's in that one tree may care where his tree is, you know, his nest is, but again the ability of this this resource to be, you know, a connectivity feature between the two or high quality wetlands on either side will largely remain intact.

Chairman Zelek: Anything else from commissioners? So I think we should probably table. Uh...we

do have another application that we have to hear this evening, and it is past 9:00. Takeaways for the applicant?

Commissioner Bachand: I would just say that the fact that there's no compromise on the...on the on that row of parking and they eluded to it earlier themselves that this is a future pad site or a historic pad site. I just, I'm wondering, and I don't expect you to have the answer to this, but how important that future development of this is and this is too much work to go through just for overflow parking for a restaurant that already has, like, from my own observation, enough parking. So, you know, I just...it seems like that, that's maybe the primary focus here. He did allude to it, so I'm not saying that you are keeping that from us, but I was just wondering if that's seems to be possibly the larger goal here. Because otherwise we're hashing over this and over this over one, like one row of parking or...

Chairman Zelek: Are we saying that uh the purpose of this is not for parking, that ultimately is for some other development?

Commissioner Bachand: I'm just saying that that they alluded to that themselves in the beginning of this application. Am I correct? I don't want to put words in your mouth, I think you did allude to that at some point, that it could be used as that future pad site.

Mr. Vacca: If I can clarify whatever statements made it is, the developer is keeping his options open, so in other words by...we are we are proposing and are requesting the extension of the parking and that is the main goal of this. There is, we are, the developer would like to keep his options open as far as, you know, this is a viable site that could be at any time in the future, it could be used for something and we are trying, we do not want to remove any of those options.

Commissioner Bachand: And you did come out with that pretty early on, so I'm just wondering if that is maybe an underlying influence. Maybe below the surface here that we're not discussing

Mr. Gustafson: And in that same vein of compromise or offering and there may not be a direct answer to this, but, you know, the need for the development of these areas is additional mitigation would that provide some alleviation of concerns and further enhancing this wetland while still maintaining this footprint would that provide any sort of relief for any of the concerns that have been brought up tonight?

Chairman Zelek: In my opinion no. Pulling the retaining wall away from the wetland seems to be the most viable solution today.

Commissioner Bachand: And if you could go to the, you had a picture of the sample retaining walls. So the one on the right there, I mean that's what you can you know, it's kind of a typical retaining wall where the retaining walls down here on the land slopes up to it. Yours is going to be the opposite of that, your wall has to come up above the grade of the parking lot to retain the parking lot obviously so if you used it a wall like this, then you would obviously have to pull everything back, but you'd have a much smaller wall that's for sure and you'd have you know and you could get or if you made a wall that was flushed with the parking lot, just pulled back further it would be less of an encroachment.

Mr. Vacca: Just to clarify here. Just so we're clear, for the record, the wall is the height of the parking, it is not extended beyond that

Commissioner Bachand: You're going to be parking right up to it, so you're going to have to...the picture that you showed there is nothing like what your wall is going to look.

Mr. Vacca: That statement is correct. But the wall itself is not higher than the parking lot,

Commissioner Bachand: It has to be, you know, higher than, you know, just so that you could retain a tire or you're going to have a wall or some kind of a fence or a post or a guardrail.

Mr. Vacca: Well, the guardrail is identified, that's what this...that's what that icon represents. So the wall is designed, and it is designed to be able to accommodate a guardrail to ensure that no one does

drive off the parking itself. But the wall itself is the height of the parking.

Commissioner Bachand: You can literally be parking right up to that guard bumper to guard rail.

Mr. Vacca: The spacing of this is designed to allow for the three foot overhang for the vehicle, so it will, yeah they, will not be, they're not going to be banging into the bumper, but the bumper is intended to so that no one knows drive off the end.

Commissioner Morrise: Yeah, it's very insightful. When you look at the expansion of parking lot, it really looks like it's double the parking lot. You can't see an overflow to the particular restaurant at this time that requires twice as much parking. More parking, sure. I'm sure on good days, there's over. It seems like overkill.

Mr. Vacca: Just to verify that statement. Part of the reason why it is currently appears the way it is, is the current owner is renting space in the Price Chopper lot for the employees, so the intent behind this is to not only park the additional, the additional demand, but also to park the current employees. They're currently parked in the Price Chopper lot and on, you know, peak days, Friday night, Saturday, there could be as many as 50 employees. We would love for them to carpool, but there is no...there is no way that that can be put in any type of requirement, so there is the potential for 50 cars solely for employees, which are currently being parked in the Price Chopper lot and the pad site associated with the Price Chopper lot as a negotiation, that is...it's a monthly lease in my understanding, but the owner would ideally like to get those cars onto his own property.

Chairman Zelek: All right. Anything else gentlemen? All right. Can we get a motion to table this to the next meeting?

Commissioner Morris: Motion to table.

Chairman Zelek: Motion made by Commissioner Morris.

Commissioner Bachand: Second.

Chairman Zelek: Second by Commissioner Bachand. Any discussion before we go to vote? Ok, all in favor of tabling this say aye.

Commissioners: Aye.

Chairman Zelek: Any opposed? Any abstentions? All right motion to table passes unanimously. Have a good night. All right, we've been at it for two hours and 20 minutes. Anybody want to take a break for five?

Commissioners: Sure.

Chairman Zelek: All right, I'm going to call recess for 5 minutes.

B. Application IW-25-19 To construct an addition within the URA (Upland Review Area) at 40 Commerce Court in the I (Industrial) Zone. Applicant: PDS Engineering & Construction, Inc. Contact: Bill Jodice. Owner: ATD Realty, LLC. (Application Rec'd 11/12/25.)

Chairman Zelek: All right. We're returning from recess, uh, reconvene the meeting. We are going to move onto the second item in New Business, Application IW-25-19 To construct an addition within the URA (Upland Review Area) at 40 Commerce Court in the I (Industrial) Zone. Applicant: PDS Engineering & Construction, Inc. Contact: Bill Jodice. Owner: ATD Realty, LLC. (Application Rec'd 11/12/25.) If the applicant is present, come to the mic, state their name and give us their presentation on this application.

Bill Jodice: My name is Bill Jodice, I'm with PDS Engineering and Construction and we are presenting on Application IW-25-19 and I'm representing Matt Pensero, Bill Murphy and Attention to Detail for this wetlands application and PDS is the engineer of record on this project. As note, we applied

for and received a special use permit through Planning and Zoning last May, and so now we're back in here applying for the wetlands application permit. Brian Panico is here with me from Cole Surveying and he'll review the site plans with you to show you that they meet all the wetlands requirements for this property. So with that, I'd like to introduce Brian.

Brian Panico: Again, for the record, Brian Panico with Cole Civil and Survey, 876 South Main St. in Plantsville. So this is this property is 40 commerce court it's a 4.23 acres it's a industrial zone formerly the Progressive Insurance building. Site is serviced by MDC water and sewer. It has already has an on site stormwater system. So again, this site is basically fully built out, entirely constructed. It has a functioning stormwater management system, all the utilities are in place, parking lots, driveways. Everything. There was .8 acres of wetlands on the site. Because of, if you look at the screen, the orange dashed line represents, or look at your handouts, that represents the wetland boundary and some of that wetland is the natural wetland that has always been there. You'll notice like the some of the pockets and some of the fingers, those are likely historic from the stormwater system that was designed, so you can see the one to the south is in fact the stormwater basin which treats all the stormwater before it goes back underground to the west into that larger portion of wetland, which has the power lines and the power company easement over it. There's also a conservation easement over that area. And again, that, because of the kind of surrounding nature of the wetland, that puts just about the entire site 1.85 acres of the site has upland review area which is demonstrated by the darker blue dash line that kind of runs throughout on these plans. If we flip to the second page in your packet, or the next slide, this is our proposed site plan. You may notice that it doesn't look very much different than what you had seen as the existing building, that's because what we are proposing is the overhang on the, what would be the southwest side and these pictures or on the front left of the building that is currently a canopy. We are proposing that that actually just basically be enclosed, expanded slightly, in the parking lot area behind the building for additional store space. So all of our disturbance from a building and perspective and are an additional perspective is basically already in disturbed area and already in parking lot area. So again the existing canopy that exists on the front left of the building, there are two, one on the left, one on the right. The one on the left will be enclosed and become part of the building storefront space. The one on the right will remain as is. There's also an existing overhang with spaces on the backside of the building behind what is proposed as the new addition. That canopy will also be removed and allow for overhead doors to get more vehicles in and out for operational purposes. Um, to make the kind of circulation around the building work and function better and safer, we are proposing to expand the parking lot by 6 feet along the side of the addition, and that is the basically the extents of our disturbance to non already paved area and that totals .016 acres. So, it is, again, 6 feet wide by about give or take 120, 130 feet long. That's grass, it will be replaced with pavement. To mitigate for that, we are proposing to remove some of the excess spaces that are not needed and we chose to do that in the northeast corner of the of the parking lot closest to that other finger or wetlands so that will all be restored back to grass and just provide a little bit more green space between the parking lot and the wetland area. Again very, very minimal. The last page in the packet, the last page in the slide show, just kind of shows you a breakdown of the floor plans for the building and so you can see kind of bottom of screen here, that is the area of the canopy that is being converted into enclosed store space and I believe, correct me if I'm wrong, eight feet of additional off of that. So the actual building will be about eight feet deeper than what the canopy is. But other than that, basically the footprint of the building stays the same. The parking lot stays the same.

Commissioner Bachand: That eight feet will be inside the building?

Mr. Panico: Just beyond the, go up one...

Commissioner Bachand: It's eight feet larger than the canopy.

Mr. Panico: Eight feet larger than the canopy. Yup. Exterior over the parking lot. So you're going to remove parking lot, increase the depth of the building by 8 feet, um, the depth of the canopy by 8 feet and that becomes the addition.

Commissioner Bachand: Ok, I thought you said your trade, the addition, was the size of the canopy.

Mr. Panico: It's 8 feet deeper, but basically the same footprint. Just 8 feet larger than the canopy. So, if the canopy is, you know the exact dimensions are larger...

Commissioner Bachand: Just in one dimension out, outward

Speaker: Going in the north. So the canopy is about, the canopy is about 40 by 72,74 and the new addition will be 40 by 81. So that would be the extent of the addition and the change.

Mr. Zibbideo: If you can see up on the screen, I'm circling it with the cursor.

Commissioner Bachand: Yeah. I see it now. And the space you're turning back to green is equivalent to what you're taking in the parking lot?

Mr. Panico: Correct.

Mr. Jodice: It's...it's slightly larger...

Commissioner Bachand: In the yard, expanding the driveway.

Mr. Jodice: Correct. It's slightly larger so that we still have, we have slightly less impervious surface on the site than we did before.

Mr. Zibbideo: Forty five or so square feet.

Chairman Zelek: Chris, is Alan back online? I just want to make sure.

Mr. Zibbideo: Oh, he's still logged on, but he's still muted, but he's muted on his end. I've requested him to unmute, so if he's not, it's his choice.

Commissioner: Are you saying store. when you said storage or storefront or what are you saying?

Mr. Panico: I believe the intent is for that to be kind of like storefront space.

Mr. Jodice: I think it's going to be their tech zone area, calibration of sensors.

Commissioner Bachand: So there's a new tenant in there?

Mr. Panico: It's...it's part of their facility.

Commissioner Bachand: It's still Progressive?

Mr. Panico: Yes.

Mr. Jodice: No, no, no. It's part of Attention to Detail.

Commissioner Bachand: Oh, ok.

Mr. Jodice: Th previous building was Progressive auto...

Commissioner Bachand: So, it's a detailing business?

Mr. Jodice: No, they don't do detailing, but they do adjusting the sensors and safety controls of the vehicles.

Commissioner Bachand: And that's going to have garage bays on that addition?

Mr. Panico: Correct.

Commissioner Bachand: So there's not going to be a wash bay there or anything?

Mr. Panico: There's one in the back of the building or was it...

Mr. Jodice: Progressive originally had a wash bay in there years ago, and repurposing that's a wash bay again. It's got a floor drain in it. It's going to be piped through floor slab out into an oil water

separator for discharges.

Commissioner Bachand: That almost sounds like something that would have to go through this commission or is that part of this application, or?

Mr. Jodice: Yes.

Mr. Zibbideo: The oil and grit separator is an MDC function. It is not subject to...

Commissioner Bachand: Purchasing the wash bay...

Mr. Zibbideo: To provide for the utility is an MDC function.

Commissioner Bachand: I understand that.

Mr. Zibbideo: Right. So they had to add a tank as part of the property, that's not in this plan set but I've seen it as the plan review in the office for the building permit.

Mr. Jodice: It's a very low use wash bay. You're just going to wash cars down with wet rags and a garden hose. It's not a traditional car wash.

Mr. Zibbideo: But even with that, they can't discharge that directly to the MDC sewer without going through the oil grit separator.

Mr. Jodice: And that does not go to the storm sewers either, that goes to sanitary sewers.

Commissioner Bachand: And that was used for automotive use, wasn't it? At one time. The facility when it was Progressive?

Mr. Jodice: Correct. That was their repair facility, correct.

Speaker: Uh, no, they were rental or damaged cars...

Commissioner Bachand: I worked on that building once. I can't remember. I remember inside that...

Mr. Panico: The new use is very similar to what Progressive used it for.

Commissioner Bachand: And how many bays are going in that addition? Roughly.

Mr. Jodice: Enough room for six with doors. There are six door bays.

Chairman Zelek: Commissioners. Questions? Concerns?

Commissioner Sadil: Mr. Chairman, if I may.

Chairman Zelek: Sure. Commissioner Sadil.

Commissioner Sadil: Quick question. In the package do we have a photo where you're going to put those parking spaces in. You sure that other figure we have the purple line and the orange line. Um, you saying where you're taking that canopy...right there, right. On the left side there, we're going to remove the grass and we're going to put some parking in front of that right there. Right?

Mr. Zibbideo: It's not parking, it's drive aisle.

Mr. Panico: Just expanding the drive aisle by 6 feet so that it's a little more functional for two way traffic.

Commissioner Sadil: Gotcha.

Speaker: Is that the gray in there?

Mr. Panico: That's the gray in there and then in the kind of little box the four parking spaces shown there it's called out as the 680 square feet of pavement to be removed, that amount of pavement is slightly

less than the or slightly larger than the amount of impervious surface we would be creating.

Commissioner Sadil: Ok, excellent. Ok, so I didn't understand the gray, I just thought that was parking lot. Ok, so it's that gray shaded sliver there.

Mr. Panico: Correct.

Commissioner Sadil: Ok. Now the orange line once again, excuse me, you said this, the orange line and the purple line.

Mr. Panico: Yep. So the orange line is the limit of the wetlands, the line just behind that is the edge of the existing conservation easement, and the kind of blue line is the that goes through the building and through all the parking lot that the upland review.

Commissioner Sadil: I got. I got it. So we talk about these separators and all, where are they on the... how does that work on the on the facility?

Mr. Jodice: Um, so the oil grit separator is located just behind the new addition, or where the canopy was behind the new addition. All of the floor drains connect to that and that basically just allows for the settlement of the oil to rise to the surface and the...ideally the water to simply go into the sanitary sewer system and then that gets regularly maintained. So there's no...none of this runoff water from any of the cars, and anything happening inside of the building, basically, getting out of the building. It all goes to the drains and none of that water is then allowed to go to the storm system or run off off site anywhere. It all has to go into the sanitary sewer system, which is why it is part of the MDC's kind of the purview to go through all of that as well.

Commissioner Sadil: Thank you. I'm good.

Commissioner Bachand: I have a question. There won't be floor drains. I don't think they allow floor drains any more in garage bays. Do they? If there are, I was just wondering if those will also be going to the sanitary sewer.

Mr. Jodice: There are floor drains. We have seven floor drains in the existing building and one in the new addition and they're all going to be piped to the oil water separator.

Commissioner Bachand: Ok. And then to the sanitary.

Mr. Jodice: Yes. Correct.

Mr. Zibbideo: I think what you're thinking of is their not allowed to have floor drains if they don't go to an oil grit separator before going to the sewer.

Speaker: Correct.

Mr. Zibbideo: And they're definitely not allowed to go to the wetland directly.

Mr. Jodice: And then the way that that works is when you have floor drains and you have separator like that and it goes, you have to register with DEEP to figure out what your average daily flow is and depending on the level of flow dictates kind of what you have to do and monitoring and relaying all that information back to....

Speaker: And how much you have to pay MDC.

Mr. Jodice: Exactly

Commissioner Bachand: I'm just curious. Are there traps in there? Gas traps? Or are they not necessary? Well, if it's going to the...there's got to be a gas trap somewhere,

Mr. Panico: Correct. Typically it connects from the separator and you invent it you vent it back to the building and up the side of the building is general, is generally how they're done, yeah.

Chairman Zelek: Any other questions? Um, my opinion is not very impactful disturbance to the wetlands. I would suggest turning this over for agent approval.

Commissioner Bachand: It's up to you. I mean, it's up to us.

Commissioner: I would agree.

Commissioner Bachand: Or we could just vote on it ourselves.

Chairman Zelek: We can't do that tonight. Commissioners online. Would you be ok with uh turning this over to our agent for approval?

Commissioner Wemett: Do you need a motion to do that?

Chairman Zelek: We will.

Commissioner Wemett: We just want to get a consensus.

Commissioner Sadil: I'm fine. I'm good.

Chairman Zelek: Ok. All right then.

Mr. Zibbideo: Just for the record, Alan has dropped off.

Chairman Zelek: Ok. Thank you. We make note of that in the record. Um, Chris, are you okay handling this as agent approval?

Mr. Zibbideo: Yeah.

Chairman Zelek: Ok. All right then. Can I get a motion that we turn this over to our agent for agent approval?

Commissioner Wemett: So moved.

Chairman Zelek: Moved by Commissioner Wemett.

Commissioner Bachand: Second.

Chairman Zelek: Second by Commissioner Bahand. All in favor say aye

Commissioners: Aye.

Chairman Zelek: Any opposed? Any abstentions? Ok, you work with Chris going forward.

Mr. Jodice: Thank you very much for your time.

Chairman Zelek: You bet. Have a good night.

Commissioner Bachand: Just a procedural question. So if we can't vote on it tonight, how soon can he approve it? Do you know Chris?

Mr. Zibbideo: So the process would be 35 days after they applied, I can, that's the earliest I can run the paper, the newspaper ad. Once the newspaper ad runs, there's a 14 or 15 day appeal. I think it's 15 if we have no appeals in those 15 days then we administratively issue of the permit.

Chairman Zelek: Al right. I'm going to move on now to Old Business.

## VIII. OLD BUSINESS

- A. Application IW-25-14: To amend the Town of Newington Inland Wetland and Watercourses map and to construct a single family residence within the Wetland/URA (Upland Review Area) at 33 Laurel Circle in the R-20 Zone. Applicant: Rossetti Development LLC, Owner: S.J. Fish & Sons, Inc., Contact: Robert Rossetti. (Application Rec'd 9/02/25. Public Hearing Opened 11/18/25.)

Chairman Zelek: Application IW-25-14: To amend the Town of Newington Inland Wetland and Watercourses map and to construct a single family residence within the Wetland/URA (Upland Review Area) at 33 Laurel Circle in the R-20 Zone. Applicant: Rossetti Development LLC, Owner: S.J. Fish & Sons, Inc., Contact: Robert Rossetti. (Application Rec'd 9/02/25. Public Hearing Opened 11/18/25.) So um, we've closed the public hearing. We're going to go into deliberation phase. Any other comments, concerns, the commissioners have before we make a motion to approve? All right seeing none. Chris, do you have that draft for the condition that we're going to add?

Mr. Zibbideo: Oh, yes. You would want me to read it again?

Chairman Zelek: Well can you give it to Commissioner Wemett, because I'll have him read the motion into the record with this condition. Motion to approve with conditions. You should also, this doesn't say anything in here in the motion about the map amendment, but we should probably note that.

Commissioner Wemett: How would we express that?

Chairman Zelek: We'll just say it as you're reading, this is for the site plan and for the map amendment.

Commissioner Wemett: Ok. So, *Motion to approve application IW-25-14 at 33 Laurel Circle with the 10 standard conditions, plus one additional condition per section 11-10 it'll regulations any other conditions as the condition may require as properly motioned and approved*, which would be this..

Mr. Zibbideo: Condition 11, yes.

Commissioner Wemette: And that would be...*applicant to work with staff to design a planting schedule to mitigate chemical infiltration into the adjoining property to the south and east of the same parcel and with that such planting to be maintained in perpetuity by property owners*.

Speaker: You've got to make the motion.

Commissioner Wemett: Yes, I'm making the motion to accept this.

Commissioner Bachand: He read that first part...

Speaker: Ok

Commissioner Bachand: Motion to approve.

Chairman Zelek: Can I get a second?

Commissioner Anderson: Second.

Chairman Zelek: Second by Commissioner Anderson. Any further discussion before we go to vote?

Mr. Zibbideo: Who made the motion?

Chairman Zelek; Dave. Keith did the second. All right. Is Sue still online?

Mr. Zibbideo: Sue is still online.

Chairman Zelek: Um, Sue, can you do a roll call vote.

Mr. Zibbideo: Sue, your muted.

Ms. Gibbon: Yeah, sorry, I can. Just a minute.

Chairman Zelek: All right. So just as a refresher, Conway, Ostrinski, Ellis are not here, Paskewich, dropped off. Commissioner Morris is sitting in, so he'll be voting.

Mr. Gibbon: Ok, so Commissioner Morris is sitting in.

Mr. Gibbon: Commissioner Anderson

Commissioner Anderson: Yes.

Ms. Gibbon: Commissioner Bachand.

Commissioner Bachand: Yes

Ms. Gibbon: Commissioner Morris.

Commissioner Morris: Yes.

Ms. Gibbon: Commissioner Sadil

Commissioner Sadil: Yes.

Ms. Gibbon: Commissioner Wemett.

Commissioner Wemett: Yes.

Ms. Gibbon: Chairman Zelek.

Chairman Zelek: Yes. All right. Motion passes unanimously. That's it. It's a wrap. Have a good night. All right, moving on quickly. Public participation on non-agenda items.

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

Chairman Zelek: No one in the room. Anyone online Chris?

Mr. Zibbideo: Susan and Andreas are the only ones online.

Chairman Zelek: Ok. Well move on then to Communications and Reports. Agent Communications.

#### X. COMMUNICATIONS AND REPORTS

##### A. Agent Communications

Mr. Zibbideo: We have received a correspondence regarding a solar project by the Connecticut DOT on Berlin Turnpike under the jurisdiction of the Connecticut Sighting Council and Connecticut DEEP and Connecticut DOT for canopy mounted solar cells over existing parking lots. So there are areas of their parking that they would like to put solar array over. The plans don't show it this way, but the best I could use to describe it is, if you have been to the mall in Manchester recently, meaning within the last few years, there's a large area of that on the north side where they have these...you think that the parking canopies, but they have solar systems on the roof.

Commissioner Wemett: Westfarms has it.

Mr. Zibbideo: They may, but I haven't been to Westfarms in many years. Not to badmouth Westfarms, just nothing I want there. That being said uh it's not really within our jurisdiction, it's just a communication for our benefit.

Commissioner Wemett: Is it going to be over where the electric car charging stations are?

Mr. Zibbideo: No. This is on the opposite end of the main DOT building. So the charging stations are on the property to the north of the main parcel, so on the other end down towards Waverly Place they've got some areas identified. The letter did come with a very poor quality, very small map, but it's that's the general area over there. Now the other item, now I'm reluctant to bring this up because of all the aggravation Laurel Circle brought up, but in discussion with our new GIS technician and our old GIS supervisor, our IT department uh they discussed the possibility of doing a presentation to this Commission

in January or February on what they have available for map products that we could use to update the towns wetland map. And if this is something of interest to you, and I think it should be, because there's a lot of things happening in the GIS world that could make a difference in how we approach these this map product and our map amendment process and I think that's something we should talk to...the Commission should discuss if they'd like to have them do a presentation.

Chairman Zelek: How would it change our process?

Mr. Zibbideo: I would rather have them speak to you about that because I'm not familiar with these products. This is...I haven't been fluent in GIS in many years . I took classes in college, that was a while back.

Commissioner Bachand: I think it'd be interesting.

Commissioner: I'd like; I'm into topography.

Commissioner: I think it'd be worth it.

Commissioner Anderson: Chris, I'm a little biased on that.

Mr. Zibbideo: I know you are. I couldn't hold a candle to what you guys are currently doing with GIS. We were using dos based software back when I was in school and I just didn't go that direction. Interesting stuff, but not my end of the mapping world. And that's all I've got for agent communications.

Chairman Zelek: OK. Town Council Liaison Communications.

#### B. Town Council Liaisons Communications

Mr. Zibbideo: I've got to give you credit for hanging in there Gail.

Councilor Budrejko: The last meeting was 9:45.

Speaker: Nice sweater

Councilor Budrejko: Oh, thank you. Deputy Mayor Radda is under the weather, so I'll try and make this quick. We received an update on the two school building projects. The Anna Reynolds Building Committee, the construction is all done and basically, they're now in the closeout phase where they're just you know balancing and reconciling, that's all done. The John Wallace was going in two phases. Phase one was 2 wings and Phase 2 was the remaining wing. And the two, phase one, will be ready for occupancy, they're moving in January 5th and they're anticipating that the whole project will be completed for September 26<sup>th</sup>. So that was a very quick and certainly not as long and drawn out as Anna Reynolds um

Commissioner Bachand: Was Wallace remediation? Was that environmental remediation or was that remodeling?

Councilor Budrejko: So it was both, because it was an open classroom, you know, from the 60s and 70s, with the open classroom and whatever, and now because of safety concerns, they closed in to make individual classrooms. So let's see, there's going to be a public hearing on January 13th regarding amending the overnight parking ordinance. Currently is from November to April, and the proposal is to limit it to January and February, so January 13th will be a public hearing. The permanent municipal building committee has finally gotten off the ground, that's the one that's going to kind of oversee any major building projects, in conjunction with the sponsoring department or the sponsoring body, so the five, there's five permanent members of the permanent municipal building commission. Two have been appointed already, one is Stanley Sobieski and the other was Joe Harpie. The remaining three were a selection, not by the political parties, but the town manager. So they did a an open posting for anybody who is interested and they got about 7 applications and again it was based on experience, desire, you know, qualifications and not on political party affiliation. So Jonathan Altshul selected the following three individuals Steve Woods, Peter Manke and Rahul Abraham. So I believe the first kickoff meeting will be

the first week of January and they already have two projects that will be assigned to them, to kind of oversee and work with the sponsoring bodies. The first one is a as a dog pound um because the state statute says that we have to provide for safe and humane sheltering of lost, abandoned, neglected, or cruelly treated dogs with a place where we're usually...where we were doing it for years, the Connecticut Canine is being sold, so this um committee and the Newington Police Department is the proposing body, so they will work with the permanent municipal building committee and two members from the proposing body, to develop alternatives and solutions to developing a dog pound for the town. The second project that this committee will already have on their plate is for the decommissioned fire station, Fire Station #3 which is on the West Hill Road or off of Chapman St. actually in the sponsoring the sponsoring body actually is the Town Manager's office because that's the town, the town owns that building now since it's been decommissioned and the fact is it's fallen into general state of disrepair. This building committee will look into renovation and restoration for possible use as for storage or any other need as might arise. So that's it.

Commissioner Bachand; Gail, I think you brought up before the that the town was offered first right of refusal on Cedar Mountain and you couldn't reveal the dollar amount at that time. Is that more public information now?

Councilor Budrejko: I actually haven't seen it published anywhere.

Commissioner Bachand: Nothing new?

Mr. Zibbideo: Are you thinking of the main parcel or are you thinking of a smaller part on the north end that they offered for sale last year?

Councilor Budrejko: This was a new, it didn't include in this new one, it didn't include, I don't think the five cottages. It was the other building.

Mr. Zibbideo: Ok. So the five cottages was the one they did last year.

Commissioner Bachand: The lion share. No, I'm talking about the lion share, I think that's what you brought up last time. Like the main campus.

Councilor Budrejko: Let's say I can't show it on two hands. Yeah, but, we did umm, I do believe the that the mayor has been authorized, or was authorized, to, you know, just refuse it at this point. Right. But we haven't heard any other details in terms of like if there's any other interested buyers or whatever which is why I'm a little reluctant to give the price because there might be some negotiations going on between the state and the interested developers.

Chairman Zelek: Anything in the works to improve pedestrian safety?

Councilor Budrejko: Where?

Chairman Zelek: Across the entire town.

Commissioner Wemett: We'd like some sidewalks, please.

Councilor Budrejko: Sidewalks. We have talked about safety and movements all over the place. Garfield Street hopefully will, you know, be a little safer now.

Mr. Zibbideo: The rapid flashing beacons are imminent.

Councilor Budrejko: Yes.

Mr. Zibbideo: They're being assembled and tested at the vendors office in Orange. And when they're fully assembled and tested the deliver them and install them. We have three sets going on Garfield and each, one at each crosswalk.

Commissioner Bachand; In my opinion, Garfield Street looks a little confusing. You're on the

sidewalk, you're off the sidewalk, you're in a bike lane, you're sharing a narrow bridge with bus traffic and then you're back on the sidewalk.

Mr. Zibibbo: Well, we weren't going to rebuild the bridge. So we did what we could do and the bike path was part of the grant. So we're going to build them if we like the, because that grants the oldest grant we have active, that's eight years old, or maybe 9 now, and we needed to get that finished, so we could move forward with other grant applications.

Councilor Budrejko: That's in your budget, isn't it? Sidewalk?

Mr. Zibbideo: Yes.

Councilor Budrejko: So, he would be able to answer any questions in terms of...

Mr. Zibbideo: We're looking at doing approximately \$250,000 worth of sidewalks in the next year.

Councilor Budrejko: New or replacement?

Mr. Zibbideo: Replacement, because we've got so many in bad shape and we get to the point where we've put a dent in those so we can look at new. I mean, I'm not saying we're completely ignoring new. We got the one on Cedar Street that we're applying for LOTSIP grant for, so that we're moving forward with that. That's the one between Maple Hill and Vincent to continue the DOT project. So the DOT project is scheduled for this coming construction year and that our project with the way the grants go, would be in the 2027 construction year. We have an alternate plan, one on each side, whichever one DOT and CROG like better, so we can we can move.

Commissioner Bachand: The town is responsible for Cedar Street sidewalks?

Mr. Zibbideo: In this case, because we generated the interest as a result of the public information meeting last spring for the DOT plan, people from the Vincent Street area came out and said we'd like to see this extended 700 feet to our neighborhood because we're landlocked and the DOT was for it, but they didn't want to affect the schedule of their project. In other words the additional right of way acquisitions that were involved and not was going to put it into 2027 construction year and they didn't want to wait for that, so they said, look if you want to do it, I'll support you from that point, but we inherited it, that's the idea of supporting us with grant.

Chairman Zelek: What's the town's plan for speed cameras?

Councilor Budrejko: We started discussing it. It's going to be at an upcoming town council meeting, but it was brought up, I think at the last meeting, or the meeting before, about well actually red light cameras.

Chairman Zelek: No red light, speed cameras in Middletown

Councilor Budrejko: Yeah, sure, I could bring that up at the next at our next meeting.

Chairman Zelek: Yeah, bring that up please.

Councilor Budrejko: But I know, it's funny, like some people are saying oh you know Big Brother whatever, but it's like, if you have a cell phone in your pocket, it's, I mean, everybody knows where... people know what we're doing right now.

Commissioner Wemett: It's funny, because we don't know we're doing.

Councilor Budrejko: Yeah, but no, no, it is a good point. I mean...

Commissioner Bachand: We need a shotgun exhaust camera. Did you ever hear those around town. Do you know how obnoxious those can be?

Councilor Budrejko: But it is...it is getting out of control. Everything. I mean, I actually had

somebody, I was stopped at a red light, you know, we have right on red, but I didn't feel safe, the guy behind me pulled around me, went around and took a right. I don't know, I don't know what the issue is. I don't know how to solve it.

Chairman Zelek: Start enforcing the law.

Councilor Budrejko: Yeah we have enough police...

Commissioner Bachand; They have a lot of restrictions on their ability...

Chairman Zelek: ...restriction, start enforcing the law.

Commissioner Bachand: Anything traffic related is a restriction.

Councilor Budrejko: We're limit in our also, you know, the police staffing in terms of, you know, traffic patrols, as well. So it is becoming an issue and as more and more apartments and you know dwellings get built up, more and more cars, and more and more people driving irresponsibly. I will bring up about the speed camera.

Chairman Zelek: Aright next item is Pond Life Research

C. Pond Life Research and Education

Chairman Zelek: Alan is still offline.

Mr. Zibbideo: He is.

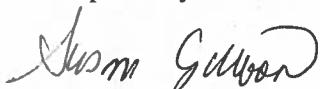
Chairman Zelek: We'll move on to Adjournment.

XI. ADJOURNMENT

Chairman Zelek: Motion to adjourn?

Motion by adjourn by Commissioner Wemett. Second from Commissioner Bachand. Motion passes unanimously. The meeting adjourned at 10:02 p.m.

Respectfully submitted,



Susan Gibbon

Recording Secretary